

ARTICLE 7
IMPROVEMENTS

Sections:

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SECTION 7-1 SUBDIVISION TYPES

7-101. For the purposes of this Article, subdivisions shall be classified as follows:

- a. Urban Subdivisions. All subdivisions lying within the corporate limits of LaCygne and those subdivisions in the unincorporated area of Linn County subject to these regulations having or intended to have a density of more than one (1) dwelling unit per gross acre, and all subdivisions or portion thereof, for commercial, industrial and public and semi-public purposes.
- b. Suburban Subdivisions. All other lands in unincorporated areas required to be platted either by State law or by these regulations.

SECTION 7-2 REQUIRED IMPROVEMENTS

7-201. The subdivider of a proposed subdivision shall install, or provide for installation of, the following facilities and improvements:

- a. Streets. Streets shall be surfaced with concrete, asphaltic concrete, or materials approved by the City. The City may require the subdivider to install curb and gutter in areas where new streets are linking up to streets that already have curb and gutter, or where the size and location of the subdivision warrants curb and gutter.

Pavements shall be designed based on the following minimum standard:

	Pavement Type and Thickness	
<u>Street</u>	<u>Bituminous</u>	<u>Portland Cement Concrete</u>
Local Residential	6"	6"
Collector	8"	7"
Major	11"	8"

- b. Frontage Roads. If a proposed subdivision adjoins or contains an existing or planned arterial street or state or federal highway the Planning Commission may require the subdivision to provide frontage roads, deep lots with rear service alleys or such other design necessary to ensure that access to lots in the subdivision is not taken directly from such street or highway.

- c. Water. Where an approved public water system is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of size and type approved by the City.

Utility sleeves shall be provided at the time of street construction for extensions of water mains and other utilities if such improvements are to be installed following initial construction of a street. The location and design of utility sleeves shall be approved by the City.

- d. Sewer Service. Where reasonably available, a public sewerage system shall be provided in accordance with the standards set by the City. In all other areas, a sewage collection and treatment system shall be provided subject to the approval of the County Health Department. Where an approved sewerage system is proposed to serve the subdivision, the system shall be constructed to provide service to each lot within the subdivision.

- e. Sidewalks. Sidewalks shall be installed on both sides of all collector and arterial streets and on one side of all local streets. Sidewalks along local streets shall be not less than five (5) feet in width, sidewalks along arterial and collector streets shall not be less than six (6) feet in width. All sidewalks shall be constructed of portland cement concrete of at least four (4) inches thickness. Sidewalks shall be located in the platted street right-of-way, and located a distance from the property line as specified by the City. Sidewalks shall also be installed in any pedestrian easements as may be required by the Planning Commission. Handicap ramps shall be constructed at street intersections, consistent with the requirements of the Americans with Disabilities Act (ADA).

- f. Street Signs. Street signs will be supplied and erected by the City.

- g. Other Improvements. If other improvements are required, according to policies of the Governing Body, such as tree planting, and retaining walls, such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the City.
- h. Storm Drainage. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other storm drainage improvements and plans for these improvements shall comply with the minimum standards of the Governing Body and shall be examined and approved by the City Engineer prior to construction.
- i. Bench Marks, Corners, Monuments and other Markers.
 - 1. Bench Marks.
 - (a) All elevation shown on plats shall be based on USGS datum.
 - (b) The permanent benchmark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.
 - 2. Monuments.
 - (a) Variations to the monument length and diameter may be allowed by the Zoning Administrator based on subsurface conditions.
 - (b) Installation of lot pins shall commence immediately upon the installation of streets, sewer mains and water mains unless such installation is waived by the Zoning Administrator.
 - 3. U.S. Government Corners. Whenever a survey originates from the United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory with the Secretary of the State Historical Society and with the County Surveyor. Such survey shall be filed within thirty (30) days of the date the references are made.
 - (a) Any altered, removed, damaged or destroyed corner shall be restored.
 - (b) Whenever such a corner or any related accessory is restored, re-established or replaced due to construction activities, a restoration report shall be filed with the Secretary of the State Historical Society as specified in K.S.A. 21-3724, as amended.

4. Existing Markers. At any time during construction of the subdivision, if a stone marker should be found, the developer shall mark the location of such marker as required by state law.

- j. Provision of Utilities. The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including: sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or the City.

- k. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction. Variances from this requirement may be authorized by the Zoning Administrator.

- l. Street Trees. Street trees shall be planted by the subdivider on all streets in the subdivision. Such trees may be planted on both sides but not less than five (5) feet from the back of the curb lines but in no event within three (3) feet of an existing or proposed sidewalk. The size and species of street trees shall be approved by the Zoning Administrator.

SECTION 7-3 EXCEPTIONS FOR EXISTING IMPROVEMENTS

7-301.

- a. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Article and are in good condition as determined by the City Engineer no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet said requirements, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements.

- b. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or Planning Commission policy, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the City Engineer. The Engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Engineer may reduce the minimum roadway required by these regulations to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length. The Engineer may also require lanes to be painted on such widened streets designating driving and parking areas. The foregoing provisions requiring the widening of pavement may be waived by the Planning Commission when the length of such pavement is less than one (1) block.

SECTION 7-4 WAIVERS

7-401. The Governing Body is authorized to grant a waiver of any of the improvements required in this Article. Such waiver may be granted only upon a finding of the Governing Body that the required improvement is either: (1) technically not feasible or (2) no valid public interest is served by requiring the improvement.