

ARTICLE 14

SPECIAL SUBDIVISIONS

DIVISION 14.000 PURPOSE

In addition to normal subdivisions, special subdivisions have been provided that address special conditions that may arise in Paola's Community Growth Area. The Community Growth Area is zoned for urban development. Sewer may be available to these subdivisions or be easily extended, or the site may be so far from sewer that it cannot be extended at a reasonable cost. Special subdivisions permit landowners under special conditions greater choice in developing their land while ensuring the development pattern does not hinder future sewer extensions by creating excessive costs.

SECTION 14.010 TYPES OF SPECIAL SUBDIVISIONS

The authorized special subdivisions and their purposes are as listed below and shown in Figure 14.010.

- A. **Rural Subdivision.** This subdivision provides limited development opportunity where sewer is at least one-half (0.5) mile away and the landowner desires to continue agricultural operations, house family members, or raise income to supplement agricultural operations. This subdivision permits development at minimal cost while providing access protection along existing streets. The rural subdivision permits a landowner to subdivide off up to four (4) lots from a large tract; these lots are designated the "residential lots". The remaining parcel is designated the "residual lot". The "residual lot" shall be included as part of the final plat for recordation purposes. The "residual lot" shall be used in part for access and as a reserve for future development that promotes sound land use patterns. The "residual lot" shall contain a note alerting the "residual lot" owner of the requirements for development at such time further subdivision on such "lot" is proposed.
- B. **Staged Development (Septic).** This subdivision permits a landowner to divide the land into lots served with septic tanks. However, it requires the lots to be designed in a manner that permits each lot to be further subdivided into suburban sized lots at the time sewer is available. Homes must be located so they do not prohibit further subdivision. Each lot must show a future development pattern capable of subdivision without the cooperation of other lot owners in the development.
- C. **Staged Development (Sewer).** This subdivision permits land within the Paola Community Growth Area to develop using a small public sewer system in the manner that would otherwise not be possible because the site is too far from City sewer. This subdivision provides the mechanism to design either a temporary septic system with dry sewer lines or a small sewer plant. The development provides full urban services (sanitary sewer, water, and stormwater systems) that will eventually be tied into the urban system. Under this subdivision type, the subdivision lot design is based upon the ultimate availability and usage of all urban services and utilities; however, the *initial* development may be allowed on individual septic tank and lateral field systems or an acceptable treatment system as approved by the City. Refer to Division 12.200.

DIVISION 14.100 QUALIFICATION

All special subdivisions permit development with some special treatment of public improvements. No parcel, in existence at the time this Ordinance takes effect, shall use this special subdivision process more than once regardless of change in ownership. No further subdivision of a lot or the residual lot created by a special subdivision shall be permitted except as a major subdivision meeting the requirements of this Ordinance. The requirements in Sections 14.110 through 14.130 must be met for a development to qualify as a special subdivision.

SECTION 14.110 RURAL SUBDIVISIONS

The parcel upon which a rural subdivision is proposed shall have at least two (2) and no more than four (4) lots, in addition to the residual lot. No parcel shall be able to use the rural subdivision standards unless it meets the minimum area standards in Table 14.110.

Number of Lots	Acreage
2	38
3	55
4	75

SECTION 14.111 STAGED DEVELOPMENT (SEPTIC) SUBDIVISIONS

The parcel upon which the staged development (septic) subdivision is proposed shall be at least two thousand six hundred and forty (2,640) feet from an existing sanitary sewer (interceptor, main, or lateral) with capacity to serve the staged subdivision.

SECTION 14.112 STAGED DEVELOPMENT (SEWER) SUBDIVISIONS

The parcel upon which the staged development (sewer) subdivision is proposed shall be at least two thousand six hundred and forty (2,640) feet from an existing sanitary sewer (interceptor, main, or lateral) with capacity to serve the staged subdivision. The staged development (sewer) option is available only to property annexed into the City of Paola, or property which is subject to an irrevocable consent to annexation.

SECTION 14.120 CONDITIONS AND LIMITATIONS

Special subdivisions shall meet the following conditions and limitations. For all subdivision types, public right-of-way shall be dedicated to arterial or collector street standards as designated on the CGA Street Map (refer to map on page 11-3):

A. Rural Subdivision.

1. All lots shall take access from an easement having a minimum width of sixty (60) feet located on the residual parcel. The access easement shall be improved in accordance with Section 11.150 C.
2. Any lot abutting a public right-of-way, classified as a collector or above, shall have an accompanying plat note prohibiting access to that road or street.
3. All lots shall be at least three (3) acres and have been approved by the Miami County Health Department for a septic system. In addition, public water meeting minimum rural water supply standards shall be provided for each lot (other than the residual) in the proposed development.
4. The responsibility of the residual lot owner to pave roads and install all public utilities, water, sewer, and storm drainage for the initial lots shall be noted on the final plat.

B. Staged Developments (Septic).

1. Each lot shall be at least four hundred sixty (460) feet wide for the length of the lot and contain at least ten (10) acres.
2. Each lot shall take access from a new subdivision street.
3. Each lot shall demonstrate the ability to be resubdivided into lots with areas no greater than twenty thousand (20,000) square feet and one hundred (100) feet of frontage. Future resubdivided areas shall be delineated on the final plat with dotted lines.
4. A single house pad shall be provided on each lot. The pad shall occupy only one (1) future lot. The Zoning Officer shall permit a pad to be modified to use two lots if requested in writing by an owner seeking a building permit and signing an agreement not to object to a special district created to run sewer to the area.
5. The drainage system shall be designed to accommodate full development based on the future lot plan. Surface drainage meeting this Ordinance's requirements shall be handled in a development-wide detention basin(s) built and dedicated to the City so all resubdivisions need only install on-site drainage improvements.
6. The responsibility of the individual lot owners to improve roads and install all public utilities, water, sewer, and storm drainage for the initial lots at the time of replatting shall be noted on the final plat.
7. As an alternative to 6 above, sanitary sewer lines shall be installed dry and capped to serve the subdivision at such time the lines may be connected to the City system.

C. Staged Developments (Sewer).

1. All lots shall take access from a sixty (60) foot easement that is part of the residual parcel or a dedicated street. The access easement shall be paved in accordance with Section 11.150 C.
2. Water lines shall be installed as per Division 12.300 even if the water pressure will not currently provide adequate fire fighting pressure.
3. All building lots shall either be less than or average less than thirty thousand (30,000) square feet in area. The average frontage shall be no more than fifty (50) percent of the lot depth or conform to the standards of a lot in Table 04.110 A. or B.

4. Any lot abutting a public right-of-way, classified as a collector or above, shall have an accompanying note prohibiting access to that street.
 5. The submitted plans shall show the future design and layout of the residual area used for septic or sewer treatment facilities.
 6. Sanitary sewer lines shall be installed and connected to a system approved by the City and Kansas Department of Health and the Environment.
 7. As an alternative to 6 above, sanitary sewer lines shall be installed dry and capped to serve the subdivision at such time as the lines may be connected to the City system. All lots using septic shall have a system approved by the Miami County Health Department. The system may be located on the residual parcel. The residual parcel shall have a cross easement that prohibits disturbing the septic system until such time as the City connects the dwelling unit to public sewer. In return, the landowner=s easement automatically expires upon the connection.
- D. All special subdivisions shall dedicate the required right-of-way for any street upon which they have frontage.

SECTION 14.130 REQUIREMENT FOR RESIDUAL LOTS

A note shall appear on all plats for rural and staged subdivisions specifying that the residual lot cannot be further subdivided until all public improvements for water, sewer, and roads are satisfied. The note on the Plat shall specify which of the following methods will apply to completing such improvements:

- A. The developer of the residual lot shall be responsible to improve all streets, utilities, and drainage for the subdivision's initial lots in accordance with this Ordinance, in conjunction with the subsequent platting of the residual lot; or
- B. A benefit district has been created for installing and financing all public improvements on the residual lot prior to development. Because the initial subdivision=s access easement is platted as part of the residual lot, the benefit district would also pay for improving all streets, utilities, and drainage for the subdivision=s initial lots in accordance with this Ordinance and in conjunction with the subsequent platting of the residual lot.