

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## WEDNESDAY, JANUARY 4, 2012

6:35 p.m.

-Convene

### CONSENT AGENDA

- (1)(a) Consider approval of Commission Orders;
- (b) Consider approval and authorization for the Public Works Director to sign a contract in the amount of \$9,461.00 with Kansas Gas Service for relocation of a gas line that conflicts with Project No. 2010-20, the reconstruction of Route 1055 (6<sup>th</sup> Street) from US-56 highway to Route 12 in Baldwin City. (Keith Browning)

### REGULAR AGENDA

- (2) Receive Long Range Planning 2012 Work Program. Scott McCullough will present the item.
- (3) **CUP-10-5-11**: Consider a Conditional Use Permit for Good Earth Gatherings, a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd. Submitted by Tamara Fairbanks-Ishmael, property owner of record. (PC Item 3; approved 9-0 on 12/12/11) (Sandra Day will present the item)
- (4) Approve Text Amendments, **TA-3-3-10**, to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11. Deferred by Planning Commission on 10/26/11.* Adopt Joint City **Ordinance No. 8690**/County Resolution for Text Amendments (TA-3-3-10) to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. (PC Item 6; approved 8-0-1 on 12/12/11) Sheila Stogsdill will present the item.
- (5) Consider approval of 2012 Legislative Policy Statement for Douglas County (Craig Weinaug)
- (6) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments:
    - Building Code Board of Appeals - vacancy**
    - Lawrence-Douglas County Advocacy Council on Aging – vacancy**
    - Douglas County Community Corrections Advisory Board - 12/2011**
    - Douglas County Senior Services, Inc. Board of Directors - 12/2011**
    - Jayhawk Area Agency on Aging Tri-County Advisory Council - vacancy**
  - (d) Public Comment
  - (c) Miscellaneous
- (7) Adjourn

## MONDAY, JANUARY 9, 2012

7:30 a.m. - Legislative Breakfast for the Chamber of Commerce at Maceli's (Two or more Commissioners may attend. No County business will be conducted)

**WEDNESDAY, JANUARY 11, 2012**

4:00 p.m.

-Presentation from Westar about tree trimming program (Chad Luce)

6:35 p.m.

-Public hearing on shift of district map

**WEDNESDAY, JANUARY 18, 2012**

**WEDNESDAY, JANUARY 25, 2012**

**WEDNESDAY, FEBRUARY 1, 2012**

**-CUP-10-6-10:** Consider a Conditional Use Permit (as deferred from the 12/07/11 meeting) for Kaw Valley Eudora Sand Facility, located at 2102 N 1500 Road, NE of SW Cor. SW ¼ S32-T12S-R21E, on approximately 196.58 acres. Submitted by Landplan Engineering, P.A., for Kaw Valley Companies, Inc., contract purchaser, for James and Ronda Bigger and Wellsville Bank, property owners of record. (Sandra Day is the Planner)

**Note:** *The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*

## MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : December 22, 2011

Re : Consent Agenda authorization to sign utility relocation contract  
Route 1055 (6<sup>th</sup> Street) improvements in Baldwin City  
Project No. 2010-20

Plans are being finalized and we are preparing to let a construction contract in February 2012 for the referenced project. You will recall we have an agreement with Baldwin City to share project costs. Terms of the agreement stipulate Douglas County is responsible for utility relocation costs in the unincorporated portions of the project.

Kansas Gas Service (KGS) needs to relocate a portion of their gas line that is in conflict with proposed improvements. KGS requires us to sign a relocation contract (attached) prior to their beginning relocation of the line. The contract cost is \$9,461.00, although KGS has indicated they should be able to accomplish the relocation for less cost. The final cost to Douglas County will be KGS' actual cost to relocate the line.

We included utility relocation costs of \$10,000 in our CIP budget for this project. We do not anticipate any other utility relocation costs.

Action Required: Consent Agenda authorization for the Public Works Director to sign a contract in the amount of \$9,461.00 with Kansas Gas Service for relocation of a gas line that conflicts with Project No. 2010-20, the reconstruction of Route 1055 (6<sup>th</sup> Street) from US-56 highway to Route 12 in Baldwin City.

Memorandum  
City of Lawrence  
Douglas County  
Planning & Development Services

**TO: Planning Commission**

**FROM: Planning Staff**

**CC: Scott McCullough, Director**

**Date: Item No. 7 – For December 12, 2011 Commission Meeting**

**RE: Long-Range Planning Work Program**

***Note: This memo was revised after the December 12, 2011 Planning Commission meeting to account for the commission's direction to place the item - "Identify appropriate locations within County for sand dredging operations" to the list of projects anticipated to be worked on in 2012.***

This memo is provided to outline the recommended long-range planning work program. An update of recent efforts is presented, along with a list of future work projects, of which some will begin in 2012. Staff is seeking input from the Lawrence-Douglas County Planning Commission, Lawrence City Commission and Douglas County Board of County Commissioners on the work program to help set priorities for 2012. Staff's recommended priorities for 2012 are shown below. Other projects will be worked on as resources allow.

**Major Projects Completed or in Process – 2011**

1. Horizon 2020 – Chapter 16 *Environment Chapter* – COMPLETE
2. Industrial Design Guidelines implementation –
  - Dev Code TAs adopted – COMPLETE
3. Annual Comprehensive Plan Review – COMPLETE
4. *Inverness Park District Plan* – COMPLETE
5. *Southeast Area Plan* –
  - Overall update & amendments related to 31<sup>st</sup> Street alignment – COMPLETE
6. *Burroughs Creek Corridor Plan* implementation –
  - Rezoning of the 800 block of Lynn Street – COMPLETE
7. *Northeast Sector Plan* –
  - PC Approved, BCC & CC comments returned to PC 12/12/11
8. US-40 and K-10 Plan –
  - Background work with KDOT in 2011, completion expected in 2012
9. Complete Streets –
  - Background work in 2011, completion expected in 2012

## **Major Projects – 2012**

1. Innoprise implementation – new software to better coordinate development applications – anticipate going live in second quarter 2012
2. 2010 Census
  - Analysis
  - Reports/Challenge
  - Comprehensive Plan amendments
3. *Environment Chapter* implementation
  - *Potential Regulations*
    - Stream Setback Ordinance for Lawrence
    - Review Development Code /prepare text amendments regarding community gardens and markets
  - *Inventories*
    - Woodland/Tree Inventory for County – work underway
    - Wetlands/Riparian Areas
    - Document & Map existing quarries
4. Update Retail Market Study – biannual survey
5. Horizon 2020 Annual Review, including Sector Plan reviews/updates
6. Review requirements/process for Comprehensive Plan Amendments for rezoning cases and Applicant requested CPAs
7. Urban Growth Area and Service Areas review –
  - Map 3-1 (after Census analysis and water/wastewater master plan updates)
  - Horizon 2020 – Map 3-3 – Douglas County Growth Areas
8. Sector Plan Implementation Items
  - *Oread Neighborhood Plan*
    - Develop Overlay districts as identified in the plan –
      - RFP for consultant services for Design Guidelines in process – grant funding through Sept 2012
    - Development Code text amendments
      - Congregate living
      - Detached dwellings permitted by right in multi-dwelling districts
  - *Farmland Industries Redevelopment Plan*
    - Master planning – RFP for consultant services in process
    - Property platting
    - Rezoning
  - *Inverness Park District Plan*
    - Update Chapter 6 to reflect new commercial centers
  - *Northeast Sector Plan*
    - Amend Urban Growth Area as appropriate
    - Additional implementation steps as directed
9. Identify appropriate locations within County for sand dredging operations

## **Major Projects – Beyond 2012**

1. *Environment Chapter* implementation
  - *Potential Regulations*
    - Wetlands protections
    - Woodland and Urban Forest protections
  - *Inventories*
    - Groundwater
    - Mineral Deposits
    - Agricultural Soils
2. Identify appropriate locations within County for sand dredging operations **(*This item moved to Major Projects – 2012 list*)**
3. Commercial Design Standards Review
4. Horizon 2020 – Chapter 10 *Community Facilities* update
5. Horizon 2020 – Chapter 17 *Implementation* update
6. *West of K-10 Plan* implementation
  - Update the *West 6<sup>th</sup> Street/K-10 Nodal Plan* to reflect adopted Future Land Use designations of the *West of K-10 Plan*
7. *South of Wakarusa Sector Plan*

**PLANNING COMMISSION REPORT**  
**Regular Agenda –Public Hearing Item**

PC Staff Report  
12/12/11

**ITEM NO. 3      CONDITIONAL USE PERMIT FOR GOOD EARTH GATHERINGS; 858 E  
1500 RD (SLD)**

**CUP-10-5-11:** Consider a Conditional Use Permit for Good Earth Gatherings, a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd. Submitted by Tamara Fairbanks-Ishmael, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of a Conditional Use Permit for a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd subject to the following condition:

1. Provision of a revised site plan to include the following notes
2. Use of the lake for public, business, commercial, and recreation activities associated with the home occupation is prohibited.
3. Class size shall be limited to not more than 12 students and 1 instructor.
4. No more than one class shall be conducted/offered at a time.

**Reason for Request:** *"A home occupation requiring a Conditional Use Permit. "*

**KEY POINTS**

- Property is located along a designated rural minor collector road.
- Property is located outside of any designated growth area of a city within Douglas County.
- The proposed use is intended to be operated as a home occupation with limited retail sales.

**ATTACHMENTS**

- Area Map
- Site Plan
- Business Plan provided by applicant

**GOLDEN FACTORS TO CONSIDER**  
**ZONING AND USES OF PROPERTY NEARBY**

- Existing zoning is agricultural and includes residences along county roads.

**CHARACTER OF THE AREA**

- Property is located within a rural residential area characterized by large lots that extend into the common lake property.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- The current zoning designation for the property is A, an agriculture-related district.
- Home Occupations are an allowed use on the A (Agricultural District)

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Approval by Board of County Commissioners.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Multiple residents have called about the request expressing significant concern that the lake not be included in the business activity. The area is described by residents as a residential neighborhood. Residents indicated they were generally opposed to any activity that includes public or commercial use of the lake and that may result in trespass onto private property.

**GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural) District and FF (Flood Fringe Overlay); existing residence and accessory buildings.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; surrounding uses include rural residences and agricultural fields.

<b>Site Summary</b>	
Subject Property:	10.48 acres 456,671.748 SF
	<b>Existing</b>
Total Building SF	
(Accessory Building)	1,200 SF
(Accessory Building Addition)	240 SF
Total Accessory Building	1,440 SF
Residence including basement	3,876 SF

**Summary of Request**

This request is proposed to accommodate a home business that will incorporate the existing accessory building as a classroom/studio space and include limited retail sales. The intent of the request does not include traditional recreational use open to the general public. This use exceeds the minimum standards for a home occupation. The County Zoning allows a range of uses including "Rural Home Business Occupations", instruction of students, and the use of detached accessory structures for a home business.

However, the Zoning Code limits these activities to a maximum number of students and the area of the space dedicated to the home business. The proposed use will not comply with the minimum standards for a Type II Rural Home Business Occupation set out in Section 12-319.602. The proposed use will include class sizes of 10 to 12 students plus an instructor. Evening class offerings 1-3 times per week and day classes of up to three weekends per month are planned.

Additionally, a retail element is included with this request. The attached description provided by the applicant is included with the staff report to more fully explain the intended use. No specific use enumerated in section 12-319 definitively describes the proposed activity. County Staff had determined that it is most similar to a Recreation Facility (12-319-4.11) thus the request is being reviewed under that Conditional Use Permit provision.

**I. ZONING AND USES OF PROPERTY NEARBY**

The property is zoned A (Agricultural) District as is the surrounding areas. The property is developed with numerous residential parcels along the County roads. Parcels located on the east side of E 1500



Road and the south side of N 900 Road share common property lines and extend into a privately owned and maintained lake.

**Staff Finding** – The area is rural and zoned A (agricultural). Surrounding uses are predominantly residential. The proposed request will not alter the base zoning or land use of the area.

## II. CHARACTER OF THE AREA

The area is characterized by the County road network that follows section lines in this part of Douglas County. Parcels tend to be long and narrow with access to the abutting County roads. Several property lines are defined by natural features such as streams and lake ownership boundaries.

**Staff Finding** –The defining characteristic of the area is rural residential homes located along the County roads. The proposed use is consistent with the rural character of the area.

## III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response: *"A Conditional Use Permit does not alter suitability of property."*

This property is zoned A (Agricultural) District. The purpose of this district is identified in Section 12-306 of the County Zoning Regulations and states: *"...The purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* This district is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A district include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. The County Zoning Regulations also allow for retail nurseries that do not exceed a total of 3,500 SF of net retail space excluding greenhouses, storage buildings, and outdoor display areas. The accessory building to be used for the proposed business is 1,800 SF. Much of this space will be dedicated to classroom activity. The hours of operation do not reflect a typical retail commercial store as a primary activity.

The property is developed with a residence and a detached building. The proposed use will not alter the base zoning district. A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural residential use will not be altered.

**Staff Finding** – The property is suitable for a residential use with a home occupation that includes a limited retail element. The overall space dedicated to retail sales is clearly subordinate and accessory to the home occupation activity. The proposed retail use as a Conditional Use is suitable for this property.

## IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

This property is developed with a residence and accessory building. The residence was initially built in 1992 (2,276 SF). The detached garage building was constructed in 1997 (40' by 30'). The A

(Agricultural) District was adopted as part of the September 23, 1966 Zoning Regulations when the County adopted county zoning.

**Staff Finding** – The subject property is developed as a residential use. The County Zoning Regulations were adopted in 1966.

**V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

Applicant's Response: *"Nearby properties will suffer no detriment. Additional road traffic is estimated to increase by 20 to 40 trips per week. Additional road traffic will be limited to evenings (7:00 P.M. to 9:00 P.M. and weekends 9:00 A.M. to 5:00 P.M.). No unusual noise will be generated. Building and parking are screened from public view by vegetation."*

Section 12-319-01.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under Section 12-319-4.11 Recreation Facility of the Zoning Regulations for the Unincorporated Territory of Douglas County.

The use is adjacent to a designated minor rural collector road. The proposed use is predominantly a Type II Home Occupation but because class size exceeds the maximum of that use and the limited retail element a Conditional Use Permit is being considered. Activity is primarily intended to be conducted indoors. Some use of the exterior grounds may be used for special class offerings related to gardening. No use of the lake is proposed as part of the application.

Staff received multiple calls regarding concerns about the application as it relates to the use of the lake area and the seemingly open nature of the request. After discussion with callers that clarified the application intent most concerns were addressed. Residents in the area expressed a desire to restrict the use and access by the public to the lake.

The limited scope of the project and inclusion of conditions prohibiting access and use of the lake will mitigate any detrimental impacts that could result from unintentional trespass onto private property.

**Staff Finding** – The significant concern generated by this request is the potential for trespass to private property and clarification in the application and operation of the use involving the lake. The addition of conditions that prohibit the use as part of the home occupation will ensure that detrimental effects are circumvented. The proposed use as described in the applicant's Business Profile does not propose detrimental impacts to the surrounding area.

**VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS**

Applicant's Response: *"The public gains the opportunities to engage in learning experiences in a natural environment which relates to agricultural and ag-related products. No hardship is expected to impact neighboring landowners."*

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

In Staff's opinion, denial of this request would affect the individual landowner by prohibiting the scope of proposed home business. The property could be utilized as a residence with a Type II Home Occupation but limited in the total number of students to six per class and prohibiting the retail element of the business which is being provided as a service and product of the home occupation.

Benefit to the public is limited to personal improvement skills related to a specified topic: "*Low-cost classes will be offered to adults on topics of interest to the community, primarily focusing on arts/crafts, home decorating, and health and sustainable living (gardening, food preservation, etc.)*"

The retail aspect of the request includes: "*Ancillary retail offerings will reflect the content of the class topics. Retail offerings will include supplies for projects taught in the classes, items handcrafted by the owner and other regional artisans, and some will be related items purchased at wholesale for resale.*"

The Zoning Code allows retail sales for retail nurseries when limited to 3,500 SF. The proposed business is intended to be housed in the 1,800 SF accessory building. Any retail space within that building would be reduced by the area occupied by the classroom setup. This use is not identical to a retail nursery but does have some similar characteristics. Additionally, many of the activities proposed are allowed by right as a Type II Home Occupation. The scope of the activity is somewhat larger than what would be allowed as a Type II Home Occupation.

**Staff Finding** –Approval of this request does not directly harm the public health, safety and welfare. Denial of the request limits the scope of the business for this site.

## VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: "*The Comprehensive Plan does not address Special Use Permits*"

This property is located outside of a designated urban growth boundary. The property is developed with a residence and a detached garage. This property is located within the rural area of unincorporated Douglas County.

**Staff Finding** –A Conditional Use Permit can be used to allow specific uses that are not permitted in a zoning district with the approval of a site plan. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

### STAFF REVIEW (Site Plan)

The proposed request is intended to occupy existing development on the site with a recent 600 SF building addition to the detached garage building. Off street parking would be provided in a 61' by 61' area for up to 12 off-street parking spaces.

**Parking and Access:** The site plan identifies 12 parking spaces to be located along the existing buildings and to include a paved area for an accessible space. The application states that a maximum of 12 students plus one instructor would be expected. There is not a specific use to classify the parking requirement for this activity. A retail nursery would require 1 space per 200 SF

of retail store area. Assuming the same ratio an 1800 SF building would require 9 off-street parking spaces. The proposed application would meet that standard with three additional spaces in excess of the standard. The proposed parking is adequate for the proposed use.

Access to the site is accommodated via a residential driveway to E 1500 Road. No changes to the access are proposed by the applicant and none were identified as needed in the review of the application.

**Landscape and Screening:** The plan shows landscape along the county road and along the south property line. Various stands of mature trees are located throughout the property. There is no exterior storage or activity associated with this use that requires screening. The existing landscape is consistent with the residential character of the property and surrounding area.

**Limits and Conditions:** Typical business hours are identified as:

- 7:00 to 9:00 P.M. 1-3 evenings per week and
- 9:00 AM to 5:00 PM two to three weekends per month.

As discussed earlier in the staff report, the use of the lake for business or commercial activity either as part of a class or as a public recreation facility, has been identified as a concern to area residents and property owners. To mitigate this concern staff recommends the site plan be revised to include a prohibition regarding the use of the lake for business and commercial activities and to also note that the access to the lake is prohibited by the general public.

### **Conclusion**

This property is primarily to be used as a residence with an accessory home occupation. The scope of the proposal and the inclusion of a retail element requires a Conditional Use Permit. The applicant should be advised that changes to the accessory building to comply with minimum building code standards for non-residential use are required. The proposed CUP complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*.

# *Good Earth Gatherings Site Plan*

The building adjacent to the residence at 858 E. 1500 Rd., Baldwin City, Kansas, is the proposed site for a small, part-time, home-based business called *Good Earth Gatherings*.

**Legal Description:** 10.1A 5-14-20 COM AT SW COR NWQR TH N 0DEG52'02"W 183.39 FT TO PT BEG, SD PT BEING ON W LINE NW QR; TH CONT ALONG SD LINE N 0DEG52'02"W 250 FT TH S88DEG42'52"E 1663.08 FT TH S01DEG1733"W 180.85 FT TH S83DEG35'03"W 1122.94 FT TH N87DEG41'38"W 100 FT TH N69DEG38'13"W 202.36FT TH N85DEG35'51"W 250 FT TO PT BEG WW35(DIV 2006 700033I)

The building is currently 1200 square feet. A small addition will make the building more conducive to the proposed business, and the final building will have a footprint of ~~1420~~ 1440 sq. feet (*Building Permit approved 2010*). The entire interior space will be used for the business. No additional exterior storage is currently planned.

The maximum occupancy of the business will accommodate the anticipated range of 10 to 12 students plus an instructor. Twelve parking spaces will be created next to the building, including one paved handicapped space. Standard spaces will be 9'x18'; the handicapped space will be 16'x18'. Parking spaces will be indicated by railroad ties or landscaping timbers. The parking lot is expected to require 3600 sq. feet (60'x60'). The existing driveway will be used. Areas not used for driveway or parking will be landscaped. Parking and building are screened from public view by vegetation.

Outdoor electric motion security floodlights will be installed on the southeast and southwest corners of the building.

Waste generated by the business will be recycled whenever possible. Non-recyclable trash will be picked up at the curb with the household trash. A new, additional 1000 gallon septic tank was installed on the north side of the residence in summer 2009. The tank will accommodate septic waste generated by business patrons.

Signage will be situated at the south side of the end of the driveway. Signage size and materials will conform to zoning regulations.

# **Business Profile for *Good Earth Gatherings***

## **Mission Statement**

*Good Earth Gatherings (GEG)* will offer unique learning opportunities and related retail items.

## **Description**

*GEG* will be a small, part-time business featuring community outreach, education and ancillary retail.

Low-cost classes will be offered for adults on topics of interest to the community, primarily focusing on arts/crafts, home decorating, and healthy and sustainable living (gardening, food preservation, etc.).

Ancillary retail offerings will reflect the content of the class topics. Retail offerings will include supplies for projects taught in the classes, items handcrafted by the owner and other regional artisans, and some will be related items purchased at wholesale for resale.

Classes will be offered one to three times per week, usually in the evenings. Ancillary retail shop will be open in conjunction with classes and two to three weekends per month.

## **Targeted Market**

*GEG* will attract patrons from the community (*Lawrence, Baldwin, and surrounding areas*) who are interested in arts/crafts, home decorating, and sustainable living practices.

## **Growth Plan**

*GEG* will be a small, part-time business. Operating hours will include 1-3 evening classes per week and ancillary retail hours 2-3 weekends per month. There are no plans to grow the business beyond that.

## **Competition**

*GEG* will be unique. The intention of the business is not to compete with area businesses. Rather, *GEG* is intended to fill a gap. The classes which will be offered are not available anywhere else locally, and the ancillary retail offerings will likewise be unique.

*GEG* will practice **cooperation** rather than competition with other local businesses. It is *GEG's* intention to work with local businesses which may have related offerings in order to enhance both businesses. The classes offered will be sometimes taught by the owner and sometimes taught by other local experts – many with businesses of their own they can promote through *GEG*. For example, *GEG* may offer a class on growing herbs and partner with a local nursery to provide plants in conjunction with the class. In this way, *GEG*, the local nursery, and the community all benefit.

**Marketing**

GEG will market through advertising in the Merc News, listing relevant classes in the Sustainability Network e-newsletter, and producing a newsletter, website and blog for the business. GEG will partner with local businesses for mutual promotion.

**Neighborhood Impact**

The business will be located in an existing building adjacent to the owner’s rural residence.

Additional traffic to the area will be limited. The maximum occupancy of the business will accommodate the anticipated range of 10 to 12 students plus an instructor.

The residence and business will be landscaped. Parking and building will be screened from public view by vegetation.

No unusual noise will be produced by this business.

Expected hours of operation will include classes offered from 7:00 p.m. to 9:00 p.m. one to three evenings per week and ancillary retail open additionally from 9:00 a.m. to 4:00 p.m. two to three weekends per month.

Depending on the classes offered, 10 to 20 trips may be generated during weeknight classes. Weekend ancillary retail hours may generate approximately 30 trips from a Friday to Saturday.

Sample GEG Calendar:

MON.	TUES.	WED.	THUR.	FRI.	SAT.	SUN.
		1	2	3 9am-4pm OPEN	4 9am-4pm OPEN	5
6	7 7pm-9pm CLASS: <u>Easy &amp; Safe Food Preservation</u>	8	9 7pm-9pm CLASS: <u>Beautiful &amp; Simple Decorating Tips</u> (Guest Instructor: Debbie DeCor from Lawrence Home Design)	10	11	12
13	14 7pm-9pm CLASS: <u>Making &amp; Using Herbal Vinegars</u> (featuring herbs from Vinland Valley Nursery)	15	16 7pm-9pm CLASS: <u>Nature Printing</u>	17	18	19
20	21 7pm-9pm CLASS: <u>Wool Appliqué</u>	22	23 7pm-9pm CLASS: <u>Decorating with Naturals for the Holidays</u>	24 9am-4pm: OPEN	25 9am-4pm: OPEN	26
27	28 7pm-9pm CLASS: <u>Freeing Creativity: Art Journaling</u>	29	30 7pm-9pm CLASS: <u>Creating Table-Top Gardens</u> (featuring plants from Sunrise Nursery)			

### **Operating Procedures/Personnel**

*GEG* will be a small, sole-proprietorship business. The business will be operated by the owner.

### **Relevant Education/Experience of Owners**

*GEG* will be the sole proprietorship of Tamara Fairbanks-Ishmael. Tamara has worked as a sales manager, public school teacher, community college instructor, and professional speaker. She has a master's degree in Liberal Arts from Baker University.

### **Community Benefits**

*GEG* will benefit the community in several ways:

- *GEG* offers unique classes primarily related to arts/crafts, decorating, and healthy and sustainable living, benefiting individuals and the local community.
- *GEG* offers unique, often hand-made, class-related retail items which are not available otherwise locally.
- *GEG* partners with other local business owners to enhance existing businesses.

### **Contact**

Tamara Fairbanks-Ishmael  
858 E. 1500 Rd.  
Baldwin City, KS 66006  
785-331-4213  
tsfairish@sbcglobal.net





Plan Not to Scale

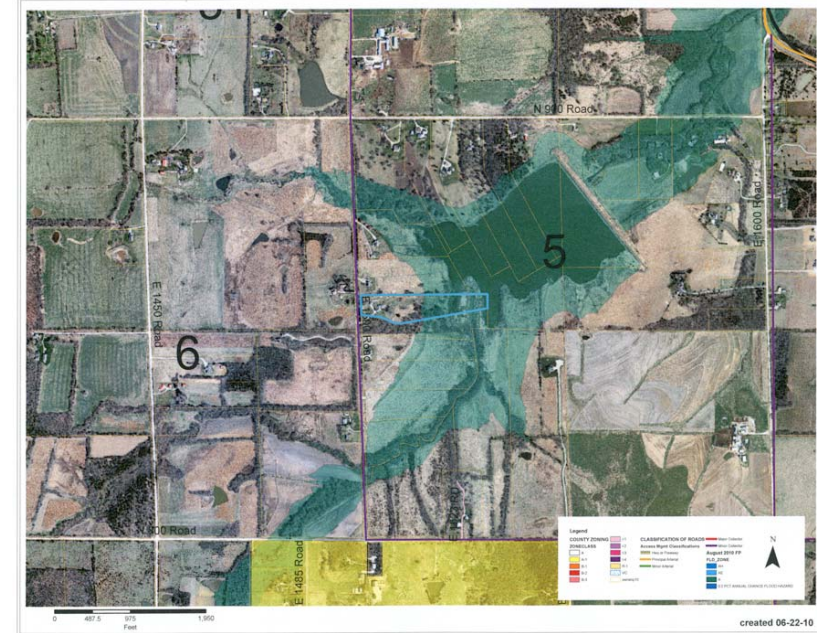
**Legal Description:**

**Legal Description:** 10.1Ac 5-14-20 COM AT SW COR NWQR TH N ODEG52'02"W 183.39 FT TO PT BEG, SD PT BEING ON W LINE NW QR; TH CONT ALONG SD LINE N ODEG52'02"W 250 FT TH S88DEG42'52"E 1663.08 FT TH S01DEG1733"W 180.85 FT TH S83DEG35'03"W 1122.94 FT TH 87DEG41'38"W 100 FT TH N69DEG38'13"W 202.36FT TH N85DEG35'51"W 250 FT TO PT BEG WW35(DIV 2006 7000331)

**Proposed Use:**

Part-time business featuring community outreach, education and ancillary retail. Low-cost adult classes on topics of interest to community, focusing on arts/crafts, home decorating, and healthy and sustainable living (gardening, food preservation, etc.). Ancillary retail will reflect class topics and include project supplies for

**General Area**



**General Notes:**

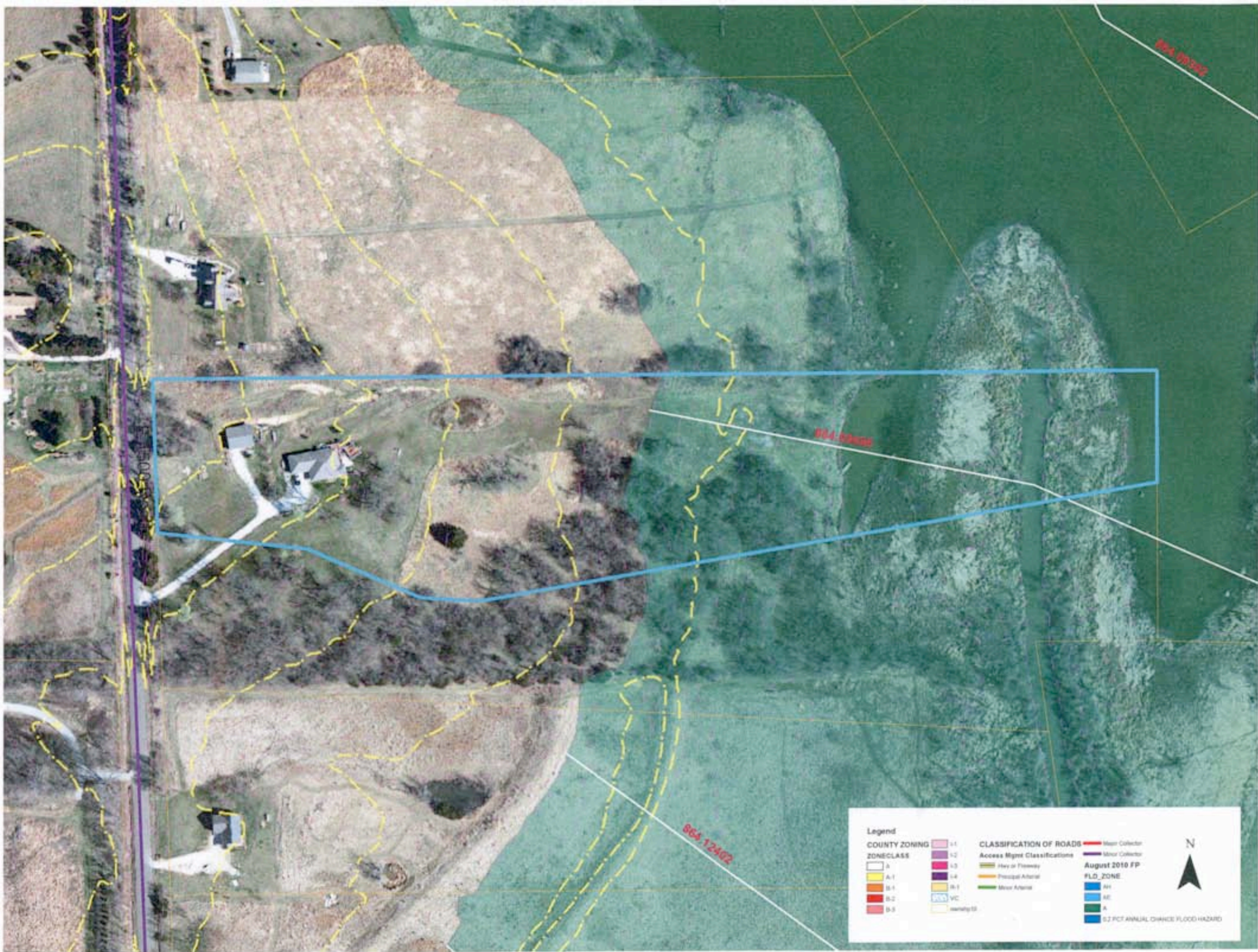
1. Maximum occupancy of business will accommodate a total of 12 students and 1 instructor.
2. No more than 1 class shall be conducted at a time.
3. Use of the lake for public, business, commercial and recreational activities associated with the home occupation is prohibited.

**Parking:**

1. 11 spaces provided 9' by 18'
2. One space provided paved 16' by 18' for accessible parking.

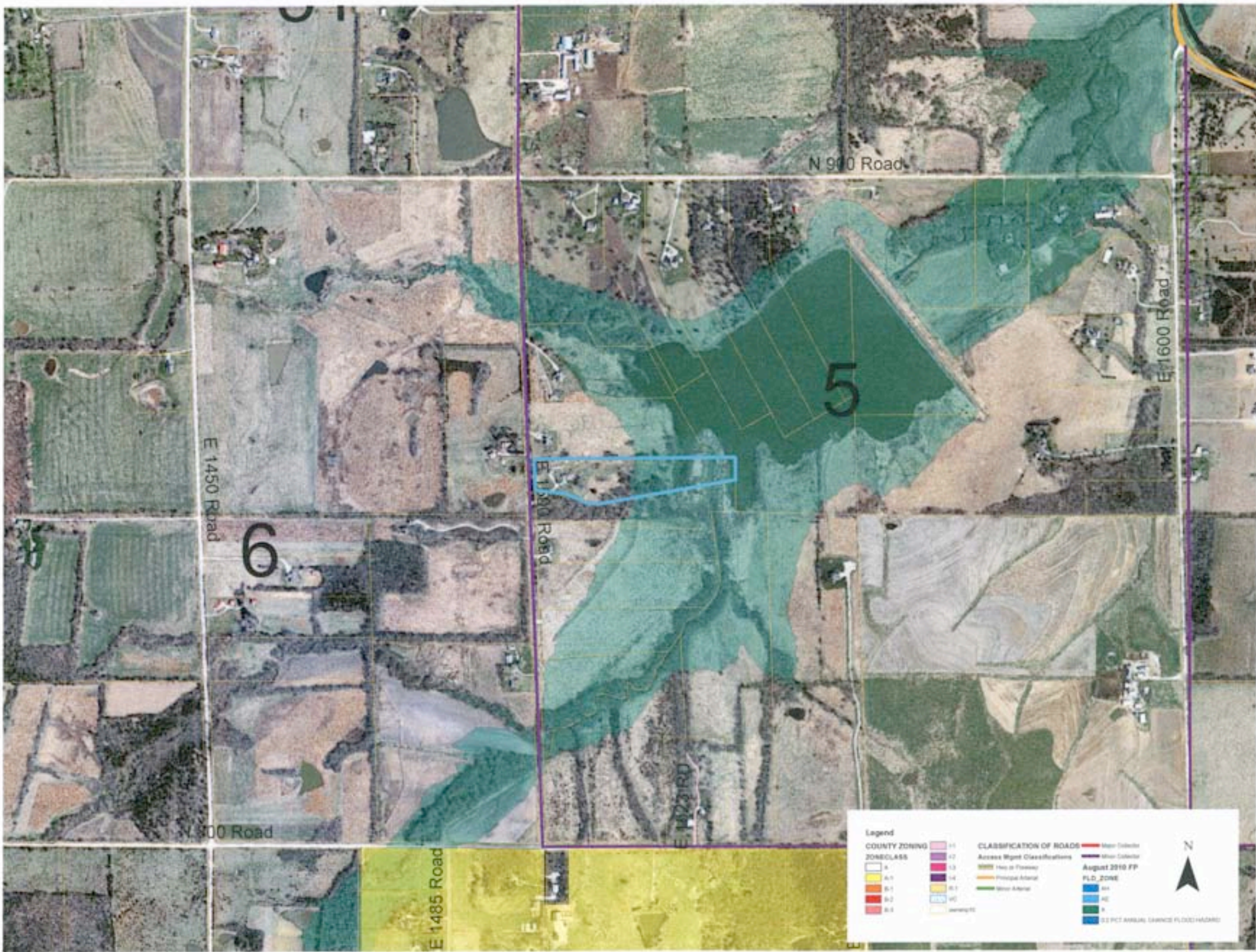
**858 E 1500 Road**  
**plan title**

**Tamara Fairbanks-Ishmael**  
**858 E 1500 Road**  
**Baldwin, KS 66006**



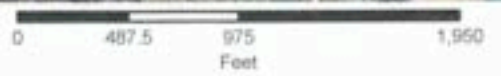
Legend		CLASSIFICATION OF ROADS		August 2010 FP FLO_ZONE
<b>COUNTY ZONING</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> +1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800080; border: 1px solid black;"></span> +2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000080; border: 1px solid black;"></span> +3</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black;"></span> +4</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> B-1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black;"></span> B-2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff00ff; border: 1px solid black;"></span> B-3</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800000; border: 1px solid black;"></span> Minor Collector</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000080; border: 1px solid black;"></span> Minor Collector</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #808000; border: 1px solid black;"></span> Hwy or Freeway</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffcc00; border: 1px solid black;"></span> Principal Arterial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #008000; border: 1px solid black;"></span> Minor Arterial</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px dashed black;"></span> VC</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px dotted black;"></span> unclassified</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black;"></span> M1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black;"></span> M2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black;"></span> A</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black;"></span> 5.2 PCT ANNUAL CHANCE FLOOD HAZARD</li> </ul>	





**Legend**

<b>COUNTY ZONING</b>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #f08080; border: 1px solid black; margin-right: 5px;"></span> R1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800080; border: 1px solid black; margin-right: 5px;"></span> R2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800000; border: 1px solid black; margin-right: 5px;"></span> R3</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000080; border: 1px solid black; margin-right: 5px;"></span> R4</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R5</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R6</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #000000; border: 1px solid black; margin-right: 5px;"></span> R7</li> </ul>	<b>CLASSIFICATION OF ROADS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ff0000; border: 1px solid black; margin-right: 5px;"></span> Major Collector</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> Minor Collector</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> Local</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #00ff00; border: 1px solid black; margin-right: 5px;"></span> Access Road</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> Street</li> </ul>	<b>August 2010 FFD</b> <b>FLD_ZONE</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> A1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> A2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> A3</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> A4</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> A5</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> A6</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #0000ff; border: 1px solid black; 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Legend	
<b>ROAD CLASSIFICATIONS</b>	Minor Arterial
<b>Access Mgmt Classifications</b>	Major Collector
	Hwy or Freeway
	Minor Collector
	Principal Arterial



E 1500 Road

Floodlights

240° addition  
[8' x 30']

Septic Tank

Planter area retains  
Redbud Tree

Entrance

18 feet

25 feet

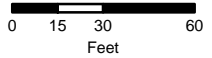
18 feet

61 feet

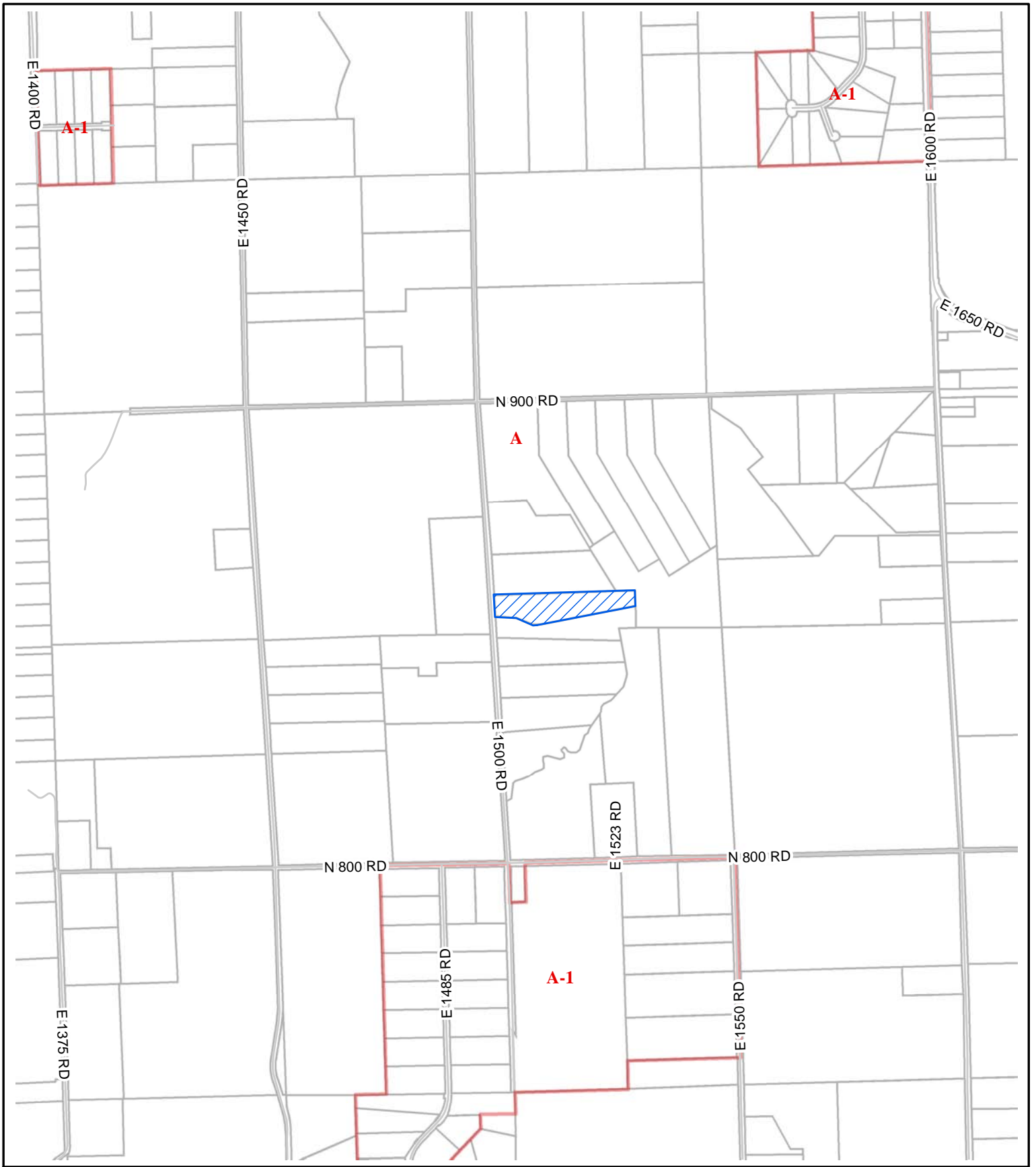
Parking Area is gravel, with exception  
of paved and signed space for disabled.  
Accommodates up to 12 spaces [9' X 18']  
plus disabled space [16' x 18'].

sign,  
non-illuminated

**NOTE:**  
Building is 1,200 SF. Addition is 600 S.F.



**SITE PLAN**  
**Good Earth Gatherings**



**CUP-10-05-11: Conditional Use Permit for Good Earth Gatherings  
858 E 1500 Road**



TO: Lawrence-Douglas County Metropolitan Planning Commission

RE: CUP-10-5-11 Conditional Use Permit for Good Earth Gatherings

We write this to express concern about a Conditional Use Permit for Good Earth Gatherings at 838 E 1500 Road submitted by Tamara Fairbanks-Ishmael. East 1500 Road is primarily agricultural and residential. A business that “provides community outreach, education, and ancillary retail sales” has a very different flavor and can change the character of the neighborhood. By definition, a “community” enterprise involves a group of people at one set time (such as for a class). And “retail” implies that customers would come and go throughout the day. I offer the following items for the Commission’s consideration:

- There may be home-based businesses in the neighborhood, but I am not aware of any that I would consider a “retail” business. We have not observed other home businesses in the neighborhood, such as the one on 1450 Road, to have multiple customers at any one time. A car or two now and then is not intrusive.
- In rural areas, sound carries incredibly far. We could reasonably expect the traffic noise, possible traffic congestion, car doors, people noise, etc., (especially if there is a class having several participants) to be heard and magnified throughout the immediate neighborhood. Additionally, most of the activities would probably occur on weekends when residents are home and involved in outdoor activities.
- This particular stretch of E 1500 road has had its share of problems with noise over time. Gradually, things have improved, but there are still pockets of noise that are intrusive. Approving a retail business along that road may take us another direction-- back to a noise level that infringes of the personal enjoyment of peace and quiet (which is why some of us moved to the rural areas in the first place). I also have a concern about increased traffic on that road. The landowners along the road all contributed to surfacing the road. The township maintains the road, but the wear and tear of customer traffic can be detrimental to a stretch of road that already is prone to potholes and cracking. We have learned in the past that we have to dodge potholes for many months before the crew shows up to fix them.
- I understand this venture is primarily a “community outreach” (??), “education,” and “ancillary retail sales,” but I am concerned that if the enterprise grows, problems will grow with it.

We write this with great reluctance because we want to be good neighbors and don’t wish to block someone from fulfilling a dream, but we also don’t want to be blaming ourselves for not voicing an objection when given the opportunity. We moved to the “country” to leave the traffic noise and congestion of town behind. We accept the noise related to farming, ranching, improving one’s property (such as cutting trees or adding an outbuilding, mowing, etc.) because those activities are central to a rural community. But we cannot stand back and implicitly approve increased intrusion in a neighborhood through a retail business.

We ask the Planning Commission to seriously consider our comments about the impact on the neighborhood as they make their decision. Thank you for the opportunity to comment.

Karen and Lynn Watney

847 E 1500<sup>th</sup> Road

**ITEM NO. 3      CONDITIONAL USE PERMIT FOR GOOD EARTH GATHERINGS; 858 E 1500 RD  
(SLD)**

**CUP-10-5-11:** Consider a Conditional Use Permit for Good Earth Gatherings, a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd. Submitted by Tamara Fairbanks-Ishmael, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

The applicant was not present.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Finkeldei asked staff to address the correspondence received regarding the possible expanding scope and enforcement.

Ms. Day said typically it would be through a complaint or some other follow up by County staff looking at an enforcement issue. She also stated if the applicant contacted staff wanting to expand the scope it would probably require a new public hearing.

Commissioner Finkeldei inquired about the concern of a retail shop. He said it would not be allowed because it would only be ancillary retail sales.

Ms. Day said that was correct.

Commissioner Liese asked staff to comment on the applicant and the writer of the correspondence with concerns not being present at the meeting.

Ms. Day said the individual that wrote the letter indicated they would not be able to attend this evening. She stated the significant concern she heard from the public was regarding the lake. She said she did not know why the applicant was not present.

Commissioner Liese said he was uncomfortable with the absence of the applicant and letter writer but would reluctantly vote in favor of the item.

Commissioner Burger asked if Good Earth Gatherings currently held classes in the community.

Ms. Day said she did not know.

Commissioner Burger inquired about the precedence of deferring for the applicant to be present.

Mr. McCullough said the letter writer provided testimony through the letter and indicated to staff they would not be able to make it to the meeting. He said if Planning Commission found they were not able to accept staff's recommendation, wanted to revise conditions, or if there was public comment that needed a response from the applicant, then they might want to consider a deferral. He stated if Planning Commission was willing to accept staff's recommendation then he did not necessarily think a deferral would be prudent in this case.

Mr. McCullough asked Ms. Day if there were any timing issues that she knew of.

Ms. Day said she was not aware of any timing issues.

Commissioner von Achen answered Commissioner Burger's earlier question. She said the applicant currently does teach an herb class once a month at the Unitarian Fellowship.

Commissioner Hird said it was always helpful to have the applicant present but if there was no controversy he did not see anything wrong with trusting the application to the process.

**ACTION**

Motioned by Commissioner Finkeldei, seconded by Commissioner von Achen, to approve the Conditional Use Permit for a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd subject to the following conditions:

1. Provision of a revised site plan to include the following notes
2. Use of the lake for public, business, commercial, and recreation activities associated with the home occupation is prohibited.
3. Class size shall be limited to not more than 12 students and 1 instructor.
4. No more than one class shall be conducted/offered at a time.

Unanimously approved 9-0.



## **PLANNING COMMISSION REPORT** **Regular Agenda -- Public Hearing Item**

PC Staff Report  
12/12/11

### **ITEM NO. 6: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (SMS)**

**TA-3-3-10:** Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11.*

**RECOMMENDATION:** Staff recommends that the Planning Commission consider the proposed revisions and forward a recommendation for approval of the proposed amendments TA-3-3-10 [*December 12, 2011 Edition*] to Chapter 20, Article 8 of the Land Development Code to the City Commission and Chapter 11, Article 1 of the County Code to the County Commission for consideration and action.

**Reason for Request:** Revisions initiated in response to Chamber of Commerce request for changes regarding processing steps between Preliminary and Final Plats. Review of Article expanded to address consistency and readability issues following several years of use with the regulations since adoption in December 2006.

#### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- 07/01/09 Chamber of Commerce letter – initial request
- 06/17/11 Productive joint meeting – staff & members of development community
- 10/24/11 League of Women Voters (LWV) letter
- Attachment – 07/25/11 Staff Memo – Overview of proposed revisions

#### **OVERVIEW OF PROPOSED AMENDMENT**

The primary purpose of the initial amendment request was to provide criteria and thresholds in the regulations which would allow minor changes between preliminary plat approval and final plat submission. Process issues relating to dedication of easements at preliminary plat stage or by separate instrument with minor subdivision approvals were also identified for improvement. After several years working with the regulations as adopted in 2006, staff was of the opinion that the sequence/process outlined for subdivision of property needed improvement as well.

The majority of remaining revisions were related to formatting of the document in terms of where information was located, the repetitive nature of several sections, and inconsistencies throughout the Article. The specific changes are identified below.

The majority of this staff report remains the same as presented to the Planning Commission in October 2011. Additions to the report are shown in **green font**.

### Changes from the October 26, 2011 version:

- Section 20-808(f)(xii) – Staff has substituted text as requested by County Surveyor so that Minor Subdivision/Replat requirement is consistent with Certificate of Survey & Final Plat requirements for surveyor signature information
- Section 20-810(b) – Staff has reworded section as proposed by LWV 10-24-11 correspondence regarding Lot Frontage
- Sections 20-810(d)(2)(v) and 20-815(b) -- Staff has modified text to indicate that Residential Collectors are streets that provide internal connections to non-residential uses within neighborhoods and do not typically connect with Arterial Streets. This change has been proposed to address comments presented in LWV 10-24-11 correspondence regarding 'Connector Streets'
- Remaining changes have been formatting/blue text updates

### CONFORMANCE WITH THE COMPREHENSIVE PLAN

*Horizon 2020* recognizes the importance of having up-to-date development regulations in order to implement the goals and policies identified in the plan. The plan notes the need for regulations to be frequently reviewed to respond to changing conditions, unforeseen needs and/or new policies. Clear, streamlined development regulations improve the environment for both property owners and potential investors in the community.

### CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

The Chamber letter identifies the omission of any standards with which to judge whether a Final Plat is *consistent with, conforms to, or substantially complies with* an approved Preliminary Plat. The proposed amendment adds criteria to Section 809/1109 which provides various triggers or thresholds that can be used to determine whether a submitted Final Plat is in substantial compliance with the approved Preliminary Plat and may be processed without further review by the Planning Commission.

As noted below, a number of the proposed revisions address either errors or inconsistencies that have been identified by Staff or the public since the adoption of these regulations. As described, the majority of these changes are proposed for readability and usability of the document.

Changes in the Certificate of Survey sections are the result of changing conditions. After working with the regulations for five years, Staff has found that the Large Parcel Property Divisions in the UGAs are not utilized and would encourage more curb cuts to township roads. Therefore, changes are proposed to expand the ability to utilize the Cluster Development process for land divisions within the UGAs. Changes to standards for this type of rural development have also included suggestions from members of the development community who have worked with the regulations in the last several years.

- 2) **Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

*Horizon 2020* supports the continual review of development regulations. The plan notes the need for regulations to be frequently reviewed to respond to changing conditions, unforeseen needs and/or new policies. Clear, streamlined development regulations improve the environment for both property owners and potential investors in the community.

The proposed amendments are intended to enhance the general welfare of the community and are consistent with the stated purpose of the Development Code.

## **Staff Review**

As noted above, Staff has been working over the last year to address issues initially raised by the Chamber of Commerce and to address numerous items identified internally as Staff has utilized the regulations since adoption in 2006. Staff provided updates to the Planning Commission in August 2010, February 2011, May 2011, July 2011 and October 2011 which included a brief list highlighting both Substantive and Housekeeping Changes. Throughout the Article, a number of the revisions are to provide the existing text in a list format, rather than long paragraphs for ease in reading. Existing regulatory statements included in term definitions have been relocated to appropriate sections. Terms not used in the body of the Article have been deleted and defined terms have been highlighted in Blue as provided in the remainder of the Development Code. The revisions also include the amendments adopted in December 2010 that were included in the Environmentally Sensitive Lands text amendment (TA-06-12-08) which have not yet been incorporated into the printed code. Below is a section by section summary of the revisions as shown in the *December 12, 2011 Draft Subdivision Regulations*.

### **Section 20-801/Section 11-101 General**

Revisions were made in (d) *Exemptions* to include the common terms '*Boundary Line Adjustment*', '*Correction Survey*' and '*Homestead Exemption Survey*' which are terms used in recent years to describe common surveys filed in association with Unincorporated Area land transfers.

Revisions were made in (e) *Vested Rights* to indicate the status of Nonconforming Lots or Parcels consistent with a draft Code Interpretation that Staff has been utilizing to determine when development parcels are subject to the Subdivision Regulations and must be platted or replatted as part of a proposed development process. Changes in this section also include another reference to the '*Homestead Exemption Survey*' and clarify that a *Land Combination* does not increase the number of building permits a property is eligible to receive. This requirement was previously stated only in the Definitions section of the Article.

### **Section 20-802/Section 11-102 General Review and Approval Procedures**

Revisions include updates to reflect current practice (receiving submissions in electronic format) and changes made in later sections of the Article. The principle change is the addition of a section for Notice Procedures which were omitted in the adopted version. This section is modeled after the Notice Procedures in Article 13 of the Land Development Code.

### **Section 20-803/Section 11-103 Property Divisions in Service Area 1, Lawrence UGA**

No substantive changes.

### **Section 20-804 and Section 20-805/Section 11-104 and Section 11-105 Cluster Developments and Large Parcel Property Divisions in the UGAs**

During the review process, County Zoning and Legal Staff suggested the need to make changes to the Land Division options for properties in within an Urban Growth Area. In the five years following adoption of these regulations, there have only been two divisions completed through these processes in the UGA. Staff has found that the Cluster Development process was narrowly written and the Large Parcel Property Division process forced more curb cuts to township roads. The proposed revisions eliminate the Large Parcel process and expand the Cluster Development to any properties more than 20 acres in size within a UGA.

The proposed changes to the Cluster Development process include suggestions from the development community regarding the layout/location of the cross access easement in relation to the Immediate and Future Development Areas. The revisions also include Legal Staff suggestions regarding the applicability of the Temporary Set Aside Agreements to the Immediate Development Areas, as well as the Future Development Areas.

Section 805/105 has been reserved for future use (and to eliminate the need to renumber the remaining sections).

### **Section 20-806/Section 11-106 Property Divisions in the Rural Area**

The County Sanitary Code requires parcels proposed for development and served with publicly treated water to contain a minimum of three acres to accommodate an on-site sewer management system. The regulations state that property divisions in accordance with the subdivision regulations must contain three acres outside of the floodplain. Sections 804/104 and 805/105 contain specific language which requires the minimum parcel size for RDPs to exclude property within the floodplain. This specific restriction is not identified for property divisions in the Rural Area. The amendments propose to specifically include this requirement so that the regulations are consistent throughout the county.

### **Section 20-807/Section 11-107 Certificate of Survey, Administrative Review Procedures**

All application requirements that were stated in Sections 804/1104, 805/1105 and 806/1106 were relocated to this section so that they were only stated once. Revisions also include restating the requirement for Health Department approval of Certificate of Surveys prior to approval since this requirement had only been stated in Section 811/1111 which did not clearly apply to the Certificate of Survey process.

A section was also added to provide a 24 month approval for Certificate of Surveys and to include a process for requesting extensions similar to that provided in the Land Development Code.

### **Section 20-808/Section 11-108 Minor Subdivisions/Replats**

The Minor Subdivision process has been expanded to allow Replats of property divisions in more situations than currently are permitted. The process will allow lot line adjustments or mergers that do not increase the total number of lots even if the property has previously been part of a Minor Subdivision. This change provides an administrative review of the proposed divisions/mergers, but streamlines the review process to reduce the amount of time involved.

The proposed revisions also provide an opportunity to dedicate or vacate easements or rights-of-way with a Minor Subdivision/Replat by placing the application on a governing body agenda for action. Since the governing bodies meet weekly, this action can be efficiently accommodated in the administrative review period. The proposed process also includes a mailed notice provision prior to placement on the governing body's agenda for action. Having easements dedicated and shown graphically on replats is considered more useful to end users than having easements dedicated and recorded separately.

The amendments also include a section indicating a 24 month approval period and a process for requesting extensions similar to that provided in the Land Development Code.

**The required information from the Land Surveyor has been modified so that it is the same as required on Certificate of Surveys and Final Plat documents.**

### **Section 20-809/Section 11-109 Major Subdivisions**

Proposed revisions specifically identify that the term 'Major Subdivision' is the overall process that involves two steps: Preliminary Plats and Final Plats. The content required for both preliminary and final plats has been moved from Section 812/1112 so that both process and content information is located in the same place in the Article. This is considered a usability improvement for both preparers and reviewers of subdivision plats.

The requirement to show surveyed topographic data on a Preliminary Plat has been revised to limit the survey requirement to areas where land disturbance has taken place. This revision is in response to development community concerns that the existing requirement was costly and too restrictive.

The revisions include a reference to Mailed Notice requirements for applications which had been inadvertently omitted from the adopted regulations.

The current regulations require dedication of all easements with the approval of the Preliminary Plat. Following design of public improvements, easements often need to be revised which has required additional processing and

review of a revised Preliminary Plat. The proposed amendments defer dedication of interior easements until the Final Plat stage and only require that perimeter easements for the entire subdivision be dedicated with the first Final Plat phase. The process changes for dedication of rights-of-way and easements mean that the Planning Commission will continue to approve Preliminary Plats and Final Plats will be administratively approved, but dedications will be considered by the Governing Body during the Final Plat review process. Final Plats will be placed on the Governing Body's agenda for acceptance of easements and/or rights-of-way prior to recording the Final Plats. By this time in the process, public improvement plans have been reviewed and easements are more precisely determined.

In Section *(l) Final Plat Contents*, a statement regarding the completion of required Public Improvements has been moved from Section 811/1111 to emphasize that improvements must be designed to the degree that reasonable cost estimates for guarantee can be provided when the Final Plat is submitted for review and prior to recording the plat. Having public improvement plans at this design level provides a level of assurance that easements and rights-of-way are correctly located and sized to serve the development and that financial assurances are provided prior to lots being sold after plat recordation. In Staff's opinion, this is a critical issue with the review of Final Plats and prior to their recordation and it is important to emphasize this requirement in the regulations.

This section also includes the majority of the requested changes from the Chamber of Commerce, specifically in sub-section *(m) Final Plat – Review and Action by the Planning Director*. Standards have been provided to evaluate a Final Plat's substantial compliance with the approved Preliminary Plat. Including these standards that allow for some degree of change between Preliminary and Final Plat stages, allows for minor revisions that do not require additional process time and a second review through the Planning Commission.

The section also increases the approval time period for Preliminary and Final Plats from 18 months to 24 months to align the approval period with the other development applications in the Development Code. This consistency is considered a usability improvement so that all applications have the same approval periods and processes for extensions.

### **Section 20-810/Section 11-110 Subdivision Design Standards**

This section has been modified to separate City and County requirements for ease in reviewing which standards apply. Design standards that currently are located in the Subdivision Improvements section (811/1101) have been moved to this section. Design standards that specify information to be shown on a plat have been moved to the 'contents' section of the respective plat section. Design standards that are currently listed within definitions have been moved to this section.

Section (e)(2)(iv) regarding the requirement for two access points to subdivisions over a certain size has been revised. The existing text conflicts with the International Fire Code. The proposed language simply references the adopted IFC requirements so as not to create an internal conflict between the codes.

After consultation with both the City and County Engineers, staff has proposed eliminating specific cross section construction requirements for streets and roads that currently are specified in Section (e)(5) and have instead provided references to standards used by the City and County Engineering departments.

Currently the regulations in Section *(i) Parks, Open Space, Schools and Other Public Facilities* includes a statement *'encouraging or requiring' the donation of 5% of the land area of a residential subdivision plus a fee of \$600 per lot for each single-family dwelling lot*. As written, this section has been determined to be unenforceable and vaguely worded. During the review of subdivision plats, staff works with the developer to identify potential open space areas that may be environmentally sensitive lands. The code amendments adopted in December 2010 provide the basis for retaining some of these natural features as part of the subdivision design. At this time, this method is preferable to a specific percentage dedication. The concept of park impact fees has not yet been accepted by the governing body and, as worded, the existing code language would only apply to one segment of residential lots which does not seem equitable. Therefore, staff has recommended that this text be eliminated from these regulations at this time.

**The Lot Frontage requirement in Section 20-810(2) has been modified to address comments made in the LWV 10-24-11 letter. The description of Residential Collector Streets has been modified to reflect the purpose identified in the LWV correspondence – specifically that these streets provide internal connections within a neighborhood.**

### **Section 20-811/Section 11-111 Public Improvement Standards**

Throughout this section, Public Improvement Standards that apply differently to city or county subdivisions have been listed separately. As in the previous section, where Public Improvement Standards were located in the Design Standards section, they have been relocated to this section.

In this section, the term 'waivers' has been deleted so that 'variances' from Design Standards or Public Improvement Standards are the consistent mechanism used. The Planning Commission is specified as the approval body for all of these variances (except the wastewater standards in Section 813/1113 specifically required by the governing body).

The existing regulations inadvertently omitted standards for city wastewater and water utility improvements that had been stated in the previous subdivision regulations. Sections (d) and (e) have been updated to include this previous text and to provide a reference to the City's Administrative Policies regarding review of proposed improvements to the infrastructure system.

A common review comment from private utility providers has been to inform the applicant that the developer is responsible for the cost of relocation of any existing utilities. This comment has been added to section (f) to provide up-front notice to designers and owners regarding this development cost.

### **Section 20-812/Section 11-112 Contents of Plats**

The contents of this section have been moved to Section 809/109 so that both process and content of preliminary and final plats are provided in one section of the Article. This was a revision identified by Staff to improve the ease in which users can access the information either in preparing or reviewing plats.

The section has been reserved for future use (and to eliminate the need to renumber the remaining sections).

### **Section 20-813/Section 11-113 Administration and Enforcement**

The revisions in this section reference the changes made in previous sections regarding process revisions. A reference is also provided in the city building permit section to the Nonconforming Lots provisions of the Development Code to clarify when property is eligible for development.

### **Section 20-814/Section 11-114 Building Setbacks, Enforcement, Exceptions**

No substantive changes.

### **Section 20-815/Section 11-115 Interpretations, Rules of Construction and Definitions**

The introductory portion of this section has been updated to include text similar to Article 17 of the Land Development Code regarding permissive and mandatory terms. A reference has also been provided to the Floodplain Management articles in the Development Code and the County Zoning Regulations so that all floodplain terms deleted from this Article are still defined elsewhere in the respective codes. Eliminating duplication is helpful so that when updates are made in the future multiple articles do not need to be revised and future inconsistencies can be avoided.

Terms not used in the Article have been deleted unless those definitions were considered helpful to the general discussion of the subdivision process. Where regulatory language was found in definitions, it has been moved to the appropriate section of the regulations. In several places, alternate definitions have been provided for consideration if the given definition is not consistent with the definition found in either the County Zoning Regulations or the Development Code. Several definitions have been identified for future amendments to those documents for consistency.

**The definition of Residential Collector Street has been modified to reflect their purpose to provide internal connections within neighborhoods in response to the LWV 10-24-11 letter.**

### **Conclusion**

Attached is the draft language in the code sections. Deleted text is shown as ~~strikethrough~~ and new or relocated text is shown in green font. **Bold green** or **blue** text typically indicates new text rather than relocated text. Due to the multiple drafts of this Article, some previously suggested text may be shown as ~~green-strikethrough-font~~. The text proposed for Section 809/1109 is shown in **red text**. Throughout the document, staff has changed defined terms to **Blue Font** even if found in a new text section.

**An updated edition [November 22, 2011] was emailed to the various stakeholders that have been involved in the discussion of revisions on November 23, 2011. The version presented with this staff report is dated December 12, 2011 and differs from the 11/22/11 version due to minor housekeeping and formatting revisions.**

### **Staff Recommendation**

Staff recommends that the Planning Commission consider the proposed revisions and forward a recommendation for approval of the proposed amendments TA-3-3-10 [*December 12, 2011 Edition*] to Chapter 20, Article 8 of the Land Development Code to the City Commission and Chapter 11, Article 1 of the County Code to the County Commission for consideration and action.

## **PLANNING COMMISSION REPORT** **Regular Agenda -- Public Hearing Item**

PC Staff Report  
10/26/11

### **ITEM NO. 7: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (SMS)**

**TA-3-3-10:** Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11.*

**RECOMMENDATION:** Staff recommends that the Planning Commission consider the proposed revisions and forward a recommendation for approval of the proposed amendments TA-3-3-10 to Chapter 20, Article 8 of the Land Development Code to the City Commission and Chapter 11, Article 1 of the County Code to the County Commission for consideration and action.

**Reason for Request:** Revisions initiated in response to Chamber of Commerce request for changes regarding processing steps between Preliminary and Final Plats. Review of Article expanded to address consistency and readability issues following several years of use with the regulations since adoption in December 2006.

#### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- 07/01/09 Chamber of Commerce letter – initial request
- 06/17/11 Productive joint meeting – staff & members of development community
- Attachment – 07/25/11 Staff Memo – Overview of proposed revisions

#### **OVERVIEW OF PROPOSED AMENDMENT**

The primary purpose of the initial amendment request was to provide criteria and thresholds in the regulations which would allow minor changes between preliminary plat approval and final plat submission. Process issues relating to dedication of easements at preliminary plat stage or by separate instrument with minor subdivision approvals were also identified for improvement. After several years working with the regulations as adopted in 2006, staff was of the opinion that the sequence/process outlined for subdivision of property needed improvement as well.

The majority of remaining revisions were related to formatting of the document in terms of where information was located, the repetitive nature of several sections, and inconsistencies throughout the Article. The specific changes are identified below.

#### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

*Horizon 2020* recognizes the importance of having up-to-date development regulations in order to implement the goals and policies identified in the plan. The plan notes the need for regulations to be frequently reviewed to respond to changing conditions, unforeseen needs and/or new policies. Clear, streamlined development regulations improve the environment for both property owners and potential investors in the community.



## **CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

### **1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

The Chamber letter identifies the omission of any standards with which to judge whether a Final Plat is *consistent with, conforms to, or substantially complies with* an approved Preliminary Plat. The proposed amendment adds criteria to Section 809/1109 which provides various triggers or thresholds that can be used to determine whether a submitted Final Plat is in substantial compliance with the approved Preliminary Plat and may be processed without further review by the Planning Commission.

As noted below, a number of the proposed revisions address either errors or inconsistencies that have been identified by Staff or the public since the adoption of these regulations. As described, the majority of these changes are proposed for readability and usability of the document.

Changes in the Certificate of Survey sections are the result of changing conditions. After working with the regulations for five years, Staff has found that the Large Parcel Property Divisions in the UGAs are not utilized and would encourage more curb cuts to township roads. Therefore, changes are proposed to expand the ability to utilize the Cluster Development process for land divisions within the UGAs. Changes to standards for this type of rural development have also included suggestions from members of the development community who have worked with the regulations in the last several years.

### **2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

*Horizon 2020* supports the continual review of development regulations. The plan notes the need for regulations to be frequently reviewed to respond to changing conditions, unforeseen needs and/or new policies. Clear, streamlined development regulations improve the environment for both property owners and potential investors in the community.

The proposed amendments are intended to enhance the general welfare of the community and are consistent with the stated purpose of the Development Code.

## **Staff Review**

As noted above, Staff has been working over the last year to address issues initially raised by the Chamber of Commerce and to address numerous items identified internally as Staff has utilized the regulations since adoption in 2006. Staff provided updates to the Planning Commission in August 2010, February 2011, May 2011 and July 2011 which included a brief list highlighting both Substantive and Housekeeping Changes. Throughout the Article, a number of the revisions are to provide the existing text in a list format, rather than long paragraphs for ease in reading. Existing regulatory statements included in term definitions have been relocated to appropriate sections. Terms not used in the body of the Article have been deleted and defined terms have been highlighted in Blue as provided in the remainder of the Development Code. The revisions also include the amendments adopted in December 2010 that were included in the Environmentally Sensitive Lands text amendment (TA-06-12-08) which have not yet been incorporated into the printed code. Below is a section by section summary of the revisions as shown in the *October 26, 2011 Draft Subdivision Regulations*.

### **Section 20-801/Section 11-101 General**

Revisions were made in (d) *Exemptions* to include the common terms *'Boundary Line Adjustment'*, *'Correction Survey'* and *'Homestead Exemption Survey'* which are terms used in recent years to describe common surveys filed in association with Unincorporated Area land transfers.

Revisions were made in (e) *Vested Rights* to indicate the status of Nonconforming Lots or Parcels consistent with a draft Code Interpretation that Staff has been utilizing to determine when development parcels are subject to the Subdivision Regulations and must be platted or replatted as part of a proposed development process. Changes in this section also include another reference to the *'Homestead Exemption Survey'* and clarify that a *Land Combination* does not increase the number of building permits a property is eligible to receive. This requirement was previously stated only in the Definitions section of the Article.

### **Section 20-802/Section 11-102 General Review and Approval Procedures**

Revisions include updates to reflect current practice (receiving submissions in electronic format) and changes made in later sections of the Article. The principle change is the addition of a section for Notice Procedures which were omitted in the adopted version. This section is modeled after the Notice Procedures in Article 13 of the Land Development Code.

### **Section 20-803/Section 11-103 Property Divisions in Service Area 1, Lawrence UGA**

No substantive changes.

### **Section 20-804 and Section 20-805/Section 11-104 and Section 11-105 Cluster Developments and Large Parcel Property Divisions in the UGAs**

During the review process, County Zoning and Legal Staff suggested the need to make changes to the Land Division options for properties in within an Urban Growth Area. In the five years following adoption of these regulations, there have only been two divisions completed through these processes in the UGA. Staff has found that the Cluster Development process was narrowly written and the Large Parcel Property Division process forced more curb cuts to township roads. The proposed revisions eliminate the Large Parcel process and expand the Cluster Development to any properties more than 20 acres in size within a UGA.

The proposed changes to the Cluster Development process include suggestions from the development community regarding the layout/location of the cross access easement in relation to the Immediate and Future Development Areas. The revisions also include Legal Staff suggestions regarding the applicability of the Temporary Set Aside Agreements to the Immediate Development Areas, as well as the Future Development Areas.

Section 805/105 has been reserved for future use (and to eliminate the need to renumber the remaining sections).

### **Section 20-806/Section 11-106 Property Divisions in the Rural Area**

The County Sanitary Code requires parcels proposed for development and served with publicly treated water to contain a minimum of three acres to accommodate an on-site sewer management system. The regulations state that property divisions in accordance with the subdivision regulations must contain three acres outside of the floodplain. Sections 804/104 and 805/105 contain specific language which requires the minimum parcel size for RDPs to exclude property within the floodplain. This specific restriction is not identified for property divisions in the Rural Area. The amendments propose to specifically include this requirement so that the regulations are consistent throughout the county.

### **Section 20-807/Section 11-107 Certificate of Survey, Administrative Review Procedures**

All application requirements that were stated in Sections 804/1104, 805/1105 and 806/1106 were relocated to this section so that they were only stated once. Revisions also include restating the requirement for Health Department approval of Certificate of Surveys prior to approval since this requirement had only been stated in Section 811/1111 which did not clearly apply to the Certificate of Survey process.

A section was also added to provide a 24 month approval for Certificate of Surveys and to include a process for requesting extensions similar to that provided in the Land Development Code.

### **Section 20-808/Section 11-108 Minor Subdivisions/Replats**

The Minor Subdivision process has been expanded to allow Replats of property divisions in more situations than currently are permitted. The process will allow lot line adjustments or mergers that do not increase the total number of lots even if the property has previously been part of a Minor Subdivision. This change provides an administrative review of the proposed divisions/mergers, but streamlines the review process to reduce the amount of time involved.

The proposed revisions also provide an opportunity to dedicate or vacate easements or rights-of-way with a Minor Subdivision/Replat by placing the application on a governing body agenda for action. Since the governing bodies meet weekly, this action can be efficiently accommodated in the administrative review period. The proposed process also includes a mailed notice provision prior to placement on the governing body's agenda for action. Having easements dedicated and shown graphically on replats is considered more useful to end users than having easements dedicated and recorded separately.

The amendments also include a section indicating a 24 month approval period and a process for requesting extensions similar to that provided in the Land Development Code.

### **Section 20-809/Section 11-109 Major Subdivisions**

Proposed revisions specifically identify that the term 'Major Subdivision' is the overall process that involves two steps: Preliminary Plats and Final Plats. The content required for both preliminary and final plats has been moved from Section 812/1112 so that both process and content information is located in the same place in the Article. This is considered a usability improvement for both preparers and reviewers of subdivision plats.

The requirement to show surveyed topographic data on a Preliminary Plat has been revised to limit the survey requirement to areas where land disturbance has taken place. This revision is in response to development community concerns that the existing requirement was costly and too restrictive.

The revisions include a reference to Mailed Notice requirements for applications which had been inadvertently omitted from the adopted regulations.

The current regulations require dedication of all easements with the approval of the Preliminary Plat. Following design of public improvements, easements often need to be revised which has required additional processing and review of a revised Preliminary Plat. The proposed amendments defer dedication of interior easements until the Final Plat stage and only require that perimeter easements for the entire subdivision be dedicated with the first Final Plat phase. The process changes for dedication of rights-of-way and easements mean that the Planning Commission will continue to approve Preliminary Plats and Final Plats will be administratively approved, but dedications will be considered by the Governing Body during the Final Plat review process. Final Plats will be placed on

the Governing Body's agenda for acceptance of easements and/or rights-of-way prior to recording the Final Plats. By this time in the process, public improvement plans have been reviewed and easements are more precisely determined.

In Section *(l) Final Plat Contents*, a statement regarding the completion of required Public Improvements has been moved from Section 811/1111 to emphasize that improvements must be designed to the degree that reasonable cost estimates for guarantee can be provided when the Final Plat is submitted for review and prior to recording the plat. Having public improvement plans at this design level provides a level of assurance that easements and rights-of-way are correctly located and sized to serve the development and that financial assurances are provided prior to lots being sold after plat recordation. In Staff's opinion, this is a critical issue with the review of Final Plats and prior to their recordation and it is important to emphasize this requirement in the regulations.

This section also includes the majority of the requested changes from the Chamber of Commerce, specifically in sub-section *(m) Final Plat – Review and Action by the Planning Director*. Standards have been provided to evaluate a Final Plat's substantial compliance with the approved Preliminary Plat. Including these standards that allow for some degree of change between Preliminary and Final Plat stages, allows for minor revisions that do not require additional process time and a second review through the Planning Commission.

The section also increases the approval time period for Preliminary and Final Plats from 18 months to 24 months to align the approval period with the other development applications in the Development Code. This consistency is considered a usability improvement so that all applications have the same approval periods and processes for extensions.

### **Section 20-810/Section 11-110 Subdivision Design Standards**

This section has been modified to separate City and County requirements for ease in reviewing which standards apply. Design standards that currently are located in the Subdivision Improvements section (811/1101) have been moved to this section. Design standards that specify information to be shown on a plat have been moved to the 'contents' section of the respective plat section. Design standards that are currently listed within definitions have been moved to this section.

Section (e)(2)(iv) regarding the requirement for two access points to subdivisions over a certain size has been revised. The existing text conflicts with the International Fire Code. The proposed language simply references the adopted IFC requirements so as not to create an internal conflict between the codes.

After consultation with both the City and County Engineers, staff has proposed eliminating specific cross section construction requirements for streets and roads that currently are specified in Section (e)(5) and have instead provided references to standards used by the City and County Engineering departments.

Currently the regulations in Section *(i) Parks, Open Space, Schools and Other Public Facilities* includes a statement *'encouraging or requiring' the donation of 5% of the land area of a residential subdivision plus a fee of \$600 per lot for each single-family dwelling lot*. As written, this section has been determined to be unenforceable and vaguely worded. During the review of subdivision plats, staff works with the developer to identify potential open space areas that may be environmentally sensitive lands. The code amendments adopted in December 2010 provide the basis for retaining some of these natural features as part of the subdivision design. At this time, this method is preferable to a specific percentage dedication. The concept of park impact fees has not yet been accepted by the governing

body and, as worded, the existing code language would only apply to one segment of residential lots which does not seem equitable. Therefore, staff has recommended that this text be eliminated from these regulations at this time.

### **Section 20-811/Section 11-111 Public Improvement Standards**

Throughout this section, Public Improvement Standards that apply differently to city or county subdivisions have been listed separately. As in the previous section, where Public Improvement Standards were located in the Design Standards section, they have been relocated to this section.

In this section, the term 'waivers' has been deleted so that 'variances' from Design Standards or Public Improvement Standards are the consistent mechanism used. The Planning Commission is specified as the approval body for all of these variances (except the wastewater standards in Section 813/1113 specifically required by the governing body).

The existing regulations inadvertently omitted standards for city wastewater and water utility improvements that had been stated in the previous subdivision regulations. Sections (d) and (e) have been updated to include this previous text and to provide a reference to the City's Administrative Policies regarding review of proposed improvements to the infrastructure system.

A common review comment from private utility providers has been to inform the applicant that the developer is responsible for the cost of relocation of any existing utilities. This comment has been added to section (f) to provide up-front notice to designers and owners regarding this development cost.

### **Section 20-812/Section 11-112 Contents of Plats**

The contents of this section have been moved to Section 809/109 so that both process and content of preliminary and final plats are provided in one section of the Article. This was a revision identified by Staff to improve the ease in which users can access the information either in preparing or reviewing plats.

The section has been reserved for future use (and to eliminate the need to renumber the remaining sections).

### **Section 20-813/Section 11-113 Administration and Enforcement**

The revisions in this section reference the changes made in previous sections regarding process revisions. A reference is also provided in the city building permit section to the Nonconforming Lots provisions of the Development Code to clarify when property is eligible for development.

### **Section 20-814/Section 11-114 Building Setbacks, Enforcement, Exceptions**

No substantive changes.

### **Section 20-815/Section 11-115 Interpretations, Rules of Construction and Definitions**

The introductory portion of this section has been updated to include text similar to Article 17 of the Land Development Code regarding permissive and mandatory terms. A reference has also been provided to the Floodplain Management articles in the Development Code and the County Zoning Regulations so that all floodplain terms deleted from this Article are still defined elsewhere in the respective codes. Eliminating duplication is helpful so that when updates are made in the future multiple articles do not need to be revised and future inconsistencies can be avoided.

Terms not used in the Article have been deleted unless those definitions were considered helpful to the general discussion of the subdivision process. Where regulatory language was found in definitions, it has been moved to the appropriate section of the regulations. In several places, alternate definitions have been provided for consideration if the given definition is not consistent with the definition found in either the County Zoning Regulations or the Development Code. Several definitions have been identified for future amendments to those documents for consistency.

### **Conclusion**

Attached is the draft language in the code sections. Deleted text is shown as ~~strikethrough~~ and new or relocated text is shown in green font. **Bold green** or **blue** text typically indicates new text rather than relocated text. Due to the multiple drafts of this Article, some previously suggested text may be shown as ~~green strikethrough font~~. The text proposed for Section 809/1109 is shown in **red text**. Throughout the document, staff has changed defined terms to **Blue Font** even if found in a new text section.

*[Editor's Note – Staff is still struggling with formatting and indentation throughout the document. Please bear with us. Staff has tried to identify defined terms and change them to blue font where they are appropriate to the context. An occasional term may have been overlooked.]*

### **Staff Recommendation**

Staff recommends that the Planning Commission consider the proposed revisions and forward a recommendation for approval of the proposed amendments TA-3-3-10 to Chapter 20, Article 8 of the Land Development Code to the City Commission and Chapter 11, Article 1 of the County Code to the County Commission for consideration and action.

Memorandum  
City of Lawrence  
Douglas County  
Planning & Development Services

**TO: Planning Commission**

**FROM: Sheila M. Stogsdill, Assistant Director**

**CC: Scott McCullough, Director**

**Date: For July 25, 2011 Commission Meeting**

**RE: Item No. 3 - TA-3-3-10: Text Amendment to City/County  
Subdivision Regulations Update**

In 2010, Staff began work on revisions to the City/County Subdivision Regulations to address issues requested by the Chamber of Commerce regarding processing steps between Preliminary and Final Plats. That work continues and has expanded to include consistency issues throughout Article 8. Staff held a work session with development consultants in June to review and discuss the proposed changes. A very productive meeting and several written comments have resulted in more revisions to address specific issues. Proposed revisions include 'housekeeping' items as well as more substantive changes.

The attached DRAFT is still a working document. A number of specific issues related to divisions of property in the Unincorporated Areas of the County have been identified and staff has begun to work through them. In this DRAFT, Sections 20-804, 805, 806 & 807 have been highlighted in grey with an indication that they are still under construction.

The majority of changes are listed in the overview below. The document still requires more formatting and defined terms need to be shown in **Blue Font**. Proposed text changes are shown in **green** or **red** font (bolding is not necessarily significant). Staff has identified several issues that are still outstanding through the comments in the right margins. We appreciate additional public comment and Planning Commission direction. At the meeting this month, Staff will walk through the proposed amendments and ask for comment. Action will occur at a future public hearing.

The following is an overview of the proposed revisions:

### **Housekeeping**

1. Identified all defined terms in Blue Font
2. Readability – reformatted long paragraphs into outline list form
3. Addressed subdivision regulations applicability to non-conforming lots (still needs work)
4. Updated application materials to include electronic submission
5. Changed processing time to be consistent with number of days in Development Code
6. Updated terms to be consistent with the recent Sensitive Lands text amendment
7. Moved regulatory language in some definitions into relevant sections
8. Updated process/application info to reflect current practice (certificate of mailing not from Post Office)
9. Provided format and content consistency in Certificate of Survey sections by putting similar info in similar sections and moving application requirements to 807 rather than repeating in each section
10. Changed reference to Major Thoroughfares Plan to Major Thoroughfares Map
11. Added in notice requirements in 802 similar to what is in Article 13 in the Development Code
12. Provided the introductory language for the definitions section in 815 that is similar to Development Code and County Zoning Regulations text

### **Substantive Changes**

1. Based on County Staff input, revised the parcel size allowed for Cluster Developments in 803 and either eliminate or restrict Large Parcel Property Divisions in 804 (this section has not been used in 5 years and requires direct access to county roads contrary to the adopted Access Management Policy) (still needs work)
2. Permit Replats through Minor Subdivision process, so all of them do not need to go back through 2-step process
3. Permit dedication or vacation of easements and r/ws by placing a Replat on a Governing Body agenda for acceptance/vacation
4. Require dedication of all perimeter r/w for a Preliminary Plat with the first Final Plat, if phased in 809(h) [in place of all easements and r/ws dedicated with Preliminary Plat]
5. Created provision for new 'file' copy of a revised Preliminary Plat [809(k)(4)] when revisions proposed on Final Plat are in substantial conformance with the approved Preliminary Plat [809(m)(2)(i)] and created criteria for determining substantial conformance
6. Added in step to take Final Plat to Governing Body for acceptance of easements and r/ws in overall process (rather than at Preliminary Plat stage)
7. Moved all of the Plat Contents to 809 so that the list is located with plat process rather than referring back to 812
8. Separated the Design Standards [810] from the Public Improvement Standards [811]



9. Modified process for annexation of r/w for boundary line roads through annexation agreements where full r/w is not under owner's control
10. Identified where definitions are not consistent with definitions in the Development Code or County Zoning Regulations
11. Eliminated numerous terms defined in the definitions section but not used in the Article (several terms are listed with standard dictionary definitions and do not seem to be necessary)

**RECOMMENDATION:** Staff recommends that the Planning Commission receive public comment on the draft amendments and provide direction to Staff. Action on the proposed amendments will occur at a future public hearing.



7/01/2009

Scott McCollough, Director  
Lawrence-Douglas County Metropolitan Planning Office  
City of Lawrence  
Lawrence, Kansas 66044

RE: Code Modifications

Dear Scott,

As you are aware, the developer committee of the Chamber has been meeting to discuss zoning code and subdivision regulations that we think directly affect the ability to develop or redevelop land in Lawrence and in Douglas County. You and your staff have taken on a similar effort that has already produced positive results in code modifications that will benefit future development proposals.

To that extent, we have several ideas that we would like to offer for consideration. These ideas all surround the topic of platting property. In general, we realize this is a significant issue to tackle; however, there are several smaller steps that could be addressed in the near term that may make land development easier while we are waiting on the opportunity to examine platting in a broader context.

The following language revisions to the Subdivision Regulations is an idea that would give the Planning Director more latitude in allowing final plats to proceed even though they do not identically mirror the approved preliminary plat. We believe the language also addresses changes to the preliminary plat as a means to "dedicate" easements and rights-of-way even with modifications to the final plat as submitted.

The first idea is the relationship of the preliminary plat to the final plat. As currently written, the Code equips neither the applicant, nor the City Planning Director, with the ability to produce/approve a Final Plat that is not literally identical to the associated, previously

approved Preliminary Plat. Acknowledging the fact that a Preliminary Plat is by definition a “preliminary” document, it is normal and reasonable to expect minor differences between an approved concept (Preliminary Plat) and the legally binding instrument that formally subdivides property (Final Plat).

Per today’s Code, the Planning Director alone has the power to administratively approve a Final Plat. However, today’s Code also implies that any difference between the Preliminary Plat and Final Plat will result in re-submittal and re-hearing of the previously approved Preliminary Plat, prior to approval of the Final Plat. This process is further complicated by the “dedication” of easements and rights-of-way at the Preliminary Plat stage. Also, while the Code uses terms such as “consistent with the Preliminary Plat”, “conforms to the Preliminary Plat” and “substantially comply with the Preliminary Plat” as the basis upon which the Planning Director *shall* approve the Final Plat, no definition of these terms is provided.

We propose to amend Sec. 20-809(l) for the purpose of defining acceptable variations between the Preliminary and Final plats which include reasonable changes to easements and/or rights-of-way. Additionally, this report proposes consistent, defined terminology as a basis for the Planning Director’s approval of a Final Plat. Deleted items are shown with ~~struck~~ text and proposed amendments in **bold red**.

#### **(l) Final Plat – Review by Planning Director**

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- (1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission **and prior to approval of public improvement plans**, the Subdivider shall have prepared for recording a Final Plat, which is consistent with the action of the Planning Commission and with the formatting and content requirements of Section 20-812(b). The Planning Director shall review the Final Plat for incorporation of the Planning Commission’s recommendations **and comments** and to insure that the Final Plat is in the required format.
- (2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-812(b) and is ~~consistent in substantial compliance~~ **consistent in substantial compliance** with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the **Final** Plat and attach to it a formal certification that the submitted Final Plat:
  - (i) ~~Conforms to~~ **Is in substantial compliance with** the Preliminary Plat previously approved by the Planning Commission;  
**The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:**

- a) No change.
- b) Increase or reduction, less than or equal to ten percent, of the number of proposed lots, parcels or tracts shown within the equivalent portion(s) of the Preliminary Plat.
- c) Adjustments to rights-of-way lines, easement lines and/or property lines in accord with applicable street classification standards, easement width and location criteria, the Subdivision Regulations, dimensional and lot area requirements, density requirements, and with variances and/or waivers which may have been granted with previous approval of the equivalent portion(s) of the Preliminary Plat.
- d) Preservation of the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors.
- e) Determination by the Planning Director as to whether above-described changes, if applicable, are required to be retroactively included in a revised Preliminary Plat for Planning Office records.

(ii) Satisfies any conditions of approval imposed by the Planning Commission;

(iii) Includes the same Dedications accepted by the Governing Body, subject **only** to minor technical adjustments **as described in (I)(2)(i)(a) through (e), above;**

(iv) Satisfies any conditions of acceptance of Dedications imposed by the Governing Body;

(v) Represents a plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided; and

(vi) Is otherwise consistent with the requirements of this Article for a Final Plat.

(3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.

(4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the Dedications shown on the Preliminary Plat and accepted by the appropriate Governing Body, **subject to (I)(2)(i)(a) through (d), above**, the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting for further consideration in accordance with the Preliminary Plat review and action provisions of Section 20-804(e)(2).

- (5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and ~~consistency~~ **substantial compliance** with the approved Preliminary Plat shall constitute Planning Commission approval of the Final Plat. No further action by the Planning Commission shall be necessary or required.

A second idea is to remove entirely the concept of dedication of easements and rights-of-way in the Preliminary Platting stage and simply have the final plat, upon review and approval of the Planning Director, only go before the City commission as a non-public hearing item. This could be accomplished by removing Section 20-809 (h) (iv) and Section 20-809 (i) from the Subdivision Regulations and modify Section 20-809 (l) (as written above) to simply include the submittal requirements, Planning Director review and the process to take the final plat to the City Commission.

Finally, we request the site plan review process have a defined time schedule. Nearly all parties interested in developing or redeveloping in Lawrence and Douglas County are primarily concerned with time. Article 13 of the Land Development Code clearly states the Planning Director is to promulgate processing cycles for applications to the Planning Office. I believe this is manifested in the Meeting and Submittal Deadlines schedule produced annually by the Planning Office. We suggest this schedule include a comment regarding the time commitment by the City of Lawrence for all site plans. Suggested language could be:

“Site plans can be submitted weekly. Review comments shall be returned within 15 calendar days and final comments/approval within 15 calendar days following submittal of revised plans per original review comments.”

Thank you for your consideration.

Sincerely,

Tom Kern  
President/CEO  
Lawrence Chamber of Commerce

Cc Mayor Rob Chestnut  
City Manager Dave Corliss

RECEIVED

DEC 12 2011

City County Planning Office  
Lawrence, Kansas

December 11, 2011

Mr. Richard Hird, Chairman  
Members  
Lawrence-Douglas County Metropolitan Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: ITEM NO. 6: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (SMS)

Dear Chairman Hird and Planning Commissioners:

The following text amendment to the Subdivision Regulations is being proposed for Section 20-806 Property Divisions in the Rural Area (Outside the UGAs). The proposed modifications are shown in green font.

**(b) Definitions**

When used in this Section **20-806**, the following terms have the following meanings:

- (1) **Original Tract** – shall be composed of a **Parcel** or a combination of all adjacent **Parcels** under a single ownership [not separated by public **Right(s)-of-Way**] that share common boundary lines **or two separate ownerships that share a common boundary line**, from which **for the purpose of creating a Parent Parcel** is created.

We are concerned about this proposed new wording because it changes the original purpose of creating parent parcels in cases where contiguous land under single ownership had been subdivided into separate parcels. Under these circumstances the boundary shifts or eliminations are for the purpose of creating a larger tract under the original ownership. The purpose of creating these parent parcels originally was to preserve farmland in large tracts while at the same time allow some subdivision (generally two smaller parcels, sometimes three) for residential use.

By allowing neighboring landowners to “shift boundaries” this opens up an entirely different situation. If limits are not placed on how often, how much, or how many of these so-called boundary shifts are allowed, the whole intention of allowing the residential subdivision within twenty-acre parcels will be subverted. It should be recognized that these boundary changes are actually subdivisions and property transfers for future residential development.

We ask that this definition be corrected to place limits on these boundary shifts between separate landowners, if in fact it is to be permitted to create parent parcels for the purpose of further subdivision for residential parcels.

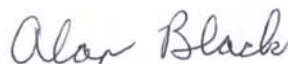
This is a difficult issue to understand and we hope that you will not approve this change as it has been proposed in this text amendment.

Thank you for considering this issue. We also thank the staff for their changes to these regulations in response to our previous letter on this text amendment.

Sincerely yours,



Caleb Morse  
Secretary and Board Member



Alan Black, Chairman  
Land Use Committee

**From:** Bobbie Flory [<mailto:bobbie@lhba.net>]  
**Sent:** Thursday, December 15, 2011 11:57 AM  
**To:** Bradley R. Finkeldei  
**Cc:** [sstogsdill@lawrenceks.org](mailto:sstogsdill@lawrenceks.org)  
**Subject:** Subdivision Regulations

Hi Brad,

I was unable to attend the PC meeting on Monday but did have a chance to listen to the discussion online. I wanted to tell you that your comment was exactly right – the reason you didn't see anyone there to make comments on the Subdivision Regulation changes was because Sheila did such a great job communicating with everyone. She made the effort to seek input from the development community and really listened to the basis for their suggestions. She was able to accommodate most, if not all, of the suggestions. I am only disappointed that I was unable to make this statement publicly at the PC meeting because Sheila deserved the recognition from the development community. I'll get a letter into the CC when this is on their agenda.

Thanks for all your time and effort on the Planning Commission.

Bobbie Flory  
Lawrence Home Builders Association  
P.O. Box 3490  
Lawrence, KS 66046  
(785) 748-0612 – office  
(785) 748-0622 – fax  
(785) 331-9410 – cell  
[bobbie@lhba.net](mailto:bobbie@lhba.net)  
[www.lhba.net](http://www.lhba.net)

**INCORPORATION BY REFERENCE**  
**JANUARY XX, 2012 EDITION**  
**SUBDIVISION REGULATIONS**  
**for**  
**Lawrence**  
**and**  
**the Unincorporated Areas**  
**of Douglas County, KS**

**Regulations Governing Land Divisions**  
**in the City of Lawrence and**  
**the Unincorporated Areas of Douglas County,**  
**Kansas**

**Chapter 20, Article 8 of the Lawrence Development Code**  
**AND**  
**Chapter 11, Article 1 of the Douglas County Code**

December 19, 2006 Edition  
Amended: 09/11/07; 12/04/07; 03/25/08; 09/10/08  
Amended: January 6, 2009



Approval and Amendment Dates:

**Original December 19, 2006 Edition**

**Ordinance 8064/Resolution 06-41, published December 31, 2006**

Approved by Lawrence City Commission on December 19, 2006

Approved by the Board of Douglas County Commissioners on December 20, 2006

**Amended September 11, 2007:**

**Joint Ordinance/Resolution No. 8193, published November 9, 2007**

Approved by the Board of Douglas County Commissioners on September 10, 2007

Approved by the Lawrence City Commission on September 11, 2007

**Amended December 4, 2007:**

**Joint Ordinance No. 8230/Resolution 08-03, published January 28, 2008**

Approved by the Board of Douglas County Commissioners on November 14, 2007

Approved by the Lawrence City Commission on November 20, 2007 and December 4, 2007

**Amended March 25, 2008:**

**Joint Ordinance No. 8255/Resolution 08-14, published April 25, 2008**

Approved by the Board of Douglas County Commissioners on November 14, 2007

Approved by the Lawrence City Commission on March 25, 2008.

**Amended September 10, 2008:**

**Joint Ordinance No. 8301/Resolution 08-41, published September 27, 2008**

Approved by the Board of Douglas County Commissioners on September 3, 2008

Approved by the Lawrence City Commission on September 9, 2008.

**Amended January 6, 2009:**

**Joint Ordinance No. 8364/Resolution 09-06, published February 28, 2009**

Approved by the Board of Douglas County Commissioners on February 11, 2009

Approved by the Lawrence City Commission on February 10, 2009.

**Amended December 8, 2010**

**Joint Ordinance No. 8317/Resolution 10-30, published**

Approved by the Board of Douglas County Commissioners on December 8, 2010.

Approved by the Lawrence City Commission on December 7, 2010.

Official Copy as Adopted by Ordinance No. 8690 and Resolution 12- **xx**.

\_\_\_\_\_  
/s/ Jonathan Douglass City Clerk

January XX, 2012

date of publication

\_\_\_\_\_  
/s/ Jameson D. Shew, County Clerk

January XX, 2012

date of publication

**ORDINANCE NO. 8690**

**RESOLUTION NO. \_\_\_\_**

**A JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, AMENDING CHAPTER 20, ARTICLE 8 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2012 EDITION, AND AMENDMENTS THERETO, AND CHAPTER 11, ARTICLE 1 OF THE CODE OF DOUGLAS COUNTY, KANSAS, AND AMENDMENTS THERETO, PERTAINING TO SUBDIVISION REGULATIONS, BY ADOPTING AND INCORPORATING BY REFERENCE “SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS, JANUARY 10, 2012, EDITION,” AND REPEALING THE EXISTING ARTICLES AND SECTIONS.**

**WHEREAS**, pursuant to K.S.A. Chapter 12, Article 7, K.S.A. 19-101a, granting Home Rule powers to counties, and Article 12, Section 5, of the Kansas Constitution, granting Home Rule powers to cities, the City of Lawrence, Kansas (“City”), and Douglas County, Kansas (“County”), are enabled and authorized to adopt and to amend, by ordinance and by resolution, planning and zoning laws and regulations, including Subdivision Regulations;

**WHEREAS**, by Ordinance No. 8064 and Resolution No. 06-41, respectively, the governing bodies of the City and the County jointly adopted “Subdivision Regulations for Lawrence and Unincorporated Areas of Douglas County, Kansas, December 19, 2006, Edition,” which was incorporated by reference into and codified at Chapter 20, Article 8 of the Code of the City of Lawrence, Kansas, 2006 Edition, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto, and which Subdivision Regulations govern the subdivision of land within the City and the unincorporated areas of the County;

**WHEREAS**, on February 16, 2010, the City’s governing body directed the Lawrence-Douglas County Planning Office to prepare a text amendment, TA-3-3-10, proposing certain amendments to the Subdivision Regulations established at Chapter 20, Article 8 of the Code of the City of Lawrence, Kansas, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto;

**WHEREAS**, on May 23, 2011, at the request of the Lawrence-Douglas County Planning Office, the Lawrence-Douglas County Metropolitan Planning Commission re-initiated and expanded the text amendment, TA-3-3-10, to propose certain additional amendments to the Subdivision Regulations established at Chapter 20, Article 8 of the Code of the City of Lawrence, Kansas, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto;

**WHEREAS**, on December 12, 2011, after due and lawful notice had been given in accordance with K.S.A. 12-749(d), the Code of the City of Lawrence, Kansas, and the Code of Douglas County, Kansas, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on TA-3-3-10;

**WHEREAS**, at the December 12, 2011, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, weighed the evidence adduced at the public hearing, reviewed the decision-making criteria set forth at City of Lawrence, Kan., § 20-1303 (Jan 1, 2011), and voted to recommend to the governing bodies of the City and the County that they approve TA-3-3-10;

**WHEREAS**, at its January 4, 2012, public meeting, the governing body of the County considered TA-3-3-10 and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission; and

**WHEREAS**, at its January 10, 2012, public meeting, the governing body of the City considered TA-3-3-10 and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:**

**SECTION 1:** The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

**SECTION 2:** The governing bodies of the City and the County hereby find that TA-3-3-20, as it amends “Subdivision Regulations for Lawrence and Unincorporated Areas of Douglas County, Kansas, December 19, 2006, Edition,” and as recommended for approval by the Lawrence-Douglas County Metropolitan Planning Commission, satisfies all statutory requirements, meets with their approval, and is hereby adopted.

**SECTION 3:** Chapter 20, Article 8, “Land Development Code of the City of Lawrence, Kansas,” Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, and Chapter 11, Article 1 of the Douglas County Code, and amendments thereto, are hereby amended:

There is hereby adopted and incorporated herein by reference, as if fully set forth herein, for the purpose of amending Chapter 20, Article 8, “Land Development Code of the City of Lawrence, Kansas,” Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, and Chapter 11, Article 1 of the Douglas County Code, and amendments thereto, “Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition,” as prepared and published by the Lawrence-Douglas County Metropolitan Planning Office.

**SECTION 4:** Two copies of “Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition,” shall be marked “Official Copy as Adopted by Ordinance No. 8690 and Resolution No. 12-\_\_” and one copy shall be filed, together with one copy of this ordinance, each with the City Clerk and the County Clerk. The City Clerk and the County Clerk shall make the “Official Copy as Adopted by Ordinance No. 8690 and Resolution No. 12-\_\_” open to the public and available for inspection at all reasonable office hours. One additional copy of the “Official Copy as Adopted by Ordinance No. 8690 and Resolution No. 12-\_\_” shall, at the cost of the City of Lawrence, Kansas, be made available to the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas.

**SECTION 5:** "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition," shall be codified at Chapter 20, Article 8, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, as a supplement to the City Code, and at Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto. (For the purposes of codification in the Code of Douglas County, Kansas, the first two digits of each section shall be changed from 20 to 11 and the third digit (the first digit following the hyphen) shall be changed from 8 to 1. Thus, section 20-801 will be codified as section 11-101 in the Code of Douglas County, Kansas).

**SECTION 6:** Chapter 20, Article 8, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto, are hereby repealed in their entirety, it being the intent of the governing bodies that this joint ordinance and resolution, adopting and incorporating by reference "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition," supersede the repealed code provisions.

**SECTION 7:** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 8:** This joint ordinance and resolution shall take effect and be in force after its passage by the governing bodies of the City and the County and publication as provided by law.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of January, 2012.

**APPROVED:**

\_\_\_\_\_  
Aron E. Cromwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Toni R. Wheeler  
City Attorney

**ADOPTED** by the Board of County Commissioners of Douglas County, Kansas, this \_\_\_\_ day of January, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS**

\_\_\_\_\_  
Jim Flory, Chair

\_\_\_\_\_  
Nancy Thellman, Commissioner

\_\_\_\_\_  
Mike Gaughan, Commissioner

**ATTEST:**

\_\_\_\_\_  
Jameson D. Shew, County Clerk

\*\*\*\*\*

**NOTICE TO PUBLISHER**

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney, and one to the County Clerk.

## Article 8. Subdivision Design and Improvements

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**20-801 General**

**(a) Purpose and Intent**

- (1) The purpose of the [Subdivision Regulations](#) of this Article is to ensure that the division of land, which, in many instances, is an initial step in urbanization, will serve the public interest and general welfare. Since the allocation and arrangement of [Parcels](#) of land for both private uses and public uses helps to influence the health, safety, economy, livability, and amenities of an area, these regulations are intended to:
  - (i) Provide for the harmonious and orderly development of land within the City and the [Unincorporated Area](#) of Douglas County by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related [Easements](#), light and air, and other public needs;
  - (ii) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and
  - (iii) Provide for the conservation and protection of human and natural resources.
- (2) The [Subdivision Regulations](#) of this Article are designed, intended and should be administered to:
  - (i) Ensure that in the City and in the [Unincorporated Area](#) of Douglas County is in accordance with the [Comprehensive Plan](#); any adopted watershed/sub-basin plans, sector or [Neighborhood Plans](#) covering the subject [Subdivision](#); the applicable [Zoning Regulations](#) enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan;
  - (ii) Provide for the conservation of existing neighborhoods and facilitate the development of new neighborhoods;
  - (iii) Prevent the development of substandard [Subdivisions](#) and blighted areas that will be a detriment to the community;
  - (iv) Coordinate the development of each [Parcel](#) of land with the existing community and facilitate the proper of adjoining land;
  - (v) Provide adequate and accurate records of all land [Divisions](#);
  - (vi) Ensure that the cost of [Improvements](#), which benefit primarily the [Tract](#) of land being developed, be borne primarily by the [Owners](#) or [Developers](#) of the subject tract, and that the cost of [Improvements](#) that provide benefits to the subject [Tract](#) and the community as a whole be shared by the [Developer](#) and the community;
  - (vii) Ensure that [Subdivisions](#) are designed and developed in a manner that is consistent with all applicable flood protection and storm water

management regulations and other applicable land use and development regulations of Lawrence and Douglas County;

- (viii) Provide for the efficient arrangement and orderly location of [Street/Roads](#);
- (ix) Encourage the reduction of vehicular congestion and support multi-modal transportation design standards in a manner that supports multi-modal transportation;
- (x) Provide for the reservation or [Dedication](#) of lands for open space and other community facilities;
- (xi) Require the provisions of off-site and [On-Site Public Improvements](#) that are necessary to serve land being developed;
- (xii) Provide for any other services, facilities and [Improvements](#) deemed necessary to serve land being developed; and
- (xiii) Establish [Building Envelope](#) lines.

**(b) Jurisdiction**

---

- (1) The [Subdivision Regulations](#) of this Article shall apply to all lands within the City of Lawrence and the [Unincorporated Area](#) of Douglas County.
- (2) In some cases, different standards are established for lands within the City, the [Urban Growth Areas](#) and the [Rural Area](#). Unless otherwise expressly stated, however, all regulations and standards of this Article shall apply with equal force to land located in incorporated and [Unincorporated Areas](#).

**(c) Applicability**

---

- (1) Unless expressly addressed as an exemption in Section 20-801(d) below, no [Lot](#), [Tract](#) or [Parcel](#) of land shall be divided into two or more parts for the purpose of sale, transfer or [Development](#), whether immediate or future, except through the procedures and in accordance with the standards set forth in this Article.
- (2) For property within the incorporated city limits of Lawrence, no building permit shall be issued unless the property is [Platted](#) as a [Lot of Record](#).
- (3) If subdivision or [Platting](#) of a property is required within the City of Lawrence in order to receive a building permit prior to development, the Subdivider shall [Preliminarily Plat](#) all of their contiguously owned lands that are not [Platted](#).

**(d) Exemptions**

---

- (1) The purpose of this sub-section is to list specifically those divisions and transfers of land that are entirely exempt from regulation under this Article. This sub-section shall be strictly construed, so that any transaction failing in any way to meet one, or more, of the requirements for exemption shall be subject to the full effect of this Article.
- (2) The following divisions and transfers of land are exempt from the requirement that divisions occur only in accordance with the standards and procedures set forth in this Article and may be accomplished by deed or other instrument of transfer without any reference to this Article:
  - (i) A division created exclusively for [Agricultural Purposes](#), when that division does not involve the creation of any new public [Streets](#), public [Roads](#), or public [Easements](#) or residential development;
  - (ii) A division occurring through the sale or transfer of any [Lot](#) that has been legally [Platted](#) in accordance with [Subdivision Regulations](#) in effect at the time of the [Platting](#);
  - (iii) A division used exclusively for cemetery purposes and accessory uses associated therewith;
  - (iv) A division occurring through the transfer of land for use as a [Right-of-Way](#) for widening a [Road](#) or railroad or as an [Easement](#) for public purposes or public utilities, when no new [Street/Road](#) or [Easement of Access](#) is involved;
  - (v) A division of unplatted land in the [Unincorporated Area](#) of the County [commonly utilized with Section 20-801(f)] for the purpose of combination with an existing [Parcel](#) so long as the remaining portion of the unplatted land retains the minimum dimensional requirements for a Certificate of Survey;
  - (vi) A division of 5 acres or greater within the [Unincorporated Area](#) of the County that occurred on or before June 1, 2005 and that was not lawfully created through the Exemptions section of the [Subdivision Regulations](#) in effect at the time of the division, provided said division meets the minimum frontage requirements in the [County's Access Management Standards](#) or provided said division has a minimum frontage of 250' on a [Local](#) or Minor [Collector](#) classified [Road](#);
  - (vii) A correction of a description in a prior conveyance provided that the correcting instrument (commonly called a Correction Survey used to make a [Boundary Line Adjustment](#) between two existing parcels) contains a reference to the original instrument of conveyance by date, book and page and other description. Within a reasonable time after receiving a correction instrument, the Register of Deeds shall deliver a copy of the correction instrument to the [Planning Director](#); or

- (viii) Within the City of Lawrence, the division of land to allow for the sale of individual attached or detached residential [Dwellings](#) in a townhouse development; provided that, the following conditions are met:
- a. The land has been developed with and is occupied by an attached or detached [Dwelling](#);
  - b. The land being divided or transferred under this exemption is covered by a recorded declaration of covenants subjecting the land and [Improvements](#) thereon to procedures and conditions regulating the manner in which [Improvements](#) may be expanded, reconstructed and maintained;
  - c. Prior to recording of the first division for a townhouse development, a development plan, or similar document, shall be recorded at the Register of Deeds showing at a minimum:
    1. The entire townhouse development,
    2. A legal description of the boundaries of the entire development,
    3. Any [Tracts](#) for common ownership, maintenance or use, ponds or drainage areas, and
    4. The intended [Tracts](#), [Parcels](#) or general building locations (along with building numbers or proposed addresses) for division into townhouse units.
  - d. If the declaration allows additional land to be submitted to the townhouse development, the location and description of the additional land shall also be shown.
- (ix) Within the [Unincorporated Area](#) of the County, a division (commonly called a [Homestead Exemption Survey](#)) created to divide off a residential building that existed [On-Site](#) on December 31, 2006, provided that the following conditions are met:
- a. The minimum size of the new [Parcel](#) upon which the residential building is located meets both the County's Sanitary Code requirements for access to a [Potable Water](#) supply and the Height, Area and Bulk Requirements in of the Douglas County [Zoning Regulations](#);
  - b. The [On-Site Sewage Management System](#) is located entirely on the new [Parcel](#) upon which the residential building it serves is located and is in compliance with the County's Sanitary Code requirements; and,
  - c. The new [Parcel](#) on which the residential building is located meets the minimum frontage and entrance spacing requirements established in the [County's Access Management Standards](#).

Such legally created **Parcel** of land on which the residential building is located shall not be subject to further review under this Article, unless or until this **Parcel** is further divided. The remaining **Parcel** is not eligible for a building permit until **Subdivided** in accordance with this Article.

**(e) Vested Rights**

(1) A division of land created in conformance with this Article, or created in conformance with the Exemption section of the previously adopted **Subdivision Regulations** that were in effect prior to December 20, 2006, and said division of land was filed and recorded as a plat of survey, deed, or affidavit of equitable interest identifying the division as a separate **Tract** of real estate at the Register of Deeds office:

- (i) On or before June 1, 2005; or
- (ii) After June 1, 2005, and as of December 31, 2006, provided a division of land made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No. 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the **Governing Body**.

Such legally created **Parcel** shall not be subject to further review under this Article; unless or until it is further divided.

(2) **Lot of Record** or Non-Conforming **Lots/Parcels**

- (i) In the City of Lawrence, a **Lot of Record** or **Parcel** created before the **Effective Date** of this Article that has been maintained in individual ownership, may be used for residential purposes for a detached **Dwelling** or for another use that is allowed in the UR (Urban Reserve) District without further review under this Article, until such **Lot of Record** or **Parcel** is further **Subdivided**.
- (ii) In the City of Lawrence, Nonconforming **Lots/Parcels** that meet the requirements of Section 20-1504 of the Land Development Code may be used in accordance with Article 15 without further review under this Article, until such **Lot/Parcel** is further **Subdivided**.
- (iii) In the City of Lawrence, properties which include partial Lot descriptions or multiple **Lot** descriptions which were created prior to December 19, 2006, are not subject to review under this Article if the property meets the standards of either the zoning district that it was governed by when the property was created or the current zoning district in which it is located unless the development pattern of the property is altered.

- (iv) For property in the **Unincorporated Areas** of Douglas County, a **Lot of Record** or a **Parcel** lawfully created within the A (Agricultural) District, A-1 (Suburban-Home Residential) District, or R-1 (Single-Family Residential) District in the **Unincorporated Area** of Douglas County on or before December 31, 2006, that has been maintained in individual ownership, may be used for residential purposes for a single-family home or for another use allowed within the District the property is located in, without further review under this Article, until such **Lot of Record** or **Parcel** is further **Subdivided**.
- (3) For property in the **Unincorporated Areas** of Douglas County, a **Parcel** created to divide off an existing residential building and grounds from a larger **Parcel** pursuant to Section 20-801(d)(2)(ix) through the recording of a **Homestead Exemption Survey**, when the principal building on the **Parcel** is for single-family residential purposes, shall have no further review under this Article until such **Parcel** is further subdivided only when:
  - (i) The residential building existed on site on or before December 31, 2006;
  - (ii) It is served by a **Potable Water** source located on the **Parcel** that includes the existing residential building improvement;
  - (iii) The **Parcel** conforms with the County's Sanitary Code; and,
  - (iv) That **Parcel** is zoned either A (Agricultural), A-1 (Suburban Home Residential), VC (Valley Channel), or R-1 (Single-Family Residential).
- (4) Upon the recording of a **Final Plat**, development rights in land covered by that Plat shall vest in accordance with K.S.A. 12-764. This vesting shall be effective only so long as the same general category of residential uses is continued; any significant change of use shall subject the property to additional review and the applicability of additional regulations, which may affect some rights that are vested as to the particular use and the particular pattern of development. The development rights for a single-family residential **Subdivision** shall expire in accordance with K.S.A. 12-764.

**(f) Combination of Unplatted Lands in Unincorporated Douglas County**

---

- (1) A vested **Parcel** may be combined with another unplatted **Parcel** and retain the right to a building permit for one principal building for residential purposes on the newly created **Land Combination** provided:
  - (i) A survey of the **Land Combination** is filed at the Register of Deeds; and
  - (ii) All land covered by the survey is owned by the same person or persons; and
  - (iii) The **Owner** requests in writing that the County Clerk combines the constituent **Parcels** for tax parcel purposes.
- (2) A **Land Combination** does not increase the number of building permits a **Parcel** of land has a vested right to receive.

## 20-802 General Review and Approval Procedures

### (a) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this Article may be initiated by all the [Owners](#) of the property that is the subject of the application; or the [Owners'](#) authorized [Agent](#).

### (b) Form of Application

- (1) Applications required under these [Subdivision Regulations](#) shall be submitted in a form and in the numbers of copies required by the [Planning Director](#). All application materials must be submitted in both print and electronic format.
- (2) The [Planning Director](#) shall develop checklists of application submittal requirements and make those checklists available to the public. The application also shall contain all materials required by:
  - (i) Section 20-807(d)&(e) for [Certificate of Survey](#) applications;
  - (ii) Section 20-808(e) for [Minor Subdivision/Replat](#) applications;
  - (iii) Section 20-809(f) for [Preliminary Plat](#) applications; or
  - (iv) Section 20-809(l) for [Final Plat](#) applications, whichever is applicable.

### (c) Pre-application Meetings

All applicants submitting applications for approvals must attend a pre-application meeting with Planning Staff. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 working days before submitting an application.

### (d) Notices

The notice provisions of this section apply to the [Major Subdivision](#) process except as otherwise expressly stated.

#### (1) Content

##### (i) Newspaper and Mailed Notice

All newspaper and Mailed notice shall:

- a. Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. Describe the property involved in the application by street or [Road](#) address or by general description;
- c. Describe the nature, scope and purpose of the application or proposal; and
- d. Indicate where additional information on the matter can be obtained.



(2) **Newspaper Notice**

When the provisions of these [Subdivision Regulations](#) require that “Newspaper Notice” be provided, the [Planning Director](#) is responsible for ensuring notice is published in the official newspaper of the City of Lawrence or Douglas County. The notices shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) **Mailed Notice**

When the provisions of these [Subdivision Regulations](#) require that “Mailed Notice” be provided:

(i) **Owner Notice; Radius**

The official responsible for accepting the application shall mail notice to the record [Owner](#) of the subject property and all [Owners](#) of property located within 200 feet of the subject property if in the City of Lawrence and within 1,000 feet of the subject property if located in the [Unincorporated Areas](#) of Douglas County. If the subject property [Abuts](#) a City limits, the area of notification shall be extended to at least 200 feet inside the City or 1,000 feet into the [Unincorporated Area](#).

(ii) **Notice to Registered Neighborhood Associations**

The official responsible for accepting the application shall mail **or e-mail** notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) **Ownership Information**

The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) **Timing of Notice**

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) **Administrative Processes**

(i) **Minor Subdivision/Replats and Final Plats**

Subdivision or consolidation of property through the [Minor Subdivision/Replat](#) and [Final Plat](#) processes are administrative processes and do not require individual newspaper or mailed notice.

(ii) **Certificates of Survey**

Division of property through the [Certificate of Survey](#) process is an administrative process.

- a. Mailed notice requirements for divisions within the [Urban Growth Areas](#) are provided in Section 20-804.

- b. Mailed notice is not required for divisions located outside of the [Urban Growth Areas](#).
- c. The notice requirements for appeals to [Certificates of Survey](#) determinations are provided in Section 20-807(i).

**(e) Application Processing Cycles**

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Officials responsible for accepting applications may, after consulting with review and decision-making bodies, publish processing cycles for applications. Processing cycles may establish:

- (1) The official date upon which a completed application was submitted;
- (2) Deadlines before consideration;
- (3) Dates of regular meetings;
- (4) The scheduling of staff reviews and staff reports on complete applications; and,
- (5) Any required time frames for action by review and decision-making bodies.

**(f) Application Review and Recording Fees**

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Applications shall be accompanied by the review has been established by the applicable [Governing Body](#). Fees are not required for applications initiated by review or decision-making bodies. Application review fees are nonrefundable. Additional recording fees are required prior to recording approved documents at the Register of Deeds and will be collected at that time.

**(g) Application Completeness, Accuracy and Sufficiency**

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- (1) An application will be considered complete and ready for processing only if it is: submitted in the required number and form; includes all required information; and, is accompanied by the required fees.
- (2) Within 5 working days of application filing, the [Planning Director](#) shall determine whether the application includes all information required by these [Subdivision Regulations](#). If an application does not include all of the required information, it will be deemed incomplete. If an application includes all of the required information, it will be deemed complete. Written notice of the incompleteness and the specific information lacking shall be provided to the applicant or the applicant's [Agent](#).
- (3) No processing of incomplete applications shall occur and incomplete applications will be removed from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. No refund of a review fee shall be made for applications that are withdrawn.

- (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Planning Staff and other review and decision-making bodies in accordance with the procedures of these [Subdivision Regulations](#).

**(h) Applications Containing Technical Deficiencies**

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- (1) The [Planning Director](#) may require that applications be revised before being placed on the agenda of the [Planning Commission](#) or [Governing Body](#), if the [Planning Director](#) determines that:
  - (i) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;
  - (ii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;
  - (iii) The application cannot be approved without a [Variance](#) or some other change or modification that the decision-making body for that application does not have the authority to grant or approve. This determination shall be made in written form to thea. If the determination is based on this sub-section (iii), it shall include an explanation of what [Variance](#), change or modification would be required to allow approval of the application.
- (2) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with this Article shall be revised before they will be placed on an agenda of the [Planning Commission](#) or [Governing Body](#).
- (3) Action or inaction by the [Planning Director](#) under this section may be appealed to the appropriate [Governing Body](#) in accordance with Section 20-807(h) or Section 20-813(f), whichever is applicable.

**(i) Applicability**

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Unless expressly exempted under Section 20-801(d), no [Subdivision](#) or [Residential Development Parcel](#) may be created and no [Certificate of Survey](#) may be recorded with the Register of Deeds until the division has been approved in accordance with the applicable Review and Approval Procedures of this Article.

**20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area**

**(a) Prerequisite to Development**

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No division of land in Service Area 1 of the Lawrence [Urban Growth Area](#) shall be approved until the land proposed for division has been annexed into the City.

**(b) Procedure Required**

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Upon annexation of land originally located in Service Area 1 into the City of Lawrence, a proposed division of platted or unplatted land shall be processed and considered in accordance with the [Minor Subdivision/Replat](#) or [Major Subdivision](#) provisions of this Article, whichever is applicable.

## 20-804 Cluster Developments in the Urban Growth Areas

### (a) Purpose

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The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on land **Parcels** that are located within the **Urban Growth Areas** of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the future **Urban Density** residential development of the land **Parcel** prior to any division occurring, and that based on these considerations, 3 acre or larger **Residential Development Parcels** may be created when they allow for future divisions through a 'Build Out Plan' of the **Residential Development Parcels**, at some future time, to create **Urban Blocks** and connective street networks in accordance with the **Design Standards** in the Subdivision Regulations for the city associated with the **Urban Growth Area**. These regulations will result in **Residential Development Parcels** that retain their rural character for the immediate future, but will also allow for more efficient transition to Urban Density development as subsequent circumstances dictate. The clustering of development **Parcels** within the **Urban Growth Areas** on **Parcels** that contain at least 20 acres is intended to mitigate the strain on **Infrastructure** and public services and to anticipate future development patterns for the remainder of the property after annexation.

### (b) Applicability

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- (1) The division of a **Parcel** of land that contains at least 20 acres in area, and that is located in Service Areas 2-4, of Lawrence's **Urban Growth Area** or in another City's **Urban Growth Area**, may be approved according to the **Cluster Development** provisions of this Section.
  - (i) For purposes of determining compliance with the 20 acre minimum **Parcel** area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre **Parcel**.
  - (ii) In calculating the size of a **Parcel**, the **Parcel** size shall be deemed to include ½ of the adjoining **Road Right(s)-of-Way** if this inclusion is necessary for the **Parcel** to conform to the applicable minimum **Parcel** size.

**(c) Immediate Development Acreage and Future Development Acreage**

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Lands divided pursuant to this Section shall be developed as a [Cluster Development](#) and shall be identified as either the Immediate Development Area or the Future Development Area in accordance with the following requirements.

(1) Immediate Development Area.

The Immediate Development Area of a [Cluster Development](#) shall not exceed 60% of the total acreage of the proposed development included in the [Certificate of Survey](#). The Immediate Development Area may further be divided into [Residential Development Parcels](#) (RDPs) subject to the requirements of this Section. [Residential Development Parcels](#) shall be located only in the Immediate Development Area. Individual [Residential Development Parcels](#) shall only take access from a [Cross Access Easement](#) and shall be laid out in a manner that minimizes adverse impacts to the Future Development Area. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

(i) Minimum Parcel Acreage and dimensional standards

[Residential Development Parcels](#) shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County [Zoning Regulations](#). The minimum [Residential Development Parcel](#) size shall be 3 acres.

(ii) Location of Residential Development Parcels

Within the [Cluster Development](#), each [Residential Development Parcel](#) shall be designed and developed in accordance with the requirements in this sub-section:

a. Clustered to take access from [Cross Access Easements](#) to minimize [Access](#) points to the adjacent public [Right\(s\)-of-Way](#).

1. [Cross Access Easements](#) shall be established by a separate legal instrument, acceptable to the legal counsel of the nearby city and the easement shall be filed **recorded** at the Register of Deeds as a [Restrictive Covenant](#) of the [Cluster Development](#) that prohibits development of the Future Development Area until, upon annexation, the [Cross Access Easement](#) is dedicated to the annexing city as public [Road Right-of-Way](#).

2. The [Cross Access Easements](#) shall be written so that, upon annexation by a city, the [Cross Access Easement](#) shall be in acceptable form and dimensions to be dedicated to the City as public [Road Right\(s\)-of-Way](#), to allow for construction of [Streets](#) within the [Cross Access Easements](#) to meet the then current city [Street](#) standards.

- b. Planned and laid out to allow for future subdivision of the [Residential Development Parcels](#) into [Platted Lots](#) at an [Urban Density](#) commensurate with the zoning and subdivision regulations of the annexing city.
- (iii) Utility – Water  
All [Residential Development Parcels](#) shall obtain [Publicly Treated Water](#) delivered through a water meter.
- (iv) Utility – Wastewater  
All [Residential Development Parcels](#) shall have an [On-Site Sewage Management System](#) approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.
- (v) County Health Code Restriction in Floodplain  
[On-Site Sewage Management Systems](#) shall be located outside the FEMA designated regulatory [Floodplain](#).
- (vi) Building Envelopes  
The buildable area for each [Residential Development Parcel](#) within the Immediate Development Area shall be defined by [Building Envelopes](#) and structure placement is governed by the setbacks established in the Douglas County [Zoning Regulations](#).
  - a. [Residential Development Parcels](#) shall be planned and arranged to allow for the future subdivision of these [Parcels](#) into [Urban Streets](#) and [Blocks](#) that conform to the development regulations of the city associated with the [Urban Growth Area](#).
  - b. The buildable area for each [Residential Development Parcel](#) shall be defined by [Building Envelopes](#) which accommodate the future [Block](#) layout and exclude lands which have been identified for protection as [Environmentally Sensitive Lands](#).
  - c. The [Building Envelopes](#) for each RDP shall be shown on the [Certificate of Survey](#).
- (vii) Access
  - a. When the [Cluster Development](#) is located within the Lawrence [Urban Growth Area](#) or in the [Urban Growth Area](#) of another city, the development shall have direct [Access](#) to a [Road](#) that meets or exceeds the [County's Rock Road Standard](#).
  - b. When established as part of a [Cluster Development](#) in Lawrence's UGA, the service drive constructed within the [Cross Access Easement](#) shall be constructed, at a minimum, to meet the [County's Rock Road Standard](#), and the minimum width of traveled-way plus shoulder shall be 20 feet.

1. As an alternative, when a [Cross Access](#) Easement provides access to only one or two RDPs in the Immediate Development Area, a waiver from this construction standard may be permitted if approved by the County Engineer and when provisions for future improvement to [Road](#) standards are included in the [Restrictive Covenants](#).
  - c. Only one [Access](#) point shall be allowed for the entire development unless a separate [Access](#) point is necessary to allow [Access](#) to prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected.
- (viii) Steep Slopes  
The [Building Envelopes](#) of [Residential Development Parcels](#) shall not contain any slopes greater than 15%.
- (ix) Minimum Road Right(s)-of-Way
- a. If the [Cluster Development](#) is located adjacent to public [Road Right-of-Way](#) that does not meet the minimum width standards of Section 20-810(e)(5), approval of the application for division pursuant to this Section 20-804 shall be subject to a condition that the [Subdivider](#) dedicate, by separate instrument to the County, ½ the additional land necessary to bring the [Road\(s\)](#) adjoining the [Cluster Development](#) to the required [Right-of-Way](#) standard based on the [Road's](#) classification established in the [County's Access Management Standards](#).
  - b. All necessary [Dedications](#) shall be by separate instrument, satisfactory to the County Counselor, and recorded with the Register of Deeds.
  - c. No final action may be taken on the [Certificate of Survey](#) until this additional [Road Right-of-Way](#) has been dedicated.
- (x) Minimum Frontage and Entrance Spacing Requirements
- a. The [Cluster Development](#) must meet the minimum [Frontage](#) and Entrance Spacing Requirements established in the [County's Access Management Standards](#). The [Frontage](#) and Entrance Spacing Requirements are based on the classification of the [Road](#) upon which the [Cross Access Easement](#) is proposed to take [Access](#).
  - b. Minimum [RDP Frontage](#) on the [Cross Access Easement](#) is not subject to the [Frontage](#) requirements in Section 12-318 of the Douglas County [Zoning Regulations](#).
- (xi) Drainage Easements  
If any portion of the [Residential Development Parcel](#) lies in a FEMA designated regulatory [Floodplain](#), or if drainage [Channels](#) or [Swales](#) exist on the [Residential Development Parcel](#) that carry runoff from adjacent property or public [Street/Roads](#), the FEMA designated regulatory [Floodplain](#) or drainage [Channel](#) or [Swale](#) shall be protected by grant of an [Easement](#), or other similar device, evidenced by separate legal instrument,



as may be required by the [Planning Director](#) and acceptable to the County Counselor.

(xii) Restrictive Covenants

Property in the [Immediate Development Area](#) shall be subject to a [Restrictive Covenant](#) as set forth in Section 20-804(d).

(2) Future Development Area

The Future Development Area shall meet the requirements set forth in this sub-section:

(i) Minimum Requirement.

A minimum of 40% of the total [Cluster Development](#) shall be designated as Future Development Area. To the extent practical, the Future Development Area should be one contiguous area of land for future planning purposes.

(3) Conservation of Natural Resources

No matter where located within the boundaries of the [Certificate of Survey](#), land that is or contains Environmentally Sensitive Lands identified in Section 20-810(k), to the greatest extent reasonably practicable, shall be conserved and protected through the recording with the Register of Deeds of either a [Temporary Set Aside Agreement](#) or a permanent [Conservation Easement](#).

(i) Temporary Set Aside Agreement

- a. A [Temporary Set Aside Agreement](#) shall prohibit development, while the lands are located within the [Urban Growth Area](#) that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources.
- b. The [Temporary Set Aside Agreement](#) shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official.
- c. The City will have regulatory authority over the [Temporary Set Aside Agreement](#) only after the property has been annexed into the City.
- d. Within 2 years of the date of annexation into the City, the [Temporary Set Aside Agreement](#) will expire unless further action is taken by either the City or the property [Owner](#) to secure its continuance.

(ii) Conservation Easement

- a. A permanent [Conservation Easement](#) may be established by an [Owner](#) that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent [Conservation Easement](#) may cover include those lands identified in Section 20-810(k), or similar sensitive lands.
- b. A permanent [Conservation Easement](#) shall be established to retain the environmental, geographical or historical characteristics of the land.

- c. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.
  - d. A permanent [Conservation Easement](#) created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.
- (4) **Restriction on Subsequent Divisions**  
Any further division for development purpose is prohibited until annexation or until an amended [Certificate of Survey](#) is approved and filed **recorded** with the Register of Deeds.
- (5) **Restrictive Covenant**  
The Immediate and Future Development Areas shall be subject to a [Restrictive Covenant](#) as set forth in Section 20-804(d).

**(d) Restrictive Covenant**

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The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:

- (1) Incorporate by reference and have attached as an exhibit the [Build Out Plan](#);
- (2) Require future division of the [Residential Development Parcels](#) to conform to the [Build Out Plan](#) or the Subdivision Regulations in place at that time;
- (3) For the Immediate Development Area, limit [each Residential Development Parcel](#) to one principal [Dwelling](#) and accessory buildings until annexation into a city and municipal water and [Sanitary Sewer](#) service are extended to the property;
- (4) For the Future Development Area, any further division for development purposes is prohibited until annexation or until an amended [Certificate of Survey](#) is approved and recorded with the Register of Deeds;
- (5) Restrict the location of structures within the Immediate Development Area to [Building Envelopes](#) that have been created to allow for the future [Subdivision](#) of the Immediate Development Area into [Blocks](#) of an [Urban Density](#) that avoids interference with planned future [Street/Roads](#), [Easements](#) and setbacks;
- (6) Be binding upon the [Owner](#) and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and
- (7) Be in a recordable form and be recorded with the Register of Deeds.

**(e) Notice to Nearby Property Owners**

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- (1) Written notice of the proposed division for rural residential purposes shall be mailed to the **Owner** of record of all property within ¼ mile of the subject property. The notice shall be sent by the applicant by regular mail, postage pre-paid. The mailing addresses for property **Owners** within the ¼ mile notification area shall be obtained from the Douglas County Clerk. The applicant shall submit a Certificate of Mailing, at the time of submission of the **Certificate of Survey** application. A **Certificate of Survey** application shall be considered incomplete without an executed Certificate of Mailing. The notice shall provide:
  - (i) A brief description of the location of the property proposed for division;
  - (ii) The projected date a **Certificate of Survey** application will be submitted to the Lawrence/Douglas County Planning Office;
  - (iii) A contact telephone number and address for the property **Owner** proposing the division for rural residential purposes; and,
  - (iv) The letter shall include the following statement and information:

Notice of Proposal to divide land located at [road address or general description such as; ½ mile north of the intersection of x road and y road, on the east side] for rural residential development purposes.

This letter is being sent to the **Owner** of property adjoining and within ¼ mile of the boundaries of the property proposed for division for rural residential ~~(Cluster)~~ **Development**. The purpose of this letter is to provide general information to the recipient and/or **Owner** of property of a proposed or potential change in land use.

- (2) The failure of a property **Owner** within the ¼ mile mailing distance to receive the written notice will not affect the validity of the application for a **Certificate of Survey**.

**(f) Cluster Developments – After Annexation**

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- (1) Upon Annexation, development shall occur in accordance with the **Build Out Plan** or an approved plan meeting the **Subdivision Regulations** in place at the time. If, however, the appropriate city's plans or regulations for the area covered by the **Build Out Plan** recommend a different type of land use or scale of development, the property shall be **Platted** to conform to the city's current plans and regulations.
- (2) Upon Annexation, all future divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, **Major Subdivisions** for the City of Lawrence, or in accordance with the applicable procedures set forth in the annexing city's Subdivision Regulations.

**(g) Application**

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Any person having legal or equitable interest in property that meets the criteria required by this Section may file, with the [Planning Director](#), an application for a division of land in conformance with this Section. The completed application must:

- (1) Satisfy the requirements of Section 20-802;
- (2) Be submitted with an approved application form supplied by the Planning Department;
- (3) Be submitted in both print and electronic format; and,
- (4) Shall be accompanied by the application materials listed in 20-807(d).

**(h) Administrative Review and Consideration Procedures**

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The [Planning Director](#) shall review all applications for [Cluster Developments](#) pursuant to this Section in accordance with the [Certificate of Survey](#) administrative review procedures set forth in Section 20-807.

**20-805 (RESERVED)**

## 20-806 Property Divisions in the Rural Area (Outside the UGAs)

### (a) Purpose

Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential development be located in the Lawrence [Urban Growth Area](#) or within the [Urban Growth Areas](#) of the other incorporated cities in the County. Horizon 2020 also recognizes the need for suitable residential development in the [Rural Area](#) of Douglas County.

### (b) Definitions

When used in this Section 20-806, the following terms have the following meanings:

- (1) [Original Tract](#) – shall be composed of a [Parcel](#) or a combination of all adjacent [Parcels](#) under a single ownership [not separated by public [Right\(s\)-of-Way](#)] that share common boundary lines or two separate ownerships that share a common boundary line, for the purpose of creating one [Parent Parcel](#).
- (2) [Parent Parcel](#) – an area of 20 acres or more surveyed solely for the purpose of creating one or more [Residential Development Parcels](#).
- (3) [Residential Development Parcel](#) – a [Parcel](#) created from the [Parent Parcel](#) through the administrative [Certificate of Survey](#) process to make the new land division eligible for a residential building permit.
- (4) [Rural Area](#) – the area of Unincorporated Douglas County lying outside the [Urban Growth Areas](#) of Lawrence, Baldwin City, Eudora and Lecompton.

### (c) Applicability

[Residential Development Parcels](#) may be created within the [Rural Area](#) according to the following requirements:

- (1) The [Owner](#) of the land must identify a [Tract](#) of land, which shall be a minimum of 20 acres and take access to a [Full Maintenance Road](#), in accordance with this Section. The [Tract](#) containing the area for the proposed [Residential Development Parcel\(s\)](#) shall be known as the “[Parent Parcel](#)”. The land from which the [Parent Parcel](#) is identified shall be known as the “[Original Tract](#)”.
  - (i) For purposes of determining compliance with the 20 acre minimum [Tract](#) area, entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre [Tract](#).
  - (ii) In calculating the size of a [Tract](#), the [Tract](#) size shall be deemed to include ½ of the adjoining [Road Right\(s\)-of-Way](#) or [Easements](#) if such inclusion is necessary for the [Tract](#) to conform to the applicable minimum [Tract](#) size.

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**(d) Residential Development Parcel (RDP)**

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- (1) Up to 3 **Residential Development Parcels** (RDP) may be created by dividing a **Parent Parcel**, depending on the classification of the **Full Maintenance Roads** bounding the property.
  - (i) Up to 2 RDPs may be created by dividing the **Parent Parcel** if the **Parent Parcel** is bounded on only 1 side by a **Road** or the **Parent Parcel** is bounded on 2 or more sides by **Roads** and any of the **Roads** are classified as other than **Local Roads**.
  - (ii) Up to 3 RDPs may be created if the **Parent Parcel** is bounded on 2 or more sides by **Local Roads**.
- (2) **Residential Development Parcels** can be created through the **Certificate of Survey** process only when the **Planning Director** finds: the property is being divided for single-family residential purposes; the division does not involve or result in the creation of any minimum maintenance or **Full Maintenance** new **Roads** or **Road Rights-of-Way** or **Easements**; and, the division is made in accordance with the following requirements:
  - (i) **Minimum Residential Development Parcel Area and dimensional standards**  
**Residential Development Parcels** shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County **Zoning Regulations**. Each **Residential Development Parcel** shall have the minimum area required in Section 12-318 in the County **Zoning Regulations**. The minimum **Parcel** area shall also meet the County Sanitary Code minimum requirements for residential development that has an **On-Site Sewage Management System**;
  - (ii) **Development Access**  
Each **Residential Development Parcel** shall have direct **Access** to a **Full Maintenance Road**;
  - (iii) **County Health Code Requirements**
    - a. The applicant has provided evidence that each **Residential Development Parcel** will satisfy all applicable health and sanitation requirements of the Lawrence/Douglas County Health Department;
    - b. **On-Site Sewage Management Systems** shall be located outside the FEMA designated regulatory **Floodplain**.
  - (iv) **Grouping Divisions**  
When a **Parent Parcel** has previously been identified and filed of record from an **Original Tract**, any subsequent **Parent Parcel** identified from that **Original Tract** shall, where practicable, be located with one boundary line adjacent to the previously created **Parent Parcel** to encourage the grouping of **Residential Development Parcels** to facilitate the efficient provision of **Infrastructure** and other public services.

- (v) Minimum Frontage and Entrance Spacing Requirements.  
Each Residential Development Parcel must meet the minimum Frontage and Entrance Spacing Requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the Road upon which the Residential Development Parcel is proposed to take Access.
- (vi) Minimum Road Right(s)-of-Way
  - a. If the Original Tract/Parent Parcel Division is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), approval of the application for division of land pursuant to this Section 20-806 will be subject to the condition that the Owner dedicate, by separate instrument to the County, ½ the additional land necessary to bring the Road(s) adjoining Original Tract/Parent Parcel to the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards.
  - b. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.
  - c. No final action may be taken on the Certificate of Survey until this additional Road Right-of-Way has been dedicated.
- (vii) Building Envelope
  - d. When a Residential Development Parcel includes lands identified for Protection of Environmentally Sensitive Lands in Section 20-810(k), a Building Envelope is required to be shown on the Parcel and it shall not include the areas and sites identified for resource preservation.
  - e. A Building Envelope is **not** required on a Residential Development Parcel that does not include lands within the categories identified for resource preservation in Section 20-810(k); however, structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.
- (viii) Conservation Easement
  - a. A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810(k), or similar sensitive lands.
  - b. A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.
  - c. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.



- d. A permanent **Conservation Easement** created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.
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- (3) With respect to any division made according to this Section, the subsequent **Residential Development Parcels** shall be considered **Parcels** but shall not be considered platted **Lots** created through a Major or **Minor Subdivision/Replat** process. Each **Residential Development Parcel** shall be eligible for the issuance of building permits for one single-family **Dwelling** and permitted accessory uses, buildings and structures. Use for any other purpose (other than agricultural use), construction of more than one single-family **Dwelling**, or further division of the **Residential Development Parcel** shall be prohibited. Development for any other use will require review through the Major Subdivision process.

## 20-807 Certificate of Survey, Administrative Review Procedures

(a) **Purpose**

The purpose of the [Certificate of Survey](#) review procedure is to provide an administrative process for creating an accurate record of the description and location of [Residential Development Parcel](#) divisions created in conformance with Sections 20-804 or 20-806, whichever is applicable, without requiring full compliance with the regulations of Section 20-809, [Major Subdivisions](#).

(b) **Authority**

The [Planning Director](#) is authorized to review and approve applications for land divisions made in conformance with Sections 20-804 and 20-806, subject to the requirements of this Section. This review procedure allows for an administrative approval process with final action by the [Planning Director](#).

(c) **Applicability**

An application for a division of land submitted with a complete [Certificate of Survey](#) shall be considered for approval in the following circumstances:

- (1) The proposed division meets the criteria of one of the types of division authorized by Sections 20-804 or 20-806, for review in conformance with this Section.
- (2) [Residential Development Parcels](#) are eligible for [Certificate of Survey](#) approval only one time within the [Urban Growth Areas](#) of the cities in Douglas County. However, an amended [Certificate of Survey](#) may be recorded for property in the [Urban Growth Areas](#), or within the [Rural Area](#) when it:
  - (i) Includes the same land area as the original [Certificate of Survey](#); and,
  - (ii) When it meets the applicable requirements in Sections 20-804 or 20-806.
- (3) For the purpose of interpreting the applicability of the [Certificate of Survey](#) administrative review procedure, any proposed development or division of land, which the [Planning Director](#) determines is intended to evade the [Major Subdivision](#) procedures of Section 20-809 because it would result in a *de facto* [Major Subdivision](#) through the combination of previous contiguous [Certificates of Survey](#), is not eligible to use the [Certificate of Survey](#) review procedure.

**(d) Application**

Applications for a [Certificate of Survey](#) review procedure shall be submitted to the [Planning Director](#) in conformance with the general requirements of Section 20-802; be submitted in both print and electronic format; and be accompanied by:

- (1) The applicable review and recording fees;
- (2) Proof of legal or equitable interest in the property;
- (3) Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and
- (4) One paper and one electronic copy of a [Certificate of Survey](#) that complies with the requirements of Section 20-807(e).
- (5) In addition, for [Cluster Developments](#) in an [Urban Growth Area](#):
  - (i) A certificate of mailing for letters mailed to property [Owners](#) within ¼ mile of the property proposed for the [Cluster Development](#) for rural residential development purposes;
  - (ii) A [Build Out Plan](#) illustrating the following with respect to both the Immediate Development Area and Future Development Area:
    - a. A realistic future [Urban Block](#) layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the [Subdivision Design Standards](#) and Public Improvement Standards set forth in Sections 20-810 and 20-811 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
    - b. The layout of future [Streets/Roads](#); provided that, [Local Streets/Roads](#) shall be planned to provide [Street/Road](#) connections to adjoining [Parcels](#), neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State [Roads](#) or highways for local trips;
    - c. [Block](#) level easement locations for utilities and storm water drainage;
    - d. Locations of [Building Envelopes](#) for each [Residential Development Parcel](#) that are respective of the future [Urban Street](#) and [Block](#) layout; and,
    - e. Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future [Urban Density](#) development.
- (6) For applications within [Urban Growth Areas](#), an executed annexation agreement allowing annexation by the city that's [Urban Growth Area](#) the development is located within based on the adopted annexation policies of that city, when the city requires such an agreement.

- (7) For properties including Environmentally Sensitive Lands identified in Section 20-810(k), a proposed [Temporary Set Aside Agreement](#) or permanent [Conservation Easement](#) and a copy of proposed [Restrictive Covenants](#) as identified in Section 20-804(c)(3).

**(e) Requirements and Material to be Included**

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A [Certificate of Survey](#) shall comply with the following requirements:

- (1) The [Certificate of Survey](#) shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be a minimum size of 11 inches by 17 inches;
- (2) The [Certificate of Survey](#) shall show or contain on its face the following information; provided, however, that the licensed [Land Surveyor](#) may, at his or her discretion, provide additional information regarding the survey:
  - (i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A [Certificate of Survey](#) shall not bear the title "plat," "subdivision" or any title other than "[Certificate of Survey](#);"
  - (ii) A note stating "This [Certificate of Survey](#) was not prepared for the purpose of the platting of land. No further divisions of the [Parcels](#) created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed or until an Amended [Certificate of Survey](#) is approved and recorded with the Register of Deeds.";
  - (iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining platted subdivisions;
  - (iv) The date the survey was completed;
  - (v) A north arrow;
  - (vi) A written and graphic scale.
  - (vii) A narrative legal description of the property surveyed, including a [Benchmark](#) or other vertical reference point tied to the United States Geological Survey;
  - (viii) A location map showing the property surveyed in relation to property ownership lines within the same section and the nearest existing public [Right\(s\)-of-Way](#);
  - (ix) The dimensions and locations of all of the [Parcels](#) indicated on the survey, including dashed lines to depict the future [Urban Street](#) and [Block](#) layout in the [Build Out Plan](#). This requirement is not applicable to a [Certificate of Survey](#) prepared in accordance with Section 20-806;

- (x) A numbering system or other clear and simple method of identifying each **Parcel** within the **Certificate of Survey**;
- (xi) The location and width of public **Right(s)-of-Way**, existing and proposed;
- (xii) The location of any **Easements**, existing and proposed;
- (xiii) The dimensions of all existing structures in relation to existing and proposed **Parcel** lines, and based on the future **Urban Street** and **Block** layout shown in the **Build Out Plan**, if applicable;
- (xiv) **Building Envelopes**, when required, shall be shown for every **Residential Development Parcel** and shall not include lands identified as Environmentally Sensitive Lands as identified in Section 20-810(k);
- (xv) Except for divisions made in conformance with Section 20-806, **Building Envelopes** shall be designed to allow for the placement of rural residences on **Parcels** that will facilitate future further subdivision of the **Residential Development Parcel** into **Urban Streets** and **Blocks**;
- (xvi) A note stating the specific Section [20-804 or 20-806] pursuant to which the division is being made;
- (xvii) **Restrictive Covenants**, **Temporary Set Aside Agreements**, or **Conservation Easements** required by the proposed division shall be noted with book and page number in which the covenants, **Temporary Set Aside Agreements**, or **Conservation Easement** are recorded;
- (xviii) The signature of the **Owner**, properly acknowledged;
- (xix) The dated signature and seal of the Kansas licensed **Land Surveyor** responsible for the survey along with a note stating: "This survey complies with the Kansas Minimum Standards for Boundary Surveys";
- (xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";
- (xxi) A line for the approval date and signature of the **Planning Director** under a note stating: "Approved as a **Certificate of Survey** under the **Subdivision Regulations** of the City of Lawrence & the **Unincorporated Area** of Douglas County"; or the **Subdivision Regulations** of the appropriate City; and
- (xxii) A line for identification of book and page of the Register of Deeds recording information.

- (3) Before approval of a [Certificate of Survey](#) in the Lawrence [Urban Growth Area](#) that will not be served by City of Lawrence utilities, the property [Owner](#) shall provide written documentation to the Lawrence-Douglas County Health Officer and the Lawrence-Douglas County [Planning Director](#) that [Publicly Treated Water](#), delivered through a water meter, is available to and will be provided for all [Residential Development Parcels](#).

**(f) Criteria for Review**

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An application for a division requiring an approved [Certificate of Survey](#) shall be approved *if*, and only if, it meets **all** of the following criteria:

- (1) The proposed division meets the requirements for a division of land under Sections 20-804 or 20-806, as applicable;
- (2) The [Certificate of Survey](#) meets all of the requirements of Section 20-807;
- (3) The proposed [Residential Development Parcels](#) and all other aspects of the proposed [Certificate of Survey](#) conform with the current [Comprehensive Plan](#) of Lawrence and Douglas County or, where applicable, the comprehensive plan of another city in Douglas County;
- (4) The [Certificate of Survey](#) conforms to the [County's Access Management Standards](#) and does not preclude or interfere with the subsequent logical continuation of any [Street/Roads](#) shown thereon affecting the land included in the proposed [Certificate of Survey](#). If additional [Right-of-Way](#) is needed to meet the minimum required for the classification of [Road Accessed](#) by the development in the [Certificate of Survey](#), the [Certificate of Survey](#) review process shall be suspended for up to 90 days to allow for [Dedication](#) by separate instrument of the necessary [Right-of-Way](#). If the criteria for review are not met by the end of the suspension period, this shall be sufficient cause for rejecting an application for a [Certificate of Survey](#);
- (5) The proposed [Certificate of Survey](#) is consistent with any conditions imposed on any previous division of any part of the same land; and
- (6) The proposed [Certificate of Survey](#) complies with the Kansas Minimum Standards for Boundary Surveys.

**(g) Review and Action by the Planning Director**

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- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.
- (2) Upon receipt of a complete application, the [Planning Director](#) shall review the application for conformance with applicable regulations.
- (3) The [Planning Director](#) shall conduct the review of the application within 30 days of receipt of the complete application. If the [Planning Director](#) finds that the [Certificate of Survey](#) conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a [Certificate of Survey](#) under the Subdivision Regulations of the City of Lawrence & the [Unincorporated Area](#) of Douglas County" with the date of approval.

- (4) If the [Planning Director](#) finds that the [Certificate of Survey](#) fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this Section, the [Planning Director](#) shall refuse to approve the proposed [Certificate of Survey](#) and shall notify the applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and [Certificate of Survey](#) within 45 days after receipt of the letter and shall not be required to pay an additional fee.
- (5) If approved, the [Certificate of Survey](#) shall be recorded by the [Planning Director](#) with the Douglas County Register of Deeds. A copy shall be kept by the [Planning Director](#), and a copy shall be furnished to the applicant and to the County Zoning & Codes office.

**(h) Amending an Approved Certificate of Survey**

An approved [Certificate of Survey](#) may be amended for a [Parent Parcel](#) created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Section 20-804 for Lawrence's or another city's [Urban Growth Area](#). The amendment may occur when there is an application to revise an area designated as a [Residential Development Parcel](#), Immediate Development Area, Future Development Area, or the layout of [Residential Development Parcels](#) and future [Streets](#) or [Blocks](#) on the [Build Out Plan](#). The Future Development Area cannot be revised for those portions that include Environmentally Sensitive Lands identified in Section 20-810(k), permanent [Conservation Easement\(s\)](#), or [Temporary Set Aside Agreement\(s\)](#). A revision to approved [Access](#) to the development (location of [Cross Access Easement](#) or individual [Driveway Access](#)) from public [Road Right-of-Way](#) shall be permitted only upon written recommendation from the County Engineer that revising the point of [Access](#) to the public [Road](#) is desirable for public safety.

- (1) An amendment to an approved [Certificate of Survey](#) shall:
  - (i) Include the entire land area of the original [Certificate of Survey](#) and be signed by all of the current [Owners](#) of land within the entire land area of the original [Certificate of Survey](#);
  - (ii) Be submitted in the same form as an original [Certificate of Survey](#) and meet the requirements in [Section 20-807\(d\)](#) through [\(g\)](#);
  - (iii) Be eligible for the same appeals procedure identified in Section 20-807(i) as the original [Certificate of Survey](#);
  - (iv) Comply with the [Subdivision Regulations](#) in effect at the time the amended [Certificate of Survey](#) application is submitted for review; and
  - (v) For each amended [Certificate of Survey](#), the creation of new [Residential Development Parcels](#) in addition to those created originally shall only be permitted if an additional [Residential Development Parcel](#) is permitted according to Sections 20-804 and 20-806 and/or by the [County's Access Management Standards](#).

- (2) An amendment of a [Certificate of Survey](#) shall not alter future [Street](#) layouts that would conflict with a [Build Out Plan](#) approved for an adjacent property.

**(i) Appeals Process for Sections 20-804 and 20-806**

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- (1) Upon the approval or denial of an application for a division of land under Sections 20-804 or 20-806, a party aggrieved by the [Planning Director's](#) decision may appeal that decision to the Board of County Commissioners. To have standing to make an appeal, the party must have been the applicant or an [Owner](#) of property within ¼ mile of the land that is the subject of the decision.
- (2) The [Planning Director](#) shall provide written notice of the filing of an appeal setting forth the subject of the appeal, the time and place and when the appeal shall be heard. The notice shall explain that there will be an opportunity to present evidence to the Board of County Commissioners and it shall be mailed to the applicant and all [Owners](#) of property within ¼ mile of the land that is the subject of the appeal.
- (3) The County Commission shall set a hearing date for the appeal that is at least 15 days after written notice is sent to the appellant. The appellant shall have the burden of establishing by clear and convincing evidence that the [Planning Director's](#) decision was incorrect.

**(j) Certificate of Survey Expiration**

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- (1) If an approved [Certificate of Survey](#) has not been recorded at the Register of Deeds office, the approval of a [Certificate of Survey](#) shall be effective for no more than 24 months from the date of approval unless all conditions of approval have been completed or an extension has been granted by the [Planning Director](#) for good cause.
- (2) Such request for extension must be submitted to the [Planning Director](#) prior to the expiration of the original 24 month approval period.



## 20-808 Minor Subdivisions/Replats

### (a) Purpose

The purpose of this administrative process is to provide an economical and efficient procedure for the adjustment of [Platted Lot Lines](#) in developed areas through a [Resubdivision](#) or [Replat](#) procedure, where an adjustment involves little or no expansion of the public [Infrastructure](#). The [Minor Subdivision/Replat](#) process allows for a one-step [Resubdivision](#) approval process with final action by the [Planning Director](#).

### (b) Authority

The [Planning Director](#) is hereby authorized to review and approve [Minor Subdivisions/Replats](#) in accordance with the procedures of this Section.

### (c) Applicability

- (1) Within the City of Lawrence, a [Platted Lot](#) may be divided into 4 or fewer [Platted Lots](#) by using the [Minor Subdivision/Replat](#) procedures of this section; provided, that:
  - (i) No new [Street](#) or extension of an existing [Street](#) is created, or
  - (ii) A [Vacation](#) of [Streets](#), [Alleys](#), [Setback Lines](#), [Access Control](#) or [Easements](#) is required or proposed.
  - (iii) As an alternative, if [Right-of-Way](#) or [Easements](#) are proposed to be dedicated or vacated, the [Minor Subdivision/Replat](#) shall be placed on the [Governing Body's](#) agenda for approval of the subject [Vacation](#) or acceptance of additional [Dedications](#) after mailed notice to surrounding property [Owners](#) and prior to final administrative approval of the [Minor Subdivision/Replat](#).
- (2) Within the [Unincorporated Area](#) of the County, a [Platted Lot](#) may be divided into 2 [Platted Lots](#) by using the [Minor Subdivision/Replat](#) procedures of this section, provided that:
  - (i) Each resulting [Lot](#) has a minimum [Lot](#) area that conforms to the County Sanitation Requirements for minimum [Lot](#) area;
  - (ii) The [Platted Lot](#) takes [Access](#) from a [Hard Surfaced Road](#) or from a [Road](#) that meets or exceeds the [County's Rock Road Standard](#);
  - (iii) No new [Road](#) or extension of an existing improved [Road](#) is created, or
  - (iv) A [Vacation](#) of [Roads](#), [Setback Lines](#), [Access Control](#) or [Easements](#) is required or proposed; and,
  - (v) The [Minor Subdivision/Replat](#) is not prohibited by any other Section of this Article.

- (vi) As an alternative, if [Right-of-Way](#) or [Easements](#) are proposed to be dedicated or vacated, the [Minor Subdivision/Replat](#) shall first be placed on the [Governing Body's](#) agenda for approval of the subject [Vacation](#) or acceptance of additional [Dedications](#) after mailed notice to surrounding property [Owners](#) and prior to final administrative approval of the [Minor Subdivision/Replat](#).
- (3) The merger or consolidation of full [Lots](#) or full [Lots](#) with portions of platted [Lots](#) into a fewer number of [Lots](#) shall be processed as a [Minor Subdivision/Replat](#);
- (4) For the purpose of interpreting the [Minor Subdivision/Replat](#) eligibility criteria of this sub-section, any proposed [Subdivision](#) that the [Planning Director](#) determines is designed, intended, or by proximity to a previous [Minor Subdivision](#) or [Replat](#) would evade the [Major Subdivision](#) procedures of this section by resulting in a *de facto* [Major Subdivision](#), shall not be eligible for the [Minor Subdivision/Replat](#) process;
- (5) [Lots](#) are eligible only one time for approval of a division or consolidation through the [Minor Subdivision/Replat](#) process and any further divisions or consolidations of the originally platted or newly created [Lots](#) shall be processed as [Major Subdivisions](#); however,
  - (i) [Lot Line](#) adjustments or mergers that do not increase the total number of [Lots](#) may be accomplished through the [Minor Subdivision/Replat](#) process even if the property had previously been part of a [Minor Subdivision](#) or [Replat](#).

**(d) Criteria for Review**

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A [Lot](#) or group of [Lots](#) submitted as a [Minor Subdivision/Replat](#) shall be approved if **all** of the following criteria are met:

- (1) The proposed division(s) or consolidation(s) meets the criteria of one of the types of divisions or consolidations eligible for review through the [Minor Subdivision/Replat](#) process under Section 20-808(c);
- (2) All [Lots](#) created through the [Minor Subdivision/Replat](#) process conform to the [Lot](#) size requirements of the underlying zoning district;
- (3) Each [Lot](#) resulting from the division or consolidation will have direct [Access](#) to an existing public [Street/Road](#) that meets current adopted access and Public [Improvement Standards](#) or will meet such standards as a result of [Improvements](#) required as a condition of approval of the [Minor Subdivision/Replat](#);
- (4) If the property is located adjacent to a public [Street/Road Right-of-Way](#) that does not meet the minimum [Right-of-Way](#) standard of Section 20-810(e)(5), approval of the [Minor Subdivision/Replat](#) will be subject to the condition that the [Subdivider](#) dedicate to the City or County, as applicable, one-half the additional land necessary to bring the [Road\(s\)](#) adjoining the land to be divided to the required minimum [Right-of-Way](#) standards.

- (i) All necessary off-site **Dedications** shall be recorded by separate instrument with the Register of Deeds and proof of these **Dedications** shall be provided to the **Planning Director**. No final action shall be taken on the **Minor Subdivision/Replat** until this additional **Right-of-Way Dedication** has been recorded.
  - (ii) All necessary **On-Site Dedications** may be recorded by separate instrument with the Register of Deeds office or may be provided on the **Minor Subdivision/Replat**; however, the **Minor Subdivision/Replat** shall be placed on the **Governing Body's** agenda for acceptance of the additional **Right-of-Way** after mailed notice and prior to final approval of the **Minor Subdivision/Replat**.
- (5) Any additional public **Easements** necessary to serve the property shall be **Dedicated** prior to final approval of the **Minor Subdivision/Replat**, either by:
- (i) Separate instrument, or
  - (ii) The **Minor Subdivision/Replat** is placed on the **Governing Body's** agenda for acceptance of the additional **Easements** after mailed notice and prior to final approval of the **Minor Subdivision/Replat**.
- (6) If any portion of the property within the **Minor Subdivision/Replat** lies in a FEMA designated regulatory floodplain, or if drainage **Channels** or **Swales** exist on the property that carry runoff from adjacent property or public **Street/Roads**, the FEMA designated regulatory **Floodplain** or drainage **Channel** or **Swale** shall be protected by grant of **Easement**, **Dedication** or other similar device as may be required by the **Planning Director**. No final action shall be taken on the **Minor Subdivision/Replat** until this **Dedication** has been recorded, either by:
- (i) Separate instrument, or
  - (ii) The **Minor Subdivision/Replat** is placed on the **Governing Body's** agenda for acceptance of the additional **Right-of-Way** or **Easements** after mailed notice and prior to final approval of the **Minor Subdivision/Replat**.
- (7) The **Owner** shall provide written documentation for divisions or combination of **Lots in** the **Unincorporated Area** of the County to the **Planning Director** providing proof that the proposed **Lots** will have:
- (i) Access to **Publicly Treated Water** delivered through a water meter; and,
  - (ii) Test holes for an **On-Site Sewage Management System** have been reviewed and approved by the Director of Lawrence/Douglas County Health Department.
- (8) The proposed **Lots** and all other aspects of the proposed **Minor Subdivision/Replat** conforms with the current **Comprehensive Plan** of Lawrence and Douglas County;

- (9) The [Minor Subdivision/Replat](#) conforms with the adopted [Major Thoroughfares Map](#) referenced in the [Comprehensive Plan](#) and does not preclude or interfere with the subsequent logical continuation of any [Street/Roads](#) shown thereon affecting the land included in the proposed [Minor Subdivision/Replat](#) or the original [Platted Subdivision](#);
- (10) The proposed [Minor Subdivision/Replat](#) is consistent with any conditions imposed on the original [Platted Subdivision](#) from which the [Lots](#) being divided or consolidated were originally [Platted](#); and,
- (11) The [Minor Subdivision/Replat](#) conforms to the Kansas Minimum Standards for Boundary Surveys.

**(e) Application**

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- (1) Requests for [Minor Subdivision/Replat](#) approval shall be submitted to the [Planning Director](#).
- (2) Each application shall be submitted on a form provided by the [Planning Director](#); be submitted in both print and electronic format; and shall be accompanied by:
  - (i) The applicable review and recording fees;
  - (ii) Copies of scaled drawings of a [Minor Subdivision/Replat](#) as required by the [Planning Director](#), certified by a licensed [Land Surveyor](#); and
  - (iii) A certificate that all taxes and special assessments due and payable have been paid.
    - a. Any unpaid special assessments shall be noted with the application submittal and a proposed redistribution plan for these unpaid special assessments, which meets the City Clerk and City Engineer requirements for [Lots](#) within the City of Lawrence or with the County Clerk and County Engineer requirements for [Lots](#) within the [Unincorporated Area](#) of Douglas County, also shall be submitted with the application.
- (iv) If [Dedication](#) or [Vacation](#) of [Easements](#) or [Rights-of-Way](#) is proposed, a certified copy of a property ownership list to provide mailed notice in accordance with 20-802(d)(3).

(f) **Contents**

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- (1) The **Minor Subdivision/Replat** shall contain the following information:
  - (i) A title that includes the original **Lot** numbers and subdivision name and an indication that this is a **Minor Subdivision/Replat** of said **Lots** in the **Subdivision**;
  - (ii) Legal description of the property, including a **Benchmark** or other vertical reference point tied to the United States Geological Survey;
  - (iii) Location map identifying community features and the nearest existing public **Right(s)-of Way** within a one mile radius of the site;
  - (iv) Location and dimensions of existing and/or proposed **Easements** and utilities;
  - (v) Dimensions and locations of the new **Lots** to be created through the division or consolidation;
  - (vi) Location and width of **Driveways**, existing and proposed;
  - (vii) Dimensions of all existing structures in relation to existing and proposed **Lot Lines**;
  - (viii) Signature of the **Owner**, properly attested;
  - (ix) A signature and date line for approval by the **Planning Director**, stating "Approved as a **Minor Subdivision/Replat** under the **Subdivision Regulations** of the City of Lawrence and the **Unincorporated Area** of Douglas County";
  - (x) A signature and date line for the appropriate **Governing Body** Chair indicating acceptance or approval, if the **Minor Subdivision/Replat** proposes either the **Dedication** or **Vacation** of **Easements** or **Right-of-Way**;
  - (xi) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";
  - (xii) A dated signature and seal of the licensed **Land Surveyor** responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys."; and,
  - (xiii) A note on the face of the **Minor Subdivision/Replat** which states: "Further division or consolidation of any **Lots** contained in this **Minor Subdivision/Replat** is prohibited, and shall be processed as a **Major Subdivision**, unless the action meets the exception noted in Section 20-808(c)(5)(i)."

**(g) Review and Action by the Planning Director**

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- (1) Upon receipt of a complete application, the **Planning Director** shall review the application for conformance with applicable regulations.
- (2) The **Planning Director** shall conduct the review of the application within 30 days of receipt of the complete application. If the **Planning Director** finds that the **Minor Subdivision/Replat** conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the **Minor Subdivision/Replat**.
- (3) If the **Minor Subdivision/Replat** proposes either the **Dedication** or **Vacation** of **Easements** or **Rights-of-Way**, the **Planning Director** shall:
  - (i) Provide mailed notice to surrounding property **Owners** as established in Section 20-802(d); and
  - (ii) Place the **Minor Subdivision/Replat** on the **Governing Body's** agenda for either acceptance of **Dedications** or approval of proposed **Vacations**.
- (4) If the **Planning Director** finds that the **Minor Subdivision/Replat** fails in any way to conform to the standards set forth in this Section or that the proposed division or consolidation is not eligible for consideration as a **Minor Subdivision/Replat**, the **Planning Director** shall refuse to approve the proposed **Minor Subdivision/Replat** and shall notify the applicant by letter of the reason(s) for such refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and map within 45 days after receipt of such letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division or consolidation is not eligible for consideration as a **Minor Subdivision/Replat** because the **Replat** does not meet all of the criteria in Section 20-808(d), the **Subdivider** may submit an application for **Major Subdivision** approval at any time.
- (5) The **Planning Director** shall forward a signed, original Mylar copy of the **Minor Subdivision/Replat** to the Register of Deeds for recording.
- (6) Appeals of the **Planning Director's** decision on a **Minor Subdivision/Replat** shall be subject to Section 20-813(f)(1).

**(h) Review and Action by the Governing Body**

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If the **Planning Director** determines that the **Minor Subdivision/Replat** includes a proposal to dedicate or vacate **Easements** and/or **Rights-of-Way**, the **Minor Subdivision/Replat** shall be placed on the **Governing Body's** agenda for acceptance or **Vacation** of **Easements** and/or **Rights-of-Way** following the appropriate review process, mailed notice and prior to the **Planning Director's** final approval of the application.

**(i) Signatures on Minor Subdivision/Replat following Action by the Governing Body**

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If the [Minor Subdivision/Replat](#) includes the [Dedication](#) or [Vacation](#) of [Easements](#) and/or [Rights-of-Way](#) and the [Governing Body](#) has accepted the [Dedication](#) or approved the [Vacation](#), the [Planning Director](#) shall submit the [Minor Subdivision/Replat](#) to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures.

**(j) Processing after Approval of Minor Subdivision/Replat**

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- (1) Prior to the [Minor Subdivision/Replat](#) being recorded with the Register of Deeds, a digital version of the [Minor Subdivision/Replat](#) shall be submitted to the [Planning Director](#) in a format approved by the [Planning Director](#) as identified in the application packet.
- (2) Errors found in closure or internal dimensions shall be corrected prior to ~~filling~~ recording the [Minor Subdivision/Replat](#).

**(k) Minor Subdivision/Replat Expiration**

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- (1) Approval of a [Minor Subdivision/Replat](#) by the [Planning Director](#) and acceptance of [Dedications](#) by the appropriate [Governing Body](#) shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed or an extension has been granted by the [Planning Director](#) for good cause.
- (2) Such request for extension must be submitted to the [Planning Director](#) prior to the expiration of the original 24 month approval period.

## 20-809 Major Subdivisions

### (a) Purpose

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The [Major Subdivision](#) procedures of this Section are intended to provide a standardized review process for [Preliminary](#) and [Final Plats](#). The [Major Subdivision](#) process requires a two-step review process with [Preliminary Plat](#) approval by the [Planning Commission](#), and [Final Plat](#) approval by the [Planning Director](#). In addition, [Final Plats](#) that include [Dedication](#) or [Vacation](#) of [Easements](#) and/or [Rights-of-Way](#), require action by the appropriate [Governing Body](#).

### (b) Applicability

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- (1) The [Major Subdivision](#) procedures of this section apply to all land divisions or consolidations that are not eligible for review in conformance with the [Certificate of Survey](#) Administrative Review Procedures or the [Minor Subdivision/Replat](#) process.
- (2) New Residential Subdivisions are not permitted in the [Unincorporated Area](#) of Douglas County, except on property zoned A-1 or R-1 prior to January 1, 2007.
- (3) Non-Residential Subdivisions are permitted in the [Unincorporated Area](#) of Douglas County.

### (c) Applications and Procedures

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- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.
- (2) Specific application and [Preliminary Plat](#) contents are provided in Section 20-809(e) & (f).
- (3) Specific application and [Final Plat](#) contents are provided in Section 20-809(l) & (m).

### (d) Criteria for Review

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Approval or disapproval of [Major Subdivisions](#) shall be based on the following criteria:

- (1) Each [Lot](#) resulting from the division will have direct [Access](#) to a public [Street/Road](#) that has been accepted by the county or city or a [Private Street](#) that has been approved as part of a Planned Development;
- (2) Each [Lot](#) resulting from the division will conform with the minimum [Lot](#) size and other dimensional requirements applicable to the property through the Zoning District regulations;



- (3) The proposed [Major Subdivision](#) and all [Lots](#) within it conform fully with the standards set forth in Section 20-810;
- (4) The proposed [Lots](#) and all other aspects of the proposed [Major Subdivision](#) conforms with the current [Comprehensive Plan](#) of Lawrence and Douglas County; and watershed/sub-basin plans, sector or [Neighborhood Plans](#);
- (5) The proposed [Major Subdivision](#) conforms with any adopted [Major Thoroughfares Map](#) and provides for the logical continuation of any [Street/Roads](#) shown thereon affecting the land included in the proposed [Major Subdivision](#);
- (6) The proposed [Major Subdivision](#) shall provide for a logical connection of [Streets](#) between adjacent subdivisions taking into consideration constraints from steep [Topography](#) and other natural features that may limit [Street](#) connectivity but allow for pedestrian connectivity, shall conform with adopted watershed/sub-basin plans, sector or [Neighborhood Plans](#) for [Street](#) layout;
- (7) The proposed [Major Subdivision](#) conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan; and
- (8) The [Major Subdivision](#) plat conforms to the Kansas Minimum Standards for Boundary Surveys.

**(e) Preliminary Plat – Application**

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A [Subdivider](#) shall apply for [Preliminary Plat](#) approval by submitting an application to the [Planning Director](#).

- (1) Each application shall be accompanied by:
  - (i) The applicable filing fee;
  - (ii) A completed [Major Subdivision-Preliminary Plat](#) application form;
  - (iii) The required number of paper copies and an electronic copy of a complete submission of a [Preliminary Plat](#);
  - (iv) A certified copy of a property ownership list to provide Mailed Notice in accordance with 20-802(d)(3); and
  - (v) A drainage plan for [Major Subdivisions](#) if within the City limits, or for [Major Non-Residential Subdivisions](#) that are located within an [Urban Growth Area](#).

**(f) Preliminary Plat Contents**

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The **Preliminary Plat** shall be drawn to a scale where all features presented are readable.

**(1) Materials to be Included**

The **Preliminary Plat** shall:

- (i) State the name of the proposed **Subdivision**;
- (ii) List names and addresses of the **Subdivider**, the land planner or Subdivision designer (if any) and the licensed **Land Surveyor**;
- (iii) Show date of preparation, north arrow and graphic scale;
- (iv) Identify the **Plat** as a **Preliminary Plat**;
- (v) Give a legal description of the proposed **Subdivision** complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the **Plat**, with a description tying it to the point of beginning for the **Subdivision**.
  - a. A **Replat** shall not be required to be referenced to a section and/or quarter-section corner, provided the original **Plat** for the subject **Replat** is tied to at least one of these corner monuments;
- (vi) Include location, description and elevation of all **Benchmarks** established or source used for vertical control. There must be at least one established vertical control point as the basis for the topographic survey included with the application;
- (vii) Show names of adjoining **Subdivisions** or, in the case of unplatted land, the names of the **Owner** or **Owners** of adjoining property;
- (viii) Show **Topography** (contour interval not greater than 2 feet) of the site. **Topography** shall be consistent with City of Lawrence and/or Douglas County aerial **Topography**. Where **Land Disturbance**, **Grading** or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence and/or Douglas County, whichever is applicable, obtained aerial **Topography**, an actual field survey shall be required for the topographic data in the vicinity of the disturbed area;
- (ix) Show on the face of the **Plat** or on a separate sheet, a general location of the proposed **Subdivision**. The general location map shall be drawn to an appropriate scale and shall show the relationship of the proposed **Subdivision** to the following:
  - a. The nearest **Intersection** of public **Streets**;
  - b. If not in the City, any state highway located within one-half mile of the property;

- c. If in the City, any public school or park located within one-quarter mile of the property. If in the County, any public school located within one mile of the property;
- d. If in the [Urban Growth Area](#), the nearest City Limits, and the nearest boundary of the [Urban Growth Area](#);
- e. The zoning of the property and any other Zoning Districts located within one-quarter mile (if in the City or within the [Urban Growth Area](#)) or within one-half mile (if in the [Rural Area](#)).

**(2) Existing Conditions**

The [Preliminary Plat](#) shall also show the following existing conditions:

- (i) Location of any area designated as [Floodplain](#), location and direction of the flow of existing water courses; and the surface elevation of the regulatory flood.
- (ii) Location of any area in the Floodplain Overlay District, location and direction of flow of all water courses; and base flood elevation at water course entrances to and exits from the proposed [Subdivision](#);
- (iii) Location of section lines, private or public [Streets](#), [Alleys](#), [Easements](#), and city boundaries within and immediately adjacent to the proposed [Subdivision](#);
- (iv) Location of natural features such as unique topographic features, lakes, [Stream Corridors](#), and insofar as can reasonably be shown, natural features to be removed;
- (v) Boundaries of [Stands of Mature Trees](#), [Jurisdictional Wetlands](#), historic sites and archaeological sites on the property proposed for subdivision as identified on the GIS Baseline Environmentally Sensitive Lands Map maintained by the [Planning Director](#);
- (vi) Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the [Final Plat](#) is recorded;
- (vii) Horizontal location and vertical elevation (if available) of existing [Sanitary Sewers](#), storm water sewers, and [Culverts](#) within and adjacent to the proposed [Subdivision](#), and the location of existing water mains, underground wiring, pipelines, and gas lines;
- (viii) Zoning of all land within and adjacent to the [Tract](#);
- (ix) Location, description and elevation of all [Benchmarks](#) established or source used for vertical control;
- (x) Types of soil, with the soil types generally indicated on the [Preliminary Plat](#) or a supplemental sheet; and,

- (xi) For a [Subdivision](#) that will rely on the use of [On-Site Sewage Management Systems](#), a summary of available information on the subsurface [Water Table](#), including the depth of the [Water Table](#) at the highest, lowest and typical locations within the [Subdivision](#).

**(3) Proposed Improvements**

The [Preliminary Plat](#) shall further show the following:

- (i) Proposed [Streets](#) (including location, width, names, approximate grades), and their relation to [Platted Streets](#) or to proposed [Streets](#) as shown on any Watershed/Sub-basin Plan, sector or [Neighborhood Plan](#) of adjacent property;
- (ii) [Easements](#), showing width and general purpose;
- (iii) Layout of all new municipal utilities proposed to serve the [Subdivision](#);
- (iv) [Blocks](#) and [Lots](#), showing approximate dimensions and proposed [Block](#) and [Lot](#) numbers;
- (v) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, [Sector](#) or [Neighborhood Plan](#). (Such plan shall be referenced on the face of the plat);
- (vi) Sites proposed for [Dedication](#) as drainageway, park, school, or other public purposes;
- (vii) Sites proposed by the applicant for land uses not in conformance with adopted comprehensive or [Neighborhood Plans](#) accompanied by a note on the face of the [Plat](#) stating that approval of the [Preliminary Plat](#) does not certify approval of these proposed land uses.
- (viii) If requested by Planning Staff, the [Building Envelope](#) for proposed [Lots](#).
  - a. [Lots](#) that are not rectangular or that have a single dimension of less than 55 feet shall include the [Building Envelope](#) permitted under the current Zoning District regulations. A typical [Building Envelope](#) diagram may be provided where the majority of [Lots](#) are the same size.
  - b. A note referring to such [Building Envelope](#) shall be included on the face of the [Preliminary Plat](#) regarding the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the [Building Envelope](#).

**(4) Supplemental Data**

The following supplementary data and information shall be submitted with the [Preliminary Plat](#) or be included thereon:

- (i) A table, shown on the face of the plat, including this data:
  - a. Gross acreage of the [Subdivision](#);
  - b. Acreage within each Zoning District;
  - c. Acreage to be dedicated for [Streets](#) or [Roads](#), if any;
  - d. Acreage to be dedicated for public uses other than [Roads](#), if any;
  - e. Total number of building [Lots](#);
  - f. Maximum, minimum, and average [Lot](#) size; and
  - g. Phasing schedule if proposing phasing of final platting.
- (ii) A statement on the face of the [Plat](#), stating the method to be used for financing [Public Improvements](#) in the [Subdivision](#) and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading saying "Provision and Financing of [Roads](#), Sewer, Water and Other Public Services". At a minimum such statement shall indicate:
  - a. Whether the [Subdivision](#) will have public [Streets](#) and [Roads](#), [Private Streets](#) and [Roads](#) or a combination thereof;
  - b. Whether the [Subdivision](#) will provide connections to a public water source (naming the source);
  - c. Whether the [Subdivision](#) will provide connections to a public system for wastewater treatment (naming the system) or will rely on [On-Site Sewage Management Systems](#) or other [On-Site](#) wastewater treatment systems;
  - d. Whether purchasers of [Lots](#) in the [Subdivision](#) will be subject to special assessments or other costs or fees specific to the [Subdivision](#) to pay for the capital costs of [Streets](#), [Roads](#), water lines and treatment, and/or wastewater lines and treatment; and
  - e. Whether the provision of improved [Roads](#), water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property [Owners](#) in the [Subdivision](#).
- (iii) A separate narrative, explaining in detail the general nature and type of [Public Improvements](#) proposed for the [Subdivision](#), and the manner by which the [Subdivider](#) intends to provide for their installation, as for example, by [Public Improvement Petition](#), actual construction, escrow deposit, or performance bond. If other than by [Public Improvement Petition](#), the approximate time for completion of such [Improvements](#) should be indicated.

- (iv) Notation on the face of the **Plat** that all new telephone, cable television and electrical lines (except high voltage lines) must be located underground when in the City of Lawrence or in Lawrence **Urban Growth Area**.
- (v) Notation on the face of the plat that the **Developer** is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed **Subdivision**.

**(5) Stormwater Drainage – City of Lawrence**

**(i) Supplemental Data**

The **Preliminary Plat** shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the **Planning Director** or the **Planning Commission**. The **Planning Director** or the **Planning Commission** may request additional data, information and supplemental maps from the applicant regarding storm water drainage, as appropriate.

**(ii) Minimum Floor Elevations**

On **Lots** adjacent to all drainage **Easements** and on drainageways that are designated by the Director of Public Works or his or her designee, the **Preliminary Plat** shall indicate:

- a. The required minimum habitable floor elevations for structures on **Lots**; or,
- b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed **Land Surveyor** or Engineer.
- c. A note that states: If a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.

**(g) Review and Action by the Planning Commission**

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- (1) The **Planning Commission** shall conduct the review of the application at the meeting at which it is scheduled by the **Planning Director**, unless the **Subdivider** requests deferral to a future meeting. The **Planning Commission** shall determine if the **Preliminary Plat** conforms to the requirements of the **Subdivision Regulations** and such determination shall be made within 60 days after the first meeting the **Planning Director** has placed the submitted **Plat** on a **Planning Commission** agenda for action.
- (2) If the **Planning Commission** finds that the proposed **Preliminary Plat** conforms to all of the criteria set forth in Section 20-809(d) the **Planning Commission** shall approve the **Preliminary Plat**.

- (3) If the **Planning Commission** finds that the proposed **Preliminary Plat** fails in any way to conform to the standards set forth in Section 20-809(d), the **Planning Commission** shall, by motion, deny approval to the proposed **Preliminary Plat** and shall state in the motion the reason(s) for that denial.
- (4) The **Planning Director** shall give written notice to the **Subdivider** of the action of the **Planning Commission**. If the **Preliminary Plat** has been disapproved, or conditionally approved, the notice shall specifically state the ways in which the **Preliminary Plat** fails to conform to these **Subdivision Regulations**.
- (5) If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and **Preliminary Plat** within 60 days after receipt of the written notice and shall not be required to pay a further fee. In case of a resubmission, the **Planning Commission** shall consider the resubmitted application at the next meeting occurring at least 21 days after receipt of the complete resubmission by the **Subdivider**.
- (6) If the **Planning Commission** fails to act on the **Preliminary Plat** within 60 days of the date of their first meeting occurring after the receipt of a **Preliminary Plat** on their agenda, the **Subdivider** may, by letter, apply to the **Planning Director** for a "Certificate of Deemed Approval". If the **Planning Director** finds that a complete application was received at least 60 days before the date of the letter and placed on a **Planning Commission** agenda, and that no action has been taken by the **Planning Commission**, the **Planning Director** shall issue a "Certificate of Deemed Approval" indicating that "this **Preliminary Plat** shall be deemed approved due to a failure of the **Planning Commission** to take timely action in accordance with K.S.A. 12-752(b)."

**(h) Phasing for Final Plats**

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- (1) A **Preliminary Plat** may, at the option of the applicant, contain a proposed schedule for submitting **Final Plat** applications in phases. The **Planning Commission** may approve the proposed phasing plan if it finds that:
  - (i) The area represented by each proposed phase is of sufficient size to permit the economical installation of **Public Improvements**;
  - (ii) All parts of the necessary public and private **Improvements Plans** to serve the **Subdivision** will be provided concurrently with the phase which will first be served by those **Improvements** or part thereof, or with an earlier phase; and
  - (iii) All perimeter **Rights-of-Way** shall be dedicated for the entire **Preliminary Plat** with the first **Final Plat** phase of the approved **Preliminary Plat**.

**(i) Effects of Approval by the Planning Commission**

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- (1) Approval of the **Preliminary Plat** by the **Planning Commission** shall constitute approval of "the **Plat**" for purposes of K.S.A. 12-752, subject only to the following:
  - (i) Submission of a **Final Plat**, in the form and containing all of the information required by Section 20-809(k). The **Final Plat** shall be in substantial compliance with the **Planning Commission's** approval of the **Preliminary Plat**, including satisfying any conditions imposed on that approval; and
  - (ii) Completion of **Street/Roads, Roads** and **Public Improvements** required by the terms of the approval of the **Preliminary Plat**, or provision of satisfactory Guarantees of Completion of **Improvements**, in accordance with Section 20-811(h)(2).

**(j) Preliminary Plat Expiration**

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- (1) Approval of a **Preliminary Plat** by the **Planning Commission** shall expire:
  - (i) Twenty four months from the date approval was granted, unless a complete application for **Final Plat** is submitted by that approval date.
- (2) Upon application by the **Subdivider**, the **Planning Commission** may, if the cause of failure of the **Subdivider** to submit a **Final Plat** is beyond the **Subdivider's** control, grant an extension of the time beyond this period, for a 24 month period for good cause shown. Such request for extension must be submitted to the **Planning Director** prior to the expiration of the 24 month approval period.
  - (i) The **Planning Director** shall place such request, with any recommendation, on the next available **Planning Commission** agenda based on the adopted submittal schedule.
  - (ii) The **Planning Director** shall notify the applicant by mail of the date of the proposed consideration by the **Planning Commission**. Mailed notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-802(d). On that date, the **Planning Commission** shall hear from the applicant and the **Planning Director** and may hear from other interested parties.
- (3) If a **Final Plat** has not been submitted, approved, and recorded within this 24 month period, or within an extension period, a **Preliminary Plat** must be resubmitted to the **Planning Commission**, reviewed and considered by the **Planning Commission** in accordance with the procedures set forth herein.



**(k) Final Plat – Application**

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The **Subdivider** may initiate review of the **Final Plat** at any time after approval of the **Preliminary Plat** by the **Planning Commission**, including satisfaction of all conditions of **Preliminary Plat** approval. The **Final Plat** shall be processed in accordance with the provisions of Section 20-809(m).

- (1) Each application shall be accompanied by:
  - (i) The applicable filing fee;
  - (ii) A completed **Major Subdivision-Final Plat** application form;
  - (iii) The required number of paper copies and an electronic copy of a complete submission of a **Final Plat**; and
  - (iv) All of the materials required by Section 20-809(l), as well as any additional materials required by the application form provided by the **Planning Director**.
- (2) The **Final Plat** application shall be accompanied by all required fees; however, the fees necessary for recording the **Final Plat** at the Register of Deeds office may be submitted after approval;
- (3) The **Final Plat** shall be in the format and contain the information required by Section 20-809(l), except that the **Subdivider**, at the **Subdivider's** discretion, may delay submission of the final recording and electronic copies of the **Final Plat** until final action on the **Final Plat** by the **Planning Director** and, if applicable, by the **Governing Body**; and
- (4) For **Final Plats** which represent only a phase of an approved **Preliminary Plat** and include minor revisions from the approved **Preliminary Plat**, as reflected in 20-809(m)(2)(i), a revised **Preliminary Plat** that includes the proposed revisions shall be submitted with the **Final Plat** application for record keeping purposes.

**(l) Final Plat Contents**

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**(1) Format**

The **Final Plat** shall be prepared by a licensed **Land Surveyor** with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches.

**(2) Material to be Included**

The **Final Plat** shall show:

- (i) Descriptive information, which shall:
  - a. State the name of the proposed **Subdivision**;
  - b. Show date of preparation, north arrow and graphic scale;

- c. Give a legal description of the proposed [Subdivision](#) complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the plat, with a description tying it to the point of beginning for the [Subdivision](#).
    1. A [Replat](#) shall not be required to be referenced to a section and/or quarter-section corner, provided the original plat for the subject [Replat](#) is tied to at least one of these corner monuments;
  - d. Show names of adjoining [Subdivisions](#) or, in the case of unplatted land, the names of the [Owner](#) or [Owners](#) of adjoining property;
  - e. [Easements](#), showing width and general purpose;
  - f. Sites proposed for [Dedication](#) as drainageway, park, school, or other public purposes;
- (ii) In addition, the following information is required which is similarly required on the [Preliminary Plat](#):
- a. Location of any area within a Floodplain Overlay District zoning district;
  - b. Boundaries of significant [Stands of Mature Trees](#), [Jurisdictional Wetlands](#), historic sites and archaeological sites on the property proposed for subdivision; protected environmentally sensitive lands as shown on the [Preliminary Plat](#).
  - c. For properties within the City, the environmentally sensitive lands shall be located within a [Tract](#) or [Easement](#) and the [Plat](#) shall contain information regarding ownership and maintenance of the [Tract](#) or [Easement](#) as well as the protection measures for the environmentally sensitive lands.
  - d. For properties within the unincorporated portions of the County, the [Plat](#) shall include a [Building Envelope](#) which excludes the environmentally sensitive lands and one of the following: a note that a [Temporary Set Aside Agreement](#) or permanent [Conservation Easement](#) which contains use restrictions and maintenance and protection measures has been recorded for the environmentally sensitive lands and the Book and Page Number for the recorded [Temporary Set Aside Agreement](#) or permanent [Conservation Easement](#); or the protected environmentally sensitive lands shall be placed within [Easements](#) or [Tracts](#) and the [Plat](#) shall note the ownership, maintenance responsibility and protection measures of the protected lands.
  - e. Proposed [Streets](#) (including location and proposed names), and their relation to [Platted Streets](#) or to proposed [Streets](#) as shown on any adopted general development plan of adjacent property; and,

- f. **Block** and **Lot** numbers and dimensions of **Blocks** and **Lots**.
- (iii) Accurate dimensions for all lines, angles, and curves used to describe boundaries, **Streets**, **Easements** and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;
- (iv) For land located in a **Floodplain**, as defined and regulated under Chapter 20, Article 12 of the City Code and Section 12-328 of the **Zoning Regulations** for the **Unincorporated Area** of Douglas County, the following:
  - a. The total area of each **Lot** located in the designated **Floodplain**;
  - b. The Minimum Building Elevation and **Minimum Elevation of Building Opening**, as determined from Chapter 20, Article 12 of the City Code or Section 12-328 of the **Zoning Regulations** for the **Unincorporated Area** of Douglas County.
- (v) On **Lots** adjacent to all drainage **Easements** and on drainageways that are designated by the Director of Public Works or his or her designee, the **Final Plat** shall indicate:
  - a. The required minimum habitable floor elevations for structures on **Lots**; or,
  - b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed **Land Surveyor** or Engineer.
  - c. A note that states: If a basement is built on a **Lot** where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.
- (vi) For any **Lot** including or adjacent to a **Lot** including environmentally sensitive lands as defined in Section 20-810(k) [County Code Section 11-110(k)] designation of a **Building Envelope** within which a building may be built after compliance with all applicable setback, **Floodplain** and sensitive land standards;
- (viii) The dated signature and seal of the licensed **Land Surveyor** responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";
- (ix) Acknowledged certifications on the face of the **Final Plat** as listed below (may be combined where appropriate):
  - a. A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the **Plat**;
  - b. A certificate, signed by the **Owner** or **Owners**, dedicating all **Parcels** of land which are intended for public use;
- (x) The endorsement of the **Planning Commission** as evidenced by the signature of its Chairperson;

- (xi) Acceptance of **Dedication** by the appropriate **Governing Body**, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;
  - (xii) As a separate document, a certificate that all taxes and special assessments due and payable have been paid.
    - a. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County or City's Public Works Director.
  - (xiii) A note shall be placed on the **Final Plat** indicating that additional information concerning drainage and structural elevations are placed on the **Preliminary Plat**, if such requirement has been placed on the **Preliminary Plat**.
  - (xiv) A line shall be provided on the **Plat** for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".
  - (xv) A reference line shall be provided on the plat indicating the book and page where the Master Street Tree Plan is recorded at the Register of Deeds.
  - (xvi) A note shall be placed on the **Final Plat** designating any **Lots Abutting a Half-Street** and that take sole **Access** from that **Public Right-of-Way** as non-buildable in accordance with Section 20-810(e)(9)(ii).
- (3) Evidence shall be submitted with the **Final Plat** providing one or more of the means of ensuring completion of required **Public Improvements** identified in Section 20-811(h).

**(m) Final Plat – Review and Action by Planning Director**

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- (1) After approval or approval with conditions of a **Preliminary Plat** by the **Planning Commission** and prior to final approval of **Public Improvement Plans**, the **Subdivider** shall have prepared for recording a **Final Plat**, which is consistent with the action of the **Planning Commission** and with the formatting and content requirements of Section 20-809(l).
- (2) If the **Planning Director** finds that the submitted **Final Plat** conforms with the content requirements of Section 20-809(l) and in substantial compliance with the **Preliminary Plat** approved by the **Planning Commission**, including satisfying any conditions incorporated in that approval, the **Planning Director** shall approve the **Final Plat** and attach to it a formal certification that the submitted **Final Plat**:

- (i) Is in substantial compliance with the [Preliminary Plat](#) approved by the [Planning Commission](#). The [Final Plat](#) shall be deemed to be in substantial compliance with the previously approved [Preliminary Plat](#) if one or more of the following criteria are met, as applicable:
    - a. No change.
    - b. Increase or reduction, less than or equal to ten percent, of the number of approved [Lots](#), [Parcels](#) or [Tracts](#) shown within the approved phase of the [Preliminary Plat](#).
    - c. Minor adjustments to [Rights-of-Way](#) lines, [Easement](#) lines and/or property lines to account for technical changes related to the proposed [Public Improvement Plans](#).
    - d. Modifications to [Easements](#) and [Rights-of-Way](#) when the general form of the approved [Preliminary Plat](#) with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors is maintained.
  - (ii) Satisfies any conditions of approval imposed by the [Planning Commission](#);
  - (iii) Includes the same proposed [Dedications](#) subject to minor technical adjustments as described in Section 20-809(m)(2)(i)(a) through (d), above;
  - (iv) Represents a [Plat](#) for which all required [Public Improvements](#) have been completed, or for which adequate Guarantee of Improvements has been provided as identified in Section 20-811(h); and
  - (v) Is otherwise consistent with the requirements of this Article for a [Final Plat](#).
- (3) If the [Planning Director](#) finds that the submitted [Final Plat](#) is deficient as to format or content or otherwise technically deficient, the [Planning Director](#) shall notify the [Subdivider](#) of the deficiency(ies) within 5 working days.
  - (4) If the [Planning Director](#) finds that the submitted [Final Plat](#) does not substantially comply with the approved [Preliminary Plat](#), including any conditions incorporated in such approval, and with the proposed [Dedications](#) shown on the [Preliminary Plat](#), subject to Section 20-809(m)(2)(i)(a) through (d), the [Planning Director](#) shall place the [Final Plat](#) on the agenda of the next [Planning Commission](#) meeting following the notice provisions of Section 20-802(d), for further consideration in accordance with the [Preliminary Plat](#) review and action provisions of Section 20-809(g).
  - (5) The [Planning Commission](#) approval of the [Preliminary Plat](#) combined with the [Planning Director's](#) approval as to form and substantial compliance with the approved [Preliminary Plat](#) shall constitute [Planning Commission](#) approval of the [Final Plat](#). No further action by the [Planning Commission](#) shall be necessary or required.

**(n) Final Plat – Review and Action by Governing Body**

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- (1) A **Final Plat** that has been approved by the **Planning Director** shall be submitted to the **Governing Body**, as applicable, for its consideration of acceptance of the **Dedication** of **Street/Roads** and other public **Rights-of-Ways**, service, and utility **Easements** and any land dedicated for public purposes.
- (2) The **Governing Body** shall accept or refuse the **Dedication** of land for public purposes within 30 days after the first meeting of the **Governing Body** following the date of the **Final Plat's** submission to the Clerk of the appropriate **Governing Body**. The **Governing Body** may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the **Governing Body**. No additional review and recording fees shall be assessed during that period.
- (3) If the **Governing Body** defers or refuses these **Dedications**, it shall advise the **Planning Director** of the reasons thereof.
- (4) Failure of the **Governing Body** of the city or of the county to accept affirmatively a **Dedication** shown on the **Final Plat** shall be deemed to be a refusal of the proposed **Dedication**.
- (5) The respective **Governing Bodies** maintain full legislative discretion to reject any proposed **Dedication**, regardless of the approval of the **Final Plat**. If the **Governing Body** rejects part or all of a proposed **Dedication**, the **Subdivider** may amend the **Final Plat** and resubmit it for consideration by the **Planning Director** without the rejected **Dedication**; if the **Subdivider** takes no action within 60 days of the rejection of any proposed **Dedication**, it shall constitute failure of a material condition of the approval of the **Final Plat** and the **Final Plat** shall be deemed to have been rejected.

**(o) Signatures on Final Plat**

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If the **Planning Director** has approved and certified the **Final Plat** in accordance with Section 20-809(m), the **Planning Director** within 5 working days of receipt of the recordable copies of the **Final Plat**, shall submit the **Final Plat** to the Chair of the **Planning Commission** and to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures. Each of these persons shall, if he or she accepts the certification of the **Planning Director**, sign the **Final Plat**, including the "Acceptance of **Dedications**" certificate; if any of these persons refuse to sign the **Final Plat**, he or she shall refer the **Final Plat** to the **Planning Commission** for consideration at its next meeting in accordance with the requirements of Section 20-809(g), together with a memorandum explaining the reasons why such person refused to sign it.

**(p) Processing after Approval of Final Plat**

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- (1) After all signatures have been obtained and all other requirements of this Article have been completed, the **Planning Director** shall forward the recordable copy of the **Final Plat** to the Register of Deeds for recording. The recorded version of the plat shall bear the endorsements provided in Section 20-809(l) including the endorsement by the **Governing Body** accepting the **Dedications**.
- (2) Upon approval and acceptance of all **Final Plats** that create new **Street/Roads** or other **Public Improvements**, detailed **Street/Road** and/or utility plans shall be submitted to and approved by either the County Engineer or City Engineer, as applicable, prior to recording of the **Final Plat**, and these plans shall include the following:
  - (i) Plan, profile, ditch grades, and cross-sections of all **Street/Roads**, **Alleys** and other public ways; and,
  - (ii) Drainage areas and size and length of cross-road drainage structures.
- (3) Prior to the **Final Plat** being recorded with the Register of Deeds, a digital version of the **Plat** shall be submitted to the **Planning Director** in a format approved by the **Planning Director**. The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county.
- (4) Errors found in closure or internal dimensions shall be corrected prior to recording the **Final Plat** at the Register of Deeds.

**(q) Final Plat Expiration**

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- (1) Approval of a **Final Plat** by the **Planning Director** and acceptance of **Dedications** by the appropriate **Governing Body** shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed, unless an extension has been granted by the **Planning Director** for good cause.
- (2) Such request for extension must be submitted to the **Planning Director** prior to the expiration of the original 24 month approval period.

## 20-810 Subdivision Design Standards

### (a) General

#### (1) Applicability

All [Subdivisions](#) shall comply with the [Design Standards](#) of this Section and the [Public Improvement](#) Standards of Section 20-811.

#### (2) Design of Lots

- (i) [Lots](#) shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each [Lot](#) in a [Subdivision](#) shall also take into consideration [Topography](#) (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent [Lots](#).
- (ii) [Lots](#) for commercial and industrial use shall be of size and arrangement to allow for off-street/road parking and loading facilities.
- (iii) [Double-Frontage](#) and [Reverse-Frontage Lots](#) shall be avoided except where they are necessary to provide for the separation of residential development from [Collector](#) and [Arterial Street/Roads](#) or to overcome challenges of steep [Topography](#) and orientation.
  - a. A planting screen [Easement](#) of a minimum 20 feet, with or without a berm, shall be provided along the portion of the [Lots Abutting](#) such an [Arterial Street/Road](#) if required by the [Planning Commission](#).
- (iv) Corner [Lots](#) shall be a minimum of 20% wider than the minimum [Lot Width](#) required in the applicable zoning district to allow for appropriate building setbacks and sufficient yard space.

#### (3) Plans for Resubdivision

- (i) Whenever an area is divided into residential [Lots](#) with a [Lot](#) area of one acre or greater, and there is a possibility that such [Lots](#) may eventually be re-subdivided into smaller [Lots](#), consideration shall be given to the [Street](#), and [Lot](#) arrangement of the original [Subdivision](#) so that additional [Streets](#) can be opened later to permit a logical arrangement of smaller [Lots](#).
- (ii) Provision of [Easements](#) or [Right-of-Way](#) for the future opening and extension of such [Streets](#) and for gravity sewers and stormwater drainage shall be made a condition of [Preliminary Plat](#) approval.

### (b) Frontage

All [Lots](#) shall have [Frontage](#) on a public [Street](#) unless [Lot Frontage](#) is approved on a [Private Street](#) as part of a Planned [Development](#).



(c) **Access**

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(1) **City of Lawrence**

For **Lots** located within the City, **Access** shall be provided directly from a **Street** or as follows:

- (i) An **Alley** may provide the primary vehicular **Access** to one or more **Lots** in a **Subdivision**, provided that each such **Lot** shall have **Street Frontage** on a public **Street** unless designed as part of a Planned Development.
- (ii) **Alley Access** is particularly appropriate where the **Street Frontage** for the **Lot** is on a **Collector** or **Arterial Street**.
- (iii) Residential shared **Driveways** are permitted when a recorded **Access Easement** is provided.
- (iv) **Joint-Use Driveways** in Lawrence with a minimum paved width of 24 feet may be approved as part of the **Subdivision** approval process for non-residential developments (e.g., shopping centers, industrial/business parks), if there is a city approved **Easement** of record ensuring perpetual **Access** to the **Joint-Use Driveway** by all **Lots** with **Frontage** and providing for the perpetual ownership, continuance and maintenance of the **Joint-Use Driveway**.
- (v) **Joint-Use Driveways** shall not be considered as parking or loading space or as an aisle for access to individual parking spaces in computing conformance with the parking requirements of the Development Code.
- (vi) Joint use **Access** points may be approved within Lawrence when located wholly within the dedicated public **Street Right-of-Way**.

(2) **Unincorporated Area of the County**

For **Lots** located within the **Unincorporated Areas** of the County, **Access** shall be directly from a **Road** or as follows:

- (i) **Joint-Use Driveways** are not permitted in the **Unincorporated Area** of the County.
- (ii) Shared **Driveway Approaches** serving residential uses may only be approved with the filing of an instrument for joint maintenance of the **Driveway Approach** area and only when individual **Driveways** are separately maintained beyond the **Road Easement** or **Right-of-Way** line.
- (iii) Joint use **Access** points may be approved when located wholly within the dedicated or public **Road Easement**.

(d) **Blocks**

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(1) **General**

The lengths, widths, and shapes of **Blocks** shall be determined with due regard to:

- (i) Limitations and opportunities of **Topography** and other physical features such as utilities, **Floodplains**, **Jurisdictional Wetlands** and natural storm drainage patterns;
- (ii) Provision of building sites adequate for the uses contemplated;
- (iii) Zoning requirements as to **Lot** sizes and dimensions; and
- (iv) Need for convenient **Access**, circulation, and control of **Street** traffic for safety.

(2) **Length**

(i) **City of Lawrence**

**Block** length for **Local Streets** within the City of Lawrence shall not exceed 800 feet in length (centerline to centerline of **Streets**) unless the **Subdivider** demonstrates to the satisfaction of the **Planning Commission** that:

- a. There are **Pedestrian Ways** at intervals of 700 feet or less, replacing the connection that would exist as a **Sidewalk** along the **Street**; and
- b. The proposed **Block** must be greater than 800 feet in length because physical conditions preclude a **Block** length of less than 800 feet. Such conditions may include, but are not be limited to, **Topography** or the existence of natural resource areas such as **Jurisdictional Wetlands**, **Floodplains**, wildlife habitat areas, steep slopes or **Woodlands**.

(ii) **Unincorporated Area of the County [Reserved]**

(3) **Width**

A residential **Block** shall have sufficient width to allow for two tiers of **Lots** of appropriate depth unless it adjoins a limited-access, **Collector**, or **Arterial Street**, railroad or other nonresidential use, in which case it may have a single tier of **Lots** that exceed the minimum **Lot** area required in the zoning district.

(4) **Shape**

**Blocks** may be irregular in shape, provided their design meets the requirements of **Lot** standards, traffic flow and control considerations and any adopted watershed/ sub-basin plans, **Sector** or **Neighborhood Plan**.

(e) **Streets**

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(1) **General**

- (i) **Local Streets** within the City of Lawrence should be less than 1,320 feet in length.
  - a. **Local Streets** exceeding 800 feet in length shall include **Traffic Calming Devices**, shown in an adopted City of Lawrence Traffic Calming Policy document as maintained by the Public Works Director.
- (ii) All **Streets** within **Subdivisions** shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, **Sector** or **Neighborhood Plan** or, in the absence of such a plan, with all applicable standards of this Article.
- (iii) **Arterial** and **Collector Streets** shall be laid-out, arranged and designed in accordance with any adopted **Major Thoroughfares Map** or corridor plan.
- (iv) **Subdivisions** shall provide a logical **Street** layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such **Streets**.
- (v) At time of **Preliminary Plat** approval, the full **Right-of-Way** for all boundary line and **Full Maintenance Roads** under the applicant's ownership control shall be annexed to the City.

(2) **Connections**

- (i) **Street** connections shall provide **Access** to adjoining lands, existing and proposed **Streets**.
- (ii) Every **Subdivision** shall provide for at least one **Street** connection to each adjacent **Subdivision** or future adjacent **Subdivision**.
  - a. Any existing or **Platted Street** that terminates at the boundary line of a proposed **Subdivision** shall be continued into the proposed **Subdivision** in such a manner as to provide **Street** connections to adjoining lands and **Streets** within the proposed **Subdivision** or,
  - b. **Local Streets** may terminate in a **Cul-de-sac** if an existing environmental feature dictates the design.
- (iii) **Streets** shall provide connections to adjacent undeveloped land in accordance with the adopted **Major Thoroughfares Map**.
- (iv) Proposed **Subdivisions** that have access to the public road system via a **Single Outlet** must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of **Lots** or residential **Dwelling** units permitted; total amount of square feet constructed; or the type of construction allowed.
- (v) **Residential Collector Streets** shall provide connections to nonresidential uses within the neighborhood and shall not typically intersect with **Arterial Streets**.
  - a. Bicycle & pedestrian facilities are strongly recommended for **Residential Collectors**.

- b. Various traffic-calming treatments may be used to reduce travel speeds.
  - c. **Residential Collector Streets** with adjacent residential land uses should, in most cases, be limited to two lanes.
  - d. **Residential Collector Streets** that connect neighborhoods to shopping areas shall be designed to have indirect connections to **Arterial Streets**.
- (vi) **Streets** longer than one **Lot** that terminate at the property boundaries of undeveloped land shall provide an improved temporary **Turn-around**.

**(3) Intersecting Streets**

- (i) **Local Streets** generally should not intersect **Arterial Streets**. The **Planning Commission**, with the City Engineer's recommendation, may approve a new connection of a **Local Street** to an **Arterial Street**:
  - a. Where it finds that such connection is part of the best traffic solution for the new **Subdivision**; and
  - b. Where the **Subdivider** will add turn lanes or other **Improvements** recommended by the City Engineer to the **Arterial Street** to minimize the impact of the connection on the functioning of the **Arterial Street**.
- (ii) **Local Streets** intersecting opposite sides of another **Local** or **Collector Street** when offset shall be offset 300 feet or more.
- (iii) **Streets** shall intersect as nearly as possible at right angles.
- (iv) Not more than two **Streets** shall intersect at any one point.

**(4) Requirements When Access Barriers Exist**

Wherever a proposed **Subdivision** contains or is adjacent to a **Marginal Access Street** or **Road**; an **Arterial Street** or a railroad **Right-of-Way**; the **Planning Commission**, as part of the **Preliminary Plat** approval, shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the **Marginal Access**, **Arterial**, or railroad **Right-of-Way**:

- (i) **Dedication** of a **Local Street** or **Road** to provide ingress and egress to and from such **Blocks** or **Lots**;
- (ii) A **Street** or **Road** approximately parallel to and on each side (where applicable) of such **Marginal Access Street** or **Road**, **Arterial Street** or railroad **Right-of-Way** at a distance suitable for the appropriate use of the land between such **Streets** or **Roads**;
- (iii) **Reverse Frontage Lots** with **Access Control** provisions along the rear property line; or
- (iv) Adequate distance between such parallel **Streets** or **Roads** and the **Arterial**, **Marginal Access Street** or **Road**, or railroad so as to provide for proper approach grades and future grade separation.

(5) **Cross-Sections**

(i) **City of Lawrence**

All [Platted Subdivisions](#) lying within the City of Lawrence shall comply with the following cross-section standards:

Street Type	Right-of-Way
	Min. Width (feet)
Principal <a href="#">Arterial</a>	150
Minor <a href="#">Arterial</a> (3 lane)	100
<a href="#">Collector</a>	80
<a href="#">Residential Collector</a>	60
<a href="#">Local</a>	60
<a href="#">Limited Local</a>	50
<a href="#">Cul-de-sac</a>	60
<a href="#">Marginal Access (Frontage Road)</a>	60

- a. Pavement width constructed according to City standards.
- b. Additional r-o-w may be necessary at intersections.
- c. Paved bulb with 50' radius is required/60' minimum r-o-w radii required.

(ii) **Unincorporated Area of the County**

All residential developments and nonresidential [Subdivisions](#) within the [Unincorporated Area](#) shall comply with the following minimum cross-section standards:

Street Type	Right-of-Way
	Min. Width (feet)
Principal <a href="#">Arterial</a> (w/ median)	150
Principal <a href="#">Arterial</a> (w/o median)	120
Minor <a href="#">Arterial</a>	100
Major <a href="#">Collector</a>	80
Minor <a href="#">Collector</a>	70
<a href="#">Local</a>	70

- a. [Right-of-Way](#) shall be sufficient to include top of ditch back slopes; may be variable
- b. [Road](#) design shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.

**(6) Grades**

The finished grade for all **Streets** and **Roads** shall be at or above the base flood elevation. The grades of **Streets** and **Roads** shall comply with the following standards:

Street Type	Maximum Grade (%)	Minimum Grade (%)
<b>Arterials</b> (Principal and Minor):		
City or <b>Urban Growth Area</b>	5	1.0
<b>Rural Area</b>	5	1.0
<b>Collector</b> (Major or Minor)	8	1.0
<b>Marginal Access</b>	10	1.0
<b>Local</b>	10	1.0

- (i) The City or County **Engineer**, as applicable, shall be authorized to approve minor deviations for short distances from these grade standards when it is determined that compliance with these standards is impracticable.
- (ii) Within the City of Lawrence, maximum grade of **Streets** serving industrial areas shall be 5% regardless of **Street** classification.

**(7) Radii of Curvature**

The minimum radius of curvature of the centerline of **Arterial** and **Collector Street** shall meet design standards contained in KDOT’s “Project development Manual for Non-National Highway System Local Government Road and Street Projects” and/or AASHTO Green Book standards.

**(8) Cul-de-sacs**

- (i) **Cul-de-sac** lengths shall not exceed 10 times the required minimum **Lot Width** of the base zoning district or 1,000 feet (1,320 feet in **Unincorporated Area**), whichever is less.
  - a. A **Cul-de-sac’s** length shall be measured from the center point of the **Cul-de-sac** bulb or **Turn-around** to the centerline of the **Right-of-Way** of the nearest intersecting through **Street**.
- (ii) Maximum **Cul-de-sac** length may be increased by up to 25% above the maximum allowed by Section 20-810(e)(8)(i) during the **Preliminary Plat** approval process if the **Planning Commission** determines that the proposal meets all of the following criteria:
  - a. It is impracticable to connect the **Street** to another **Street** or to provide a looped **Street** or other means of **Access** that would avoid the **Cul-de-sac** or allow the **Cul-de-sac** to meet the length limit because:
    - 1. The area is separated from other parts of the **Subdivision** or a possible **Street** connection by **Floodplains**, **Jurisdictional Wetlands**, or steep slopes greater than 10% or other natural resource areas; and

2. Other properties adjoining the area have already been **Subdivided** or developed in a manner that precludes connecting the **Cul-de-sac** to an existing or proposed **Street**.
    - b. Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the **Cul-de-sac** length limit of Section 20-810(e)(8) and realization of at least 75% of the maximum **Lot** density allowed by the site's base zoning; and
    - c. The degree of increase in allowable **Cul-de-sac** length is the minimum necessary to allow the above findings.
    - d. The **Subdivider** bears the burden of demonstrating that all criteria have been met.
  - (iii) In **Subdivisions** with **Cul-de-sacs**, **Easements** may be required to ensure that the water supply system is looped.
  - (iv) If a **Cul-de-sac** is longer than 600 feet, the subdivision shall include **Pedestrian Easements** at the terminus of the **Cul-de-sac** to provide pedestrian connections to and from the **Cul-de-sac**, in accordance with 20-810(h)(4)(iii).
- (9) **Half-Streets**
- (i) Whenever **Right-of-Way** for one-half of a **Street** has been dedicated to bring that **Street** to then-current standards, regardless of whether that half of the **Street** has been improved, and a **Subdivision** of land adjoining the other half of the **Street** is proposed, the remainder of the **Right-of-Way** shall be dedicated and improved by the **Subdivider**.
  - (ii) No building permits shall be issued for **Lots** with **Access** only to a **Half-Street** until the entire remainder of the **Street Right-of-Way** between the two nearest intersecting **Streets** and passing in front of the subject **Lot(s)** is dedicated and improved.
- (10) **Private Streets and Roads**
- (i) **Unincorporated Area of the County**
    - a. **Private Roads** are prohibited in the **Unincorporated Area** of Douglas County, except for those that were approved prior to December 15, 1998.
    - b. Before Douglas County will consider a request to assume maintenance of any existing **Private Road**, by **Dedication** or otherwise, the **Road** must be brought into compliance with all applicable **Road** and **Right-of-Way** standards.
  - (ii) **City of Lawrence**
    - a. New **Private Streets** in the City are permitted only in Planned Developments approved by the **Planning Commission** and City Commission.
    - b. **Private Streets** shall be built to City Street construction standards and maintained by the Landowner.

(11) **Alleys**

- (i) **Alleys** shall be provided in commercial and industrial districts, except that the **Planning Director** may waive this requirement where other definite or assured provisions are made for service **Access**, off-street loading and unloading and parking spaces consistent with and adequate for the uses proposed.
- (ii) **Alleys** shall have a minimum unobstructed **Right-of-Way** width of 20 feet.
- (iii) **Alleys** shall comply with the construction standards of the city and/or county, as determined by the City or County Engineer.
- (iv) Intersecting **Alleys** shall be prohibited except when no feasible alternative exists. When **Alley** intersections are unavoidable, a turning radius shall be provided to permit safe vehicular movement.
- (v) **Alleys** that serve dock areas shall be designed with adequate turn-around facilities.

(f) **Street and Road Names and Lot and Block Numbering**

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(1) **City of Lawrence**

- (i) **Street** names shall be proposed by the **Subdivider**, reviewed by the Public Works Director, and approved by the City Commission. The approval of **Street** names shall be within the legislative discretion of City Commission, subject to the following standards:
  - a. Compass directions shall not be used as part of **Street** names;
  - b. The identifiers "Court and "Circle" shall be used as follows:
    - 1. A Court identifies a **Dead-End** or **Cul-de-sac**; and
    - 2. A Circle identifies a **Street** where both ends terminate at the same **Roadway**.
  - c. **Streets** that run in an east – west direction shall be named as numbered **Streets**;
- (ii) Existing **Street** names shall be used where the **Street** to be named is, or would be, a logical extension of an existing **Street** even though separated by undeveloped land, natural physical barriers or man-made obstructions; and
- (iii) Where a proposed **Street** is shown on an adopted **Major Thoroughfares Map** and such map indicates a name for that **Street**, that name shall be used.

(2) **Unincorporated Area of the County**

**Road** names in the unincorporated County shall be named in accordance with the E911 Emergency Management System.



**(g) Lot and Block Numbering**

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Lot numbers shall be assigned by starting in the northeast corner of each Block and proceeding in a counterclockwise direction. When a Street or Road separates a group of Lots, a new Block shall be identified, and the Lots within the new Block shall be numbered as herein specified.

**(h) Easements**

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**(1) Permanent Utility Easements**

Permanent utility Easements shall be provided where necessary to accommodate utilities that will serve the Subdivision. Permanent utility Easements shall be provided where necessary to allow for utility service in and through the proposed Subdivision. Where such an Easement is necessary, it shall be centered on rear or side Lot Lines, as applicable, and shall be at least 30 feet and 15 feet wide respectively, except that Easements for Street lighting purposes only need not exceed 10 feet in width.

**(2) Temporary Utility Easements**

Temporary utility Easements shall be provided where necessary to accommodate the installation of utilities that will serve the Subdivision. Temporary utility Easements shall be centered on rear or side Lot Lines and shall be at least 30 feet and 25 feet wide respectively. The temporary utility Easement shall expire after the initial installation of the required utilities. After the expiration of a temporary utility Easement, the permanent utility Easement will govern.

**(3) Drainage Easements**

Drainage Easements for water courses, drainage Swales or streams which traverse a Subdivision may be required. Drainage Easements shall be exclusively for that use and separate from the Dedication of other utility Easements. Upon the request of the Planning Director, the City or County Engineer, as applicable, shall make recommendation to the Planning Commission regarding the desired width of the Drainage Easement. Such study and report shall be based on the 100-year flood depth (if known), or the regulatory flood elevation when provided by the Federal Insurance Administration.

**(4) Pedestrian Easements**

- (i) Pedestrian Easements shall be required when Block lengths for Local Streets exceed 800 feet in length. Such Easements shall extend entirely across the width of the Block at approximately the midpoint of the Block.
- (ii) Additional Pedestrian Easements should be required within the City and Urban Growth Area to provide pedestrian connections from a Subdivision to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent Subdivisions or neighborhoods, including a pedestrian connection at the terminus of each Cul-de-sac.
- (iii) Easements for Pedestrian Ways shall have a minimum width of 12 feet.

- (iv) The [Planning Commission](#) may waive this requirement where, due to [Topography](#) or physical barriers, the [Pedestrian Easement](#) would not form a logical part of the larger pedestrian circulation system through the approval of the [Preliminary Plat](#).

**(i) Parks, Open Space Schools and Other Public Facilities**

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The [Planning Commission](#) shall encourage the donation, reservation, or [Dedication](#) of sites for parks, open space, schools and other public facilities in accordance with the *Lawrence Parks and Recreation Comprehensive Master Plan*.

**(j) Land In Floodplain Overlay Districts**

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Land within a Floodplain [Overlay District](#) shall be subject to the Flood Protection Standards of Article 12, Chapter 20, City Code and to the the Flood Protection Standards of Section 12-328 of the [Zoning Regulations](#) for the [Unincorporated Area](#) of Douglas County.

**(k) Protection of Environmentally Sensitive Lands**

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**(1) Definition of Environmentally Sensitive Lands**

[Certificates of Survey](#) land divisions and [Platted Subdivisions](#) shall be designed to protect environmentally sensitive lands which contain natural resources and environmentally sensitive areas. Environmentally sensitive lands are listed below in a priority order for protection:

- (i) Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;
- (ii) Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;
- (iii) [Jurisdictional Wetlands](#), as determined by the Army Corps of Engineers;
- (iv) [Stream corridors](#) as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;
- (v) [Stands of Mature Trees](#), as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map; and
- (vi) Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.

**(2) Determination of environmentally sensitive lands.**

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

- (i) FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;
  - (ii) US Fish and Wildlife Service National Wetland Inventory Maps;
  - (iii) GIS Baseline Environmentally Sensitive Lands Map;
  - (iv) Kansas State Historical Society Archeological and Historic Resources Inventory; and
  - (v) Other resources which may be appropriate.
- (3) **Protection Standards for Environmentally Sensitive Lands – City of Lawrence**
- (i) Section 20-1101(d)(2)(i) of the Land Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area of residentially zoned property.
  - (ii) Section 20-1101(d)(2)(ii)(b) requires that when **Platting**, environmentally sensitive lands to be protected shall be placed within **Tracts** or **Easements** and information regarding ownership and maintenance responsibility of the **Tract** or **Easement**, as well as protection measures, shall be included on the **Preliminary** and **Final Plat**.
  - (iii) Section 20-1101(e) contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.
  - (iv) Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all **Subdivision** applications for properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).
- (4) **Protection Standards for Environmentally Sensitive Lands – Unincorporated Area of the County**
- (i) Per Sections 20-804(c)(3) [County Code Sections—11-104(c)(3)], **Certificates of Survey** land divisions within the UGA shall protect environmentally sensitive lands through the filing of a **Temporary Set Aside Agreement** or a permanent **Conservation Easement** with the Register of Deeds.
  - (ii) Per Section 20-806(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] **Certificates of Survey** outside the UGA for properties which contain environmentally sensitive lands shall designate **Building Envelopes** which exclude the protected environmentally sensitive lands.
  - (iii) All **Plats** which include environmentally sensitive lands shall protect them through one of the following methods:
    - a. The filing of a **Temporary Set Aside Agreement** or permanent **Conservation Easement** with the Register of Deeds.
  - (iv) Placement of the environmentally sensitive lands within **Tracts** or **Easements**. Information regarding ownership and maintenance responsibility of the **Tract** or **Easement**, as well as protection measures shall be included on the **Preliminary** and **Final Plat**.

- (v) Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the [Certificate of Survey](#) and 20% of the total site for [Platted](#) properties.

**(l) Soils and Soil Testing – City of Lawrence**

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Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test shall be obtained to verify sub-surface soil characteristics for rocky or unstable soil types, when requested by the City Engineer, for areas proposed to be dedicated for City of Lawrence public [Rights-of-Way](#) and public [Easements](#).

**(m) Soils and Soil Testing – Unincorporated Area of the County**

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Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test holes shall be conducted in accordance with the Douglas County Sanitary Code.

## 20-811 Public Improvements Standards

### (a) General Public Improvement Construction Standards

#### (1) Standards

All [Public Improvements](#), including but not limited to water, sanitary sewer, [Streets](#), curbs, gutters, storm sewers and storm drainage, roundabouts, pedestrian facilities, [Traffic Calming Devices](#) or traffic control devices shall comply with the construction standards established by the City Engineer or County Engineer, as applicable. Such standards are incorporated herein by reference.

#### (2) Administration and Fees

- (i) Compliance with the items listed in Section 20-811(a)(1) and use of appropriate construction methods shall be determined by the County or City Engineer, as applicable.
- (ii) A permit shall be issued by the County or City Engineer, as applicable for the construction of a future [Public Improvement](#) prior to commencement of any work activity associated with the improvement.
- (iii) A fee in an amount determined by resolution of the [Governing Body](#) shall be charged for the permit.

#### (3) Pre-Pinning in the Unincorporated Area of the County

In the [Unincorporated Area](#) of Douglas County, at or before the time of construction of [Public Improvements](#), sufficient grade and alignment stakes shall be set by a licensed [Land Surveyor](#), engaged by the [Subdivider](#) to assure compliance with plan, profile and drainage of [Streets](#) and such other [Public Improvements](#) as are proposed and submitted with the [Final Plat](#) and approved by the County Engineer.

- (i) Compliance with the items listed above and use of appropriate construction methods shall be determined by the County Engineer.
- (ii) A permit shall be issued by the County Engineer for the construction of a future [Public Improvement](#) prior to commencement of any work activity associated with the improvement.
- (iii) A fee in an amount set by Resolution of the County Commission shall be charged for the permit.
- (iv) This sub-section shall apply only to subdivisions in which the complete [Lot](#) pinning required by Section 20-811(k) has not been completed at the time that the first [Public Improvements](#) are installed.

**(b) Streets or Roads**

- (1) **City of Lawrence**  
Subdivision Streets located within the incorporated city limits shall be constructed to comply with standards adopted by the City of Lawrence.
- (2) **Urban Growth Areas**  
Subdivision Streets and Roads located within the Urban Growth Areas shall be constructed to the Street and Road standards of the City that established the Urban Growth Area.
- (3) **Rural Area**  
Subdivision Roads located within the Rural Area shall be constructed to the higher of the following standards:
  - (i) Road standards adopted by the Township(s) in which the Road is located;
  - (ii) Standards for the Road classification specified on Exhibit 9-506 of the County's Access Management Regulations, Chapter IX of the County Code.
  - (iii) Other adopted County standards applicable to a Road of the classification and/or location of the proposed Road; or
  - (iv) At a minimum, adopted Douglas County Rock Roadway Standard.

**(c) Sidewalks and Pedestrian Ways**

- (1) **City of Lawrence and Urban Growth Areas**  
Sidewalks and Pedestrian Ways shall be provided in the City of Lawrence in accordance with the standards of this sub-section:
  - (i) Public Sidewalks shall be installed on both sides of all Streets, as follows:

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' Sidewalk on the other side
  - (ii) Sidewalks shall be constructed in accordance with standards and specifications adopted by the applicable Governing Body.
  - (iii) Variances
    - a. The applicant for a Subdivision may request a Variance for the requirement to construct part of or all of the Sidewalks in the Subdivision as part of the Preliminary Plat review in accordance with the Variance procedures outlined in Section 20-813(g).

- b. If the the **Planning Commission** takes no specific action on a proposed **Variance** for part or all of a **Sidewalk** requirement, the **Variance** shall be deemed to be denied. In reviewing **Variance** requests from the standard **Sidewalk** width, special consideration shall be given to walks adjacent to **Collector** or **Arterial Streets** located in historic districts and areas with severe site **Topography** which would make it impractical or difficult to build a **Sidewalk** in accordance with the above standards.
  - (iv) **Sidewalks** required to be constructed within the same **Right-of-Way** as the **Street** being paved shall be constructed concurrently with the paving of the adjacent **Roadway** or with the first phase of development of a multiple-lot **Subdivision**, adjacent to any improved **Street**.
  - (v) **Pedestrian Ways**
    - a. Where an approved **Preliminary Plat** shows a **Pedestrian Way** other than a **Sidewalk**, an improved **Pedestrian Way** not less than five feet wide in the **Easement** space dedicated for that purpose shall be provided by the **Subdivider**.
    - b. **Pedestrian Way Easements** shall be improved in accordance with adopted City construction standards for **Sidewalks** and shall conform to all accessibility requirements of the Americans with Disabilities Act.
    - c. Completion of such improvements shall be guaranteed in accordance with Section 20-811(h)(2) or subject to site plan review or non-residential development standards.
    - d. The responsibility for paving the **Pedestrian Way** shall be the **Developer's**, and these **Pedestrian Ways** shall be constructed concurrent with the paving of the most adjacent **Roadway**, unless otherwise provided by the **Planning Director** in acting on the **Final Plat**.
    - e. The responsibility for maintenance of the **Pedestrian Way** shall be that of adjacent property **Owners** or the **Home Owners Association** for the **Subdivision**.
  - (vi) **Public Improvement Petitions** shall include the construction of **Sidewalks** or **Pedestrian Ways**, except where the **Planning Commission** has specifically waived the installation as provided in Section 20-811(c)(1)(iii) above. The total cost of all **Sidewalks** or **Pedestrian Way Improvements** shall be borne by the property benefited in the improvement district.
- (2) **Urban Growth Areas**  
An Agreement Not to Protest the Formation of a Future Benefit District for the construction of **Sidewalks** may be required as a condition of approval for **Platted Subdivisions** in the **Urban Growth Areas** in accordance with the standards of Section 20-811(c)(1) for the **Lawrence UGA** or the standards of the applicable city's **UGA**.

(3) **Rural Area**

The **Planning Commission** may recommend and the Board of County Commissioners shall be authorized to require **Sidewalks** in other **Major Subdivisions** when deemed necessary to provide for safe pedestrian connections to nearby schools, parks, shopping, employment or other uses or activities.

(d) **Wastewater Disposal Systems**

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(1) **City of Lawrence and Urban Growth Areas**

- (i) The approval of any **Subdivision** requiring connection to the City of Lawrence wastewater system is contingent upon the availability and adequacy of the City to provide wastewater services to the area being subdivided.
  - a. It is the applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for wastewater services, including submission of a Downstream Sanitary Sewer Study in accordance with Administrative Policy No. 76.
  - b. Failure to conform to these provisions warrant denial of the **Subdivision Plat**.
- (ii) **On-Site Sewage Management Systems** are prohibited on any land which is **Platted** under these regulations and is located in the City of Lawrence or in Service Area 1 of the **Urban Growth Area** of Lawrence.

(2) **Urban Growth Area and Rural Area**

- (i) **On-Site Sewage Management Systems** may be permitted in **Subdivisions** in Service Areas 2-4 of Lawrence's **Urban Growth Area**, other City's **Urban Growth Areas**, or in **Subdivisions** in the **Rural Area**, subject to the following minimum **Lot** area standards:
  - a. For **Lots** that use well water as the primary **Potable Water** source, the minimum **Lot** area for an **On-Site Sewage Management System** is 5 acres. Any land located within the **Floodplain** shall not be counted in calculating **Lot** area for the purpose of meeting minimum **Lot** area requirements for **On-site Sewage Management System** use;
  - b. For all other **Lots**, the minimum **Lot** area requirement for an **On-Site Sewage Management System** is 3 acres. Any land located within the **Floodplain** shall not be counted in calculating **Lot** area for the purpose of meeting minimum **Lot** area requirements **On-Site Sewage Management System**;
  - c. No portion of an **On-Site Sewage Management System** shall be located within the FEMA designated **Floodplain**; and,



- d. Calculation shall not include land dedicated for [Rights-of-Way](#) or exclusive [Easements](#).
  - (ii) Community [Sewage](#) collection and treatment facilities (including lagoons) may be provided for [Subdivided](#) or newly created [Lots](#) in the [Urban Growth Areas](#) or for any other newly created [Lots](#) not suitable for an [On-Site Sewage Management System](#).
    - a. Such systems shall be subject to approval by the Kansas Department of Health and Environment and shall be designed to allow for future connection to a public sewer system.
    - b. Maintenance of such facilities shall be provided by a [Home or Property Owners Association](#), benefit district (if then permitted under Kansas law), or other appropriate entity. Evidence shall be submitted at the time of [Subdivision](#) approval showing the establishment of such an entity to be responsible for maintenance and management of the system.
  - (iii) In situations in which an [On-Site Sewage Management System](#) has been proposed, no [Subdivision](#) shall receive final approval until the [Subdivider](#) has presented evidence that the [On-Site Sewage Management System](#), as a method of [Sewage](#) disposal for the Subdivision, has been approved by the Director of the Lawrence-Douglas County Health Department.
- (3) [On-Site Sewage Management Systems](#) shall be constructed in accordance with the Douglas County Sanitary Code, Resolution 09-44, as amended.

**(e) Water Supply**

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**(1) City of Lawrence and Urban Growth Areas**

- (i) The approval of any [Subdivision](#) requiring connection to the City of Lawrence municipal water system is contingent upon the availability and adequacy of the City to provide water services to the area being subdivided.
  - a. It is the applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for water services in accordance with Administrative Policy No. 52.
  - b. Failure to conform to these provisions warrant denial of the [Subdivision Plat](#).
- (ii) Before approval of a [Final Plat](#) within Lawrence's [Urban Growth Area](#) that will not be served by the City of Lawrence utilities, the [Subdivider](#) shall provide written documentation to the Lawrence-Douglas County Health Department Director and the [Lawrence-Douglas County Metropolitan Planning Director](#) that [Publicly Treated Water](#), delivered through a water meter is available to and will be provided for all [Lots](#).

- (iii) Before approval of a **Final Plat** for land located within the City of Lawrence or Lawrence's **Urban Growth Area**, the **Subdivider** must sign an agreement to connect to a municipal water system when public water lines are within 1,000 feet of any planned development on the property and such connection is feasible.

(2) **Urban Growth Area and Rural Area**

- (i) In the Unincorporated County, **Subdividers** are required to consult with the applicable Fire Department and Rural Water District to determine if the provision of fire hydrants as part of the **Public Water Supply** system is feasible.
- (ii) Where determined by the Fire Department and Rural Water District to be feasible, fire hydrants must be provided.
- (iii) Where existing water pressure is insufficient for fire hydrants as part of the **Public Water Supply**, or where there is no **Publicly Treated Water** supply, the **Subdivider** must install dry hydrants adjacent to a pond or other water storage device with sufficient capacity, and in an appropriate location, to support firefighting needs as determined by the applicable Fire Department.

(f) **Telephone, Cable Television Electrical Lines**

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- (1) Telephone, cable television and electrical lines must be located underground when located in the City of Lawrence or Subdivisions in Lawrence's **Urban Growth Area**. This provision shall not apply to high voltage electrical lines.
- (2) The **Developer** is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed **Subdivision**.

(g) **Street Trees**

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All **Subdivisions** within the City of Lawrence or Lawrence's **Urban Growth Area** shall be required to provide a Master Street Tree Plan that meets the standards of this sub-section.

(1) **Minimum Tree Requirements**

Street trees shall consist of canopy shade and/or ornamental trees, as defined below and meeting the following minimum requirements:

(i) **Size**

Medium or large trees, as defined by Section 18-103(e) of the Code of the City of Lawrence, Kansas, and amendments thereto, which can reach a mature height of 45 feet or greater are required except that ornamental trees planted pursuant to Section 20-811(g)(2)(iv) are not subject to the 45 feet height requirement. The minimum trunk **Caliper** of street trees, at the time of planting, measured six inches above the ground in accordance with the American Nurseryman Standards shall be as follows:

Street Type	Tree	Minimum Trunk Caliper (inches)	Mature Height (feet)
Canopy Shade		2 (ball and burlap or equivalent)	At least 45
Ornamental		2 (ball and burlap or equivalent)	No more than 20

(ii) **Number**

One tree shall be provided for every 40 feet of [Street Frontage](#). The [Planning Director](#) may approve a Master Street Tree Plan that varies from this requirement to allow for [Driveways](#), utilities, and [Intersection](#) visibility requirements.

(iii) **Minimum Species Diversity**

The following minimum requirements shall apply to all Master Street Tree Plans. To prevent uniform insect or disease susceptibility, a mix of species shall be provided. The City Parks and Recreation Director shall, upon request, provide a list of trees that are acceptable to satisfy the requirements for Master Street Tree Plans. To promote diversity in the urban forest, the number of trees required to be planted shall be in accordance with the following requirements:

Number of Trees per Plat	Minimum Number of Species
1-10	1
11-20	2
21-30	3
31-40	4
41+	6

(2) **Planting Location and Spacing**

(i) **Location in RS and RM12D Zoning Districts**

- a. Street trees shall be located in the front yard, building setback and/or adjacent to the [Right-of-Way](#) at a distance not greater than 10 feet from the boundary line of the [Right-of-Way](#); where practical.
- b. Street trees shall be planted after planned utilities have been installed.
- c. Trees shall be planted no closer than 8 feet from existing underground utility lines, where practical and approved by the [Planning Director](#).
- d. On corner [Lots](#), no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two [Streets](#).
- e. No tree shall be planted between the curb and the [Sidewalk](#) if the clear space is less than 3 feet wide.

(ii) **Location in all Other Zoning Districts**

Street trees shall be located either within the [Street Right-of-Way](#) or within the required front yard building setback, PROVIDED,

- a. No tree is located farther than 30 feet from the back of the curb, with the exception of [Lots](#) on the radius of a [Cul-de-sac](#) which shall be located not greater than 45 feet from the back of the curb, where practical.
- b. Street trees shall be planted after planned utilities have been installed.
- c. Trees shall be planted no closer than 8 feet from existing utility lines, where practical and approved by the [Planning Director](#).
- d. On corner [Lots](#), no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two [Streets](#).
- e. No tree shall be planted between the curb and the [Sidewalk](#) if the clear space is less than 3 feet wide.

(iii) **Spacing**

- a. Street trees shall be evenly spaced along the [Street Frontage](#).
- b. As an alternative, street trees may be clustered, if based on [Planning Director](#) evaluation, conditions exist which dictate building location and [Driveway](#) placement which interrupts the even spacing of street trees. Such conditions include:
  1. The [Lot](#) is on a corner;
  2. The presence of existing trees, which qualify for credit under Section 20-811(g)(5); and/or
  3. Topographic conditions (i.e. steep gradient, rock outcroppings).

(iv) **Overhead Lines and Fixtures**

If the planting site will prevent the growth of canopy shade trees due to overhead utility lines, ornamental trees shall be permitted as a substitution for the canopy shade trees in accordance with the Location and Spacing requirements of this Section and shall be subject to the following requirements:

- a. The canopy of the ornamental tree(s) shall be no closer than 10 feet from the overhead lines and its mature height shall not exceed 20 feet; and
- b. The ornamental tree(s) shall be planted at least 15 feet away from any Street light.

(v) **Cul-de-sac Lots**

Lots on Cul-de-sacs that have a Street Frontage of 45' or less shall be required to provide only one Street tree per Lot.

(3) **Master Street Tree Plan**

- (i) A proposed written and graphic Master Street Tree Plan shall be submitted at the time a Final Plat is submitted to the Planning Department for review.
- (ii) Prior to recording the Final Plat with the Register of Deeds, the applicant shall provide a Master Street Tree Plan that is signed and properly acknowledged by the property Owner(s). The Master Street Tree Plan shall be written to be binding on present and future property Owners. A reference line shall be provided on the Final Plat indicating the book and page where the Master Street Tree Plan is filed which shall be completed at the time the Final Plat is recorded at the Register of Deeds.
- (iii) The Master Street Tree Plan shall be prepared in a format established by the Planning Director and shall include the following information:
  - a. A list of acceptable Street tree types;
  - b. The number of trees to be provided for each Lot;
  - c. The number, location and size of existing trees proposed to be saved and applied to the fulfillment of this requirement;
  - d. The provisions to be taken pursuant to Section 18-107 of the Code of the City of Lawrence, Kansas during construction for the protection of existing trees to be saved (if any);
  - e. If trees are proposed in Street medians, provisions for maintenance (including how water line extensions will be paid); and
  - f. The identification of power line locations.

(4) **Provision of Right of Entry**

- (i) Each Final Plat for detached or attached single Dwelling residential structures to be built on individual platted Lots in a City residential Subdivision in RS and RM12D zoning districts shall contain the following note on the face of the Final Plat: "The City is hereby granted a temporary right of entry to plant the required Street trees pursuant to Section 20-811(g) of the City Subdivision Regulations."
- (ii) For Final Plats filed before January 1, 2002, for detached or attached single Dwelling residential structures to be built on individual Platted Lots in a City residential Subdivision in RS and RM12D zoning districts, the property Owner of undeveloped Lots for which a city building permit has not been issued shall sign a consent form and submit it with the building permit application granting the City of Lawrence temporary right of entry to plant the required Street trees pursuant Section 20-811(g) of the City Subdivision Regulations.

**(5) Credits for Existing Trees**

Existing trees may be applied toward the fulfillment of this Street tree requirement when:

- (i) All of the following conditions exist:
  - a. The tree is healthy and of a species the Director of the Parks and Recreation Department or his/her designee determines to be desirable as a Street tree;
  - b. The existing tree is within the [Street Right-of-Way](#) or within 30 feet of the back of the curb or proposed curb line;
  - c. The tree(s) [Caliper](#) of a canopy shade tree is at least four inches measured six inches from the ground, or in the case of an ornamental tree, the tree [Caliper](#) is at least two inches, measured six inches from the ground, in accordance with the American Nurseryman Standards;
  - d. The applicant has submitted a tree protection plan that conforms with the requirements of Section 18-107 of the Code of the City of Lawrence, Kansas, and amendments thereto, and
  - e. The existing or proposed location of overhead utility lines along the [Street Right\(s\)-of-Way](#) will not prevent the full growth of the Street tree.

**(6) Timing of Landscape Placement**

- (i) The timing of, and manner in which the Street trees shall be planted for detached or attached single [Dwelling](#) residential structures to be built on individual [Platted Lots](#) in city residential subdivisions in RS and RM12D Zoning Districts shall be in accordance with City Administrative Policy No. 83.
- (ii) For all other required Street trees not covered by (i) above, and/or developments requiring a site plan or development plan:
  - a. Trees shall be installed, after other [Public Improvements](#), if water is available for their care and maintenance. The property [Owner](#) or his designee shall be required to guarantee planting of the tree at the time a building permit application is submitted.
  - b. Street trees shall be planted prior to final building inspection or the issuance of an occupancy permit. Consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of tree planting PROVIDED, the guarantee for planting is extended to the date of completion of tree planting.
  - c. Guarantee shall be provided in the following form:
    - 1. A cash escrow deposit in a financial institution authorized to do business in Kansas in an amount set forth in the City of

Lawrence Administrative Policy No. 83. This escrow deposit shall be invested and reinvested by such bank or savings and loan, the interest or discount from which shall be paid to the **Subdivider** upon final release of such escrow deposit as determined by Section 20-811(i). Money will be withdrawn to pay the **Developer** or a designated nursery after the installation of said trees and prior to the issuance of a final certificate of inspection; or

2. The appropriate **Governing Body**, at its discretion, may accept an irrevocable letter of credit from a financial institution or a corporate surety performance bond in lieu of a cash escrow deposit to insure the planting of the required Street trees.

**(7) Continuing Maintenance**

- (i) Continuing maintenance of trees planted by the City shall be in accordance with the maintenance provisions set forth in City of Lawrence Administrative Policy No. 83.
- (ii) For all other required Street trees not covered by sSection 20-811(g) and/or developments requiring a site plan or development plan, the ongoing maintenance of trees, once planted, shall be the responsibility of the property **Owner** adjacent to the public **Right-of-Way** or **Private Street**. If a Street tree dies or fails to be planted within one calendar year of issuance of an occupancy permit, the City shall notify the property **Owner** of the need to plant or replace the tree(s) as applicable. Should the property **Owner** fail to plant or replace the tree within 30 days of notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property **Owner**.

**(h) Completion of Public Improvements**

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Before a **Final Plat** or **Minor Subdivision/Replat** may be recorded, the **Subdivider** shall:

- (1) Provide written certification from the City or County Engineer, as applicable, that all required **Public Improvements** in that portion of a **Subdivision** authorized for development have been completed in accordance with applicable Design and Public Improvement Standards of this Article; or
- (2) Provide for one or more of the following means of ensuring completion of required **Public Improvements**:
  - (i) A **Public Improvement Petition** for construction and installation of all or a portion of the required **Public Improvements**.

- (ii) A cash escrow deposit in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate **Governing Body** of the construction and installation of the uncompleted portion of the required **Public Improvements** in accordance with applicable improvement standards;
- (iii) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the appropriate **Governing Body**, in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate **Governing Body** of the construction and installation of required **Public Improvements** in accordance with applicable improvement standards; or
- (iv) Approval subject to conditions:
  - a. The **Planning Director** may approve the **Final Plat** subject to the condition that it not be recorded until the City Engineer or County Engineer, as applicable, has determined that all required **Public Improvements** have been completed in accordance with the standards of this Article and related design standards of the applicable local government.
  - b. If the required improvements are not timely completed, the City Engineer or County Engineer with the **Planning Director** may submit the **Final Plat** to the appropriate **Governing Body** for further consideration; after giving the Subdivider an opportunity to be heard, the appropriate **Governing Body** may:
    - 1. Authorize the **Planning Director** to rescind the approval of the plat, require additional assurance for completion of the Public Improvements,
    - 2. Authorize the recording of the **Final Plat** without further improvements, or
    - 3. Extend the timeline for completion of the Public Improvements.
- (v) The appropriate **Governing Body** may, at its discretion, determine which of such methods for ensuring completion of required **Public Improvements** shall be required.

**(i) Escrow Deposit**

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- (1) The amount of the cash escrow deposit determined in accordance with Section 20-811(h)(2)(ii) shall be deposited by the appropriate **Governing Body** in a special escrow account in the commercial bank in which the funds of such appropriate **Governing Body** are then deposited.
- (2) This escrow deposit shall be invested and reinvested by such bank in short-term government securities, the interest or discount from which shall be paid to the **Subdivider** upon final release of such escrow deposit as hereinafter provided.



- (3) Upon written certification from the City or County Engineer, as applicable, that the required **Improvements** have been 30% completed, the appropriate **Governing Body** shall release 30% of such escrow deposit to the **Subdivider**.
- (4) Upon a like certification that the required **Public Improvements** have been 50% and thereafter, 75% completed, the appropriate **Governing Body** shall release 20% and 25% respectively, of the original escrow deposit to the **Subdivider**.
- (5) Upon written certification from the appropriate Engineer that the required **Public Improvements** have been completed in accordance with applicable improvement standards, the balance of such escrow deposit, together with all earnings accrued thereon, shall be released to the **Subdivider**.

**(j) Irrevocable Letter of Credit**

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- (1) The amount of an irrevocable letter of credit determined in accordance with Section 20-811(h)(2)(iii) shall be submitted by the **Subdivider** to the City or County Engineer, City or County Public Works Director or other designated representative.
- (2) By the 10th of each month, the City or County Engineer or other designated representative shall certify to an agent of the financial institution, estimates of the amount of work completed by the contractor.
- (3) The financial institution may submit a new letter of credit, which would reflect the balance of work remaining to be completed as determined by the City or County Engineer to replace the previous letter of credit.
- (4) Ten percent of the total project cost shall be retained until the City Engineer or County Engineer, whichever is appropriate, has accepted all of the **Public Improvements** in that phase of the Subdivision.

**(k) Lot Pinning**

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- (1) Pins for all corners of the **Subdivision** and for all **Lot** corners shall be set and the completion of the setting certified by the responsible **Land Surveyor** before a **Final Plat** or **Replat** is recorded.
- (2) As an alternative to Section 20-811(k)(1), before the recording of a **Final Plat** or **Minor Subdivision/Replat** with the Register of Deeds, the **Developer** or **Owner** shall provide certification to the **Planning Director** that the **Subdivision's** boundaries are pinned and there is a contract with a licensed **Land Surveyor** to pin the **Lots** after completion of **Street** and **Public Improvements**.
- (3) A **Major Subdivision** can be pinned or staked in phases that are coincident with:
  - (i) The **Street** construction and development phase;
  - (ii) The placement of utilities within the designated utility **Easements** phase; and
  - (iii) The pouring of building foundations for slabs for building construction (issuance of a building permit phase).

- (4) At the time the **Public Improvement Plans** are submitted to the Public Works Director for approval, the center lines of **Right(s)-of-Way** shall be identified by establishing the following control points:
  - (i) Points of Intersection (PI);
  - (ii) Points of Tangency (PT); and,
  - (iii) Points of Curvature (PC).
  
- (5) Simultaneously with the construction of **Public Improvements**, staking or pinning of the **Subdivision** boundary corners and key points along the **Easement(s)** shall be completed to provide the following information:
  - (i) The intersection of four or more **Lots**;
  - (ii) Points of curvature; and
  - (iii) Points of intersection with other **Easements**.
  
- (6) At the time of application for a building permit, the **Developer** or builder of the **Lot** shall present certification (letter stamped by a licensed **Land Surveyor**) to the Building Safety Manager to assure **Lot** corners are pinned and pins are found or set.

**20-812 (Reserved)**

## **20-813 Administration and Enforcement**

### **(a) Planning Director Powers and Duties**

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The [Planning Director](#) shall have the following powers and duties under this Article:

- (1) Maintain permanent and current records with respect to these regulations, including amendments thereto;
- (2) Receive all pre-applications together with other necessary information;
- (3) Distribute copies of applications and other necessary information to other appropriate governmental agencies and departments for their review and recommendations;
- (4) Review applications of land division for compliance with these regulations;
- (5) Present reports and recommendations to the [Planning Commission](#) and [Governing Bodies](#);
- (6) File approved [Final Plats](#), [Minor Subdivision/Replats](#), and [Certificates of Surveys](#) with the Register of Deeds;
- (7) Make such other determinations and decisions as may be required by these regulations or by the [Planning Commission](#).

### **(b) Planning Commission Powers and Duties**

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The [Planning Commission](#) shall have the following powers and duties under this Article:

- (1) Review and approve, conditionally approve, or disapprove [Preliminary Plats](#);
- (2) Grant or deny [Variances](#) to the [Design Standards](#) of this Article as per Section 20-813(g);
- (3) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable state law.

### **(c) Dedications or Vacations**

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The applicable Governing Bodies shall be responsible for accepting the [Dedication](#) or approving the [Vacation](#) of [Rights-of-Way](#) for public [Streets](#), [Roads](#) and public [Easements](#).

**(d) Building Permits in the Unincorporated Area of Douglas County**

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No building permit shall be issued for any building or structure in the [Unincorporated Area](#) of the County unless the [Douglas County Zoning & Codes Director](#) finds that:

- (1) The proposed building or structure shall be located:
  - (i) On a [Platted Lot](#) shown on an approved and recorded [Final Plat](#) for a Subdivision or on a [Residential Development Parcel](#) shown on an approved and recorded [Certificate of Survey](#);
  - (ii) On a [Platted Lot](#) or land division in existence on the [Effective Date](#) of these regulations that has a vested right under these requirements pursuant to Section 20-801(e);
  - (iii) On a [Platted Lot](#) or land division, created through a valid Exemption to these regulations or to the [Subdivision Regulations](#) that were in effect at the time when the [Lot](#) or land division was created as identified in Section 20-801(d); or
  - (iv) On a recorded [Land Combination](#), created pursuant to Section 20-801(f).
- (2) A building permit may be issued for improvement of an existing residential building in the [Unincorporated Area](#) of the County if the [Douglas County Zoning & Codes Director](#) finds that the existing residential building:
  - (i) Was built on the site prior to the [Effective Date](#) of these regulations; and,
  - (ii) Is located on a land [Parcel](#) of sufficient size to meet the [County's Sanitary Code](#) requirements.
- (3) All [Public Improvements](#) required as a condition of approval of the [Final Plat](#) on which the [Lot](#) is shown have been completed or the [Subdivider](#) has provided security for the completion of such [Improvements](#), in accordance with Section 20-811(h)(2);
- (4) A certification, signed by a licensed [Land Surveyor](#), has been presented as proof of pinning for each of the [Lots](#) for which building permits are requested; and,
- (5) There has been compliance with any conditions of [Final Plat](#) or [Certificate of Survey](#) approval.

**(e) Building Permits in the City of Lawrence**

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No building permit shall be issued for any building or structure in the City of Lawrence unless the [Planning Director](#) finds that:

- (1) All [Public Improvements](#) required as a condition of approval of the [Final Plat](#) on which the [Lot](#) is shown have been completed or the [Subdivider](#) has provided security for the completion of such [Improvements](#), in accordance with Section 20-811(h)(2);

- (2) A certification, signed by a licensed [Land Surveyor](#), has been presented as proof of pinning for each of the [Lots](#) for which building permits are requested; and
- (3) There has been compliance with:
  - (i) All applicable [Design Standards](#) and [Public Improvement](#) requirements of this Article;
  - (ii) All applicable Review and Approval Procedures of Section 20-802; and
  - (iii) Any conditions of [Final Plat](#) approval; **or**
- (4) The property is determined by the [Planning Director](#) to be a [Lot of Record](#) or a nonconforming [Lot](#) as defined in Section 20-1504 of the Land Development Code.

**(f) Appeals**

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**(1) From Decision of the Planning Director**

Unless otherwise provided, a person aggrieved by a decision of the [Planning Director](#) under these [Subdivision Regulations](#) may appeal the decision to the Lawrence Board of Zoning Appeals in accordance with Section 20-1311 of the City Code or the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the County Code, as applicable. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the [Planning Director](#) which was reasonably available to the [person](#) aggrieved. An appeal not timely filed is barred.

**(2) From Decision of the Douglas County Zoning and Codes Director**

Unless otherwise provided, a person aggrieved by a decision of the [Douglas County Zoning & Codes Director](#) under these [Subdivision Regulations](#) may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the Douglas County [Zoning Regulations](#). Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the [Zoning and Codes Director](#) which was reasonably available to the [person](#) aggrieved. An appeal not timely filed is barred.

**(3) From Decision of Planning Commission**

A person aggrieved by a decision of the [Planning Commission](#) under these [Subdivision Regulations](#) may appeal the decision to the City Commission (in the case of a matter involving land in the City) or to the Board of County Commissioners (in the case of a matter involving land in an unincorporated part of the County). Such appeal shall be filed within 30 days of the date of the meeting of the [Planning Commission](#) at which the action appealed from was taken. An appeal not timely filed is barred.

**(4) From Decision of Governing Body**

A person aggrieved by a decision of the Board of County Commissioners or the Lawrence City Commission under these [Subdivision Regulations](#) may pursue any available cause of action in a court of competent jurisdiction, subject to the rules of civil procedure then in effect and subject to any limitations imposed by Kansas law.

**(g) Variances**

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In cases where there is hardship in carrying out the literal provisions of the [Design Standards](#) of these regulations (such as [Design Standards](#) for [Lot Width](#), [Lot](#) area, [Block](#) depth, etc.) or [Public Improvement](#) Standards of these regulations, the [Planning Commission](#) may grant a [Variance](#) from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) regarding wastewater disposal systems, the appropriate [Governing Body](#) may grant a [Variance](#) from such provisions.

- (1) An application for a [Variance](#) shall be made to the [Planning Director](#). The [Planning Commission](#) shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a [Variance](#) from the provisions of the regulations.
- (2) A [Variance](#) shall not be granted unless all of the following apply:
  - (i) Strict application of these regulations will create an unnecessary hardship upon the [Subdivider](#);
  - (ii) The proposed [Variance](#) is in harmony with the intended purpose of these regulations; and,
  - (iii) The public health, safety and welfare will be protected.

**(h) Design Variances for Planned Development**

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When a plat is presented which includes land for which a Planned Development plan has been approved, the [Planning Commission](#) may vary the [Design Standards](#) in these regulations as necessary to conform to such approved Preliminary and Final Development Plans.

**(i) Enforcement and Penalties**

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It shall be the duty of the [Douglas County Zoning & Codes Director](#), the [City Codes Enforcement Manager](#), and the [Planning Director](#) to enforce the [Subdivision Regulations](#) of this Article.

**(j) Violations**

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The following shall constitute violations of these [Subdivision Regulations](#):

- (1) To submit for recording, any [Subdivision Plat](#), land division or other Development Plan that has not been approved in accordance with the procedures of these [Subdivision Regulations](#) or that does not qualify for an exemption under these [Subdivision Regulations](#);
- (2) To engage in the construction of a building or development or division of land, requiring one or more approvals under these [Subdivision Regulations](#) without obtaining all such required approvals;
- (3) To engage in the construction of a building or development or division of land, requiring one or more approvals under these [Subdivision Regulations](#) in any way inconsistent with any such approval or any conditions imposed thereon;
- (4) To violate the terms of any approval granted under these [Subdivision Regulations](#) or any condition imposed on such approval; or
- (5) To violate any lawful order issued by any person or entity under these [Subdivision Regulations](#).

**(k) Penalties; Remedies**

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The following penalties and remedies shall be available to the City and County in enforcing these [Subdivision Regulations](#):

- (1) The City or County may seek an injunction or other equitable relief in the District Court to stop any violation of these [Subdivision Regulations](#) or of a permit, certificate or other form of authorization granted hereunder.
- (2) The City or County may seek a Court order from the District Court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to restore otherwise the premises in question to the condition in which they existed prior to the violation.
- (3) The City or County may seek such criminal or civil penalties as are provided by Kansas law, City or County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.
- (4) The City's Building Safety Manager or the [Douglas County Zoning & Codes Director](#) may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or [Improvements](#) thereon:
  - (i) Which has been divided or [Subdivided](#) other than in accordance with the requirements of these [Subdivision Regulations](#); or
  - (ii) On which there is an uncorrected violation of these [Subdivision Regulations](#).
- (5) Any permit or other form of authorization required under these [Subdivision Regulations](#) may be revoked by the City's Building Safety Manager, the [Douglas County Zoning & Codes Director](#), the [Planning Director](#), or by any City or County official with authority to issue such permit when the official determines:



- (i) That there is departure from the plans, specifications, or conditions as required under terms of the [Subdivision](#) approval;
  - (ii) That the [Subdivision](#) approval was procured by false representation or was issued by mistake; or
  - (iii) That any of the provisions of these [Subdivision Regulations](#) are being violated.
- (6) Written notice of revocation shall be served upon the [Owner](#), the [Owner's Agent](#) or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.
- (7) Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of these [Subdivision Regulations](#), the City's Building Safety Manager or the [Douglas County Zoning & Codes Director](#) may order the work to be immediately stopped.
- (i) The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
  - (ii) Violation of a stop-work order constitutes a misdemeanor.
- (8) Where a violation of these [Subdivision Regulations](#) involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the [Planning Commission](#) may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):
- (i) Revoke the plan or other approval or
  - (ii) Condition its continuance on:
    - a. Strict compliance with these [Subdivision Regulations](#),
    - b. The provision of financial security to ensure that construction is completed in compliance with approved plans, or
    - c. Such other conditions as the city may reasonably impose.
  - (iii) Any required financial security shall be in a form approved by the City or County, as applicable.

## 20-814 Building Setbacks, Enforcement, Exceptions

### (a) Building or Setback Lines On Major Streets or Highways

#### (1) Purpose

As part of the [Comprehensive Plan](#), the City and County have identified major entrances or gateways to the City and the [Urban Growth Area](#) around it. To enhance the appearance of those gateways, it is the intent of the City and the County to create a greenway effect along the major corridors through those gateways.

#### (2) Building and parking [Setback Lines](#) are hereby established on certain major [Streets](#) or highways as follows:

(i) West Sixth Street from K10 (South Lawrence Trafficway) to Wakarusa Drive and West Sixth Street from Monterey Way to Folks Road: a [Setback Line](#) of 50 feet.

#### (3) Building and parking setback limits on West Sixth Street from Wakarusa Drive to Folks Road shall be based on the approved zoning for each [Tract](#) of land.

### (b) Exceptions

(1) In the event that a governmental taking or acquisition for [Right-of-Way](#), easement or other governmental use would reduce a setback that previously complied with this Section, that reduction in setback shall not be deemed to constitute a violation of this Section.

(2) Any non-conforming residential building or ~~S~~structure located within the 50 foot building and parking setback, which is damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, may be restored or reconstructed provided; said restoration or reconstruction occurs on the original foundation. The building or structure may not be rebuilt to a greater density or intensity than existed before the damage.

### (c) Appeal – Setback

Notwithstanding Section 20-813, any appeal of the building and parking [Setback Line](#) established for major [Streets](#) or highways shall be to the Board of Zoning Appeals of the applicable jurisdiction, provided that no appeal shall be required in the instance of the reduction in a setback resulting from a governmental taking or acquisition for [Right-of-Way](#), [Easement](#), or other governmental use, as provided in Section 20-814(b) (1). The Board of Zoning Appeals shall have the power to modify or vary the building and parking [Setback Line](#) in specific cases in order that unwarranted hardship, which constitutes a complete deprivation of use as distinguished from merely granting a privilege, may be avoided. In the absence of such a hardship, the intended purpose of the building and parking [Setback Line](#) shall be strictly observed.

**(d) Enforcement**

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No building or occupancy permit shall be issued for any new building within the [Plat](#) approval jurisdiction of the City of Lawrence, or the [Unincorporated Area](#) of Douglas County, which fails to comply with the requirements of Section 20-814.

**(e) Interpretation**

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The provisions of Section 20-814 shall not be interpreted to deprive the [Owner](#) of any existing property or of its use or maintenance for the purpose to which such property is then lawfully devoted.

## 20-815 Interpretations, Rules of Construction and Definitions

### (a) Interpretation and Rules of Construction

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- (1) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (2) The provisions of these regulations are not intended to abrogate any [Easement](#), covenant, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such [Easement](#), covenant, or other private agreement, the requirements of these regulations shall govern.
- (3) A division of land, which was not lawful at the time of the adoption of these regulations on December 31, 2006, shall not become or be made lawful solely by reason of adoption of these regulations.
- (4) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

### (b) Definitions

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- (1) Words used in this Article have the standard dictionary definition unless they are defined in this section. Words defined in this section shall have the specific meaning assigned, unless the context expressly indicates another meaning.
- (2) Words or terms that are specifically defined in the Subdivision Regulations, and specifically used in the context of these regulations, are distinguished by being in Title Case and in [Blue Text](#) in the original code document.
- (3) The words "shall", "will", "shall not", and "may not" are mandatory.
- (4) The word "may" is permissive.
- (5) The word "and" indicates that all connected items or provisions apply.
- (6) The word "or" indicates that the connected items or provisions may apply singularly and in combination.
- (7) [Floodplain](#) terms referenced in this Article are defined in Section 20-1205 of the Land Development Code of the City of Lawrence and Section 12-303 of the [Zoning Regulations](#) for Douglas County.

Term	Definition
<b>Abut</b>	To physically touch or border upon; or to share a common property line.
<b>Access</b>	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
<b>Access Control</b>	Access Control is the limitation of public Access rights to and from properties Abutting Streets or highways. Access Control is used on Arterial Streets and higher functional classes of Streets to preserve traffic service levels and safety.
<b>Agent (of Owner or Applicant)</b>	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
<b>Agricultural Purposes</b>	<p>A purpose that is directly related to the agricultural activity on the land which shall include:</p> <ul style="list-style-type: none"> <li>(a) the cultivation and tillage of the soil;</li> <li>(b) dairying;</li> <li>(c) the production, cultivation, growing or harvesting of any agricultural or horticultural commodity;</li> <li>(d) the raising or training of livestock, bees, fur-bearing animals, or poultry; or</li> <li>(e) any practices performed by a farmer or on a farm, incident to or in connection with such farming operations.</li> </ul> <p>The term "agriculture purpose" does not mean the processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. In all cases, an agricultural purpose does not include a structure used as a residential Dwelling or an On-Site Sewage Management System.</p>
<b>Alley</b>	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to Abutting property.
<b>Benchmark</b>	Surveying mark made in some object which is permanently fixed in the ground, showing the height of that point in relation to National Geodetic Vertical Datum (NGVD) and City or County Datum.
<b>Block</b>	A Parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage Channels or a combination thereof.
<b>Bore Hole or Soil Boring</b>	Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of Groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the applicable local health department.
<b>Boundary Line Adjustment</b>	A change in the boundary between adjoining lands that does not create an additional building site and that, when completed, will result in Tracts/Parcels of land that meet minimum Road frontage

Term	Definition
	requirements OR Lots that comply with the Lot Design Standards of Section 20-810(a)(2) and with the Zoning District regulations that apply to the subject property.
<b>Boundary Line Street (or Road)</b>	A Street or Road that forms a part of the boundary line of a City.
<b>Build Out Plan</b>	A future subdivision layout that has been planned and designed to the Urban Street and Block level based on existing Topography and the Design Standards in the subdivision regulations of the city associated with the Urban Growth Area. The Build Out Plan identifies an internal Street network that has connectivity to existing and planned Collector and/or Arterial Streets, including Blocks for future Urban development, and the general location of utility and drainage Easements.
<b>Buildable Lot</b>	A lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a buildable lot, unless the Tract is identified for specific uses, such as signs, area markers or public utilities, as part of the Subdivision process.
<b>Building Envelope</b>	The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and excluding lands identified to be protected per Section 20-810(k) [County Code Section 11-110(k)].
<b>Caliper</b>	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.
<b>Certificate of Survey</b>	A legal instrument approved pursuant to Section 20-807; this is a narrowly used term and this instrument is not considered a "Plat" or a "Subdivision" as defined herein.
<b>Channel</b>	A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.
<b>Cluster Development</b>	A form of residential development permitted in the Urban Growth Areas that requires Residential Development Parcels to take access from a common Cross Access Easement and to set aside common areas and to plan for the conservation of natural resources.
<b>Comprehensive Plan</b>	The Comprehensive Plan for the city or county, officially approved or adopted to provide long-range Development policies, and which may include, among other things, the plan for land use, land subdivision, circulation, and community facilities.
<b>County's Access Management Standards</b>	Access and minimum frontage standards in the Douglas County Code, Chapter IX, Article 5.
<b>County's Rock Road Standard</b>	Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.

Term	Definition
<b>Cul-de-sac</b>	A Street that has one outlet and is permanently terminated by a vehicle turn-around at the other end. This is a sub-category of Streets with a Single Outlet.
<b>Culvert</b>	A drain, ditch or conduit not incorporated in a closed system, which carries drainage water under a Driveway, Roadway, railroad, pedestrian walk or public way.
<b>Curb Cut</b>	The opening along the curb line at which point vehicles may enter or leave a Roadway.
<b>Datum, City</b>	A reference point from which heights or depths are calculated within the City of Lawrence. All reference marks using City Datum are required to also denote NGVD elevation.
<b>Dedication</b>	Gift or donation of property by the Owner to a governmental unit. The transfer is conveyed by a Plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.
<b>Design Standards, Subdivision</b>	All requirements and regulations relating to design and layout of Subdivisions contained in Section 20-810.
<b>Detention Pond</b>	A facility for the temporary storage of stormwater runoff. The stormwater may be released to downstream facilities at a designed rate of flow.
<b>Developer</b>	The legal or beneficial Owner or Owners of a Lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land.
<b>Double Frontage Lot (or Through Lot)</b>	A Lot with two opposite Lot Lines Abutting upon Streets or Roads which are substantially parallel.
<b>Douglas County Zoning &amp; Codes Director</b>	The director of the Douglas County Zoning and Codes Department or such Person's designee with primary responsibility for enforcement and administration of the Zoning and Building Code Regulations of Douglas County.
<b>Drainage System</b>	Pipes, waterways, natural features and man-made Improvements designed to carry stormwater drainage.
<b>Driveway</b>	A privately owned means of providing direct vehicle Access to Streets.
<b>Driveway Apron or Driveway Approach</b>	<b>For property within the City of Lawrence:</b> The Driveway area located between the Sidewalk and the curb. When there is no Sidewalk, the apron or approach shall be defined

Term	Definition
	<p>as extending a minimum of six (6) feet from the back of the curb toward the Lot Line.</p> <p><b>For property in the Unincorporated Areas:</b> The improved surface located between existing edge of Road surface and the existing right-of-way line and installed in accordance with Douglas County Public Works Department standards.</p>
<b>Driveway, Joint-Use</b>	A privately owned Driveway that provides Access to 2 or more Lots in a non-residential Development, such as in a shopping center (with outlots) or a business or industrial park.
<b>Dwelling</b>	A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or recreational vehicle.
<b>Easement</b>	A grant by a property Owner to the public, a corporation, or persons for the use of land for specific purposes.
<b>Easement, Access</b>	An Easement created for the purpose of providing vehicular or pedestrian Access to a property.
<b>Easement, Conservation</b>	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. 58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of these regulations.
<b>Easement, Cross Access</b>	An Easement between two or more adjacent Parcels creating rights to utilize a service drive providing vehicular Access among those Parcels so the driver need not enter the public Street system, except at a limited Access point.
<b>Effective Date</b>	December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 adopting this Article 8, Chapter 20, Code of the City of Lawrence and Chapter 11, of the Douglas County Code took effect.
<b>Floodplain</b>	The land area inundated by a flood of a given magnitude as determined by the Flood Insurance Study or based on an approved Hydrologic and Hydraulic Study.
<b>Force Main</b>	A sanitary sewer line through which wastewater is pumped rather than carried by gravity flow.
<b>Frontage Road</b>	A "Street, Marginal Access" located in front of the properties that it Abuts.



<b>Term</b>	<b>Definition</b>
<b>Frontage</b>	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road Right-of-Way.
<b>Full Maintenance Road</b>	A road in the Unincorporated Area of the County that receives maintenance on a regular basis in accordance with its road classification and traffic counts.
<b>Governing Body</b>	The respective City Commission or City Council within the incorporated limits of the City of Lawrence, Baldwin City, Eudora, or Lecompton and the Board of County Commissioners within the Unincorporated Area of Douglas County.
<b>Grading</b>	The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.
<b>Groundwater</b>	Any subsurface water in the zone of saturation, including but not limited to spring water, perched Water Tables, seasonal Water Tables and aquifers.
<b>Half-Street</b>	The Right-of-Way for a Street bordering one or more property lines of a Subdivision to which the Subdivider has allocated only a portion of the required Street Right-of-Way width.
<b>Hard Surfaced Road</b>	A properly constructed and maintained road surface with asphaltic concrete, Portland cement concrete or with chip sealed aggregate base.
<b>Home Owners Association</b>	A community association, other than a condominium association, which is organized in a Development in which individual Owners share common interests in open space or facilities. The Home Owners Association usually holds title to reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from Home Owners Associations in that condominium associations do not have title to the common property.
<b>Homestead Exemption Survey</b>	A boundary survey creating a new Parcel from the division of a vested Parcel, for a residence that existed on the vested Parcel on 12/31/2006, which was made in accordance with Section 20-801(d)(2)(ix). The vested rights from the original Parcel remain with the existing residence, transferring to the new residential Parcel when the survey is recorded at the Register of Deeds.
<b>Improvements</b>	All facilities constructed or erected by a Subdivider to permit and facilitate the use of Lots and Blocks for residential, institutional, business or manufacturing purpose. Improvements include all facilities listed in Section 20-811.
<b>Infrastructure</b>	Facilities and services under the control of a governmental agency needed to sustain all land uses or activities in a community.

Term	Definition
	Infrastructure includes water lines, sewer lines, and other utilities, Streets and Roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.
<b>Intersection</b>	Where two or more Streets cross at-grade.
<b>Jurisdictional Wetland</b>	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
<b>Land Combination</b>	The combination of a vested division of land in the Unincorporated Area with additional acreage to increase the overall acreage of an individual residential Parcel.
<b>Land Disturbance</b>	Any activity involving the clearing, cutting, excavating, filling, or Grading of land or any other activity that alters land Topography or vegetative cover.
<b>Land Surveyor</b>	One who is licensed by the State of Kansas as a Land Surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.
<b>Lot</b>	A designated area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit.
<b>Lot, Reverse Frontage</b>	A Through Lot that is not accessible from one of the parallel or non-intersecting Streets upon which it fronts.
<b>Lot Depth</b>	The distance between the midpoint of the front Lot Line and the mid-point of the rear Lot Line.
<b>Lot Line, "or Residential Development Parcel Line"</b>	The perimeter of a Lot or a Residential Development Parcel.
<b>Lot Width, "or Residential Development Parcel Width"</b>	The distance between the side Lot Lines of a Lot, or the side lines of a Residential Development Parcel measured at the required front Setback Line.
<b>Lot of Record</b>	A legally created Lot recorded at the Register of Deeds as part of a Plat or Subdivision.
<b>Major Thoroughfares Map(s)</b>	A plan adopted by the Metropolitan Planning Organization, the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and Roads in the community.
<b>Metes And Bounds</b>	A method of describing the boundaries of land by directions and distances from a known point of reference.
<b>Minimum Elevation of Building Opening</b>	The minimum elevation above sea level at which a building located in the Floodplain may have a door, window, or other opening.

<b>Term</b>	<b>Definition</b>
<b>Minor Subdivision</b>	See "Subdivision, Minor/Replat"
<b>Neighborhood Plan</b>	See "Sector Plan"
<b>Off-Site Improvements</b>	Improvements located on property outside the perimeter of the Subdivision that are determined by the Planning Commission to be necessary because of the proposed Subdivision, e.g., construction of Streets, signalization of intersections, drainage Channels, extension of public utilities, etc.
<b>On-Site Sewage Management System</b>	A conventional, alternative, experimental, or innovative Sewage disposal system which serves a single family residential building or a single non-residential building.
<b>On-Site</b>	Located within the perimeter of the property that is subject to an application for Subdivision or a Certificate of Survey approval.
<b>Open Space, Common</b>	Land within a subdivision, which is designed and intended for the common use or enjoyment of the residents of the Development and may include such complementary structures and Improvements as are necessary and appropriate. Common Open Space may be Platted as a Tract which is owned and maintained by a Home Owners Association or a property owners association.
<b>Original Townsite Area</b>	The original Townsite of the City of Lawrence, as shown on the "Original Townsite Map" available for public inspection from the Planning Director.
<b>Original Tract</b>	A Parcel or a combination of all adjacent Parcels under a single ownership [not separated by public Right(s)-of-Way] that share common boundary lines or two separate ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.
<b>Outlet, Single</b>	A single connection between the Street or Road system in a particular Subdivision or other development and the Street system shown on the Major Thoroughfare Map; a Cul-de-sac is a sub-category of Streets with Single Outlets, but a loop road or more complex system within a development may also have Access to the Street system through a Single Outlet.
<b>Overlay District</b>	A special zoning district that has been "overlaid" on a base zoning classification to alter some or all the base district zoning regulations.
<b>Owner</b>	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
<b>Package Plant</b>	A prefabricated or pre-built wastewater treatment plant.
<b>Parcel</b>	A Lot or contiguous Tracts owned and recorded as the property of

Term	Definition
	the same persons or controlled by a single entity.
<b>Parent Parcel</b>	An area of 20 acres or more surveyed solely for the purpose of creating one or more Residential Development Parcels.
<b>Pedestrian Easement</b>	A strip of land dedicated for public use which is dedicated across a Block for the purpose of providing pedestrian Access to adjacent areas.
<b>Pedestrian Way</b>	A public walk dedicated entirely through a Block, from Street to Street, or providing Access to a school, park, recreation area, employment or shopping center.
<b>Percolation Test</b>	A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.
<b>Percolation</b>	Downward flow or infiltration of water through the pores or spaces of rock or soil.
<b>Planning Area</b>	The area considered in the development of a Comprehensive Plan for cities in Douglas County.
<b>Planning Commission</b>	The Lawrence/Douglas County Metropolitan Planning Commission.
<b>Planning Director</b>	The Lawrence/Douglas County Metropolitan Planning Director.
<b>Plat (or Subdivision Plat)</b>	<p>A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets which has been approved by the Planning Commission and recorded in the office of the County Register of Deeds. The term includes a Replat.</p> <p>(<i>To Plat</i> as an action) – To Subdivide a property in accordance with these regulations.</p>
<b>Plat, Preliminary</b>	A map of proposed land Subdivision showing the character and proposed layout of the Parcel in sufficient detail to indicate <del>its</del> its suitability for the proposed Subdivision.
<b>Plat, Final</b>	A map of a land Subdivision prepared in a form suitable for filing of record with necessary affidavits, Dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining Lots and Blocks, Streets, Alleys, Easements, public areas and other dimensions of land.
<b>Potable Water</b>	Water suitable for drinking or cooking purposes.
<b>Public Improvement Petition</b>	A legal instrument which serves as the basis for initiation of a Public Improvement project by the Governing Body. A Public Improvement Petition is frequently used during the Subdivision Platting process to

Term	Definition
	guarantee the construction of certain Improvements that are required as conditions of Plat approval, such as Street paving, Sidewalks, water and sewer lines, and stormwater and drainage Improvements.
<b>Public Improvements</b>	Any Infrastructure constructed for which a municipality may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which a municipality is responsible.
<b>Public Improvement Plans</b>	The engineering plans and specifications necessary to construct all Infrastructure Improvements needed to serve a proposed Subdivision or development.
<b>Public Utility Facilities</b>	Telephone, electric and cable television lines, poles, equipment and structures; water lines, holding towers or gas pipes, mains, valves or structures; sewer pipes, valves or structures; Pumping Stations; telephone exchanges and repeater stations; and all other facilities, equipment and Structures necessary for conducting a service by a government, public or private utility provider.
<b>Public Water Supply</b>	A system outside of incorporated cities for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.
<b>Publicly Treated Water</b>	Water supplied for domestic purposes by a municipality or by a Rural Water District and approved by the Kansas State Department of Health.
<b>Pumping Station</b>	A pumping facility that transports wastewater between two gravity flow sewer lines. A Pumping Station is used when topographic conditions do not allow a continuous gravity flow system.
<b>Replat (or Resubdivision)</b>	The further division of a Tract of land which has previously been lawfully subdivided and for which a Plat of such prior Subdivision has been duly recorded. A Replat is processed as an administrative review in accordance with the Minor Subdivision/Replat procedures in Section 20-808.
<b>Residential Development Parcel</b>	A Parcel created from the Parent Parcel through the administrative Certificate of Survey process to make the new land division eligible for a residential building permit.
<b>Restrictive Covenant</b>	A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including Home Owners association agreements. The Restrictive Covenant usually runs with the land.
<b>Right-of-Way</b>	An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.

<b>Term</b>	<b>Definition</b>
<b>Road or Roads</b>	Same as "Street" or "Streets".
<b>Road, Stub</b>	A short section of public Road or Road Easement dedicated to provide future Access to an adjacent unplatted Tract of property.
<b>Roadway</b>	The paved or improved area of a Street Right-of-Way, exclusive of Sidewalks, Driveways, or related uses.
<b>Rural Area</b>	The area of Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.
<b>Sanitary Sewers</b>	Pipes that carry only domestic, industrial or commercial Sewage and into which storm, surface and ground waters are not intentionally admitted.
<b>Sector Plans</b>	Plans that encompass one or more sections of land with the purpose being to use geographic and demographic information to develop a detailed land use vision of future development or redevelopment of a study area.
<b>Setback Line</b>	The line that is the required minimum distance from the Street right-of-way line or any other Lot Line that establishes the area within which the principal Structure must be erected or placed.
<b>Sewage Lagoon</b>	An artificial pond designed to exclude surface water and receive raw Sewage through a submerged sewer for biological decomposition.
<b>Sewage</b>	The total of organic waste and waste water generated by residential, industrial and commercial establishments.
<b>Sidewalk</b>	A paved, surfaced, or leveled area, paralleling and usually separated from the Street, used as a pedestrian walkway.
<b>Stand of Mature Trees</b>	An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
<b>Stormwater Detention</b>	Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.
<b>Stream Corridor</b>	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
<b>Street or Streets (or Roads)</b>	Any vehicular way(s) which: (1) is an existing state, county or municipal Roadway; or

Term	Definition
	(2) is shown upon a Plat approved pursuant to law; or (3) is approved by other official action.
<b>Street, Arterial</b>	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the Urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressways to Streets of lower classification, and, in some cases, allow traffic to directly access destinations.
<b>Street, Collector</b>	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
<b>Street, Cul-de-sac</b>	A Street having only one outlet and being permanently terminated by a vehicle Turn-around at the other end.
<b>Street, Dead-End</b>	A Street having only one outlet and which does not benefit from a Turn-around at its end.
<b>Street, Expressway</b>	Any divided Street or highway with no Access from Abutting property and which has either separated or at-grade Access from other Public Streets and highways.
<b>Street, Freeway</b>	Any divided Street or highway with complete Access Control and grade separated interchanges with all other Public Streets and highways.
<b>Street, Limited Local</b>	A Local Street providing access to not more than eight Abutting single-family residential Lots.
<b>Street, Local</b>	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street is typically discouraged.
<b>Street, Marginal Access</b>	A Street that is generally parallel and adjacent to an Arterial Street or other limited-access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
<b>Street, Private (City)</b>	Any Tract of land or Access Easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a Private Street may choose to gate access to this type of street from the general public.
<b>Street, Private (County)</b>	Private Roads in the Unincorporated County are Roads not dedicated for public use that were approved by the County Commission prior

Term	Definition
	to December 15, 1998.
<b>Street, Public</b>	A way for vehicular traffic, whether designated as a Local, Collector, Arterial, Freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include Alleys.
<b>Street, Residential</b>	Same as "Local Street".
<b>Street, Residential Collector</b>	Residential collector is a special category of Collector Street characterized by lower speeds & the residential nature of land uses along the corridor. These Streets are designed to connect residential areas in neighborhoods to non-residential uses but do not connect to Arterial Streets.
<b>Street, Stub</b>	A short section of Street Right-of-Way platted to provide future access to an adjacent unplatted Tract of property.
<b>Subdivide</b>	The act or process of creating a Subdivision.
<b>Subdivider</b>	The Owner, or any other person, firm or corporation, authorized by the Owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing and platting land.
<b>Subdivision</b>	Any land, vacant or improved, which is divided or proposed to be divided into two or more Lots, Parcels, or Tracts for the purpose, whether immediate or future, of sale or building development, including Resubdivision, but not including property described through the "Certificate of Survey" Administrative Procedure as is separately defined.
<b>Subdivision, Major</b>	A two-step review process including Planning Commission approval of a Preliminary Plat and administrative approval of a Final Plat to create a subdivision in accordance with Section 20-809.
<b>Subdivision, Minor</b>	A one-step administrative review process that provides for Resubdivision of previously platted property where little or no expansion of Public Infrastructure is involved. The Minor Subdivision/Replat is completed in accordance with Section 20-808.
<b>Subdivision Regulations</b>	For the City of Lawrence, Article 8 in Chapter 20 of the City Code, as adopted and amended from time to time by Ordinance adopted by the City Commission. For Douglas County, Chapter XI in the County Code, as adopted and amended from time to time by Resolution adopted by the Board of County Commissioners.
<b>Swale</b>	A shallow ditch lined with grass or other vegetation for the purpose of carrying stormwater from one location to another and filtering sediments and other pollutants from stormwater runoff.
<b>Temporary Set Aside Agreement</b>	An agreement relating to land located within the Urban Growth Area that contains the resources identified in Section 20-810(k) that, as



Term	Definition
	reasonably practicable, requires the retention of the environmental, geographical, or historical characteristics of the land and prohibits any use or activity that will significantly impair, interfere with, or destroy these characteristics
<b>Topography</b>	The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).
<b>Tract</b>	When part of a platted Subdivision, a Tract is a Parcel reserved for open space, storm drainage, Easement purposes or an otherwise specific and restricted use.
<b>Traffic Calming Device</b>	Physical traffic control or intervention measures designed to reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized Street users.
<b>Turn-around</b>	An area at the closed end of a Street with a single common ingress and egress within which vehicles may reverse their direction.
<b>Unnecessary Hardship</b>	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
<b>Unincorporated Area</b>	That portion of Douglas County lying outside any incorporated municipality.
<b>Urban</b>	An area generally characterized by residential, commercial and industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer system, an extensive network of Streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered non-urban or rural.
<b>Urban Density</b>	A residential density that resembles the built and developed density of the city for which an Urban Growth Area was projected and adopted.
<b>Urban Growth Area – Lawrence</b>	The area that is defined in the City and County Comprehensive Land Use Plan as the Urban Growth Area (UGA) surrounding the City of Lawrence.
<b>Urban Growth Area – [other cities in the</b>	The area defined by a city’s master plan as land that will be annexed into the city within the land use planning period to accommodate

<b>Term</b>	<b>Definition</b>
<b>County]</b>	the future growth and development of neighborhoods, businesses and industries by the extension of city Infrastructure and services.
<b>Vacation</b>	The termination of, or termination of an interest in, an easement, right-of-way or public dedication of land.
<b>Variance</b>	Permission to depart from the Design Standards (20-810) or Public Improvement Standards (20-811) of the regulations when the application of a specific standard is so unreasonable that it would prevent the logical subdivision of the property.
<b>Water Table</b>	The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.
<b>Woodlands</b>	Natural hardwood forests, whether or not actively forested.
<b>Zoning Regulations</b>	The remainder of Chapter 20 of the City Code or Chapter 12 of the Douglas County Code.

**ITEM NO. 6      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (SMS)**

**TA-3-3-10:** Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11. Deferred by Planning Commission on 10/26/11.*

**STAFF PRESENTATION**

Ms. Sheila Stogsdill presented the item.

Commissioner von Achen inquired about a temporary set aside agreement.

Ms. Stogsdill said it was a protection measure for Certificates of Survey in the Urban Growth Area. She said it was like a conservation easement but not necessarily permanent. It protects or preserves the areas in the future development area of a Certificate of Survey. She stated once the property was annexed into the city it would expire if there was no action to replat the property or the city to actually acquire that through easement. She said originally the thought was that some of those sensitive lands would be areas prime for adding to the park network so they didn't want them to be specifically developed before they came into the city. She said if there was no proactive action by the city to acquire that within two years then the protection was lifted so the property owner had full use of it.

Commissioner von Achen asked if the clock started ticking after annexation.

Ms. Stogsdill said that was correct.

Commissioner Hird inquired about the language regarding parent parcel.

Ms. Stogsdill said staff was thinking of it from the standpoint of property owners that didn't have 20 acres so they wouldn't have enough to create that parent parcel. She said the League of Women Voters suggested the scenario where someone who had 21 acres and someone who had 19 acres, so with 40 acres there was the potential that multiple parent parcels could be carved out of that original tract.

**PUBLIC HEARING**

No public comment.

**ACTION**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the proposed revisions and forward a recommendation for approval of the proposed amendments TA-3-3-10 [*December 12, 2011 Edition*] to Chapter 20, Article 8 of the Land Development Code to the City Commission and Chapter 11, Article 1 of the County Code to the County Commission for consideration and action, including revised language as proposed by the League of Women Voters for Section 20-806(b)(1):

*Original Tract – shall be composed of a Parcel or a combination of all adjacent Parcels under a single ownership [not separated by public Right(s)-of-Way] that share common boundary lines or two separate ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.*

Motion carried 8-0-1, with Commissioner Burger abstaining.

**From:** AD - Weinaug, Craig  
**Sent:** Thursday, December 29, 2011 10:55 AM  
**To:** County Commissioner - Flory, James; County Commissioner Gmail - Gaughan, Mike; Nancy Thellman (nthellman@gmail.com)  
**Cc:** AD - Crabtree, Robin; MT - Bell, Bill; DA - Branson, Charles; CL - Shew, Jamie; IT - Lawson, Jim; RD - Pesnell, Kay; ZO - Dabney, Keith; SH - McGovern, Ken; DC - Koester-Vogelsang, Linda; Marion Johnson; Pam Madl; YS - Weigand, Pam; TR - Gilchrist, Paula; PW - Browning, Keith; Scott McCullough; EM - Smith, Teri  
**Subject:** 2012 Legislative Policy Statement  
**Attachments:** 2012 Douglas County Legislative Statement122811Draft.docx; 2012 Douglas County Legislative Statement Medium Length Draft122911.docx; 2012 Douglas County Legislative Statement Short Draft 122911.docx

Commissioners:

Attached please find three alternative Legislative Policy statements for the 2012 legislative session.

The first draft is almost identical to the version that I forwarded to you yesterday. The only change takes out an outdated reference to the VIPS system on page 6.

The next two versions were developed in response to a request from Commissioner Flory to make the statement a lot shorter, hopefully increasing the chances that it will actually be read. There is a short version with one and a half pages, and a medium version with three pages.

Hard copies of all three documents will be in your agenda packet for this coming Wednesday.

Craig

# **2012 Douglas County Legislative Statement (Draft)**

## **Introduction**

Douglas County currently faces at least two more years of fiscal crisis brought on by a perfect storm of declining real estate values, and a state government that is redefining and reducing its role in the provision of public services.

Over the last three to four years, the county has faced significant challenges as our revenues have stagnated and actually declined slightly as a direct result of the recent recession. Last year at this time, we were hopeful that the worst of the recession would be over and that our revenues would begin to recover and show at least enough growth to offset inflation. Unfortunately, we now know that the opposite is occurring.

Over 60% of the revenues of Douglas County are directly or indirectly connected to the value of real estate. Through 2010, the value of new construction, had offset slight declines in real estate values, but throughout 2011 we experienced declines in real estate value that are averaging around 3%. Housing foreclosures in Douglas County have continued to grow, and declines in state assessed value and personal property value have continued to decline. Revenue from the mortgage tax appears to have finally bottomed out at a level that is only about 40% of what we received six years ago.

*We are now projecting that the net impact of all of these revenue trends will be a 2013 county budget with \$2.5 million to \$4 million less in revenue than the 2012 budget at the same mill levy.*

On the expenditure side, the county's cost for health insurance and the cost for infrastructure maintenance, much of which is very sensitive to the price of oil, continues to increase at rates significantly in excess of normal inflation.

Also on the expenditure side, the county has faced enormous pressures to take up the slack where the state has continued to redefine its role in providing governmental services. Some parts of this redefinition have been well-publicized, including the closing of several SRS offices across the state, but much of the downsizing of state support of critical public services has been under the radar for the media and for most of our citizens. The cumulative effect of these changes has been huge. To cite a few examples:

- 1) In spite of public promises to the contrary, staffing levels and services at SRS are being systematically and dramatically reduced as job openings are routinely eliminated whenever there are openings. Instead of strategically cutting services based on policy considerations, SRS routinely eliminates the services that were being provided by the departing employee. The county then has sometimes been given the opportunity to fill the gap, or the service is eliminated. To the extent that the county or other local units of government decide that the cost of not filling the gap is more expensive than cutting the service, the county is sometimes better off, filling the gap.
- 2) Bert Nash continues to experience funding cuts from the state that exceed 1.2 million dollars annually. As a result, Bert Nash's ability to serve all citizens, regardless of ability to pay, has been compromised to the breaking point. For those citizens whose ability to function in a productive way, is directly dependent upon ongoing support from Bert Nash, the consequences can be the difference

between having a job and residing in the county jail at the expense of the taxpayers.

- 3) Increasingly, county jails are being used by the State to house convicted felons at rates of reimbursement that are not even close to the actual cost of housing prisoners. It is obviously cheaper for the state budget to pay nominal reimbursement rates to the counties for housing convicted felons, than it is to build and operate additional state prison beds, but it is not less expensive to the Kansas taxpayer who must pay both tax bills.

We often hear from state officials who tell us that the state has to cut its budget as a matter of fiscal responsibility. But when the bulk of that cutting results in cuts to service at the local level, we must question whether the state understands that it does not operate in a vacuum. We must also question whether the state is really looking after the best interests of the bulk of our citizens when the burden for financing basic government services is shifted from the income tax at the state level to the property and sales taxes at the local level.

Listed below are a number of issues that you will face as our legislators over the coming months, but we have two overriding requests:

- 1) Please do everything you can to avoid hurting local governments any more than they are already hurting.
- 2) When further cuts to state government are proposed, please ask the question whether the proposed cut will merely shift costs to governments at the local level. Based upon the performance of the state over the last few years, either no one has been asking the question, or no one considers the answer to be relevant to the overriding goal of cutting the size of the state government.

We appreciate your service to the residents of Douglas County and we look forward to working with you in our mutual responsibility to serve the residents of Douglas County.

## **High Priority Issues**

**Restore SRS funding for Lawrence Office.** SRS officials have stated that the Governor's budget will include funding for the Lawrence Office. However, a literal reading of the agreement executed by Douglas County and the City of Lawrence with SRS, obligates the local governments to pay the state significant funds until the legislature acts to restore the funding to the Lawrence Office. We ask our delegation to advocate for retroactive language in the SRS budget, eliminating the need for the local governments to pay anything to the state for this purpose. We also would like to thank our delegation for the successful efforts over the last several months to retain the SRS offices in Lawrence.

**Fully fund the cost of the District Court as provided by law, instead of depending on the county to fund state responsibilities.** Douglas County, like many other large counties in the state, has been forced to fund portions of the district court budget that are statutorily the responsibility of the state. This growing subsidy of a

state responsibility by the local taxpayers is a direct result of inadequate funding of the judiciary function by the state legislature, and it has become a necessary part of the budgets of larger counties over the last ten years. The cost to the Douglas County budget to bail out the state for this function already exceeds \$100,000 annually. While County Commissioners have considered the possibility of just saying 'no' rather than enabling the state to become more dependent on local property taxes to fund a state function, they really have no choice, because one of the consequences of an inadequately funded judiciary is a higher occupancy at the county jail which is also funded by the county taxpayer.

## **Other Issues**

### ***Governmental Organization***

**Local Government Services.** We oppose any legislation requiring counties to pay higher fees for services than those charged to private entities or other public agencies for the same services.

**Home Rule.** We support constitutional home rule for counties and oppose any erosion of existing statutory home rule authority. We support counties using their current home rule powers when applicable rather than seeking specific legislative remedies. We will seek introduction of legislation granting constitutional home rule when appropriate.

**KPERS Funding.** Changes to the KPERS system should be carefully considered in order to protect the county's ability to hire and retain qualified employees. Our employees are the key resource to providing high-quality services to our citizens and changes to retirement and benefit structures could impact our ability to recruit qualified employees to public service.

**Counties Right to Use Eminent Domain.** We oppose any legislation that would remove or limit counties' use of eminent domain.

**Electronic Governance and Service Delivery.** We recognize that sweeping technological changes in society afford counties both new opportunities and challenges for governance and service delivery. We support a balanced perspective on the issues of privacy, cost recovery, as well as access to and release of electronic data compiled by counties given our concern that programs will be used by for-profit ventures without proper remuneration to counties.

**Consolidation.** We support legislative changes that remove statutory limitations to consolidation of functions or services. We oppose mandatory consolidation of local government units and/or services. Counties presently share numerous services with cities and other counties, but they should not be forced to do so.

**Open Meetings.** We believe that openness in county government is essential to building public confidence. However, we believe there are times when privacy or other legitimate reasons require executive sessions. We oppose legislation requiring executive sessions to be recorded because it would impose unreasonable demands on elected and appointed officials and raise questions as to the custody of the recordings.

**Open Records.** We support retention of current exemptions to the Kansas Open Records Act.

### ***Public Health and Safety***

**Access to Mental Health Services.** We support access to state psychiatric hospital beds by clients of the mental health system, or an alternate plan requiring the State to assume fiscal responsibility for these clients if all state hospital beds are filled.

**Funding for Community Mental Health Services.** We support full funding in state grants for community mental health services, allowing community mental health centers (CMHCs) to annually serve 60,000 uninsured and underinsured county residents not eligible for Medicaid. State licensing requirements dictate that CMHCs provide services to anyone regardless of their ability to pay, resulting in an unfunded mandate from the State to counties to provide community mental health treatment. Cuts to Bert Nash over the last few years have been crippling, and will have a ripple effect on other county functions and responsibilities.

**Funding for Community Corrections.** We support full state funding to local communities for mandated community corrections programs. Community corrections programs for adults have implemented a bold offender risk reduction initiative that increased successful program completion and reduced revocations that send offenders to prison. Evidence-based practices reduce recidivism, saving taxpayer money. Local community corrections programs now serve higher risk and more violent offenders. Juvenile offender supervision and programs are critical to managing juvenile offenders. Early interventions for juveniles are a critical part of graduated sanctions to reduce offender behavior and avoid future criminal behavior. We support restoration of prevention and incentive grant funding cut in FY 2010 and 2011. Additional funding can produce a significant return on investment through reduced crime and incarceration, and increased success of clients on probation.

**Funding of Health Departments.** We support increased state funding of local health departments. We support an amendment to the Kansas statute on county maintenance of effort that would reduce state funding by a proportionate amount rather than a dollar-for-dollar amount when a county decreases its funding for its local health department. The current funding mechanism can result in a local health department losing all of its state funding. The Lawrence Douglas County Health Department has many mandated but unfunded functions that compete for limited resources. One significant expense is the purchase of vaccine. Immunizations are directly dependent on funds available for vaccine purchase by local health departments. These costs rise every year with flat state funding, and thus compete for funding of other health department operations.

**Funding of State Prisoners in County Jails.** Historically, felons served their sentences with the Kansas Department of Corrections; however, state laws have been modified in recent years to move convicted felons to county jails. We support state funding to reimburse counties for the full cost of housing convicted felons. Further the state should keep records of the number of felons in county jails, and make such information available to the public.

**Sexually Violent Predators.** We support full funding of the state's responsibility for committing sexually violent predators.



**Collection of Fees and Expenses by Garnishment.** State law allows the award of fees and expenses in child-in-need-of-care cases. However, the law does not allow the garnishment of wages and attachment, if necessary, to collect the fees and expenses. We support legislation which would allow garnishment of wages and attachment in these instances.

### ***Environment and Land Use***

**Local Environmental Protection Program (LEPP).** We support continued funding of the Local Environmental Protection Program by the Kansas Water Office to continue local public health and county water quality programs. We oppose the transfer of LEPP funding from the State Water Office to the KDHE General Fund Budget.

**Notification for Zoning Actions.** We support legislation permitting counties to use computer assisted mass appraisal (CAMA) records or property tax rolls as a basis to generate mailing lists of landowners within the notification areas of a proposed zoning action. This would replace the current requirement of obtaining certified lists of landowners and their mailing addresses from an abstractor.

**Preserving Public Water Supplies.** We support reasonable, scientifically-based regulations to protect the quality and quantity of water. Such regulations should take into account cost-benefit analyses and should not be unduly restrictive. In addition, we support legislation and regulations to protect sensitive or important groundwater areas from possible contamination by humans, animals or other sources. We support efforts at all levels of government to protect and preserve water resources. We support partnerships between local, state and federal governments aimed at remedying sedimentation and other problems that affect the public's access to water.

**Local Regulation of Land Use.** Local government's right to decide local land use is fundamental to good government. We strongly support retaining and enhancing the authority of counties to regulate land uses.

**Land Surveys.** We support legislation that would update laws relating to land surveys and the review of surveys. We also support legislation that allows counties an option to review private surveys prior to recording. We oppose outright repeal of all laws relating to monumentation and survey reviews.

### **Taxation, Finance and Infrastructure**

**Alternative Taxing Authority.** There is great stress on the property tax as a means of financing county services. There is also tremendous diversity among counties' economic bases, which makes a uniform approach to funding local services infeasible. As such, we support legislation to provide a statutory menu of taxing and revenue options to finance county services which could be exercised by boards of county commissioners on a county by county basis.

**Assessed Valuation Limitation.** We oppose any constitutional or statutory amendment limiting the change in assessed valuation for a parcel from one appraisal year to the next. Such proposal would create unnecessary inequities among parcels and would unnecessarily shift the property tax burden to older, mature properties. In the past decades, the state and counties have expended a tremendous amount of political and fiscal capital to make the property tax system more modern and reflective of economic realities. To impose an artificial cap on the valuation of any parcel would negate much of this progress.

**Taxpayers Bill of Rights (TABOR).** Taxpayers Bill of Rights (TABOR) proposals are an affront to our system of representative democracy and the right of state and locally elected officials to govern in a manner needed to provide necessary services. Further, TABOR would weaken the financial health of county government at a time when it is needed most. We strongly oppose any constitutional or statutory proposal which would require any supermajority requirement for taxation at the state or local level. We also oppose any proposal which would diminish or restrict the authority of legislators, boards of county commissioners, and other governing officials to manage the financial resources under their stewardship and care including lobbying efforts. We believe that it is a fundamental right for local governments to hire persons to inform and advocate for their positions in the legislative process.

**Taxation of 16M and 20M Trucks.** We support legislation that would fully incorporate 16M and 20M trucks into the motor vehicle registration system for taxation purposes.

**Tax Base Exemptions.** We oppose any further exemptions to the ad valorem property tax base or the state/local sales tax base. We support a thorough and comprehensive review of all exemptions and repeal of those exemptions that would not merit a state appropriation. Exemptions only shift the burden of financing vital services to an increasingly narrow tax base.

**Mortgage Registration Tax.** We support the continuation of this tax. The mortgage registration tax is a valuable and fair intangible tax and an important source of revenue to counties. Additionally, we support a statutory change requiring that fees be paid at the time all documents, including federal tax liens or releases, are presented for recording.

**Spending Lid.** We strenuously oppose any constitutional or statutory amendment to impose spending limitations on county governments. Budget and spending decisions of county governments should be made by the elected board of county commissioners, which is directly accountable and accessible to constituents. Such limitations could directly conflict with counties' home rule powers and would constitute an unnecessary infringement on local control.

**Right of Way Management.** We vigorously oppose restrictions to counties' ability to manage their rights of way or to recover public costs incurred when such property is necessarily used by regulated and non-regulated utilities or service providers. The management of public rights-of-way is a fiduciary responsibility of county government.

**Threshold for Surety Bond Posting on County Construction Projects.**

Current state law (K.S.A. 19-214 and 68-521) provides that counties awarding contracts in excess of \$25,000 for the construction of county facilities must require the person or firm to whom the award is made to provide a surety bond in the amount of the contract. The surety bond requirement of the current law discourages small contractors from bidding on relatively small construction jobs of counties, and conflicts with a general public construction law, which sets the threshold for requiring a surety bond at \$100,000. We support increasing the minimum threshold for the posting of a surety bond for such projects from \$25,000 to \$100,000. Raising the threshold of a surety bond would stimulate greater competition among contractors, thereby saving counties money, and harmonize the county law with the general public construction bond law.

**Haul Roads.** We urge the Kansas Department of Transportation (KDOT) to expand agreements to include compensation to any county that sustains any road damage due to the operations of a road construction contractor under contract with KDOT.

**Property Tax Deferral.** We oppose exemptions from property taxes on new residential property and oppose any delayed taxation on buildings or other structures classified residential.

**Costs of Collecting Debts.** We support legislation that allows a county to recoup the costs of collecting an unpaid debt by adding the costs of collection to the total debt.

**Delinquent Property Taxes.** We support legislation that allows counties to minimize the negative impact of delinquent property taxes through the sale of delinquent tax lien receivables.

**Competitive Bidding for Repairs, Emergencies.** We support legislative changes to allow counties to make repairs costing more than \$25,000 to county buildings and building equipment without competitive bids. We also support changes in the competitive bidding statute to allow counties to waive all competitive bidding requirements if a public emergency exists.

**Fee Sweeps.** We oppose any legislation that sweeps fees intended for distribution to local government into the state general fund for use by the state.

**Credit/Debit Cards.** We support legislation that allows counties to accept credit/debit cards for payment of county services or benefits, and which allows counties to recover from the card user those fees associated with accepting credit/debit cards.

**Watercraft.** We support legislation that classifies watercraft and allows titling and registration of watercraft in the motor vehicle registration system.

# **2012 Douglas County Legislative Statement (Med Draft)**

## **Introduction**

The County will face significant budget problems in 2012 and 2013 as the value of real estate in Douglas County continues to decline. We are currently projecting that the 2013 County budget will have \$2.5 million to \$4 million less in revenue than the 2012 budget at the same mill levy.

Concurrently with this decline in revenues, the county faces enormous pressure to take up the slack where the state has continued to redefine its role in providing governmental services. Some parts of this redefinition have been well-publicized, including the closing of several SRS offices across the state, but much of the downsizing of state support of critical public services has been under the radar for the media and for most of our citizens. The cumulative effect of these changes has been huge. To cite a few examples:

- 1) Staffing levels and services at SRS are being systematically and dramatically reduced as job openings are routinely eliminated whenever there are openings. Instead of strategically cutting services based on policy considerations, SRS routinely eliminates the services that were being provided by the departing employee. The county then has sometimes been given the opportunity to fill the gap, or the service is eliminated. To the extent that the county or other local units of government decide that the cost of not filling the gap is more expensive than cutting the service, the county is sometimes better off, filling the gap.
- 2) Bert Nash continues to experience funding cuts from the state that exceed 1.2 million dollars annually. As a result, Bert Nash's ability to serve all citizens, regardless of ability to pay, has been compromised to the breaking point. For those citizens whose ability to function in a productive way, is directly dependent upon ongoing support from Bert Nash, the consequences can be the difference between having a job and residing in the county jail at the expense of the taxpayers.
- 3) Increasingly, county jails are being used by the State to house convicted felons at rates of reimbursement that are not even close to the actual cost of housing prisoners. It is obviously cheaper for the state budget to pay nominal reimbursement rates to the counties for housing convicted felons, than it is to build and operate additional state prison beds, but it is not less expensive to the Kansas taxpayer who must pay both tax bills.

Douglas County has two overriding request of our legislators for upcoming session. First, please do everything you can to avoid hurting local governments any more than they are already hurting. Second, when further cuts to state government are proposed, please ask the question whether the proposed cut will merely shift costs to governments at the local level. Based upon the performance of the state over the last few years, either no one has been asking the question, or no one considers the answer to be relevant to the overriding goal of cutting the size of the state government.

We appreciate your service to the residents of Douglas County and we look forward to working with you in our mutual responsibility to serve the residents of Douglas County.

## **High Priority Issues**

**Restore SRS funding for Lawrence Office.** SRS officials have stated that the Governor's budget will include funding for the Lawrence Office. However, a literal reading of the agreement executed by Douglas County and the City of Lawrence with SRS, obligates the local governments to pay the state significant funds until the legislature acts to restore the funding to the Lawrence Office. We ask our delegation to advocate for retroactive language in the SRS budget, eliminating the need for the local governments to pay anything to the state for this purpose.

**Fully fund the cost of the District Court as provided by law, instead of depending on the county to fund state responsibilities.** Douglas County, like many other large counties in the state, has been forced to fund portions of the district court budget that are statutorily the responsibility of the state. This growing subsidy of a state responsibility by the local taxpayers is a direct result of inadequate funding of the judiciary function by the state legislature, and it has become a necessary part of the budgets of larger counties over the last ten years. The cost to the Douglas County budget to bail out the state for this function already exceeds \$100,000 annually.

## **Other Issues**

### ***Governmental Organization***

**KPERS Funding.** Changes to the KPERS system should be carefully considered in order to protect the county's ability to hire and retain qualified employees. Our employees are the key resource to providing high-quality services to our citizens and changes to retirement and benefit structures could impact our ability to recruit qualified employees to public service.

### ***Public Health and Safety***

**Access to Mental Health Services.** We support access to state psychiatric hospital beds by clients of the mental health system, or an alternate plan requiring the State to assume fiscal responsibility for these clients if all state hospital beds are filled.

**Funding for Community Corrections.** We support full state funding to local communities for mandated community corrections programs. Community corrections programs for adults have implemented a bold offender risk reduction initiative that increased successful program completion and reduced revocations that send offenders to prison. Evidence-based practices reduce recidivism, saving taxpayer money. Local community corrections programs now serve higher risk and more violent offenders. Juvenile offender supervision and programs are critical to managing juvenile offenders. Early interventions for juveniles are a critical part of graduated sanctions to reduce offender behavior and avoid future criminal behavior. We support restoration of prevention and incentive grant funding cut in FY 2010 and 2011. Additional funding can produce a significant return on investment through reduced crime and incarceration, and increased success of clients on probation.

**Funding of Health Departments.** We support increased state funding of local health departments. We support an amendment to the Kansas statute on county maintenance of effort that would reduce state funding by a proportionate amount rather than a dollar-for-dollar

amount when a county decreases its funding for its local health department. The current funding mechanism can result in a local health department losing all of its state funding.

**Funding of State Prisoners in County Jails.** Historically, felons served their sentences with the Kansas Department of Corrections; however, state laws have been modified in recent years to move convicted felons to county jails. We support state funding to reimburse counties for the full cost of housing convicted felons. Further the state should keep records of the number of felons in county jails, and make such information available to the public.

**Sexually Violent Predators.** We support full funding of the state's responsibility for committing sexually violent predators.

**Collection of Fees and Expenses by Garnishment.** State law allows the award of fees and expenses in child-in-need-of-care cases. However, the law does not allow the garnishment of wages and attachment, if necessary, to collect the fees and expenses. We support legislation which would allow garnishment of wages and attachment in these instances.

### **Environment and Land Use**

**Notification for Zoning Actions.** We support legislation permitting counties to use computer assisted mass appraisal (CAMA) records or property tax rolls as a basis to generate mailing lists of landowners within the notification areas of a proposed zoning action. This would replace the current requirement of obtaining certified lists of landowners and their mailing addresses from an abstractor.

**Land Surveys.** We support legislation updating laws relating to land surveys and the review of surveys. We support legislation that allows counties an option to review private surveys prior to recording. We oppose repeal of all laws relating to monumentation and survey reviews.

### **Taxation, Finance and Infrastructure**

**Taxation of 16M and 20M Trucks.** We support legislation that would fully incorporate 16M and 20M trucks into the motor vehicle registration system for taxation purposes.

**Tax Base Exemptions.** We oppose any further exemptions to the ad valorem property tax base or the state/local sales tax base. We support a thorough and comprehensive review of all exemptions and repeal of those exemptions that would not merit a state appropriation. Exemptions only shift the burden of financing vital services to an increasingly narrow tax base.

#### **Threshold for Surety Bond Posting on County Construction Projects.**

Current state law (K.S.A. 19-214 and 68-521) provides that counties awarding contracts in excess of \$25,000 for the construction of county facilities must require the person or firm to whom the award is made to provide a surety bond in the amount of the contract. The surety bond requirement of the current law discourages small contractors from bidding on relatively small construction jobs of counties, and conflicts with a general public construction law, which sets the threshold for requiring a surety bond at \$100,000. We support increasing the minimum threshold for the posting of a surety bond for such projects from \$25,000 to \$100,000. Raising the threshold of a surety bond would stimulate greater competition among contractors, thereby saving counties money, and harmonize the county law with the general public construction bond law.

# 2012 Douglas County Legislative Statement (Short Draft)

## High Priority Issues

**Restore SRS funding for Lawrence Office.** SRS officials have stated that the Governor's budget will include funding for the Lawrence Office. However, a literal reading of the agreement executed by Douglas County and the City of Lawrence with SRS, obligates the local governments to pay the state significant funds until the legislature acts to restore the funding to the Lawrence Office. We ask our delegation to advocate for retroactive language in the SRS budget, eliminating the need for the local governments to pay anything to the state for this purpose. We also would like to thank our delegation for the successful efforts over the last several months to retain the SRS offices in Lawrence.

**Fully fund the cost of the District Court as provided by law, instead of depending on the county to fund state responsibilities.** Douglas County, like many other large counties in the state, has been forced to fund portions of the district court budget that are statutorily the responsibility of the state. This growing subsidy of a state responsibility by the local taxpayers is a direct result of inadequate funding of the judiciary function by the state legislature, and it has become a necessary part of the budgets of larger counties over the last ten years. The cost to the Douglas County budget to bail out the state for this function already exceeds \$100,000 annually. While County Commissioners have considered the possibility of just saying 'no' rather than enabling the state to become more dependent on local property taxes to fund a state function, they really have no choice, because one of the consequences of an inadequately funded judiciary is a higher occupancy at the county jail which is also funded by the county taxpayer.

## Other Issues

**KPERS Funding.** Changes to the KPERS system should be carefully considered in order to protect the county's ability to hire and retain qualified employees. Our employees are the key resource to providing high-quality services to our citizens and changes to retirement and benefit structures could impact our ability to recruit qualified employees to public service.

**Access to Mental Health Services.** We support access to state psychiatric hospital beds by clients of the mental health system, or an alternate plan requiring the State to assume fiscal responsibility for these clients if all state hospital beds are filled.

**Funding for Community Mental Health Services.** We support full funding in state grants for community mental health services, allowing community mental health centers (CMHCs) to annually serve 60,000 uninsured and underinsured county residents not eligible for Medicaid. State licensing requirements dictate that CMHCs provide services to anyone regardless of their ability to pay, resulting in an unfunded mandate from the State to counties to provide community mental health treatment. Cuts to Bert Nash over the last few years have been crippling, and will have a ripple effect on other county functions and responsibilities.

**Funding for Community Corrections.** We support full state funding to local communities for mandated community corrections programs. Community corrections programs for adults have implemented a bold offender risk reduction initiative that increased successful program

completion and reduced revocations that send offenders to prison. Evidence-based practices reduce recidivism, saving taxpayer money. Local community corrections programs now serve higher risk and more violent offenders. Juvenile offender supervision and programs are critical to managing juvenile offenders. Early interventions for juveniles are a critical part of graduated sanctions to reduce offender behavior and avoid future criminal behavior. We support restoration of prevention and incentive grant funding cut in FY 2010 and 2011. Additional funding can produce a significant return on investment through reduced crime and incarceration, and increased success of clients on probation.

**Funding of Health Departments.** We support increased state funding of local health departments. We support an amendment to the Kansas statute on county maintenance of effort that would reduce state funding by a proportionate amount rather than a dollar-for-dollar amount when a county decreases its funding for its local health department. The current funding mechanism can result in a local health department losing all of its state funding. The Lawrence Douglas County Health Department has many mandated but unfunded functions that compete for limited resources. One significant expense is the purchase of vaccine. Immunizations are directly dependent on funds available for vaccine purchase by local health departments. These costs rise every year with flat state funding, and thus compete for funding of other health department operations.

**Funding of State Prisoners in County Jails.** Historically, felons served their sentences with the Kansas Department of Corrections; however, state laws have been modified in recent years to move convicted felons to county jails. We support state funding to reimburse counties for the full cost of housing convicted felons. Further the state should keep records of the number of felons in county jails, and make such information available to the public.