

**SUBDIVISION REGULATIONS  
for  
Lawrence  
and  
the Unincorporated Areas  
of Douglas County, KS**

December 19, 2006 Edition

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\_\_\_\_\_  
/s/Frank Reeb, City Clerk

month day, 2008  
date of publication

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

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date of publication

# Article 8. Subdivision Design and Improvements

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## 20-801 General

### (a) Purpose and Intent

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- (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 [Development](#) 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 development 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**

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- (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**

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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. For property within the incorporated city limits of Lawrence, no building permit shall be issued unless the property is platted. If subdivision is required within the City of Lawrence, the Subdivider shall plat all of their contiguously owned lands that are not platted.

**(d) Exemptions**

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- (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 for the purpose of combination with an existing parcel or tract so long as the remaining portion of the unplatted land retains the minimum dimensional requirements for a buildable Residential Development Parcel;
- (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 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 Department; or
- (viii) Within the City of Lawrence, the division of land to allow for the sale of individual attached or detached residential dwellings; 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, showing

at a minimum; the entire townhouse development, a legal description of the boundaries of the entire development, any tracts for common ownership, maintenance or use, ponds or drainage areas, and the intended tracts, parcels or general building locations (along with building numbers or proposed addresses) for division into townhouse units, shall be filed at the Register of Deeds. 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 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 Article 18 of the Douglas County Zoning Regulations;
  - b. The entire [On-Site Sewage Management System](#) is located entirely on the [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](#) without a residential building shall be subject to the County Zoning Regulations and shall not be deemed created in conformance with the Subdivision Regulations.

**(e) Vested Rights**

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- (1) A division 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 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 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:**
- (i) Created before the Effective Date of this Article in the City of Lawrence that has been maintained in individual ownership, may be used for residential purposes for a single-family home or for another use that is allowed in the City's UR (Urban Reserve) District without further review under this Article, until such Lot of Record is further subdivided.
  - (ii) 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 A (Agricultural) District, without further review under this Article, until such Lot of Record or **Parcel** is further subdivided.
- (3) A **Parcel** created to divide off an existing residential building and grounds from a larger **Parcel** pursuant to Section 20-801(d)(ix), 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: the residential building existed on site on or before December 31, 2006; it is served by a potable water source located on the **Parcel** that includes the existing residential building improvement; the **Parcel** conforms with the **County's Sanitary Code**; and, 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(a).

**(f) Combination of Unplatted Lands**

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- (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 a survey of the **Land Combination** is filed at the Register of Deeds and all land covered by the survey is owned by the same person or persons and the **Owner** requests in writing that the County Clerk combines the constituent **Parcels** for tax **Parcel** purposes.

## 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 (1) all the **Owners** of the property that is the subject of the application; or (2) the **Owners'** authorized **Agent**.

### (b) Form of Application

Applications required under these **Subdivision Regulations** shall be submitted in a form and in the numbers of copies required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information shall be available in the office of the official responsible for accepting the application. The application also shall contain all materials required by: Section 20-807(d) for **Certificate of Survey** applications; Section 20-812(a) for Preliminary Plat applications; or Section 20-812(b) for Final Plat applications, whichever is applicable.

### (c) Pre-application Meetings

- (1) All **Applicants** submitting applications for approvals required by this Article must attend a pre-application meeting with Planning Staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required. 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.
- (2) All other **Applicants** are encouraged to arrange a pre-application meeting with Planning Staff. The **Planning Director** will provide assistance to **Applicants** and ensure that appropriate Planning Staff members are involved in pre-application meetings.

### (d) Application Processing Cycles

Officials responsible for accepting applications may, after consulting with review and decision-making bodies, promulgate 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.

**(e) Application Review and Recording fees**

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Applications shall be accompanied by the review and recording fee amounts that have been established by the applicable Governing Body. Fees are not required with applications initiated by review or decision-making bodies. Application review fees are nonrefundable.

**(f) 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 7 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](#) within 2 working days of a determination.
- (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](#).

**(g) 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 the applicant. 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(e) whichever is applicable.

**(h) Applicability**

Unless expressly exempted under Section 20-801(d), no [Subdivision](#) or Rural Residential Development 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**

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**

Upon annexation of land originally 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 or Major Subdivision provisions of this Article, whichever is applicable.

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

**(a) Purpose**

The purpose of this Section is to allow for an alternative administrative approval procedure to Large Parcel Property Divisions in the Urban Growth Area for rural residential development. The clustering of development parcels within the Urban Growth Areas on parcels that are at least 20 Acres but less than 40 Acres is intended to mitigate strain on infrastructure and public services and to anticipate future development patterns for the remainder of the property after annexation. -

**(b) Applicability**

- (1) A division of a parcel of land that is less than 40 acres in area, but 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**

Lands divided pursuant to this Section shall be developed as a Cluster Development and shall contain an Immediate Development Area and a 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. **Residential Development Parcels** and the cross access easements serving these parcels shall be located only in the Immediate Development Area. Individual **Residential Development Parcels** shall only take access from the 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. 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 County Counselor and the easement shall be dedicated to the County.
    - 2. The Cross Access Easements shall be written so that, upon annexation by a city, the cross access easement shall be deemed to be dedicated to the City as public road right(s)-of-way, to allow for construction of Street 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) Access to Future Development Area. All **Residential Development Parcels** shall have direct physical access to the Future Development Area, either by being contiguous thereto or by a dedicated pedestrian easement, as set forth in Section 20-810(f)(4).
- (v) 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.

- (vi) County Health Code Restriction in Floodplain. [On-Site Sewage Management Systems](#) shall be located outside the FEMA designated regulatory floodplain.
- (vii) [Building Envelopes](#). The Immediate Development Area shall not contain any lands identified as worthy for Resource Preservation in Section 20-810(j). The buildable area for each [Residential Development Parcel](#) within the Immediate Development Area shall be defined by [Building Envelopes](#).
- (viii) Access. 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](#). One access shall be allowed for the entire development unless a separate access point is necessary to allow access to the Future Development Area to prevent intrusion or damage to the resources being conserved and protected.
- (ix) Steep Slopes. The [Building Envelopes](#) of [Residential Development Parcels](#) shall not contain any slopes greater than 15%.
- (x) Minimum Road Right(s)-of-way. 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(d)(4), 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](#). All necessary dedications shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds. No final action may be taken on the [Certificate of Survey](#) until this additional road right-of-way has been dedicated.
- (xi) Minimum Frontage and Entrance Spacing Requirements. 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.
- (xii) 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.

- (xiii) Restrictive Covenants. Property in the [Immediate Development Area](#) shall be subject to a restrictive covenant as set forth in sub-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.
- (ii) Conservation of Natural Resources. Land that is or contains the resources identified in Section 20-810(j), to the greatest extent reasonably practicable, shall be conserved and protected through the filing with the Register of Deeds of either a [Temporary Set Aside Agreement](#) or a permanent [Conservation Easement](#).
  - 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. 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. The City will have regulatory authority over the [Temporary Set Aside Agreement](#) only after the property has been annexed into the City. 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.
  - b. A permanent [Conservation Easement](#) may be developed 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(j), or similar sensitive lands. A permanent [Conservation Easement](#) shall be developed to retain the environmental, geographical or historical characteristics of the land. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance. 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.
- (iii) 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 with the Register of Deeds.

- (iv) Restrictive Covenant. The [Future Development Area](#) shall be subject to a restrictive covenant as set forth in sub-section 20-804(d).

(d) Restrictive Covenant

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](#), subject to the requirements of this Article;
- (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 purpose is prohibited until annexation or until an amended [Certificate of Survey](#) is approved and filed 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 lots 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

- (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, obtained from the US Post Office, 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) Land divided in accordance with this Section shall not be eligible for subsequent division until the land has been annexed by a city.
- (2) Additional divisions or development of the Immediate Development Area shall be made in accordance with Section 20-810.
- (3) After annexation, divisions or development of any portion of the Future Development Area not subject to a **Conservation Easement** shall be made in accordance with the Subdivision Regulations of the applicable city.

**(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: satisfy the requirements of Section 20-802; be submitted with an approved application form supplied by the Planning Department; and, shall 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;
- (4) Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Cluster division for rural residential development purposes;
- (5) A **Build Out Plan** illustrating the following with respect to both the Immediate Development Area and Future Development Area:
- (i) A realistic future urban lot and block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the

Subdivision Design Standards set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;

- (ii) 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;
  - (iii) Easement locations for utilities and storm water drainage;
  - (iv) Locations of [Building Envelopes](#) for each [Residential Development Parcel](#) to accommodate future subdivision into urban density lots; and,
  - (v) Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.
- (6) One original and 3 copies of a [Certificate of Survey](#) that complies with the requirements of Section 20-807, and,
  - (7) 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.

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

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.

**(i) Developable Acreage and Development of Future Development Area**

- (1) Land divided pursuant to this Section shall not be eligible for subsequent division until the land covered by the [Build Out Plan](#) has been annexed by a city or the [Build Out Plan](#) has been revised as part of an amended [Certificate of Survey](#).
- (2) Upon Annexation, development of the [Future Development Area](#) shall occur in accordance with the [Build Out Plan](#). 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.
- (3) Upon annexation, all 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.

## 20-805 Large Parcel Property Divisions in 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 large 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 ultimate urban density residential development of the large 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 density lots. 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.

### (b) Applicability

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A division of a parcel of land, that is 40 acres in area or larger, that also is located in Service Areas 2-4, of Lawrence's Urban Growth Area, or in other Cities' Urban Growth Areas, may be approved pursuant to the provisions of this Section.

- (1) For purposes of determining compliance with the 40 acre minimum parcel area, an entire quarter of a quarter section (e.g. Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ) shall be deemed to be a 40 acre parcel.
- (2) In calculating the size of a parcel, the parcel size shall be deemed to include  $\frac{1}{2}$  of the adjoining road right(s)-of-way or easements if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size.

### (c) Immediate Development Area and Future Development Area

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Large Parcel Property Divisions of land made according to this Section shall consist of two components; Immediate Development Area and Future Development Area and shall be made in accordance with the requirements of this sub-section.

- (1) Immediate Development Area.
  - (i) Maximum Development Acreage. The Immediate Development Area shall not exceed 60% of the total acreage of the Large Parcel Property Division that is covered by an application submitted pursuant to this Section. The Immediate Development Area may further be divided into individual Residential Development Parcels subject to the requirements of this Section.
  - (ii) Minimum Residential Development Parcel Area. Each Residential Development Parcel must have a minimum area of:
    - a. 3 acres when fronting onto a Local road;
    - b. 5 acres when fronting onto a Major or Minor Collector road,
    - c. 10 acres when fronting onto a Minor Arterial; and
    - d. 20 acres when fronting onto a Principal Arterial or Freeway.

- (iii) **Building Envelopes.** Residential Development Parcels shall be planned and arranged to allow for future subdivision of these parcels into lots at an urban density that conforms to the development regulations of the city that's Urban Growth Area the development is located within. Building Envelopes shall be shown on each Residential Development Parcel.
- (iv) **Development Parcel Access.** Each Residential Development Parcel shall have direct access to a road that meets or exceeds the County's Rock Road Standard.
- (v) **Minimum Road Right(s)-of-way.** If the Large Parcel Property Division is located adjacent to public road right(s)-of-way that does not meet the minimum width standards of Section 20-810(d)(4), approval of the application for division of land pursuant to this Section 20-805 will be subject to the condition that the Subdivider dedicate, by separate instrument to the County,  $\frac{1}{2}$  the additional land necessary to bring the road(s) adjoining the Large Parcel Property Division to the required right-of-way standard based on the road's classification established in the County's Access Management Standards. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.
- (vi) **Minimum Frontage and Entrance Spacing Requirements.** Residential Development Parcels 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.
- (vii) **Utility - Water.** All Residential Development Parcels shall obtain Publicly Treated Water delivered through a water meter.
- (viii) **Steep Slopes.** The Building Envelopes of Residential Development Parcels shall not contain any slopes greater than 15%.
- (ix) **Drainage Easements.** If any portion of the Residential Development Parcel lies in 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 Easement, or other similar device, evidenced by a separate legal instrument, as may be required by the Planning Director and acceptable to the County Counselor.
- (x) **Utility – Wastewater.** 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.

- (xi) County Health Code Restriction in Floodplain. [On-Site Sewage Management Systems](#) shall be located outside of the FEMA designated regulatory floodplain.
  - (xii) Restrictive Covenants. Property in the Immediate Development Area shall be subject to a restrictive covenant as set forth in sub-section 20-805(d).
- (2) Future Development Area.  
The Future Development Area shall meet the requirements set forth in this sub-section.
- (i) Minimum Requirement. The portion of a Large Parcel Property Division not included in the Immediate Development Area shall be designated Future Development Area.
  - (ii) Conservation of Natural Resources. Land that is or contains the resources identified in Section 20-810(j), to the greatest extent reasonably practicable, shall be conserved and protected through the filing with the Register of Deeds of either a [Temporary Set Aside Agreement](#) or a permanent [Conservation Easement](#).
    - 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. 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. The City will have regulatory authority over the [Temporary Set Aside Agreement](#) only after the property has been annexed into the City. 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.
    - b. A permanent [Conservation Easement](#) may be developed 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(j), or similar sensitive lands. A permanent [Conservation Easement](#) shall be developed to retain the environmental, geographical or historical characteristics of the land. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance. 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.
  - (iii) 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 with the Register of Deeds.

- (iv) Restrictive Covenant. The Future Development Area shall be subject to a restrictive covenant as set forth in sub-section 20-805(d).

**(d) Restrictive Covenants**

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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](#), subject to the requirements of this Article;
- (3) For the Immediate Development Area, limit each [Residential Development Parcel](#) to one principal dwelling 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 purpose is prohibited until annexation or until an amended [Certificate of Survey](#) is approved and filed 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 lots 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, obtained from the US Post Office, 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 (Large Parcel Property Division) 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) Application**

Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a Large Parcel Property Division in conformance with this Section. The completed application must satisfy the requirements of Section 20-802; be on an approved application form supplied by the Planning Department; and, shall 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;
- (4) Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Large Parcel Property division for rural residential purposes;
- (5) A **Build Out Plan** illustrating the following with respect to both the Immediate Development Area and Future Development Area:
  - (i) A realistic future urban lot and block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the **Subdivision Design Standards** set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
  - (ii) The layout of future Street/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;
  - (iii) Easement locations for utilities and storm water drainage;

- (iv) Locations of **Building Envelopes** for each **Residential Development Parcel** to accommodate future subdivision into urban density lots; and
  - (v) Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.
- (6) One original and 3 copies of a **Certificate of Survey** conforming to the requirements of Section 20-807; and,
- (7) An executed annexation agreement allowing annexation by the city, who's Urban Growth Area the development is located within, based on the adopted annexation policies of that city.

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

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The Planning Director shall review all applications for Large Parcel Property Divisions pursuant to this Section in accordance with the **Certificate of Survey** administrative review procedures provided in Section 20-807.

**(h) Developable Acreage and Development of Future Development Area**

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- (1) Land divided pursuant to this Section shall not be eligible for subsequent division until the land covered by the **Build Out Plan** has been annexed by a city or the **Build Out Plan** has been revised as part of an amended **Certificate of Survey**.
- (2) Upon Annexation, development of the Future Development Area shall occur in accordance with the **Build Out Plan**. 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 with the city's current plans and regulations.
- (3) Upon annexation, all 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 Subdivision Regulations set forth in the annexing city's regulations.

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

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**(a) Purpose**

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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**

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When used in this Section, 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, from which a **Parent Parcel** is created.
- (2) **Parent Parcel** – a surveyed area, site or land division created for the sole purpose of a residential development action.
- (3) **Residential Development Parcel** – a parcel created by the division of a Parent Parcel for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.
- (4) Rural Area – the area of the County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

**(c) Applicability**

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Land located within the Rural Area may be divided into individual **Residential Development Parcels** 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 identified for division according to this sub-section 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.
- (2) To initiate a division of land according to this Section, the owner must submit an application to the Planning Director, on a form provided by the Planning Department accompanied by an original and 3 copies of a **Certificate of Survey** prepared in conformance with Section 20-807(d). The **Certificate of Survey** shall illustrate and identify the Original Tract on the location map. The **Parent Parcel** and **Residential Development Parcels** shall be identified by legal description and show all environmentally or geographically sensitive areas or sites of historic landmarks or historic features [refer to Section 20-810(j)].

**(d) Parent Parcel Division**

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- (1) A Parent Parcel may be divided to create either 2 or 3 individual **Residential Development Parcels**. If the Parent Parcel is bounded on only 1 side by an existing full maintenance road it can have only one division, creating 2 individual **Residential Development Parcels**. If the Parent Parcel is bounded on 2 or more sides by existing full maintenance Local roads it can be divided 2 times, creating 3 individual **Residential Development Parcels**, only when the Planning Director finds: the property is being subdivided 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 requirements in this sub-section.

- (i) Minimum Residential Development Parcel Area. Each Residential Development Parcel shall have the minimum area required in Article 18 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. 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;
- (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. 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(d)(4) approval of the application for division of land pursuant to this Section 20-806 will be subject to the condition that the Subdivider 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. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.
- (vii) Building Envelope. When a Residential Development Parcel includes lands identified for Resource Preservation in Section 20-810(j), a Building Envelope is shall be required to be shown on the parcel and it shall not include the areas and sites identified for resource preservation. 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(j).

- (viii) **Conservation Easement.** Land that is or contains the resources identified in Section 20-810(j), is encouraged to be made subject to a **Conservation Easement** or other conservation measure to permanently retain the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of this land. The **Conservation Easement** shall be conveyed by a separate legal instrument to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance in Kansas.
- (2) With respect to any division made according to this Section, the subsequent **Residential Development Parcels** shall be considered parcels but shall not be considered Lots as defined in this Article. 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.

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

### (a) Purpose

The purpose of the **Certificate of Survey** administrative 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, 20-805, or 20-806, whichever is applicable, without requiring full compliance with the Subdivision Development 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, 20-805 and 20-806, subject to the requirements of this Section. This administrative 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, 20-805, 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 **Lawrence Urban Growth Area**. An amended

[Certificate of Survey](#) may be filed for property in the [Lawrence Urban Growth Area](#), or within the [Rural Area](#) when it: includes the same land area as the original [Certificate of Survey](#); and, when it meets the applicable requirements in Sections 20-804, 20-805 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](#) administrative review procedure.

**(d) Application**

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Applications for [Certificate of Survey](#) administrative review procedure shall be submitted to the Planning Director in conformance with the general requirements of Section 20-802 and any specific requirements provided in this Article.

**(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 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.";
  - (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. (The scale must be one inch equals 30 feet or less);

- (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 lot layout in the [Build Out Plan](#). This requirement is not applicable to 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 lot layout shown in the [Build Out Plan](#);
- (xiv) [Building Envelopes](#), when required, shall be shown for every [Residential Development Parcel](#) and shall not include lands identified as environmentally or geographically sensitive areas or the sites of historic landmarks or historic features;
- (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 city-sized urban lots;
- (xvi) A note stating the specific Section [20-804, 20-805, or 20-806] pursuant to which the division is being made;
- (xvii) Restrictive covenants or [Conservation Easements](#) required by the proposed division shall be noted book and page number in which the covenants 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”; and

- (xxii) A line for identification of book and page of the Register of Deeds filing information.

**(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, 20-805 or 20-806, as applicable;
- (2) The [Certificate of Survey](#) meets all of the requirements of this Section;
- (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**

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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 Sections 20-804 or 20-805 for Lawrence'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 lots on the [Build Out Plan](#). The [Future Development Area](#) cannot be revised for those portions that include sensitive lands identified in Section 20-810(j), permanent [Conservation Easement\(s\)](#), or [Temporary Set Aside Agreement\(s\)](#). 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(e) through (g);
  - (iii) Be eligible for the same appeals procedure [re: 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;
  - (v) For each Parent Parcel, the creation of new Residential Development Parcels in addition to those created from the original Parent Parcel shall only be permitted if an additional Residential Development Parcel is permitted according to Sections 20-804, 20-805 and 20-806 and/or by the [County's Access Management Standards](#).

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

**(i) Appeals Process for Sections 20-804, 20-805 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, 20-805 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.

**20-808 Minor Subdivisions**

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**(a) Purpose**

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

**(b) Authority**

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

**(c) Applicability**

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- (1) Within the City of Lawrence, a platted Lot may be split into 4 or fewer Platted Lots by using the [Minor Subdivision](#) procedures of this section; provided, that no new [Street](#) or extension of an existing [Street](#) is created, or a vacation of [Streets](#), [Alleys](#), [Setback Lines](#), [Access Control](#) or [Easements](#) is required or proposed.
- (2) Within the [Unincorporated Area](#) of the County, a platted Lot may be split into 2 Platted Lots by using the [Minor Subdivision](#) 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, nor is a vacation of **Roads, Setback Lines, Access Control** or **Easements** required or proposed; and,
  - (iv) The lot split is not prohibited by any other Section of this Article;
- (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 **Minor Subdivisions**;
  - (4) For the purpose of interpreting the **Minor Subdivision** 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 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** process;
  - (5) **Lots** are eligible only one time for approval of a **lot split** or consolidation through the **Minor Subdivision** process and any further divisions or consolidations of the originally platted or newly created **Lots** shall be processed as **Major Subdivisions**; and,
  - (6) The **Minor Subdivision** replat shall contain a general note on the face of it stating: "Further division or consolidation of any lots contained in this **Minor Subdivisions** is prohibited, and shall be processed as **Major Subdivisions**".

**(d) Criteria for Review**

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A lot or group of lots submitted as a **Minor Subdivision** 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 eligible for review through the **Minor Subdivision** process under Section 20-808(c);
- (2) Each **Lot** resulting from the **split** or consolidation will have direct access to an existing public **Street/Road** that meets current adopted access and improvement standards or will meet such standards as a result of improvements required as a condition of approval of the **Minor Subdivision**;
- (3) 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(d)(4), approval of the **Minor Subdivision** 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. All necessary **Dedications** shall be filed 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** until this additional right-of-way dedication has been recorded;

- (4) If any portion of the property within the [Minor Subdivision](#) 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 devise as may be required by the [Planning Director](#). No final action shall be taken on the [Minor Subdivision](#) until this dedication has been recorded;
- (5) The [Owner](#) shall provide written documentation for [splits](#) 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.
- (6) The proposed [Lots](#) and all other aspects of the proposed [Minor Subdivision](#) conforms with the current [Comprehensive Land Use Plan](#) of Lawrence and Douglas County;
- (7) The [Minor Subdivision](#) conforms with the adopted [Major Thoroughfares Map](#) in the [Comprehensive Land Use 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](#) or the original platted subdivision;
- (8) The proposed [Minor Subdivision](#) is consistent with any conditions imposed on the original platted [Subdivision](#) from which the lots being [split](#) or consolidated were originally platted; and,
- (9) The [Minor Subdivision](#) conforms to the Kansas Minimum Standards for Boundary Surveys.

**(e) Application**

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- (1) Requests for [Minor Subdivision](#) approval shall be submitted to the [Planning Director](#).
- (2) Each application shall be submitted on a form provided by the [Planning Director](#) and shall be accompanied by:
  - (i) The applicable review and recording fees;
  - (ii) Ten copies of a [Minor Subdivision](#) replat, certified by a licensed [Land Surveyor](#), at a scale of one inch equals 30 feet or less; and
  - (iii) A certificate that all taxes and special assessments due and payable have been paid. 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.

- (3) The 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 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 of existing [Easements](#) and utilities;
  - (v) Dimensions and locations of the new lots to be created through the division or consolidation;
  - (vi) Location and width of access ways, 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](#) under the [Subdivision Regulations](#) of the City of Lawrence and the Unincorporated Area of Douglas County";
  - (x) 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"; and,
  - (xi) A signature and seal of the [Land Surveyor](#) licensed by the State of Kansas, who performed the survey for the [Minor Subdivision](#) replat.

**(f) 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 20 days of receipt of the complete application. If the [Planning Director](#) finds that the [Minor Subdivision](#) conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the replat.
- (3) If the [Planning Director](#) finds that the [Minor Subdivision](#) 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 an [Minor Subdivision](#), the [Planning Director](#) shall refuse to approve the proposed [Minor Subdivision](#) 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](#), the [Subdivider](#) may submit an application for [Major Subdivision](#) approval at any time.

- (4) The [Planning Director](#) shall forward a signed, original Mylar copy of the [Minor Subdivision](#) replat to the Register of Deeds for recording.
- (5) A copy of the signed original Mylar shall be furnished to the [Applicant](#).
- (6) Appeals of the Planning Director's decision on a [Minor Subdivision](#) shall be subject to Section 20-813(f)(1).

## 20-809 Major Residential and Non-Residential Subdivisions

### (a) Purpose

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 final approval by the Planning Commission and acceptance of any Dedications by the appropriate Governing Body.

### (b) Applicability

The [Major Subdivision](#) procedures of this section apply to all Major Residential and Non-Residential Subdivisions that are not eligible for review in conformance with the [Certificate of Survey](#) Administrative review Procedures or the [Minor Subdivision](#) process. Residential Subdivisions are not permitted in the unincorporated area of Douglas County. Non-Residential, Commercial and Industrial Subdivisions are permitted in the Unincorporated Area of Douglas County.

### (c) Applications and Procedures

- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section;
- (2) Applications under this Section shall contain the materials required under Section 20-811(j)(4).

### (d) Criteria for Review

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(a)(2);

- (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 Plan](#) 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) The application shall contain the materials required by Section 20-812(a), as well as any additional materials required as part of the application form provided by the Planning Director.
- (2) Each application shall be accompanied by:
  - (i) The applicable filing fee;
  - (ii) A completed Major Subdivision application form;
  - (iii) The required number of copies for a complete submission of a Preliminary Plat, containing all elements set forth in Section 20-812(a); and,
  - (iv) 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) 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 shall request deferral to a future meeting. The Planning Commission shall take final action on the Preliminary Plat at a meeting occurring not later than 60 days after the date of receipt of a complete application by the Planning Director the Planning Commission's initial receipt

of the Preliminary Plat that the Planning Director has found to be a complete application.

- (2) If the Planning Commission finds that the proposed [Major Subdivision](#) conforms to all of the criteria set forth in Section 20-804(d), the Planning Commission shall approve the Preliminary Plat.
- (3) If the Planning Commission finds that the proposed [Major Subdivision](#) fails in any way to conform to the standards set forth in this paragraph, 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 [Major Subdivision](#) or 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, determined to be a complete application by the Planning Director, 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 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)."

**(g) 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 [Major 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) That the application for the last phase of the Final Plat will be due no later than the end of the fifth year after approval is given for the Preliminary Plat.

**(h) 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 K.S.A. 12-752(b), subject only to the following:
  - (i) Submission of a **Final Plat**, in the form and containing all of the information required by 20-812(b). The Final Plat shall be consistent with the **Planning Commission's** approval of the **Preliminary Plat**, including satisfying any conditions imposed on that approval;
  - (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 20-811(g)(8);
  - (iii) Development of **Building Envelopes** and drainage plans consistent with these **Building Envelopes**; and
  - (iv) Acceptance (or rejection) of all proposed **Dedications** by the Governing Body.

**(i) Preliminary Plat – Review and Action by Governing Body**

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- (1) A **Preliminary Plat** that has been approved by the **Planning Commission** shall be submitted to the Governing Body, as applicable, for its consideration of acceptance of the **Dedication** of **Street/Roads** and other public 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 Preliminary 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 Commission** 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 Preliminary 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 **Preliminary Plat**. If the Governing Body rejects part or all of a proposed **Dedication**, the **Subdivider** may amend the **Preliminary Plat** and resubmit it for consideration by the **Planning Commission** 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 **Preliminary Plat** and the Preliminary Plat shall be deemed to have been rejected.

**(j) Preliminary Plat Expiration**

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- (1) Approval of a [Preliminary Plat](#) by the [Planning Commission](#) shall expire on the later of the following:
  - (i) Eighteen months from the date approval was granted, unless a complete application for Final Plat is submitted by that approval date; or
  - (ii) Any application due date as shown on an approved phasing schedule, unless a complete application for Final Plat is submitted by that due 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 period not to exceed one additional year.
- (3) If a Preliminary Plat expires under this sub-section after one or more Final Plats for a phased subdivision have been approved, then only that portion of the Preliminary Plat that relates to the phases with respect to which no Final Plat has been approved shall expire. If a Final Plat has not been submitted, approved, and filed within this 18-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 Section20-809(l):

- (1) The Final Plat shall be submitted with an application form provided by the Planning Director. The application shall contain all of the materials required by Section20-812(b), 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, including the fees necessary for recording the Final Plat; and
- (3) The Final Plat shall be in the format and contain the information required by Section20-812(b), except that the Subdivider, at the Subdivider's discretion, may delay submission of the 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.

**(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](#), 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 with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the Plat and attach to it a formal certification that the submitted Final Plat:
  - (i) Conforms to the Preliminary Plat previously approved by the Planning Commission;
  - (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;
  - (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, 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 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.

**(m) 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(l), 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(e), together with a memorandum explaining the reasons why such person refused to sign it.

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

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- (1) After all signatures have been obtained, 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 herein provided (see Section 20-812(b)(2)) including the endorsement by the **Governing Body** accepting the Dedications.
- (2) Upon approval and acceptance of all **Final Plats** that create new **Street/Roads**, if a Major Non-Residential Subdivision in the **Unincorporated Area** of Douglas County, Kansas, detailed **Street/Road** plans shall be submitted to the County Engineer and, if the Major Subdivision is in the City, detailed **Street/Road** plans shall be submitted to the City Engineer for approval prior to filing of the **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 Director of Planning. The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county. Any **Final Plat** not submitted in a digital format will be converted by the City or County, and the cost for conversion will be paid by the **Applicant** before the **Plat** can be recorded at the Register of Deeds.
- (4) Errors found in closure shall be corrected prior to filing the Final Plat.
- (5) Approval of a **Final Plat** by the **Planning Commission** and acceptance of **Dedications** by the appropriate **Governing Body** shall be effective for no more than 18 months from the date of acceptance unless all conditions of approval have been completed.

## **20-810 Subdivision Design Standards**

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**(a) General**

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**(1) Applicability**

All **Subdivisions** shall comply with the Design and Improvement Standards of this Section and 20-810(j).

(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 or take advantage of specific disadvantages of steep **Topography** and orientation. 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 interior **Lots** to allow for appropriate building setbacks and sufficient yard space.
- (v) Any **Lot** that is not rectangular or that has a single dimension of less than 55 feet shall show the **Building Envelope** permitted under the current Zoning District regulations; a note to such **Building Envelope** filed on a separate document in the Planning Department shall identify the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the **Building Envelope**.
- (vi) Lawrence Residential lots shall not be created where the width at the street right-of-way line is less than 75% of the depth of the lot except where the established neighborhood pattern would support a lesser percentage or the lot front onto a cul-de-sac.

(3) **Plans for Resubdivision**

Whenever an area is divided into **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**. Provision of **Easements** for the future opening and extension of such **Streets** and for gravity sewerage and storm water drainage shall, upon recommendation of the **Planning Commission** and approval of the **Governing Body**, be made a condition of **Plat** approval.

(b) **Frontage and Access**

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All **Lots** shall have **Frontage** on a public **Street** except that:

- (1) **Private Streets** may only be approved as part of a Planned **Developments** and are not allowed in the unincorporated area of the County; and,
- (2) **Joint-Use Driveways** in Lawrence with a minimum paved width of 24 feet may be approved as part of the **Subdivision** approval process for campus-like

commercial or industrial **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 **Street Frontage** and providing for the perpetual ownership, continuance and maintenance of the **Joint-Use Driveway**. **Joint-Use 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 Street right-of-way line. **Joint-Use Driveways** are not permitted in the unincorporated area of the County.

- (3) **Joint-Use Driveway** 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 Zoning Ordinance.
- (4) 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**. Alley access is particularly appropriate where the **Street Frontage** for the Lot is on a **Collector Street**.
- (5) Joint use access points may be approved within Lawrence or the unincorporated area of the County when located wholly within the dedicated public street right-of-way or public road easement.

(c) **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, wetlands and natural storm drainage patterns;
- (ii) Provision of building sites adequate for the special needs of the type of use contemplated and adequate storm drainage from each lot, such as provisions of swales between lots;
- (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 Decision-Making Body that:

- a. There are pedestrian connections 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 wetlands, [Floodplains](#), wildlife habitat areas, steep slopes or woodlands.

(ii) **Rural Area**  
[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 [Street](#), [Collector Street](#), [Arterial Street](#), railroad or other nonresidential use, in which case it may have a single tier of [Lots](#) that exceed the minimum lot width 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.

(d) **Streets**

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(1) **General**

(i) [Local Streets](#) within the City of Lawrence [should](#) be less than 1,320 feet in length. [Local Streets](#) exceeding 800 feet in length shall include traffic calming devices, shown in an adopted City of Lawrence Traffic Calming Policy document, at intervals not exceeding 400 feet.

(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 [Street](#) Layout and Design standards of this Article.

(iii) [Arterial](#) and [Collector Streets](#) shall be laid-out, arranged and designed in accordance with any adopted Major [Thoroughfares](#) Plan 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 shall be annexed to the City.

(2) **Connections**

(i) Every subdivision shall provide for at least one street connection to each adjacent subdivision or future adjacent subdivision. Any existing or Platted Street that terminates at the boundary line of a proposed Subdivision shall be continued into the subject Subdivision in such a manner as to provide [Street](#) connections to adjoining lands and [Streets](#) within the subject [Subdivision](#) or, in the case of a local Street, may be terminated in a cul-de-sac.

(ii) [Streets](#) shall provide for [Street](#) connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Plan.

- (iii) No new **Subdivision** shall be approved in which more than 35 residential **Lots** or potential residential dwelling units, or more than 25,000 square feet of nonresidential space will have access to the public road system via a single outlet to the arterial and collector Street system as shown on the adopted Major Thoroughfares Plan.

**(3) Intersecting Streets**

- (i) **Local Streets** generally should not intersect **Arterial Streets**. The Planning Commission, with the advice of the City Engineer, may approve a new connection of a Local Street to an Arterial Street where it finds that such connection is part of the best traffic solution for the new subdivision and 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.
- (v) Residential connector **Streets** shall be designed within neighborhoods to connect to these neighborhoods' service areas. These residential connector Streets shall have sidewalks on both sides.

**(4) 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<br><br>[1] Measured from back of curb to back of curb.<br>[2] Includes limited access routes. | Right-of-Way      | Roadway               |          |                 | Sidewalks<br>(See §20-811(c)) |
|---|-------------------|-----------------------|----------|-----------------|-------------------------------|
|   | Min. Width (feet) | Min. Width (feet) [1] | Paving   | Curb and Gutter |                               |
| Principal <b>Arterial</b>   | 150               | *                     | Required | Required        | Both Sides                    |
| Minor <b>Arterial</b> (3 lane)  | 100               | 40                    | Required | Required        | Both Sides                    |
| Collector   | 80**              | 36                    | Required | Required        | Both Sides                    |
| Local or Residential <b>Collector</b>   | 60                | 30                    | Required | Required        | Both Sides                    |
| Local   | 60                | 27                    | Required | Required        | Both Sides                    |
| Limited Local   | 50                | 22                    | Required | Required        | Both Sides                    |
| Cul-de-sac ***  | 60**              | 22                    | Required | Required        | Both Sides                    |

\* As directed by the City **Engineer**

\*\* Additional r-o-w may be necessary at **Intersections**

\*\*\*Paved bulb with 50' radius is required

(ii) **Rural Area**

All residential Developments and nonresidential **Subdivisions** within the **Rural Area** shall comply with the following minimum cross-section standards:

| Street Type<br><small>[1] Measured from back of curb to back of curb.<br/>[2] Includes limited access routes.</small> | Right-of-Way       | Roadway               |                     |                     |                 | Sidewalks             |
|---|--------------------|-----------------------|---------------------|---------------------|-----------------|-----------------------|
|   | Min. Width (feet)* | Min. Width (feet) [1] | Traveled Way Paving | Min. Shoulder Width | Shoulder Paving |                       |
| Principal <b>Arterial</b> (w/ median)   | 150 [2]            | **                    | Required            | **                  | Required        | See Section 20-811(c) |
| Principal <b>Arterial</b> (w/o median)  | 120                | 40                    | Required            | 8                   | Required        |                       |
| Minor Arterial  | 100                | 36                    | Required            | 6                   | Required        |                       |
| MAJOR <b>Collector</b>  | 80                 | 32                    | Not Required        | 4                   | ***             |                       |
| MINOR <b>Collector</b>  | 70                 | 28                    | Not Required        | 2                   | ***             |                       |
| Local   | 70                 | 24                    | Not Required        | 2                   | ***             |                       |

- \* Right-of-way shall be sufficient to include top of ditch back slopes; may be variable
- \*\* Shall meet latest AASHTO geometric tabular design standards or tabular standards, whichever is greater.
- \*\*\* Shoulder surface type shall match traveled way surface type, unless otherwise approved by the County Engineer.

(5) **Grades**

The finished grade for all **Streets** shall be at or above the **Base Flood Elevation**. The grades of **Streets** shall comply with the following standards:

| Street Type                             | Maximum Grade (%) | Minimum Grade (%) |
|---|-------------------|-------------------|
| <b>Arterials</b> (Principal and Minor): |                   |                   |
| City or Urban Growth Area               | 5                 | 1.0               |
| Rural Area                              | 5                 | 1.0               |
| <b>Collector</b> (Major or Minor)       | 9                 | 1.0               |
| Marginal Access                         | 10                | 1.0               |
| Local                                   | 10                | 1.0               |

Note: 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.

(6) **Radii of Curvature**

The minimum radius of curvature of the centerline of **Arterial** and **Collector Street** shall be as follows:

| Design Speed (MPH)* | Minimum Curvature Radius (feet)* | Minimum Tangent Length (feet)* |
|---------------------|----------------------------------|--------------------------------|
| 20                  | 125                              | 75                             |
| 25                  | 205                              | 100                            |
| 30                  | 300                              | 150                            |

|    |       |     |
|----|-------|-----|
| 35 | 420   | 200 |
| 40 | 565   | 250 |
| 45 | 730   | 250 |
| 50 | 930   | 250 |
| 55 | 1,200 | 250 |

\* The information in this Table assumes a 4% super-elevation.

**(7) 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 (1320 feet if rural), whichever is less. 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(7)(i) during the **Subdivision** approval process if the Decision-Making Body 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 second means of access that would avoid the **Cul-de-sac** or allow the **Cul-de-sac** to meet the **Cul-de-sac** length limit because:
    - 1. The area is separated from other parts of the **Subdivision** or a possible **Street** connection by **Floodplains**, wetlands, steep slopes greater than 10% or other natural resource areas, making it impracticable to provide the area a second means of access that would avoid the **Cul-de-sac** or allow the **Cul-de-sac** to comply with the maximum **Cul-de-sac** length limit (e.g., by providing a loop **Street** into the area instead of the **Cul-de-sac**, or extending the **Cul-de-sac** to connect to another **Street**), 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**, or the area is so separated from adjoining properties providing potential access by **Floodplains**, wetlands, steep slopes or other natural resource areas thereby making it impracticable to extend or connect the **Cul-de-sac** to the adjoining properties; and
  - 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(d)(7) 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) All **Cul-de-sacs** shall have a minimum right-of-way radius of 60 feet.

- (iv) In **Subdivisions** with **Cul-de-sacs**, **Easements** may be required to ensure that the water supply system is looped.
- (v) If a **Cul-de-sac** is longer than 600 feet, the subdivision shall include Pedestrian Right-of-Way 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(f)(4)(iii).
- (vi) **Streets** longer than one **Lot** that terminate at the property boundaries of undeveloped land shall provide an improved temporary **Turn-around**.

**(8) Half-Streets**

- (i) Whenever right-of-way for ½ 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) New **Half-Streets** are prohibited, except when the Decision-Making Body determines that a **Half-Street** is the only means of accommodating reasonable **Development** of the proposed **Subdivision** and adequate assurances in accordance with Section 20-811(h)(2) are provided that the remaining portion of the **Half-Street** will be dedicated and improved.
- (iii) **Lots** abutting on **Half-Street** that take sole access from that public right-of-way shall be designated as non-buildable (on the **Plat**) until the remainder of the **Street** is dedicated and improved. 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.

**(9) Private Streets and Roads**

- (i) **Private Roads** are prohibited in the **Unincorporated Area** of Douglas County, except for those that were approved prior to December 15, 1998.
- (ii) New Private Streets in the City are permitted only in Planned Developments approved by the Planning Commission and City Commission.
- (iii) Before Douglas County will consider a request to assume maintenance of any existing **Private Street**, by **Dedication** or otherwise, the **Street** or **Road** must be brought into compliance with all applicable **Road** and right-of-way standards.

**(10) Alleys**

- (i) **Alleys** shall be provided in commercial and industrial districts, except that the **Governing Body** 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 right-of-way width of 20 feet.

- (iii) **Alleys** shall comply with the construction standards of the city and/or county, as provided in these regulations.
- (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) **Dead-End Alleys** shall be prohibited. When such **Alleys** are necessary to serve dock areas, they shall be designed with adequate turn-around facilities.

**(e) Street Names and Lot and Block Numbering**

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- (1) **Street** names shall be proposed by the **Subdivider**, reviewed by the Public Works Department, 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:
  - (i) Compass directions shall not be used as part of **Street** names;
  - (ii) The identifiers "**Street**", "Avenue", "Court", "Terrace," And "Place" shall be used only in accordance with the respective definitions of those terms;
  - (iii) **Streets** that run in an east – west direction shall be named as numbered Streets;
- (2) 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;
- (3) Where a proposed **Street** is shown on an adopted **Major Thoroughfares Plan** and such plan indicates a name for that **Street**, that name shall be used; and
- (4) **Lot** numbers shall be assigned by starting in the northeast corner of each **Block** and proceeding in a counterclockwise direction. When a **Street** separates a group of **Lots**, a new **Block** shall be identified, and the **Lots** within the new **Block** shall be numbered as herein specified.

**(f) 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 10 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 Commission](#), 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 Right-of-Way Easements**

- (i) It is the goal of the City to ensure that the pedestrian circulation system within the City and within the Urban Growth Area forms a complete and effective network that includes, but is not limited, to sidewalks along Streets. In particular, it is the goal of the City to ensure that people have efficient and relatively direct pedestrian access between their places of residence and:
- a. Nearby elementary schools;
  - b. Nearby parks and recreation facilities;
  - c. Other public facilities, such as libraries and community centers;
  - d. Adjoining neighborhoods or subdivisions, regardless of whether there are direct Street connections between the neighborhoods and/or subdivisions;
  - e. Any nearby shopping or service centers;
  - f. The nearest Arterial or Collector Street with a bus route; and,
  - g. Any nearby access point to a trail or greenway system.
- (ii) In furtherance of that purpose, Pedestrian Right-of-Way 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. Pedestrian Right-of-Way Easements shall have a minimum width of 12 feet. The Planning Commission may waive this requirement where, due to topography or physical barriers, the Pedestrian Right-of-Way would not form a logical part of the larger pedestrian circulation system.
- (iii) Also in furtherance of that purpose, additional Pedestrian Right-of-Way 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. Pedestrian-Way Easements shall have a minimum width of 12 feet.

- (iv) The responsibility for paving the pedestrian way shall be the developers, 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. The responsibility for maintenance of the pedestrian way shall be that of adjacent property owners or the homeowners association for the subdivision.
- (v) Variances from these standards may be granted by the Governing Body when considering the [Preliminary Plat](#) according to the standards of 20-813(f).

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

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The Planning Commission shall encourage or require the donation, reservation, or Dedication of sites for parks, open space, schools and other public facilities in accordance with the *Comprehensive Plan for Parks and Recreation* in the amount of 5% of the total land area of a residential subdivision plus \$600 per lot for each single family dwelling Lot.

**(h) 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 and to the comparable provisions adopted by the Board of County Commissioners for the Unincorporated Area of Douglas County.

**(i) Resource Preservation – City of Lawrence**

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- (1) Subdivisions shall be designed to preserve natural resources and environmentally sensitive areas, such as streams, wetlands, prominent natural geographic features, and stands of mature trees. See Section 20-1101(c)(2)(iii) b., which requires that development of lands containing more than 5% defined sensitive lands can be developed only through a Cluster Development or a Planned Development. Section 1101(c)(3) requires that certain sensitive lands be dedicated, included in private open space or otherwise preserved through development design. Note also that Section 1101(c)(4) may limit the achievable density of developments containing specified sensitive lands.
- (2) Subdivisions shall be designed to preserve archaeological and historical sites. See Section 20-1101(c)(2)(iii)b, which requires that development of lands containing more than 5% defined lands, which include archaeological and historic sites, can be developed only through a Cluster Development or a Planned Development. Section 20-1101(c)(3) requires that certain archaeological and historic lands be included in private open space or otherwise preserved through development design. Note also that Section 20-1101(c)(4) may limit the achievable density of developments containing archaeological and historic sites.

**(j) Resource Conservation – Unincorporated Area of the County**

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- (1) Residential Developments and non-residential Subdivisions in the unincorporated area of the County shall be designed in a way that protects and conserves the natural resources and environmentally sensitive areas through the filing of a Temporary Set Aside Agreement or the filing of a permanent [Conservation Easement](#), with the Register of Deeds. These natural areas and environmentally sensitive areas shall include Floodways, based on the FEMA's

one-hundred year storm; Floodplains, based on the FEMA's one-hundred year storm; jurisdictional wetlands; stream corridors; prominent natural geographic features with rocky outcroppings; and, stands of mature trees or individually significant mature trees.

- (2) Residential Developments and non-residential Subdivisions shall be designed to protect and conserve archaeological and historical sites through the filing of a Temporary Set Aside Agreement or the filing of a permanent [Conservation Easement](#), with the Register of Deeds..

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

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.

**20-811 Public Improvements**

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**(a) Public Improvement (Construction) Standards**

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**(1) Standards**

All Public Improvements, including but not limited to water, sanitary sewer, Streets, curbs, gutters, storm sewers and storm drainage, roundabout, 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) Pre-Pinning**

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. Compliance with the items listed above and use of appropriate construction methods shall be determined by the County Engineer. 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. A fee in an amount set by Resolution of the County Commission shall be charged for the permit. This sub-section shall apply only to subdivisions in which the complete lot pinning required by Section 20-811 (g) (8) has not been completed at the time that the first public improvements are installed.

**(3) Administration and Fees**

Compliance with the items listed above and use of appropriate construction methods shall be determined by the County or City Engineer, as applicable. 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. A fee in an amount determined by resolution of the Governing Body shall be charged for the permit.

**(b) Streets**

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**(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 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 specified on an adopted Major Thoroughfare Map;
- (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.

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

Wherever a proposed Subdivision contains or is adjacent to a limited access Street; an Arterial Street; or a railroad right-of-way; the appropriate Governing Body shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the access, Arterial, or railroad right-of-way:

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

**(c) Sidewalks and Pedestrian Ways**

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

Sidewalks and pedestrian ways shall be provided in the City of Lawrence and in platted subdivisions in the Urban Growth Areas in accordance with the standards of this sub-section (for Lawrence and the Lawrence UGA) or the applicable UGA city's (Baldwin City, Eudora, or LeCompton) standards:

- (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' side walk on the other side |

- (ii) Sidewalks shall be constructed in accordance with standards and specifications adopted by the applicable Governing Body.
- (iii) The Applicant for a Subdivision may request a waiver of part or the entire requirement to install sidewalks. The Planning Commission may make a recommendation on such waiver request, but final action on the waiver request shall be by the Governing Body, as part of the Preliminary Plat review. If the applicable Governing Body takes no specific action on a proposed waiver of part or all of a sidewalk requirement, the waiver shall be deemed to be denied. In reviewing waiver requests from the standard sidewalk width, special consideration shall be given to walks adjacent to Collector or Arterial roads 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.
- (v) Where an approved Preliminary Plat (including a condition to such Plat) shows a pedestrian way other than a sidewalk, an improved pedestrian way not less than eight (improved) feet wide in Easement space dedicated for that purpose shall be provided by the Subdivider. Pedestrian Right-of-Way Easements shall be improved in accordance with adopted City construction standards to a width of 12 feet and shall conform to all accessibility requirements of the Americans with Disabilities Act. Completion of the improvement for any segment of such Easements shall not be required under the earlier of three years after approval of the Final Plat or three months after the issuance of the last Building Permit for a lot adjoining the segment; completion of such improvements shall be guaranteed in accordance with Section 20-811(g)(8).
- (vi) Public Improvement Petitions shall include the construction of sidewalks or pedestrian ways, except where the appropriate Governing Body has specifically waived the installation as provided Section 20-810(f)(4)(ii) above. The total cost of all sidewalks or pedestrian way Improvements shall be borne by the property benefited in the improvement district.

**(2) 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. See also the Pedestrian-Way Easement provisions of Section 20-810(f)(4).

**(d) Wastewater Disposal Systems**

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- (1) **On-Site Sewage Management Systems** are prohibited on any land which is platted under these regulations or is located in the City of Lawrence or in Service Area 1 of the Urban Growth Area of Lawrence.
- (2) **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:
  - (i) 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;
  - (ii) 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**;
  - (iii) No portion of an **On-Site Sewage Management System** shall be located within the FEMA designated floodplain; and,
  - (iv) Calculation shall not include land dedicated for rights-of-way or exclusive Easements.
- (3) Community Sewage collection and treatment facilities (including lagoons) may be provided for subdivided or newly created Lots or parcels in the Urban Growth Areas or for any other newly created Lots not suitable for an **On-Site Sewage Management System**.
  - (i) 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.
  - (ii) Maintenance of such facilities shall be provided by a Homeowner's 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.
- (4) 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 Douglas County Health Department.

- (5) Where **On-Site Sewage Management Systems** are allowed under these regulations, they must be approved by the County Health Officer.
- (6) **On-Site Sewage Management Systems** shall be constructed in accordance with "Standards on Individual On-Site Sewage Management System - Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas," County Sanitary Code, Resolution 97-48, as amended.

**(e) Water Supply**

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- (1) Before approval of a Final Plat or **Certificate of Survey** 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 and the Lawrence-Douglas County Metropolitan Planning Department that Publicly Treated Water, delivered through a water meter is available to and will be provided for all Lots or Residential Development Parcels.
- (2) Upon Plat approval 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 Improvements on the property and such connection is feasible.
- (3) 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.
  - (i) In those cases where the provision of Fire Hydrants as part of the Public Water supply system is determined by the Fire Department and Rural Water District to be feasible, Fire Hydrants must be provided.
  - (ii) 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.
- (4) Evidence shall be submitted with the Final Plat showing compliance with the requirements of this section.

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

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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 requirement shall be noted on the face of the Plat. This provision shall not apply to high voltage electrical lines.

**(g) Street Trees**

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 21-708a.2 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 Tree Type | Minimum Trunk Caliper (inches)      | Mature Height (feet) |
|------------------|-------------------------------------|----------------------|
| Canopy Shade     | 2 (ball and burlap or equivalent)   | At least 45          |
| Ornamental       | 1.5 (ball and burlap or equivalent) | No more than 20      |

**(ii) Number**

One tree shall be provided for every 40 feet of Street Frontage. The City 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 Department 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 Clustering**

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

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. Street trees shall not be planted until after planned utilities have been installed. Trees shall be planted no closer than 8 feet from existing underground utility lines. On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets. 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, 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. Street trees shall not be planted until planned utilities have been installed. Trees shall be planted no closer than 8 feet from existing utility lines. On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets. No tree shall be planted between the curb and the sidewalk if the clear space is less than 3 feet wide. [RE: Chapter XVIII of the City Code]

(iii) **Clustering**

Street trees shall be evenly spaced along the Street Frontage unless one or more of the following conditions exist: a) the Lot is on a corner; b) the presence of existing trees, which qualify for credit under Section 20-811 (g)(5), interrupt the even spacing of trees; c) topographic conditions (i.e. steep gradient, rock outcroppings), based on Planning Staff evaluation, dictate building location and Driveway placement which interrupts the even spacing of Street trees.

(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 Clustering 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 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 by Planning Staff at the time the Final Plat is filed at the Register of Deeds.
- (iii) The Master Street Tree Plan shall be prepared in a format established by the Planning Department and shall include the following information: (a) a list of acceptable Street tree types; (b) the number, location and size of existing trees proposed to be saved and applied to the fulfillment of this requirement; (c) 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); (d) if trees are proposed in Street medians, provisions for maintenance (including how water line extensions will be paid); and (e) the identification of power line locations.

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

- (i) Each Final Plat filed on and after January 1, 2003, for detached or attached single family residential Structures to be built on individual Platted Lots in a City residential Subdivision in RS 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, 2003, for detached or attached single family residential Structures to be built on individual Platted Lots in a City residential Subdivision in RS 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 6 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

(ii) 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 family residential Structures to be built on individual platted lots in city residential subdivisions final platted in RS Zoning Districts filed on and after January 1, 2003, shall be in accordance with City Administrative Policy No. 83.

(ii) The timing of, and manner in which the Street trees shall be installed on those undeveloped Lots for which the City has not issued a building permit for detached or attached single-family residential Structures on individual Lots within existing Platted Subdivisions in the RS and RM12D zoning districts filed before January 1, 2003, shall be in accordance with City Administrative Policy No. 83.

(iii) For all other required Street trees not covered by (i) and (ii) above, and/or Developments requiring a site 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 federally insured commercial bank or savings and loan 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. 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 section 20-811(g) and/or Developments requiring a site plan, the on-going 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.

**(8) Lot Pinning**

- (i) 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 Surveyor before a Plat is recorded.
- (ii) A Major Subdivision can be pinned or staked in phases that are coincident with:
  - a. The Street construction and Development phase;
  - b. The placement of utilities within the designated utility Easements phase; and
  - c. The pouring of building foundations for slabs for building construction (issuance of a building permit phase).
- (iii) Before the filing of a Plat or 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.
- (iv) At the time the Street plans are submitted to the public works department for approval, the center lines of right(s)-of-way shall be identified by establishing the following control points:
  - a. Points of Intersection (PI);
  - b. Points of Tangency (PT); and,
  - c. Points of Curvature (PC).

- (v) 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:
  - a. The Intersection of four or more Lots;
  - b. Points of curvature; and
  - c. Points of Intersection with other Easements.
- (vi) 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 inspector to assure Lot corners are pinned and pins are found or set.

**(h) Completion of Public Improvements**

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Before a Final Plat or 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. However, property within the Regulatory Floodplain is not eligible for this option;
  - (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) The appropriate Governing Body 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. If the required improvements are not timely completed, the City Engineer or County Engineer 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 rescind the approval of the plat, require additional assurance for completion of the Public Improvements, authorize the recording of the

Final Plat without further improvements, or 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 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.

## 20-812 Contents of Plats

### (a) Preliminary Plat

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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 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;
- (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 or Regulatory Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.
- (ii) Location of any area zoned "Floodplain", 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 rock outcroppings, unique topographic features, lakes, individually significant mature trees, and insofar as can reasonably be shown, natural features to be removed;
- (v) Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;
- (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 bench marks 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) **Streets; Sites**

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) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;
- (iv) 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);
- (v) Sites proposed for Dedication as drainageway, park, school, or other public purposes;
- (vi) 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.
- (vii) If requested by Planning Staff, the [Building Envelope](#) for proposed Lots.

(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 in at least 24-point type saying "Provision and Financing of Roads, Sewer, Water and Other Public Services." The rest of the statement shall be set out in at least 12-point type. 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.

(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 Staff of the Planning Department or the Planning Commission. The Staff of the Planning Department 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 and Final Plat shall indicate the required minimum habitable floor elevations for Structures on Lots; or, the minimum elevation for a foundation opening(s) which shall be certified by a licensed land Surveyor or Engineer. [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.]

(b) **Final Plat**

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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. The scale shall be one inch equals 100 feet or less.

(2) **Material to be Included**

The Final Plat shall show:

- (i) Name under which the Subdivision is to be recorded;
- (ii) 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. 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;
- (iii) In addition, the following information is required which is similarly required on the Preliminary Plat:
  - a. Location of any area zoned Floodplain or 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;
  - c. 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,
  - d. Block and Lot numbers and dimensions of Blocks and Lots.
- (iv) 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;
- (v) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and the comparable provisions adopted by resolution in 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 or the applicable County Floodplain regulations.
- (vi) For any Lot including or adjacent to a lot including sensitive lands (see Section 20-1101(c)(iii)), designation of a **Building Envelope** within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;
- (vii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and THE Final Plat shall contain a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";
- (viii) Acknowledged certifications on the face of the 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;
- (ix) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;
- (x) 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;
- (xi) As a separate document, a certificate that all taxes and special assessments due and payable have been paid. 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.
- (xii) 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.
- (xiii) 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".

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

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

The Planning Department 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 Subdivision for compliance with these regulations;
- (5) Present reports and recommendations to the Planning Commission;
- (6) File approved Final Plats 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, and unless disapproved, transmit the same to the Lawrence City Commission for acceptance of Dedication of Rights-of-way, and easements;
- (2) Grant or deny variances to the design standards of this Article as per Section 20-813(f);
- (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**

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The applicable Governing Bodies shall be responsible for accepting the Dedication of public Streets, 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 the proposed building or structure will be located:

- (1) The proposed building or structure shall be located:
  - (i) On a 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)(2);
  - (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 or pursuant to an approved [Certificate of Survey](#); or
  - (iv) On a [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 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 [Plat](#) 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 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 [Plat](#) approval.

**(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. 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 23-2 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 Planning 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 case of a matter involving land in the City) or to the Board of County Commissioners (in 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 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 depth, block depth, etc.), 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) (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 Department. 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, except that the Governing Body 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 dealing with Sidewalks, Pedestrian Rights-of-Way or pedestrian ways.
- (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 finally approved Planned Development plan.

**(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;
- (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 [Codes Enforcement 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 [Codes Enforcement 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 [Codes Enforcement 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), revoke the plan or other approval or condition its continuance on strict compliance with these [Subdivision Regulations](#), the provision of financial security to ensure that construction is completed in compliance with approved plans, or such other conditions as the city may reasonably impose. 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 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 **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

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 this Section.

**(e) Interpretation**

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The provisions of this section 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 [Subdivision](#) of land which was not lawful at the time of the adoption of these regulations 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 are distinguished by being in Title Case and in [Blue Text](#) in the original code document.

| <b>Term</b>                          | <b>Definition</b>   |
|--------------------------------------|---|
| <b>Abut</b>                          | To physically touch or border upon; or to share a common property line.   |
| <b>Acceleration Lane</b>             | An added Roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.   |
| <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>Access Easement</b>               | An easement created for the purpose of providing vehicular or pedestrian access to a property   |
| <b>Adequate Assurances</b>           | A written and executed agreement or contract supplemented by one of the means of ensuring completion of public improvements set forth in Section 20-811(h)(2).  |
| <b>Agency</b>                        | For floodplain management purposes, means the Federal Emergency Management Agency (FEMA).   |
| <b>Agricultural Purposes</b>         | A purpose that is directly related to the agricultural activity on the land which shall include: (a) the cultivation and tillage of the soil; (b) dairying; (c) the production, cultivation, growing or harvesting of any agricultural or horticultural commodity; (d) the raising or training of livestock, bees, fur-bearing animals, or poultry; or (e) any practices performed by a farmer or on a farm, incident to or in connection with such farming operations. 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. |
| <b>Alley</b>                         | A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the rear or side of properties otherwise Abutting a Street and which may be used for public utility purposes.   |
| <b>Appeal</b>                        | For floodplain management purposes, means a request for the review of the Floodplain Administrator's interpretation of any provision of the Flood Protection Standards or a request for a variance.   |
| <b>Applicant</b>                     | A Person submitting an application for approval.  |
| <b>Areas of Special Flood Hazard</b> | Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.   |
| <b>Base Flood</b>                    | A flood having a 1% chance of being equaled or exceeded in any given year. See "Regulatory Flood".  |
| <b>Base Flood Elevation</b>          | Water surface elevation of the base flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study,  |

| Term                                  | Definition   |
|---------------------------------------|--|
|                                       | whichever is higher.   |
| <b>Basement</b>                       | Any area of the structure having its floor sub-grade (below ground level) on all sides.  |
| <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>Boulevard</b>                      | A tree-line roadway or a multi-lane street with a landscaped median.   |
| <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 of land or Lots that comply with the Lot design standards of Section 20-801(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 engineered based on the subdivision regulations of the city that is closest to the unplatted rural residential development. The build out plan shall identify eventual lots based on the typical residential lot size within the nearby city, the bundling of these "city-sized" residential lots for immediate development as rural Residential Development Parcels with the building envelope shown for this immediate development, which is outside the future Street rights-of-way and public easement locations based on the future subdivision layout. |
| <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.  |
| <b>Building, Principal</b>            | A building in which is conducted the Principal Use of the building site on which the building is situated. In A-1 (Suburban Home Residential) and R-1 (Single-Family Residential), or in any residential District in Lawrence, any Dwelling shall be deemed to be the Principal Building on the lot, parcel or division on which the Dwelling is located.  |
| <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 in Section 20-810(j).   |
| <b>Catch Basin</b>                    | An inlet designed to intercept and redirect surface waters.  |

| <b>Term</b>                                 | <b>Definition</b>   |
|---|---|
| <b>Certificate of Survey</b>                | A legal instrument approved pursuant to Section 20-807; this is a narrowly used term and this instrument shall not be 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>Channelization</b>                       | (1) The straightening and deepening of Channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) A traffic control device which forces vehicles into certain traffic flows or turning movements.   |
| <b>Circle</b>                               | A Street naming suffix designating a Street with a single common Ingress and Egress (Cul-de-sac). The "Circle" suffix is used as a part of a Street name when the Cul-de-sac is a logical extension or continuation of a Street e.g., 14th Circle.  |
| <b>City Engineer</b>                        | The person designated by the City Manager as the City Engineer. If no person has been so designated, then this term shall refer to the head of the City Public Works Department. If no person has been designated to fill either such position, then this term shall refer to the head of the department or operating unit primarily responsible for the maintenance of City Streets.   |
| <b>Cluster Subdivision</b>                  | A form of Development for single-family detached dwelling residential Subdivisions that permits a reduction in Lot area and bulk requirements, provided that there is no increase in the number of Lots that would be permitted under a conventional Subdivision and the resultant land area is devoted to open space. The clustering design technique concentrates buildings in specific areas on the site to allow the remaining land to be set aside for recreation, meaningful Common Open Space and preservation of environmentally and geographically sensitive areas or historical features. |
| <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>Community</b>                            | Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.   |
| <b>Conservation Easement</b>                | See "Easement, Conservation"  |
| <b>County's Access Management Standards</b> | Access and minimum frontage standards in the Douglas County Code, Chapter IX, Article 5.  |
| <b>County Engineer</b>                      | The person designated by the County Administrator or Board of County Commissioners as the County Engineer. If no person has been so designated, then this term shall refer to the head of the County Public Works Department. If no person has been designated to fill either such position, then this term shall refer to the head of the department or  |

| Term                                 | Definition   |
|--------------------------------------|--|
|                                      | operating unit primarily responsible for the maintenance of County roads and infrastructure.   |
| <b>County's Rock Road Standard</b>   | Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.   |
| <b>Court</b>                         | A Street naming suffix designating a Street with a single common Ingress and Egress (Cul-de-sac). The "Court" suffix is used as a part of a Street name when the Cul-de-sac emanates from a Street at a near right angle, e.g., 14th Court.                        |
| <b>Cross Access Easement</b>         | See "Easement, Cross Access"   |
| <b>Crosswalk</b>                     | A strip of land dedicated for public use which is established across a Block for the purpose of providing pedestrian access to adjacent areas.   |
| <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>Curb Return</b>                   | The connecting link between the Street curb and the ramp (Driveway) curb.  |
| <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 shall also denote NGVD elevation.  |
| <b>Deceleration Lane</b>             | An added Roadway lane that permits cars to slow down and leave the main vehicle stream.  |
| <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 storage 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>Development</b>                   | Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. |
| <b>Double Frontage Lot</b>           | A Lot with two opposite Lot Lines Abutting upon Streets which are  |

| <b>Term</b>                                       | <b>Definition</b>   |
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|   | 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>                            | Pipe, Waterways natural features and man-made Improvements designed to carry drainage.  |
| <b>Drive</b>                                      | A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Also referred to as a driveway.  |
| <b>Driveway</b>                                   | A privately owned means of providing direct vehicle access to Streets.  |
| <b>Driveway Apron or Driveway Approach</b>        | A paved area between the sidewalk and the street curb used by the property owner for vehicular access.  |
| <b>Driveway, Joint-Use</b>                        | A privately owned Driveway that provides access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (with out Lots) 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 Mobile Home.   |
| <b>Easement</b>                                   | A grant of one or more of the property rights by the property Owner to and/or for the use by the public, a corporation or another Person or entity.   |
| <b>Easement, Avigational</b>                      | An air rights Easement which protects air lanes around airports.  |
| <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 this Development Code. |
| <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>Easement, Drainage</b>                         | An Easement required for the installation of stormwater sewers or , Waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.   |
| <b>Easement, Private</b>                          | A right-of-way granted for limited use of land for a private purpose.   |
| <b>Effective Date</b>                             | December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 took effect.   |

| Term   | Definition   |
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| <b>Egress</b>  | An exit.   |
| <b>"Eligible Community" or "Participating Community"</b> | A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).  |
| <b>Encroachment</b>                                      | Any obstruction in a delineated Floodway, right-of-way, Easement, building setback or adjacent land.   |
| <b>Encumber</b>  | To place a legal claim or restriction upon a tract or parcel of land.  |
| <b>Engineer</b>  | A professional Engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.  |
| <b>Exception</b>   | Permission to depart from or request relief from the design standards. Exceptions often refer to standards such as: length of cul-de-sac, location and type of improvements, or landscaping requirements. They are dictated by the circumstances related to the specific application that makes the design requirements for which the exception is requested unnecessary or unreasonable.  |
| <b>Existing Construction</b>                             | Structures for which the <i>"start of construction"</i> commenced before the effective date of the FIRM (March 2, 1981); <i>"existing construction"</i> may also be referred to as <i>"existing structures"</i> .  |
| <b>Existing Mobile Home Park</b>                         | A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.   |
| <b>Final Plat</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, public areas and other dimensions of land.   |
| <b>Fire Hydrant</b>                                      | An outdoor water supply outlet with wrench-actuated valve and a connection for a fire hose.  |
| <b>Flag Lot</b>  | <u>City meaning</u> : A lot not fronting or abutting a public right-of-way except for a narrow strip of land providing access to the lot from the public right-of-way.<br><u>County Meaning</u> : A lot or a Residential Development Parcel that has a minimum lot or Residential Development Parcel width of less than 90% of the minimum lot or Residential Development Parcel's required frontage at the road right-of-way or road easement line. |
| <b>"Flood" or "Flooding"</b>                             | Means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding                                   |

| Term                                       | Definition   |
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|  | anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).   |
| <b>Flood Insurance Rate Map (FIRM)</b>     | An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.  |
| <b>Flood Insurance Study (FIS)</b>         | An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.   |
| <b>Floodplain</b>                          | The land area inundated by a flood of a given magnitude as determined by the Flood Insurance Study or Governing Body based on an approved Hydrologic and Hydraulic Study.  |
| <b>Floodplain or Floodplain District</b>   | That area designated by the Governing Body as susceptible to Flooding including but not limited to the Regulatory Floodplain designated by the Federal Insurance Administrator.  |
| <b>Floodplain Management</b>               | The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.  |
| <b>Floodplain Management Regulations</b>   | Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. |
| <b>Floodproofing</b>                       | Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.  |
| <b>"Floodway" or "Regulatory Floodway"</b> | The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.   |
| <b>Floodway Encroachment Lines</b>         | The lines marking the limits of floodways on Federal, State and local floodplain maps.   |
| <b>Floodway Fringe</b>                     | The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.   |
| <b>Force Main</b>                          | A sanitary sewer line through which waste water is pumped rather than carried by gravity flow.   |
| <b>Freeboard</b>                           | A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of         |

| Term                           | Definition   |
|--------------------------------|--|
|                                | urbanization of the watershed.   |
| <b>Frontage Road</b>           | A "Street, Marginal Access. located in front of the properties that it abuts.  |
| <b>Frontage</b>                | The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road.   |
| <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. For grading in FEMA designated floodplains the definition in the Floodplain Management Regulations shall take precedence.   |
| <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>             | A Street bordering one or more property lines of a Subdivision tract to which the Subdivider has allocated only a portion of the required Street 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>Highest Adjacent Grade</b>  | The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.   |
| <b>Historic Landmark</b>       | Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the Register of Historic Kansas Places; or (d) individually listed the Lawrence Register of Historic Places. |
| <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>Term</b>   | <b>Definition</b>   |
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| <b>Hydrologic and Hydraulic Study</b>                             | An engineering study that is done in accordance with the Lawrence Development Code 20-1204 (c).   |
| <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 shall include all facilities listed in Section 20-810(j).   |
| <b>Infrastructure</b>   | Facilities and services needed to sustain manufacturing, residential, commercial and all other land uses or activities under the control of a governmental agency. 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>Ingress</b>  | An entrance.  |
| <b>Intersection</b>   | Where two or more Streets cross at-grade.   |
| <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. A Land Combination does not increase the number of building permits a parcel of land has a vested right to receive.  |
| <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 parcel or area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit.  |
| <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 at the required front Setback Line.   |
| <b>Lot, Frontage "or Residential Development Parcel Frontage"</b> | That portion of the Lot or a Residential Development Parcel which lies between the side Lot Lines and is adjacent to the Street or Road serving the Lot or the Residential Development Parcel.  |
| <b>Lot of Record</b>  | A legally created Lot recorded at the Register of Deeds as part of a plat or subdivision.   |
| <b>Lowest Floor</b>   | The lowest floor of the lowest enclosed area, including a Basement; an unfinished or flood-resistant enclosure, usable solely for parking of  |

| Term   | Definition   |
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|  | vehicles, Building access, or storage, in an area other than a Basement area, is not considered a Building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of the Flood Protection Standards.   |
| <b>Major Thoroughfares Map(s)</b>            | A plan adopted by the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and roads in the community. The Major Thoroughfares Plan in effect on the date of adoption of this Article is incorporated in "Transportation 2020, the Lawrence/Douglas County Long Range Transportation Plan", but it may be amended or superseded from time to time.  |
| <b>Market Value</b>                          | An estimate of what is fair, economic, just and equitable value under normal local market conditions.  |
| <b>Mean Sea Level</b>                        | For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.   |
| <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>Minor Subdivision</b>                     | See "Subdivision, Minor"   |
| <b>Mobile Home</b>                           | A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "mobile home" does not include a "recreational vehicle."   |
| <b>Mobile Home Subdivision or Park</b>       | A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.   |
| <b>Minimum Elevation for Building</b>        | The finished floor elevation of the lowest floor.  |
| <b>Neighborhood Development Plan</b>         | See "Sector Plan"  |
| <b>New Construction</b>                      | For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (March 2, 1981) and includes any subsequent improvements to such structures; for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. |
| <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   |

| Term                                    | Definition  |
|---|---|
|   | public utilities, etc.  |
| <b>On-site Sewage Management System</b> | An individual Sewage disposal system involving a water tight receptacle that receives the discharge of Sewage from a building and is designed and constructed to permit settling of solids from this liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial FIRMS, at regular intervals. On-Site Sewage Management Systems are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a wastewater treatment plant. Approval of a site for use of a On-site sewage management system involves establishing a minimum Lot area to provide for the system's operation, determining that the soil has an acceptable Percolation rate and ensuring separation of the system from Groundwater. |
| <b>On-Site</b>                          | Located within the perimeter of the property that is subject to an application for Subdivision or a Residential Development Parcel approval.  |
| <b>Open Space, Common</b>               | Land within or related to a Development, not individually owned or dedicated for use, 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 is Platted as a reserve and is owned and maintained by a Home 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>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>                            | Any Person or Persons, Firm or Firms, corporation or corporations, or any other legal entity having legal title to land being subdivided under these regulations. Also any legal entity having legal title to land for which a building permit application is made.   |
| <b>Package Plant</b>                    | A prefabricated or pre-built wastewater treatment plant.  |
| <b>Parcel</b>                           | A contiguous area of land under the same ownership. This is an inclusive term that includes Lot, Residential Development Parcel and other terms. Unlike "Lot," the term "Parcel" or "Residential Development Parcel" does not mean a division of land created through a plat or Subdivision process.  |
| <b>Parent Parcel</b>                    | The recorded and legally defined parcel of land from which one or two further divisions can be made for the purpose of conveying a  |

| Term                                    | Definition   |
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|   | Residentially Development Parcel within the unincorporated area of the County, outside the Lawrence Urban Growth Area or other Cities' Urban Growth Areas, to an individual.   |
| <b>Parkway</b>                          | A Street that includes a landscaped median. A parkway may run in any direction.  |
| <b>Participating Community</b>          | Also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.  |
| <b>Peak Hour Traffic</b>                | The largest number of vehicles passing over a designated section of a Street during the busiest one-hour period during a 24-hour period.   |
| <b>Pedestrian Right-of-Way Easement</b> | A strip of land dedicated for public use which is Reserved 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, 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>Person</b>                           | Any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.  |
| <b>Petition, Public Improvement</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 Platting process to 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>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</b>                             | A Subdivision as it is represented as a formal document by drawing and writing and which is presented to the Planning Commission for review and approval in accordance with these Subdivision Regulations and to the Governing Body for the acceptance of Easements and Dedications.   |
| <b>Platting Binder</b>                  | A report issued by a title insurance company setting forth the conditions to be met for certain property to be Platted, e.g., Easements filed for record, mortgages, fee title Owners, etc.  |
| <b>Potable Water</b>                    | Water suitable for drinking or cooking purposes.   |
| <b>Preliminary Plat</b>                 | A map of proposed land Subdivision showing the character and proposed layout of the tract in sufficient detail to indicate its' suitability  |

| <b>Term</b>                      | <b>Definition</b>  |
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|                                  | for the proposed Subdivision.  |
| <b>Principal Building</b>        | See 'Building, Principal'.   |
| <b>Principal Use</b>             | The primary purpose, for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.   |
| <b>Principally Above Ground</b>  | At least 51% of the actual cash value of the structure, less land value, is above ground.  |
| <b>Private Drive</b>             | A use Platted for a Reserve in order to provide access to Lots from either a public or Private Street system. A Reserve for Private Drive purposes is the means to access Lots within a comprehensive group Development for townhouses or apartment units or for commercial complexes and office park Developments. A new Private Drive may be established under this Article only in a Planned Development.   |
| <b>Public Improvements</b>       | All public facilities constructed or erected by a Subdivider within a Subdivision to permit and facilitate the use of Lots or Blocks for a principal residential, business or manufacturing purposes.  |
| <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 or a public utility.   |
| <b>Public Water Supply</b>       | A system 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 waste water between two gravity flow sewer lines. A Pumping Station is used when topographic conditions do not allow a continuous gravity flow system.  |
| <b>Raw Sewage</b>                | Untreated domestic or commercial wastewater.   |
| <b>Recreational Vehicle</b>      | A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. |

| Term                                  | Definition   |
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| <b>Regulatory Flood</b>               | The Flood determined by the Federal Insurance Administration as having a 1% chance of being equaled or exceeded in any given year.   |
| <b>Regulatory Flood Elevation</b>     | The elevation at which the Regulatory Flood is determined to occur.  |
| <b>Regulatory Floodplain</b>          | Land included within the Regulatory Floodway and Floodway Fringe areas as determined by the Federal Insurance Administration.  |
| <b>Replat</b>                         | Same as "Resubdivision".   |
| <b>Reserve</b>                        | An area of property within a Subdivision which is Platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, Floodway, Private Street, etc. Typically, future Ownership and maintenance responsibilities for a Reserve is set forth by a Restrictive Covenant which provides that a Home Owners or Lot Owners association will hold title to the Reserve and therefore be responsible for the Reserve's maintenance. The Restrictive Covenant may provide for Ownership and maintenance to be tied to the Ownership of an adjacent Lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a Reserve platted for possible future sales to a public body for a public facility]. |
| <b>Residential Development Parcel</b> | A parcel created by the division of a Parent Parcel for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.   |
| <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>Resubdivision</b>                  | The further Subdivision of a tract of land which has previously been lawfully subdivided and for which a Plat of such prior Subdivision has been duly recorded.  |
| <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>                     | All of the Unincorporated Area of Douglas County lying outside of an Urban Growth Area.  |
| <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   |

| Term   | Definition   |
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|  | study area.  |
| <b>Setback Line (Front) or Building Line</b> | A line nearest the front of and across a Lot or parcel of land establishing the minimum open space to be provided between the front line of a building or Structure and the line of the fronting Street right-of-way.  |
| <b>Setback Line</b>                          | That 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>                         | A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore waste water to a reasonable state of purity.  |
| <b>Sewage</b>                                | The total of organic waste and waste water generated by residential, industrial and commercial establishments.   |
| <b>Sewerage</b>                              | (1) All effluent carried by sewers whether it is sanitary Sewage, industrial waste or storm water runoff; (2) The entire system of Sewage collection, treatment and disposal.  |
| <b>Slope</b>                                 | Degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run), and the second is the vertical distance (rise), as two to one. A two to one slope is a 50% slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90° slope being vertical (maximum) and 45° being a 1:1 or 100% slope.   |
| <b>Staff</b>                                 | The technical and professional Staff of the Lawrence/Douglas County Metropolitan Area Planning Director.   |
| <b>Start of Construction</b>                 | Includes substantial-improvements, and means the date the Building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of Streets and/or walkways, excavation for a Basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building. |
| <b>State Coordinating Agency</b>             | The Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.   |
| <b>Stormwater Detention</b>                  | Any storm drainage technique that retards or detains runoff, such as a   |

| Term                           | Definition  |
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|                                | detention or retention basin.   |
| <b>Street or Streets</b>       | Any vehicular way(s) which: (1) is an existing state, county or municipal Roadway; or (2) is shown upon a Plat approved pursuant to law; or (3) is approved by other official action. The Street right-of-way is all land located between the Street lines, whether improved or unimproved.   |
| <b>Street Width</b>            | The amount of Street right-of-way Abutting a Lot's property lines.  |
| <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 expressway 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 Turnaround at the other end.  |
| <b>Street, Dead-End</b>        | A Street having only one outlet and which does not benefit from a Turnaround 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 should be 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</b>         | A Street that is not dedicated for public use. Not permitted in the unincorporated area of the County and only permitted within Planned Developments in the City of Lawrence.   |
| <b>Street, Residential</b>     | Same as "Local Street".   |
| <b>Street, Residential</b>     | Residential collector is a special category of collector street characterized   |

| Term  | Definition  |
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| <b>Collector (or Residential Connector)</b> | by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.   |
| <b>Structure</b>                            | For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a mobile home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises. |
| <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>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 (Plat)</b>                   | The division of a Lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building Development, including Resubdivision, but not including a "Certificate of Survey" Administrative Procedure as is separately defined.  |
| <b>Subdivision, Major</b>                   | A Subdivision that includes 5 or more lots. [See section 20-809].   |
| <b>Subdivision, Minor</b>                   | A Subdivision that satisfies one of the criteria set forth in 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 11 in the County Code, as adopted and amended from time to time by Resolution adopted by the Board of County Commissioners.   |
| <b>Substantial- Damage</b>                  | Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.   |
| <b>Substantial-Improvement</b>              | Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial-damage", regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code  |

| Term                                 | Definition   |
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|                                      | enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."  |
| <b>Surveyor</b>                      | A professional Land Surveyor licensed by the State of Kansas.  |
| <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(j) that, as 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. A Temporary Set Aside Agreement shall: (i) be between the Owner of the land and the County and City, (ii) provide that the County has regulatory authority under the agreement until the land is annexed into the City and, thereafter, the City acquires regulatory authority, (iii) provide that the agreement expires 2 years after the date of annexation unless further action is taken by the City and the Owner, and (iv) be approved by the County Counselor, the City Manager, or their designees. |
| <b>Terracing</b>                     | An erosion control method that uses small hills and contours on the land surface to control Flooding and runoff.   |
| <b>Topography</b>                    | The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).   |
| <b>Tract</b>                         | A non-buildable, platted parcel reserved for open space, storm drainage or 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 medium and higher density residential development (i.e., 3 or more dwelling units per acre), commercial development, and industrial development, as well as the availability of public services required for that development, specifically a   |

| Term  | Definition  |
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|   | municipal water and sewer, 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. [See definition of "Urban".]   |
| <b>Urban Growth Area – Lawrence</b>                     | That area designated as the Lawrence Urban Growth Area (UGA) on the most recent (adopted) version of the Comprehensive Plan. The Comprehensive Plan, Horizon 2020, distinguishes four service areas within the UGA based on the city's adopted Wastewater Master Plan and projected ability to provide sanitary sewer service to those areas. Solely for the purpose of interpretation of the exemption section of these regulations, a property shall be considered to be located within the Urban Growth Area of Lawrence (UGA) if 100% of the tract or Ownership parcel as shown on the 1998 Property Ownership Map, Douglas County (which was prepared by York Publications in 1998) is within the UGA boundary shown on Figure 9 in HORIZON 2020. An Ownership tract or parcel having less than 100% of its land area within the UGA as shown on Figure 9 shall not be construed to be within the Urban Growth Area of Lawrence. |
| <b>Urban Growth Area – [other cities in the County]</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 the future growth and development of neighborhoods, businesses and industries by the extension of city infrastructure and services.  |
| <b>Variance</b>   | Permission to depart from the Design Standards of the regulations when the application of a specific standard is so unreasonable that it would prevent the logical subdivision of the property.   |
| <b>Waiver</b>   | Permission to depart from the requirements of an ordinance or Resolution with respect to the submission of required documents. <u>Note:</u> The terms "waiver" and "exception" are often used interchangeably, however there are differences. Refer to 'Exception' for its meaning.   |
| <b>Water Surface Elevation</b>                          | The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.  |
| <b>Water Table</b>                                      | The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.  |
| <b>Waterway</b>   | Any natural or artificial stream, river, creek, ditch, Channel, canal, conduit, Culvert, drain, Waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite Channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or Flood water.  |
| <b>Wetlands</b>   | Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted  |

| Term                      | Definition   |
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|                           | for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.   |
| <b>Woodlands</b>          | Natural hardwood forests, whether or not actively forested.  |
| <b>Zone A</b>             | Special flood hazard areas inundated by 100-year flood where no base flood elevations have been determined.  |
| <b>Zone AE</b>            | Special flood hazard areas inundated by 100-year flood where base flood elevations have been determined.   |
| <b>Zone AH</b>            | Special flood hazard areas inundated by 100-year flood with flood depths of 1 to 3 feet (usually areas of ponding), where base flood elevations have been determined.  |
| <b>Zone AO</b>            | Special flood hazard areas inundated by 100-year flood with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain), where average depths have been determined. For areas of alluvial fan flooding velocities have also been determined. |
| <b>Zoning Regulations</b> | The rest of Chapter 20 of the City Code or the current Zoning Regulations in effect in Douglas County, as adopted from time to time by resolution of the Board of County Commissioners.  |