

Memorandum
City of Lawrence
Planning Department

TO: Lawrence-Douglas County Planning Commission
FROM: Planning Staff
CC: Sheila Stogsdill
Date: July 31, 2007
RE: TA-05-08-07: Consider amendments to City/County Subdivision Regulations to address concerns identified in the 3/1/07 work session with staff. Initiated by Board of County Commission on May 2, 2007.

History:

This text amendment was originally scheduled for public hearing as Item No. 11 at the June 23, 2007 Planning Commission meeting. Following discussion, the item was deferred to the August 2007 Mid-Month meeting for discussion and action. The Planning Commission asked that a Staff schedule a meeting to discuss the amendments presented in detail and to consider revising some of the proposed language so that it may be more clear and understandable.

Since that date, a committee consisting of the City and County Counselors, Planning Staff and Commissioners Eichorn, Hird, and Harris met twice to discuss the proposed language.

The revised report recommends some additional changes from the original report and clarifies the existing proposed language so that it is easier to read and apply. The revised language is attached.

Recommendation:

Planning Staff recommends approval of the revised language as attached based upon subcommittee discussion and forwarding the proposed text amendments to the City and County Commissions for approval.

Attachments

- Revised language based upon subcommittee discussion
- June Staff Report
- Original Language Presented with June Staff Report
- June Planning Commission Minutes

(d) Exemptions

- (1) The purpose of this sub-section is to list specifically those divisions and transfers of land that are entirely exempt from regulation under this Article. This sub-section shall be strictly construed, so that any transaction failing in any way to meet one, or more, of the requirements for Exemption shall be subject to the full effect of this Article.
- (2) The following divisions and transfers of land are exempt from the requirement that divisions of land 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 of ~~or a tract of land~~ created exclusively for Agricultural Purposes, when that division does not involve the creation of any new public Streets, public Roads, or public Easements ~~or the current or future need for a building permit for the erection of a structure for a principal residential development use;~~
 - (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 of ~~any land~~ used exclusively for Cemetery purposes and accessory uses associated therewith;
 - (iv) A division of ~~land~~ occurring through the transfer of land for use as a right-of-way for widening a road or railroad or as an Easement for ~~drainage, utility purposes~~ 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 sole purpose of combination with an existing parcel or tract of land to increase the aggregate land area of the existing parcel or tract of land so long as any the remaining portion of the unplatted land not combined with an existing parcel or tract of land retains the minimum dimensional requirements for a buildable Residential Development Parcel in the Unincorporated Area of the County;~~
 - (vi) ~~A division of land 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 that were in effect on December 20, 2006 at the time of the division, provided said division of land meets the minimum frontage requirements in the County's Access Management Standards or provided said division of land 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 ~~of land~~ 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 ~~of land~~ 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 new division of land created to divide off a residential building existing that existed on site on December 31, 2006, from a larger tract of land;~~ provided that the following conditions are met:

- a. ~~The minimum size of the new division~~ 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 for the existing residential building is located entirely on the new division upon which the residential building is located and the On-Site Sewage Management System is in compliance with the County's Sanitary Code requirements; and,~~
- c. ~~The new division~~ 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 new division~~ Parcel of land on which the residential building is located shall not be subject to further review under this Article, unless or until this division of land parcel is further divided. ~~This Exemption does not apply to the division of land, created from the larger tract, on which there is no existing residential building. For the purposes of the County's Zoning Regulations, the resultant division of land without a residential building on it shall not be deemed created in conformance with the Exemption section of these~~ 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

- (1) A division of ~~land~~ created in conformance with this Article, or created in conformance with the Exemption section of the previously adopted Subdivision Regulations that were in effect prior to December 20, 2006, and said division was filed and recorded as a plat of survey, deed, or affidavit of equitable interest identifying the division as a separate tract of real estate at the Register of Deeds office (i) on or before June 1, 2005; or (ii) after June 1, 2005, and as of December 31, 2006, provided a division of ~~land~~ made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the Governing Body. Such legally created ~~division of land~~ Parcel shall not be subject to further review under this Article; unless or until ~~this previous division of land~~ it is further divided.
- (2) A 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 ~~division of land~~ 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 the Effective Date of this Article 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 ~~division of land~~ Parcel is further subdivided.
- (3) A ~~division of land~~ Parcel created to convey divide off an existing residential building and grounds from a larger tract of land that was divided Parcel pursuant to Section 20-801(d)(ix), when the principal building on the ~~division~~ Parcel is for single-family residential purposes, shall have no further review under this Article until such ~~division of land~~ Parcel is further subdivided only when: the residential building existed on site on or before December 31, 2006 ~~was built or constructed prior to the effective date of these regulations~~; it is served by a potable water source located on the ~~division~~ Parcel that includes the existing residential building improvement; the ~~division~~ Parcel conforms with the County's Sanitary Code; and, that ~~division~~ Parcel is zoned either A (Agricultural), A-1 (Suburban Home Residential), 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

~~A vested division of land Parcel may be combined with another unplatted division of land Parcel and retain the vested 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. when the following criteria are met:~~

- ~~(1) One of the land parcels in the Land Combination is currently eligible to obtain a building permit for residential purposes; and,~~
 - ~~(2) The Land Combination is filed at the Register of Deeds showing that the newly created Land Combination 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.~~
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20-804 Cluster Developments in the Urban Growth Areas

(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 water from a publicly treated water source.
 - (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. The Cluster Development shall have direct access to a hard-surfaced road. 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 of land 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 ~~on the Major Thoroughfares Map in the Comprehensive Land Use Plan~~. 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. [Entire subsection new. Numbering of subsequent subsections revised to correspond to addition of new subsection.]

- (xi) Minimum Frontage and Entrance Spacing Requirements. The Cluster Development must meet the minimum frontage and entrance spacing requirements established in the ~~County's adopted "Access Management Standards", in Article 5, Chapter IX of the Douglas County Code, as amended.~~ **County's Access Management Standards that are in effect at the time.** The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the cross access easement is proposed to ~~have~~ **take** access. **[Renumbered from (x) to (xi)]**
 - (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. **[Renumbered from (xi) to (xii)]**
 - (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) Sensitive Lands Worthy of Resource Preservation. Lands that are or contains the resources identified in Section 20-810(j) shall be deemed to be worthy of Resource Preservation.
 - (iii) **Conservation Easement.** Land that is or contains the resources identified in Section 20-810(j), ~~such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historical sites~~ to the greatest extent reasonably practicable, shall be subject to a **Conservation Easement** 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 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 **Conservation Easement** only after the property has been annexed into the City. Within 2 years of the date of annexation into the City the **Conservation Easement** will expire unless further action is taken by either the City or the property **Owner**.
 - (iv) 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.** ~~The Future Development Area~~

shall be restricted from any further division for development purposes by a legal instrument that is satisfactory to the County Counselor until the land is annexed by a City.

- a. This instrument shall 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 ~~or the Certificate of Survey is amended.~~
- b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.

- (v) 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 a ~~building site for one principal dwelling and accessory buildings unit~~ until annexation into a city and municipal water and sanitary sewer service are extended to the ~~property building site~~;
- (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 prohibit further divisions of land or Development until the Development is annexed by a City~~;
- (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

Insert existing section (d) here – no text changes proposed

(f) Cluster Developments – After Annexation

Insert existing section (e) here– no text changes proposed.

(g) Application

Insert existing section (f) here – no text changes proposed.

(h) Administrative Review and Consideration Procedures

The Planning Director shall review all applications for ~~divisions of land~~ **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**. ~~unless the developer establishes that changed circumstances exist or~~ 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. ~~In this later instance, development shall conform to the then current plan recommendations~~
- (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

(c) Immediate Development Area and Future Development Area

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 hard surfaced road.
- (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 on the Major Thoroughfares Map in the Comprehensive Land Use Plan.~~ 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 adopted "Access Management Standards", in Article 5, Chapter IX of the Douglas County Code, as amended~~ [County's Access Management Standards that are in effect at the time](#). The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the [Residential Development Parcel](#) is proposed to ~~have~~ [take](#) access.
- (vii) Utility - Water. Each [Residential Development Parcel](#) shall obtain water from a publicly treated water source.
- (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) Sensitive Lands Worthy of Resource Preservation. Lands that are or contain the resources identified in Section 20-810(j) shall be deemed to be worthy of Resource Preservation.
- (iii) [Conservation Easements](#). Land that is or contains the resources identified in Section 20-810(j), ~~such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historic Sites;~~ to the greatest extent reasonably practicable, shall be subject to a [Conservation Easement](#) 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 to the City and County by separate legal instrument, satisfactory to the County Counselor and the City Manager. The city will have regulatory authority over the [Conservation Easement](#) only after the property has been annexed into the City. Within 2 years of the date of annexation into the City the [Conservation Easement](#) will expire unless further action is taken by either the City or the property [Owner](#).
- (iv) 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.](#) ~~The Future Development Area, not within an environmentally or geographically sensitive area or the site of an historic landmark or historic feature, shall be restricted from any further division or development by a legal instrument that is satisfactory to the County Counselor, until the land is annexed by a City.~~
 - a. ~~This instrument shall 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 or the Certificate of Survey is amended.~~
 - b. ~~This instrument shall be in recordable form and shall be recorded with the Register of Deeds.~~
- (v) 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

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 ~~a building site for one principal dwelling unit~~ until annexation into a city and municipal water and sanitary sewer service are extended to the **property building site**;
- (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 ~~prohibit further divisions of land or Development until the Development is annexed by a City~~;
- (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

Insert existing section (d) here– no text changes proposed.

(f) Application

Insert existing section (e) here– no text changes proposed

(g) Administrative Review and Consideration Procedures

Insert existing section (f) here– no text changes proposed

(h) Developable Acreage and Development of Future Development Area [(g) renumbered]

- (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, ~~unless the developer establishes that changed circumstances exist or 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. ~~In this later instance, development shall conform to the then current plan recommendations.~~
 - (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.
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(d) Purpose

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

(e) Definitions

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. ~~an area, parcel, site, piece of land or other property that is under the same ownership, is the subject of a development action, and 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.

(f) Applicability

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 an Original Tract ~~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". ~~An Original Tract may be composed of an individual parcel or a combination of adjacent parcels under a single ownership [not separated by public right(s)-of-way] that share common boundary lines.~~
 - (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 and all environmentally or geographically sensitive areas or sites of historic landmarks or historic features [refer to Section 20-810(j)].

(g) Parent Parcel Division

- (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 adopted "Access Management Standards", in Article 5, Chapter IX of the Douglas County Code, as amended~~ **County's Access Management Standards that are in effect at the time**. The frontage and entrance spacing requirements are based on the classification of the road upon which the **Residential Development Parcel** is proposed to ~~have~~ **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 ~~on the Major Thoroughfares Map in the Comprehensive Land Use Plan~~. 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. [Entire subsection new. Numbering of subsequent subsections revised to correspond to addition of new subsection.]

- (vii) **Building Envelope**. When a **Residential Development Parcel** includes lands identified for Resource Preservation in Section 20-810(j), ~~such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historic Sites;~~ 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), ~~such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historic Sites shall be~~ 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 ~~to the County~~ by a separate legal instrument ~~that is satisfactory to the County Counselor~~ 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 and may not be further divided pursuant to Sections 20-804, 20-805 or 20-806~~
[Residential Development Parcels are eligible for Certificate of Survey approval one time only within Service Areas 2 and 3 of the Lawrence Urban Growth Area. An amended Certificate of Survey may be filed for property in Service Area 4 of 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

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

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

- (1) The [Certificate of Survey](#) shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be ~~18 inches by 24 inches~~ [a minimum size of 11 inches by 17 inches in size](#);
- (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 residential buildings 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) ~~Recitation of any~~ Restrictive covenants or [Conservation Easements](#) required by the proposed division ~~shall be noted by with a line on the survey for the identification of the 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 the Register of Deeds filing information.

(f) Criteria for Review

An application for ~~a~~ division of land 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 ~~adopted Major Thoroughfares Map in the Comprehensive Land Use Plan for Douglas County~~ [County's Access Management Standards that are in effect at the time](#) 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

- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.
- (2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.
- (3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the [Certificate](#)

of Survey conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County" with the date of approval.

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

(h) Amending an Approved Certificate of Survey

An approved Certificate of Survey may be amended for a Parent Parcel created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Sections 20-804 or 20-805 for property located in Service Area 4 of Lawrence's Urban Growth Area. The amendment may occur when there is an application need 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 can not be revised for those portions that include sensitive lands or Conservation Easement(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.
- (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 *[renumbered: was (h)]*

- (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 Administration and Enforcement

(a) Planning Department Powers and Duties

Insert existing section (a) here – no text changes proposed

(b) Planning Commission Powers and Duties

Insert existing section (b) here – no text changes proposed

(c) Dedications

Insert existing section (c) here – no text changes proposed

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

No building permit shall be issued for any building or Structure in ~~the City of Lawrence or~~ the **Unincorporated Area** of the County unless the ~~Planning Director or~~ Douglas County Zoning & Codes Director finds that:

- (1) **The proposed building or structure will 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** ~~shown in Section 20-801(e)(2) and thus exempt from having that has~~ **a vested right under these requirements pursuant to Section 20-801(e)(2); or**
 - (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 Planning Director or 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, ~~and~~,
 - (iii) ~~Is located on a land parcel that meets the minimum frontage requirements based on the classification of road it takes access from.~~
- (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

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.

Remainder of Section 20-813 remains unchanged – no text changes proposed

(d) Interpretation and Rules of Construction

- (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

- (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.

Term	Definition
Abut	To physically touch or border upon; or to share a common property line.
Acceleration Lane	An added Roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.
Access Control	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.
Access Easement	An easement created for the purpose of providing vehicular or pedestrian access to a property
Adequate Assurances	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).
Agency	For floodplain management purposes, means the Federal Emergency Management Agency (FEMA).
Agricultural Purposes	<p>The growing of crops and the raising of livestock and poultry for profit on a tract of land of 10 acres or more. The feeding or disposal of Community or collected garbage shall not be deemed an agricultural use.</p> <p>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.</p>
Alley	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.
Appeal	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.
Applicant	A Person submitting an application for approval.
Areas of Special Flood Hazard	Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.
Base Flood	A flood having a 1% chance of being equaled or exceeded in any given year. See "Regulatory Flood".

Term	Definition
Base Flood Elevation	Water surface elevation of the base flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study, whichever is higher.
Basement	Any area of the structure having its floor sub-grade (below ground level) on all sides.
Benchmark	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.
Block	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.
Bore Hole or Soil Boring	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.
Boulevard	A tree-line roadway or a multi-lane street with a landscaped median.
Boundary Line Adjustment	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 20-810(a)(2) and with the Zoning District regulations that apply to the subject property.
Boundary Line Street (or Road)	A Street or road that forms a part of the boundary line of a City.
Build Out Plan	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.
Buildable Lot	A lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a buildable lot.
Building, Principal	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.
Building Envelope	The buildable area of a Lot defined by the minimum required setbacks of the applicable Zoning Regulations.
Catch Basin	An inlet designed to intercept and redirect surface waters.

Term	Definition
Certificate of Survey	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.
Channel	A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.
Channelization	(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.
Circle	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.
City Engineer	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.
Cluster Subdivision	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.
Comprehensive Plan	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.
Community	Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
Conservation Easement	See "Easement, Conservation"
<u>County's Access Management Standards</u>	<u>Access and minimum frontage standards in the Douglas County Code, Chapter IX, Article 5.</u>
County Engineer	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 operating unit primarily responsible for the maintenance of County

Term	Definition
	roads and infrastructure.
Court	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.
Cross Access Easement	See "Easement, Cross Access"
Crosswalk	A strip of land dedicated for public use which is established across a Block for the purpose of providing pedestrian access to adjacent areas.
Cul-de-sac	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.
Culvert	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.
Curb Cut	The opening along the curb line at which point vehicles may enter or leave a Roadway.
Curb Return	The connecting link between the Street curb and the ramp (Driveway) curb.
Datum, City	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.
Deceleration Lane	An added Roadway lane that permits cars to slow down and leave the main vehicle stream.
Dedication	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.
Design Standards, Subdivision	All requirements and regulations relating to design and layout of Subdivisions contained in Section 20-810.
Detention Pond	A storage facility for the temporary storage of stormwater runoff. The stormwater may be released to downstream facilities at a designed rate of flow.
Developer	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.
Development	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.
Double Frontage Lot	A Lot with two opposite Lot Lines Abutting upon Streets which are substantially parallel.

Term	Definition
Douglas County Zoning & Codes Director	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.
Drainage System	Pipe, Waterways natural features and man-made Improvements designed to carry drainage.
Drive	A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Also referred to as a driveway.
Driveway	A privately owned means of providing direct vehicle access to Streets.
Driveway Apron or Driveway Approach	A paved area between the sidewalk and the street curb used by the property owner for vehicular access.
Driveway, Joint-Use	A privately owned Driveway that provides access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
<u>Dwelling</u>	<u>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.</u>
Easement, Avigational	An air rights Easement which protects air lanes around airports.
Easement, Conservation	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.
Easement, Cross Access	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.
Easement, Drainage	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.
Easement, Private	A right-of-way granted for limited use of land for a private purpose.
Easement	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.

Term	Definition
Effective Date	<u>December 31, 2006, the date Joint Ordinance 8064 - Resolution 06-41 took effect.</u>
Egress	An exit.
"Eligible Community" or "Participating Community"	A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
Encroachment	Any obstruction in a delineated Floodway, right-of-way, Easement, building setback or adjacent land.
Encumber	To place a legal claim or restriction upon a tract or parcel of land.
Engineer	A professional Engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.
Exception	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.
Existing Construction	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> .
Existing Mobile Home Park	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.
Final Plat	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.
Fire Hydrant	An outdoor water supply outlet with wrench-actuated valve and a connection for a fire hose.
Flag Lot	<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. <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 width <u>frontage</u> at the road right-of-way or road easement line.
"Flood" or "Flooding"	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

Term	Definition
	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 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).
Flood Insurance Rate Map (FIRM)	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.
Flood Insurance Study (FIS)	An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
Floodplain	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.
Floodplain or Floodplain District	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.
Floodplain Management	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.
Floodplain Management Regulations	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.
Floodproofing	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.
"Floodway" or "Regulatory Floodway"	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.
Floodway Encroachment Lines	The lines marking the limits of floodways on Federal, State and local floodplain maps.
Floodway Fringe	The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.
Force Main	A sanitary sewer line through which waste water is pumped rather than carried by gravity flow.

Term	Definition
Freeboard	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 urbanization of the watershed.
Frontage Road	A "Street, Marginal Access. located in front of the properties that it abuts.
Frontage	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road.
Full Maintenance Road	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.
Governing Body	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.
Grading	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.
Groundwater	Any subsurface water in the zone of saturation, including but not limited to spring water, perched Water Tables, seasonal Water Tables and aquifers.
Half-Street	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.
Highest Adjacent Grade	The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
Historic Landmark	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.
Home Owners Association	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

Term	Definition
	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.
Hydrologic and Hydraulic Study	An engineering study that is done in accordance with the Lawrence Development Code 20-1204 (c).
Improvements	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).
Infrastructure	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.
Ingress	An entrance.
Intersection	Where two or more Streets cross at-grade.
Land Combination	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.
Land Disturbance	Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.
Land Surveyor	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.
Lot	A designated parcel or area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit.
Lot Depth	The distance between the midpoint of the front Lot Line and the mid-point of the rear Lot Line.
Lot Line, "or Residential Development Parcel Line"	The perimeter of a Lot or a Residential Development Parcel.
Lot Width, "or Residential Development Parcel Width"	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.
Lot, Frontage "or Residential Development Parcel Frontage"	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.
Lot of Record	A legally created Lot recorded at the Register of Deeds as part of a plat or subdivision.

Term	Definition
Lowest Floor	The lowest floor of the lowest enclosed area, including a Basement; an unfinished or flood-resistant enclosure, usable solely for parking of 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.
Major Thoroughfares Map(s)	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.
Market Value	An estimate of what is fair, economic, just and equitable value under normal local market conditions.
Mean Sea Level	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 Maps (FIRM) are referenced.
Metes And Bounds	A method of describing the boundaries of land by directions and distances from a known point of reference.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a building located in the floodplain may have a door, window, or other opening.
Minor Subdivision	See "Subdivision, Minor"
Mobile Home	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."
Mobile Home Subdivision or Park	A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.
Minimum Elevation for Building	The finished floor elevation of the lowest floor.
Neighborhood Development Plan	See "Sector Plan"
New Construction	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.

Term	Definition
Off-Site Improvements	Improvements located on property outside the perimeter of the Subdivision that are determined by the Planning Commission to be necessary because of the proposed Subdivision, e.g., construction of Streets, signalization of Intersections, drainage Channels, extension of public utilities, etc.
On-site Sewage Management System	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.
On-Site	Located within the perimeter of the property that is subject to an application for Subdivision or a Residential Development Parcel approval.
Open Space, Common	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.
Original Townsite Area	The original Townsite of the City of Lawrence, as shown on the "Original Townsite Map" available for public inspection from the Planning Director.
Outlet, Single	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.
Overlay District	A special zoning district that has been "overlaid" on a base zoning classification to alter some or all the base district zoning regulations.
Owner	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.
Package Plant	A prefabricated or pre-built wastewater treatment plant.
Parcel	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

Term	Definition
	plat or Subdivision process.
Parent Parcel	The recorded and legally defined parcel of land from which one or two further divisions can be made for the purpose of conveying a 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.
Parkway	A Street that includes a landscaped median. A parkway may run in any direction.
Participating Community	Also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.
Peak Hour Traffic	The largest number of vehicles passing over a designated section of a Street during the busiest one-hour period during a 24-hour period.
Pedestrian Right-of-Way Easement	A strip of land dedicated for public use which is Reserved across a Block for the purpose of providing pedestrian access to adjacent areas.
Pedestrian Way	A public walk dedicated entirely through a block, from street to street, or providing access to a school, park, recreation area, or shopping center.
Percolation Test	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.
Percolation	Downward flow or infiltration of water through the pores or spaces of rock or soil.
Person	Any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.
Petition, Public Improvement	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.
Planning Area	The area considered in the development of a comprehensive plan for cities in Douglas County.
Planning Commission	The Lawrence/Douglas County Metropolitan Planning Commission.
Planning Director	The Lawrence/Douglas County Metropolitan Planning Director.
Plat	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.
Platting Binder	A report issued by a title insurance company setting forth the conditions

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	to be met for certain property to be Platted, e.g., Easements filed for record, mortgages, fee title Owners, etc.
Potable Water	Water suitable for drinking or cooking purposes.
Preliminary Plat	A map of proposed land Subdivision showing the character and proposed layout of the tract in sufficient detail to indicate its' suitability for the proposed Subdivision.
Principal Building	See 'Building, Principal'.
Principal Use	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.
Principally Above Ground	At least 51% of the actual cash value of the structure, less land value, is above ground.
Private Drive	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.
Public Improvements	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.
Public Utility Facilities	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.
Public Water Supply	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.
Publicly Treated Water	Water supplied for domestic purposes by a municipality or by a Rural Water District and approved by the Kansas State Department of Health.
Pumping Station	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.
Raw Sewage	Untreated domestic or commercial wastewater.
Recreational Vehicle	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

Term	Definition
	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.
Regulatory Flood	The Flood determined by the Federal Insurance Administration as having a 1% chance of being equaled or exceeded in any given year.
Regulatory Flood Elevation	The elevation at which the Regulatory Flood is determined to occur.
Regulatory Floodplain	Land included within the Regulatory Floodway and Floodway Fringe areas as determined by the Federal Insurance Administration.
Replat	Same as "Resubdivision".
Reserve	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].
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.
Restrictive Covenant	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.
Resubdivision	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.
Road or Roads	Same as "Street" or "Streets".
Road, Stub	A short section of public Road or Road Easement dedicated to provide future access to an adjacent unplatted tract of property.
Roadway	The paved or improved area of a Street right-of-way, exclusive of sidewalks, Driveways, or related uses.
Rural Area	All of the Unincorporated Area of Douglas County lying outside of an Urban Growth Area.

Term	Definition
Sanitary Sewers	Pipes that carry only domestic, industrial or commercial Sewage and into which storm, surface and ground waters are not intentionally admitted.
Sector Plans	Plans that encompass one or more sections of land with the purpose being to use geographic and demographic information to develop a detailed land use vision of future development or redevelopment of a study area.
Setback Line (Front) or Building Line	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.
Setback Line	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.
Sewage Lagoon	A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore waste water to a reasonable state of purity.
Sewage	The total of organic waste and waste water generated by residential, industrial and commercial establishments.
Sewerage	(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.
Slope	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.
Staff	The technical and professional Staff of the Lawrence/Douglas County Metropolitan Area Planning Director.
Start of Construction	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,

Term	Definition
	ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.
State Coordinating Agency	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.
Stormwater Detention	Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.
Street or Streets	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.
Street Width	The amount of Street right-of-way Abutting a Lot's property lines.
Street, Arterial	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.
Street, Collector	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.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	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.
Street, Freeway	Any divided Street or highway with complete Access Control and grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing access to not more than eight Abutting single-family residential Lots.
Street, Local	Local Streets provide direct access to adjacent land uses. Direct access from a local Street to an arterial Street should be discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-access Street and that is designated to provide direct

Term	Definition
	access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
Street, Private	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.
Street, Residential	Same as "Local Street".
Street, Residential Collector (or Residential Connector)	Residential collector is a special category of collector street characterized 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.
Structure	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.
Street, Stub	A short section of Street right-of-way Platted to provide future access to an adjacent unplatted tract of property.
Subdivider	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.
Subdivision (Plat)	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.
Subdivision, Major	A Subdivision that includes 5 or more lots. [See section 20-809].
Subdivision, Minor	A Subdivision that satisfies one of the criteria set forth in section 20-808.
Subdivision Regulations	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.
Substantial- Damage	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.

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Substantial-Improvement	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 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."
Surveyor	A professional Land Surveyor licensed by the State of Kansas.
Swale	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.
Terracing	An erosion control method that uses small hills and contours on the land surface to control Flooding and runoff.
Topography	The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).
Tract	A non-buildable, platted parcel reserved for open space, storm drainage or easement purposes or an otherwise specific and restricted use.
Traffic Calming Device	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.
Turnaround	An area at the closed end of a Street with a single common Ingress and Egress within which vehicles may reverse their direction.
Unnecessary Hardship	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.
Unincorporated Area	That portion of Douglas County lying outside any incorporated municipality.
Urban	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 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

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	considered non-urban or rural.
Urban Density	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".]
Urban Growth Area – Lawrence	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.
Urban Growth Area – [other cities in the County]	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.
Variance	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.
Waiver	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.
Water Surface Elevation	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.
Water Table	The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.
Waterway	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.
Wetlands	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 for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Term	Definition
Woodlands	Natural hardwood forests, whether or not actively forested.
Zone A	Special flood hazard areas inundated by 100-year flood where no base flood elevations have been determined.
Zone AE	Special flood hazard areas inundated by 100-year flood where base flood elevations have been determined.
Zone AH	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.
Zone AO	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.
Zoning Regulations	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.

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
6/27/07

ITEM NO. 11: **TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (JCR)**

TA-05-08-07: Consider amendments to City/County Subdivision Regulations to address concerns identified in the 3/1/07 work session with City & County Staff. Initiated by the Board of County Commissioners on May 2, 2007.

Chapter 20, Article 8, the joint City/County Subdivision Regulations, was adopted by the County and City Commissions effective January 1, 2007. This report discusses amendments identified by staff and initiated by the Board of County Commissioners on May 2, 2007.

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation for approval of the proposed revisions [TA-05-08-07] to Article 8 of the "Development Code, July 1, 2006 Edition, as amended January 1, 2007" to the City Commission and County Commission.

Reason for Request: In reviewing and applying Article 8, Subdivision Regulations for Lawrence and Unincorporated Douglas County, a number of issues have been identified which require revisions to the text adopted. Adoption of the initiated revisions will improve the implementation of the Subdivision Regulations. TA-05-08-07 represents specific amendments to Article 8 as outlined in the following table.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is the Subdivision Regulations, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written correspondence has been received.

OVERVIEW OF REVISIONS PROPOSED

- Please see the attachment which lists all sections of the Subdivision Regulations which are proposed to be amended. Only those sections of the Subdivision Regulations proposed to be amended are included in the attachment. Deleted text is shown as ~~double strikethrough~~ and inserted text is shown as **red text**.
- Explanations for each amendment are provided in the Comment balloon next to each section amended. Many of the amendments were identified by Staff and the Board of County Commissioners at a work session held on March 1, 2007. All were initiated by the Board of County Commissioners on May 2, 2007.

(d) Exemptions

- (1) The purpose of this sub-section is to list specifically those divisions and transfers of land that are entirely exempt from regulation under this Article. This sub-section shall be strictly construed, so that any transaction failing in any way to meet one, or more, of the requirements for Exemption shall be subject to the full effect of this Article.
- (2) The following divisions and transfers of land are exempt from the requirement that divisions of land 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 ~~of or a tract~~ parcel of land created exclusively for Agricultural Purposes, when that division does not involve the creation of any new public Streets, public Roads, or public Easements ~~or the current or future need for a building permit for the erection of a structure for a principal residential use;~~
 - (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 of any land used exclusively for Cemetery purposes and accessory uses associated therewith;
 - (iv) A division of land occurring through the transfer of land for use as a right-of-way for widening a road or railroad or as an Easement for ~~drainage, utility purposes~~ 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 sole purpose of combination with an existing parcel or tract of land to increase the aggregate land area of the existing parcel or tract of land so long as any remaining portion of the unplatted land not combined with an existing parcel or tract of land retains the minimum dimensional requirements for a buildable Residential Development Parcel in the Unincorporated Area of the County;~~
 - (vi) ~~A division of land 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 that were in effect on December 20, 2006, provided said division of land meets the minimum frontage requirements in the County's Access Management Standards or provided said division of land 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 of land 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 of land 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**, a new division of land created to divide off a residential building existing on site on December 31, 2006, from a larger tract of land; provided that the following conditions are met:

- a. The minimum size of the new division upon which the residential building is located meets both the County's Sanitation 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 for the existing residential building is located entirely on the new division upon which the residential building is located and the On-Site Sewage Management System is in compliance with the County's Sanitation Code requirements; and,
- c. The new division 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 new division of land on which the residential building is located shall not be subject to further review under this Article, unless or until this division of land is further divided. This Exemption does not apply to the division of land, created from the larger tract, on which there is no existing residential building. For the purposes of the County's Zoning Regulations, the resultant division of land without a residential building on it shall not be deemed created in conformance with the Exemption section of these Subdivision Regulations.

(e) **Vested Rights**

- (1) A division of land created in conformance with this Article, or created in conformance with the Exemption section of the previously adopted [Subdivision Regulations](#) that were in effect prior to December 20, 2006, and said division was filed and recorded as a plat of survey, deed, or affidavit of equitable interest identifying the division as a separate tract of real estate at the Register of Deeds office (i) on or before June 1, 2005; or (ii) after June 1, 2005, and as of December 31, 2006, provided a division of land made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the Governing Body. Such legally created division of land shall not be subject to further review under this Article; unless or until this previous division of land is further divided.
- (2) A [Lot of Record](#) 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.

A [Lot of Record](#) or a division of land 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 before the Effective Date of this Article, 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 division of land is further subdivided.

- (3) A division of land created to convey an existing residential building and grounds from a larger tract of land that was divided pursuant to Section 20-801(d)(ix), when the principal building on the division is for single-family residential purposes, shall have no further review under this Article until such division of land is further subdivided only when: the residential building was built or constructed prior to the effective date of these regulations; it is served by a potable water source located on the division that includes the existing residential building improvement; the division conforms with the County's Sanitation Code; and, that division is zoned either A (Agricultural), A-1 (Suburban Home Residential), 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**

A vested division of land may be combined with another unplatted division of land and retain the vested right to a building permit for one principal building for residential purposes on the newly created Land Combination when the following criteria are met:

- (1) One of the land parcels in the Land Combination is currently eligible to obtain a building permit for residential purposes; and,
 - (2) The Land Combination is filed at the Register of Deeds showing that the newly created Land Combination 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.
-

20-804 Cluster Developments in the Urban Growth Areas

(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 water from a publicly treated water source.
- (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. The Cluster Development shall have direct access to a hard-surfaced road. 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 of land pursuant to this Section 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 ~~on the Major Thoroughfares Map in the Comprehensive Land Use Plan.~~ 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 that are in effect at the time](#). The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the cross access easement is proposed to ~~have~~ [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) Sensitive Lands Worthy of Resource Preservation. Lands that are or contains the resources identified in Section 20-810(j) shall be deemed to be worthy of Resource Preservation.
- (iii) **Conservation Easement.** Land that is or contains the resources identified in Section 20-810(j), such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historical sites to the greatest extent reasonably practicable, shall be subject to a **Conservation Easement** 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 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 **Conservation Easement** only after the property has been annexed into the City. Within 2 years of the date of annexation into the City the **Conservation Easement** will expire unless further action is taken by either the City or the property **Owner**.
- (iv) Restriction on Subsequent Divisions. The Future Development Area shall be restricted from any further division for development purposes by a legal instrument that is satisfactory to the County Counselor until the land is annexed by a City.
 - a. This instrument shall 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 **or the Certificate of Survey is amended**.
 - b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.
- (v) **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 a building site for one principal dwelling unit until annexation into a city and municipal water and sanitary sewer service are extended to the building site;
- (4) For the Future Development Area, prohibit further divisions of land or Development until the Development is annexed by a City;
- (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.

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

The Planning Director shall review all applications for ~~divisions of land~~ **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) Development of the Future Development Area shall occur in accordance with the Build Out Plan unless the developer establishes that changed circumstances exist or the appropriate city's plans for the area covered by the Build Out Plan recommend a different type of land use. In this later instance, development shall conform to the then current plan recommendations.
- (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

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

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 hard surfaced road.
- (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 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 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 on the Major Thoroughfares Map in the Comprehensive Land Use Plan.~~ 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 that are in effect at the time.~~ The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the [Residential Development Parcel](#) is proposed to ~~have~~ [take](#) access.
- (vii) Utility - Water. Each [Residential Development Parcel](#) shall obtain water from a publicly treated water source.
- (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) Sensitive Lands Worthy of Resource Preservation. Lands that are or contain the resources identified in Section 20-810(j) shall be deemed to be worthy of Resource Preservation.
- (iii) [Conservation Easements](#). Land that is or contains the resources identified in Section 20-810(j), such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historic Sites, to the greatest extent reasonably practicable, shall be subject to a [Conservation Easement](#) 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 to the City and County by separate legal instrument, satisfactory to the County Counselor and the City Manager. The city will have regulatory authority over the [Conservation Easement](#) only after the property has been annexed into the City. Within 2 years of the date of annexation into the City the [Conservation Easement](#) will expire unless further action is taken by either the City or the property [Owner](#).
- (iv) Restriction on Subsequent Divisions. The Future Development Area, not within an environmentally or geographically sensitive area or the site of an historic landmark or historic feature, shall be restricted from any further division or development by a legal instrument that is satisfactory to the County Counselor, until the land is annexed by a City.

- a. This instrument shall 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 or the Certificate of Survey is amended.
 - b. This instrument shall be in recordable form and shall be recorded with the Register of Deeds.
- (v) 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

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 a building site for one principal dwelling unit until annexation into a city and municipal water and sanitary sewer service are extended to the building site;
- (4) For the Future Development Area, prohibit further divisions of land or Development until the Development is annexed by a City;
- (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

Be in a recordable form and be recorded with the Register of Deeds.

(h) 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) Development of the Future Development Area shall occur in accordance with the Build Out Plan unless the developer establishes that changed circumstances exist or the appropriate city's plans for the area covered by the Build Out Plan recommend a different type of land use. In this later instance, development shall conform to the then current plan recommendations.
 - (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.
-

(a) Purpose

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

(b) Definitions

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

- (1) Original Tract – an area, parcel, site, piece of land or other property that is under the same ownership, is the subject of a development action, and 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

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". An Original Tract may be composed of an individual parcel or a combination of adjacent parcels under a single ownership [not separated by public right(s)-of-way] that share common boundary lines.
 - (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, Parent Parcel, [Residential Development Parcels](#) and all environmentally or geographically sensitive areas or sites of historic landmarks or historic features.

(d) **Parent Parcel Division**

- (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 Sanitation 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 that are in effect at the time**. The frontage and entrance spacing requirements are based on the classification of the road upon which the **Residential Development Parcel** is proposed to ~~have~~ **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 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 ~~on the Major Thoroughfares Map in the Comprehensive Land Use Plan~~. 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), such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historic Sites, 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), such as 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; Stands of Mature Trees or Individually Significant Mature Trees; and, Archaeological and Historic Sites ~~shall be~~ **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 ~~to the County~~ by a separate legal instrument ~~that is satisfactory to the County Counselor~~ **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 and may not be further divided pursuant to Sections 20-804, 20-805 or 20-806~~
[Residential Development Parcels](#) are eligible for [Certificate of Survey](#) approval one time only within Service Areas 2 and 3 of the Lawrence Urban Growth Area. An amended [Certificate of Survey](#) may be filed for property in Service Area 4 of the Lawrence Urban Growth 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

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

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

- (1) The [Certificate of Survey](#) shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be ~~10 inches by 24 inches~~ a minimum size of 11 inches by 17 inches in size;
- (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 residential buildings 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) Recitation of any restrictive covenants or [Conservation Easements](#) required by the proposed division with a line on the survey for the identification of the book and page 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 the Register of Deeds filing information.

(f) Criteria for Review

An application for division of land 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 ~~adopted Major Thoroughfares Map in the Comprehensive Land Use Plan for Douglas County~~ [County's Access Management Standards that are in effect at the time](#) 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

- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.
- (2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.
- (3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the [Certificate of Survey](#) conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a [Certificate of Survey](#) under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County" with the date of approval.
- (4) If the Planning Director finds that the [Certificate of Survey](#) fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for

administrative approval pursuant to this Section, the Planning Director shall refuse to approve the proposed [Certificate of Survey](#) and shall notify the Applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the Applicant, the Applicant may submit a revised application and [Certificate of Survey](#) within 45 days after receipt of the letter and shall not be required to pay an additional fee.

- (5) If approved, the [Certificate of Survey](#) shall be recorded by the [Planning Director](#) with the Douglas County Register of Deeds. A copy shall be kept by the [Planning Director](#), and a copy shall be furnished to the Applicant and to the County Zoning & Codes office.

(h) [Amending an Approved Certificate of Survey](#)

An approved [Certificate of Survey](#) may be amended for a [Parent Parcel](#) created in accordance with [Section 20-806](#) or, prior to annexation by a city, in accordance with [Sections 20-804 or 20-805](#) for property located in [Service Area 4 of Lawrence's Urban Growth Area](#). The amendment may occur when there is a need 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](#) can not be revised for those portions that include sensitive lands or [Conservation Easement\(s\)](#). 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](#).

(i) [Appeals Process for Sections 20-804, 20-805 and 20-806](#)

- (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.
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20-813 Administration and Enforcement

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

No building permit shall be issued for any building or Structure in ~~the City of Lawrence or the~~ **Unincorporated Area** of the County unless the ~~Planning Director or~~ Douglas County Zoning & Codes Director finds that:

- (1) **The proposed building or structure will 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** ~~shown in Section 20-801(e)(2) and thus exempt from having that has~~ **a vested right under these requirements pursuant to Section 20-801(e)(2); or**
 - (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 Planning Director or 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;**
 - (ii) **Is located on a land parcel of sufficient size to meet the County's Sanitation Code requirements; and,**
 - (iii) **Is located on a land parcel that meets the minimum frontage requirements based on the classification of road it takes access from.**
- (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**

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.

Term	Definition
Abut	To physically touch or border upon; or to share a common property line.
Agency	For floodplain management purposes, means the Federal Emergency Management Agency (FEMA).
Agricultural Purposes	<p>The growing of crops and the raising of livestock and poultry for profit on a tract of land of 10 acres or more. The feeding or disposal of Community or collected garbage shall not be deemed an agricultural use.</p> <p>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.</p>
Alley	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.
Boundary Line Street (or Road)	A Street or road that forms a part of the boundary line of a City.
Build Out Plan	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.
Buildable Lot	A lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a buildable lot.
Building, Principal	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.
Building Envelope	The buildable area of a Lot defined by the minimum required setbacks of the applicable Zoning Regulations.
Driveway Apron or Driveway Approach	A paved area between the sidewalk and the street curb used by the property owner for vehicular access.
Driveway, Joint-Use	A privately owned Driveway that provides access to 2 or more Lots in a

Term	Definition
	commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Dwelling	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.
Easement, Avigational	An air rights Easement which protects air lanes around airports.
Easement	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.
Effective Date	The date the joint ordinance/resolution adopting the Subdivision Regulations takes effect.
Egress	An exit.
Flag Lot	<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. <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 width required at the road right-of-way or road easement line.
Ingress	An entrance.
Intersection	Where two or more Streets cross at-grade.
Land Combination	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.
Land Disturbance	Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.
Parcel	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.
Parent Parcel	The recorded and legally defined parcel of land from which one or two further divisions can be made for the purpose of conveying a 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.
Potable Water	Water suitable for drinking or cooking purposes.
Preliminary Plat	A map of proposed land Subdivision showing the character and proposed layout of the tract in sufficient detail to indicate its' suitability for the proposed Subdivision.

Term	Definition
Principal Building	See 'Building, Principal'.
Principal Use	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.
Principally Above Ground	At least 51% of the actual cash value of the structure, less land value, is above ground.
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.
Tract	A non-buildable, platted parcel reserved for open space, storm drainage or easement purposes or an otherwise specific and restricted use.
Zoning Regulations	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.