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ORDINANCE NO 2020 - 15

AN ORDINANCE AMENDING SECTION 9-401.D. AND ARTICLE V. LOT SPLITS, OF CHAPTER 9 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON,
KANSAS:

Section 1. That Section 9-401.D. of Chapter 9 of the Hutchinson City Code be amended as follows:

Sec. 9-401.D. Concurrent Submittals.

The preliminary and final plats may be submitted concurrently provided approval is granted by the Director of Planning and Development and one or more of the following findings can be made:

1. The subdivision contains fewer than four lots, does not involve the dedication of public right-of-way or other public land, and the subdivision does not qualify for a minor plat under the standards of Section 9-503 of this Chapter or;
2. The subdivider provides written justification that a hardship exists and the Development Review Committee reviews and approves the request based upon the subdivider's justification.

Section 2. That Article V. Lot Splits of Chapter 9 of the Hutchinson City Code be amended as follows:

Sec. 9-501 Intent and Authority.

The intent of this Article is to provide an economical and efficient procedure for the division and adjustment of previously subdivided property in developed areas as well as the subdivision of land where little or no expansion of the public infrastructure is required.

Sec. 9-502 Standard Conditions.

If any of the following conditions apply to the proposed project, platting shall be required in accordance with Article IV of this Chapter, and the project shall not be approved administratively.

- A. New public improvements are needed or proposed to serve the lots or tracts in the proposed project, including but not limited to new streets, alleys, sewer or water lines, or stormwater infrastructure.
- B. The proposed project will bring lots or structures out of conformance with applicable lot and building requirements of the underlying zoning district.

- C. The proposed project will result in a lot without a recorded access to or sufficient frontage upon a public street.
- D. The proposed project will result in significant increases of service requirements or will interfere with maintaining existing service levels.
- E. Easement requirements will not be satisfied, or existing easements will have to be modified to accommodate the proposed project.
- F. The proposed project is located within a Special Flood Hazard Area.
- G. The proposed project is not consistent with the City's current Comprehensive Plan.
- H. The proposed project does not conform to the Kansas Minimum Standards for Boundary Surveys.
- I. Real estate taxes and special assessments on the subject property or properties within the proposed project are delinquent.
- J. A lot has been previously divided through an administrative process.
 - 1. A lot that is zoned for industrial purposes and for which a plat has been officially recorded may be further divided administratively, provided that the requirements herein are followed.
 - 2. Lot Line Adjustments or mergers that do not increase the total number of lots may be accomplished through the procedures of this Article, even if the property has been previously part of an administrative subdivision process.

Sec. 9-503 Minor Plats.

The purpose of the minor plat administrative process is to allow property owners the flexibility to divide previously platted property where no expansion of public infrastructure is required.

- A. A Minor Plat may be submitted for the following:
 - 1. The division of a previously platted parcel into no more than five lots.
 - 2. The removal of existing platted building setback lines on one or more platted lots
 - 3. The consolidation of up to three previously platted lots into no more than two lots.
- B. Minor Plats may be approved by the Director of Planning and Development, provided the conditions found in Section 9-502 and all the following criteria are met:
 - 1. No more than five lots may be created through a Minor Plat;
 - 2. The minor plat conforms to the Kansas Minimum Standards for Boundary Surveys;
 - 3. The proposed minor plat shall be consistent with any conditions imposed on the original platted subdivision from which the lots being divided or consolidated were originally platted;
 - 4. Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height size and setback requirements;
 - 5. The applicant complies with any applicable stormwater management requirements;
 - 6. Easements for utilities are not vacated, added, relocated, or removed;
 - 7. Water and sewer services will not be adversely impacted;

- 8 Existing or proposed septic systems and wells meet all setback and area requirements;
9. No public infrastructure improvements are necessary to serve the lots;
10. The plat is consistent with the comprehensive plan.

C. Applications for Minor Plats shall be made by the owner of the property, or their representative, to the Planning and Development Department on forms provided. Said application shall be accompanied by:

1. The applicable review and recording fees;
2. Copies of scaled drawings of the proposed minor plat or replat as required by the Planning and Development Department, certified by a licensed Land surveyor, containing the following information
 - a. A title that includes the original lot numbers and subdivision name; and an indication that the proposed minor plat is a minor subdivision/replat of said lots in the subdivision;
 - b. Legal description of the property, including a Benchmark or other vertical reference point tied to the U.S. Geological Survey;
 - c. Location of the subject property as related to the nearest existing streets;
 - d. Location of the existing easements and utilities;
 - e. Dimensions and locations of the proposed lots to be created through the minor plat;
 - f. Location and width of driveways or accessways, existing and proposed;
 - g. Dimensions of all existing structures and their locations with respect to the existing and proposed lot lines;
 - h. Signature of the owner(s);
 - i. A signature and date line for approval by the Director of Planning & Development, stating "Approved as a Minor Plat/Replat under the Subdivision Regulations of the City of Hutchinson, Kansas";
 - j. A signature and date line for the Mayor indicating approval of the Minor Plat/Replat;
 - k. A dated signature and seal, stating the date of the survey and that the survey was made by the surveyor or under their direct supervision;
 - l. A dated signature and seal, for the review surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005"; and,
 - m. A note on the minor plat which states: "Further division or consolidation of any lots contained in this minor plat is prohibited, and shall be processed in accordance with Article IV of the City of Hutchinson, Kansas Subdivision Regulations."
3. A certificate that all taxes and special assessments due and payable have been paid.

Sec. 9-504 Lot Splits.

The purpose of the Lot Split administrative process is to provide the division of property into not more than two tracts. Lot splits may be approved by the Director of Planning and Development, provided the conditions found in section 9-502 and all the following criteria are met:

- A. Existing lots are either platted or are exempt from platting;
- B. Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height size and setback requirements;
- C. Easements for utilities are not vacated, added, relocated, or removed;
- D. Water and sewer services will not be adversely impacted;
- E. Existing or proposed septic systems and wells meet all setback and area requirements;
- F. No public infrastructure improvements are necessary to serve the lots; and
- G. The lot or lots have not been subject to a previous split.
 - 1. A lot that is zoned for industrial purposes and for which a plat has been officially recorded may be further divided administratively, provided that the requirements herein are followed.
- H. Applications for lot split approval shall be made by the owner of the property, or their representative, to the Planning and Development Department on forms provided. Said application shall be accompanied by:
 - 1. Scaled drawings, in paper and PDF format, prepared and sealed by a land surveyor licensed in the State of Kansas, of the land subject to the lot split containing the following information:
 - a. Location of the subject property as related to the nearest existing streets;
 - b. Location of the existing easements and utilities;
 - c. Dimensions of the divided portions of the lot;
 - d. Adjoining parcels, identified by the owner of record;
 - e. Location and width of driveways or accessways, existing and proposed;
 - f. Dimensions of all existing structures and their locations with respect to the existing and proposed lot lines;
 - g. Signature of the owner(s); and
 - h. Legal description of the existing property and each of the proposed properties.
 - 2. Drawing and legal descriptions prepared by a licensed land surveyor in a suitable format for recording, showing the new lots.
 - 3. The applicable application and recording fees.
 - 4. Certificate that all taxes and special assessments due and payable have been paid.
 - 5. Any other materials deemed necessary to complete review of the application.

Sec. 9-505 Lot Line Adjustments.

The lot line between any two platted lots may be moved or adjusted through an administrative Lot Line Adjustment by the Director of Planning and Development, provided the conditions found in section 9-502 and all the following criteria are met:

- A. Existing lots are either platted or are exempt from platting;
- B. Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height size and setback requirements;
- C. Easements for utilities are not vacated, added, relocated, or removed;
- D. No additional lots are created; and
- E. No easements are added, relocated, or removed.
- F. Applications for lot line adjustment approval shall be made by the owner of the property, or their representative, to the Planning and Development Department on forms provided. Said application shall be accompanied by:
 - 1. Scaled drawings, in paper and PDF format, prepared and sealed by a land surveyor licensed in the State of Kansas, of the land subject to the lot line adjustment containing the following information:
 - a. Location of the subject property as related to the nearest existing streets;
 - b. Location of the existing easements and utilities;
 - c. Dimensions of the divided portions of the lot;
 - d. Adjoining parcels, identified by the owner of record;
 - e. Location and width of driveways or accessways, existing and proposed;
 - f. Dimensions of all existing structures and their locations with respect to the existing and proposed lot lines;
 - g. Signature of the owner(s); and
 - h. Legal description of the existing property and each of the proposed properties.
 - 2. Drawing and legal descriptions prepared by a licensed land surveyor in a suitable format for recording, showing the new lots.
 - 3. The applicable application and recording fees.
 - 4. A certificate that all taxes and special assessments due and payable have been paid.
 - 5. Any other materials deemed necessary to complete review of the application.

Sec. 9-506 Administrative Approval.

- A. Upon receipt of a complete application, the Development Review Committee shall review it for compliance with the Hutchinson City Code. If, in the determination of the Development Review Committee, the application and certified survey comply with the Hutchinson City Code, the Application for a Minor Plat, Lot Split or Lot Line Adjustment shall be approved by the Planning and Development Department and signed by the Director of Planning and Development or their designee.

- B. An approved minor plat shall be placed on the consent agenda of the next regularly scheduled City Council meeting after Department approval, for review and approval by the City Council.
- C. The City shall file the approved Minor Plat, Lot Split, or Lot Line Adjustment with the Reno County Register of Deeds. A recorded copy of the document will be returned to the applicant.

Section 3. That the existing Sections 9-401.D. Concurrent Submittals. and Sections 9-501 to 9-504 of Chapter 9 of the Code of the City of Hutchinson be repealed.

Section 4. That all other sections of Chapter 27 shall remain in full force and effect.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 17th day of March 2020, for the City of Hutchinson, Kansas.

Jade Piros de Carvalho, Mayor

ATTEST:

Karen Weltmer, City Clerk