



Updated:

10/26/11 @ 3:00pm

Added staff PowerPoint presentations for the following items:

Item 6A - Rezoning of 4100 W 24th Place

Item 7 - Text Amendment; Subdivision Regulations

10/24/11 @ 11:00am

Added communications for the following items:

Item 2 - Text Amendment; Chp 20; Development Adjacent to Residential Districts

Item 6A - Rezoning of 4100 W 24th Place

Item 7 - Text Amendment; Subdivision Regulations

10/19/11 @ 10:30am

Full packet posted

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
OCTOBER 24 & 26, 2011 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 26, 2011.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

REGULAR AGENDA (OCTOBER 24, 2011) MEETING

PUBLIC HEARING ITEMS:

**ITEM NO. 1 ANNEXATION; 45.4 ACRES; W 6TH ST & SOUTH LAWRENCE TRAFFICWAY
(MJL)**

A-9-5-11: Consider annexation of approximately 45.4 acres of a city owned future park, located north and east of the intersection of W. 6th Street and the South Lawrence Trafficway. Submitted by the City of Lawrence, property owner of record.

**ITEM NO. 2 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT, CHP 20;
DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS (MJL)**

TA-8-12-11: Consider amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with potential changes in Article 6. *Initiated by City Commission on 7/12/11.*

****DEFERRED****

**~~ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6 & 14;
INTERSECTION AREA OF W 6TH ST & WAKARUSA DR (AAM)~~**

~~GPA-8-7-11:~~ Consider Comprehensive Plan Amendment to Chapter 6 and Chapter 14 of Horizon 2020 to consider creating a CC600 commercial category in the Comprehensive Plan and revising the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive to designate it as a CC600 commercial node.

****DEFERRED****

**~~ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CC600
ZONING DISTRICT (AAM)~~**

~~TA-8-14-11:~~ Consider a Text Amendment to the City of Lawrence Land Development Code to create a CC600 zoning district. Submitted by Paul Werner Architects.

****DEFERRED****

**~~ITEM NO. 5A REZONING PRD & CO TO CC600; 12.9 ACRES; 525 CONGRESSIONAL DR
(AAM)~~**

~~Z-7-19-11:~~ Consider a request to rezone approximately 12.9 acres from PRD (Planned Residential Development) & CO (Office Commercial) to CC600 (Community Commercial), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

****DEFERRED****

~~ITEM NO. 5B REZONING PRD TO RM15; 5 ACRES; 525 CONGRESSIONAL DR (AAM)~~

~~Z-7-20-11:~~ Consider a request to rezone approximately 5 acres from PRD (Planned Residential Development) to RM15 (Multi Dwelling Residential), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 REQUEST PLANNING COMMISSION LETTER OF SUPPORT

TIGER III Grant Application for The Research Gateway; proposed Diamond Interchange at K-10 Highway and Bob Billings Parkway.

Consideration of any other business to come before the Commission.

Recess until 6:30pm on October 26, 2011.

BEGIN PUBLIC HEARING (OCTOBER 26, 2011):

COMMUNICATIONS

- a) Receive written communications from staff, Planning Commissioners, or other commissioners.
- b) Disclosure of ex parte communications.
- c) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

REGULAR AGENDA (OCTOBER 26, 2011) MEETING PUBLIC HEARING ITEMS:

ITEM NO. 6A REZONING RM15 TO RM24; 15 ACRES; 4100 W 24TH PL (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

ITEM NO. 6B SITE PLAN; REMINGTON SQUARE APARTMENTS; 4100 W 24TH PL (SLD)

SP-9-56-11: Consider a Site Plan for Remington Square Apartments, located at 4100 West 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

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

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

****DEFERRED****

~~ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST SECTOR PLAN (DDW)~~

~~**GPA-6-5-09:** Reconsider Comprehensive Plan Amendment to Horizon 2020 - Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*~~

NON-PUBLIC HEARING ITEM:

****DEFERRED****

~~ITEM NO. 9 PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD (MKM)~~

~~**PP-8-8-11:** Consider a 1 lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

September 2011						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2011						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2011						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

PCCM Meeting:

(Generally 2nd Wednesday of each month, 7:30am-9:00am)

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PLANNING COMMISSION MEETING

September 26, 2011

Meeting Minutes DRAFT

September 26, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Culver, Finkeldei, Hird, Liese, Singleton, von Achen

Staff present: McCullough, Day, Larkin, Leiningner, M. Miller, Uddin, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of August 22 & 24, 2011.

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the August 22 & 24, 2011 Planning Commission minutes.

Approved 7-0-1, with Commissioner von Achen abstaining. Commissioner Finkeldei was not present for the vote.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Hird said the Agritourism Committee was still working on terms of suggested text amendments and hoped to have something before Planning Commission soon.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments and communications that were posted to the online Planning Commission agenda after the initial posting date.

Receive written action of any waiver requests/determinations made by the City Engineer.

- 1) The City Engineer approved a waiver to the distance standards on a collector road from signalized and non-signalized intersections for the development project located at the southeast corner of Crossgate Drive and Clinton Parkway (HyVee gas station; A full report is included with SUP-7-4-11 – item no. 3C on this agenda)

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Liese said when he visited the site for 5th Street Bluff Subdivision he talked briefly with a neighbor to confirm he was looking at the right property.
- No abstentions.

PC Minutes 9/26/11 **DRAFT**

ITEM NO. 1 PRELIMINARY PLAT; FIFTH STREET BLUFF SUBDIVISION; W 5TH ST (MKM)

PP-7-6-11: Consider a one lot Preliminary Plat and variances related to dedication of rights-of-way and frontage for Fifth Street Bluff Subdivision, approximately 0.29 acres, located on W 5th Street near the connection of Iowa Street and W 5th Street. Submitted by Paul Werner Architects, for JMC Construction, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with staff that the neighbors were not happy. He said he agreed with staff that the variances were more appropriate. He said the bank previously attempted to negotiate the land being purchased by the neighbors.

Mr. McCullough said there could be public comment on the variances.

PUBLIC HEARING

Ms. Jacqueline Schafer expressed opposition to the plat. She felt it would be unsafe to allow a driveway to be built at this location. She said she was also opposed to the cutting down of trees to allow for visibility. She said when she purchased her house 10 years ago she specifically asked the real estate agent if that property would be developed and was told no, that it served as the backyard for the house on Country Club Court. She said when the issue went before the Traffic & Safety Commission in July of 2009 one of the commissioners said it made no sense to put a driveway at the location. She felt the best use for the property was its original use, the backyard for 427 Country Club Court. She said the owner of 427 Country Club Court would like to purchase the land and has approached the bank about it but that there were discrepancies about the purchase price. She suggested instead of granting variances that Planning Commission encourage an agreement be reached between the bank and buyer. She felt this would keep the neighborhood safe and restore goodwill.

Mr. Chris Caldwell said the staff report makes reference to zoning district regulations, requirements and minimal specifications but does not indicate the proposed variances being reviewed by the Board of Zoning Appeals. He stated the property was unsightly and truly distressed. He said Ms. Schafer invested in the landscaping. He said the drainage was unpredictable with standing water. He requested direct answers to questions such as who was being bailed out? And why? How much public money would be spent to support any development? He suggested allowing the property to remain unplatted and subject to normal market valuation as an unplatted tract.

Mr. Tom Boxberger agreed with what Mr. Caldwell and Ms. Schaefer said. He felt it would change the entire neighborhood if the trees were removed. He stated the street was unsafe already and to add more traffic would be harmful to his family.

COMMISSION DISCUSSION

Commissioner von Achen inquired about traffic calming devices.

Mr. McCullough said it went through Traffic & Safety Commission.

Mr. Uddin said it did go through Traffic & Safety Commission in 2009 but he did not recall the outcome. He said one issue that was discussed was concern about the steep slope and that a speed hump could create more danger. He said there was also concern about funding.

Mr. McCullough said it sounded like traffic calming was explored through the Traffic & Safety Commission.

Ms. Schafer said she believed the Traffic & Safety Commission said it was not warranted.

Mr. Werner said the Traffic & Safety Commission voted 5-0 to not do anything on 5th Street.

Commissioner von Achen inquired about the recommendation to put the driveway to the far northeast of the lot. She said a neighbors letter expressed concern about increased danger for her.

Mr. Uddin said the idea for moving the driveway to the northeast was to split the available sight distance as much as possible. He said the area within the sight line, R-O-W, and all obstructions would be removed. He said it was a matter of detail location of the driveway. He said it could be kept where it was and that moving it was only a small improvement.

Commissioner Liese said he visited the site and it was a blighted property. He said he was more concerned about safety issues than blight. He said it was not an easy street to navigate and that the grade of the property was such that you could not see in both directions.

Commissioner Hird said it was his understanding that City Commission approved it and sent it back to Planning Commission.

Mr. McCullough said City Commission did approve it in 2009 but the plat expired.

Commissioner Hird asked if this version of the plat was what City Commission approved and then it expired.

Mr. McCullough said yes.

Commissioner Singleton said she voted to approve this in 2009. She felt it was a good location for infill. She said the developer did not have any problems with installing a circular drive. She said there was no guarantee that this would be purchased by a neighbor. She stated one more driveway was not going to increase the use to that road substantially. She said the hazards of that road were going to stay that way and one more single-family home was not going to solve that but would solve some of the blight issues.

Commissioner Blaser said he would also support this and felt it may improve the neighborhood for that lot to be cleaned up. He did not feel there was a good reason to deny it.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the following variances:

From Section 20-810(d)(4)(i) which requires 60 ft of right-of-way for local streets to permit the right-of-way to remain at 50 ft in this location.

From Section 20-810(a)(2)(i) which requires that lots be designed to comply with all applicable zoning district regulations to permit the creation of a lot with 37.35 ft of frontage in the RS10 Zoning District, rather than the required 40 ft.

And approval of the Preliminary Plat of the Fifth Street Bluff Subdivision and referring it to the City Commission for acceptance of dedication of easements and rights-of-way subject to the following conditions of approval:

The preliminary plat shall be revised with the following changes:

- a. Add the following note and include on the final plat: "The driveway shall be located as far to the northeast as possible and the property owner shall remove all obstructions within the sight triangle of the driveway."
- b. Show the sight distance triangle for the driveway.
- c. Show the Blackhills Energy gas line on the north side of W 5th Street.
- d. Revise the existing trees shown on the plat to reflect the current site condition.
- e. Provide 10 ft wide utility easements along the east and south sides of the lot.
- f. Revise the floodplain note to reference the August 5, 2010 FEMA map and panel.
- g. Remove the note regarding the changes made in June 2009 to eliminate the right-of-way.
- h. Revise the information shown for the lot to the north to remove JMC as owner and to provide subdivision information for this lot.

Commissioner Belt agreed with the comments Commissioner Liese made earlier about traffic safety. He also expressed concern about stormwater mitigation. He said he would vote against the motion.

Commissioner Blaser said the last time they saw this item stormwater was discussed and the city stormwater engineer would look at stormwater during the site planning stage.

Commissioner Culver said he would be in favor of the application because of the enhancements that would be made by platting the property. He agreed with Commissioner Singleton's comment that adding one more driveway for a single family home would not dramatically change the safety of the street.

Commissioner Hird said it was a difficult decision because the neighbors want it to stay an undeveloped lot. He said if Planning Commission did not approve the variances and allow the infill project then they would be taking the value of someone else's property and saying they could not use it for its highest and best use because the neighbors like their view. He said he wished the neighbors would buy the lot and that it was not within the Planning Commissions power to force a deal with the bank. He stated the elected officials, City Commission, said yes to this. He stated that unless there was a compelling reason that had changed since 2009, he needed to be consistent with his vote in 2009, which was a reluctant vote in favor.

Commissioner Liese said he would vote against the motion but that in doing so he was running the risk of doing a disservice to the owner/developer/bank. He said they had a responsibility to do good infill and enable people to build homes. He stated he wished he could vote in favor of it. He said he was not an overly cautious driver but it would be a challenge to pull/in out of. He said a circle drive did not guarantee people would drive forward out of it. He urged Planning Commission to think carefully.

Commissioner von Achen said she would like to vote with the neighbors but felt it would be unfair without a concrete reason to deny the owner the opportunity to build on the property. She said she would regretfully support the motion.

Commissioner Britton said the property had to be put to some use and every time someone develops a property there were positives and negatives. He said in the end the externalities could not be removed. He said he would support the motion.

Motion carried 6-2, with Commissioners Belt and Liese voting in opposition. Commissioner Finkeldei was not present for the vote.

PC Minutes 9/26/11 **DRAFT**

**ITEM NO. 2 CONDITIONAL USE PERMIT FOR THE FRATERNAL ORDER OF POLICE
SHOOTING RANGE; 768 E 661 DIAGONAL RD (MKM)**

CUP-12-8-10: Consider a Conditional Use Permit for the Fraternal Order of Police shooting range, located at 768 E. 661 Diagonal Road. Submitted by Dan Affalter, for Fraternal Order of Police, property owner of record. *Deferred by Planning Commission on 4/25/11.*

STAFF PRESENTATION

Ms. Mary Miller presented the item and went over the conditions.

Commissioner Finkeldei recused himself from the item.

APPLICANT PRESENTATION

Mr. Mike Riling, attorney representing Fraternal Order of Police (FOP), said the FOP operated a range for its membership and that the use was minimal. He said they hoped the city and county would get their own range at some point but when that happened the FOP would be stuck with the conditions. He said this was not fair. He stated the FOP has allowed the police and sheriff's department to use the range for some 40 years. He did not think enforcement would be a big deal in terms of telling when the range would be used by the police or sheriff's department. He stated the FOP had been burned by setting regulations. When the law enforcement center was built many years ago there was a range deep inside of it which never got fired upon by any training. It was designed and made to be used and it was never used. He said the FOP was frustrated in trying to get a handle on the conditions. He said soil testing through the Extension office was not available. He said noise abatement was something that needed to be done but that the driving force behind it was the sheriff and police departments who were the ones making the noise. He said the city and county had direct control over those departments. The FOP was being squeezed in the middle. He said trying to do noise abatement within 6 months was a probably not possible. He asked that noise abatement not be included. He said it was the city and county creating the problem. He said regarding the contact number on the gate they were fine with that. He said the hours of operation was different between the FOP and the police and sheriff training. He felt it was only fair to set apart the training hours versus the FOP general use.

Mr. Dan Affalter said regarding lime he talked to Dr. Cohen who was one of the environmental companies listed in the NRA Range Source book. Dr. Cohen claims to have written many of the things the EPA Best Practices regulations were based on. He said you could not just throw lime on a problem because it may inadvertently create arsenic. He said it would involve some science to figure out abatement for lead.

Mr. Riling said the FOP was fully aware that if lead got in the water supply it was a problem. He said they have been monitoring it and there was no sign of lead contamination in the water. He said the Kansas Department of Health and Environment (KDHE) had been to the property. He said the soil had a high content of lime so the facility was already in a good location. He said the facility had to exist somewhere and the reality was that nobody would want it built in their backyard as a new facility. He stated this site had been there for 40 years.

Mr. Ken McGovern, Douglas County Sheriff, said currently there were 140 employees in the agency and needed flexibility for shooting hours. He said they plan on letting the neighbors know when they will be there doing training and the hours.

Mr. Tarik Khatib, City of Lawrence Police Chief, said sharing the range was not an ideal situation. He said 70% of law enforcement firearm encounters occur during nighttime conditions. He said there was no substitute for having an outside training facility to have real world experience.

Mr. Riling said regarding trees as a buffer it was not a big issue because there were no plans to cut trees. He said the big issue was the shooting times and it was important to draw the distinction between the two uses so the individual members could use the range in a more expanded fashion than the training facility. He said noise was a problem but the FOP could not fulfill what they were being asked to do because nobody could lay a solid plan out. He said an artificial time period for noise abatement was going to be difficult and the FOP did not want to do something that would create a bigger problem. He said regarding the environmental factor the FOP was aware of the need to keep an eye on the lead but there were other agencies already regulating that area, such as KDHE and the Environmental Protection Agency (EPA).

Mr. Affalter said the FOP had preliminary conversations with city and county officials regarding funds to accomplish whatever noise mitigation needed to happen. He said he could not get them to agree to pay for something without a guarantee a permit would be in place.

Mr. Riling said the police would be subject to City Commission and suggested neighbors talk to City Commission about the use of the range. He said the City Commission could impose their own limitations on the police department. He said he did not want to commit to something that may or may not work. He asked Planning Commission to adopt the Conditional Use Permit (CUP) for the FOP.

PUBLIC HEARING

Mr. Ron Wilson said he lived within the ½ mile zone. He inquired about a building in the woods and what it was made out of and what they were using it for. He wondered if this was a law enforcement or recreational establishment. He agreed with the fact that the Extension office could not test for lead. He said he found the name and number of someone who could test for lead and it was \$35, which he would be willing to pay for. He said he looked at the KDHE health findings and did not see any factual numbers about lead. He said he related weapons fire with someone trying to kill him. He did not like the noise of firing and felt it should be taken care of. He wondered if they would be going over this again in 10-15 years when his house becomes part of the suburbs of Lawrence.

Mr. Bill Roth, lives west of the range, thanked Planning Commission and staff. He said the neighbors were not against law enforcement personnel. He said the range was set up before the EPA was established in 1970. He felt they should look at the CUP in another 5 years. He mentioned Topeka's firing range by hiring a consultant and had an excellent range with berms. He said they only occasionally fire at night. He felt the hours should be more restricted.

Ms. K.T. Walsh felt there should be signs along Washington Creek to indicate the beginning and end of the property so canoeists would know.

Mr. Eric Knoche said his property was probably the closest house to the firing range. He expressed concern about the times. He agreed with the times that staff set up and felt those times should fit everyone's needs. He wanted to be notified if there would be late night shootings. He did not want any military usage of the range.

Mr. Karl Birns, lives within ½ mile of the range, said Mr. Riling raised a lot of issues that were not directly related to the permit. He said the overburden of additional usage by city and county employees was the issue and that if they had their own facility it would not be an issue. He said he

found numerous handbooks by military, state, and county governments on the design and construction of outside shooting facilities. He was dumbstruck that the FOP acting like they had never heard of it. He was surprised that nobody from the county or city health department was not present. He said that reports filed should be made available to the public instead of just the applicant.

APPLICANT CLOSING COMMENTS

Mr. Riling said there were methods of mitigating and some may or not work well. The FOP did not have a lot of money to spend on it. He felt there needed to be noise mitigation but how and when that would come he did not know. He said the bulk of the problem was due to city and county use and he felt those entities should have enough motivation to work with the FOP to get the mitigation done. He said 6 months for noise abatement was unrealistic and could set them up for further problems.

COMMISSION DISCUSSION

Commissioner Singleton inquired about time constraints.

Mr. Riling said this case was in front of Judge Kittel and she made a ruling but that it was now in front of Judge Fairchild who would be in favor of this being worked out in the form of a CUP to the extent that it could. Once the CUP was issued then the FOP had the right to accept it or not. If the FOP was satisfied they would drop the lawsuit but if not the lawsuit would continue. He said the range was still operating and there was no firm time to stop it. Training was ongoing.

Commissioner Liese asked if in the past 40 years there had been any injuries at the site.

Mr. Riling said there was one injury.

Mr. Affalter said it was an on-duty officer.

Commissioner Liese inquired about funding.

Mr. Riling said the FOP talked to the city and county about helping develop the range. He said the County Commission would be in a quasi-judicial role when they hear this case and if they committed to funding that would put them in a bad spot. He said it was kind of a chicken and egg situation. He said the CUP needed to come first and then mitigation ideas could be discussed. He said the county was hamstrung from doing it at this time.

Commissioner Liese asked staff their thoughts.

Mr. McCullough encouraged Planning Commission and County Commission to act in their quasi-judicial manner. He said while it was interesting to hear the county's position as part of the group who uses the facility, they also have a role and responsibility to regulate it from a land use perspective.

Commissioner Liese asked what led to the accusation that a list of requests was submitted to the FOP but 'met a stonewall.' (He was referring to a letter from Mr. Karl Birns)

Mr. Affalter said at some point in 2006 the issue was brought to the FOP that neighbors were concerned. He said Mr. Craig Weinaug, Douglas County Administrator, contacted the board of the FOP and said they were in violation of zoning regulations. He said the county and city helped build the range and over the years have encouraged the building of the range.

Commissioner Liese felt communication should be better with the neighbors.

Mr. Riling said the FOP's reaction to the county was the fact a CUP was needed. He felt the county and city should be part of the solution for noise mitigation. He said they met with the neighbors and invited them to tour the range. He said the problem was not the FOP's use of the range, but rather the city and county training. He said the FOP had to get through this process first before any funding from the city and county could be received.

Mr. Birns said the reason he stated that was the neighbors got together and discussed issues. He said the FOP was starting to get involved in litigation with the county and did not want anything to do with the neighbors.

Commissioner Liese asked if he believed a good dialogue could exist between everyone.

Mr. Birns said he hoped so. He said the neighbors were not asking for much and he still thought it was possible. He said part of what they were dealing with was the uncertainty of what the future would bring. He said the neighbors would be willing to sit down and meet to discuss concerns.

Commissioner Singleton inquired about the noise from FOP members shooting versus training.

Mr. Riling said with FOP members it was typically one or two people shooting.

Mr. Affalter said a typical training had 8 people lined up shooting many rounds per second.

Commissioner Singleton inquired about noise testing.

Mr. Riling said he was not clear about what type of noise test and when, where, or who would measure it.

Commissioner Singleton did not feel the noise abatement plan should be the burden of the FOP since they were not the ones who were causing the aggravated noise to the area.

Mr. Affalter said before the litigation started he proposed to Mr. Weinaug to have the county get the CUP but he essentially said since it was FOP property it was the FOP's problem. He said if they could make it work they would certainly like to make that happen.

Mr. Riling said the FOP was not opposed to meeting with the neighbors and working things out but the CUP would have to come before the funding from the city and county, and then what to do would have to be figured out.

Commissioner von Achen inquired about lead abatement. She said under the recommended conditions it stated the property owner shall have the soil tested and the test would be maintained in the FOP office for review. She asked how those would be monitored and would they be available to the public.

Ms. Miller said no routine monitoring was planned, just would be available for the Douglas County Zoning and Codes office. She said the FOP would test the pH level of the soil, not lead, and then apply the necessary soil amendments.

Commissioner von Achen suggested forwarding those documents to an appropriate agency, such as the County Zoning and Codes staff.

Ms. Miller said they could forward to the County Zoning and Codes staff and the Planning office and also keep a copy available on site for the public.

Commissioner von Achen asked who the testing agency would be.

Ms. Miller said she would leave that up to the FOP and that the pH level could be tested by almost anyone.

Commissioner von Achen inquired about KDHE visiting the site

Ms. Miller said that information was with the original staff report. She said a complaint was made to KDHE and KDHE reviewed it and provided a response. KDHE looked at the pistol range and determined the berm was of sufficient height. They also looked at the distance of the trap range and did not feel it was a problem. KDHE said Washington Creek was carved into limestone and that it was not a issue at this time. She stated KDHE left a copy of the EPA Best Practices for the FOP and suggested they follow them. She said the complaint did not result in any findings.

Commissioner von Achen inquired about testing Washington Creek.

Ms. Miller said it would have to be proved the pollution came from the range.

Commissioner von Achen said a water test would be easy to do. She inquired about the condition that if another range was created out there it should be created outside of the floodplain.

Ms. Miller said when looking at a new location this location would not be seen as a good location for a new range.

Commissioner Blaser asked if mitigation was only being suggested for the pistol range.

Ms. Miller said on all the shooting ranges.

Commissioner Blaser said noise abatement/mitigation had a time duration and noise level so he was not sure that noise would turn out to be a problem. He said it may be a problem for the 4 second time period of shooting. He expressed concern about environmental issues. He said with the trap range that steel shot could be used instead of lead.

Mr. Affalter said there were non-toxic shots available but they were expensive.

Commissioner Blaser said there should be some sort of condition about testing of the soil. He said it sounded like Planning Commission needed to resolve something tonight because County Commission was waiting on Planning Commission. He said regardless of when the EPA was formed it did not make things grandfathered or exempt. He thought they needed the training area and needed to move this forward. He felt noise needed to be tested but he did not know that it would be a huge issue.

Commissioner Hird asked staff if there was any evidence now that there was a lead pollution problem.

Ms. Miller said no, there was no evidence of a problem because it had not been tested. She said she recommends the Best Management Practices but that they are not required.

Commissioner Hird asked if the EPA would regulate lead runoff into the creek.

Ms. Miller said KDHE would get involved.

Commissioner Blaser asked if there was a time limit for the CUP.

Ms. Miller said no time limit was suggested since it already existed for 40 years. She stated Planning Commission could do a review time or time limit.

Commissioner Hird agreed with Commissioner Blaser about moving this forward. He said it would be ideal to return it to a social club but that the FOP had been doing a wonderful service to the community by allowing the county and city to use the range. He said initially it seemed like a joint effort but that the FOP was taking the brunt of the problems caused by city and county training use of the facility. He felt the city and county should step up and provide funding. He said it was unfair for the FOP to be shouldering this when the city and county had an obligation. He said the FOP has been there more than 40 years and Mr. Jim Locks letter stated that most home owners knew it was there when they moved to the area. He thought the hours of operation should be resolved. He said they needed to listen to law enforcement about what they needed in terms of training. He said regarding a mitigation plan using Best Practices was a wonderful idea. He did not want to impose conditions on the CUP that could not be met. He felt they should provide a longer period for a mitigation plan, such as a year. He stated noise was caused by the city and county law enforcement training. He said he did not know if there was a noise problem but he did not want to create a problem if there was none. He said the range was an essential part of the community and he did not want to limit it unduly by imposing standards that could not be met.

Commissioner Singleton said the FOP was doing a huge service to the community and as a result had a burden placed on them because of that. She did not have a problem with 25 nights of training but felt the neighbors should get notice. She preferred the hours of operation put forth by the FOP and law enforcement. She felt regulations, such as Best Practices, needed to be followed for environmental and noise issues. She said the one year change made sense to her. She felt there needed to be a distinction in the language of conditions that indicates when testing of noise was from FOP versus sheriff or police. She said the burden should be on law enforcement if they are the ones creating the noise and environmental issues. She felt the language should be very clear to protect the FOP. The biggest conditions were hours, noise abatement, and environmental impacts.

Commissioner Hird suggested including a soil testing and mitigation plan to head off an environmental problem. He said if it was impractical to come up with then there should be a mechanism for the FOP to come back to staff if they cannot come up with a plan, with a good faith effort to try. He did not feel 6 months was long enough but did feel it was reasonable to have a lead mitigation plan.

Commissioner von Achen said it seemed that KDHE was the appropriate agency to test the soil and Washington Creek and make the records available to the public.

Commissioner Liese agreed with Commissioner Blaser's suggestion that the CUP come under review in a number of years. He said he would vote to approve it but would love to see a time limit for review.

Commissioner Blaser said one year was fine with him for noise and environmental testing. He said he could go along with a 5 year review for base data. He was fine with 15 nights of shooting and the hours submitted by staff.

Commissioner Culver said he was not comfortable setting standards at a point in time when there were multiple users. He did not think the burden should be exclusively on the FOP at this point. He felt specific standards for mitigation would be premature. He said regarding the hours of operation he tended to agree with the police and sheriff department for their need of being able to shoot at night. He did not want to get ahead of themselves and impose standards/conditions that may or may not be needed or appropriate at this time.

Commissioner Belt said this could have been adverted with more leadership at the city level. He was disappointed the FOP had to hire a lawyer to deal with the issue. He said essential the facility was for the training of officers. He said he would have a minimum expectation from the FOP as stewards of the property. He said he would prefer a 6 month environmental check but he could live with 1 year.

Commissioner Britton was fine with the time extension for noise and environmental abatements. He said testing soil and noise were reasonable things to do in order to continue the essential use of the property. He felt that enough time should be given to achieve those conditions. He said the city and county need to step up with regards to their use of the property.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the Conditional Use Permit for the Fraternal Order of Police shooting range subject to the following conditions:

The provision of a revised site plan with the following changes:

- a) Show and label the backdrops for each firing range. The trap shooting range and shooting house are not required to have backdrops
- b) Add a note that the CUP is subject to conditions approved by the Board of County Commissioners.

Uses which are approved with this CUP include the following:

- a) Use of firing ranges for training exercises for law enforcement personnel, hunter safety courses and other similar events.
- b) Training exercises that utilize the remainder of the property as well as the firing ranges, such as orienteering.
- c) The use of the firing ranges by the Fraternal Order of Police members and their guests.

The FOP will cooperate with the county and the city to try and obtain a reduced noise level from the ranges.

SIGNAGE:

- a) 'No trespassing' signs shall be posted around the perimeter of the property at reasonable points of ingress. The plan shall identify the approximate location of these signs.
- b) Signs shall be posted at all ranges with the following safety information:
 - Organized group or training activities must have a designated range safety officer on site
 - Eye and ear protection must be worn when firing.
 - Alcoholic beverages are prohibited on the firing ranges.
- c) A sign shall be posted on the main gate which identifies the area as a firing range, or as a high noise area approved with Conditional Use Permit, CUP-12-8-10. A contact number for a representative of the Fraternal Order of Police who is available to respond during the hours of operation of the firing ranges shall be included on the sign. The police dispatch or 911 number may be included for emergencies.

- d) Similar identification signs shall be posted where Washington Creek crosses the property line for the benefit of canoe users of the Creek.

HOURS OF OPERATION:

The FOP shall not allow range operations on New Year's Day, Easter, Thanksgiving, Christmas Eve, and Christmas Day.

Restriction on hours of operation for the Firing Ranges.

Law Enforcement, Military Training and other groups on firing ranges.

The FOP shall limit use of shooting on its ranges by Law Enforcement, Military Training, Hunter Safety and other similar activities to Monday thru Friday 7:00 a.m. to 7:00 p.m., Saturday 9:00 a.m. to 7:00 p.m., Sunday 11:30 a.m. to 7:00 p.m.

Law enforcement and the Military shall be entitled to use the range 25 days per year for extended shooting to 10:15 p.m. The FOP shall provide a reasonable method neighbors can sign up for email notification of extended shooting hours. The FOP will send an email to the neighbors who have signed up for such notification at least five days before the use of extended shooting hours is going to occur. The Chief of the Lawrence Police Department or the Sheriff of Douglas County may modify the number of days per year and the amount of time notice is to be given when in their judgment such modification is necessary for the proper training of Law Enforcement officers who have jurisdiction in Douglas county. When reasonably possible the Sheriff or chief shall notify the Douglas county Zoning and Codes department in writing of this decision.

Individual use of the ranges by FOP members

Individual use by FOP members. Shooting shall be limited to 8:00 a.m. to 9:30 p.m. every day of the week except for the holidays listed above.

When there are training exercises involving the firing ranges, the range safety officer shall determine if any other activities may occur.

The 94 acres included in this CUP shall remain in the Fraternal Order of Police's ownership to serve as a buffer area. Any reduction in area shall require an amended CUP.

Trees may be selectively harvested, or removed to create trails provided the wooded areas included in the parcels surrounding the range areas remain intact to serve as buffers.

LEAD MANAGEMENT

- a) Soil shall be tested for pH levels if practicable in consultation with KDHE to establish a baseline for lead content in soil.

The CUP shall be reviewed administratively in 5 years.

Commissioner Blaser said they should get a baseline on noise. He was convinced it would not turn out to be a problem.

Commissioner Singleton agreed with the hours falling with FOP. She did not agree with the changes to the noise level and lead. She said the language staff put in place needed to be adopted in reference to environmental protections. She said there needed to be tested within 6 months and within a year there needed to be a clear action plan. She said she would vote against the motion as it stood and would make an additional motion.

Commissioner von Achen said she would still like water monitoring be left in and that copies of the water and soil monitoring be sent to Planning staff.

Commissioner Belt suggesting the word 'recreationalists' for the signage on the creek.

Commissioner Liese said he would support amending the motion.

Commissioner Hird said he would amend the motion to get a baseline for noise. He felt that 6 months for lead testing and 1 year to fix it could be a problem. He said if they require testing within a year and it was a KDHE issue there were statutes/regulations in place to address it and it was KDHE's responsibility.

Ms. Miller said there could be lead in the soil but it did not mean it would leach to the water. She said it depended on the pH level of the soil.

Commissioner Singleton said her suggested language would be 6 months to test for noise, lead, pH, and 1 year to have a plan. She said the city and county have responsibility to make sure environmental protections are in place based on actions they are taking. She said she was not saying it needed to be solved in one year, just a plan in place to solve it.

Mr. McCullough said staff was not necessarily trying to react to a problem or issue. These were Best Management Practices that would be imposed at a brand new location to monitor any firing range.

Motion amended by Commissioner Hird, seconded by Commissioner Blaser, to do testing to establish a baseline for noise, include requirement of lead and noise testing within 6 months and if a problem was indicated the FOP would adopt a plan within a year to mitigate that, included in the testing should be monitoring of the creek, copies of reports be sent to staff, and a sign for recreationalists on Washington Creek.

Commissioner Britton asked the FOP about the 5 year time limit review.

Mr. Riling felt a 5 year review should be on the law enforcement, not the FOP. He felt it may harm the ability to get funding.

Commissioner Hird said the FOP was the host and if the problem was caused by law enforcement then the FOP would need to take it upon themselves to do something.

Commissioner Liese suggested the FOP keep the community involved by inviting them out.

Commissioner von Achen asked if the motion was leaving in the revised staff recommended condition under lead management program.

Commissioner Hird said the motion was that there would be testing within 6 months and an abatement plan adopted within 1 year.

Commissioner von Achen asked if they were omitting staffs recommended conditions.

Commissioner Hird said he replaced them.

Commissioner Britton asked who would accept the mitigation plan.

Commissioner Hird said staff would advise if they did not think it was in compliance. If there was a problem then they would have to come up with a mitigation plan.

Commissioner Singleton asked if that would include the requirement of the EPA Best Management Practices for lead, noise, and lime in reference for outdoor shooting ranges.

Commissioner Hird said he was not declaring a standard. He said the FOP would have to come up with a mitigation plan if there was a problem. He said if the staff felt the EPA Best Management Practices for lead at outdoor shooting ranges should be adopted then they could advise Planning Commission at that time, but to require it now was not right.

Commissioner Singleton asked staff how that would be handled.

Ms. Miller said if they discover the pH level was low they should immediately apply the lime, not wait. She said the lead recovery could be a lot more costly and perhaps could take up to a year to decide how to do the recovery.

Commissioner Singleton was concerned the motion did not have enough standards/protections to create a plan and she felt the EPA Best Management Practices make sense.

Motion amended by Commissioner Hird, seconded by Commissioner Blaser, to approve the Conditional Use Permit for the Fraternal Order of Police shooting range subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
 - Show and label the backdrops for each firing range. The trap shooting range and shooting house are not required to have backdrops
 - Add a note that the CUP is subject to conditions approved by the Board of County Commissioners.
- 2) Uses which are approved with this CUP include the following:
 - Use of firing ranges for training exercises for law enforcement personnel, hunter safety courses and other similar events.
 - Training exercises that utilize the remainder of the property as well as the firing ranges, such as orienteering.
 - The use of the firing ranges by the Fraternal Order of Police members and their guests.
- 3) The Fraternal Order of the Police shall contract with a noise specialist to measure the noise level at the receiving points during a typical training event.
 - This testing shall be completed within 6 months of the CUP approval date.
 - Copies of the testing report shall be provided to the Lawrence-Douglas County Planning Office (6 East 6th Street, Lawrence, KS 66044) and the Douglas County Zoning and Codes Office (2108 W 27th Street, Suite 1, Lawrence, KS 66047).
 - If noise abatement measures are found to be necessary based on these tests, the Fraternal Order of Police shall provide a noise abatement plan to the Planning Office for approval within 1 year of the testing date.
- 4) SIGNAGE:
 - 'No trespassing' signs shall be posted around the perimeter of the property at reasonable points of ingress. The plan shall identify the approximate location of these signs.
 - Signs shall be posted at all ranges with the following safety information:
 - Organized group or training activities must have a designated range safety officer on site
 - Eye and ear protection must be worn when firing.
 - Alcoholic beverages are prohibited on the firing ranges.
 - A sign shall be posted on the main gate which identifies the area as a firing range, or as a high noise area approved with Conditional Use Permit, CUP-12-8-10. A contact number for a representative of the Fraternal Order of Police who is available to respond

during the hours of operation of the firing ranges shall be included on the sign. The police dispatch or 911 number may be included for emergencies.

Similar identification signs shall be posted where Washington Creek crosses the property line for the benefit of recreational users of the Creek.

6) HOURS OF OPERATION:

Law Enforcement Training and other groups on firing ranges.

The FOP shall limit use of shooting on its ranges by Law Enforcement, Hunter Safety and other similar activities to

Monday thru Friday: 7:00 a.m. to 7:00 p.m.;

Saturday: 9:00 a.m. to 7:00 p.m.; and

Sunday: 11:30 a.m. to 7:00 p.m.

The FOP shall not allow range operations on New Year's Day, Easter, Thanksgiving, Christmas Eve, and Christmas Day.

Law enforcement groups shall be entitled to use the range 25 days per year for extended shooting to 10:15 p.m.

The FOP shall provide a reasonable method neighbors can sign up for email notification of extended shooting hours. The FOP will send an email to the neighbors who have signed up for such notification at least five days before the use of extended shooting hours is going to occur.

The Chief of the Lawrence Police Department or the Sheriff of Douglas County may modify the number of days per year and the amount of time notice is to be given when in their judgment such modification is necessary for the proper training of Law Enforcement officers who have jurisdiction in Douglas County. When reasonably possible the Sheriff or Chief shall notify the Douglas County Zoning and Codes department in writing of this Decision.

Individual use of the ranges by FOP members

Shooting shall be limited to 8:00 a.m. to 9:30 p.m. every day of the week except for the holidays listed above.

- 7) When there are training exercises involving the firing ranges, the range safety officer shall determine if any other activities may occur.
- 8) The 94 acres included in this CUP shall remain in the Fraternal Order of Police's ownership to serve as a buffer area. Any reduction in area shall require an amended CUP.
- 9) Trees may be selectively harvested, or removed to create trails provided the wooded areas included in the parcels surrounding the range areas remain intact to serve as buffers.
- 10) LEAD MANAGEMENT

Soil shall be tested for pH levels within 6 months of CUP approval and annually thereafter to insure proper pH levels and to monitor any changes. (Note: The ideal pH should be between 6.5 and 8.5. Do not add lime if the pH is above 8.5) Tests shall be conducted in the following locations:

Pistol Range berm area;

Area between the pistol range area and the nearest downgrade surface water; and

The trap shotfall area.

The water in Washington Creek shall be tested within 6 months of CUP approval and annually thereafter to check for lead pollution.

Records of all soil and water tests shall be provided to the Planning Office (6 East 6th Street, Lawrence KS 66044) for distribution to KDHE, the Douglas County Zoning and Codes Office (2108 W 27th Street, Suite 1, Lawrence KS 66047) and kept on file at the FOP office.

Lime or other amendments shall be added as recommended by the Douglas County Extension Office, or as recommended in the EPA Best Management Practices for Lead at Outdoor Shooting Ranges to maintain a proper pH balance.

The Fraternal Order of Police shall provide a lead management plan to planning staff for approval within 1 year of the determination date if:

It is determined from the soil tests that it is not possible to manage the pH level effectively with soil amendments, or

The water tests indicate lead pollution in Washington Creek.

11) The CUP shall be reviewed administratively every 5 years.

The Planning Commission revised the conditions and the conditions noted above have been revised to reflect the Commission's action. The Commission accepted staff's recommended conditions with the following exceptions:

- Condition 3 regarding noise was revised to require an initial testing—within 6 months of approval, but to defer any noise abatement decisions until the testing has been completed. If the testing indicates abatement is necessary, the FOP shall have 1 year to develop a plan.
- Condition 4 regarding signage was revised to include signage for recreational users of Washington Creek.
- The Commission accepted the FOP hours of operation, with separate hours noted for training and FOP members.
- Condition 10 regarding lead management was revised to require an initial soil test and a water test of Washington Creek within 6 months. Results are to be provided to staff for distribution to KDHE and kept on file. If it is determined that the soil pH or lead migration to the waterway can not be managed with soil amendments, the FOP shall provide a lead management plan within 1 year of this determination.
- The Commission did not set an expiration date on the CUP, but did recommend 5 year administrative reviews.

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

PC Minutes 9/26/11 **DRAFT**

ITEM NO. 3A RSO TO CN2; 3.3 ACRES; 3900 W 24TH PLACE (SLD)

Z-7-21-11: Consider a request to rezone approximately 3.3 acres from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 3900 W. 24th Place. Submitted by Landplan Engineering, for Corporate Holdings II, LLC, property owner of record, and Hy-Vee, Inc. as contract purchaser.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson Law Firm, said he agreed with the staff report.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve rezoning approximately 3.3 acres, from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. As a means to implement the recommendation of the Inverness Park District Plan, the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.

Unanimously approved 9-0.

PC Minutes 9/26/11 **DRAFT**

ITEM NO. 3B PRELIMINARY PLAT; INVERNESS PARK PLAZA ADDITION; 3900 W 24TH PLACE (SLD)

PP-7-7-11: Consider a Preliminary Plat of Inverness Park Plaza Addition No. 5, a Replat of Lot 1, Block 1, Inverness Park Plaza Addition No. 1, for a two lot commercial development, located at 3900 W 24th Place. Submitted by Landplan Engineering, for Corporate Holdings II, LLC, property owner of record, and Hy-Vee, Inc. as contract purchaser.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson Law Firm, agreed with the staff report.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve the Preliminary Plat of Inverness Park Plaza Addition No. 5, a replat of Lot 1, Block 1, Inverness Park Plaza Addition No. 1 and forwarding it to the City Commission for consideration of acceptance of easements and rights-of-way; subject to the following condition:

Provision of a revised Preliminary Plat to show the vacated easement along Crossgate Drive and the 10' pedestrian easement with dimensions.

Commissioner von Achen asked what the purpose was of the original restriction of the access.

Ms. Day said to preserve the street network and to direct all of the access to the abutting local street. She stated the closer to an intersection with an arterial street the more separation you want to try and have for public safety.

Mr. Uddin said traffic flow and safety were the prime objectives for this kind of access restriction.

Commissioner von Achen said given the issue of safety she saw no compelling public interest to rescind that restriction so she said she would vote against the motion.

Commissioner Liese asked for Mr. Uddin's opinion about safety.

Mr. Uddin said access could be allowed on Crossgate between Clinton Parkway and 24th Place without compromising public safety.

Mr. McCullough said the area was master planned and street improvements were put in before land uses were installed. They were installed and designed with certain land uses in mind. This corner had the residential office land use type in mind, not commercial or commercial retail. The proposal for commercial retail through the Inverness Park District Plan made staff review the area and access restrictions more carefully. With a known user staff was more comfortable in making the recommendation of waiving the access on Crossgate.

Commissioner von Achen said she was following the packet of information that talked about the ideal condition for the protection of the road network was to retain the access restriction and listed four options.

Mr. McCullough said that was true in the pure sense in the street network, but knowing there was a commercial retail user and the conveniences that had to be afforded to that particular use. He said it was a balance of all of those things.

Mr. Uddin said it meant from the access management point of view that if you want absolute safety then no access would be provided whatsoever but we cannot function that way. It recognizes anytime there was a driveway on a street there would be movements and the potential for something to go wrong.

Commissioner Hird asked if the access would look like the access to the Miller Mart at Wakarusa & Clinton Parkway.

Mr. McCullough said it could. He said at this point they were talking about breaking the access point but in the next application they would talk about the type of access to Crossgate. He said the City ultimately controlled the access to the street but the plat was needed to open the door to allow discussion for the type of access for specific uses.

Unanimously approved 9-0.

PC Minutes 9/26/11 **DRAFT**

ITEM NO. 3C SPECIAL USE PERMIT FOR GAS & FUEL SALES; 3900 W 24TH PLACE (SLD)

SUP-7-4-11: Consider a Special Use Permit for Gas and Fuel Sales and Cleaning (car wash), also known as a convenience store, on approximately 2.73 acres of vacant property located at 3900 W 24th Place. Submitted by Landplan Engineering, for Corporate Holdings II, LLC, property owner of record, and Hy-Vee, Inc. as contract purchaser.

STAFF PRESENTATION

Ms. Sandra Day presented the item. She showed the applicants proposed full access visual on the overhead.

Mr. Shoeb Uddin, City Engineer, said based on the Traffic Impact Study and staff analysis, access could be located 250' away from the intersection. He suggested options of right-in only access, right-in/right-out, or left-out. He said the applicant proposed a left turn in with a dedicated left turn lane. He said the applicant proposed full access, which could be acceptable if it met certain conditions.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson Law Firm, requested full access and showed a visual on the overhead. He said the applicant was hesitant about accepting a condition agreeing to pay for road changes in the future. He said the applicant was willing to pay for road improvements now but did not feel they should pay for future improvements.

PUBLIC HEARING

Mr. Greg Thomas said he was not opposed to the project but was concerned about egress and ingress off of Crossgate.

Commissioner Hird asked Mr. Thomas what he thought about a northbound left turn lane and widening the east side of the road.

Mr. Thomas expressed concern about increased traffic congestion. He said the roundabout was not working and something needed to be done.

APPLICANT CLOSING COMMENT

Mr. Gough thanked Planning Commission for their time and said access for the location was important.

COMMISSION DISCUSSION

Commissioner Hird asked if the northbound lane on Crossgate was currently one lane or two.

Mr. Uddin said it was one wide lane, approximately 13-16' wide.

Mr. McCullough said without the turn lane the car stops to make the turn and traffic backs up.

Mr. Mehrdad Givechi, traffic engineer for the applicant, explained using the overhead visual to illustrate how the turns would work.

Commissioner Britton inquired about truck traffic.

Mr. Givechi showed the truck path on the overhead. He said the driveway location may need a wider radius.

Commissioner Britton inquired about truck traffic coming out cutting across southbound traffic on Crossgate.

Mr. Uddin said it was difficult for larger trucks to make those movements and the roadway could not be built large enough for them to make turns easily.

Mr. Givechi said the trucks would be accessing the site at off-peak hours.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Special Use Permit for Gas and Fuel Sales and Cleaning (Car Wash) at 3900 W 29th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the conditions included on the staff report, modifying condition 2 to allow full access in accordance with the applicants concept.

Mr. McCullough inquired about the proposed condition for an agreement that would put the cost of any future improvements, to address potential concerns, on the applicant. He said that condition came up after the staff report.

Mr. Uddin said even though staff agreed to full access there was always the possibility there could be problems with traffic movements and if that happened improvements may need to be made. It would protect the city in the long run.

Commissioner Liese said he would withdraw his motion until they discussed it further. He asked how often it was put upon a business to pay for those types of improvements.

Mr. McCullough gave the example of Dillons on Massachusetts Street that was paying for a number of public improvements. He said this particular use would create potential conflict points. While staff accepts the full access, there would be no concern if it was restricted to right-in/right-out. He said full access could create concern in the future.

Commissioner Hird asked if Planning Commission passed this with full access, without the added condition of the applicant paying for future improvements, could City Commission add that condition.

Mr. McCullough said yes.

Commissioner Finkeldei was not comfortable coming up with language for a futuristic possibility. He recommended forwarding to City Commission without that provision and allow staff and the applicant work on that to present to City Commission.

Commissioner Belt said this project might encourage more pedestrian traffic and he expressed concern about it being more difficult for pedestrian and bicycle traffic. He felt a condition for future improvements would not be unreasonable.

Mr. Uddin said in similar situations the City has asked the applicant to sign not to protest a benefit district for geometric improvements. He said that would be less of a 'blank check' because then other property owners and the City become a part of it.

Commissioner Britton said it was a good idea to preserve the most flexibility for City Commission to hash that out in the future. He did not think it would be much of an issue given how confident Hy-

Vee was in the safety of the traffic plan so they should be equally as confident there would not be any kind of cost down the road to change anything. He said he would support a motion that included that condition.

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the Special Use Permit for Gas and Fuel Sales and Cleaning (Car Wash) at 3900 W 29th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the conditions included on the staff report, modifying condition 2 to allow full access in accordance with the applicants concept, and City Commission take up the question of a contingency plan for future traffic issues.

1. Applicant shall submit the following additional documents to the Planning Office for review and approval prior to release of the Special Use Permit for issuance of a building permit:
 - a. Photometric plan per Section 20-1103 of the Development Code.
 - b. Building elevations compliant with the Commercial Design Guidelines.
- ~~2. Provision of a revised drawing to show 3/4 access if approved by the City Commission~~
Prior to release of the Special Use Permit for issuance of a building permit the applicant shall provide a revised site plan to include the following changes:
 - a. Provision of a note that lists the corresponding deed book and page reference for documents recorded addressing maintenance of the shared drive and trash dumpster.
 - b. Provision of a note that states: *"Any undeveloped areas shall be planted with shrubs or ground cover per Section 20-1006 (b) of the Development Code."*
 - c. Provision of a note that states: *"Lot 1 and Lot 2 as shown on the site plan are owned by same corporation. Owner has agreed, as a condition of approval, to plant street trees for Lots 1 and 2 upon initial development of Lot 1 and also to complete the perimeter sidewalk along W 24th Place along Lot 2 at the time of constructing it for Lot 1."*
 - d. Provision of a revised General Note 8 to include reference to Section 20-1103 and to state: *"A photometric plan shall be submitted for review and approval prior to issuance of a building permit for Lot 2."*
 - e. Provision of a note that states: *"The City Engineer has approved reduced access spacing from the signalized intersection of Crossgate Drive with Clinton Parkway and reduced access spacing from a non-signalized intersection of Crossgate Drive with W 24th Place."*
3. Provision of a revised drawing to show the required stormwater changes per the City Stormwater Engineer's approval to include:
 - a. Verify the floodway and floodplain limits shown on the Special Use Permit. There seems to be a discrepancy between those show and those on the August 5, 2010 FIRM. Show the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study.
 - b. Revise the date in *General Note #14* to read August 5, 2010.
 - c. Flare the entrance to the 4' wide concrete flume at the curb line. If possible move the flume south of its proposed location to capture runoff from the driveway of Lot. Construct the flume and corresponding riprap to run perpendicular to the stream bank. Regrade the low area to drain so that the existing 24" CMP can be removed.
 - d. Per City Code Chapter IX Article 9-903(B), a stormwater pollution prevention plan (SWP3) must be provided for this project. This project will not be released for building permits until an approved SWP3 has been obtained. Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.
 - e. Show minimum floor elevations for lots adjacent to all drainage easements.
 - f. The Curb and gutter section shall be separated from the approach, with expansion joint material at driveway returns

Unanimously approved 9-0.

PC Minutes 9/26/11 **DRAFT**

**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE AND
8TH & PENNSYLVANIA URBAN CONSERVATION OVERLAY DISTRICT
(SDM)**

TA-8-13-11: Consider amendments to Article 3 of the Lawrence Land Development Code and to the 8th & Pennsylvania Urban Conservation Overlay District, including the *Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*, in order to accommodate a residential proposal for property located at 619 E. 8th Street that exceeds the density limit currently noted in the guidelines. *Initiated by City Commission on 8/9/11.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

APPLICANT PRESENTATION

Mr. Darron Ammann, Bartlett & West, said the applicant had no objections to the text amendment or rezoning.

Mr. Tony Krsnich, developer of the property, said the project was the redevelopment of East Lawrence industrial historic district. He said it would trigger redevelopment of the rest of the area as well.

PUBLIC HEARING

Ms. K.T. Walsh, East Lawrence Neighborhood Association, said the neighborhood association was in favor of the project.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve text amendments, TA-8-13-11, to the City of Lawrence Land Development Code, including the *Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*, to the City Commission based on the findings of fact outlined in the staff report

Unanimously approved 9-0.

PC Minutes 9/26/11 **DRAFT**

ITEM NO. 5A CS TO RM32; .56 ACRES; 619 E 8TH ST (MKM)

Z-8-22-11: Consider a request to rezone approximately .56 acres from CS (Strip Commercial) to RM32 (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, located at 619 E 8th Street. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors, LLC property owner of record.

ITEM NO. 5B CS TO RM12D; .27 ACRES; 804-806 PENNSYLVANIA ST (MKM)

Z-8-23-11: Consider a request to rezone approximately .27 acres from CS (Strip Commercial) to RM12D (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, located at 804-806 Pennsylvania Street. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors, LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 5A and 5B together.

APPLICANT PRESENTATION

Mr. Darron Amman, Bartlett & West, said there was no public comment on either rezoning.

PUBLIC HEARING

Ms. K.T. Walsh, East Lawrence Neighborhood Association, said the neighborhood was in favor of the project.

ACTION TAKEN on Item 5A

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve rezoning, Z-8-22-11, approximately .56 acres located at 619 E. 8th Street from CS to RM32 based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 9-0.

ACTION TAKEN on Item 5B

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve rezoning, Z-8-23-11, approximately .27 acres located at 806 Pennsylvania Street from CS to RM12D, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

Ordinance shall be published after the deed for the sale of the property to Ohio Mortgage Investors, LLC has been recorded with the Register of Deeds

Unanimously approved 9-0.

PC Minutes 9/26/11 **DRAFT**

**ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT, CHP 20;
DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS (MJL)**

TA-8-12-11: Consider amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with potential changes in Article 6. *Initiated by City Commission on 7/12/11.*

ACTION TAKEN

Commissioner Hird said there had been a request from the public to defer item 6 (the deferral was made earlier in the evening).

Motioned by Commissioner von Achen, seconded by Commissioner Singleton, to defer item 6.

Motion carried 9-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 11:30pm

2011
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 12	Housing Trends	Future Topics	Jan 24	Jan 26
Feb 9	Complete Streets		---	Feb 23
Mar 16 - 8AM start	Historic Preservation & H2020 – Chapter 11 Update		Mar 28	Mar 30
Apr 13	<i>Canceled</i>		Apr 25	Apr 27
May 11 - 8AM start	APA Conference follow-up		May 23	May 25
Jun 8	<i>Canceled</i>		Jun 20	Jun 22
Jul 15 <i>Fri</i>	<i>PC Training – all day Friday</i>		Jul 25	Jul 27
Aug 10	Continue 'How Meetings Are Run' Discussion from Orientation Schedule remainder of 2011 Topics		Aug 22	Aug 24
Sep 14	Overlay Districts & Conditional Zoning	PC– General Process Questions	Sep 26	Sep 28
Oct 12	Density Exercise		Oct 24	Oct 26
Nov 2			Nov 14	Nov 16
Nov 30			Dec 12	Dec 14

Suggested topics for future meetings:

How City/County Depts interact on planning issues
Stormwater Stds Update – Stream Setbacks
Overview of different Advisory Groups – potential overlap on planning issues
Open Space Acquisition/Funding Mechanisms (examples from other states)
TDRs
Library Expansion Update
Joint meeting with other Cities' Planning Commissions
Joint meeting with other Cities and Townships – UGA potential revisions
Presentation from KC-metro Planning Directors
Tour City/County Facilities
2010 Census Data

Meeting Locations

The Planning Commission meetings are held in the City Commission meeting room on the 1st floor of City Hall, 6th & Massachusetts Streets, unless otherwise noticed.

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
10/24/11

ITEM NO. 1 ANNEXATION; 45.4 ACRES; W 6TH ST & SOUTH LAWRENCE TRAFFICWAY (MJL)

A-9-5-11: Consider annexation of approximately 45.4 acres of a city owned future park, located north and east of the intersection of W. 6th Street and the South Lawrence Trafficway. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends the following actions regarding this proposal:

1. Approval of the requested annexation of approximately 45.5 acres located north and east of the intersection of W. 6th Street and the South Lawrence Trafficway.
- Initiate rezonings from A (Agriculture) District to OS (Open Space) District and A to OS-FP (Floodplain Overlay) District.

Reason for Request: *This is city owned property identified for a future park/greenspace and is subject to city regulations.*

KEY POINTS

- *Horizon 2020* supports a park in this area and expansion of the park system.
- This is city owned property sited for future park uses.
- The park is within a half mile of city limits.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- Chapter 4 and Chapter 16 supports protecting environmental features
- Chapter 9 supports the expansion of the park system

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Initiate rezonings from A (Agriculture) District to OS (Open Space) District and A to OS-FP (Floodplain Overlay) District.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for annexation
- *Downstream Sanitary Sewer Analysis* – Not required for annexation
- *Drainage Study* – Not required for annexation
- *Retail Market Study* – Not applicable to park use request

ATTACHMENTS

- Area map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

EXISTING CONDITIONS

Current Zoning and Land Use:	County A (Agriculture) District; undeveloped parkland
Surrounding Zoning and Land Use:	To the north: County A District; rural residences and crop agriculture
	To the south: County A District; crop agriculture
	To the east: County A District; undeveloped property
	To the west: County A District; crop agriculture

Site Summary

Gross Area: 45.4 acres

Area Requested for Annexation: 45.4 acres

Subject property is located within Service Area 2 of the Urban Growth Area as defined in *Horizon 2020*.

Project Summary:

The proposed annexation is for property northwest of the current city limits, northeast of the intersection of K-10 and W. 6th Street. The property abuts E 902 Road. The property was formerly known as the Emery property and was donated to the city for future parks and recreation use. The annexation is desired so that the city owned land will come under the jurisdiction of the city and will be subject to the city's laws and regulations. The Parks and Recreation Department envisions a walking trail through the property in the future. The city has no plans for development of the land other than for parks and recreation uses.

Annexation Procedure

Kansas Law [12-519 *et seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review and make recommendations on all annexation requests in excess of ten acres. Upon annexation, the property is required to be rezoned to a compatible City zoning district. The proposed request is not accompanied by a rezoning request.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The subject property would be served by Rural Water District #1 though no facilities are located on the subject property. No compensation is required.

General Location and Site Characteristics:

The subject property is located along E 902 Road, northeast of the intersection of K-10 and W. 6th Street. The property has steep topography down to the South Branch of Baldwin Creek which runs through the property and includes floodplain and floodway. The City also has an 18" sanitary sewer interceptor through the property.

Infrastructure and Utility Extensions

Sanitary Sewer- An 18" sanitary sewer interceptor exists through the property though no connection is anticipated.

Water- No water extension is anticipated in the near future on the subject property.

Stormwater- This area contains floodway and floodplain and would act as stormwater collection for the area with no additional stormwater facilities anticipated.

Public Rights-of-way- Roadway improvements to city standards at a later date and upon development of the area would be anticipated but none for the park at this time.

Private utilities- No extension of other utilities are anticipated.

School facilities- None needed for a city park use.

COMPREHENSIVE PLAN:

Chapter 4 – Growth Management discusses annexation and development of land in Service Area 2, specifically Section 29 of which the subject property is located. This section speaks to development in this area not being permitted on steep slopes, regulatory floodplain, and other environmentally sensitive areas. This area has all three of the mentioned environmental features and annexing the property for park use provides a mechanism to protect the environmental features in addition to protect the City's interest in the sanitary sewer interceptor that runs through the property.

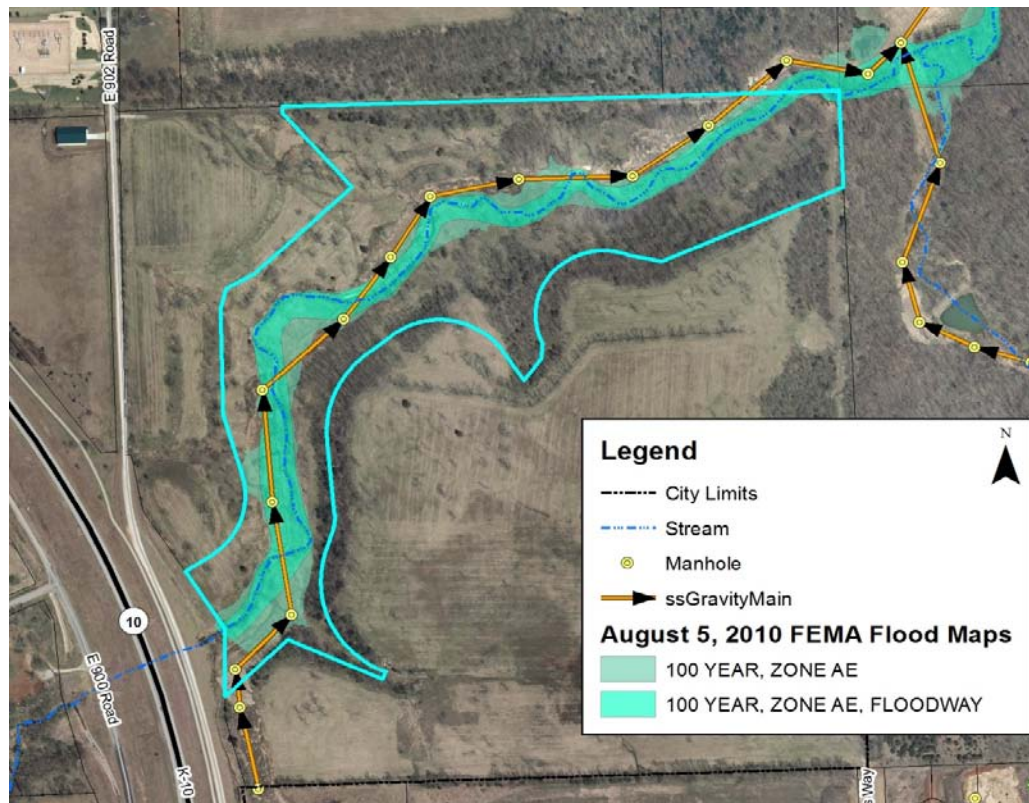
Chapter 9 - Parks, Recreation, Open Space; Goal 3 supports the expansion of the existing park, recreation and open space system, specifically to stay ahead of anticipated growth as unique opportunities arise. Additionally, Maps 9-1 and 9-2 identify this area as a future park zone where a park should be located.

Chapter 16 – Environment discusses protecting and enhancing the environment. By annexing this property, any development, though none is anticipated at this time, would be completed under the City regulations which include protection of environmental resources.

The future park is located within the planning area of *The Northwest Plan*, a sector plan considered out of date. In the plan, this property is identified as single-family residential and office/multi-family mix. The plan also discusses the need for park space within the planning area. Based on the topography of the property, it is unlikely that much development would have occurred had the property not been donated to the city for park purposes.

DISCUSSION OF LAND USE AND REQUEST:

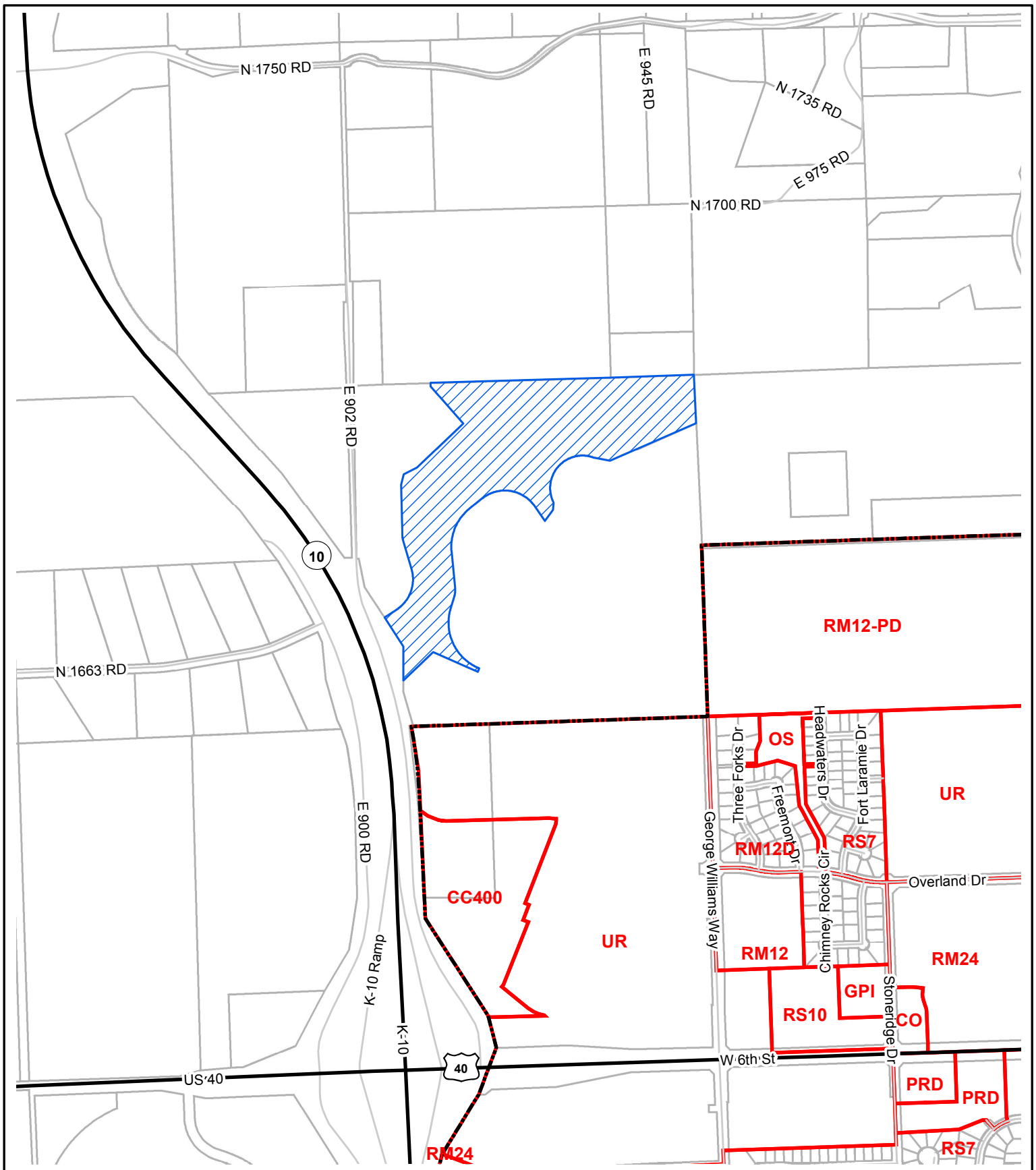
The proposed land use of the subject property is future park with a walking trail. This could require a small parking lot but no large facilities are expected. This property has very steep topography and would not be suitable for substantial development. A park use is most likely the best use for the property because of the environmental features and because a sanitary sewer interceptor is located through the property.



Portions of this property along Baldwin Creek are located in the regulatory floodplain and are subject to the standards of Article 12 of the Land Development Code. At such time that property is zoned to a City of Lawrence Zoning District, any area that is adjacent to the regulatory floodplain that has an elevation 2' or less than the adjacent Base Flood Elevation will be required to be placed in the Floodplain Overlay District and be subject to the regulations of Article 12.

CONCLUSION

This property is currently owned by the city and is identified as a future park. The city also has a sanitary sewer interceptor that runs through the property. The subject property is within approximately a half of a mile of the current city limits. *Horizon 2020* supports expansion of the park and open space system and protection of the environment.



**A-09-05-11: Annexation of 45.4 acres of a city owned future park
Northeast of W 6th St & South Lawrence Trafficway**



PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item
REVISED from 9/26/11 meeting

PC Staff Report
10/24/11

**ITEM NO. 2 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP
20 (MJL)**

TA-8-12-11: Consider amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with proposed changes in Article 6. *Initiated by City Commission on 7/12/11.* (Deferred from 9/26/11 meeting due to late hour)

Changes since the September 26, 2011 staff report are highlighted in yellow.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-8-12-11 to the Land Development Code, Sections 20-211, 20-212, 20-601, 20-602, and 20-1701 to the City Commission.

Reason for Request: To address inconsistencies in the sections and district criteria and revise standards for development adjacent to RS (Single-Dwelling Residential) Districts.

RELEVANT GOLDEN FACTOR:

- The amendment is in conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- September 26, 2011 comments
 - League of Women Voters
 - LAN
 - East Lawrence Neighborhood Association

OVERVIEW OF PROPOSED AMENDMENT

The amendments are generally related to the density and dimensional standards table in Article 6. The main change is modifying the standard for development next to an RS zoned property from Section 20-602(g)(2), into the table in Section 20-601(a). Additional clean-up and consistency changes were made which lead to making changes to Sections 20-211, 20-212 and 20-1701. A more detailed description of the proposed changes can be found in the staff review section of this staff report. A general list of revised standards addressed is listed below.

- Removal of standards out of the CC and CR Districts descriptions in Article 2
- Revisions to setbacks (side and rear) adjacent to RS zoned districts
- Clarification of Max Building Lot Coverage and Max. Impervious Surface Coverage

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 speaks to infill development that is compatible to the surrounding development and appropriate transition between uses. This amendment seeks to make the standards cleaner and more prescriptive as they related to RS zoned compatibility.

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

Staff believes that the proposed changes are correcting inconsistencies in the code and clarifying standards.

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

Horizon 2020 supports protection of residential development and appropriate transitions between uses. These changes will help protect and enhance the general welfare of the citizens of Lawrence while clarifying the expectations for the development community.

Staff Review

At the July 12th City Commission meeting, the Commission denied proposed changes to Article 6 that were included with an amendment to Section 602(g)(2) and initiated a new text amendment to look at the proposed changes in a broader context with potential changes to the Density and Dimensional Tables. Below is a summary of the proposed changes and attached is the draft language in the code sections.

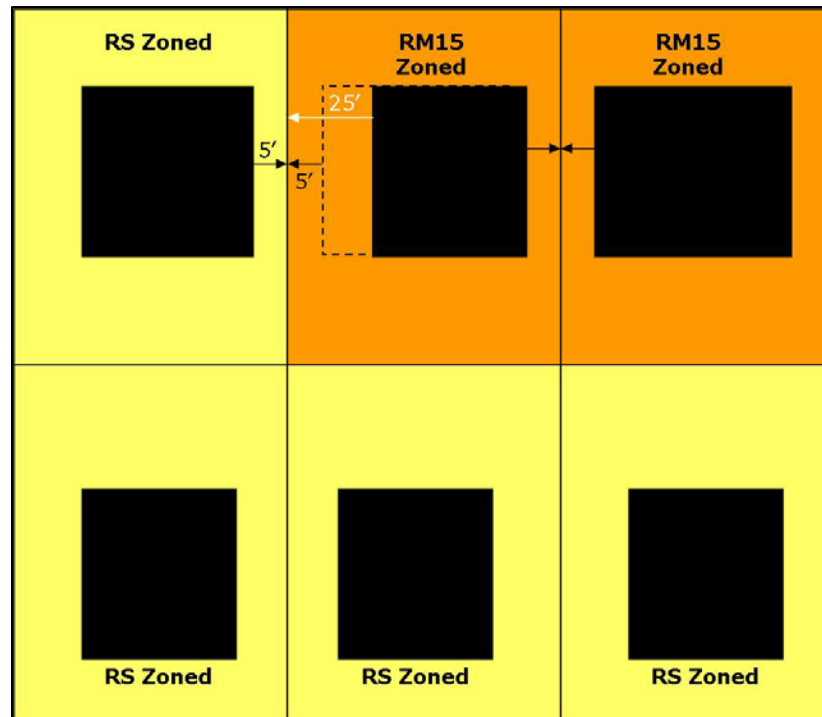
- **Sections 211-212 CC, Community Commercial District & CR, Regional Commercial District**

Staff is proposing to remove a standard regulating the maximum building coverage of CC (Community Commercial) and CR (Regional Commercial) lots. This is a standard and should not be in the district description and is better addressed in the Density and Dimensional Table.

- **Section 601(a) Residential Districts**

- Staff is proposing to add a standard for interior side setbacks for property adjacent to RS zoned property. This would be a new row in the table. This change moves and modifies a standard from the text in Section 20-603(h)(2), into the Density and Dimensional Table. The standard would require more distance between single-dwelling residential structures that have a maximum building height of 35' and structures built on RM zoned property that can generally be built to 45'. This helps to address potential issues of taller multi-dwelling structures being built 10' away from single story structures. This can especially be an issue in infill situations. The staff proposal a lesser amount of setback than what would be required today if a building on an RM zoned property is to be built directly adjacent to a property zoned RS. The proposal moves the standard into the Density and Dimensional Table where it is easier to find and reduces the amount while still offering protections to the RS zoned property.

The example shows setbacks today (dashed building outline) if an RM developed lot matched the building height of the RS structure, the side yard setbacks of the other lots are 5'. If the RM property is developed higher than the adjacent RS structure, then the setback=height. In staff's opinion, the standard established in Section 20-602 (which was new to the Code in 2006) is extremely burdensome to the RM property. Staff proposes deleting the previous standard and adding the standard in white (25') to the Density and Dimensional Table. The total distances between structures would be 30' as opposed to 10' if height is matched or possibly 45' if the height matches the setbacks.



- Comments were submitted for the September 2011 meeting suggesting it would be appropriate to separate the density and dimensional standards for the RM12 and RM12D District into their own columns in the table. The intent is to potentially use the RM12D as more of a transitional zone between the RM Districts and the RS Districts as the RM12D permits duplex structures but does not permit multi-dwelling residential structures. This amendment includes this change and proposed a new interior side setback in the RM12 District when adjacent to an RS District.
- Clarification of terms to make them consistent between tables is proposed for the Max. Building Coverage and Max. Impervious Surface Coverage. Additionally, the terms are able to be linked back to definitions in Article 17.
- Footnote 5 was revised to clarify what sections specifically the code refers to for additional setbacks. Specific sections are proposed to be referenced and the addition of language that if bufferyards are required, the more restrictive setback shall apply. The text is proposed to read "*Additional Setback-standards may be applicable to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307. Where Bufferyards are required, the more restrictive standard shall apply.*" For example if a minimum 5' side yard is required and

a minimum 15' bufferyard is also required, the building must meet the bufferyard standards because it is more restrictive.

- Footnote 6 is redundant as the RM12D District is listed in the table with the RM12 District and can therefore be deleted.

20-601(a) Residential Districts

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12D	RM12/ RM12D {6}	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	60	40	50	50	50
Min. Setbacks (ft.):														
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5	5
Side (Interior-adj RS) [5]	--	--	--	--	--	--	--	--	25	25	25	25	25	25
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Coverage age (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Surface Coverage age (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	80 [4]	80 [4]
Min. Outdoor Area (per Dwelling):														
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

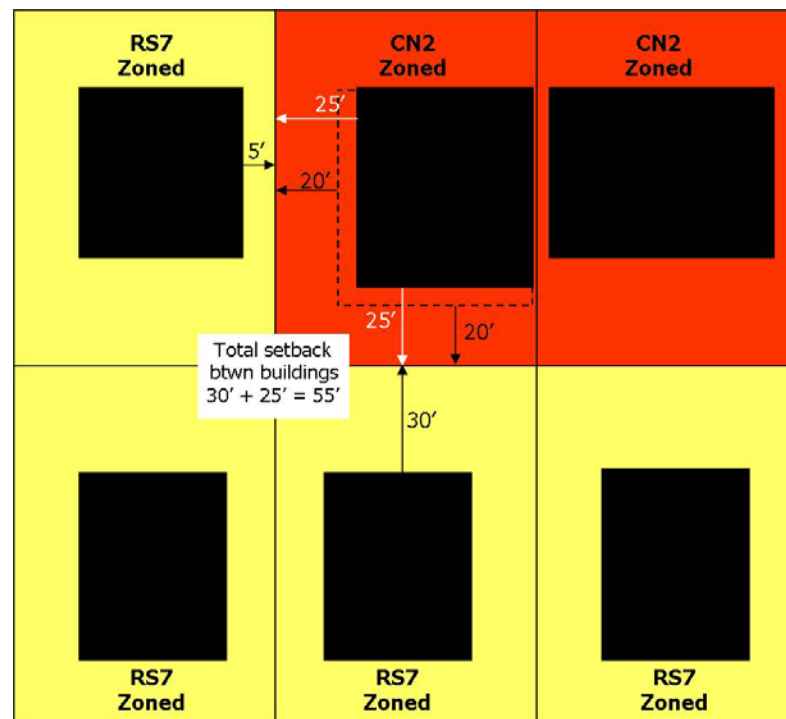
- [1] Minimum garage entrance **Setback** = 20 feet
- [2] First number represents minimum **Exterior Side Setback** when subject **Lot** is adjacent to an abutting interior **Side Lot Line**. Second number represents minimum **Exterior Side Setback** when subject **Lot** is adjacent to an abutting **Rear Lot Line**.
- [3] First number represents minimum **Rear Setback** for Single **Frontage Lot**. Second number represents minimum **Rear Setback** for double **Frontage** (or through) **Lot**.
- [4] Applies only to Lots platted after the **Effective Date** or any improvements on a property after the **Effective Date** which increase the **Building** coverage or impervious coverage.
- [5] Additional **Setback** ~~restrictions~~ **standards may be applicable apply** to properties developed adjacent to RS zoned properties. **These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307. where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.**
- ~~[6]—Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.~~

• **Section 601(b) Non-Residential Districts**

- The text amendment proposes to increase the interior side setback when adjacent to an R District for the CO (Commercial Office) and CN2 (Neighborhood Commercial Center) Districts. Both standards are proposed to be increased from 20' to 25'. This is consistent with the similar interior side setback for CC District which is 25'. The changes were based on the maximum permitted height for the districts which are 50' for the CO and the CC Districts and 40' for the CN2 District and attempting to establish similar setbacks for similar potential heights.
- Staff is proposing the addition of a row to the Density and Dimensional Table with standards for rear setbacks adjacent to RS Districts. This helps address the standard that is proposed to be removed from Section 20-603(h)(2). This provides additional building setback of the non-residential structure from the RS zoned property since the

non-residential properties can be developed to a greater height. The staff proposal a lesser amount of setback than what would be required today if a building on an RM zoned property is to be built directly adjacent to a property zoned RS. The proposal moves the standard into the Density and Dimensional Table where it is easier to find and reduces the amount while still offering protections to the RS zoned property.

The example below shows setbacks today (dashed building outline) if a non-residential property is developed at the same building height as the adjacent RS structure, the side yard setbacks are 5'. If the non-residential property is developed higher than the adjacent RS structure, then the setback=height. In staff's opinion, the standard established in Section 20-602 (which was new to the Code in 2006) is extremely burdensome to the RM property. Staff proposes deleting the previous standard and adding the standard in white (25') to the Density and Dimensional Table. Total rear distance between structures is 55' as opposed to 50' or in this example, 30'+45' (height)=75'.



- The term Max. Lot Coverage was changed to Max. Building Coverage. This is a consistency issue between the residential and non-residential tables. Also this proposed change will clarify some issues in that the max lot coverage standards conflicted with the max impervious lot coverage standards with no definition of either term. Once these terms were clarified, it appeared that some of the standards were inadvertently switched at some point in time. If left as is, some standards would read that the percent of building coverage standards could be more than the percent of impervious surface coverage. The impervious surface coverage needs to be the same or larger than the building coverage standards to consider parking and other possible impervious amenities.
- The maximum building height for the IL (Limited Industrial) District is proposed to be increased from 45' to 60'. Though the IL District would be considered a medium-high intensity industrial district, it consistently has the lowest maximum building height. The

proposed change would be consistent with the maximum building height of the IBP (Industrial/Business Park) District.

- Footnote 1 is proposed to be updated to add a local street right-of-way designation for setbacks. Many industrially zoned property are located on a local streets and by practice, staff has been using the regulations as proposed.
- Footnote 8 is proposed to be deleted, in staff's opinion, a 25% building coverage limitation would encourage large sites in order to build larger buildings and does not promote compact development. The standard would be regulated in the proposed table.
- Footnote 9 is proposed to be changed consistent with the proposed Footnote 5 in the residential table to add specific reference to sections regarding setbacks adjacent to RS zoned property.
- Footnote 10 is proposed to be deleted and indicated in the Density and Dimensional Table with the IBP District as the note states.
- Footnotes 11 and 12 are being renumbered to reflect the deleted footnotes.
- Footnote 13 is proposed to be deleted as changes to the table are proposed to address this issue and the referenced section is proposed to be deleted.
- Footnotes 14 and 15 are being renumbered to reflect the deleted footnotes.
- All footnotes that are renumbered are updated in the table.

20-601(b)

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP/GPI/ H-[10]	IL	IG	OS
Min. Site Area	5,000 sq. ft	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	-
Max. Site Area	1 Ac.	-	15 Ac.	-	-	-	-	-	-	-	-
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	-
Min. Lot Width (ft.) [12] [10]	50	50	100	25	100	150	50/100	200	100	50	-
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9] [8]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]/20	[3]/15	[1]	[1]	[1]	35
Side (Interior-adj. R) [9] [8]	10	20 25	20-25	20	25	45	12	[1]	[1]	[1]	20
Side (Interior-adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear (adj. RS) [4] [8]	25/[3]	25/[3]	25/[3]	10/[3]	25/[3]	30/[3]	25/[3]	[1]	[1]	[1]	10/[3]
Rear (adj. Non-RS) [4] [9] [8]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA
Max. Lot Coverage (%) Max. Bldg. Coverage (% of site)	65 [5] [11] [9]	65 [5] [11] [9]	75 [5] [11] [9]	100	85-80 [5] [11] [9]	80-75 [5] [11] [9]	80 [5] [11] [9]	65 [5] [11] [9]	85-75 [5] [11] [9]	85-75 [5] [11] [9]	NA
Max. Impervious Lot Surface Coverage (%)	75 [5] [11] [9]	75 [5] [11] [9]	80 [5] [11] [9]	100	80-85 [5] [11] [9]	75-80 [5] [11] [9]	80 [5] [11] [9]	75 [5] [11] [9]	75-85 [5] [11] [9]	75-85 [5] [11] [9]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	-	50	-	-	-	50 [5] [11] [9]	-	-	-	-
Dimensions (ft.)	5	-	5	-	-	-	5 [5] [11] [9]	-	-	-	-
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45 60	75	35

[1] Minimum Setbacks are as follows:

District	Abutting Street Right-of-Way			Abutting Other Lot Lines	
	Across From R District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector or Local		
IBP/GPI/H [10]	40	40	40-25	40	15
IL	50 [14] [11]	50	25	20 [15] [12]	15
IG	50 [14] [11]	50	25	50 [15] [12]	15

- [2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line
- [3] Same as Front Yard of abutting Lot
- [4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot
- [5] Applies only to Lots platted after the Effective Date.
- [6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.
- [7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.
- ~~[8] Maximum Building coverage in CC and CR districts is 25%.~~
- ~~[9]-[8] Additional Setback restrictions standards may be applicable apply to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307. where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.~~
- ~~[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.~~
- ~~[11] [9] Applies to any Significant Development Project.~~

~~[12]~~ [10] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.

~~[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.~~

~~[14]~~ [11] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.

~~[15]~~ [12] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.

• **Section 601(c) Mixed Use District**

- The Max. Impervious Coverage standard was updated to be consistent with the residential and non-residential tables to read Max Impervious Surface Coverage.
- Footnote 8 is proposed to be updated to reflect a proposed deletion and renumbering of the section of the code referenced.

20-601(c)

Standard	Mixed Use District Development Zones		
	Primary	Secondary	Tertiary
Min. Site Area (sq. ft)	20,000		
Max. Site Area (acres)	20		
Min. Lot Area (sq. ft.)	3,000		
Min. Lot Width (ft.) [12]	25		
Max. Dwelling Units (per acre)	32	15	12
Setback Range: Minimum to Maximum (in feet)			
Front	0-10 [1]	0-20 [1]	0-25 [1]
Side (Exterior)	0-10 [1]	0-20 [1]	0-25 [1]
Side (Interior)	0-5	0-5	0/5 [2]
Rear (when abutting Alley)	0-10 [3]	0-20	10-30 [4]
Rear (no Alley) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]
Max. Building Coverage (% of Lot)	100 [6]	85 [6]	75 [6]
Max. Impervious Surface Coverage (% of Lot)	100 [6]	95 [6]	85 [6]
Max. Height (ft.)	48 [7]	36 [7]	24 [7]
Minimum Outdoor Area (per Dwelling Unit)			
Area (sq. ft.)	50 [8]	50 [8]	50 [8]
Dimensions (ft.)	4 [8]	4 [8]	4 [8]
Min. Dimensions of Ground Level Nonresidential Spaces in Mixed Use Buildings			
Floor to Floor Height (ft.) [9]	12	12	12
Area (sq. ft.) [9]	800 [10]	600 [10]	500 [10]
<p>[1] Corresponding Public Frontages shall be designed for each Development Zone.</p> <p>[2] First number represents the required Setback for all attached Structures, second number represents the required Setback for detached Structures.</p> <p>[3] May be up to 25 feet to accommodate service/delivery uses.</p> <p>[4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units.</p> <p>[5] First number represents the minimum Rear Setback for a Single Frontage Lot. Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The Rear Yard for double-Frontage lots shall be considered a Public Frontage and shall be designed as such in accordance with Section 20-1108(j).</p> <p>[6] Applies only to Lots platted after the Effective Date.</p> <p>[7] Maximum Height may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.</p> <p>[8] Minimum Outdoor Area is not required for each Dwelling Unit onsite if a public park is located within ¼ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(gh).</p> <p>[9] Minimum dimensions for the floor to floor Height and Gross Floor Area for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.</p> <p>[10] Or 20% of the Lot Area when located on Lots whose width is less than 50 feet, whichever is greater.</p>			

- **Section 602**
 - **602(f)**
This subsection is proposed to be deleted from this section and moved to Article 17 Terminology, Section 1701. This is a definition and should not be with the standards.
 - **602(g)(2)**
Deleted and addressed in the Density and Dimensional Tables in Section 601(a) and 601(b).
 - Re-lettered portions due to proposed deletions
- **Section 1701 General Terms**
 - Move the term Building Coverage from Section 602(f) to Section 1701 General Terms. Staff is not proposing changing the definition text at this time.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-8-12-11 to the Land Development Code, Sections 20-211, 20-212, 20-601, 20-602, and 20-1701 to the City Commission.

20-211 CC, COMMUNITY COMMERCIAL DISTRICT

(a) Purpose

(1) The CC, Community Commercial Centers District, is primarily intended to implement the [Comprehensive Plan](#)'s Community Commercial Centers policy for commercial development at a community scale to serve multiple neighborhoods. Within the Community Commercial Center classification there are two categories of commercial centers; the CC200 Center and the CC400 Center. Permitted uses are the same in both categories; [Density](#) and dimensional standards are greater in the CC400 Center than in the CC200 Center.

(2) The Primary Purpose of the CC200 Center is to provide for the redevelopment of existing Community Commercial Centers and to provide an alternative for the existing highway strip commercial areas.

(3) The Primary Purpose of the CC400 Centers is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop.

(b) [Principal Uses](#)

[Principal Uses](#) are allowed in CC Districts in accordance with the Use Table of Article 4.

(c) [Accessory Uses](#) and [Accessory Structures](#)

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Additionally, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), including [Home Occupations](#) are subject to the regulations of Section 20-532 et seq.

(d) [Density](#) and Dimensional Standards

Unless otherwise expressly stated, all development in CC Districts shall comply with the City's [Comprehensive Land Use Plan](#) and [Density](#) and Dimensional Standards of Article 6, as modified by the design standards set forth in Section 20-526. The following additional [Density](#) and Dimensional Standards shall apply in the CC District:

(1) Site Requirements

Not all corners of a CC200 [Commercial Node](#) shall be devoted to commercial uses. For a Center that has [Buildings](#) between 40,000 and 100,000 gross square feet in size, the maximum gross square feet of the Center shall not exceed 50% of the allowable commercial square feet for a CC200 [Commercial Node](#).

A minimum of 95% of the commercial gross square feet of a new CC400 Center shall be located on two (2) or fewer corners of the [Commercial Node](#) intersection. If there are remaining allowable square feet at a [Node](#) (intersection) after two or fewer corners are developed, one of the remaining corners may have 50% or less of the remaining 400,000 gross square feet of allowable commercial space. Any corner of an intersection where the gross square feet of commercial space is 20,000 or more shall have a minimum site area of 20 acres and a width to depth ratio between 1:1 and 3:2.

(2) Lot Requirements

Lot Area of any development within the CC Centers District shall maintain a width-to-depth ratio between 1:1 and 3:2. ~~A maximum Building coverage of 25% shall apply to all development within the CC Centers District.~~

(3) Floor Area Requirements

CC200 Centers: CC200 Centers shall contain no more than 200,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC200 Center shall not exceed 100,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment. General retail stores (including general merchandise and apparel) shall not exceed 65,000 gross square feet.

CC400 Centers: CC400 Centers shall contain no more than 400,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC400 Center shall not exceed 175,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment.

(e) Street Access

Development in the CC Centers District shall take **Access** from a **Collector Street**, **Arterial Street**, or designated highway. CC200 Centers shall be located at **Collector/Arterial Street** intersections or **Arterial/Arterial Street** intersections. CC400 Centers shall be located at the intersection of two **Arterial Streets** that have at least a four-lane cross section or at the intersection of a four-lane **Arterial Street** with a State or Federally designated highway. Whenever possible, CC Centers development shall share direct or indirect **Access** through common curb cuts or private **Access** roads. When the CC Center site abuts a controlled intersection, **Access** shall be directed to a side street with adequate distance between the intersection and the site **Access** point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in **Base Districts**, including but not limited to the following:

- | | | |
|------------|--------------------------------|-----------------------|
| (1) | General Development Standards | See Article 11. |
| (2) | Landscaping | See Article 10. |
| (3) | Off-Street Parking and Loading | See Article 9. |
| (4) | Outdoor Lighting | See Section 20-1103. |
| (5) | Overlay Districts | See Article 3. |

20-212 CR, REGIONAL COMMERCIAL DISTRICT

(a) Purpose

The CR, Regional Commercial District, is primarily intended to implement the [Comprehensive Land Use Plan](#)'s Regional Commercial Center policy of providing the same services as a Community Commercial Center but for a regional market area, offering a greater variety and number of general merchandise, apparel, furniture stores and other tenants. Regional Commercial Centers shall contain no more than 1.5 million gross square feet of commercial space.

(b) [Principal Uses](#)

[Principal Uses](#) are allowed in CR Districts in accordance with the Use Table of Article 4.

(c) [Accessory Uses](#) and [Accessory Structures](#)

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), are subject to the regulations of Section 20-532 et seq.

(d) [Density](#) and Dimensional Standards

Unless expressly stated, all development in CR Districts shall comply with the City's [Comprehensive Land Use Plan](#) and the [Density](#) and Dimensional Standards Article 6. The following additional [Density](#) and Dimensional Standards apply in the CR District:

(1) Site Requirements

Site area of any development within the CR District shall be no less than 40 acres and shall have a minimum primary street [Frontage](#) of 1,400 linear feet.

(2) [Lot](#) Requirements

[Lot Area](#) of any development within the CR District shall maintain a width-to-depth ratio between 1:1 and 3:2 ~~with a maximum Building coverage not to exceed 25%.~~

(3) [Floor Area](#) Requirements

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CR District shall not exceed 175,000 gross square feet. Within a [Large Retail Establishment](#), no more than 15% of the [Floor Area](#) may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public [Access](#) internally from the larger Retail Establishment.

(e) Street [Access](#)

Development in the CR Districts shall be located at the intersection of two State or Federally designated highways or the intersection of a four-lane [Arterial Street](#) and a State or Federally designated highway. Whenever possible, such Commercial Development shall share direct or indirect [Access](#) through common curb cuts or private [Access](#) roads. When the Commercial Development abuts a controlled intersection, [Access](#) shall be directed to a side street with adequate distance between the intersection and the site [Access](#) point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

(1) General Development Standards

See Article 11.

(2) [Landscaping](#)

See Article 10.

- (3) Off-Street Parking and Loading
- (4) Outdoor Lighting
- (5) [Overlay Districts](#)

See Article 9.
See Section 20-1103.
See Article 3.

ARTICLE 6. DENSITY AND DIMENSIONAL STANDARDS

20-601 Density and Dimensional Standards Tables

20-602 Measurement of and Exceptions to Density and Dimensional Standards

20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12D	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	60	40	50	50	50
Min. Setbacks (ft.):														
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5	5
Side (Interior-adj RS) [5]	--	--	--	--	--	--	--	--	25	25	25	25	25	25
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Coverage (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Surface Coverage (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	80 [4]	80 [4]
Min. Outdoor Area (per Dwelling):														
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet

[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.

[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.

[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.

[5] Additional Setback restrictions standards may be applicable apply to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307. where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.

[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

(b) **Nonresidential Districts**

Unless otherwise expressly stated, all development in the Commercial and Industrial Districts shall comply with the Dimensional Standards of the following table:
to reflect the deleted footnotes.

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP/GPI/ H [10]	IL	IG	OS
Min. Site Area	5,000 sq. ft.	5,000 sq. ft.	2 Ac.	2,500	5 Ac.	40 Ac.	-	5 Ac.	20,000 sq. ft.	5,000 sq. ft.	-
Max. Site Area	1 Ac.	-	15 Ac.	-	-	-	-	-	-	-	-
Min. <u>Lot Area</u> (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	-
Min. <u>Lot Width</u> (ft.) [12] <u>[10]</u>	50	50	100	25	100	150	50/100	200	100	50	-
Min. <u>Setbacks</u> (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9] <u>[8]</u>	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]/20	[3]/15	[1]	[1]	[1]	35
Side (Interior-adj. R) [9] <u>[8]</u>	10	20 <u>25</u>	20 <u>25</u>	20	25	45	12	[1]	[1]	[1]	20
Side (Interior-adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
<u>Rear (adj. RS)</u> [4] <u>[8]</u>	<u>25/[3]</u>	<u>25/[3]</u>	<u>25/[3]</u>	<u>10/[3]</u>	<u>25/[3]</u>	<u>30/[3]</u>	<u>25/[3]</u>	<u>[1]</u>	<u>[1]</u>	<u>[1]</u>	<u>10/[3]</u>
Rear <u>(adj. Non-RS)</u> [4] [9] <u>[8]</u>	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. <u>Front Setback</u>	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA
<u>Max. Lot Coverage (%)</u> <u>Max. Bldg. Coverage (%) of site)</u>	65 [5] [11] [9]	65 [5] [11] [9]	75 [5] [11] [9]	100	85-80 [5] [11] [9]	80-75 [5] [11] [9]	80 [5] [11] [9]	65 [5] [11] [9]	85-75 [5] [11] [9]	85-75 [5] [11] [9]	NA
Max. Impervious <u>Lot Surface</u> Coverage (%)	75 [5] [11] [9]	75 [5] [11] [9]	80 [5] [11] [9]	100	80 85 [5] [5] [11] [9]	75 80 [5] [5] [11] [9]	80 [5] [11] [9]	75 [5] [11] [9]	75 85 [5] [11] [9]	75 85 [5] [11] [9]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	-	50	-	-	-	50 [5] [11] [9]	-	-	-	-
Dimensions (ft.)	5	-	5	-	-	-	5 [5] [11] [9]	-	-	-	-
Max. <u>Height</u> (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45 <u>60</u>	75	35

[1] Minimum Setbacks are as follows:

District	Abutting Street Right-of-Way			Abutting Other <u>Lot Lines</u>	
	Across From R District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector or Local		
IBP/GPI/H [10]	40	40	40-25	40	15
IL	50 [14] <u>[11]</u>	50	25	20 [15] <u>[12]</u>	15
IG	50 [14] <u>[11]</u>	50	25	50 [15] <u>[12]</u>	15

[2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line

[3] Same as Front Yard of abutting Lot

[4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot

[5] Applies only to Lots platted after the Effective Date.

[6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the

same side of the Street.

[7] Subject to location and **Height** limitations in Downtown Design Guidelines and Downtown Design Standards.

~~[8] Maximum Building coverage in CC and CR districts is 25%.~~

~~[9]-[8] Additional Setback restrictions standards may be applicable apply to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307. where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.~~

~~[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.~~

~~[11] [9] Applies to any Significant Development Project.~~

~~[12] [10] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.~~

~~[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.~~

~~[14] [11] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.~~

~~[15] [12] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.~~

(c) **Mixed Use District**

Unless otherwise expressly stated, all new development in a Mixed Use District shall comply with the **Density** and Dimensional Standards of the following table. The standards are not applicable to existing development rezoned to the district:

Standard	Mixed Use District Development Zones		
	Primary	Secondary	Tertiary
Min. Site Area (sq. ft)	20,000		
Max. Site Area (acres)	20		
Min. Lot Area (sq. ft.)	3,000		
Min. Lot Width (ft.) [12]	25		
Max. Dwelling Units (per acre)	32	15	12
Setback Range: Minimum to Maximum (in feet)			
Front	0-10 [1]	0-20 [1]	0-25 [1]
Side (Exterior)	0-10 [1]	0-20 [1]	0-25 [1]
Side (Interior)	0-5	0-5	0/5 [2]
Rear (when abutting Alley)	0-10 [3]	0-20	10-30 [4]
Rear (no Alley) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]
Max. Building Coverage (% of Lot)	100 [6]	85 [6]	75 [6]
Max. Impervious Surface Coverage (% of Lot)	100 [6]	95 [6]	85 [6]
Max. Height (ft.)	48 [7]	36 [7]	24 [7]
Minimum Outdoor Area (per Dwelling Unit)			
Area (sq. ft.)	50 [8]	50 [8]	50 [8]
Dimensions (ft.)	4 [8]	4 [8]	4 [8]
Min. Dimensions of Ground Level Nonresidential Spaces in Mixed Use Buildings			
Floor to Floor Height (ft.) [9]	12	12	12
Area (sq. ft.) [9]	800 [10]	600 [10]	500 [10]
[1] Corresponding Public Frontages shall be designed for each Development Zone. [2] First number represents the required Setback for all attached Structures, second number represents the required Setback for detached Structures. [3] May be up to 25 feet to accommodate service/delivery uses. [4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units. [5] First number represents the minimum Rear Setback for a Single Frontage Lot. Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The Rear Yard for double-Frontage lots shall be considered a Public Frontage and shall be designed as such in accordance with Section 20-1108(j).			

- [6] Applies only to Lots platted after the [Effective Date](#).
- [7] Maximum [Height](#) may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.
- [8] Minimum Outdoor Area is not required for each [Dwelling Unit](#) onsite if a public park is located within $\frac{1}{4}$ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(gh).
- [9] Minimum dimensions for the floor to floor [Height](#) and [Gross Floor Area](#) for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.
- [10] Or 20% of the [Lot Area](#) when located on Lots whose width is less than 50 feet, whichever is greater.

20-602 MEASUREMENT OF AND EXCEPTIONS TO [DENSITY](#) AND DIMENSIONAL STANDARDS

(a) Generally

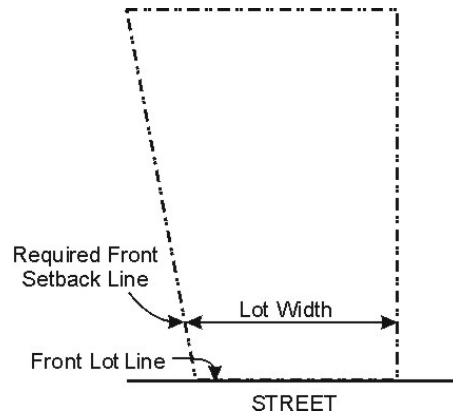
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) [Lot Area](#)

The area of a [Lot](#) includes the total horizontal surface area within the [Lot's](#) boundaries, not including submerged lands, public [Access Easements](#) or rights-of-way. For Nonconforming [Lots](#), see Section 20-1504.

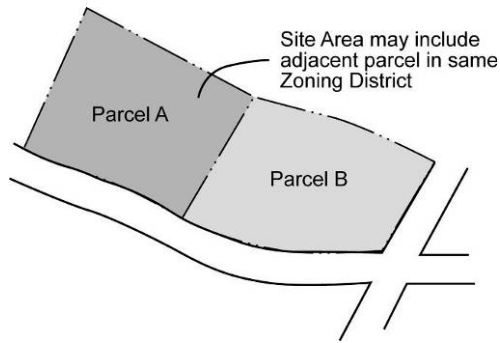
(c) [Lot Width](#)

[Lot Width](#) is the distance between [Side Lot Lines](#) measured at the point of the required [Front Setback](#) or chord thereof.



(d) Site Area

For purposes of Minimum and Maximum Site Area requirements, site area is the total contiguous land area included within a [Zoning District](#). For example, if the minimum site area requirement of a [Zoning District](#) is 2 acres, no property may be rezoned to that District unless it includes a minimum site area of 2 acres or it abuts another [Parcel](#) in the same [Zoning District](#) and the site area of the combined [Parcel](#) is at least 2 acres in area. If there is a maximum site area requirement, no property may be rezoned to that [Zoning District](#) unless the maximum site area, including the site area of abutting [Parcel](#) in the same [Zoning District](#), does not exceed the maximum site area for that [Zoning District](#).

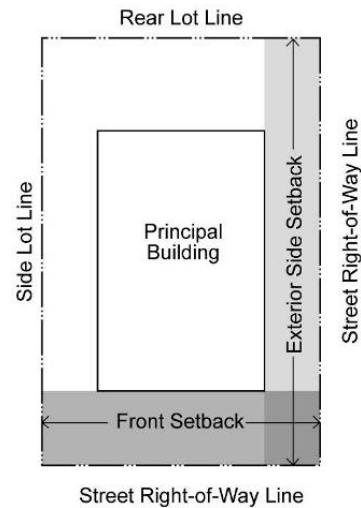


(e) **Setbacks** and **Required Yards**

(1) **Front and Exterior Side Setbacks**

Front and **Exterior Side Setbacks** extend the full width of a **Lot** and are measured from the Street right-of-way line. The Front and **Exterior Side Setbacks** will overlap at the outside corner of the **Lot**. The following exceptions apply:

- (i) In any District where 35% or more of the **Frontage** on one side of a Street between two intersecting Streets is improved with **Buildings** whose **Front Setbacks** do not vary more than 15 feet from the required **Front Setbacks** of the **Base District**, any new **Building** erected may comply with the average **Front Setback** of the existing **Buildings**.
- (ii) The widths of developed Lots will be used to determine the percentage of **Frontage** that is developed.
- (iii) The actual **Setbacks** of **Buildings** fronting on the Street will be used to determine the average **Front Setback**.



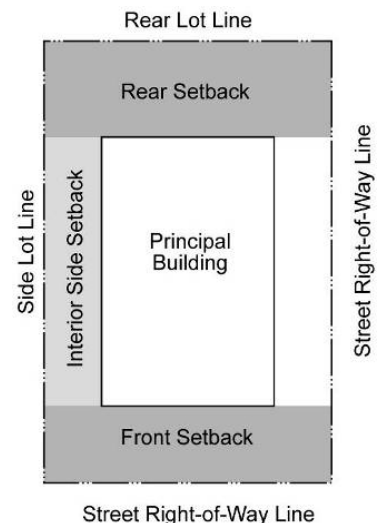
(2) **Rule for Through Lots**

A **Through Lot** shall have two **Front Setbacks**, at opposite ends of the **Lot**. The **Front Setback** provisions of this section shall apply to both. Other sides of a **Through Lot** shall be subject to **Side Setback** standards.

(3) **Interior Side Setbacks**

(i) **Measurement**

Interior Side Setbacks extend from the required **Front Setback** line to the required **Rear Setback** line and are measured from the **Side Lot Line**. If no Front or **Rear**



Setback is required, the required **Setback** area shall run to the opposite **Lot Line**.

(ii) Exception

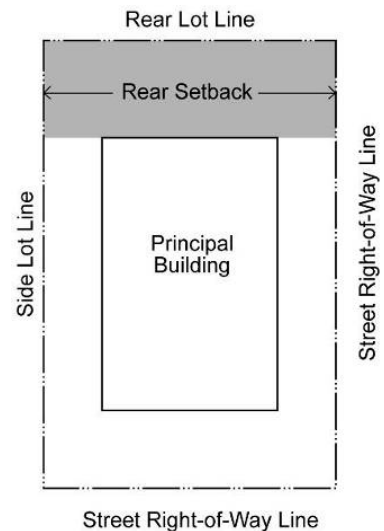
The width of one **Interior Side Setback** may be reduced by the **Planning Director** to a width of not less than 3 feet if the sum of the widths of the two **Interior Side Setbacks** on the same **Lot** is not less than the combined required minimum for both **Side Setbacks**. This reduction may be authorized only when the **Planning Director** finds the reduction is warranted by the location of existing **Buildings** or conducive to the desirable development of two or more **Lots**.

(4) Rear Setbacks

(i) Measurement

Rear Setbacks extend the full width of the **Lot** and are measured from the **Rear Lot Line**.

- a. In calculating the required depth of a **Rear Setback** abutting an **Alley**, the **Rear Setback** may be measured from the centerline of the abutting **Alley**.
- b. On **Corner Lots** in RS10 and RS7 Districts, **Structures** may be located at an angle, with the long axis of the **Lot** facing the intersecting **Street Lines**. In such cases, the **Front** and **Side Setback** standards of Section 20-216(d) apply, but the minimum **Rear Setback** is reduced to 20 feet.



(5) Setbacks for Speaker Box Systems

There shall be a minimum of one hundred (100) feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(i) Screening

- (ii)** Any area intended or employed for a use that requires Special Use approval under Article 4 shall be located at least 50 feet from any residential **Lot** or District or be so Screened as to provide visual and auditory privacy to such **Lot** or District.

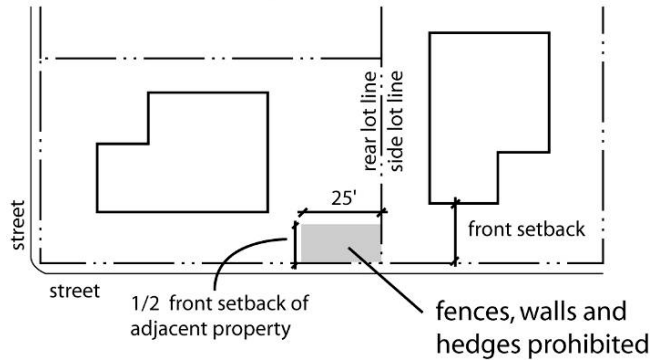
(6) Permitted Exceptions to Required Yard and Setback Standards

Required Yards and **Setbacks** shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

- (i) Cornices, canopies, eaves or other architectural features may project into [Required Yards](#) up to 2.0 feet.
- (ii) Unenclosed fire escapes may project into [Required Yards](#) and/or [Setbacks](#), provided that they are set back at least 3 feet from all [Lot Lines](#).
- (iii) An uncovered stair and necessary landings may project into [Required Yards](#) and/or [Setbacks](#), provided that they are set back at least 3 feet from all [Lot Lines](#), and the stair and landing may not extend above the entrance floor of the [Building](#) except for a railing not exceeding 4 feet in [Height](#).
- (iv) Bay windows, balconies, and chimneys may project into [Required Yards](#) and/or [Setbacks](#) up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the [Building](#) wall on which they are located.
- (v) Mechanical [Structures](#) are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical [Structures](#) are not allowed in required Front or [Side Yards](#), but they may be located in required [Rear Yards](#) if they are located at least 5 feet from the [Rear Lot Line](#).
- (vi) Vertical [Structures](#) are items such as flag poles, trellises and other garden [Structures](#), play [Structures](#), radio [Antennas](#), and lamp posts. Vertical [Structures](#) are allowed in [Required Yards](#) if they are no taller than 30 feet. If they are taller, they are not allowed in required [Setbacks](#), except that flag poles are allowed in any [Required Yard](#).
- (vii) Uncovered horizontal [Structures](#) are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required [Setbacks](#); such [Structures](#) may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.
- (viii) Covered Accessory [Structures](#) ([Buildings](#)) are items such as garages, greenhouses, storage [Buildings](#), wood sheds, covered decks, coops for fowl, and covered porches. Covered Accessory [Structures](#) that are six feet or less in [Height](#) are allowed in required Side and [Rear Yards](#), and covered Accessory [Structures](#) greater than six feet in [Height](#) are allowed in the required [Rear Yard](#) where an [Alley](#) abuts the [Rear Lot Line](#), but no covered Accessory [Structure](#) is allowed in a required [Front Yard](#).

In addition, coops for fowl shall meet all [setback](#) requirements established in Article 5 of Chapter III of the City Code. [Setback](#) standards contained in Article 5 of Chapter III of the City Code are not subject to Board of Zoning Appeals review.

- (ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any **Required Yard**, except:
- as otherwise provided in City Code Chapter 16, Article 6; and
 - on **Corner Lots** with a **Rear Lot Line** that abuts a **Side Lot Line** of another **Lot** in a Residential District, no fence, wall or hedge within 25 feet of the common **Lot Line** may be closer to the **Exterior Side Lot Line** than one-half the depth of the actual **Front Setback** of the **Lot** that fronts on the side Street.



(7) **Setbacks Along Designated Thoroughfares**

The minimum Front and **Exterior Side Setbacks** for each **Lot** that abuts a Street shown on the Lawrence/Douglas County MPO Transportation Plan, as amended, shall be measured from the recommended ultimate right-of-way line for each classification of Street.

~~(f) Building Coverage~~

~~Building coverage refers to the total area of a Lot covered by Buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than Open Porches, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as Building coverage.~~

~~(g)~~(f) Outdoor Area

(1) Purpose

The required outdoor area standards assure opportunities for outdoor relaxation or recreation. The standards help ensure that some of the land not covered by **Buildings** is of an adequate size, shape and configuration to be useable for outdoor recreation or relaxation. The requirement for outdoor area serves as an alternative to a large **Rear Setback** and is an important aspect in addressing the livability of a residential **Structure** on a small **Lot**.

(2) Requirements

- The minimum outdoor area for each **Dwelling Unit** shall be a contiguous area and may be on the ground or above ground.
- The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter

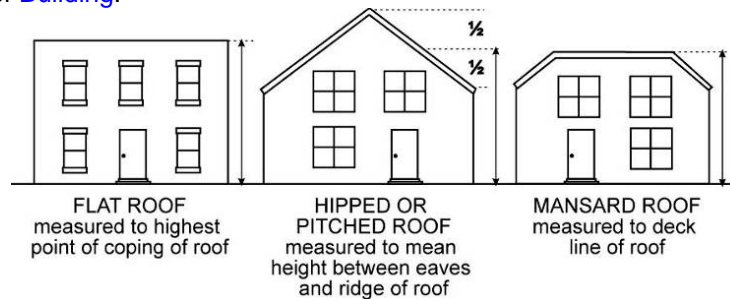
boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. [Driveways](#) and [Parking Areas](#) may not be counted toward fulfillment of the outdoor area requirement.

- (iii) The required outdoor area may not be located in the required [Front Setback](#) or [Exterior Side Setback](#).

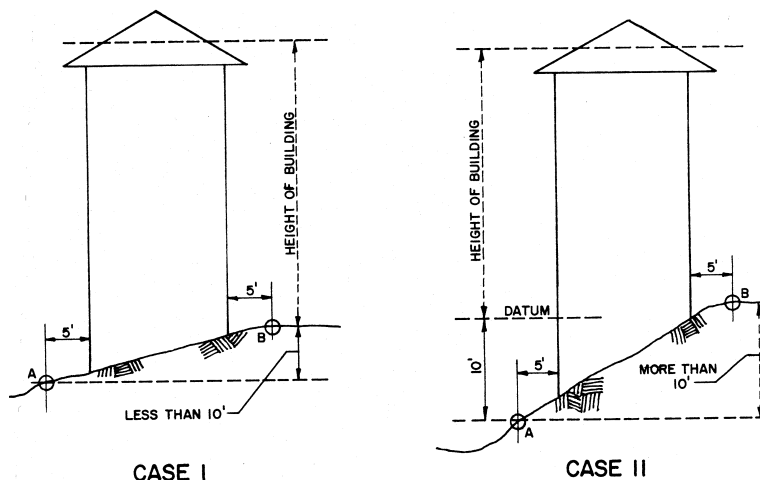
~~(h)(g)~~ Height

(1) Measurement

[Building Height](#) is measured as the distance between a reference datum and (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average [Height](#) of the highest gable of a pitched or hipped roof. The reference datum is either of the following, whichever yields a greater [Height](#) of [Building](#):



- (i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the [Building](#) when such sidewalk or ground surface is not more than 10 feet above lowest [Grade](#). (See "Case I" in accompanying illustration.)
- (ii) An elevation 10 feet higher than the lowest [Grade](#) when the sidewalk or ground surface described in sub-paragraph Section 20-602(~~hg~~)(1)(i) above is more than 10 feet above lowest [Grade](#). (See "Case II" in accompanying illustration.)



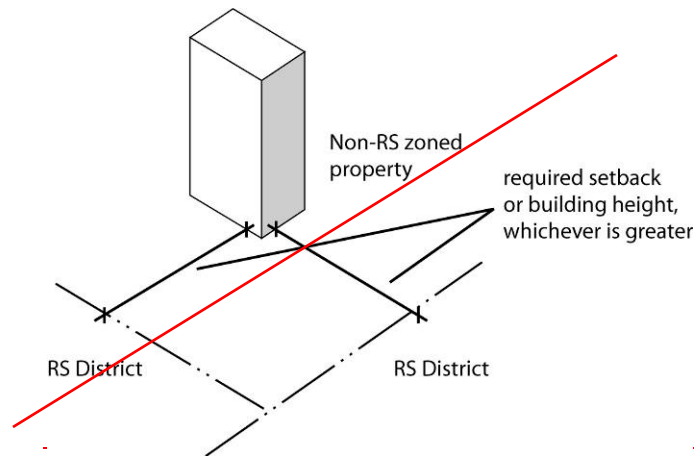
~~(2) Height Limit on Projects Adjoining Certain Residential Zoning Districts~~

~~(i)(iii) Applicability~~

~~The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.~~

~~(ii)(iv) Height Limit Related to Setback~~

~~Any Building or Structure to which this Section is applicable shall be set back from the Yard line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the Building or Structure on the adjoining RS Lot. When the Height of the Building or Structure exceeds the Height of the Building or Structure on the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.~~

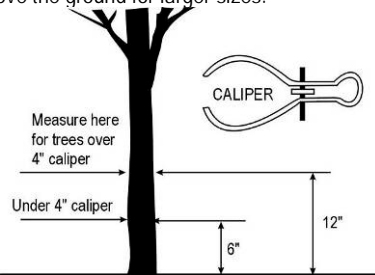


~~(3)~~ **(2) Exceptions**

- (ii) Except as specifically provided herein, the Height limits of this Development Code do not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a Building, provided that such Structures do not cover more than 33% of the roof area or extend over ten (10) feet in Height above the maximum Height allowed by the Base Districts.
- (iii) Except as specifically provided herein, the Height limitations of this Development Code do not apply to radio Antennas, television Antennas, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable Structures, which may be erected above the Height limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.
- (iv) Telecommunication Towers may exceed the Zoning District Height limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

20-1701 GENERAL TERMS

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling .
Accessory Structure	A subordinate Structure , the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off- Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway , Street , turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building . The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure .
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes .
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna .
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building , except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base Density	The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings , or use of land, and other regulations relating to the development or maintenance of existing uses or Structures , are uniform; but not including Overlay Zoning Districts .

Term	Definition
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment , Large.
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.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets .
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms , fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building , except as regards minimum Side Setback requirements as herein provided.
Building Coverage	Building coverage refers to the total area of a Lot covered by Buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than Open Porches, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as Building coverage.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District , or as modified pursuant to a Variance , a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District , any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	<p>The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes.</p>  <p>The diagram shows a tree trunk with two measurement points. The first point is at 6 inches above the ground, labeled 'Under 4" caliper'. The second point is at 12 inches above the ground, labeled 'Measure here for trees over 4" caliper'. A calliper tool is shown measuring the trunk diameter at the 12-inch point.</p>
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements , licenses or other continuing rights for Access across one property to one or more other properties.

Term	Definition
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets .
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	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.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets .
Common Open Space	Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space , except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan , also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission , as amended or superceded by adoption of a replacement plan from time to time.
Congregate Living	A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory , fraternity or sorority house, Assisted Living , Extended Care Facility , Group Home or similar group living use.
Conservation Easement	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.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director , Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus	An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.
Density Cap	Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets .
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets .
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises , including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration , or partial or total demolition of Buildings and Structures ; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.

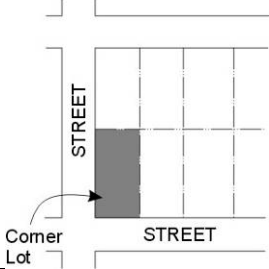
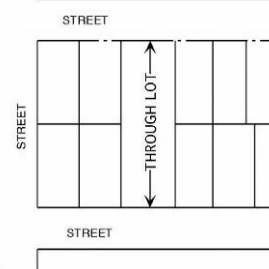
Term	Definition
Development Project, Major (Ord. 8465)	<p>Any development proposing the following:</p> <ul style="list-style-type: none"> a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: <ul style="list-style-type: none"> 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Development Project, Minor (Ord. 8465)	<p>Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.</p>

Term	Definition
Development Project, Standard (Ord. 8465)	<ol style="list-style-type: none"> a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: <ol style="list-style-type: none"> 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: <ol style="list-style-type: none"> a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: <ol style="list-style-type: none"> 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: <ol style="list-style-type: none"> a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility

Term	Definition
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
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.
Driveway, Shared	A single Driveway serving two or more adjoining Lots .
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line .
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 .
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access , and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Evergreen (Coniferous) Tree	An Evergreen Tree , usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

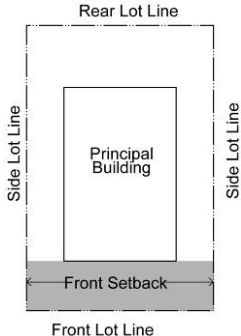
Term	Definition
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building , including a single- Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single- Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District , a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Congregate Living , motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Congregate Living , motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building , measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings .
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building , measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings , from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure ; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure , such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls (<i>excluding basements</i>) of a Building or a portion thereof divided by the Lot Area .
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended , then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End .
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building , between the Building and a line five feet from the Building .
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade .

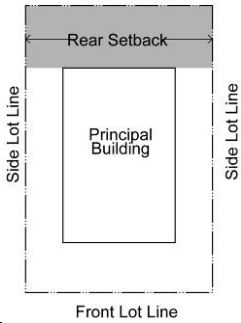
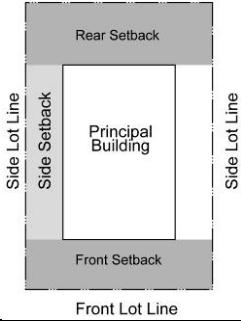
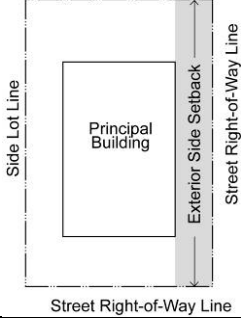
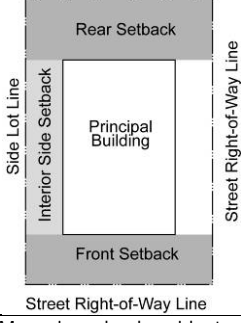
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade , or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family .
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs , Ground Cover /vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs , plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches , topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations .

Term	Definition
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure . It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure .
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot .
Lot Frontage	See Frontage
Lot, Corner	<p>A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot.</p>  <p>The diagram shows a grid of streets. A vertical street is labeled 'STREET' and a horizontal street is labeled 'STREET'. A lot is shaded in the corner where they intersect. An arrow points to this shaded lot with the label 'Corner Lot'.</p>
Lot, Through	<p>A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot.</p>  <p>The diagram shows a grid of streets. A vertical street is labeled 'STREET' and a horizontal street is labeled 'STREET'. A lot is shaded between two horizontal streets. An arrow points to this shaded lot with the label 'THROUGH LOT'.</p>
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot .
Lot Line	A boundary of a Lot .
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley .
Lot Line, Front	The Street Line at the front of a Lot . On Corner Lots , the Landowner may choose either Street Frontage as the Front Lot Line .
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line . A triangular Lot has no Rear Lot Line .
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line .
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-513.

Term	Definition
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098)
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s) .
Mature Trees, Stand of	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aeriels; and field surveys.)
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.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure .
Mixed Use Structure, Vertical	A Building or Structure , a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure .
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park .
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie Remnants	Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands .
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node .
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity , excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures . Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.

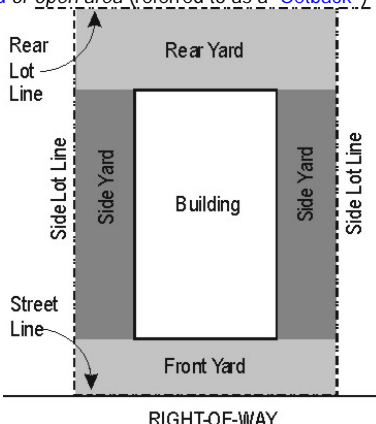
Term	Definition
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs .
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure , designed and used for parking motor vehicles including parking Lots , garages, private Driveways and legally designated areas of public Streets .
Parking Area	An area devoted to off- Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area . Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street , outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District , for a number of Dwelling Units , office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot , together with all Buildings and Structures thereon.
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 .
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures . Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.

Term	Definition
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director .
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building .
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area .
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building . A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna , with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building .
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms , or densely planted vegetation, or other means approved by the Planning Director .
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))
Setback, Front	<p>The Setback required between a Building and the Front Lot Line.</p> 

Term	Definition
Setback, Rear	<p>The Setback required between a Building and the Rear Lot Line.</p> 
Setback, Side	<p>The Setback required between a Building and the Side Lot Line.</p> 
Setback, Side (Exterior)	<p>The Setback required between a Building and the Exterior Side Lot Line.</p> 
Setback, Side (Interior)	<p>The Setback required between a Building and the Interior Side Lot Line.</p> 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas .
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen ; planted primarily for its high crown of foliage or overhead Canopy .
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.

Term	Definition
Shrub	A Deciduous , Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover , consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.
Significant Development Project	<ol style="list-style-type: none"> Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District , Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story .
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
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 .

Term	Definition
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 Access to adjacent property. Marginal Access Streets are commonly known as " Frontage Roads ."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan .
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building , including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes .
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel , site, piece of land or property that is the subject of a development application or restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
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 .
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays

Term	Definition
Yard	<p>Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard or open area (referred to as a "Setback")</p> 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line .
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line .
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot .
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard , or in the absence of either of such front or Rear Yards , to the front or Rear Lot Lines . Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot .
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
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September 26, 2011

Planning Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

Dear Commission Members,

The East Lawrence Neighborhood Association would like to show our support for item #6 of the September 26th agenda. The tables lay out Density and Dimensional Standards especially concerning setbacks and height. The Planning Department has done a good job of clarifying and simplifying the tables to make it easier for all citizens to understand the rules and we appreciate that.

However, we are aware that LAN President Gwen Klingenberg has some further text changes she would like included and we support her changes. We feel that these further changes would go farther to help to preserve the property rights and property values in our neighborhood, and also ensure the integrity and historic identity of the East Lawrence area. Our neighborhood is on the upswing in community building and neighborhood pride, and we appreciate clear and fair standards to work with.

Sincerely,

Leslie Soden, President
East Lawrence Neighborhood Association

Dear Chairperson and Commissioners:

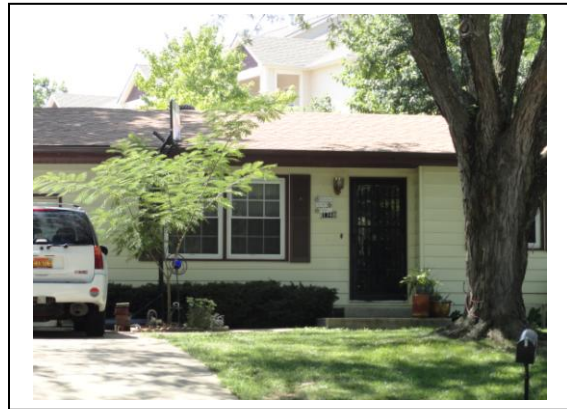
One of two decisions need to be made on the placement of certainty for neighborhoods which would be to retain 20-602 with some adjustments for the added standards to the table or create strong language in Art. 11 which would continue requiring protections presently in place and not downgrade our neighborhoods and that the RM12 and RMD be separated.

The backbone of any community is its neighborhoods. Not retail or apartments or even businesses that do not pay their employees enough to live in the community they work in. A community grows from the investment homeowners make in that community. If we downgrade or allow an attitude as stated by the staff that protections of neighborhoods are “extremely burdensome” then we encourage destabilization of our neighborhoods and not only no growth, but the reversal. Once we again pull out of the financial downfall the country is facing what is it we want in Lawrence? We worry about being business unfriendly, when we should be worrying about the loss of the third most important item and the only one we as a community can control on the list that any company is looking to set up shop and that is the quality of life a community offers. “...In neighborhoods where they are unsure or uncomfortable, a gem of a house for a great price is not worth it to them, as the perceptions of the surroundings of that home is negative.” (Spilchak. T. n.d.).

Devaluing our neighborhoods deteriorates a community and the if a community has a perception of negative surroundings then no one wants to buy there. We as a community should be concerned about being family unfriendly. When an office, apartment, retail or even industrial districts are built first a homeowner may choose to live near them knowing what they are getting into. When the neighborhoods is built first then the only choice a homeowner has is to move if they do not want to live by what it being built and they feel forced out of their home they have been known to move out of town.

In several neighborhoods in this community there were stable neighborhoods with owner/occupied houses and in each case where a tall development was later built those houses along the perimeter next to the tall buildings are now rental properties. The apartments on Stuart and Comet Lane for example. The apartments on Stuart have a double parking lot with a roadway between the parking lots and a nice grassy area before the buildings and now the

owner/occupied ranch houses are now rental property where the renters even state that if the apartment buildings were any closer they would not have rented there.



Apartments on Stuart and one of the house that was owner/occupied and is now rental. Speaking with the owner after the apartments were first built and recently after she put it up as rental property. The houses on the end of the cul-de-sac our now rental. Not just this house.

Communities throughout the country are pushing smart growth while we have set aside a chapter to explicitly deal with smart growth instead of incorporating smart growth practices. Even the president of National Association of Realtors Ron Phipps supports strong neighborhoods and the NRA website states 56% of Americans prefer smart growth neighborhoods stated,

“The survey also found that community characteristics are very important to most people. When considering a home purchase, 88 percent of respondents placed more value on the quality of the neighborhood than the size of the home,....”
(Wardlaw, M. April, 2011).

There is an attached paper by Cliff Ellis which demonstrates why this practice is done throughout the country and in thriving communities do not believe that it is “extremely burdensome” on any development whether it is RM or any nonresidential district.

At the City Commission meeting it was stated that one reason it was decided to split this discussion with the PD overlay was because this discussion had farther reaching affects throughout Lawrence and it was suggested we take a look at our residential protections. That should include Art. 11 which if the section 20-602 h is completely removed neighborhoods no longer have a requirement of protections only a “may”.

By removing

(2) Height Limit on Projects Adjoining Certain Residential Zoning Districts

(i) Applicability

The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.

(ii) Height Limit Related to Setback

Any Building or Structure to which this Section is applicable shall be set back from the Yard line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the Building or Structure on the adjoining RS Lot. When the Height of the Building or Structure exceeds the Height of the Building or Structure on the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.

we lose the only requirement or certainty that setback buildings would not impede light, sight and privacy to family homes and would allow buildings the size of the apartments on Stuart to be built as close as 25ft from someone's backyard or worse someone's side yard. If a house has a 5 ft setback on the side yard and if for some reason a three story apartment were to be built next to the side yard a 21 ft building would be over shadowed by a three story building only 25 ft from the yard. **If the apartments were in a RM12 district they could be built 10 ft from a house.** The perception and reality is the loss of security, safety, and privacy.

The staff's wish to put in the tables some black and white standards that support requiring protections for residential districts with the understanding that the development community gravitates to the tables and not the text is appreciated. The staff trying to get everyone on board with the same understanding in hopes to prevent the continued disagreements between those who wish to build next to those who have already invested is also appreciated.

The changes in the tables are a great start. But we have not dealt with how we are going to protect neighborhoods if we remove certainty for a "may". That certainly being 20-602 h for the "may" in Art. 11

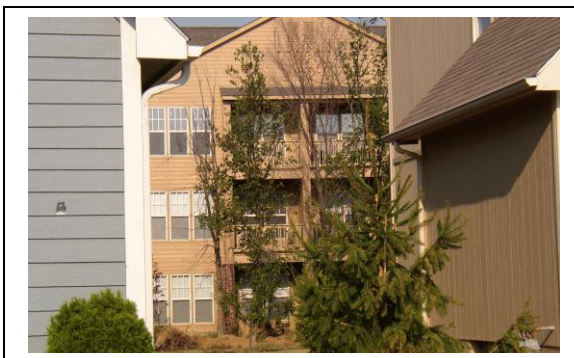
(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any **multi-Family use or nonresidential** use located within 500 feet of any less intensive residential district, the City Commission, **Planning Director**, **Planning Commission** or other review body **may impose conditions** that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional **Landscaping** and buffering;
- (7) **Height restrictions** to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar **Access**;
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.

The standards in the table might also be enough to offset the need to equal the house size mentioned in 20-602 h to using the district height size.

When working through this discussion bufferyards were mentioned as an important part of privacy, but bufferyards do not immediately create privacy as in the case of Canyon Court. When visiting Joseph Dr. there were a few trees and now the property owners had to put in more trees and fencing at the homeowners' expense.

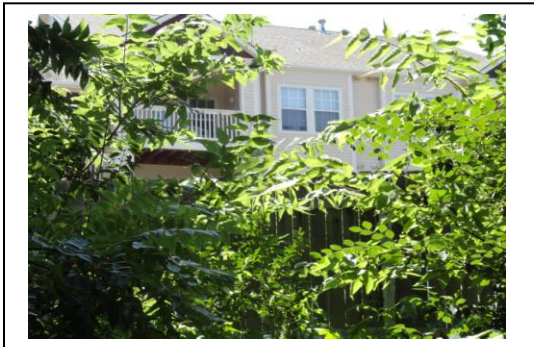


Canyon Court shortly after being built.



Do we truly support forcing homeowners to finance further privacy items and then make them decide they must put the property up for rental since they lost their sense of privacy, safety and security?

The second picture in this document also had a buffer yard or a no man's land between two fences:



Bufferyards are nice, but do NOT provide privacy especially at the beginning.

One of the reasons the code is more explicit in today's code is the older code had complaints of uncertainty for the development community. This alleviated the lack of specifics. Since there is no way to predict the building type and size in a various districts that will be next door to a house or block or even several blocks of houses it was easier to create the certainty that any building next to single family homes did not impede the privacy, safety and security either in

sense or reality. We lose that sense and reality if we remove 20-602 h altogether and do not find somewhere equally set in the codes.

Also, for some reason we believe that RM12 and RMD should be under the same standards and there is a picture below of RM1 (RM12 today) being three story buildings with balconies. The reason for the RMD is its use as a buffer building type and tends to be no more than two stories tall and two units and the RM12 is not and they should not be put under one category with the same standards since their use is not the same.



At the time this was built it was built as RM1 which according to the table on page 11 of our new development codes is now called RM12. If you will note the building is the same as the other buildings I have been presenting. Why would we not also provide the same setbacks for RM12 as we do the other RM districts?

Jefferson Commons on 2511 W 31st.

This building under the draft table could be set only 5 ft from one's yard or 10 ft total from bedroom windows.

After the residential protections subject is approved our neighborhoods should continue to thrive and be stable by continuing the protections that provide certainty of safety, security and privacy for homeowners who invest in Lawrence. We have RM districts that have clearly followed the step approach in Lawrence and so it is not "extremely burdensome" to build appropriately for continued stable neighborhoods.

That is why we need to either leave 20-602 in Art.6 with some variation that supports the added setback in the tables or add stronger language in Art. 11 and we need to separate RM12 from RMD since RM12 allows the same building sizes as the other RM districts and RMD is a smaller single family sized building type use as a buffer unit between taller buildings and single family building.

The very basis for community is for people to live together for our mutual benefit. Neighborhoods do not come to business, business comes to neighborhoods. Unstable neighborhoods lose business.

References

- Spilchak, T., Point2 Education Coordinator (n.d.). I love this place: the importance of neighborhoods in home purchases. Point2Agent.
http://www.point2agenteducation.com/z-_The_Importance_of_Neighborhoods/page_2158633.html
- Wardlaw, M. (April, 2011). NAR study finds americans prefer smart growth communities. National Association of Realtors.
http://www.realtor.org/press_room/news_releases/2011/04/smart_growth

PRIVACY PERFORMANCE STANDARD BETWEEN INCOMPATIBLE USES

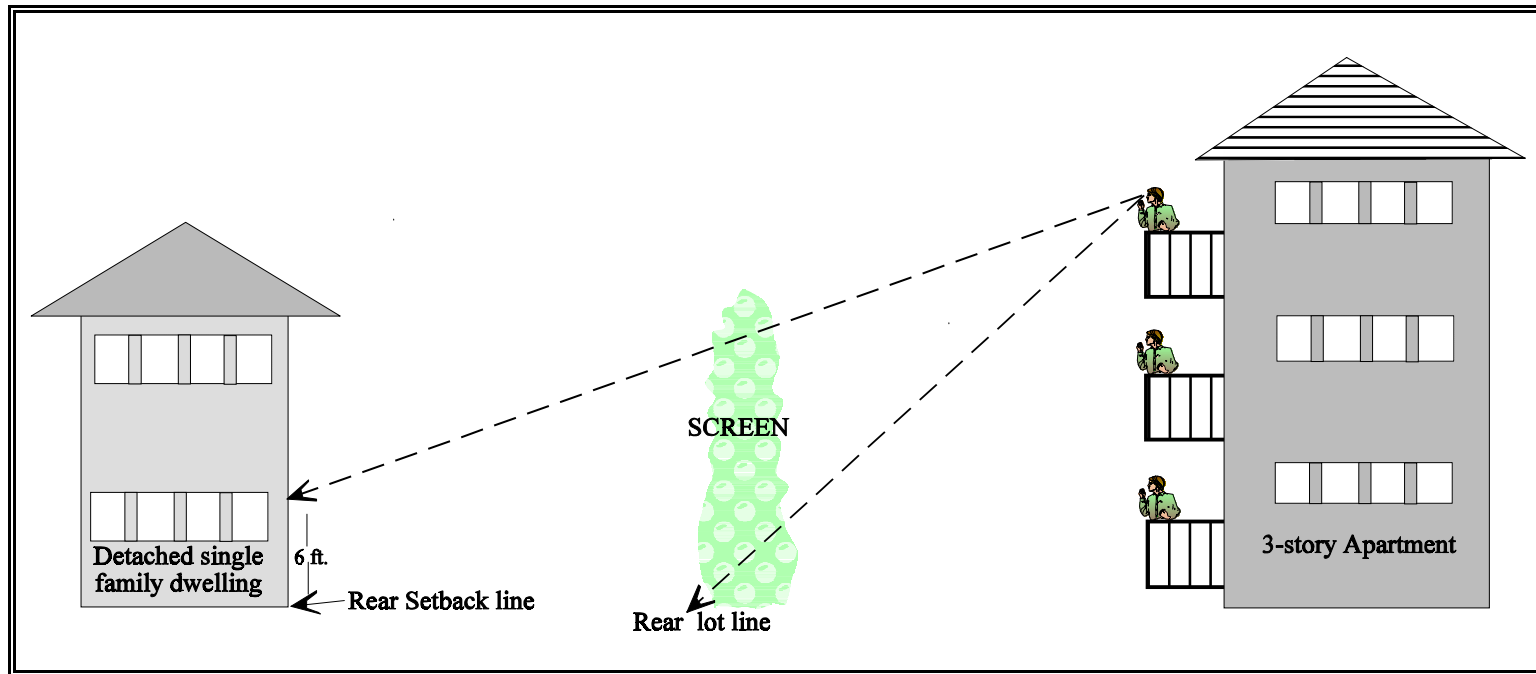


Figure 1. This is a suggestion for a performance standard where an apartment or apartments with rear balconies are planned to be built adjacent and to the rear of existing or planned single family dwellings. The dotted lines are sight lines that start six feet from the topmost balcony floor measured from its outer edge, and cover the back yard area and first floor level of the single family dwelling. The developer has a choice of providing his own method for completely interrupting the highest sight line from the ground level up to at least one foot above it for the length of the apartment rear lot line. Please note that rear balconies facing onto side lot lines of single family areas pose a similar problem with a different geometry.

The screening choices have to be listed, and would include providing for an immediate and complete view-interrupting screen of evergreen vegetation and trees, or a berm and fence of the same dimension, (a berm alone wouldn't be sufficient), or building lower profile residential buildings such as two-story duplexes, townhomes, or other lower profile housing types between the apartment and the single family area.

Meeting the performance standard would be mandatory. The standard would apply to all proposed apartments with balconies adjacent to rear lot lines of existing or planned single family areas regardless of the height of the balcony. Using sight lines gives the developer the flexibility of increasing his yard width between the lots so the height of the screening could be lower, or building a lower profile building in between, or providing some other effective view interrupting barrier from a list provided in the ordinance. Please note the term "view interrupting barrier." This means a completely view-impenetrable screen, not just a "view reducing" one.

SUBJECT: PERFORMANCE STANDARDS BETWEEN INCOMPATIBLE USES

On 3 Apr 2004 at 16:29, licht wrote:

>
> Dear Prof. Ellis:
>
> This is a follow-up to the telephone conversation on transitional standards between incompatible
> uses that we need to add to our draft new code. The zoning provisions of the Land Development
> Code have been approved by the Planning Commission and now will soon be coming before the
> City Commission. This is a conventional district, and because of that, all design standards must
> be written into the code. The Code does include performance standards of a sort, so this might
> be the way to go to bolster areas where it is so inadequate.
>
> As you remember, our multiple family districts make no distinctions in housing types, and we
> have no transitional district, so zoning alone is no protection between incompatible uses. We do
> have chapters on Use Regulations and Density and Dimensional Standards, and a chapter on
> General Development Standards that has one Section on Protection Standards for Residential
> Districts, but these are totally inadequate and permissive, besides.
>
> I reviewed my copy of Anton Neleson's book, and could not find what might be applicable to our
> need for performance standards between incompatible uses. Peter Calthorpe's approach of
> using TODs seems a bit more like Lawrence in that he surrounds the mixed use commercial
> centers (usually located on an arterial intersection) with a planned sequence of housing types
> and neighborhood oriented non-residential uses, all pedestrian oriented and with transit hubs.
> People accuse him of only supporting rail transportation, but he designs neighborhood-size bus
> TODs, too.
>
> The nightmare that sent me to the drawing board was an apartment built off of Sixth Street that
> has balconies facing directly behind two single family homes on Joseph Drive. This is only one
> example. In the next message I will send you a picture of this. Following this, is a stab at a
> performance standard to deal with such a situation, because potentially it has become a real
> problem here.
>
> If you know of any codes that have approaches that would be similarly applicable, our Land Use
> Committee would be most grateful to have these references. I know how busy you must be, and
> we want to avoid imposing on your time.
>
> Two messages will follow with attachments. Thank you very much for your interest.
>
> Betty Lichtwardt
> 2131 Terrace RD, 66049
> 842-0547
> licht@ku.edu
>

Cliff Ellis, Ph.D., AICP
Assistant Professor
Graduate Program in Urban Planning
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The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any another MIME-compliant system, you should be able to save it or view it from within your mailer. If you cannot, please ask your system administrator for assistance.

---- File information -----
File: IncompatibleLandUses.doc
Date: 12 Apr 2004, 12:04
Size: 1534976 bytes.
Type: Unknown

ANSWER FROM PROF. ELLIS

Dear Betty:

I finally had a little time to take a closer look at your transitional standard diagrams. I'm sure that there are many ordinances governing this type of situation around the country, but I would have to do some research to find them. Also, the American Planning Association may have some publications on this particular topic (screening and buffering adjacent land uses), but I don't have any titles off the top of my head. I wish that I had more time to help out, but this is a pretty hectic time of the semester.

Offhand, your formulation looks pretty good, if you really want to achieve full privacy for the people in the single-family homes. However, I was wondering just how tall the trees and fences would have to be in order to provide full screening from the third floor balcony. It might be advisable to run a test and see exactly how high that would be. Then, the issue is what type of tree would provide full screening all year around? Probably a tall evergreen. But what if those trees would have to be 20-30 feet tall? Would the developer of the apartment building have to import fully grown, 30 foot evergreens? (It can be done, but would be expensive). Or would he be allowed to plant trees that would (within a certain number of years) grow tall enough to provide full screening?

For the view from the third-floor balcony, I don't think that any regular fence would be tall enough to provide effective screening. There really are limits to how high a fence can go before it becomes an eyesore in itself.

As we discussed, the genesis of the problem is the placing of the land uses in such close proximity. Using New Urbanist principles, there would be a more gradual transition from apartment buildings to single-family homes (a "density gradient"), not an abrupt transition across a property line. The land use pattern is forcing you to use berms, fences, and landscaping to erect a visual wall between land uses that shouldn't be so close together to begin with* In the attachment to this message, I have provided a few schematic illustrations of how the problem is managed in New Urbanist developments. First, the progression of land uses is a gradual gradient from the center of the neighborhood to the periphery. Second, streets, alleys, and civic spaces are used to separate different land uses (e.g., a single-family block from a townhouse block), rather than berms, fences, and landscaping (although these certainly can play a role.....). Mixed uses integrated into walkable neighborhoods are a good thing, but they have to be designed properly in order to work.

In the image of the Lakeside project in Texas, there is also the use of a "step-down" configuration of the apartment building, to make it compatible with the adjacent single-family homes. Landscaping is also used. But the landscaping required to provide some screening of backyard areas is much more manageable when the apartment building steps down to a lower elevation, to match with the scale of the single-family homes.

Sorry that I can't think of any "magic bullet" documents. You could surf the Internet using Google (typing in keywords such as visual performance standards, zoning buffers, screening land uses, etc.) and see if you can turn up any model ordinances.

* Underlining has been added.

Gwen, this is the crux of our problem. We are now eliminating the band aids.

I think that the basic idea of your proposed performance standard is OK. It's hard to imagine what else could be done, given the situation that you describe. But I do wonder about exactly how high the trees would have to be to provide full screening. I think that you need to pin that down before hand. It isn't such an easy matter to create a huge, opaque wall of tall evergreens. (A landscape architect would be able to provide an estimate of cost and feasibility.) A person standing on a third-floor balcony has a very elevated view of the surrounding landscape, and it may not be so easy to provide a screen that sticks up high enough to interrupt the line of site. (Also, evergreens taper at the top, reducing their effectiveness at blocking views. Deciduous trees have full canopies at the top, but shed their leaves in the fall and may not provide the full screening that you want during the fall and winter months.)

Anyway, those are a few thoughts. I doubt that much of what I've said is particularly helpful for the fine-tuning of your particular performance standard. I don't deal with this kind of thing on a daily basis. (Do any of the staff of the Lawrence-Douglas County Planning Department have detailed experience with the writing of such performance standards?)

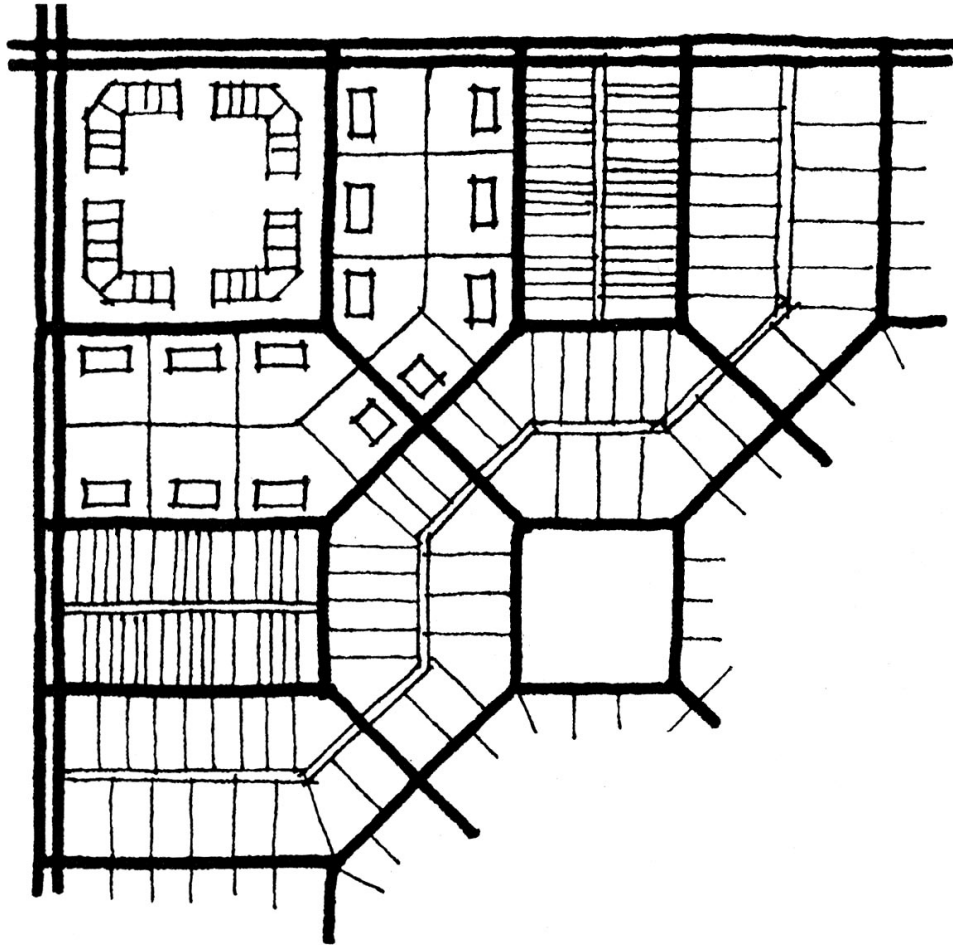
Good luck with your effort. Let me know if you have any more questions. And it would be interesting to find out how everything turns out in the end, after it is debated and a final decision is made.

Best regards,

Cliff Ellis

=====

USE OF STREETS AND ALLEYS TO SEPARATE LAND USES (WHILE STILL MAINTAINING WALKABILITY AND A NETWORK OF INTERCONNECTED STREETS)



Commercial, offices, apartments, townhouses, and medium- and low-density housing can all occur in a confined area and be served by a continuous, interconnected street network. A logical, orderly progression of land uses can coexist without having to use setbacks, landscaping, and fences extensively as blocking or transitional elements. Instead, streets and alleys serve as the transitional elements. (*Paraphrase from text*)

Source: Hall, Kenneth B., and Gerald A. Porterfield. 2001. *Community by Design: New Urbanism for Suburbs and Small Communities*. New York: McGraw-Hill.

USE OF A “STEP-DOWN” BUILDING DESIGN, ALONG WITH AN ALLEY (AND SOME LANDSCAPING), TO IMPROVE THE COMPATIBILITY OF AN APARTMENT BUILDING AND SINGLE FAMILY HOUSES.



This is the shorefront for the village of Lakeside in Texas by DPZ (1995). The six story apartment buildings step down to join the scale of the first adjacent house in the residential street behind. The adjustment of the scale is not the only tool available; the shared syntax of windows and walls and pitched roofs helps significantly in integrating smaller and larger buildings. *(Paraphrase from text)*

Source: Duany, Andres, Elizabeth Plater-Zyberk, and Robert Alminana. 2003. *The New Civic Art: Elements of Town Planning*. New York: Rizzoli.

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

September 25, 2011

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



RE. ITEM NO. 6: TEXT AMENDMENT TA-8-12-11 TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20 (MJL)

Dear Chairman Hird and Planning Commissioners:

We urgently request that you not approve Text Amendment TA-8-12-11 to our Lawrence Land Development Code as it is now proposed. We request that you consider three changes to this TA.

- (1) that you leave in our Code Section 20-602(h) as it is presently written. This provision requires that a non-RS building adjacent to an RS building either be the same height as the RS building or the non-RS building shall be set back from the lot line the distance of its own height.
- (2) that you initiate a change to Table 20-601(a) with a text amendment that separates the RM12D (duplex) District from the RM12 (general multiple family) District and gives the RM12D (duplex) District its own column and places the RM12 District where it belongs with the other general multiple family districts in its own separate column. It should have the general multiple family height and setback restrictions—the same required setbacks as the other general RM districts, since there is no distinction between the RM12 District and other general RM Districts except density.
- (3) if you do not follow our above two requests, then we ask that you make the provisions of Sections 20-1101(a) through (c) mandatory. This is the only article and sections that provide protections to single-family areas. These sections are now only permissive and apparently have never been used since their adoption.

We ask for these changes for the following reason:

One of our most important League positions on Environmental Quality and Land Use since the 1970s has been the support of good neighborhood planning, with the goal of creating strong, viable and stable neighborhoods. Over the years it has been shown that thriving cities have stable, vibrant neighborhoods. What creates the environment for this has been the same as for any economic investment: the predictability of a present and future compatible, supportive environment. When land uses such as out-of scale buildings, apartments and other incompatible uses are foisted on neighborhoods inappropriately, even at the edges, it has a deteriorating effect that spreads. Single-family homes become rental properties. Landlords of these houses don't have the same incentives for good maintenance as their former owner-occupants had. Neighborhoods deteriorate. As neighborhoods go, cities deteriorate. We can't afford to let this happen. We must provide the land use and regulatory protections needed for stable neighborhoods and high percentages of owner-occupied housing.

We also suggest that this would be the time to review our current land use policies and regulations involving neighborhoods. We believe that our planners have misinterpreted the principles of "smart growth." Some of our newest areas are so poorly planned that they provide no areas where people looking for single-family homes in stable neighborhoods can go. We would like to review these issues with you.

Again, we ask that you seriously consider our three requests.

Sincerely yours,

Kay Hale
Kay Hale
President

Alan Black
Alan Black, Chairman
Land Use Committee

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

September 25, 2011

Mr. Richard Hird, Chairman
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Sincerely yours,

Kay Hale
Kay Hale
President

Alan Black
Alan Black, Chairman
Land Use Committee

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

October 23, 2011

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



RE. ITEM NO.2: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT, CHP 20; DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS (MJL)

Dear Chairman Hird and Planning Commissioners:

We are again presenting you our letter that we sent to you in September, Appendix A, with some additional comments.

We note that one of our requests, that of separating into two columns the RM12 and RM12D Districts in Section 20-601, the Density and Dimensional Standards tables, was responded to positively by staff. We thank you very much.

However, we must repeat our request to not remove Section 20-602(h)(2). We have given you our reasons in our previous letter sent to you in September. We would like to add that it is extremely important to separate tall buildings from single family dwellings as far a possible. This can be justified on the basis of health and safety as well as privacy. When buildings are too close they block sunlight, air and breezes, as well as pose potential fire hazards. Setting a uniform standard of only 25 feet between a lot line and a 45-foot building is much too close to a single family dwelling!

One of the major problems that we have with multiple family developments in Lawrence is their unpredictability. The only distinction between conventional multiple family districts is their density. There is no predictability in bulk, building type, or any other feature outside of the maximum permitted heights. This makes planning their integration into a neighborhood development based on the graduated bulk and height sequence suggested by Cliff Ellis impossible here unless the development goes to a Planned Development Overlay approach.

We ask that you rethink this text amendment, approve the above proposed change to the RM12 and RM12D, and leave in, at the very least, the Section 20-602(h)(2) that requires the adjacent non-RS building to be the same distance from the lot line as its height when adjacent to an RS dwelling.

Thank you for listening.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Caleb Morse".

Caleb Morse
Board Member and Secretary

A handwritten signature in black ink, appearing to read "Alan Black".

Alan Black, Chairman
Land Use Committee

Attachment: Appendix A

APPENDIX A

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

September 25, 2011

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

RE. ITEM NO. 6: TEXT AMENDMENT TA-8-12-11 TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20 (MJL)

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Again, we ask that you seriously consider our three requests.

Sincerely yours,

Kay Hale
President

Alan Black, Chairman
Land Use Committee



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds/

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

October 24, 2011

The Honorable Raymond H. LaHood, Secretary
United States Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590
Attn: Joel Szabat, Deputy Secretary for Transportation Policy

Sent via email to: TIGERGrants@dot.gov

Re: TIGER III Grant Application for **The Research Gateway**: the proposed Diamond Interchange at K-10 Highway and Bob Billings Parkway in Lawrence, Kansas.

Dear Secretary LaHood:

This letter is to express the Lawrence/Douglas County Planning Commission's strongest support for the TIGER III Grant Application to fund **The Research Gateway** Project in Lawrence, Kansas. The joint city/county Planning Commission voted unanimously on October ??????, 2011 to support the project.

This project consists of a diamond interchange at K-10 Highway and Bob Billings Parkway. This project will tremendously improve traffic flow and safety in this corridor by eliminating the existing at-grade intersection. We strongly support the multi-modal features of this project, e.g. bike lanes, shared-use path and sidewalks.

The areas west of K-10 are prime locations for new residential, commercial and industrial development. The proposed interchange has been identified by both city and county commissions as a critical piece of infrastructure to promote future growth and development in Lawrence/Douglas County. Without this important transportation link, the economic potential of the area west of K-10 Highway will remain unrealized.

This signature project in Lawrence, also recognized as the future gateway to the University of Kansas, is of vital importance to our community. This project would immensely benefit both our local and regional economy for the long term. In the short term, this project will create a good number of high paying construction jobs. This is a joint venture between the Kansas Department of Transportation, the City of Lawrence, and Douglas County with broad based support from our local community.

The Planning Commission of Lawrence and Douglas County, Kansas, strongly supports this project and asks for your thoughtful consideration for funding of this landmark transportation project in Northeast Kansas.

Sincerely,

Richard Hird
Chairman
Lawrence/Douglas County Planning Commission



Memorandum

City of Lawrence

Public Works

TO: Dave Corliss, City Manager
Diane Stoddard, Asst. City Manager

FROM: Shoeb Uddin, City Engineer

CC: Chuck Soules, Public Works Director
Britt Crum-Cano, Economic Development Coordinator/Planner

Date: August 31, 2011

Re: **TIGER III Federal Grant Application**
Bob Billings Parkway and K-10 Interchange

Introduction

Recently, the U.S. Department of Transportation announced that \$527 million will be available to continue the TIGER (Transportation Investment Generating Economic Recovery) Grant Program for the third round (termed as TIGER III). The first round of TIGER Grant began under the American Recovery and Reinvestment Act (ARRA) of 2009. The second round (commonly known as TIGER II) of this grant program came around in 2010.

TIGER is a competitive grant program for construction of large scale transportation projects that create jobs and would have a significant impact on the nation, a region or a metropolitan area. According to the US Department of Transportation, projects for TIGER III will be selected based on their ability to contribute to the long-term economic competitiveness of the nation, improve the condition of existing transportation infrastructure, improve energy efficiency, improve transportation safety and improve livability of communities through increased transportation choices.

Project Summary

Collaboration with Stakeholders (KDOT and Douglas County and KU)

The selection criteria for TIGER III grants include collaboration and partnership among stake holders. City staff had very positive discussions with KDOT regarding Joint Application for TIGER III grant for the interchange at K-10 and BBP. **KDOT would be the lead applicant** (as they are contributing \$10 million for construction and providing all engineering and other professional services in-house), in partnership with the City of Lawrence and Douglas County as the secondary applicants. City staff has requested KDOT for letters of support from Secretary Miller and Governor Brownback.

KDOT staff has suggested a modest contribution (approximately \$100,000 each) from the City and the County as a way to express city/county commitment to the project. A stronger commitment from the City and County would increase our chances of winning the grant award.

We have discussed this project with the Douglas county officials. At this point, we do not have any financial commitment (\$100,000.00) from the county. We will be contacting KU for a letter of support from the Chancellor. The interchange is of major interest to KU as this is considered as the future Gateway to KU. In the near future, we will be contacting Lawrence Chamber of Commerce, Lawrence Douglas County MPO and various other stakeholders for letters of support.

Project Cost / Funding

Total Construction Cost	\$18 million
Engineering Design (in house by KDOT engineers)	\$1.0 million
Right of Way / Property Acquisition	\$1.0 million
Total Project Cost	\$20.0 million

TIGER III	\$10 million
City	\$100,000.00
County	\$100,000.00
KDOT	\$9.8 million

The minimum amount of TIGER III grant is \$10 million with a minimum local match of 20% or \$2.5 million, for a total minimum construction cost of \$12.5 million.

The estimated cost for adding bike lanes, sidewalks and decorative lighting to this project is \$1.0 million (included in the \$18.0 million for construction). Based on our recent conversation with KDOT, (if the TIGER III grant application for this project is not successful), the City and the County will have to pay for the cost of bike lanes, sidewalks and decorative lighting. Otherwise, (due to lack of funding) KDOT may consider eliminating these features from the project.

Staff Recommendation

One of the important requirements for TIGER grants is the "Project Readiness". For TIGER III, it has to be demonstrated that the project would be ready for construction in 2014. The engineering design of this project, being performed in-house by KDOT engineers, is about 50% complete. Property acquisition and Environmental review, also handled by KDOT staff, are well underway. Based on our conversation with KDOT, this project is on schedule to be ready for construction in 2014.

From past history/experience, the competition for the TIGER grant is intense. For all the reasons outlined in this memo, staff believes that the interchange at K-10 Highway and Bob Billings Parkway (BBP) would be a very worthy project and strongly recommends submitting the TIGER III Grant Application for this project.

Project Schedule

Application deadline for the TIGER III is October 31, 2011. It is anticipated that the Grant Award will be made public by the end of 2011.

If awarded the TIGER III grant, construction of this project will begin in late 2013 /early 2014 with anticipated completion in 2015.

Action Requests

1. If appropriate, authorize staff to partner with KDOT as the lead applicant for the TIGER III application for the interchange at K-10 and BBP.
2. If appropriate, approve city participation of \$100,000.00 for the construction of the interchange at K-10 and BBP.

Exhibits

Interchange Concept Sketch

Mary Topping Olson Trust
TOL, NE¹/₄ & SE¹/₄
Sec 31, T12S, R19E

James R. & Barbara R. Topping Trust
TOL, SE¹/₄
Sec 31, T12S, R19E

Preliminary Design: Not for Construction

E 1500

D & S Land, LLC
NE¹/₄
Sec 6, T13S, R19E

Alvamar, Inc.,
TOL, SW¹/₄,
Sec 32, T12S, R19E

Unified School District No. 497
TOL, SW¹/₄,
Sec 32, T12S, R19E

Unified School District No. 497
TOL, SW¹/₄,
Sec 32, T12S, R19E

City of Lawrence
TOL, NW¹/₄,
Sec 32, T12S, R19E

Alvamar, Inc.,
TOL, SW¹/₄,
Sec 32, T12S, R19E

Daryle H. Busch Trust
TOL, NW¹/₄,
Sec 5, T13S, R19E

Ronald R. Teefer
TOL, NW¹/₄

Erldene Kennedy Imridon, et al.
TOL, Lot 30, Block 1, Legend Trail No. 2,
Douglas County, Kansas

Debbie S. Messersmith
TOL, Lot 1, Block 1, Legend Trail No. 2,
Douglas County, Kansas

Ironwood Management, L.C.,
Lot 1, Block 1,
Legend Trail No. 2,
Douglas County, Kansas



Scale: 1" = 100'

10

K

BBP

MSW



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

Agenda Item 6

Z-8-12-10 RM15 to RM 24

October 26, 2011



Surrounding Zoning and Land use

Surrounding Zoning:

To the north;

RM12 (Multi-Dwelling Residential) District;
Bishop Seabury Academy and apartment
development.

To the west;

RSO (single-dwelling Residential Office)
District; 10.9 acres undeveloped land.

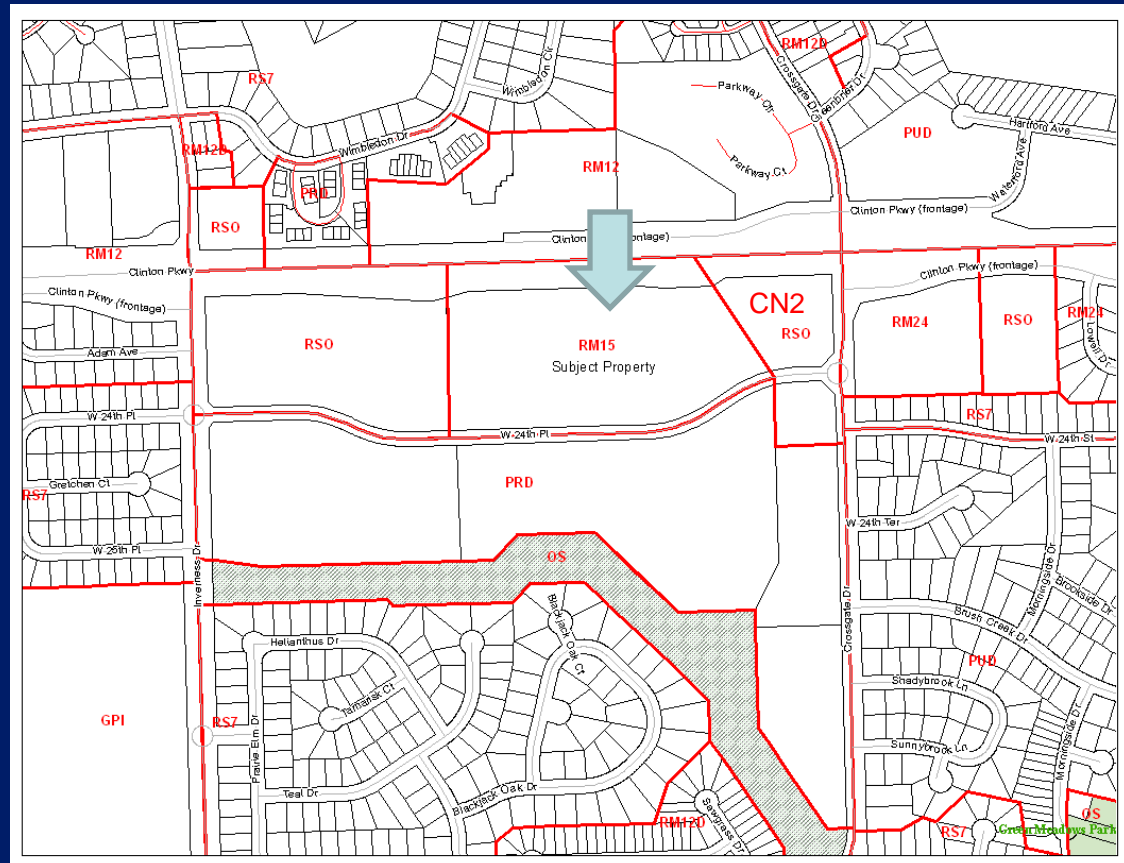
To the East

CN2 Pending Development of gas station, car
wash and office lot.

To the South;

PRD [The Legends, Phase 1 and Phase 2
The Grove]; existing multi-family residential
development, university oriented housing.

Also to the South along Crossgate is Wyndam
Place and Crossgate Casita's



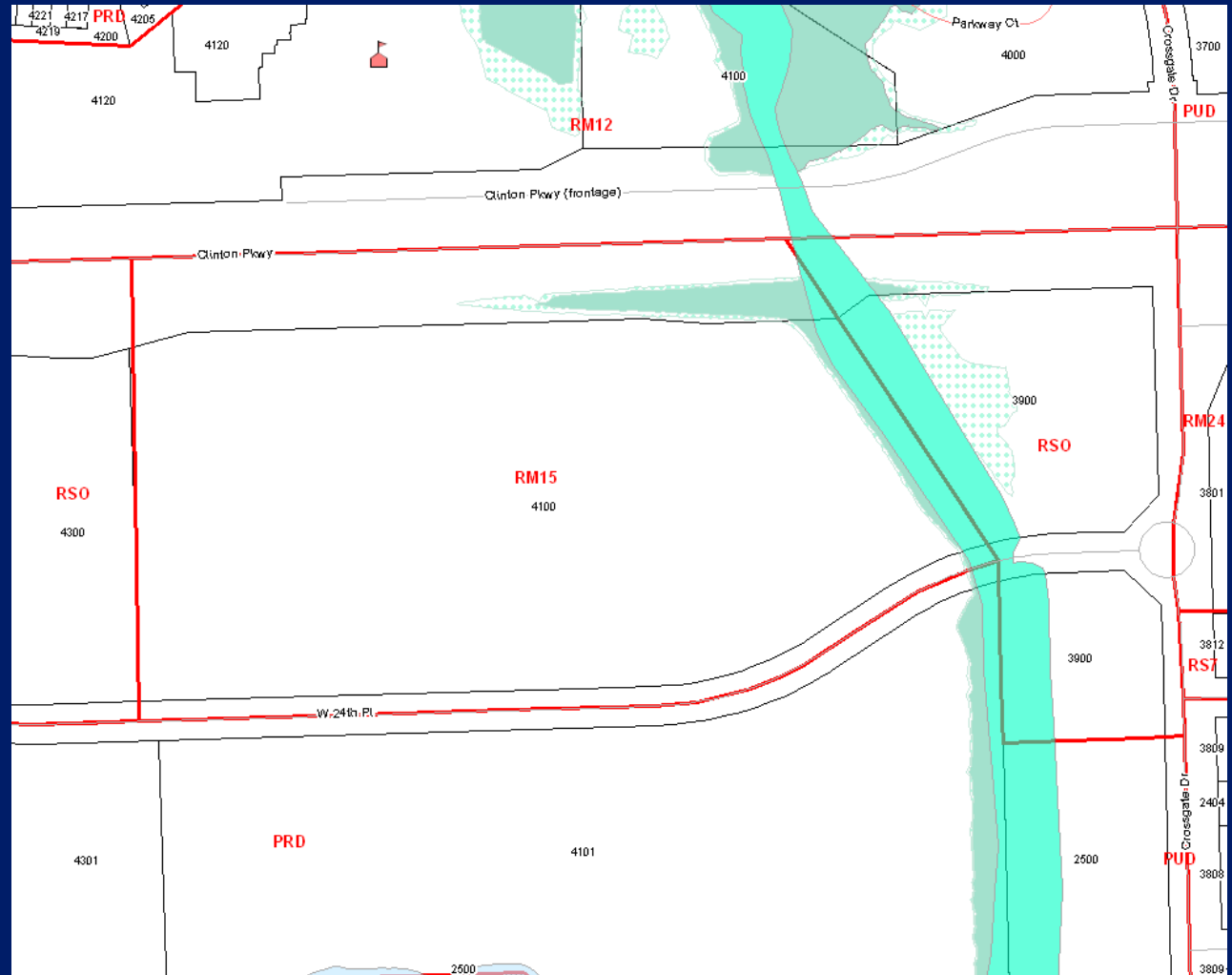


Surrounding Zoning and Land Use

Floodplain/Open Space:

Total Site 15.002 acres

Site in Floodplain 1.07 acres





Character of the Neighborhood

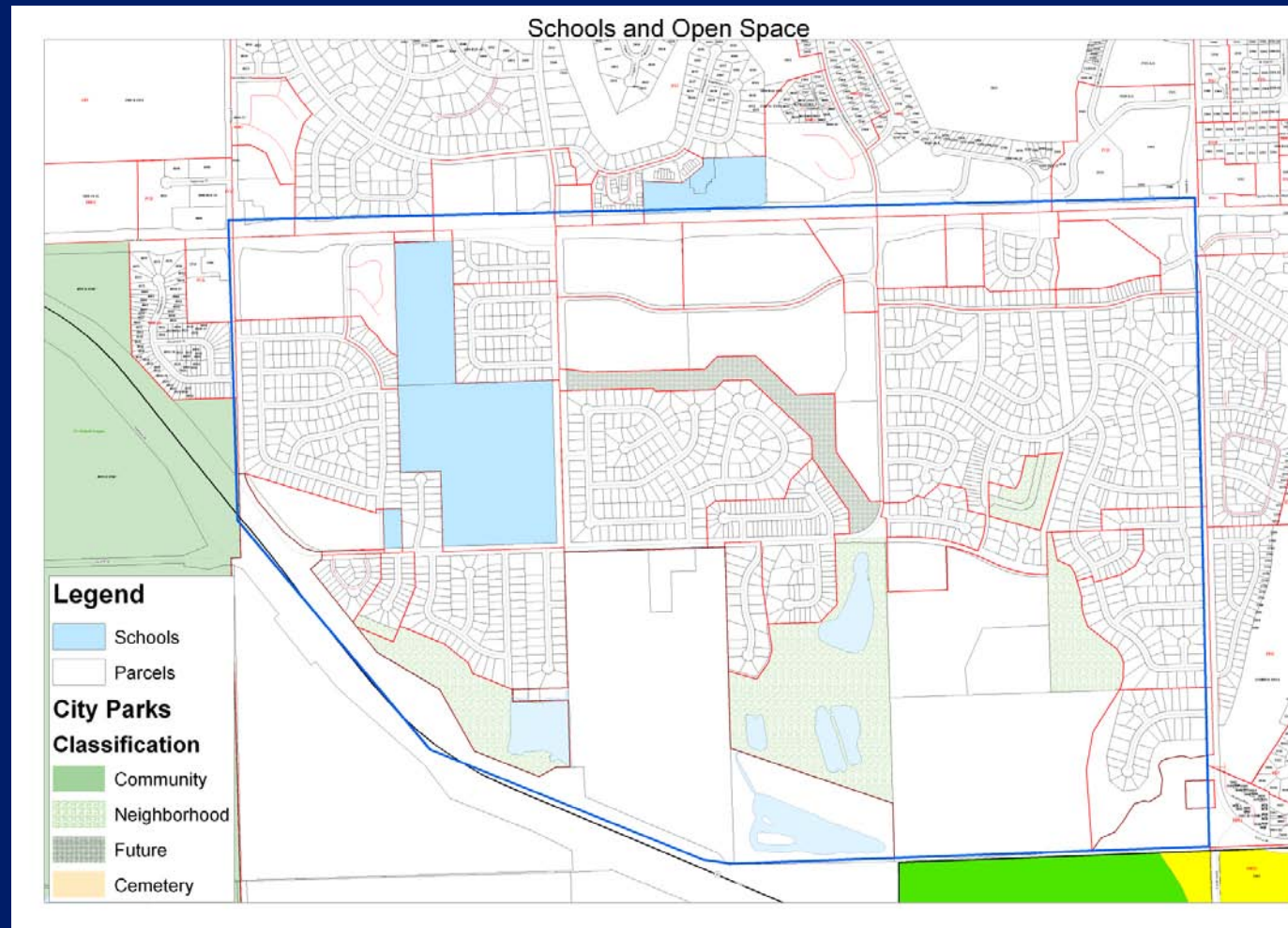
Public/Semi-Public Uses

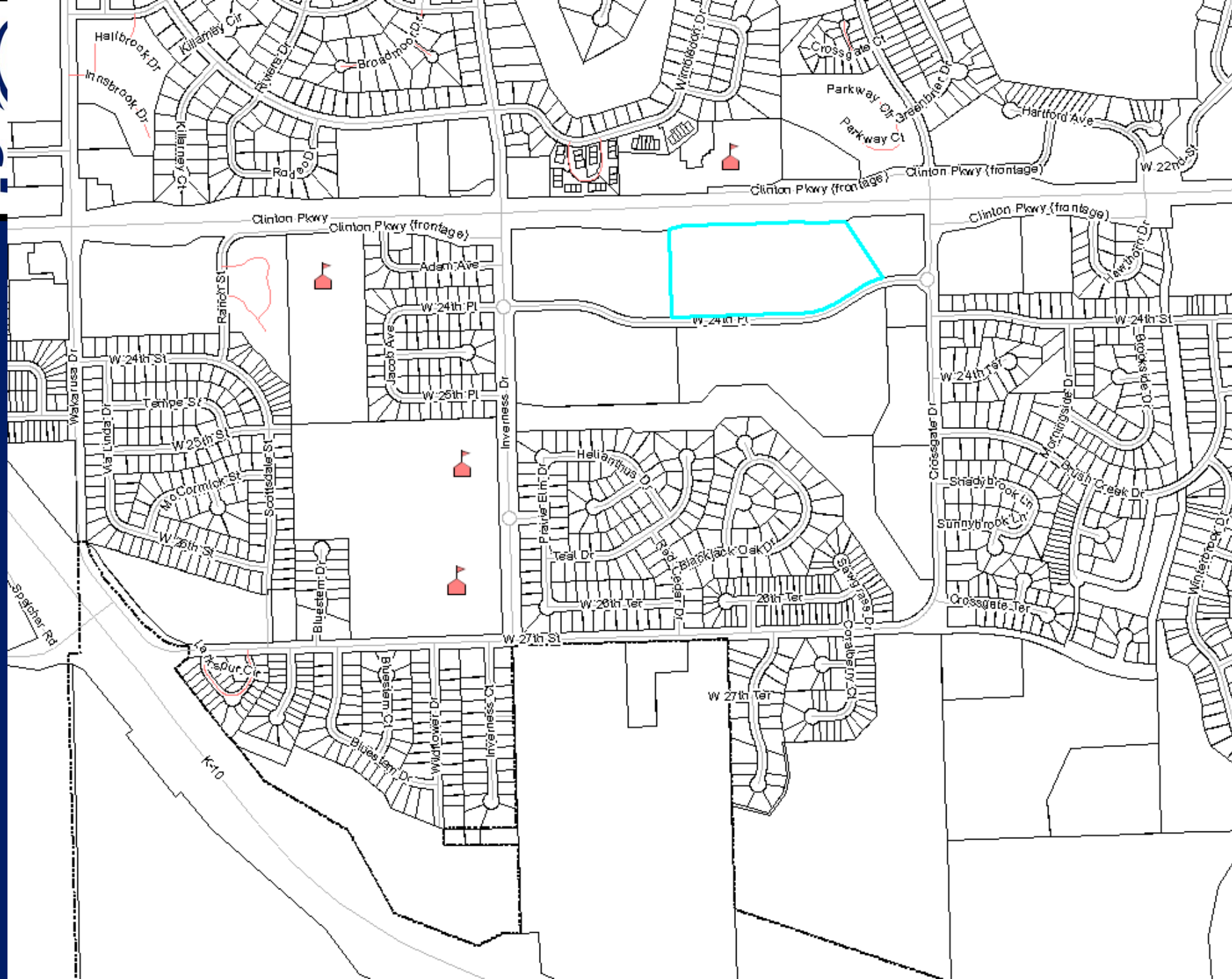
Schools:

- Bishop Seabury Academy
- Sunflower Elementary
- Southwest Jr. High

Parks:

- Kanza Southwind Nature Preserve
- Pat Dawson billings Nature Area
- Future liner park
- Green Meadows Park
- Clinton Lake Softball complex
- Youth Sports Complex







Youth Sports Complex

Kanza Southwind Nature Preserve

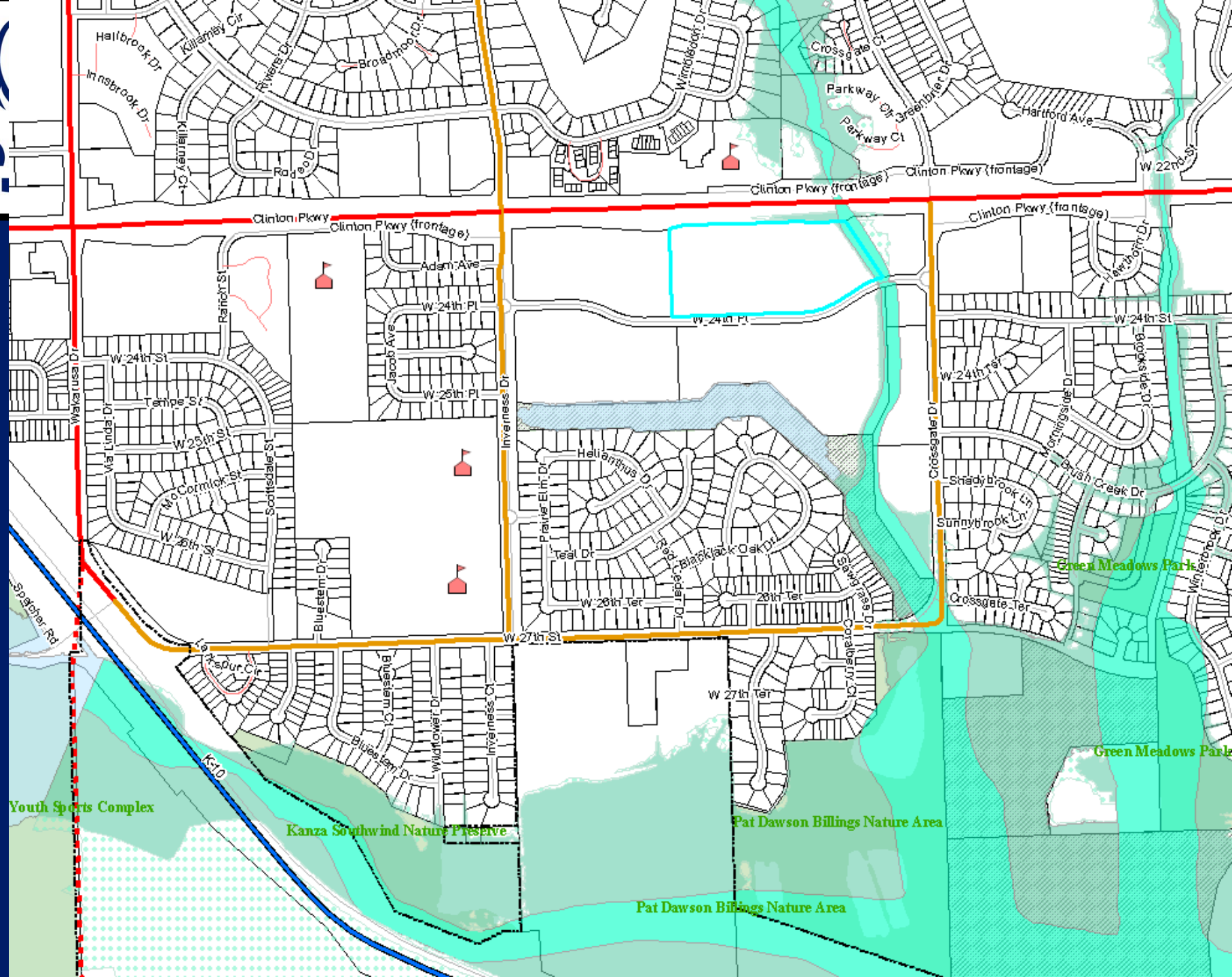
Pat Dawson Billings Nature Area

Pat Dawson Billings Nature Area

Green Meadows Park

Green Meadows Park





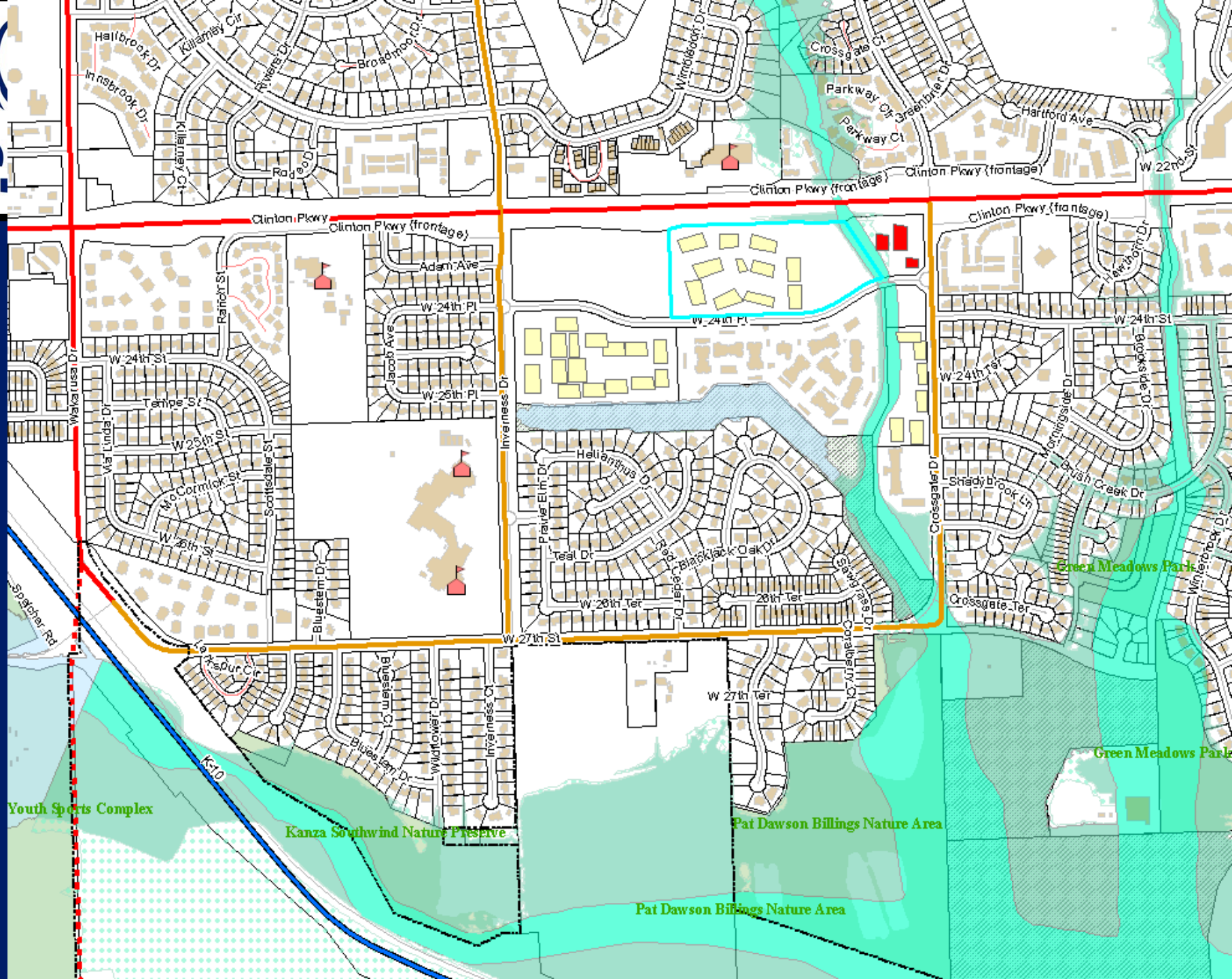
Youth Sports Complex

Kanza Southwind Nature Preserve

Pat Dawson Billings Nature Area

Pat Dawson Billings Nature Area

Green Meadows Park



Youth Sports Complex

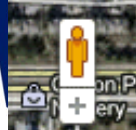
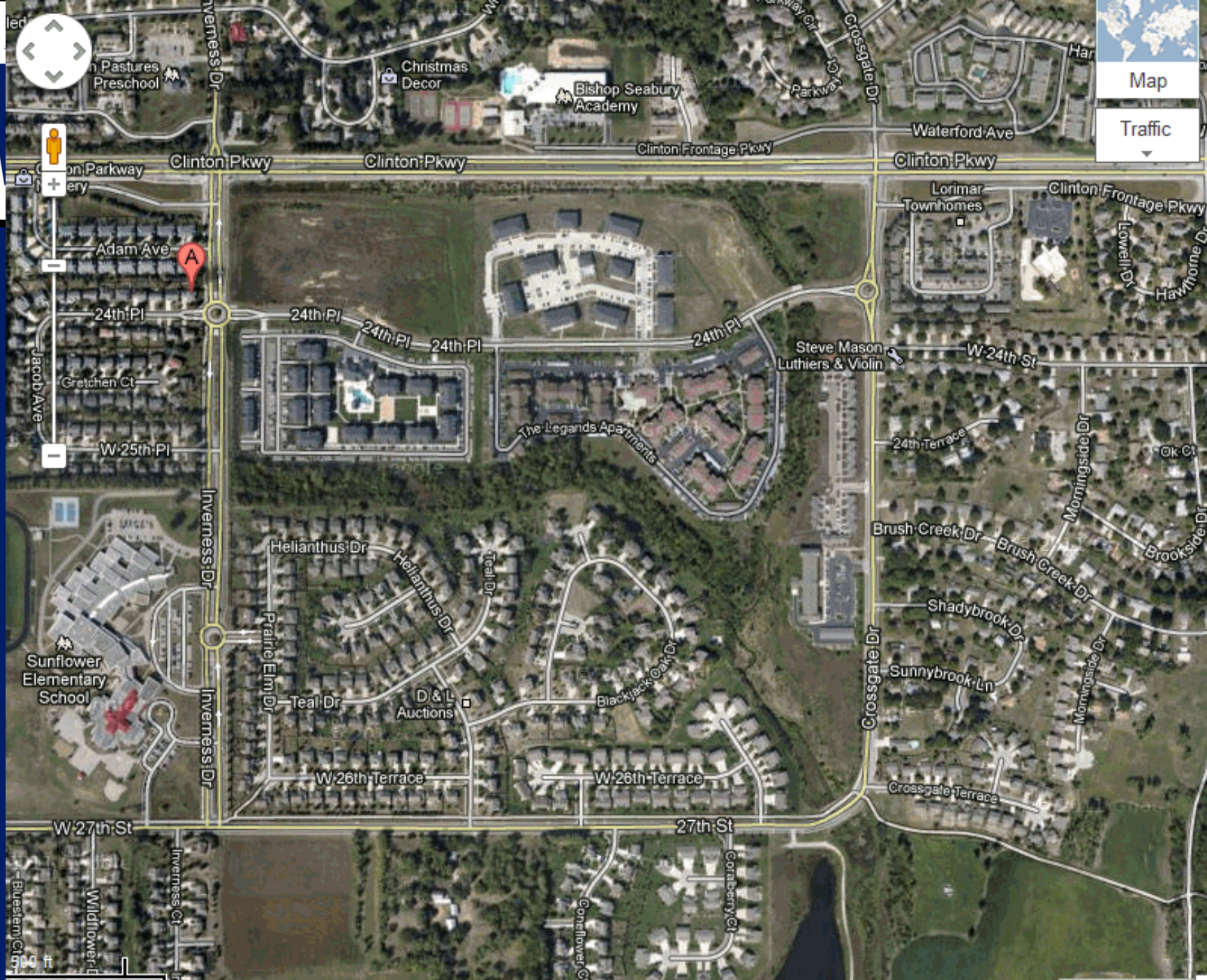
Kanza Southwind Nature Preserve


Pat Dawson Billings Nature Area

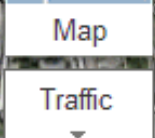
Pat Dawson Billings Nature Area

Green Meadows Park

Green Meadows Park




Map


Traffic

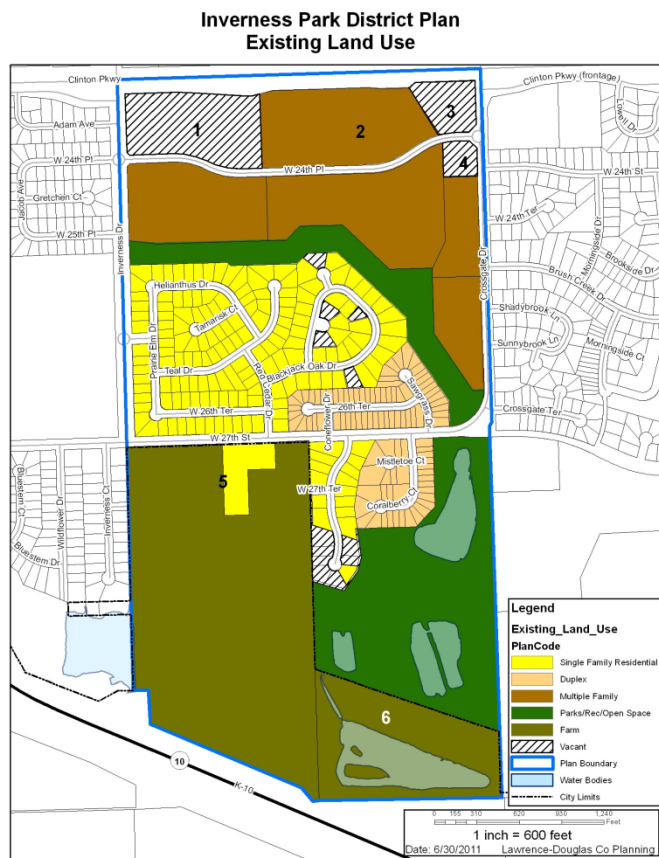
100 ft



Area Plans

Inverness Park District Plan

Map 2-1 Existing Land Use



Plan Initiated November 2010

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.



Area Plans

Inverness Park District Plan

Approval Dates

- Planning Commission: 7/27/11
- City Commission: 9/13/11
- County Commission: 10/12/11

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: RM24 (Multi-Dwelling Residential) and PD (Planned Development Overlay) District

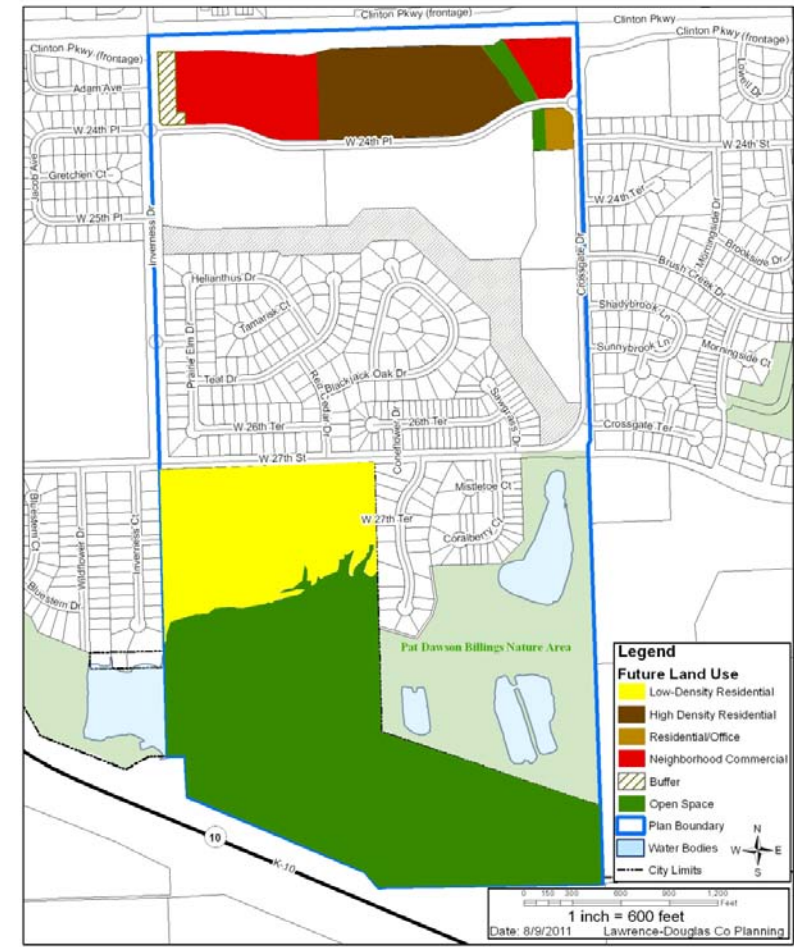
Density: 16+ dwelling units/acre, not to exceed 24 dwelling units per acre

Lawrence-Douglas County Planning and Development Services

8/23/2011

17

Inverness Park District Plan Future Land Use





Suitability

- Current development pattern maximizes the density with 1 bedroom units.
- Property is isolated by other surrounding development and is contained by physical features.
- Property abuts a major arterial street
- Property has access to open space to reduce impact of development.
- Proposed development is infill.



Section 20-204 Development Code

The RM districts are intended to accommodate multi-dwelling housing. These districts allow the creation and maintenance of higher density housing opportunities in areas with good transportation access.

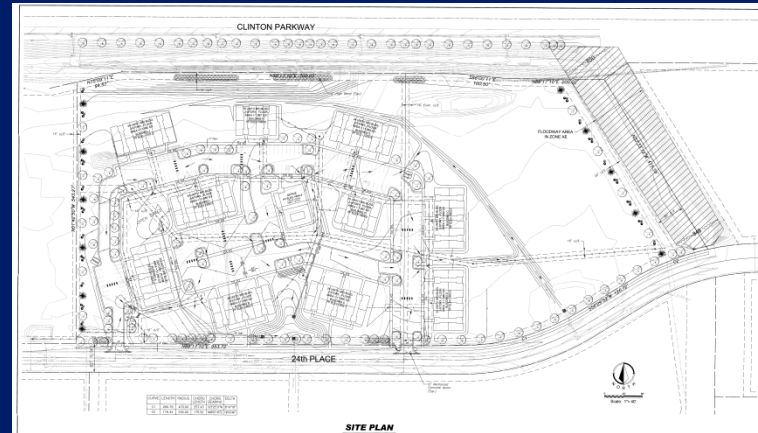
- The RM15 district has a corresponding Horizon 2020 designation of “medium density”
 - limited to 15 dwelling units per acre.
- The RM24 district has a corresponding Horizon 2020 Designation of “high density”
 - limited to 24 dwelling units per acre.



Length of Time Vacant

Property is currently
Developed

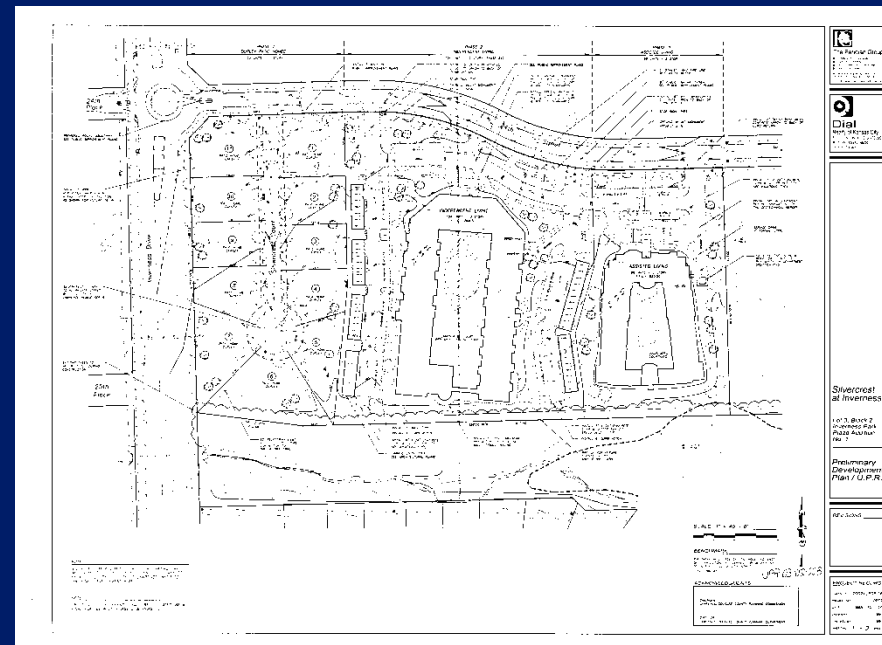
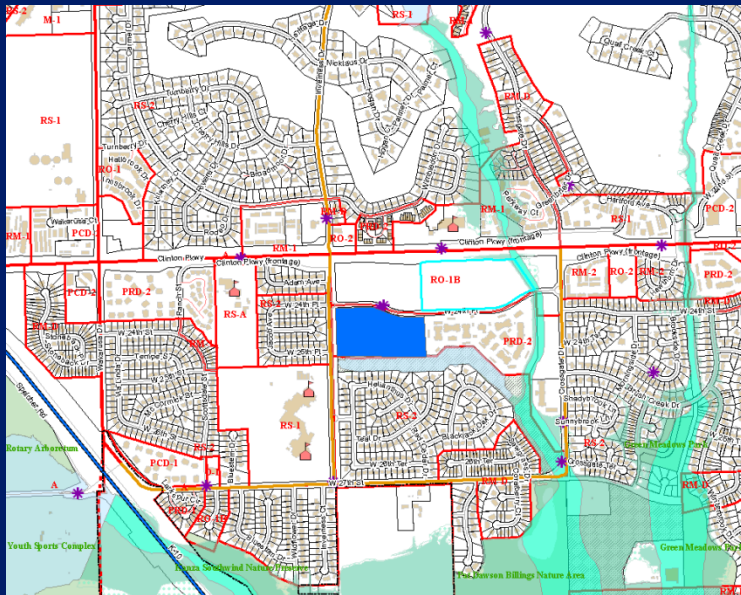
- 224 existing 1 bedroom Units
- 8 buildings with 24 units
- 2 buildings with 16 units
- 2 story buildings
- Clubhouse & Pool





Development History

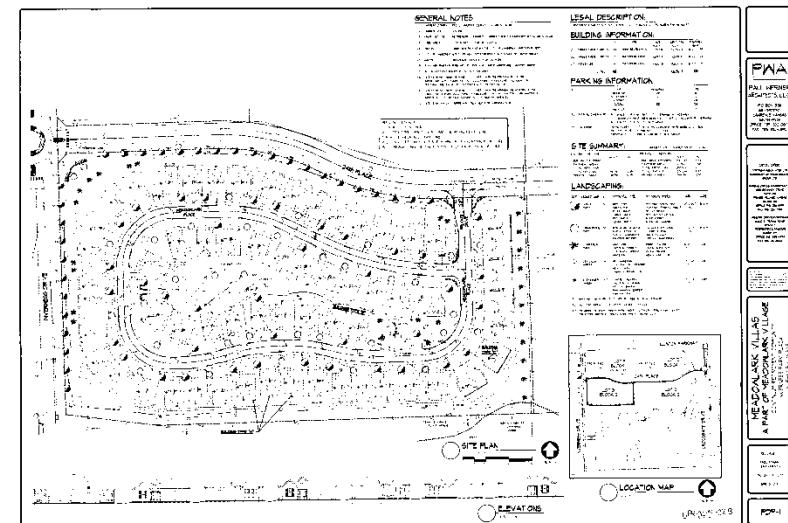
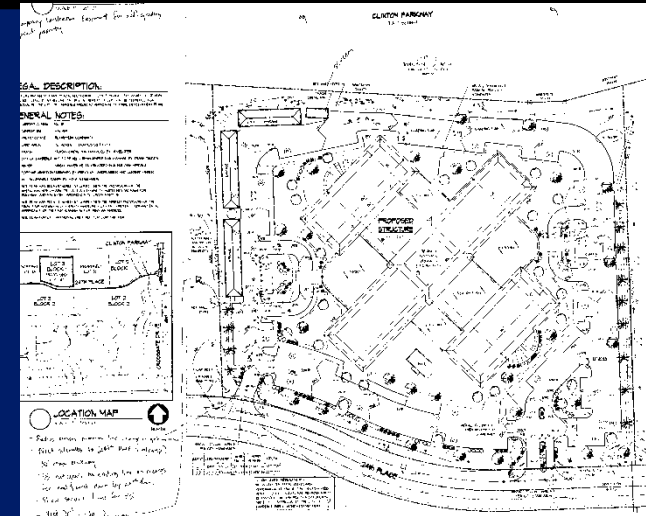
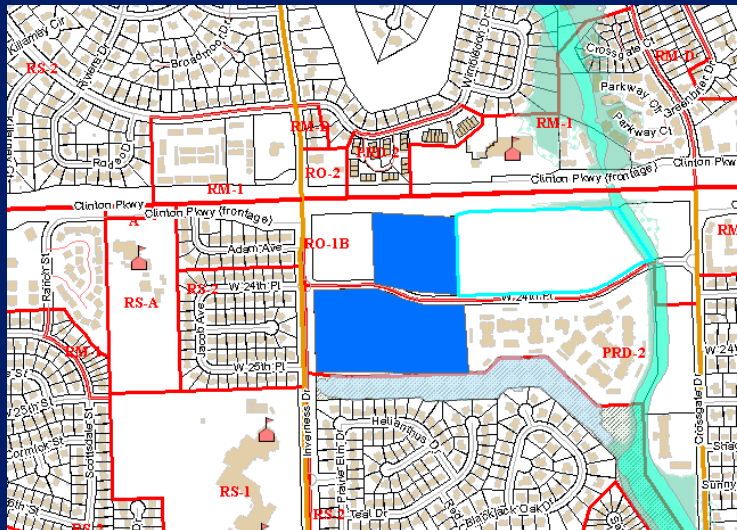
- RO-1B – 1999 to 2006
 - UPR -3-2-00; Silver Crest
 - 22 Duplex
 - 104 Independent Units - 3 story
 - 68 Assisted Living 2-story [15.4 DU/acre]





Development History

- RO-1B – 1999 to 2006
 - UPR -6-4-02; Meadow Lark Village
 - 86 Independent ;
 - 70 Assisted Living and
 - 24 Alzheimer's units [25 du/acre]





Development History

- RSO – 2006 Adoption of Development Code
- RM15 - 2008
 - Site Plan for development of 224 1-bedroom units
- RM 24 - 2010 Requested by applicant; deferred by Planning Commission to accommodate the District Plan.

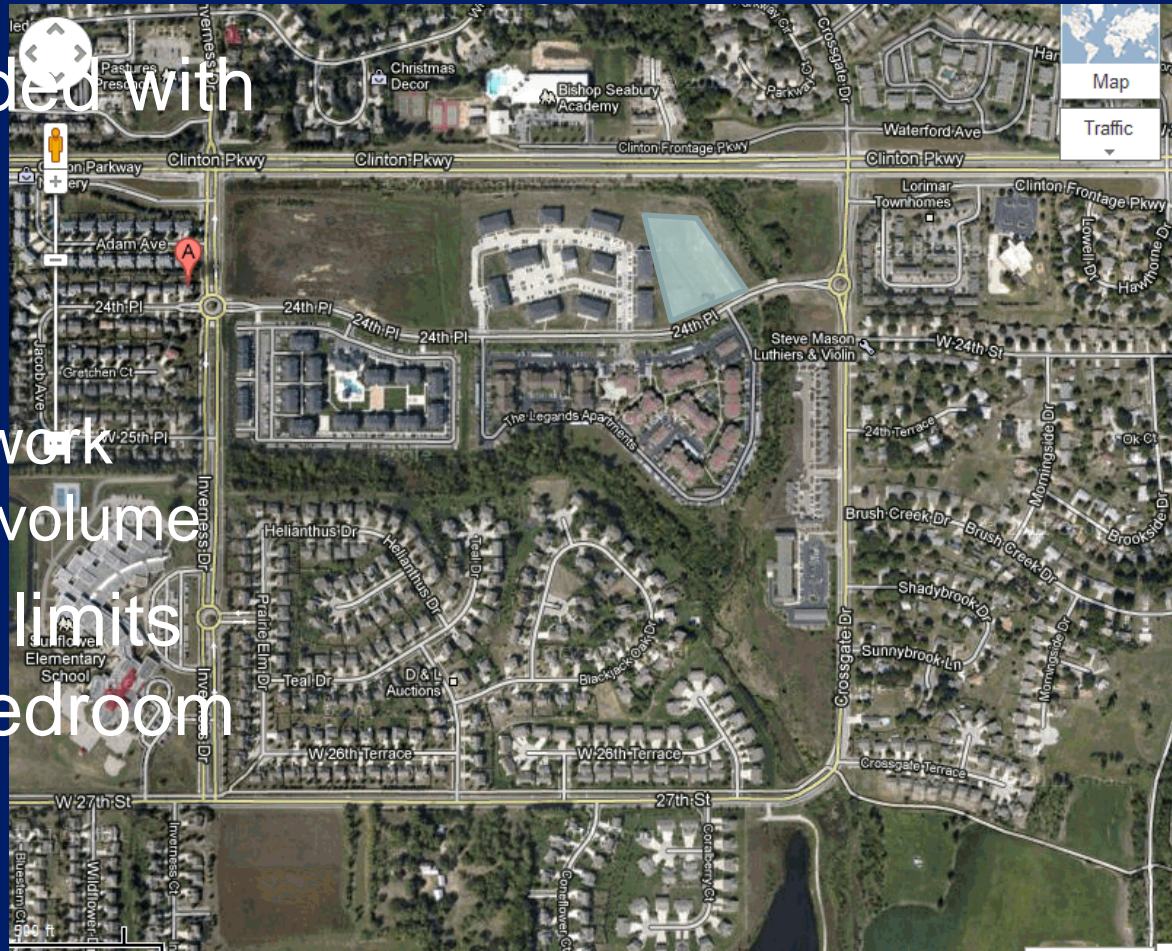


- Development of the Legends at KU; 12 DU/acre
- Development of The Grove; 14 DU/Acre
- Approval/ Withdrawal Neighborhood Commercial for **Walgreens**
- Adoption of the District Plan Removing 14.2 acres from residential development along Clinton Parkway.
- Approval pending for Neighborhood Commercial for **Hy-Vee gas/ convenience store**



Affect on Nearby Properties

- Consistent with District Plan
- Traffic Study provided with Site Plan
 - No traffic impact to surrounding area
 - Existing Street network sufficient for traffic volume
- Conditional zoning limits the intensity to 1 bedroom units





Affect on Nearby Properties

Nuisances activity

- 2009 statistics – Lawrence Police Department
 - 57 calls – Remington Square
 - 180 calls – The Gove
 - 253 calls – Legends at KU

Call Type	Remington	The Grove	Legends at KU
Battery/10-95	1	14	5
Trespassing	1	4	7
Parking Violations	1	7	10
Noise	1	52	38
Criminal Damage	0	9	4
All Calls	57	180	253

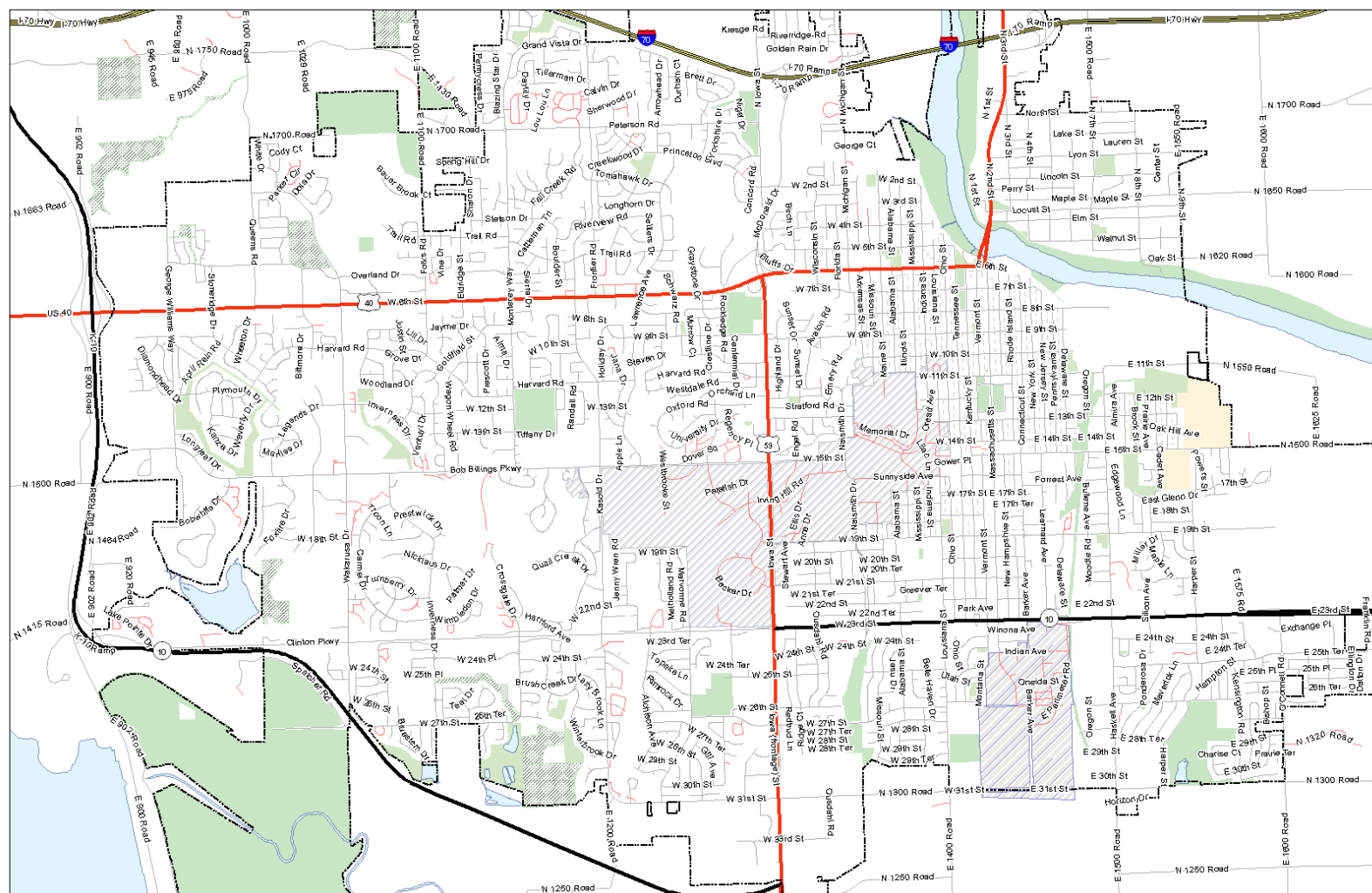


Comprehensive Plan

- High Density Residential Development
 - 16-21 Dwelling Units Per Acre.
 - Recommended at selected locations.
 - Near high-intensity activity areas.
- Medium Density Residential Development
 - 7-15 Dwelling Units Per Acre.
 - Clustered Development along Roadways.
 - Near high-intensity activity areas.
 - Adjacent to Natural Amenities.

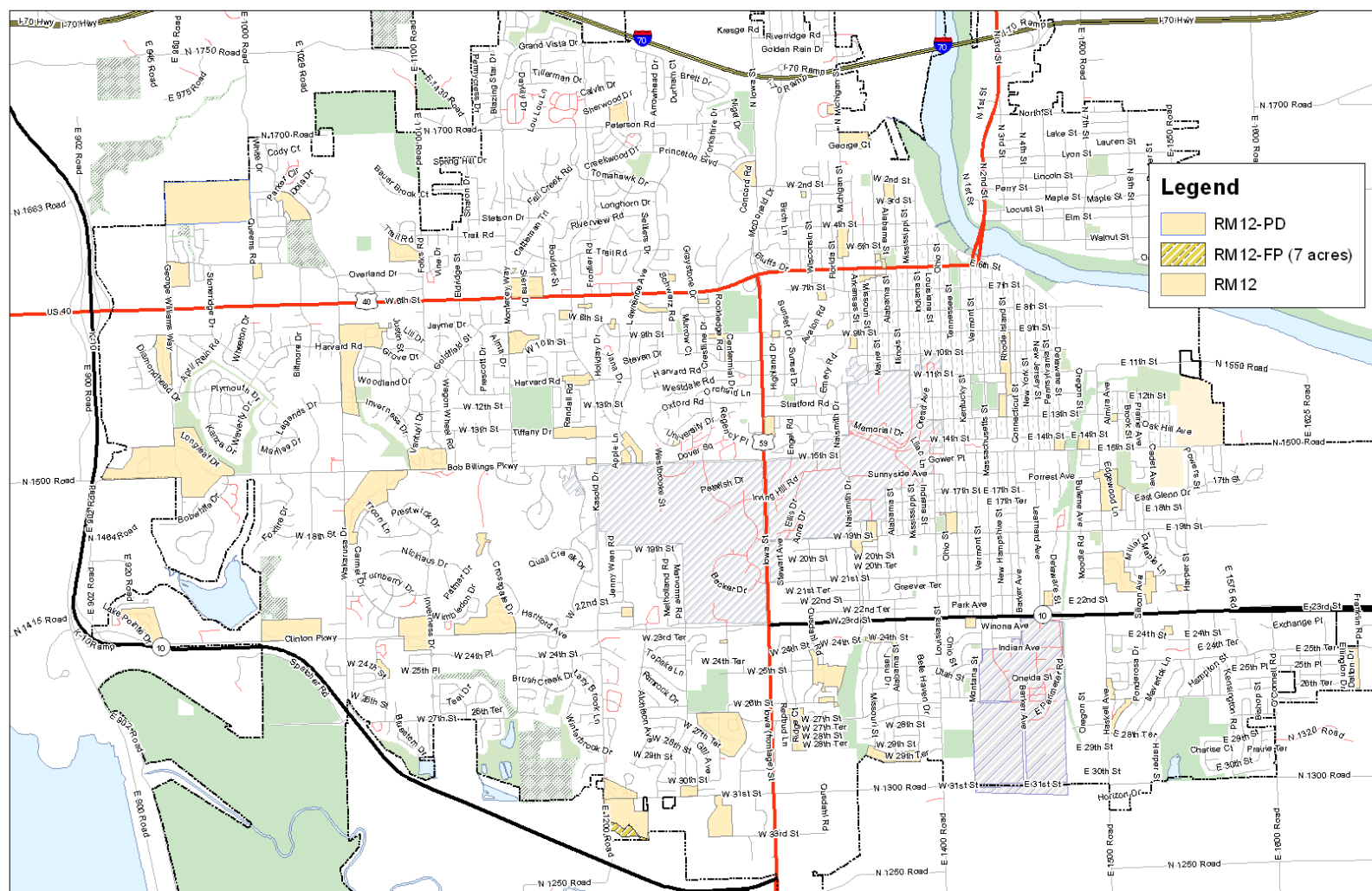


Density Overview



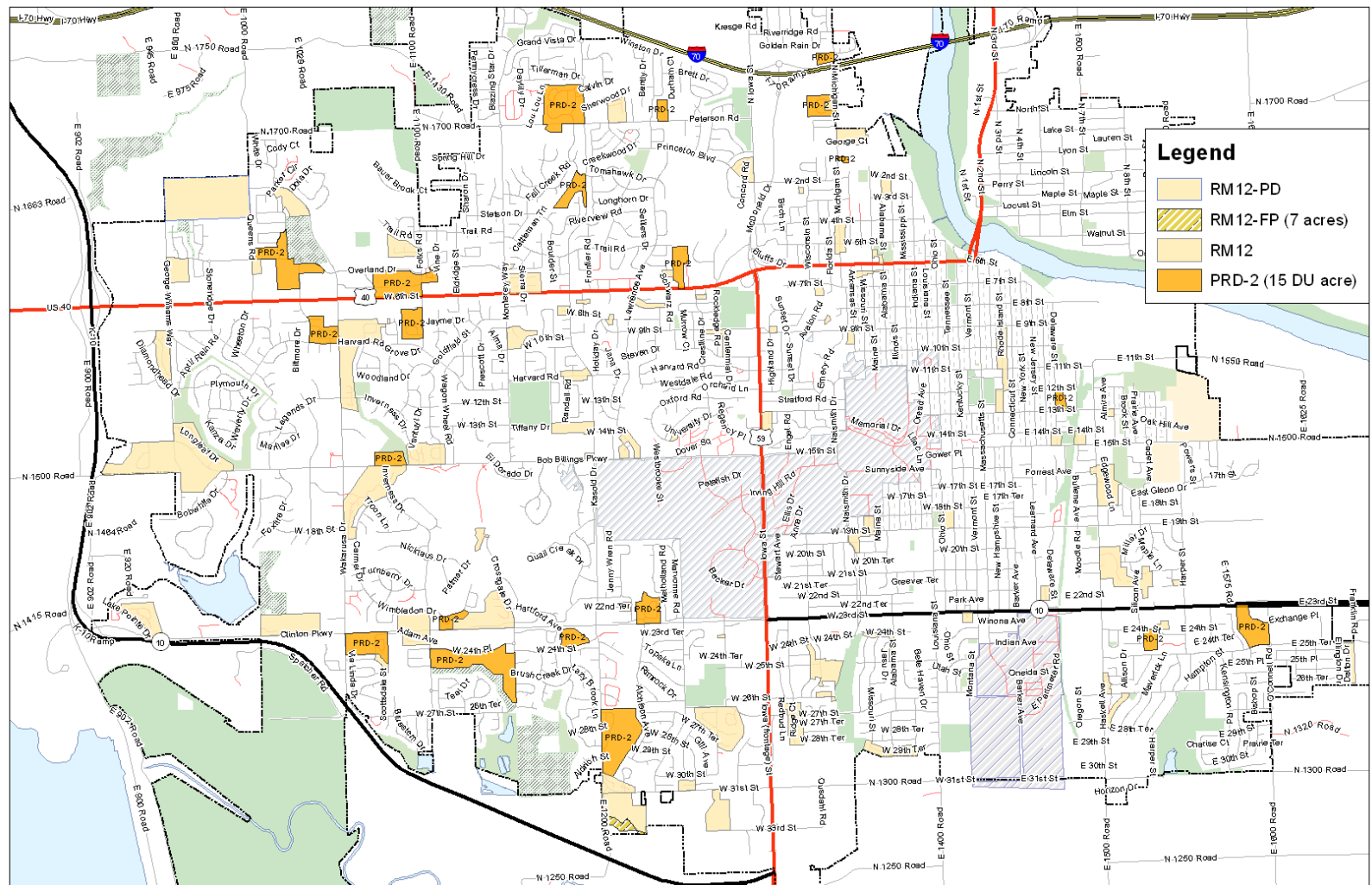


Density Overview



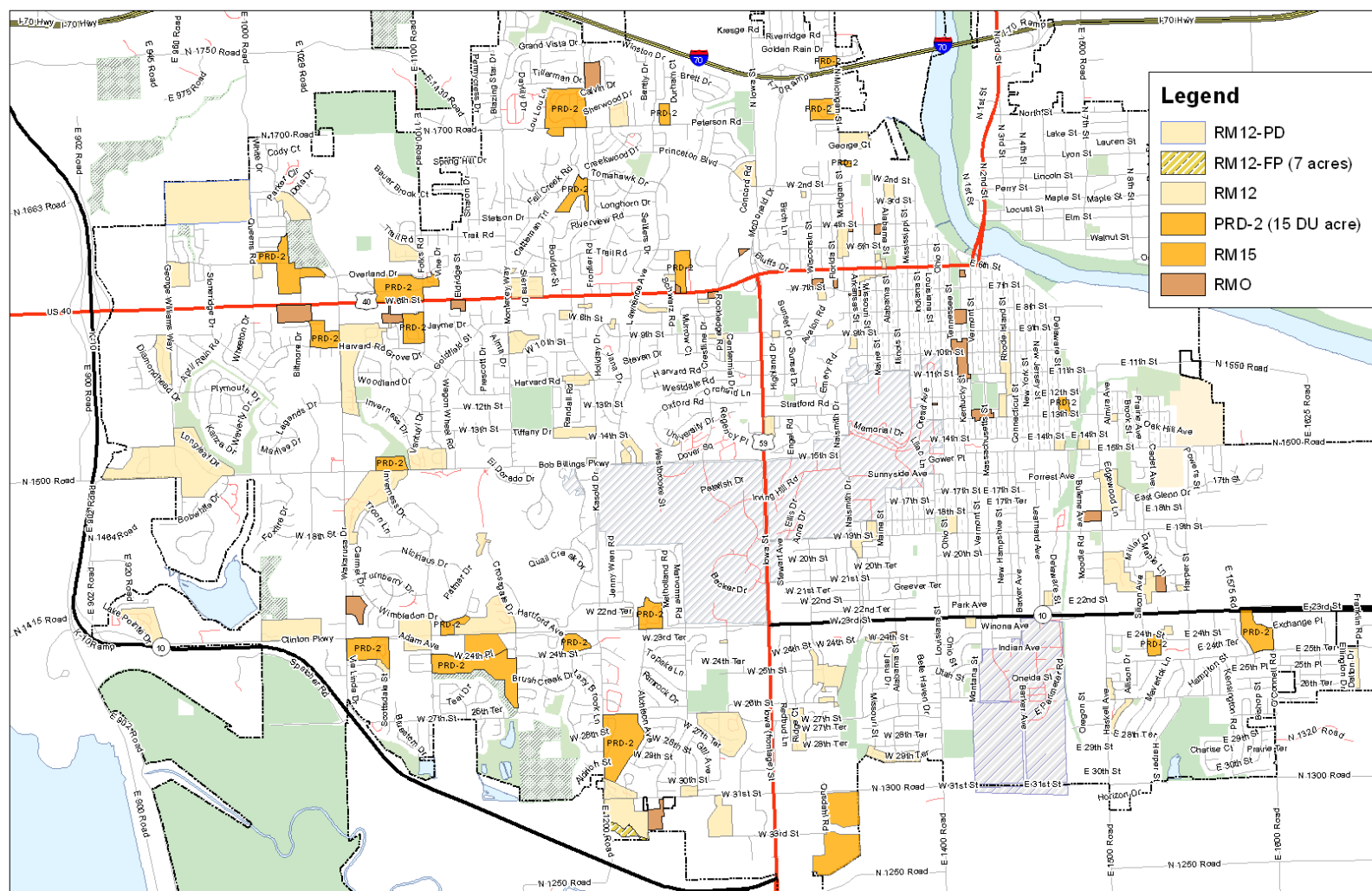


Density Overview



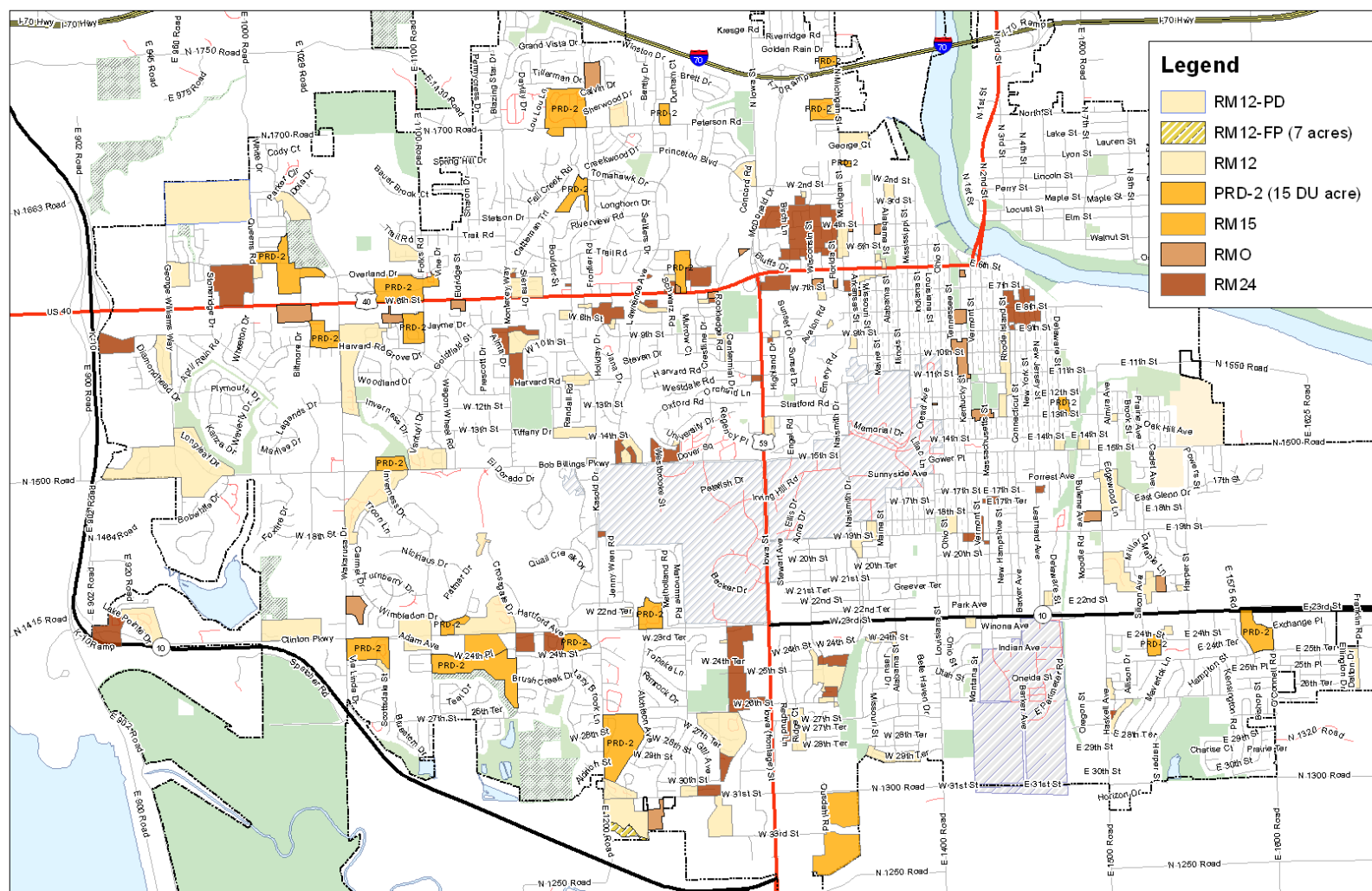


Density Overview



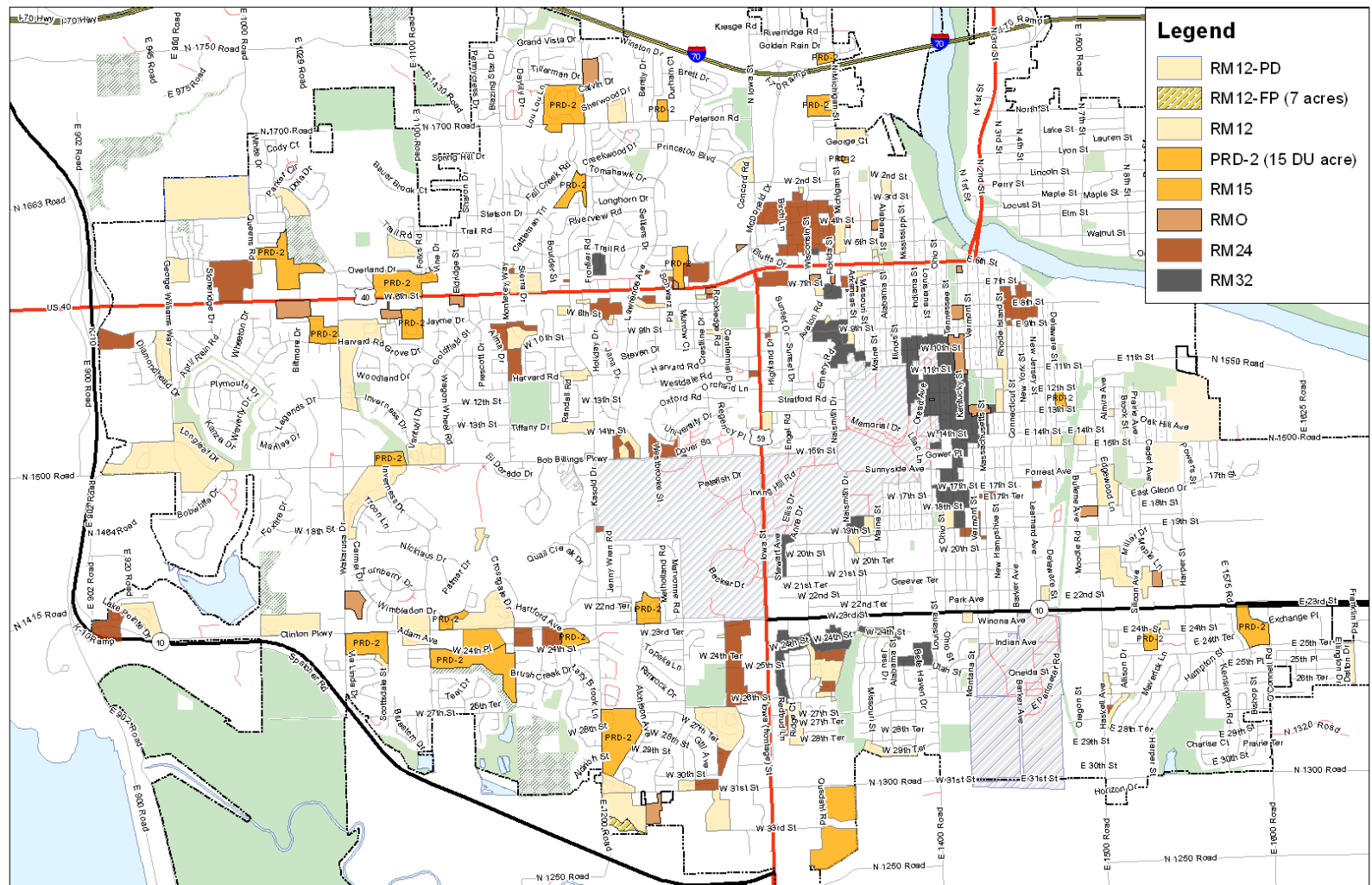


Density Overview





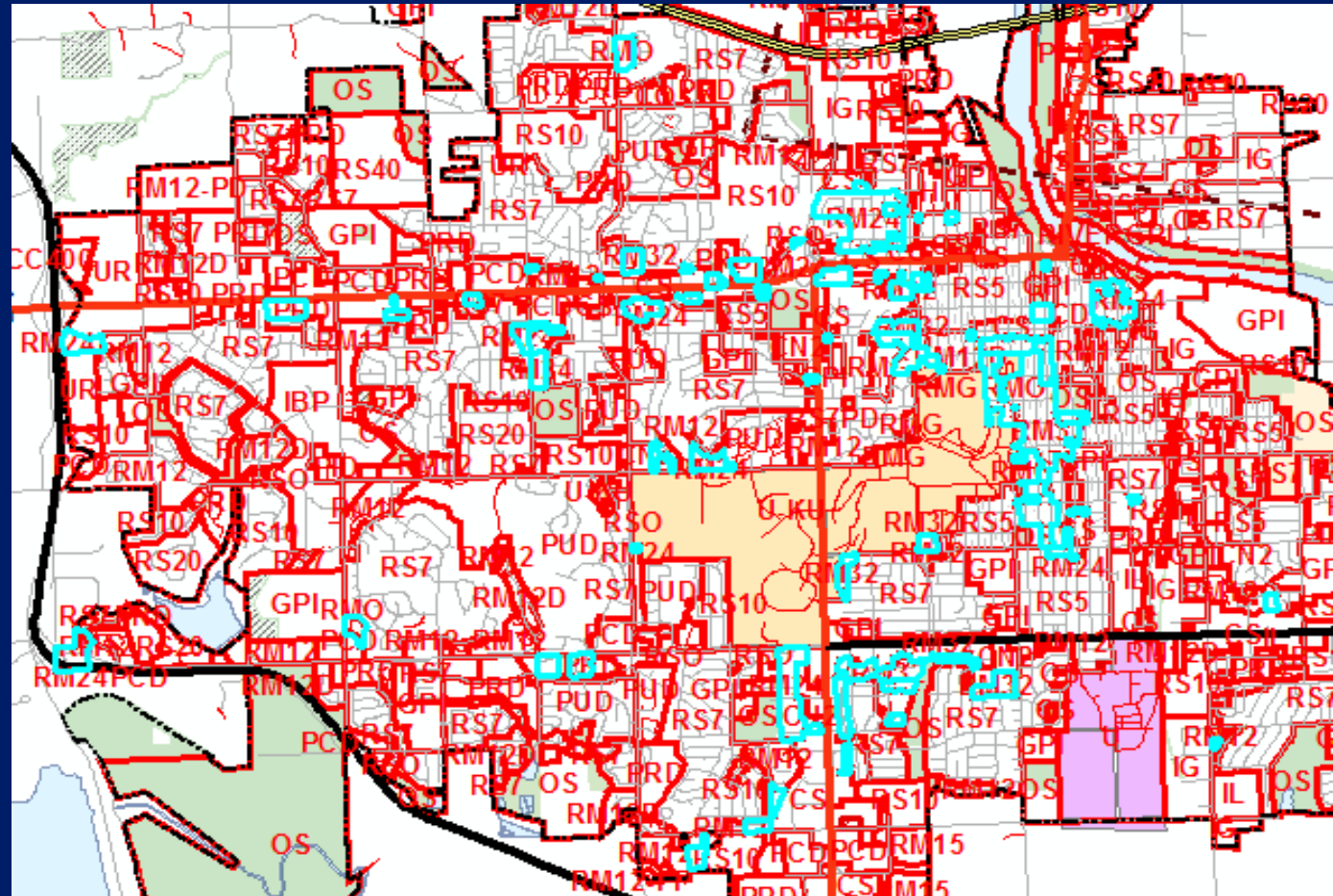
Density Overview





(16-21 dwelling units per acre)

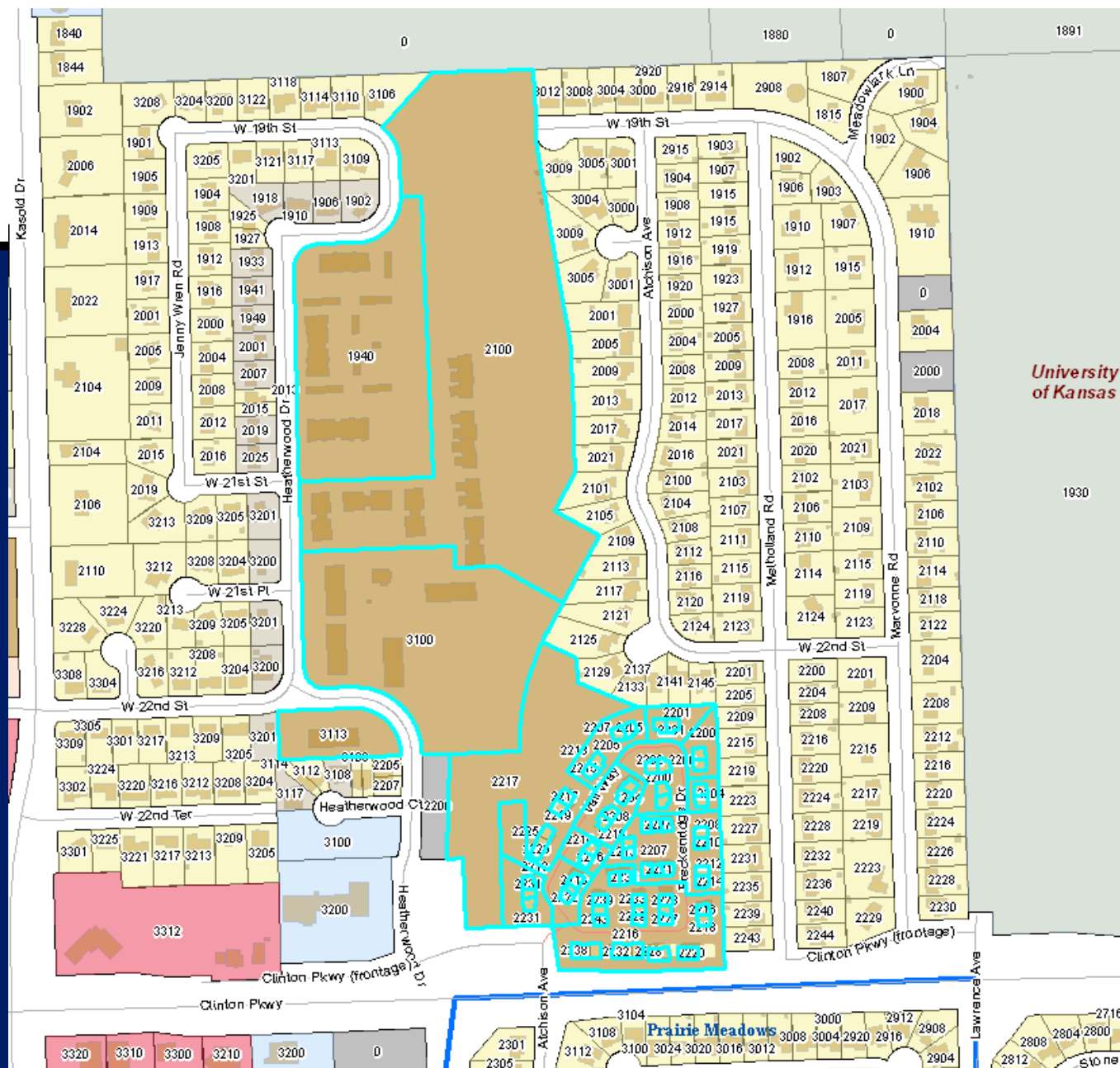
Generally located along arterial streets and near university property or commercial areas.





Heatherwood Dr.

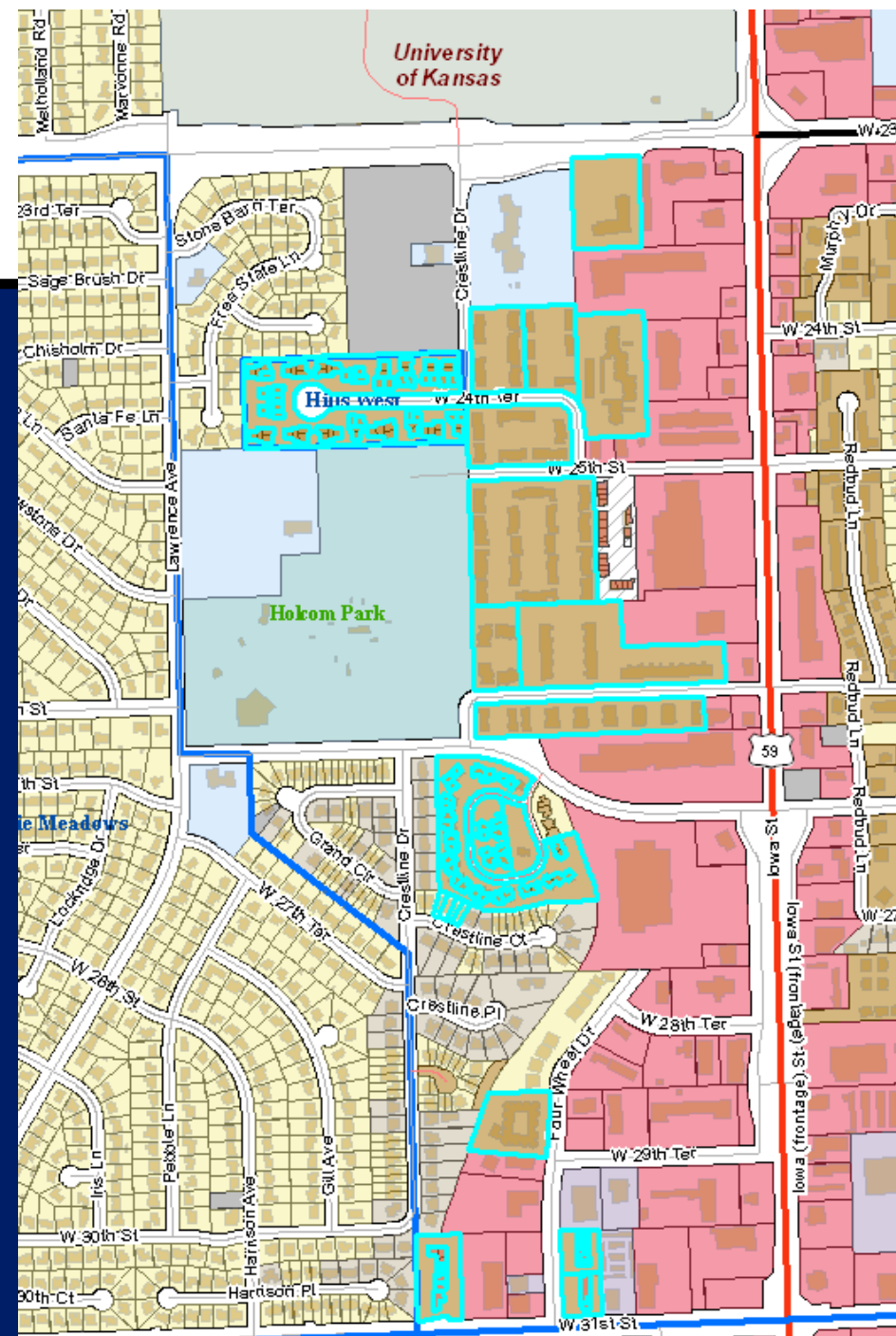
41 acres of multi-family use





Holcom Park Area.

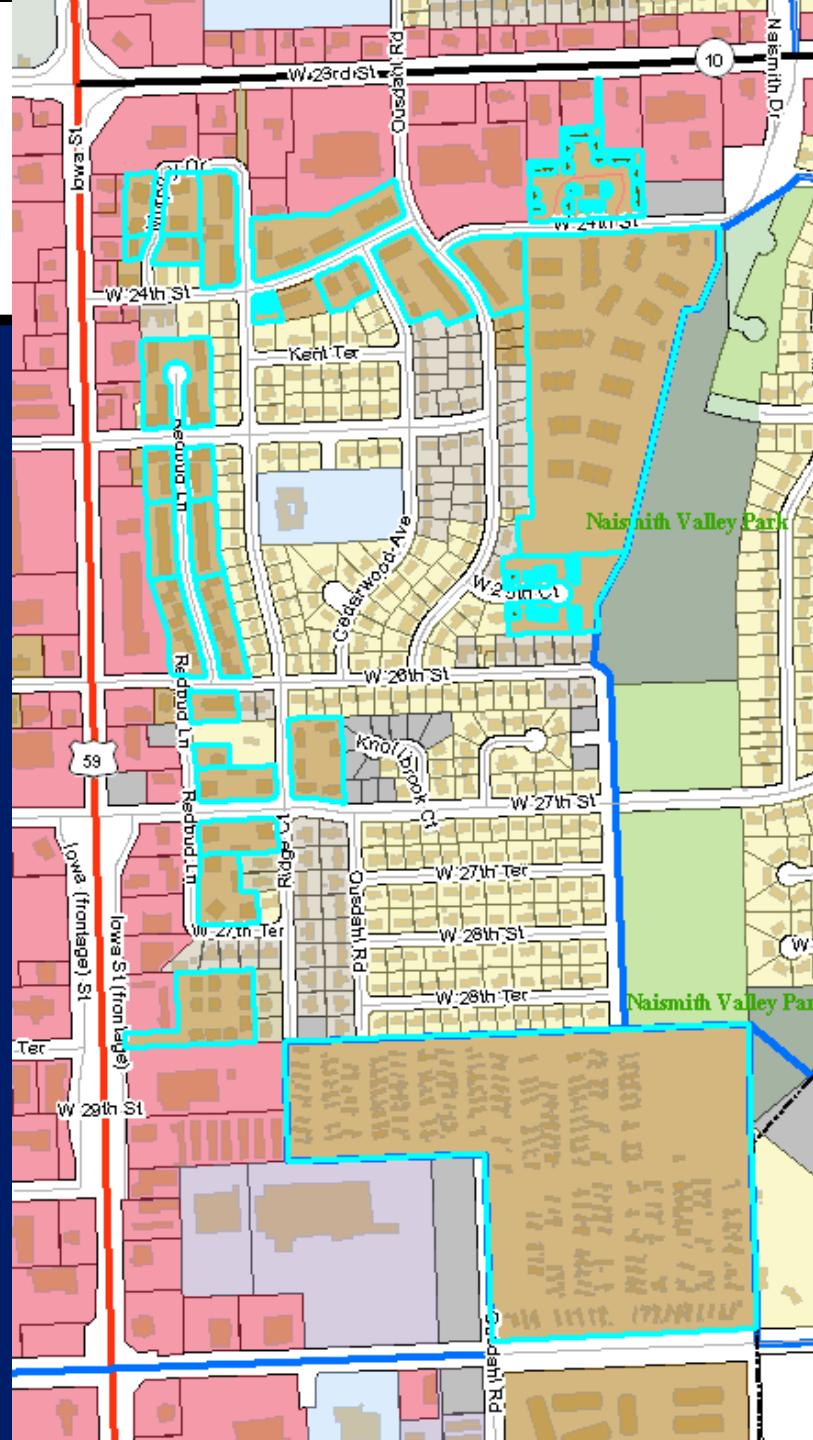
50 acres of multi-family use

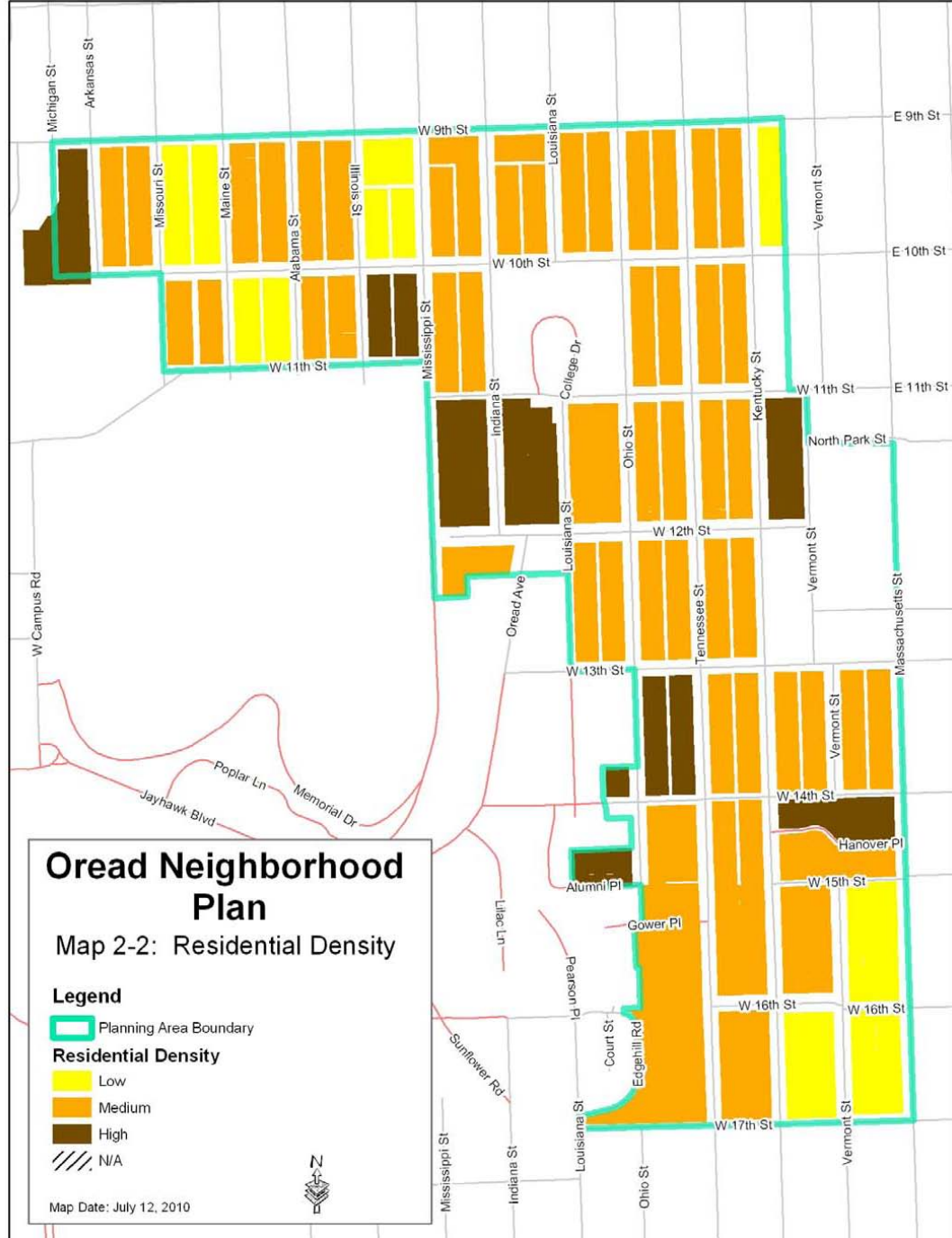
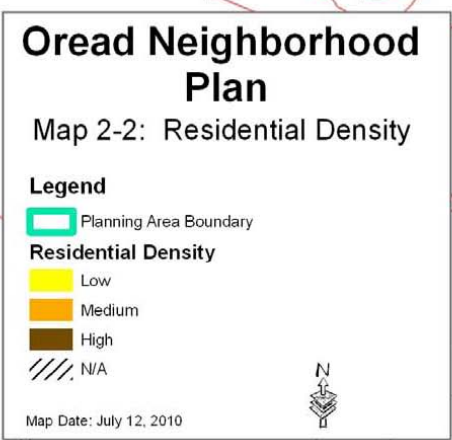




Naismith Park Area.

91 acres of multi-family use







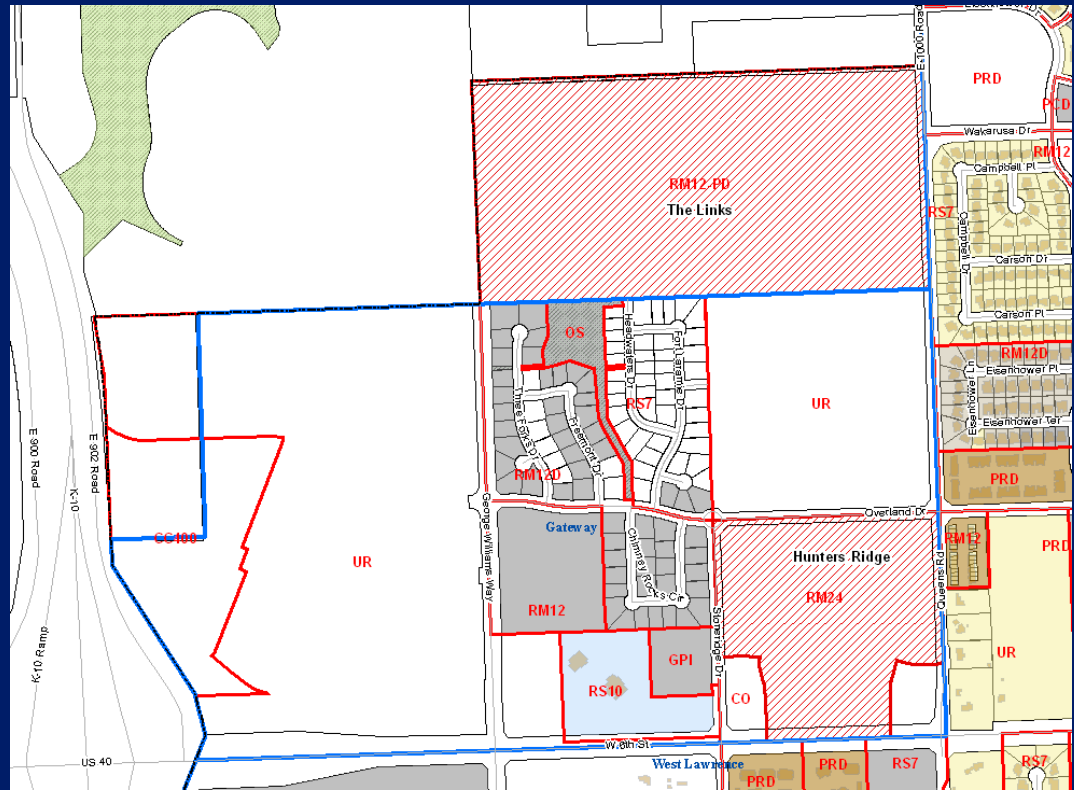
- Gateway Neighborhood.

Between Queens and
George Williams Way

123 acres with potential for
additional 40+

300 units Hunters Ridge

480 units The Links



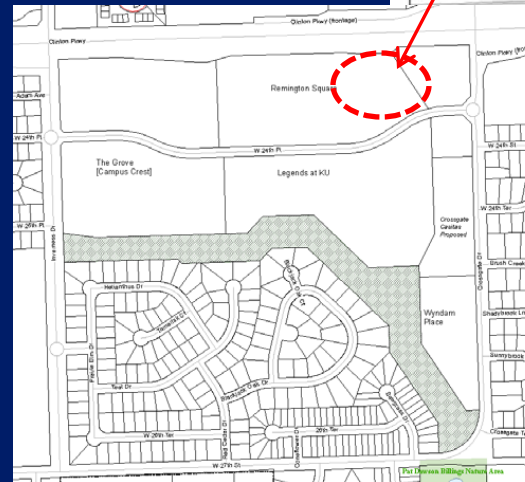
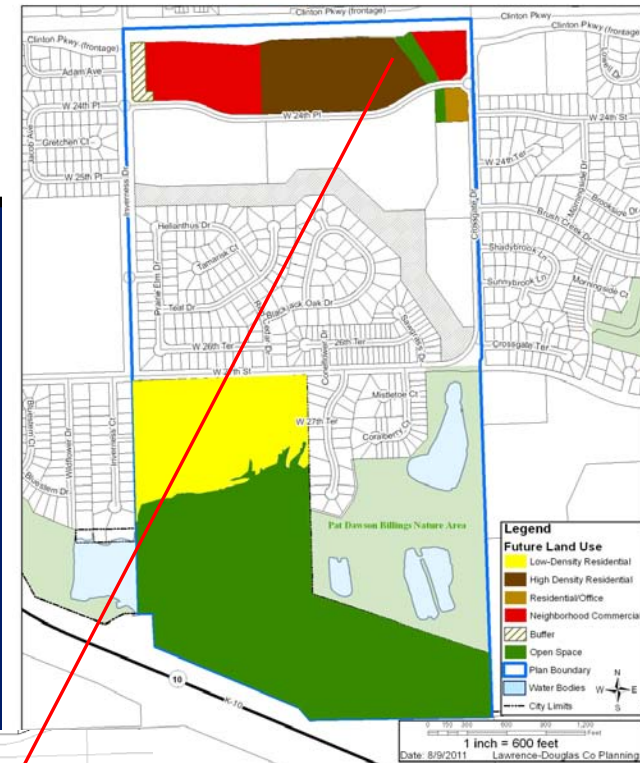


Summary

- Infill residential development considered
- High Density Development is recommended along major traffic corridors
- Surrounding Uses include multi-family dwellings and future commercial Uses
- Development impact is concentrated on east side of property
- Density is spread over the entire 15 acres.
- Recommendation is consistent with the District Plan.

Map 4-1 – Future Land Use

Inverness Park District Plan
Future Land Use





Recommendation

Staff recommends approval of the rezoning request [Z-8-12-10] for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential).

1. Development shall be subject to a public review process approved by the City Commission
2. Development type shall be restricted to 1 bedroom units with maximum building height restricted to 2 stories.

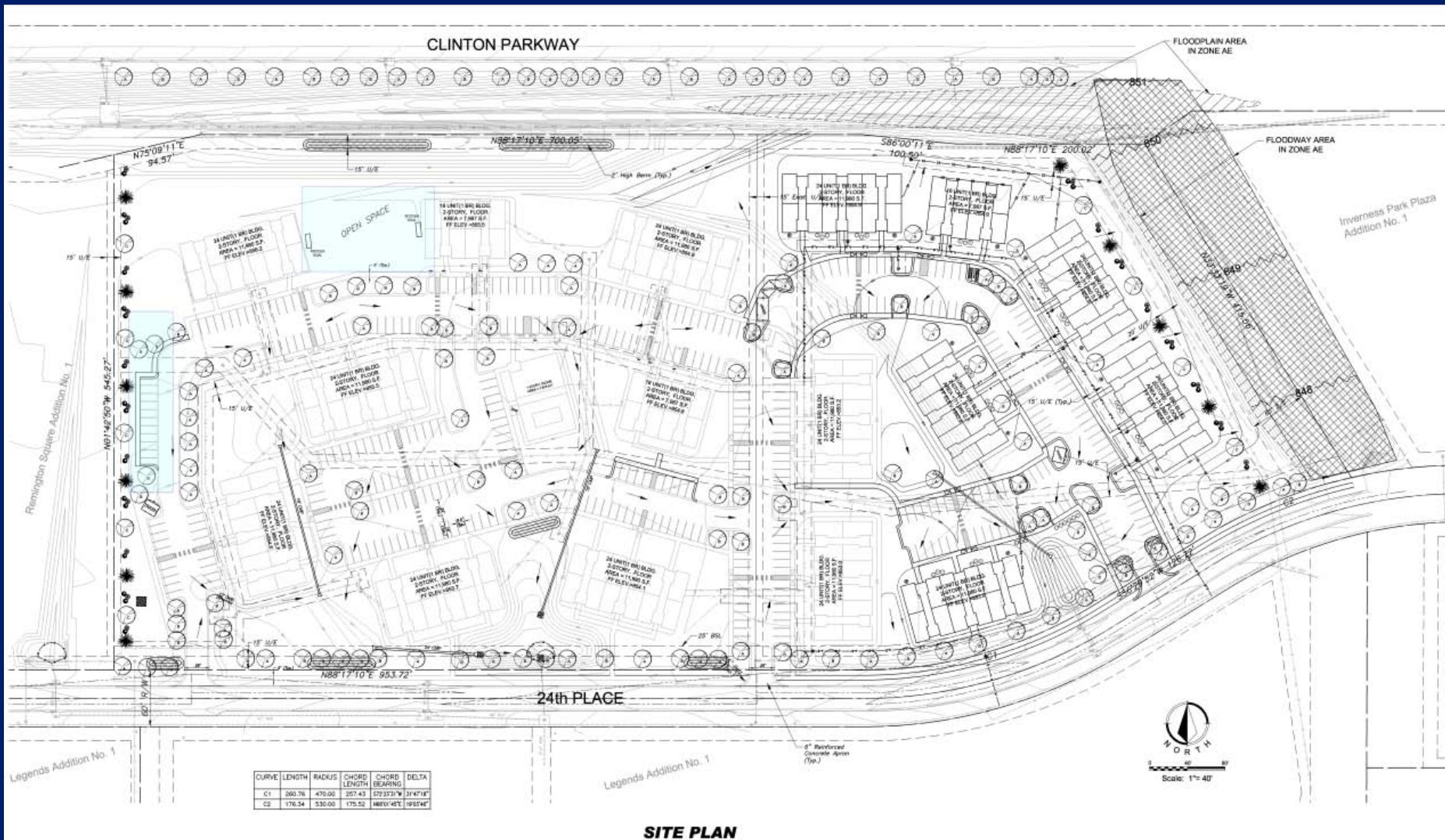


Site Plan – Item 6B

- Public is provided opportunity to comment specifically on the development proposal
 - Design Aspects
 - Architecture
 - Intensity



Proposed Site Plan



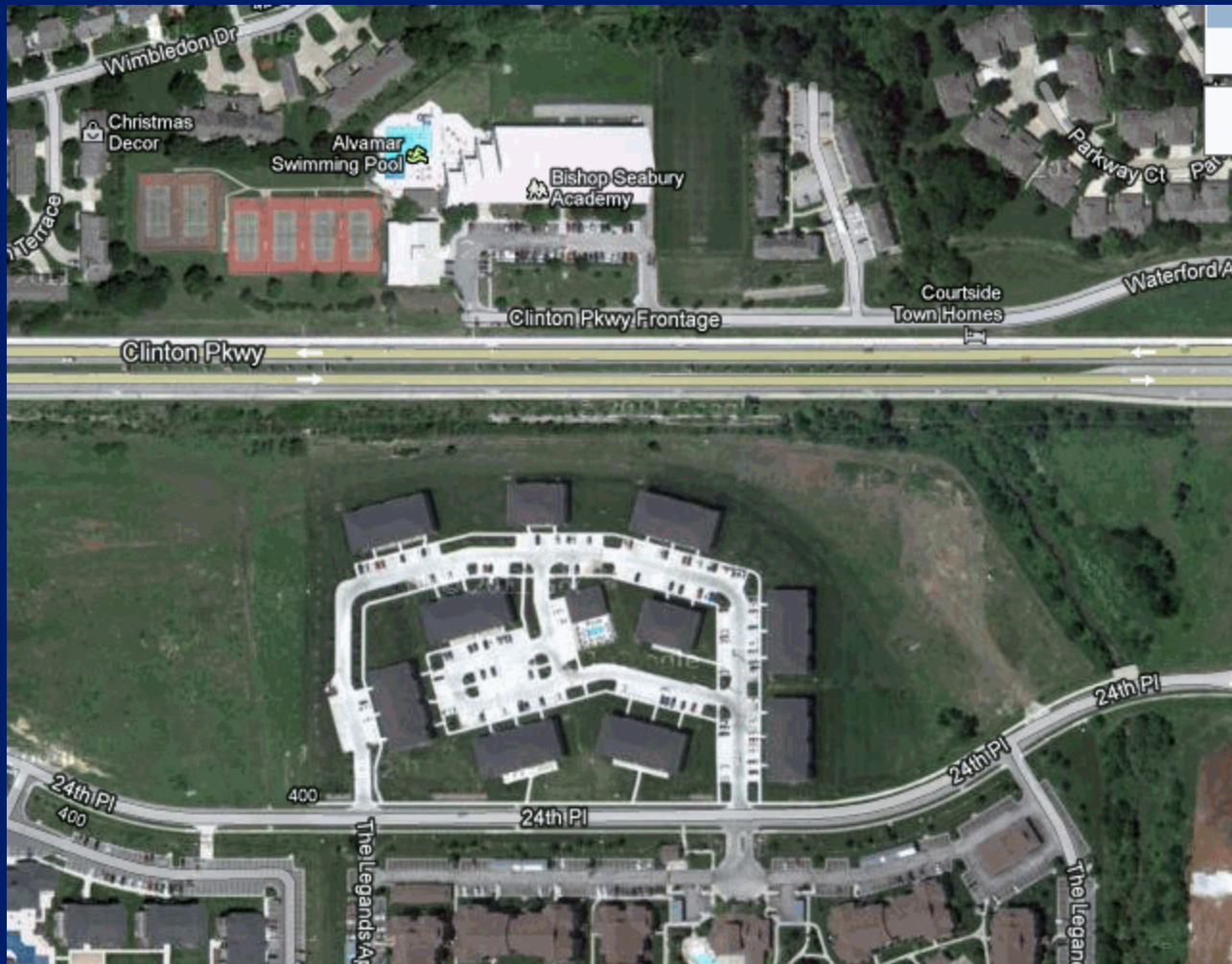
SITE PLAN



- [illegible]



Proposed Site Plan





Proposed Site Plan





Proposed Site Plan



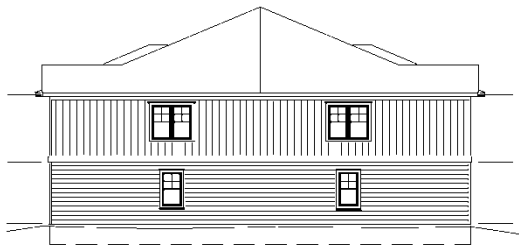


Proposed Site Plan

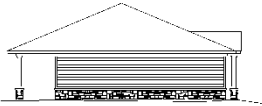




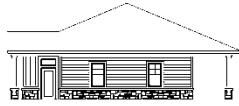
Proposed Site Plan



SIDE ELEVATION
SCALE: 1/16" = 1'-0"



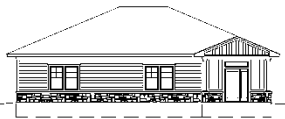
LEFT ELEVATION
SCALE: 1/16" = 1'-0"



RIGHT ELEVATION
SCALE: 1/16" = 1'-0"



REAR ELEVATION
SCALE: 1/16" = 1'-0"



FRONT ELEVATION
SCALE: 1/16" = 1'-0"

24 UNIT BUILDING



END ELEVATION
SCALE: 1/16" = 1'-0"



SIDE ELEVATION
SCALE: 1/16" = 1'-0"

16 UNIT BUILDING



Recommendation

Planning Staff recommends approval of the Site Plan for multi-dwelling residential development at 4100 W 24th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions completed prior to the release of the site plan for building permits:



Conditions

1. Prior to the release of the Site Plan for issuance of building permits the applicant shall:
 - a. Receive approval for public improvements plans.
 - b. Receive approval for a stormwater pollution prevention plan (SWP3), Per City Code Chapter IX Article 9-903(B).
 - c. Replace any dead street trees and interior landscaping if existing.
2. Prior to the release of the Site Plan for issuance of building permits the applicant shall submit a revised site plan to include the following notes and changes:
 - a. Provision of a revised landscape plan to include additional drought tolerant species for Street Trees listed in the staff report per City Staff approval.
 - b. Provision of a note that states: *"Maintenance of street trees to include watering as needed is the responsibility of the property owner. Dead or dying street trees shall be replaced with species included in the landscape plan planting schedule."*
 - c. Provision of a revised drawing to show screening of mechanical equipment attached to the sides of buildings.
 - d. Provision of a revised General Note 11 that states: *"Construction activity, including soil disturbance or removal of vegetation, shall not commence until an approved SWP3 has been obtained."*

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/26/11

ITEM NO. 6A: RM15 to RM24; 15.171 ACRES; 4100 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request [Z-8-12-10] for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following conditions:

1. As a means to implement the recommendation of the Inverness Park District Plan, the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.
2. Building types shall be limited to a maximum of two (2) stories and the maximum number of bedrooms per unit shall be one (1) bedroom.

Applicant's reason for request: *"The rezoning is requested because the owner desires to build additional buildings on the property. The apartment complex is fully leased with a waiting list for available units. The property has room for additional buildings."*

KEY POINTS

- Deferred by Planning Commission on 10/27/10.
- Property is partially developed with multi-dwelling structures.
- Property was included in original 160 acre development known as the Getto property (Inverness Park Addition) and zoned RO-1B per the 1966 Zoning Code. The RO-1B district allowed multi-dwelling development up to 12 dwelling units per acre.
- A previous application for a retirement center included this property (UPR-09-04-07). The approval for the retirement center expired.
- This property was rezoned to RM15 to facilitate multi-dwelling residential development (Z-10-26-07) allowing multi-dwelling development up to 15 dwelling units per acre.
- Property is developed as an apartment complex with 224 1-bedroom units.
- The Planning Commission approved the Inverness Park District Plan on July 27, 2011.
- The City Commission approved the Inverness Park District Plan on September 13, 2011.
- The County Commission approved the Inverness Park District Plan on October 12, 2011.
- The proposed density is consistent with the approved Inverness Park District Plan.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Property is located within an area planned for multi-dwelling residential development.
- The property is located along Clinton Parkway a major arterial street.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with the general principles of *Horizon 2020* and the Inverness Park District Plan as discussed in the body of the staff report.

OTHER ACTION REQUIRED

- SP-9-56-11; site plan for additional development on east end of property.
- FP-9-14-11; a local floodplain development permit for the proposed development.

ASSOCIATED CASES

- SP-6-38-08; approved plan for existing multi-dwelling development (Remington Square Apartments)
- FP-06-11-08; a local floodplain development permit for the development of Lot 1 of the subject property.
- MS-06-09-08; minor subdivision to amend interior lot line.
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1.

ATTACHMENTS

- Area map
- Inverness Park District Plan Land Use Map.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Resident called regarding proposed development indicating opposition to additional density.
- Representative of the Legends of KU called inquiring about meeting details.

Project Summary:

The property is located on the north side of 24th Place. It is bounded on the north by Clinton Parkway. The property is developed with 224 1-bedroom apartments. The proposed request is intended to change the base density to allow additional apartment development on the east side of the property. If approved, an additional 136 units could be constructed, resulting in a total of 360 units on the property.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"The request conforms with the Inverness Park District Plan approved by the Lawrence-Douglas County Planning Commission on July 27, 2011. The Plan envisions a Residential – High Density zoning for the Remington Square Property. The Plan limits the development to 1-bedroom 2-story apartments and a maximum density of 24 dwelling units per acre. The site plan is designed to meet the recommendations of the Plan with respect to building type and density."*

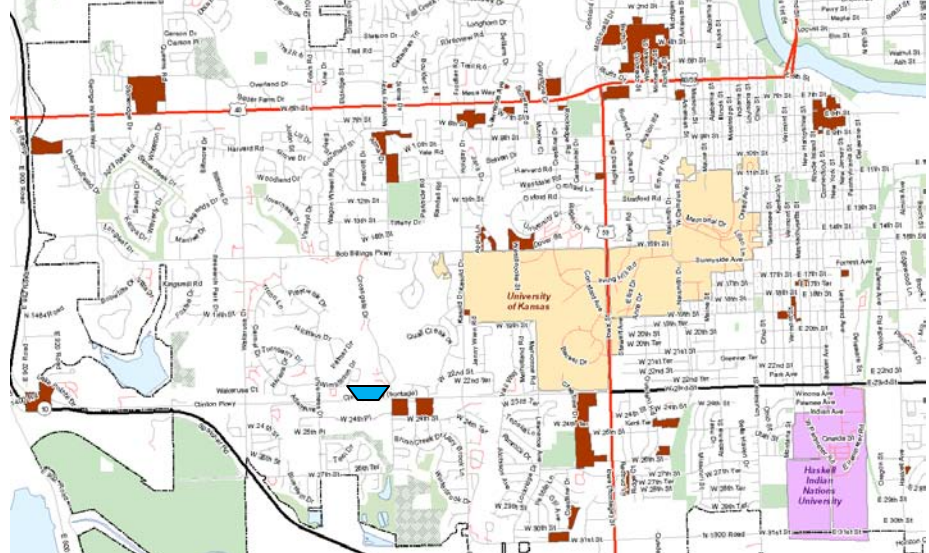

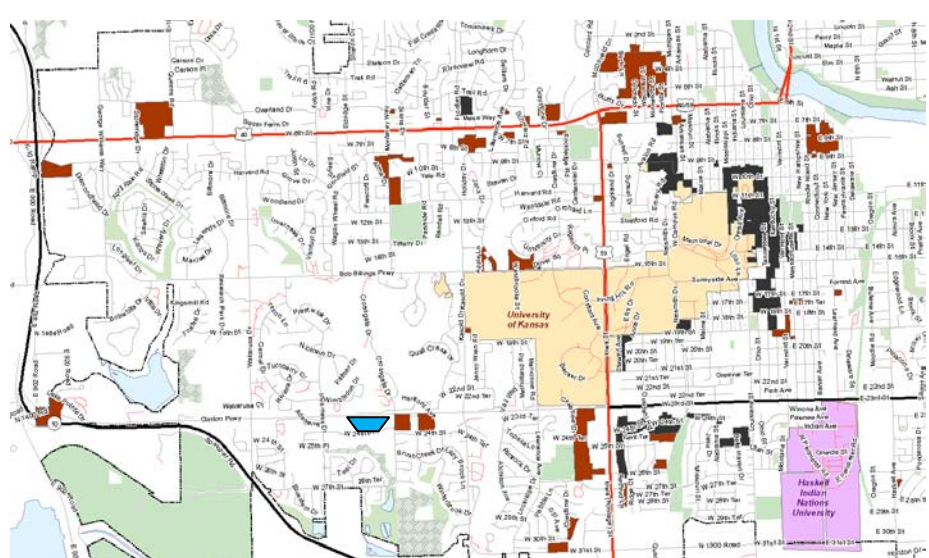

"The existing zoning is RM15 and the existing density is 14.93 units per acre with 14.93 bedrooms per acre. The proposed zoning is 24 units per acre with 24 bedrooms per acre. High density residential zoning should be located along major roadways. This project is located along Clinton Parkway. The proposed project will consist of 16 and 24 unit apartment buildings. The proposed buildings will be consistent with the existing buildings on the property."

Residential development is addressed in *Horizon 2020* - Chapter 5. The plan recognizes the need to provide a variety of housing opportunities. A key residential strategy states: *"Infill residential development should be considered prior to annexation of new residential areas."*

The Plan further strives to encourage the enhancement of neighborhoods with compatible densities and housing types. Architectural styles are recommended to reflect the quality and style of an existing neighborhood.

High-density residential development is defined in *Horizon 2020* as density occurring between 16 to 21 dwelling units per acre. The Development Code includes zoning districts that allow up to 32 dwelling units per acre. Several areas in the community can be found with this type of density.

Typically, high density areas are located near university property. The proposed request is considered to be high-density as defined in *Horizon 2020* and in the Land Development Code. This type of development is typically found along major arterial streets and in proximity to high intensity activity areas.

High Density Zoning	District Character
	<p>RM24 Zoning 335 acres total</p> <p>Sample (70 Acres in Pinckney) (35 acres Hunters Ridge – <i>Conditioned to cap density at 20 DU/acre</i>) (40 acres along Crestline Drive south of Clinton Parkway)</p> <p>Subject Property </p>
	<p>RM32 Zoning 270 acres total</p> <p>Sample (195 acres around University) (57 acres south of 23rd Street)</p> <p>Subject Property </p>

Highest density zoning is generally located near the university and as a transitional use between commercial corridors and lower density residential development. Not all RM24 and RM32 areas have been developed to maximum capacity. Several developments are much less dense than the permitted maximum density of the development.

Medium and high density residential land use includes the following policy: "*Policy 2.7(b): Encourage the use of a variety of housing types, including town homes, patio homes, zero lot line homes, cluster housing, garden apartments and retirement housing.*" Additional policies address compatibility with surrounding land uses and adequate vehicular circulation within developments. This consideration is included in the Site Plan discussion (SP-9-56-11).

The Inverness Park District Plan was recommended for approval by the Planning Commission on July 27, 2011. The City Commission approved the Plan on September 13, 2011. The Inverness Park District Plan will, upon final approval by the County Commission, be incorporated into *Horizon 2020* by reference. The Plan states in Section IV Future Land Use:

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

The Inverness Park District Plan recommends increased residential density along Clinton Parkway. This request for high-density residential development is consistent with the District Plan and the Comprehensive Plan.

Staff Finding – Approval of the request will allow infill development in an area currently built with multi-story apartments. The proposed high density residential development is consistent with the Comprehensive Plan.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

GENERAL INFORMATION	
Current Zoning and Land Use:	RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development.
Surrounding Zoning and Land Use:	<p>To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development.</p> <p>To the west; RSO (Single-Dwelling Residential Office) District; undeveloped land.</p> <p>To the east; existing RSO (Single-Dwelling Residential Office) District; undeveloped land. Proposed CN2 (Neighborhood Commercial) District; proposed gas and fuel sales, car wash, and office building.</p> <p>To the South; PRD [The Legends and The Grove]; existing multi-family residential developments, university oriented housing.</p>

This property is surrounded by a variety of land uses and zoning districts. The area to the east was recently considered and recommended for approval by the Planning Commission proposed for CN2 zoning and the development of a gas convenience store (Z-7-21-11) is pending consideration by the City Commission on October 18, 2011.

The property to the west was proposed for multi-dwelling residential development in 2009 which was denied by the City Commission (Z-7-11-09). The area located along the south side of W 24th Place is developed with apartments (Legends at KU and The Grove). These apartments include 2, 3, and 4 bedroom units. Another apartment complex is located southeast of this request. That development (Wyndam Place), along Crossgate Drive, includes 1 and 2 bedroom units. It is designed for residents 55 years and older.

An additional multi-family development is being constructed north of the Wyndam Place project along Crossgate Drive (Crossgate Casitas). This project includes single-story attached housing in groups of 6 and 8 units. The area located on the north side of Clinton Parkway includes a variety of uses including Bishop Seabury Academy, a private school, apartments and condominiums.

Detached residential uses are located on the east side of Crossgate Drive and the west side of Inverness Drive. An existing drainage easement south of the apartment development, on the south side of 24th Place, is designated as a future park. The area is intended to include trails for passive recreation within the neighborhood. The area south of the future park (south of 24th Place) is also zoned and developed with detached residential housing. The east side of the subject property is encumbered by a drainage easement. The drainage features of the site establish a natural boundary for development.

The zoning pattern for the subject property and the immediately surrounding area was established as part of a master plan for the original 160 acre tract that incorporated the existing drainage courses and boundary street network as the development pattern. The alignment of W 24th Place was established to provide access to abutting lots with maximum separation from Clinton Parkway and the cross street intersections. The zoning districts were established to provide a land use transition south of Clinton Parkway (arterial street) and the southern portion of the 160 acre development. Approval of the requested RM24 zoning will extend the variety of housing options between Clinton Parkway and the developed neighborhoods to the south.

Staff Finding -- There are a variety of zoning districts and uses in this area. The property is zoned RM15 and developed with apartments. Surrounding land uses include a school and vacant land. The area is dominated by residential development in the form of apartment buildings and townhouses. The development pattern of the area is defined by the existing street grid, drainage, and built structures of the surrounding area. This site has been re-designated for high density residential development through the Inverness Park District Plan.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The property to the east and west is currently vacant. The properties to the south consist of medium density multi-family residential. The property to the north consists of mixed uses including medium density multi-family residential (RM12 zoning)."*

The subject property was part of a 160 acre development that used a neighborhood approach as a framework for establishing the base zoning districts. The low density single/duplex family residential area located in the southern half of the original 160 acres was the first section to develop. The multi-family development has filled in and the remaining vacant areas are still being considered for various development opportunities including neighborhood commercial uses to the east of the proposed RM24 property.

The surrounding area includes a variety of housing choices and a range of development densities. Higher intensity uses are generally located along Clinton Parkway with decreasing intensity north and south of Clinton Parkway. Clinton Parkway is developed as a boulevard with a continuous green center median dividing the east and west bound traffic. This street profile also creates a boundary or edge between the north and south "neighborhood areas".

The traffic circles located at the intersections of W 24th Place with Crossgate Drive and Inverness Drive provides traffic calming and intersection control. They also signal a transition to lower

intensity development south of Clinton Parkway. Existing development is oriented with rear yard areas to Clinton Parkway.

This property is located within the boundaries of the Inverness Park District Plan. The plan describes the neighborhood as:

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1. (Section II. Existing Conditions)


The Inverness Park District Plan discusses the subject property as follows:

No 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B-RSO and Rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acre parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.*
- Owner plans to maintain 1 bedroom development.*

The following table provides a brief summary of the location of existing multi-dwelling development in the immediate areas south of Clinton Parkway. Density is equal to the number of dwelling units per acre regardless of the number of bedrooms provided in the unit.

Multi Dwelling Development			
	Density	Units	
Remington (Proposed)	15 (24)	224 (360)	
Legends	12	200	
The Grove	14	172	
Wyndam	10	45	
Crossgate Casitas	10	46	

Staff Finding -- The property is located on the north boundary of the Inverness Park District Plan area. The neighborhood is dominated by residential uses. Higher-intensity residential development is located along the arterial streets. Lower intensity, attached townhomes and detached single family dwellings are located interior to the overall neighborhood area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

As noted above the subject property is located within the boundary of the Inverness Park District Plan. The Plan has been recommended for adoption by the Planning Commission. The Plan was considered and approved by the City Commission on September 13, 2011. The Plan was considered and approved by the Douglas County Board of County Commissioners on October 12, 2011.

The Inverness Park District plan addresses undeveloped properties within the boundary of the planning areas. The Plan includes specific land use recommendations for the remainder of the property known as Remington Square. This plan supports high density residential development in the form of RM24 (Multi-Dwelling Residential) and PD (Planned Development Overlay District) zoning districts requiring a public review process of development along Clinton Parkway. To implement this policy of the plan a condition is recommended to require that any site plan be considered and approved by the City Commission prior to building permits being issued.

Staff Finding -- The subject property is located within the Inverness Park District Plan. This plan supports high density residential development as proposed. As a means to implement the recommendation of the Inverness Park District Plan, staff recommends that the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's response: *"The use of the subject property for multi-family residential is suitable."*

The applicant submitted an additional comment with regard to the development such that the rezoning be subject to the following conditions:

- 1. Residential development on the subject property shall be limited to 1-bedroom 2-story apartments, as recommend by the Inverness Park District Plan.*
- 2. The City Commission shall approve all site plans on this subject property.*

This property represents one of a few remaining undeveloped parcels located within the Inverness Park area. Considerable public discussion has been provided to the Planning Commission and to staff regarding the feasibility and desirability of multi-family development in the area along W 24th Place. The RM districts are intended to accommodate multi-dwelling housing. These districts allow the creation and maintenance of higher density housing opportunities in areas with good transportation access.

- The RM15 district has a corresponding *Horizon 2020* designation of "medium density" limited to 15 dwelling units per acre.
- The proposed RM24 district has a corresponding *Horizon 2020* Designation of "high density" designation limited to 24 dwelling units per acre.

The property has been developed, as zoned, to its maximum potential with regard to density. The property includes roughly 5 acres on the east side that is currently open space. If approved this open space area could accommodate additional development. Infill development maximizes the

building potential without creating sprawl. The proposed development is considered infill development.

The Remington project was developed as a complex with 1-bedroom units. Comparatively, other projects in the immediate area include 2, 3 or 4 bedroom units. The density calculation is "dwelling unit" regardless of the number of bedrooms in an individual dwelling unit. The number of bedrooms impacts the building size. Buildings that include units with 2, 3 or more bedrooms are larger creating more mass and bulk than a development with buildings including only 1 bedroom units. It is for this reason that the Remington Square project has a smaller overall footprint of buildings compared to the two developments on the south side of W 24th Place. If the Remington project was renovated, consolidating some of the 1 bedroom units into multi-bedroom units, additional construction could be added to the site without changing the base density.

The recently approved Inverness Park District Plan identifies an area for high density residential development along Clinton Parkway. The Plan states:

Residential- High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development code minimums such as open space, landscaping, building design, etc.

The existing zoning, RM15, underutilizes the property with regard to the recommended land use stated in the Inverness Park District Plan. A change in zoning is required to implement the land use recommendations for increased density along Clinton Parkway thus accommodating infill development in this area.

Staff Finding – The existing buildings could be remodeled combining units and adding bedrooms thus allowing construction of more buildings at the same base density. Approval of the proposed rezoning with restrictions would allow the project to retain its existing character and add additional units on the east side of the property. The existing zoning is not suitable to accommodate the recommended higher density land use and proposed infill development of this property.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *"The property was developed in 2008 under the RM15 zoning."*

In 2008 the Planning Commission voted unanimously to recommend rezoning the property from RSO to RM15. The base density did not change with the zoning approval at that time. The change did modify the allowable building type and prohibited office uses allowed in the RSO district. The property is developed with 224 1-bedroom apartment units and surface parking. Current development also includes a pool and office/laundry facility. This property has been rezoned a number of times in the past.

- Staff Finding** – The subject property is developed. It was zoned for the current multi-dwelling residential use in 2008. A site plan was approved in 2008 for multi-dwelling residential development.

Applicant's response: *"The proposed rezoning will not detrimentally affect nearby properties. The properties to the west and east are currently undeveloped. The properties to the south have multi-family apartments on them. The Legends development has an existing density of 11.85 units per acre and 37.4 bedrooms per acre. The Grove development has an existing density of 13.71 units per acre and 39.8 bedrooms per acre. The proposed development will have only 24 bedrooms per acre."*

Detrimental effects are generally considered to be traffic, noise, and incompatible land uses. Approval of the Inverness Park District Plan incorporates a change of land use consistent with this proposed request for high density development. Noise and other visual impacts will be addressed

through appropriate site design and enforcement. A site plan is also submitted for public review and approval. These physical elements are addressed in more detail in the Site Plan staff report.

Traffic is the most obvious impact that will affect the surrounding area and road network. The property abuts an arterial street (Clinton Parkway) on the north and a local street (W 24th Place) on the south. The east property line is encumbered by the regulatory floodplain and a dedicated drainage easement. Direct access to Clinton Parkway is not proposed nor recommended. The proposed development will generate increased traffic. The existing street network is capable of accommodating the resultant traffic. No street improvements have been identified as needed as a result of this proposed development.

A concern noted in public comment regarding a previous development application for the southeast east corner of Clinton Parkway and Inverness (just west of subject property) included statements related to overbuilding of apartments in this general area. Not all multi-dwelling units function the same or serve the same market. Approval will allow additional development on this site in keeping with the development pattern in terms of building coverage. Approval will also allow additional housing options in the area but should not negatively affect the single-family residences to the south and southwest.

Staff Finding – Physical elements such as screening and buffering are addressed through site design requirements (such as setback and landscaping). The proposed request is consistent with land use recommendations included in the Inverness Park District Plan and provides a land use transition from Clinton Parkway on the north and the lower density residential development south of W 24th Place.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARSHSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's response: *"If this application is approved it will allow the Developer to construct 136 residential units which will increase the property tax base of the City of Lawrence. The public infrastructure is in place in and around the development so the impact to the public system is minimal. The hardship imposed upon the landowner if the application is denied is such that the additional units will not be built at this time."*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Existing services are available to the property for development purposes. Approval of the request as infill development is preferable to fringe development with regard to extension of municipal services. Approval of the request will accommodate additional housing in the area in a less intense format because of the limited number of bedrooms associated with the development.

While unlikely, if denied, the applicant could remodel the existing units to add additional bedrooms without altering the base density. This would likely displace current residents of the development.

Staff Finding -- Approving the rezoning request would allow additional 1 bedroom residential housing choices in the community. Existing infrastructure is available to serve this property. Development will not alter existing public health, safety and welfare.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is a portion of a larger 160 acre tract originally annexed and zoned in 1999. The property was later platted with large tracts along Clinton Parkway. The area along Clinton Parkway was zoned for the most intensive development as part of the planned development. The area south of W 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots south of the open space/drainage area.

Approval of this request increases the base density on the north side of W 24th Place consistent with the land use recommendations in the Inverness Park District Plan. The developed properties on the south side of W 24th Place would continue to function as transitional uses between Clinton Parkway at the north end and single-dwelling residences at the south end of the original 160 acre parcel. Approval of the request allows additional construction on the east 5 acres as infill development.

The Inverness Park District Plan recommends a public process for site planning the properties along Clinton Parkway such as rezoning with a Planned Development Overlay or conditional zoning such that the site plan would require City Commission Approval. The proposed request meets the basic test of compliance with the Comprehensive Plan.

This specific request is accompanied by Site Plan that is being processed through a public review process of a specific development for this property.

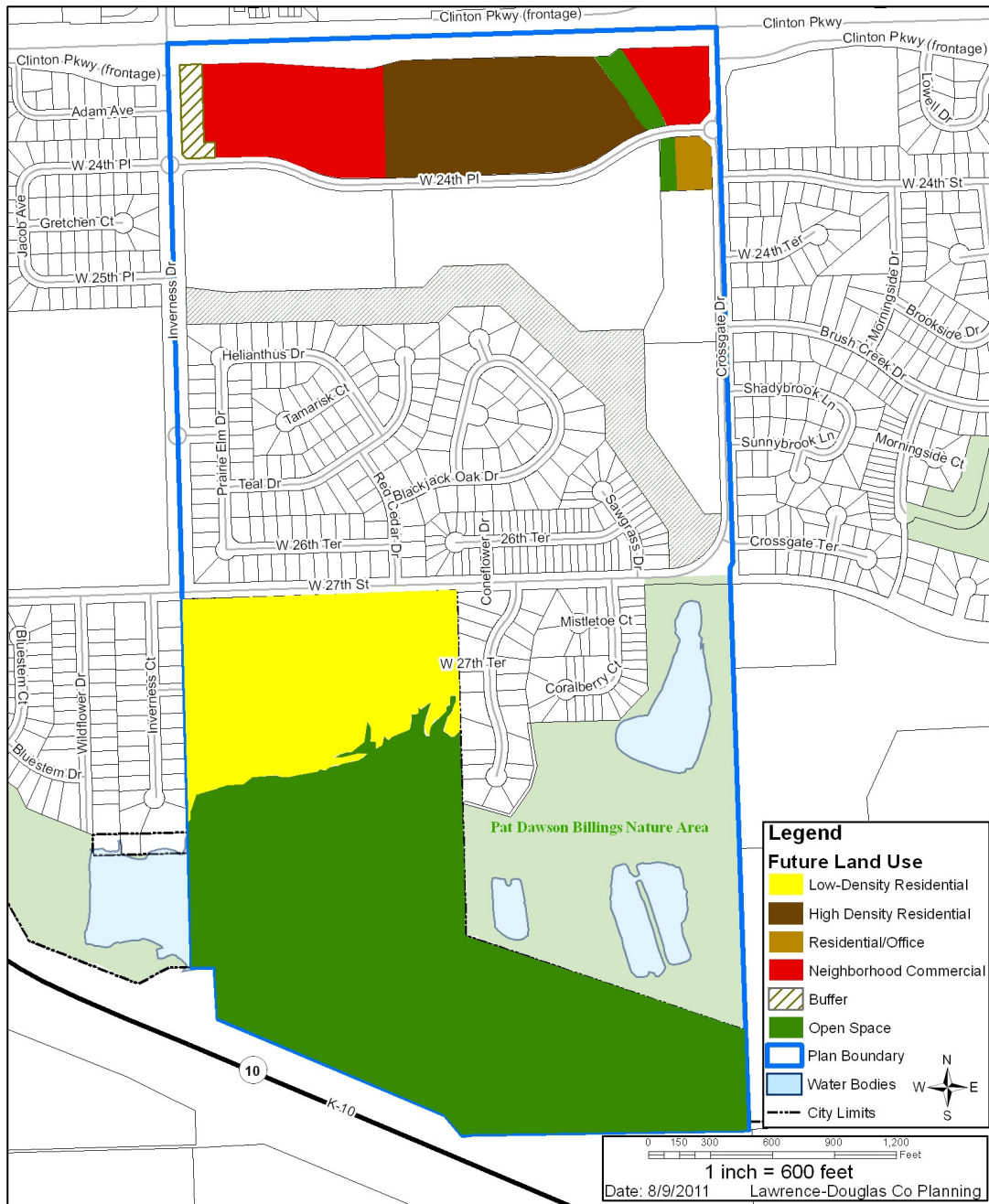
CONCLUSION

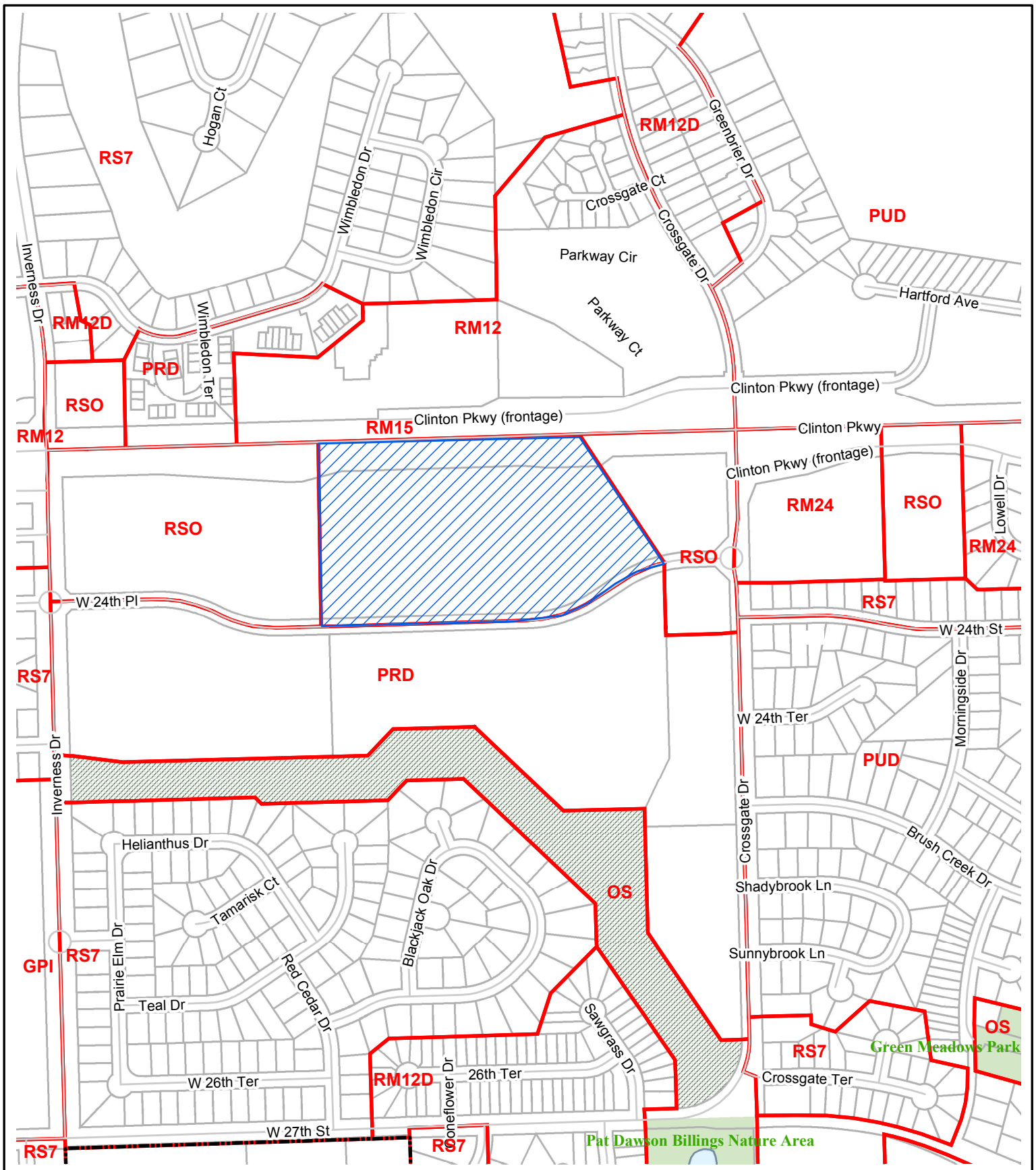
The area immediately south of the subject property is developed with multi-story units with multiple bedrooms. The units on the south side of 24th Place (The Grove and Legends at KU) are marketed to college age occupants, the units located along Crossgate (Wyndam Place) are marketed to adult residents 55 years and older. This development (Remington Square) is not specifically designed or marketed to a particular age group and provides another housing option within the district.

For the reasons noted in this report, staff supports this rezoning request to RM24 conditioned on a requirement that any use include City Commission review and approval of a site plan prior to issuance of a building permit and limitations of building type to be consistent with the recommendations in the Inverness Park District Plan.

Map 4-1 – Future Land Use

Inverness Park District Plan Future Land Use





**Z-08-12-10: Rezone 15 acres from RM15 to RM24
4100 W 24th Place**



Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:20 AM
To: Sandra Day
Subject: FW: Remington Place rezoning

For file.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us Planning and Development Services
| www.lawrenceks.org City Hall, 6 E. 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office
(785) 832-3154 | fax (785) 832-3160

-----Original Message-----

From: Lara Planning [<mailto:laraplancomm@sunflower.com>]
Sent: Wednesday, October 27, 2010 8:20 AM
To: 'Angela Jacobson'
Cc: Scott McCullough
Subject: RE: Remington Place rezoning

Dear Jacobsons,

Thanks for the email!

Lara Adams Burger

-----Original Message-----

From: Angela Jacobson [<mailto:angelamk@swbell.net>]
Sent: Tuesday, October 26, 2010 3:38 PM
To: laraplancomm@sunflower.com
Subject: Remington Place rezoning

Dear Planning Commissioner Burger,

We) oppose the rezoning request from RM15 to RM24 by owner of Remington Place, 4000-4200 W. 24th Place.

RM24 doubles the density from the original R01b zoning at 12 units/acre. If the rezoning is approved, there is nothing to prevent the owner from building 136 four BR units.

Sincerely,

Thomas & Angela Jacobson
4416 Gretchen Ct
Lawrence 66047

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.864 / Virus Database: 271.1.1/3220 - Release Date: 10/26/10 01:34:00

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:24 AM
To: Sandra Day; Sheila Stogsdill
Subject: FW: Remington Pl - Annexation of Getto Tract 1999

For file

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Lara Planning [mailto:laraplancomm@sunflower.com]
Sent: Wednesday, October 27, 2010 8:23 AM
To: 'Jamie Hulse'
Cc: Scott McCullough
Subject: RE: Remington Pl - Annexation of Getto Tract 1999

Jamie,

Thank you for your comments.

Lara Adams Burger

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Tuesday, October 26, 2010 11:37 PM
To: laraplancomm@sunflower.com
Subject: Remington Pl - Annexation of Getto Tract 1999

Dear Lara,

A different Planning Commission determined appropriate zoning for the 160 acre Getto Tract when it was annexed into the city in 1999. As you decide whether it is appropriate to approve the request by Remington Place to increase density to RM24 on 15 acres, please consider the following...

When the Getto 160 acre Agriculture zoned tract was originally annexed into the city 11 years ago, Planning Commissioners & Planning Staff were determined to "get it right". They knew it was imperative to get the zoning right for a **mixed use development, to protect the surrounding low density neighborhoods from high density neighbors, and to provide a buffer to surrounding low density neighbors**. Planning Commissioners, Planning Staff and neighbors were united and committed to ensuring good planning for years in the future, not what was best at the moment for the property owner making the zoning request.

- The subject property was originally zoned **RO1b in 1999**, with a density of **12units/acre**.
- Then the city changed the zoning code city wide from **RO1b to RSO**, increasing density to **15units/acre**.
- In 2008 Remington Place owner requested rezoning to **RM15** as part of a purchase contingency.
 - Request was approved.

- Because of the subject property location, very few notifications were sent out.
- (The seller owned 3 properties in notification district. Bishop Seabury and corporations for several RM properties were the other property owners within the notification district.)
- Single family property owners in surrounding neighborhoods would have opposed the rezoning if they had been aware of the request.
- (Notification area has since been widened.)
- RSO multi-family property would have looked less institutional and massive, even at the same 15 units/acre, and likely would have resulted in fewer units built.
- Approving the request to rezone this 15 acres to **RM24** will **double** the density from what the 1999 Planning Commission AND Planning Staff determined was appropriate.
- The original plan in 1999 for the **entire 160 acre tract** included “**up to 200 apartments**”.
- There are currently **641 apartments** in 4 multi-family properties in the original 160 acre Getto tract – Remington Place, The Legends, The Grove and Wyndham.
- Adding 136 units will create a total of **777 apartments in 4 complexes**.
- There is an upcoming rezoning request in the next 30 days for another lot in the Getto tract for the Casitas project, which will potentially add even more apartments.
- The development intention for the 160 acre Getto tract at annexation was to be a **mixed use development** - by the developer/owner, Planning Commissioners, Planning Staff and interested single family property owners who participated in the planning process.
- The argument that increasing density from RM15 to RM24 is appropriate and supported by Planning Staff because surrounding properties are either vacant, or other multi-family complexes, is flawed and not valid.
 - Surrounding property values are actually negatively impacted MORE with previously approved increased density for The Legends, The Grove and Remington Place.
- There are 10 tracts/lots in the 160 acres.
 - **Four of the 10 tracts**/lots are medium density apartment complexes.
 - Four tracts are vacant and for sale.
 - One tract is townhomes.
 - One tract is single family homes.
 - This is not mixed use.
- Residential densities are defined in **Horizon 2020** as follows:
 - Low density residential development = 6 or fewer dwelling units per acre
 - Medium density residential development = 7-15 dwelling units per acre
 - High density residential development = 16-21 dwelling units per acre
- Approving the Remington Place rezoning request to increase density to RM24...
 - adds 136 units, for a total of 777 apartments in 4 complexes, with a 5th complex being proposed within 30 days,
 - exceeds High Density definition of 16-21 units/acre,
 - contradicts Planning Commission & Staff recommendations in 1999,
 - continues to erode the original mixed use development plan for the 160 acre tract,
 - does not make good or appropriate planning sense for the present time, or for 40 years in the future.

Please vote no for the rezoning request to RM24 by Remington Place.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.

From http://www2.ljworld.com/news/1999/jul/05/150_million_neighborhood_on/

The project would feature new homes, duplexes, apartments, patio homes, a bike path, assisted-living units and medical care, a park, professional offices, and neighborhood shopping. "That's how you create a neighborhood," said Jim Harpool, president of Dial Realty-KC, which brought its plans to city hall last month. 'You've got to have a mix. This is a microcosm of the whole city."

Dial, which signed a contract for the land about 18 months ago, has plans to build or sell development rights for:

- 156 single-family homes, expected to sell for \$140,000 to \$400,000 and have pedestrian walkways leading to schools off site and offices, retail uses and other areas within the neighborhood.
- 10 acres, along the west side of Crossgate Drive, for "patio homes" targeted for empty nesters.
- 64 duplex residences, generally along the north side of 27th Street.
- Up to 200 units of apartments, essentially in the middle of the site.
- 13 acres for an assisted-living community, including on-site medical care. The site would be bordered by offices to the north, apartments to the east, a park to the south and Inverness Drive to the west.
- About 20 acres for offices, along the southern edge of Clinton Parkway.
- About 12 acres for commercial uses at the southwest corner of Clinton Parkway and Crossgate, or enough room for up to 60,000 square feet of retail shops. Harpool's description: "Neighborhood shopping, a restaurant or a neighborhood drugstore. Nothing intense -- no drive-through restaurant or gas stations."
- 20 acres of green space, most of it in a linear park running through the middle of the site. The green area already has a creek and would get a new bike path."

From http://www2.ljworld.com/news/1999/sep/22/s_annexation_of_getto/

Jim Harpool of Dial Realty said the city's refusal to accept commercial zoning in the area almost killed the \$100 million development.

The revised plan approved Tuesday night calls for **higher intensity multi-family developments along the eastern edge of the property.**

Harpool said the higher intensity housing is needed to offset many of the public costs of the project, including traffic lights, major street improvements and flood control measures at the southeast corner of the property.

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:20 AM
To: Sandra Day
Subject: FW: Remington Place rezoning

For file

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Lara Planning [<mailto:laraplancomm@sunflower.com>]
Sent: Wednesday, October 27, 2010 8:20 AM
To: 'megan king'
Cc: Scott McCullough
Subject: RE: Remington Place rezoning

Dear Ms. King,

Thank you for your comments.

Lara Adams Burger

From: megan king [<mailto:auntmeg@sunflower.com>]
Sent: Tuesday, October 26, 2010 2:19 PM
To: laraplancomm@sunflower.com
Subject: Remington Place rezoning

Dear Planning Commissioner Burger

I oppose the rezoning request from RM15 to RM24 by owner of Remington Place, 4000-4200 W.24th Place. RM24 doubles the density from the original RO1b zoning at 12 units/acre. If the rezoning is approved, there is nothing to prevent the owner from building 136 four BR units.

Sincerely,
Megan King
4400 Gretchen Ct

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July 24, 2011

RECEIVED

JUL 25 2011

City County Planning Office
Lawrence, Kansas

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

RE. AMEND HORIZON 2020, CHAPTER 14 LIST OF SPECIFIC PLANS, TO INCLUDE THE INVERNESS PARK DISTRICT PLAN.

Dear Chairman Hird and Planning Commissioners:

Before you incorporate this Specific Plan into *Horizon 2020*, we have two suggestions that we believe to be very important that you include in the Inverness Park District Plan.

1. The proposal to rezone the Remington Square apartment site to RM24 in order to permit additional one-bedroom apartments to be built in the adjacent vacant portion of the Remington Square apartments is understandable, but we believe there is a better method to control its design than simply rezoning the vacant land to a higher density conditioned RM district.

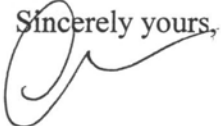
Explanation: The current apartments have no designated or designed area for open space recreation. Simply adding more of the same type of apartments will not create a better living environment without a better overall design of the development. We suggest that the current RM15 zoning would allow expansion of the one-bedroom apartments under a PD Overlay District that now has the new changes that have been made to that district. Using this new PD District would allow a recalculation of the density of the existing apartments plus the added 25% increase in density already allowed in the PD Overlay District. Another major advantage with a PD Overlay District would be the requirement for dedication of recreational open space.

This approach of utilizing the current RM15 zoning with a PD Overlay District should give the same result in increased number of apartments the developer is seeking, plus permitting a much better designed development.

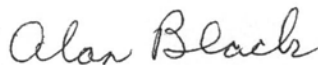
2. There is a proposal in this Plan for a pedestrian trail in a future park. We hope that there are many such trails in this neighborhood. In addition, we would like to suggest that a more direct pedestrian route in several locations to the school site also be considered, with the consent of the neighborhood and the affected homeowners. Adding pedestrian paths to several cul-de-sacs in the single family areas would facilitate and encourage more walking to school.

Thank you for your consideration. We hope that you find our suggestions useful.

Sincerely yours,



Caleb Morse
Board Member



Alan Black, Chairman
Land Use Committee

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:25 AM
To: Sandra Day; Sheila Stogsdill
Subject: FW: Zoning needs to be predictable

For file

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Lara Planning [mailto:laraplancomm@sunflower.com]
Sent: Wednesday, October 27, 2010 8:23 AM
To: 'Jamie Hulse'
Cc: Scott McCullough
Subject: RE: Zoning needs to be predictable

Again,
Thank you.

Lara Adams Burger

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Wednesday, October 27, 2010 7:10 AM
To: laraplancomm@sunflower.com
Subject: Zoning needs to be predictable

Dear Lara,

The argument that infill is accomplished by increasing density for a property that is already developed at maximum peak density is flawed. Infill needs to be encouraged on vacant ground, and be built in a way that conforms to current zoning. Infill needs to be an appropriate developmental land use mix, compatible with and not detrimental to, existing surrounding property owners. Approving the Remington Place rezoning request to accomplish infill sets an undesirable precedent for the city of Lawrence.

Zoning needs to be predictable. The Legends apartment complex chose to build in their current location believing their complex would be surrounded by mixed use properties...not next to, and across the street from other large apartment complexes.

From http://www2.lijworld.com/news/2002/mar/23/company_seeks_approval_for_regarding_The_Legends_apartments:

Callaway said his company chose Lawrence as the site for its next project, in part, because **he believed the city was doing a good job of planning multifamily development.**

"What is very attractive about Lawrence is we feel it has very good urban development plans that control growth," Callaway said. "It is very hard for someone to come in and get a piece of land zoned and approved to do something like we are. We feel like we don't have to worry about four or five other properties coming in and rapidly depleting the market."

Zoning needs to be predictable. For most people, the purchase of their home is the single largest investment they will ever make and they most often choose carefully. People make purchasing decisions based on current zoning for surrounding properties. A person ought to be able to make a buying decision with some relative certainty that over the course of 10 years, the zoning and land use guidelines will not significantly change from the approved long term zoning plan. It is unreasonable to anticipate the potential for the density of a 15 acre property to double.

Single family homeowners were very involved in the planning process when the 160 acre Getto Tract was being annexed into the city in 1999. After much communication and many cooperative meetings, everyone felt positive and comfortable with the end result. However, over the last 11 years rezoning requests continue to be approved, and significantly erode the intended make-up of the overall neighborhood, with disregard to numerous neighbors' feedback, communications and continued involvement.

- Neighbors were told that density had to be increased and zoning changed to accommodate the Senior Housing Project. And it was tied into increased density for building The Legends as well.
- We asked if increased density could be tied to the specific site plan. We asked many different people throughout the site plan process, many different times. We were told no each time.
- Within the last year, a City Commissioner said in a meeting that "we do that all the time, especially for commercial projects".
- Site plan had extensive landscape buffering and solid fencing, plus one level duplexes on a cul-de-sac along Inverness.
- The zoning change and increased density were approved. The Senior Housing Project went away.
- With new zoning and higher density, The Grove was built with an iron fence and landscaping that does not buffer, with 2 and 3 story buildings.
- Neighbors were aware that Walgreens requested a zoning change for the corner of Clinton Parkway and Crossgate. No neighborhood opposition occurred, because neighbors were in support of a mixed use development. Walgreens' request was rejected by the city.

Another example, in very close proximity to the Getto tract...People bought single family homes in Parkway West #2, backing up to commercially zoned property, and they were comfortable with that

zoning. After the single family new construction homes were sold, Mike Stultz (Swan Mgmt) built Aberdeen North and Aberdeen South.

From LJWorld 1999 articles:

Rezoning about 8.804 acres for the Aberdeen South Apartments from PCD-1, **planned commercial development**, to PRD-2, **planned residential development**.

The Aberdeen South property has been zoned for commercial use since 1992 but remains undeveloped.

Swan Management L.P. has proposed building the Aberdeen South Apartments at the northeast corner of 27th and Wakarusa. They would consist of 16 two-story buildings, each with eight two-bedroom apartments. Just north of the site is the Parkway West No. 2 subdivision, an area that consists of single-family homes on large lots.

Residents on the southern edge of the Parkway neighborhood complained that the proposal would result in large, multi-story apartment buildings being constructed within 50 feet of their back yards, with little or no buffer in between. They also complained that the proposal would surround their neighborhood on three sides with multi-family housing. Since their homes were built, the Aberdeen North Apartments have already been developed on the north edge of their neighborhood. Duplexes and some commercial development lie to the west.

The planning commission first considered the proposal at its June meeting, but the item was tabled for one month due to the large number of people who showed up to speak against the proposal. The Lawrence-Douglas County Planning Commission voted unanimously July 28 to recommend approval of the rezoning, subject to certain conditions.

Developers and planning commissioners say eventually there should be enough buffer between the apartments and houses. There is a steep drop-off behind the houses, so the apartments would sit at a lower elevation.

September 7, 1999

To the editor:

The city commission's approval of the preliminary development plan for the Aberdeen South apartments as well as the zoning of the Antioch Baptist Church property in Iowa Street are two recent examples of problems associated with zoning ordinances that allow for development of properties in unpredictable ways.

Perhaps the worst feature of zoning flexibility in Lawrence is that although a parcel may be zoned for one use category, it can be developed, according to the ordinance, for many so-called "lesser uses." In the case of the Aberdeen South Project, a use such as commercial specifically designed for neighborhood

services might have been a welcome use. Knowledge that this tract could also be developed for the "lesser use" of high-density multi-family housing might have prevented some of those who purchased homes in this neighborhood from investing and therefore much of the controversy surrounding the project might have been avoided.

In the case of the Antioch Baptist Church property, the owners have stated an intention to develop a portion of the land for office use now. Because the entire parcel has been rezoned, without any firm idea of what the future development may look like, there will be tremendous flexibility in how the balance of the property could be developed at a later time. This is great for the Antioch property owners, but creates a lot of uncertainty for the surrounding neighborhood and the community at large. The League of Women Voters suggests that it would have been better to request that both the rezoning and replatting applications be submitted concurrently.

In both of these cases an ordinance which requires a development plan as part of the zoning application would have eliminated the uncertainty of the uses. Duncan Associates, the consultants charged with updating the current development regulations, has suggested a need for planning ordinances that are more predictable. It is League's hope that any zoning ordinances proposed by the consultants and adopted by the city will be more narrowly defined and thus more predictable.

Carrie F. Moore, president,

League of Women Voters -- Douglas County.

Please vote no to the Remington Place request for increased density of RM24. Do not establish a precedent for increasing density on properties throughout the city that are already maxed out at current zoning on the basis of infill. Instill confidence in the planning process and predictability of current zoning in Inverness Park, and for the city of Lawrence as a whole.

Sincerely,

Jamie Hulse

4403 Gretchen Ct.

393-2942

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.864 / Virus Database: 271.1.1/3221 - Release Date: 10/26/10 13:34:00

From: Andrew Cooper [mailto:decoupe71@gmail.com]

Sent: Thursday, October 20, 2011 9:44 PM

To: Sandra Day; gradually@hotmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; bculver@bankingunusual.com; bruce@kansascitysailing.com; kenziesingleton@hotmail.com; clay.britton@yahoo.com; squampva@aol.com; rhird@pihlhlawyers.com

Subject: Opposition of rezoning for Remington Place

Hello,

My wife and I would like to provide our opposition to the rezoning request to provide Remington Place the ability to add more apartments to their property.

We are against any more high density development in this area of Lawrence because it is already over saturated with apartment complexes.

Is there another area in Lawrence that has as many apartment complexes in a small radius from Crossgate and Clinton Parkway? It's just ridiculous! Drive west down Clinton Pkwy from Kasold and all you see is apartment complex after apartment complex. It's too much!

In our meetings to set the guidelines for future development that we have had over the last year with the City Planners, all feedback provided by ourselves and our neighbors requested no further high density development. Yet here we are having to dispute another request from Remington to rezone.

We oppose of this request to rezone Remington place and hope that you take into consideration our concerns of providing them access to build more apartments to an already over saturated area.

Sincerely,
Andrew and Leann Cooper
4408 Gretchen Ct.
Lawrence KS 66047

From: Larry Northrop [mailto:larry@larrynorthrop.com]

Sent: Monday, October 24, 2011 7:14 AM

To: Sandra Day

Cc: cblaser@sunflower.com; bradfink@stevensbrand.com; rhird@pihhlawyers.com; cdavis2@ku.edu; gradually@hotmail.com; laraplancomm@sunflower.com; squampva@aol.com; kenzieingleton@hotmail.com; bruce@kansascitysailing.com; bculver@bankingunusual.com

Subject: Wednesday meeting - Remington Place request

Is it true that upon discovery that Remington Place had built their complex on 2/3rds of their land after getting approval and wanted to come back to the city to get increased zoning in order to get more than what was originally agreed that then Mayor Mike Amyx quietly laughed? Mr. Amyx has been a great servant of the city for decades and I'm sure has "seen it all". I don't believe he or I have ever seen this one in such a short amount of time.

My neighborhood has worked with developers since this adjacent area has begun to be developed and we keep getting more multifamily here in higher proportion to the rest of the city. One city commissioner called it "low income housing in 20 years".

This is not right. Not the first part and not the second part.

Larry Northrop

RE/MAX Excel

1420 Wakarusa Dr

Suite 203

Lawrence, KS 66049

785-842-3535 cell

From: [Steven Hertzog](#)
To: [Sandra Day](#)
Subject: Remington Place rezoning
Date: Monday, October 24, 2011 7:56:25 AM
Attachments: [pastedGraphic.tiff](#)

Sandra,
Enough is Enough!!!!!!
Homeowners and residents of this neighborhood have been fighting rezoning in this area for additional apartment units years now. Our efforts keep falling on deaf ears I guess. I do not understand why another re zoning request is even being considered. I hope this request is unanimously turned down by all members of the Planning Commission. This is not what hundreds of tax paying homeowners want, it is only what 2-3 builders want.
Please,
Sincerely,
Steven Hertzog

Steven Hertzog
CREATIVE ROAD STUDIO
4160 Blackjack Oak Drive
Lawrence, Kansas 66047
phone/fax 785 856-1216
steven@creativeroadstudio.com
<http://www.CreativeRoadStudio.com>



From: [megan king](#)
To: [Sandra Day:](#)
Subject: remmington pl
Date: Monday, October 24, 2011 8:15:48 AM

Please vote no on remminton pl request for more apartments. This property is too close to the elementary and middle school to accomodate that much traffic flow.

Megan King
4400 gretchen ct

From: [Scott Myers](#)
To: [Sandra Day; gradually@hotmail.com; cblaser@sunflower.com;](#)
[bradfink@stevensbrand.com; laraplancomm@sunflower.com;](#)
[bculver@bankingunusual.com;](#)
Subject: Proposed zone change for Remington Place
Date: Monday, October 24, 2011 8:19:07 AM

City Planning Commission,

Please reject (once again) any proposal to change the zoning of Remington Place from R15 to R24. We DON'T need any additional high density complexes in the area.

Thank you,

--Scott Myers
4440 W24th Place, Lawrence KS

From: Ann Frame Hertzog [mailto:ann@kerngroupinc.com]

Sent: Monday, October 24, 2011 8:59 AM

To: Sandra Day

Subject: Remington Place rezoning

Sandra,

We have enough apartments in our area!! This is making our neighborhood less family friendly, hurting our property values and quality of life for our children.

We are not opposed to building, but rezoning again and again is exhausting.

Homeowners and residents of this neighborhood have been fighting rezoning in this area for additional apartment units years now.

Our efforts keep falling on deaf ears I guess.

I do not understand why another re zoning request is even being considered.

I hope this request is unanimously turned down by all members of the Planning Commission.

This is not what hundreds of tax paying homeowners want, it is only what 2-3 builders want.

Please, listen to the residents.

Sincerely,

Ann Frame Hertzog

Ann Frame Hertzog

4160 Blackjack Oak Drive

Lawrence, Kansas 66047

phone/fax 785 856-1216

cell 913 231-4875

aeframe@kualumni.org

<http://www.CreativeRoadStudio.com>

-----Original Message-----

From: Marci Leuschen [mailto:leuschen@gmail.com]

Sent: Monday, October 24, 2011 8:57 AM

To: gradually@hotmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com;
laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com;
squampva@aol.com; clay.britton@yahoo.com; kenzieingleton@hotmail.com;
bruce@kansascitysailing.com; cdavis2@ku.edu

Cc: Sandra Day; Carl Leuschen

Subject: Remington Place apartments

Dear Planning Commission -

We are writing today to express our opposition to increasing the density of the Remington Place apartments. We feel that this increase should have been asked for during the original rezoning and more importantly that this area of town is saturated with apartments already. We are very concerned about the increase of traffic that 136 new units would add to this area. Please consider the negative impact these apartments will have to the Sunflower Park community and vote not to increase the density. Thank you - Marci and Carl Leuschen

Marci and Carl Leuschen
4153 Blackjack Oak Drive
Lawrence, KS 66047

-----Original Message-----

From: Angela Jacobson [mailto:angelamk@swbell.net]

Sent: Monday, October 24, 2011 9:30 AM

To: Sandra Day

Subject: Opposition to Remington Place apartment increase

Dear Ms. Day,

Thomas and I want to strongly voice our opposition to increasing the density at the Remington Place apartment complex. This would not be good for our neighborhood, our schools or our children.

Thank you,
Angela

Angela & Thomas Jacobson
4416 Gretchen Ct.
Lawrence, KS 66047

From: Brad Remington [mailto:bradrwsp@yahoo.com]

Sent: Monday, October 24, 2011 9:52 AM

To: City Hall email

Subject: Addition to Remington Square

This email is to yet again voice my opposition for the additon to the east of Remington Square. Why is there a need for more apartments and traffic in our neighborhoods? This area is far to congested as it is. Among the many children walking to school, the decrease in property values and just headaches in the increased traffic. We as property owners in the area do not want this added traffic to our neighborhood with students. Please, vote this down once and for all, do we really want such a dondense population in the middle of our neighborhoods??

Brad Remington
4433 W. 24th Place

Davis Loupe
2205 Riviera Drive
Lawrence, KS 66047

October 24 2011

Dear Ms. Day,

I am writing in opposition to the **rezoning of the Remington Place apartments** to a denser multi-family zone. My opposition to the rezoning is based on several factors:

1. Strong Neighborhood Opposition to Additional Dense Multi-Family - There has been strong neighbor objection to more multi-family redevelopment in this area. Several attempts to rezone property in this area to dense multi-family have elicited strong negative reactions from the adjacent neighborhood residents. The neighbors have attended multiple meetings and have received support from the City Commissioners in their opposition. Should it be approved this would be the second rezoning of this property to a denser zoning in the last 5 years.

When the neighbors met in earlier meetings about the Inverness Park plan the strongest opposition the neighbors had was to additional density of multi-family units. The area which in its earlier days was characterized as mixed use now has 687 units. The neighbors have generally supported the recent plans for additional commercial density on adjacent units as this is a move toward real mixed use but I believe this support was given because the neighbors believed that there would be no additional multi-family density.

The Inverness Park Plan came about from a recommendation of the city commissioners to help rebalance the development of this area from one which had swung too far towards denser multi-family and to something that the neighbors would support. The plan was to guide the development of "undeveloped" parcels of land not to "redevelop" existing fully developed parcels such as Remington Place.

2. Excessive Multi-Family Density - The current level of multi-family development in the area. As described by the chart below the proposed rezoning would make Remington Place would add an additional 136 apartment units to a relative small residential area which already has 687 apartments. The rezoning would make Remington Place the densest development in terms of number apartment units per acre.

Multi Dwelling Development in Inverness Park

	Density - Apt Units per Acre	Actual Apt Units
Remington Place (existing) (Proposed)	15 (24)	224 (360)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46
Current Total (Proposed Total)		687 (823)

Additional density of apartments would be excessive as this area, the Inverness Park area, has traditionally been a residential area that is predominantly populated by many families in single family homes with children in the adjacent schools. The area is within walking distance of four schools with about 1,662 students: Sunflower Elementary (480), Southwest Middle School (637), Bishop Seabury Academy (145) and Raintree Montessori (400).

3. Fully Developed - Recently Rezoned Property. The fact is.. this piece of property is already fully developed. The Remington Place property has recently already been rezoned to denser zone to allow its current development density. The developer chose to use all of the density on the western side of the property. In discussions about this piece of property the open space that was included in the original development has been characterized as "undeveloped" when in fact the developer chose to concentrate the development on the western side of the property leaving open space as part of their original plan.

The open space next to the buildings on this property seems to be "undeveloped" only because nothing has been done to landscape the open area. I am unsure if the original plans for the property required that this open space be landscaped or beautified in any fashion. It seems that this area has been left untouched in the anticipation of a second rezoning request.

The open area has been somewhat neglected since the original buildings were constructed. I am including two photos (below) taken last week which showing broken drainage pipes which have now been removed in the two years since Remington Place was built. It also shows sidewalks broken during the construction which have not been repaired. These photos seem to indicate that there have not been any plans to landscape this area since the apartments original construction.

Conclusion:

Remington Place should not be allowed a second denser rezoning request for an already developed piece of property. The open space next to the "built" portion of the property is developed even if it has not been improved. There is no urgent public need for rezoning this developed property and in fact there is a significant opposition to the rezoning.

Please consider my request to deny this rezoning request.

Sincerely,

Davis Loupe

Broken Drainage Pipes - abandoned on the Remington Square open space since the apartments were built.



Broken sidewalk where trucks delivered materials to Remington Square which have remained unrepaired since the apartments were built.



From: Clopton, Aaron W [mailto:ac1@ku.edu]
Sent: Monday, October 24, 2011 9:45 AM
To: Sandra Day
Subject: remington place

Ms. Day – I wanted to let you know how adamant I, and many of us around the area, are of the proposed rezoning below of Remington Place. For those of us who live out there, we know how important it is for this not to occur. This is beyond the fact that the these types of expansions run counter to growth mission of the Lawrence community. Please make sure that the right action occurs and that this proposal does not go any further. Thank you for any help in this matter.

Aaron Clopton

- Remington Place is currently zoned for 15 apartments/acre.
- Owner is requesting approval from Planning Commission for 24 apartments/acre.
- If approved, there will be **6 new apartment buildings** to the east of the current complex, and **136 more apartments**.
- Site Plan is attached.

Multi Dwelling Development in Inverness Park

	Density - Apt Units per Acre	Actual Apt Units
Remington Place (existing) (Proposed)	15 (24)	224 (360)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46
Current Total (Proposed Total)		687 (823)

Aaron W. Clopton, PhD

Associate Professor, *Sport Management*
Health, Sport, & Exercise Sciences

The University of Kansas

161 Robinson

Lawrence, KS 66045

(785) 864-2297 – P

(785) 864-3343 – F

ac1@ku.edu

-----Original Message-----

From: itsgreen@sunflower.com [mailto:itsgreen@sunflower.com]

Sent: Monday, October 24, 2011 9:54 AM

To: Sandra Day

Subject: Zoning changes opposition

Please stop the madness and deny the zoning request for Remington Place at Inverness Park. We don't need all those new apartments (currently zoned for

15

apartments per acre and the owner wants to go to 24 per acre).

Thank you.

Theresa Shively-Porter

4412 Gretchen Ct

Lawrence, KS 66047

785.760.1359 mobile

From: Candace Cobb [mailto:cmcjwc@gmail.com]
Sent: Monday, October 24, 2011 10:11 AM
To: Sandra Day
Subject: Proposal to Revise Remington Place Apartments

Ms. Day,

Please count this email as opposition to the proposal to increase Remington Place by 6 new apartment buildings which will result in 136 additional apartments. The traffic around roundabouts on Inverness and Crossgate is already busy enough at a variety of times throughout the day and night. The idea of escalating the risk to walkers, especially children, and other drivers seems unconscionable for the city to consider. Each of those 136 apartments could potentially have more than one driver living there.

Please consider this request to reconsider the approval of this additional multi-family housing in our neighborhood. The density here is continually increasing. It affects, and risks, the quality of life for the current residents by the increase of:

- automobile emissions,
- traffic considerations,
- potential lower property values,
- the risk to neighborhood school children and schools.

Thank you,

Candace M. Cobb
2716 Inverness Court
Lawrence, KS 66047-1891

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/26/11

**ITEM NO. 6B: SITE PLAN FOR MULTI-DWELLING RESIDENTIAL DEVELOPMENT;
4100 W 24TH PLACE (SLD)**

SP-9-56-11: Consider a Site Plan for Remington Square Apartments, located at 4100 West 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

The purpose of this site plan review by the Planning Commission and City Commission is to fulfill recommendations for a public review process for development along Clinton Parkway as recommended in the Inverness Park District Plan. Site plans are generally an administrative review item. Any party aggrieved by the determination or decision regarding a site plan may appeal that decision to the City Commission. In this process the Site Plan has been submitted for a concurrent review with the proposed RM24 Zoning request. Both the Zoning and this Site Plan will be forwarded to the City Commission with the Planning Commission's recommendations.

STAFF RECOMMENDATION: Planning Staff recommends approval of the Site Plan for multi-dwelling residential development at 4100 W 24th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions completed prior to the release of the site plan for building permits:

1. Prior to the release of the Site Plan for issuance of building permits the applicant shall:
 - a. Receive approval for public improvements plans.
 - b. Receive approval for a stormwater pollution prevention plan (SWP3), Per City Code Chapter IX Article 9-903(B).
 - c. Replace any dead street trees and interior landscaping if existing.
2. Prior to the release of the Site Plan for issuance of building permits the applicant shall submit a revised site plan to include the following notes and changes:
 - a. Provision of a revised landscape plan to include additional drought tolerant species for Street Trees listed in the staff report per City Staff approval.
 - b. Provision of a note that states: *"Maintenance of street trees to include watering as needed is the responsibility of the property owner. Dead or dying street trees shall be replaced with species included in the landscape plan planting schedule."*
 - c. Provision of a revised drawing to show screening of mechanical equipment attached to the sides of buildings.
 - d. Provision of a revised General Note 11 that states: *"Construction activity, including soil disturbance or removal of vegetation, shall not commence until an approved SWP3 has been obtained."*

Applicant's Reason for Request: *Development of additional 1 bedroom apartment units.*

Other Action Required

- Approval and publication of the rezoning ordinance for RM24 zoning (Z-8-12-10).
- City Commission approval of Site Plan.
- Submittal of a photometric plan.
- Execution of a site plan performance agreement.
- Approval of a local Floodplain Development Permit (FP-9-14-11).

- Submittal of 4 paper copies of the approved Site Plan for release to Development Services for building permits.

KEY POINTS

- Open area of site considered as infill development.
- Proposed development consistent with Inverness Park District Plan.

FACTORS TO CONSIDER

CONFORMANCE WITH THE LAND DEVELOPMENT CODE.

- The proposed development is a single use multi-dwelling residential use.
- Compliance with Section 20-1305 of the Development Code.

CONFORMANCE WITH THE COMPREHENSIVE PLAN/INVERNESS PARK DISTRICT PLAN

- Proposed development complies with land use and density recommendations included in the approved Inverness Park District Plan.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Approved by staff
- *Downstream Sanitary Sewer Analysis* - Approved
- *Commercial Design Standards* – Not required for this project.
- *Drainage Study* – Site Plan dated 9-19-2011 meets the specified requirements.
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Comments received are included with the zoning staff report.

ATTACHMENTS

1. Area Map
2. Site Plan

GENERAL INFORMATION

Current Zoning and Land Use:	RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development, Remington Square <i>[Pending request for RM24; Z-8-12-10].</i>
Surrounding Zoning and Land Use:	To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development. To the west; RSO (Single-Dwelling Residential Office) District; undeveloped land. To the east; existing RSO (Single-Dwelling Residential Office) District; undeveloped land. Proposed CN2 (Neighborhood Commercial) District; proposed Gas and Fuel Sales, Car Wash, and Office Use building. To the South; PRD [The Legends and The Grove]; existing multi-family residential developments.

This request is for the development of the east portion of the property to add an additional 136 units. The site is currently developed with 224 1-bedroom units. Following recommended policies of the Inverness Park District Plan, Staff recommends that the accompanying rezoning to RM24 be

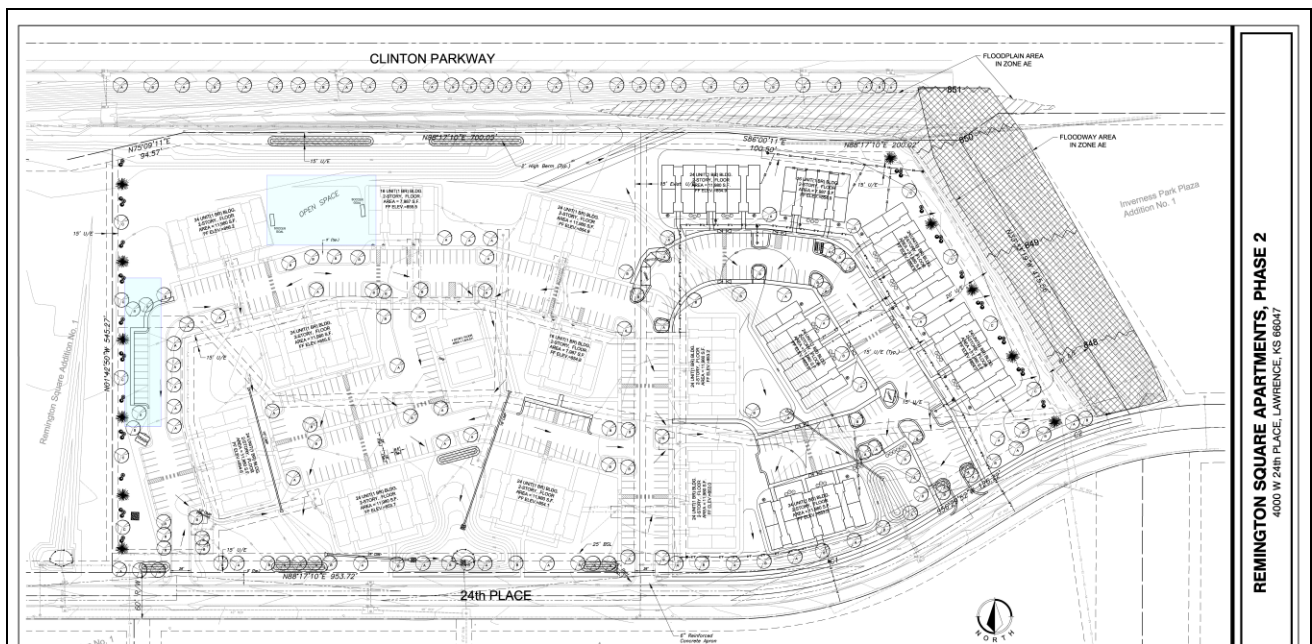
conditioned such that site planning requires a public review and approval procedure for this property. If the zoning is approved as recommended, any use subject to a site plan will require approval by the City Commission.

STAFF REVIEW

This site plan is submitted concurrently with the proposed rezoning for the Planning Commission's review as an advisory board to the City Commission. This review assumes approval of the proposed RM24 District with a condition that development be subject to a public review process.

A. Site Summary

The following table provides a summary of the original development approval for Remington Square. A total of 224 units were approved with the 2008 site plan. The buildings include 16 and 24 unit modules of 1-bedroom units. Buildings were constructed as two story apartments. The table also provides a summary of the existing built condition and the proposed development adding 136 units on the east 5 acres of the property. The new construction is shown on the east end of the property. Additional parking and an open field area planned to be added on the west side of the property and a soccer field has been added in the northwest portion of the property. The areas highlighted show the proposed improvements on the west side of the property.



The development is summarized in the following table.

	Site Summary (Approved SP-6-38-08)		Site Summary (Proposed SP-9-56-11)	
Proposed Use	Multi-Dwelling Structures		Multi-Dwelling Structures	
Number of Units	224 (1 Bedroom Units)		360 (1 bedroom Units)	
Density	15 dwelling units per acre		24 dwelling units per acre	
	Existing		Proposed	Change
Land Use	Multi-Dwelling		Multi-dwelling	
Land Area (SF):	653,497		653,497	--
Building Footprint (SF):	73,381		116,833	43,452
Paved Area (SF):	194,174 (30%)		295,328 (45%)	101,154
Total Pervious Area (SF):	495,323		358,169 (55%)	101,154

Access and Parking

Access to the site is restricted to W 24th Place, a local street. The proposed development includes two existing and one new access driveway to W 24th Place. The interior parking lots are connected providing internal circulation to the site. Off-Street parking is arranged in pods throughout the development providing off-street parking to individual units and the overall development.

On-site Parking:

Off-street parking is required for multi-dwelling residential uses at a rate of one per bedroom plus 1 per every 10 units. The proposed development includes all one-bedroom units and a total of 360 units. Additional off-street parking is provided for the office/laundry facility and pool facility separately. Eleven new off-street parking spaces are added to the west property line to provide additional parking in the Phase I portion of the development. Total Off-street parking is noted as 407 spaces. The required bicycle parking is provided throughout the development at each building and at the common facilities located within the development.

Use	Parking Requirements	Spaces Required
Multi Dwelling Development	1 per bedroom + 1 per each 10 units	396 spaces
Pool	1 per 500 sq ft	6 spaces
Office/Laundry	2 guests 3 employees	5 spaces
Total		407 spaces
Total Provided		407 spaces

B. Design Standards

This project is a multi-dwelling residential project. Residential design guidelines have not been developed for this type of project. Minimum standards address landscaping and parking as well as interior open space per unit. The proposed development complies with the minimum design standards included in the Development Code. Interior pedestrian sidewalks and common open areas are provided throughout the development. The Inverness Park District Plan states: *"A public process for site planning will permit the governing body the ability to require the development exceed certain Development Code minimums such as opens space, landscaping, building design, etc."* (Page 17, Section IV, Future Land Use).

Building Elevations:

Building elevations are included as part of the site plan. Approval of the development includes the approval of the proposed building type as two-story, 1-bedroom units.

Pedestrian accessibility:

The proposed development includes extensive interior sidewalk connections and connections to the public street. Phase I included sidewalk connections for the two buildings closest to W 24th Place. Phase II continues the internal connectivity with in the development and to W 24th Place along the new entrance driveway.

C. Landscaping and Screening

The site provides open space throughout the development both in and around parking lots as required by the Development Code. Foundation plantings around the buildings are provided in excess of the Development Code. The arrangement of buildings provides areas of usable common open space throughout the development. The site incorporates natural vegetation along the north and east property lines as buffers from Clinton Parkway and the future commercial development to the east. The site makes use of a provision that allows required shrubs to be substituted with trees.

Street Trees: The property abuts Clinton Parkway along the north side and W 24th Place along the south. Street trees were required as part of the initial development. The trees along Clinton Parkway were provided within the public right-of-way. Staff has noted that some trees have failed to survive. Replacement planting is required for vegetation that is diseased or dying. This is the responsibility of the property owner.

The development does not include an irrigation system for landscape maintenance. The extension of an irrigation system for Clinton Parkway is considered to be cost prohibitive to extend water lines from the development. Staff noted the concern for establishing and maintaining landscape material especially along Clinton Parkway during the review process. The first three years are a critical time to allow the landscaping to become established. The Applicant proposes to replace street trees that have died with a *"drought resistant species and watered by the Owner after 4 days without a rain event."* Possible species include:

- | | | | | |
|----------------|-----------|----------------------|----------------|--------------------|
| • Lacebark Elm | • Bur Oak | • Crimson King Maple | • Bald Cypress | • London Planetree |
|----------------|-----------|----------------------|----------------|--------------------|

If approved, staff recommends these species be added to the planting list on the face of the site plan. Lacebark Elm is identified by City Staff as extremely drought tolerant and is the recommended tree for use if needed. Other species may be needed for consideration depending on availability at time of planting.

Staff recommends additional notes be added to the face of the site plan clearly indicating that the property owner is responsible for the installation and maintenance of street trees. This is a growing concern for city staff. Once planted, trees need minimum watering to become established during the first three growing seasons.





Interior Landscaping: The proposed development includes extensive interior landscape areas. Interior landscape in this section refers to the areas required throughout the parking lot such as end islands and medians. The site requires a total of 16,280 square feet of interior landscaping. The site plan shows 23,838 square feet of such area.

Additionally, the Development Code requires 50 square feet per dwelling for open space. A total of 18,000 SF is required to comply with that standard (20-601). The site summary table shows that the property includes 358,169 SF of open space or 55% of the total site. Numerous areas are provided throughout the site and around buildings that provide usable open space for the residents of the development. Additionally, the perimeter areas Clinton Parkway, W 24th Place and the drainage area along the east property line contribute to the required and proposed open space for the development.

Perimeter Landscaping: Perimeter landscaping is required to provide screening of parking lots from public right-of-way. The off-street parking arrangement provides an internal orientation for parking and only limited areas of parking that are near W 24th Place. Parking that is adjacent to the access driveways includes additional tree plantings to provide screening.

Mechanical Equipment Screening: Section 20-1006 of the Development Code requires that mechanical equipment be screened from adjacent properties and rights-of-way. Ground mounted equipment is not shown on the site plan. HVAC equipment for the units is intended to be integrated into the units. The images that follow show the placement of electrical boxes on the exterior sides of the buildings. Wall mounted equipment will require the erection of trellises or planting of

columnar trees to provide appropriate screening. Any mechanical equipment is required to be screened to include the existing and proposed development. General note 13 on the face of the plan acknowledges this standard.

Existing Development Pattern	
 <p>As constructed</p>	 <p>As Constructed</p>
 <p>Show with additional shrubs for screening</p>	 <p>Shown with trellis feature for screening</p>

Alternative Compliance: A request for alternative compliance was not made for this application.

D. Lighting

The site plan includes a general note about lighting and that it will be shielded and directed down. A minimum requirement of development is the provision of a photometric plan per Section 20-1103 of the Development Code. This is reflected as a condition of approval.

E. Floodplain

The west side of the property is encumbered by the regulatory floodplain. A local floodplain development permit is required and has been submitted as part of the approval process and is an administrative review item. No action is required by the Planning Commission with regard to the floodplain permit.

F. Conformance with the Comprehensive Plan

The Inverness Park District Plan was approved by the Planning Commission on July 27, 2011. The City Commission approved the Plan on September 13, 2011. The Inverness Park District Plan, upon final approval by the County Commission on October 12th, was incorporated into *Horizon 2020* by reference. As such, this request for increased density is consistent with the Comprehensive Plan as shown in the District Plan.

Horizon 2020 goes on to state that a key strategy is provide a mixture of housing types, styles and economic levels for new residential and infill developments. The plan encourages compatible densities. The plan encourages the use and development of Neighborhood plans, area plans and sector plans.

With regard to compatibility, the proposed development would be limited to 1 bedroom units and a maximum height of buildings restricted to two stories or less. The increased density is accommodated in buildings that have a smaller mass and bulk than the developments to the south. The development proposed is consistent with the existing construction on the north side of W 24th Place.

Findings

Per Section 20-1305, staff shall first find that the following criteria have been met:

1) The Site Plan shall contain only platted land;

The property is platted as a minor subdivision establishing a 15 acre lot known as Lot 1, Block 1, Remington Square Addition No. 1.

2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plan;

The site plan complies with all standards of the City Code and Development Code as conditioned. No alternative compliance or variances are proposed for this development.

3) The proposed use shall be allowed in the district in which it is located or be an allowed nonconforming use;

This review assumes approval and publication of RM24 zoning for the 15 acres located at 4000 W 24th Place. Multi-dwelling residential uses are allowed in the RM24 (Multi-dwelling Residential) District. The proposed development is consistent with the maximum density allowed in the pending RM24 district of 24 dwelling units per acre. Denial of the rezoning would result in a withdrawal of this site plan as it would no longer conform with the base zoning district (RM15).

4) Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies and;

Two existing access points serve the constructed portion of the property. A third access point is provided for additional access and circulation for the development. Two-way traffic flow is provided throughout the development. Access to the site is from a local street consistent with access management policies and practices.

5) The site plan provides for the safe movement of pedestrians within the site;

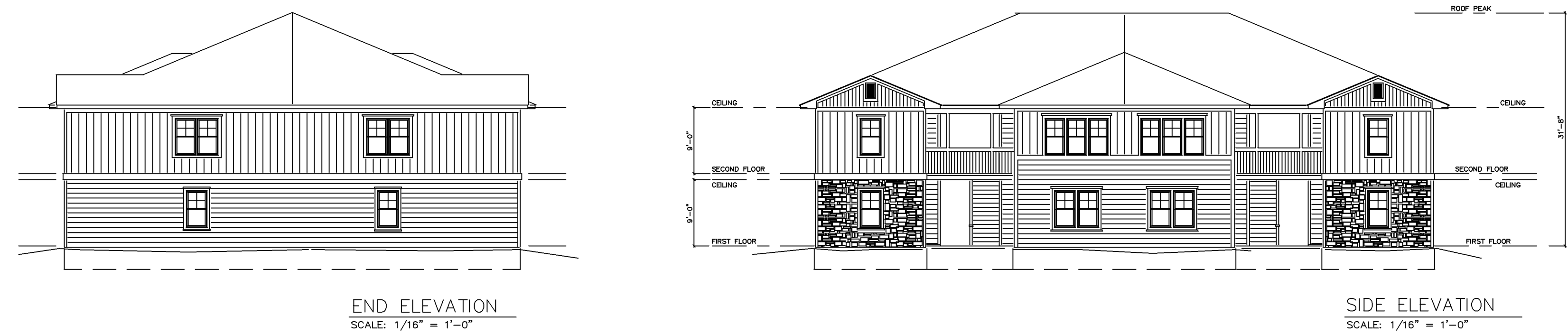
Interior pedestrian connectivity is provided throughout the site and includes connections to the public sidewalk midway into the development along 24th Place. Access to Clinton Parkway is not feasible because of topographic constraints and access restrictions. An existing recreation path is provided along Clinton Parkway and no changes to that sidewalk are required for this development.

CONCLUSION

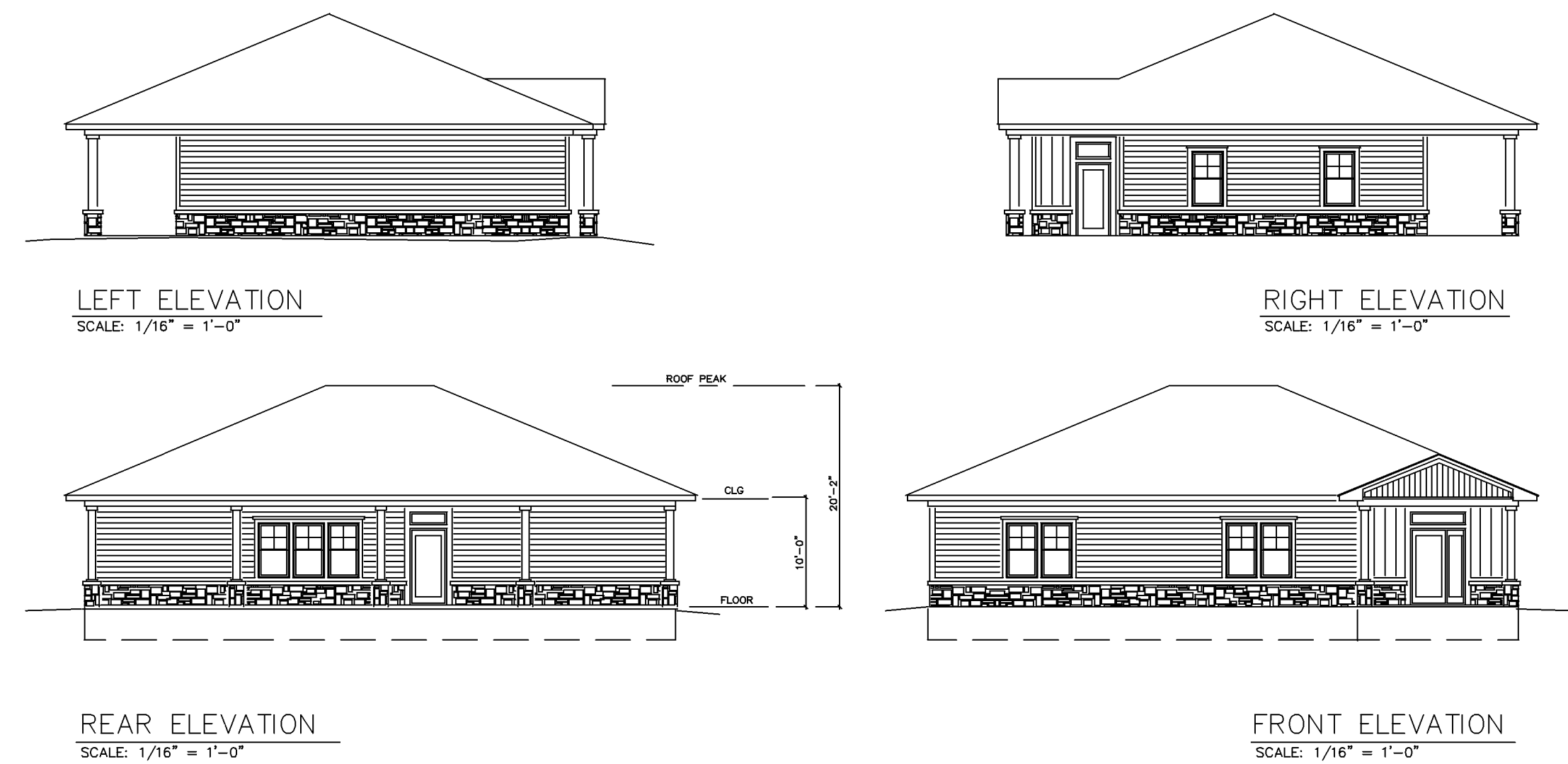
The proposed development complies with the development standards for a multi-dwelling project. No improvements to W 24th Place, the abutting local street, is required that result from this proposed development.



24 UNIT BUILDING



16 UNIT BUILDING



OFFICE/LAUNDRY BUILDING

Existing View from W 24th Place.



Note: Additional shrubs or architectural element should be added to screen utility boxes.

View From 24th Place.



Berm along W 24th Place and detention area behind.

Note: Additional shrubs or architectural element should be added to screen utility boxes. This picture is modified with a trellis feature as an example.

Existing Interior View.



Interior View of Development



Site includes pedestrian sidewalk connections throughout the development and to amenities within development.

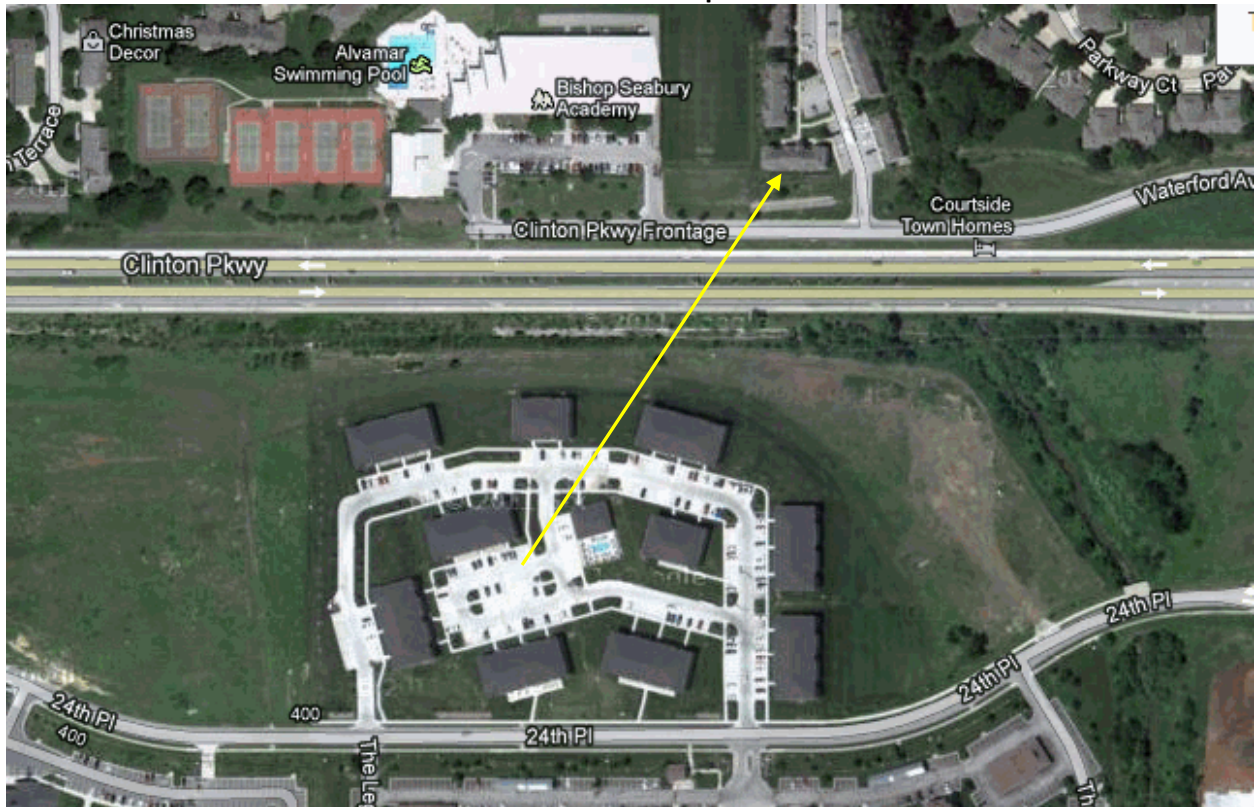
Typical Buffer Yard Treatment



Typical Interior Views of Development



View Across Development.





City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES



TA-3-3-10
October 26, 2011

Revisions to Joint City/County
Subdivision Regulations

Overview of Proposed Revisions

- Process Changes
 - Revisions between Prelim & Final Plats
 - Right-of-Way Dedications
 - Perimeter with first phase
 - Final Plats & Replats on GB agendas
 - Allow Replats for minor divisions/adjustments

Overview of Proposed Revisions

- Housekeeping Revisions

- Readability — lists vs. long paragraphs
- Current Process — apps, approval periods, extensions process
- Notice requirements/process
- Reorganized Sections 809, 810 & 811
 - Plat contents with process
 - Separated Subdivision Design Standards & Public Improvement Standards
- Definitions
 - Deleted terms & moved Regulatory text

Section 20-801

- (d) Exemptions
 - Boundary Line Adjustment
 - Correction Survey
 - Homestead Exemption Survey
- (e) Vested Rights
 - Non-Conforming Lots
 - Land Combinations

Section 20-802

- **Updated Process**
 - Electronic Submissions
 - Recording Fees
- **Added Notice Provisions**

Sections 20-804 & 20-805

Property Divisions in the UGAs

- Cluster Developments
 - Expand option to use – property > 20 acres
 - Increase flexibility for cross access locations
 - Applicability for Set Aside Agreements
- Large Parcel Property Divisions
 - Deleted

Section 20-806

Property Divisions in the Rural Area

- County Sanitary Code requirements
 - Consistent requirements for all developments
 - Require min 3 acres outside of floodplain

Section 20-807 – Certificate of Survey, Administrative Review Procedures

- Application requirements
 - State info once in one location
 - Specifically state Health Dept requirements
- Approval period & Extension process

Section 20-808

Minor Subdivisions/Replats

- Modified name – Minor Sub/Replat
- **Governing Body Agenda – dedications**
- **Permit lot line adjustments & mergers**
- Modified approval/extension periods

Section 20-809

Major Subdivisions

- Preliminary Plat
 - Contents moved from 20-812
 - Relaxed requirement for surveyed data
 - Add reference to Mailed Notice
 - **Defer dedications to Final Plat**
 - **Modified process – only to PC**
 - Modified approval/extension periods

Section 20-809

Major Subdivisions

- Final Plats
 - **Emphasize Public Improvements required**
 - **Established standards for permissible changes Prelim to Final**
 - 10% change in number of lots
 - Adjustments to u/e & r/w due to PIPs
 - Changes to u/e & r/w – general form maintained
 - Modified process – dedications to GB
 - Modified approval/extension periods

Section 20-810

Subdivision Design Standards

- Separated from Public Improvement Standards
- Moved stds to be shown on plats to 20-809
- Separated City/County standards
- Access points for subdivisions
 - Reference to IFC rather than fixed number
- Street/Road Cross Sections
 - Reference Public Works standards

Section 20-810

Subdivision Design Standards

- (i) Parks - page 86
 - Reference Master Plan
 - Delete land dedication & impact fees
- *Environmentally Sensitive Lands* text amendment now provides mechanism for open space preservation

Section 20-811

Public Improvement Standards

- Separated from Subdivision Design Stds
- Separated City/County standards
- Clarified variances from stds – PC action
- Added City water/wastewater requirements
- Added notice - utility relocation costs

Sections 20-812, 813, 814

- Relocated contents of 20-812 Preliminary and Final Plats to 20-809 for ease of use
- Modifications to reflect revised process and code citation changes

20-815 - Interpretations, Rules of Construction and Definitions

- Added introductory text similar to Development Code – *shall vs. may*
- Eliminated *Floodplain* terms with reference to Development Code & Zoning Regs
- Eliminated terms *not used* in Article
- Identified definitions that conflict with Development Code or Zoning Regulations

TA-3-3-10

LWV Comments – Staff Response

Page 60. a. “Whether the Subdivision will have public Streets and Roads, Private Streets and Roads or a combination thereof;” **Note: Private streets are not permitted in either the county or city outside of Planned Developments.** In the case of a Planned Development, the Preliminary Plat is also the Development Plan and is reviewed under a separate process. **Explanation: It is important to make this distinction in order to avoid confusion between driveways and streets!** Although this is made clear in other sections of these regulations, please also include this distinction here, as well.

- This statement is in the Preliminary Plat Contents section. The text amendment specifically tries to place all standards in the Standards section – rather than throughout the Article. *Staff does not support the suggested change.*

TA-3-3-10

LWV Comments – Staff Response

Page 61. Preliminary Plats (5) Stormwater Drainage - city of Lawrence. (ii)(c.) “A note that states: {If a basement is built on a lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump}.” **Note: Sump pumps are designed to drain away water collecting around foundations. In a case where the ground water is apt to be high and/or the building has been built in a drainageway, this is a transgression of good subdivision design. No buildings should be located in such areas. Where they are, no basements should be allowed. Certainly, no residential housing should be built in such areas that would require sump pumps to drain away excess storm water or water from high water tables. COMMENT: Lawrence needs you to adopt storm water management standards for individual lots, especially residential lots.**

Page 67. Final Plats: (vi)(c). “A note that states: {if a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump}.” **Note: In a case where the ground water is apt to be high or the building has been built in a drainageway, this is a transgression of good subdivision design. No buildings should be located in such areas. Where they are, no basements should be allowed. Certainly, no residential housing should be built in such areas. (Please see above comments regarding the same issue as stated in Preliminary Plats.**

TA-3-3-10

LWV Comments – Staff Response

- Text on pages 61 & 67 is existing text moved from 20-812. Structures are not allowed in drainage easements and minimum elevation of building opening is required when adjacent to such an easement.
- Prohibiting basements or requiring stormwater management standards for individual lots *would be significant change in policy*. Best addressed through Stormwater Ordinance.
- *Staff does not support the suggested changes.*

TA-3-3-10

LWV Comments – Staff Response

Page 69. (m) Final Plat - Review and Action by Planning Director (2)(i)(b.) “Substantial Compliance” means “Increase or reduction, less than or equal to ten percent of the number of approved Lots, Parcels or Tracts shown within the approved phase of the Preliminary Plat.” **Note: This flexibility could negatively affect the number of required accesses to the Subdivision, or other requirements. We ask that you add a conditional statement indicating that any modifications will not affect the compliance of the Final Plat with other provisions of the Subdivision regulations.**

- Sub-section on following page addresses this issue: ‘(v) Is otherwise consistent with the requirements of this Article for a Final Plat.’ *Staff does not support the suggested change.*

TA-3-3-10

LWV Comments – Staff Response

Page 74. (b) Frontage. “Frontage shall be provided to all Lots on a public street unless Lot Frontage is approved on a Private Street as part of a Planned Development.” **Please note: the way this correction reads sounds as though if a lot is on a public street it shall be provided frontage (but that lots can exist that are not on public streets). Please do not change this statement from what exists now: “(1) All lots shall have Frontage on a Public Street unless Lot Frontage is approved on a Private Street as part of a Planned Development.” In other sections the regulations allow cases where access can also be to an alley (see below).**

- *Staff supports the suggested change.*

TA-3-3-10

LWV Comments – Staff Response

Page 77. (e) Streets (2) Connections (iv) “Proposed Subdivisions that have access to the public road system via a Single Outlet must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of Lots or residential Dwelling units permitted; total amount of square feet constructed; or the type of construction allowed.” **Note: Please attach as an appendix to these Subdivision Regulations any regulations that also apply here that are not directly stated in this Article so as to make them readily accessible to the reader and/or user. Explanation: These regulations should be accessible to the public as well as to professional planners and architects.**

- The revision is specifically proposed so these regulations will not conflict with the many other requirements projects must adhere to during the development process. PDS is not the keeper of all of these requirements and cannot be responsible for all of them. *Staff does not support the suggested change.*

TA-3-3-10

LWV Comments – Staff Response

Page 78. (v) “Residential Collector Streets shall provide connections to non-residential uses within the neighborhood.” **Note: Please consider incorporating “Connector Streets” into the street system. These streets do not serve to direct traffic to arterials as do collectors, but rather, are designed to connect residential areas in neighborhoods to non-residential uses such as suggested here, but do not connect to arterials and therefore do not increase traffic within neighborhoods. They are “complete streets” in that they have sidewalks and bicycle paths on both sides.**

Page 78. (3) Intersecting Streets (v). “~~Residential Connector Streets...etc.~~” **Please note: This is proposed to be eliminated. We ask that you not eliminate this section. The function of connector streets has not been adequately substituted here by the added statement above “(v) Residential Collector Streets....” Explanation: By definition, a collector street connects a local street to an arterial street. Connector streets are specifically designed not to do this. When connector streets connect to shopping centers, their connection to an arterial street is designed to be indirect. Please do not eliminate the category here of “connector streets,” and please do encourage developers to design them into neighborhoods.**

TA-3-3-10

LWV Comments – Staff Response

- The existing regulations only include the term in the definition of *Street, Residential Collector (or Residential Connector)* on page 147. The design standards in this definition have been moved to page 78 *Connections (v)*.
- The term '*connector street*' is **not a standard transportation planning term**. Staff has researched the use of the term; it could be considered a sub-category of local or collector streets that connects two collectors, but does not access an arterial street. In staff's opinion, this term is not needed in the regulations.
- *Staff does not support the suggested change.*

Recommendation

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

PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report
10/26/11

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

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

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

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

OVERVIEW OF PROPOSED AMENDMENT

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

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

CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

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

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

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

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

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

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

Staff Review

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

Section 20-801/Section 11-101 General

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

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

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

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

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

No substantive changes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 20-809/Section 11-109 Major Subdivisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No substantive changes.

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

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

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

Conclusion

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

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

Staff Recommendation

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

October 26, 2011 Draft
SUBDIVISION REGULATIONS
for
Lawrence
and
the Unincorporated Areas
of Douglas County, KS

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

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

December 19, 2006 Edition
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Official Copy as Adopted by Ordinance No. ~~8364~~ 8317 and Resolution ~~09-06~~ 10-30.

~~February 28, 2009~~ December 28, 2010
/s/ ~~Frank Reeb~~, Jonathan Douglass City Clerk date of publication

~~February 28, 2009~~ December 28, 2010
/s/ Jameson D. Shew, County Clerk date of publication

Article 8. Subdivision Design and Improvements

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Comment [sms1]: WILL NEED TO UPDATE
WITH NEW PAGE NUMBERS

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20-801 General

(a) Purpose and Intent

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

Article 8 Subdivision Design and Improvements

Section 20-801 General

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

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

(b) Jurisdiction

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

(c) Applicability

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

Comment [sms2]: Added reference to exemptions or lot of record, nonconforming lots

Comment [sms3]: Added language for clarity

(d) **Exemptions**

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

Comment [sms4]: Deleted blue – term not defined

Comment [sms5]: How do we deal with the situation where remaining parcel is not large enough to be a C of S, so a future RDP cannot be created even if the parcel meets the RDP size requirements?

Is this exemption dealing with two developed parcels? If so, it should state that or does it allow a transfer from an undeveloped parcel to an undersized developed parcel?

Do we need a graphic? Perhaps not in code, but in handouts?

(viii) Within the City of Lawrence, the division of land to allow for the sale of individual attached or detached residential **Dwellings** in a townhouse development; provided that, the following conditions are met:

- a. The land has been developed with and is occupied by an attached or detached **Dwelling**;
- b. The land being divided or transferred under this exemption is covered by a recorded declaration of covenants subjecting the land and **Improvements** thereon to procedures and conditions regulating the manner in which **Improvements** may be expanded, reconstructed and maintained;
- c. Prior to recording of the first division for a townhouse development, a development plan, or similar document, **shall be recorded at the Register of Deeds** showing at a minimum:
 1. **The entire townhouse development,**
 2. **A legal description of the boundaries of the entire development,**
 3. **Any tracts for common ownership, maintenance or use, ponds or drainage areas, and**
 4. **The intended **Tracts, Parcels** or general building locations (along with building numbers or proposed addresses) for division into townhouse units.**
- d. **If the declaration allows additional land to be submitted to the townhouse development, the location and description of the additional land shall also be shown.**

Comment [sms6]: Was at the end of #4 below

Comment [sms7]: Displayed long paragraph in list form. No new requirements or info proposed.

(ix) Within the **Unincorporated Area** of the County, a division **(commonly called a Homestead Exemption Survey)** created to divide off a residential building that existed **On-Site** on December 31, 2006, provided that the following conditions are met:

- a. The minimum size of the new **Parcel** upon which the residential building is located meets both the County's Sanitary Code requirements for access to a **Potable Water** supply and the Height, Area and Bulk Requirements in ~~Article 18~~ **Section 12-318** of the Douglas County **Zoning Regulations**;
- b. The ~~entire~~ **On-Site Sewage Management System** is located entirely on the **new Parcel** upon which the residential building it serves is located and is in compliance with the County's Sanitary Code requirements; and,

- c. The new **Parcel** on which the residential building is located meets the minimum frontage and entrance spacing requirements established in the **County's Access Management Standards**.

Such legally created **Parcel** of land on which the residential building is located shall not be subject to further review under this Article, unless or until this **Parcel** is further divided. The remaining **Parcel** ~~without a residential building shall be subject to the County Zoning Regulations and shall not be deemed created in conformance with the Subdivision Regulations.~~ **is not eligible for a building permit until subdivided in accordance with this Article.**

(e) **Vested Rights**

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

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

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

Comment [sms8]: Broke out into list form

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

- (i) **In the UR (Urban Reserve) District, a Lot or Parcel** ~~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 detached Dwelling 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 or Parcel is further subdivided.~~
- (ii) **In the City of Lawrence, Nonconforming Lots/Parcels in the City of Lawrence that meet the requirements of Section 20-1504 of the Land Development Code may be used in accordance with Article 15 without further review under this Article, until such Lot/Parcel is further subdivided.**
- (iii) **In the City of Lawrence, properties in the City of Lawrence which include partial Lot descriptions or multiple Lot**

Comment [sms9]: Inserted text from interpretation

descriptions which were created prior to December 19, 2006, are not subject to review under this Article if the property meets the standards of either the zoning district that it was governed by when the property was created or the current zoning district in which it is located unless the development pattern of the property is altered.

Comment [sms10]: Inserted text from interpretation

(iv) For property in the Unincorporated Areas of Douglas County, A a Lot of Record or a Parcel lawfully created within the A (Agricultural) District, A-1 (Suburban-Home Residential) District, or R-1 (Single-Family Residential) District in the Unincorporated Area of Douglas County on or before December 31, 2006, that has been maintained in individual ownership, may be used for residential purposes for a single-family home or for another use allowed within the A (Agricultural) District the property is located in, without further review under this Article, until such Lot of Record or Parcel is further subdivided.

Comment [sms11]: Changed text to blue

(3) For property in the Unincorporated Areas of Douglas County, a A Parcel created to divide off an existing residential building and grounds from a larger Parcel pursuant to Section 20-801(d)(2)(ix) through the recording of a Homestead Exemption Survey, when the principal building on the Parcel is for single-family residential purposes, shall have no further review under this Article until such Parcel is further subdivided only when:

- (i) The residential building existed on site on or before December 31, 2006;
- (ii) It is served by a Potable Water source located on the Parcel that includes the existing residential building improvement;
- (iii) The Parcel conforms with the County's Sanitary Code; and,
- (iv) That Parcel is zoned either A (Agricultural), A-1 (Suburban Home Residential), VC (Valley Channel), or R-1 (Single-Family Residential).

Comment [sms12]: Broke paragraph up into outline form – no text change

(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).

Comment [sms13]: Changed to just be 12-764 CORRECT

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

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

Comment [sms14]: Does this need to be blue here? Different context? **CHANGE BLUE AND CAPS** DONE

Comment [sms15]: Broke paragraph up into outline form – no text change

Comment [sms16]: Text moved from definition of Land Combination

20-802 General Review and Approval Procedures

(a) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this Article may be initiated by ~~(1)~~ all the Owners of the property that is the subject of the application; or ~~(2)~~ the Owners' authorized Agent.

(b) Form of Application

- (1) Applications required under these Subdivision Regulations shall be submitted in a form and in the numbers of copies required by the official responsible for accepting the application ~~Planning Director~~. **All application materials must be submitted in both print and electronic format.**
- (2) ~~Officials responsible for accepting applications~~ **The Planning Director** shall develop checklists of application submittal requirements and make those checklists available to the public. ~~Application forms and checklists of required submittal information shall be available in the office of the official responsible for accepting the application.~~
- (3) The application also shall contain all materials required by:
 - (i) Section 20-807(d) **&(e)** for Certificate of Survey applications;
 - (ii) **Section 20-808(e) for Minor Subdivision/Replat applications;**
 - (iii) Section ~~20-812(a)~~ **20-809(f)** for Preliminary Plat applications; or
 - (iv) Section ~~20-812(b)~~ **20-809(l)** for Final Plat applications, whichever is applicable.

Comment [sms17]: Included Minor Subs and subsection for CoS contents

(c) Pre-application Meetings

All applicants submitting applications for approvals ~~required by this Article~~ must attend a pre-application meeting with Planning Staff. ~~Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required.~~ Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 working days before submitting an application.

- (1) ~~All other Applicants are encouraged to arrange a pre-application meeting with Planning Staff. The Planning Director will provide assistance to Applicants and ensure that appropriate Planning Staff members are involved in pre-application meetings.~~

(d) **Notices**

The notice provisions of this section apply to the Major Subdivision process except as otherwise expressly stated.

(1) **Content**

(i) **Newspaper and Mailed Notice**

All newspaper and Mailed notice shall:

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

(2) **Newspaper Notice**

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

(3) **Mailed Notice**

When the provisions of these Subdivision Regulations require that "Mailed Notice" be provided:

(i) **Owner Notice; Radius**

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

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

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

Comment [sms18]: Add current practice

(iii) **Ownership Information**

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

(iv) **Timing of Notice**

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

(4) **Administrative Processes**

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

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

(ii) **Certificates of Survey**

Division of property through the **Certificate of Survey** process is an administrative process.

- a. Mailed notice requirements for divisions within the **Urban Growth Areas** are provided in Section 20-804.
- b. Mailed notice is not required for divisions located outside of the **Urban Growth Areas**.
- c. The notice requirements for appeals to **Certificates of Survey** determinations are provided in Section 20-807(i).

(e) ~~(d)~~ **Application Processing Cycles**

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

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

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

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

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

- (1) An application will be considered complete and ready for processing only if it is: submitted in the required number and form; includes all required information; and, is accompanied by the required fees.
- (2) Within ~~7-5~~ **working days of application filing**, the **Planning Director** shall determine whether the application includes all information required by these **Subdivision Regulations**. If an application does not include all of the required information, it will be deemed incomplete. If an application includes all of the required information, it will be deemed complete. Written notice of the incompleteness and the specific information lacking shall be provided to the applicant or the applicant's **Agent**. ~~within 2 working days of a determination.~~
- (3) No processing of incomplete applications shall occur and incomplete applications will be removed from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. No refund of a review fee shall be made for applications that are withdrawn.
- (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Planning Staff and other review and decision-making bodies in accordance with the procedures of these **Subdivision Regulations**.

Comment [sms19]: Article 13 states 5 days – provide consistent time frames within code

Comment [sms20]: 20-1301 doesn't specify timeframe

(h) ~~(g)~~ **Applications Containing Technical Deficiencies**

- (1) The **Planning Director** may require that applications be revised before being placed on the agenda of the **Planning Commission** or **Governing Body**, if the **Planning Director** determines that:
 - (i) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;
 - (ii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;
 - (iii) The application cannot be approved without a **Variance** or some other change or modification that the decision-making body for that application does not have the authority to grant or approve. This determination shall be made in written form to thea. If the determination is based on this sub-section (iii), it shall include an explanation of what **Variance**, change or modification would be required to allow approval of the application.

- (2) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with this Article shall be revised before they will be placed on an agenda of the [Planning Commission](#) or [Governing Body](#).
- (3) Action or inaction by the [Planning Director](#) under this section may be appealed to the appropriate [Governing Body](#) in accordance with Section 20-807(h) or Section 20-813(e), whichever is applicable.

(i) ~~(h)~~ **Applicability**

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

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

(a) Prerequisite to Development

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

(b) Procedure Required

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

20-804 Cluster Developments in the Urban Growth Areas

(a) Purpose

The purpose of this Section is to allow for an alternative administrative approval procedure to Large Parcel Property Divisions in the ~~Urban Growth Area~~ for rural residential development. **The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on land Parcels that are located within the Urban Growth Areas of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the ultimate future Urban Density residential development of the land Parcel prior to any division occurring, and that based on these considerations, 3 acre or larger Residential Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the Residential Development Parcels, at some future time, to create Urban Blocks and connective street networks in accordance with the Design Standards in the Subdivision Regulations for the city associated with the Urban Growth Area. These regulations will result in Residential Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to Urban Density development as subsequent circumstances dictate.** The clustering of development Parcels within the Urban Growth Areas on Parcels that ~~are~~ **contain** at least 20 acres ~~but less than 40 acres~~ is intended to mitigate the strain on Infrastructure and public services and to anticipate future development patterns for the remainder of the property after annexation.

Comment [sms21]: Text taken from Purpose statement for Large Parcel Divisions

(b) Applicability

- (1) ~~A The~~ division of a Parcel of land that ~~is less than 40 acres in area, but contains~~ at least 20 acres in area, and that is located in Service Areas 2-4, of Lawrence's Urban Growth Area or in another City's Urban Growth Area, may be approved according to the Cluster Development provisions of this Section.
 - (i) For purposes of determining compliance with the 20 acre minimum Parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Parcel.
 - (ii) In calculating the size of a Parcel, the Parcel size shall be deemed to include ½ of the adjoining Road Right(s)-of-Way if this inclusion is necessary for the Parcel to conform to the applicable minimum Parcel size.

(c) Immediate Development Acreage and Future Development Acreage

Lands divided pursuant to this Section shall be developed as a Cluster Development and shall ~~contain~~ **be identified as either the** an Immediate Development Area ~~and a~~ **or the** Future Development Area in accordance with the following requirements.

(1) Immediate Development Area.

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

Comment [sms22]: This sentence from 805(c)(1)(i) to provide more clarity for Immediate Dev Area.

Comment [sms23]: It is not always feasible to have the entire access easement in the Immed Area

- (i) Minimum **Parcel** Acreage and dimensional standards.
Residential Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County **Zoning Regulations**. The minimum **Residential Development Parcel** size shall be 3 acres.
- (ii) Location of **Residential Development Parcels**.
Within the **Cluster Development**, each **Residential Development Parcel** shall be designed and developed in accordance with the requirements in this sub-section:
 - a. Clustered to take access from **Cross Access Easements** to minimize access points to the adjacent public **Right(s)-of-Way**.
 1. **Cross Access Easements** shall be established by a separate legal instrument, acceptable to the legal counsel of the nearby city and the easement shall be ~~filed~~ **recorded** at the Register of Deeds as a **Restrictive Covenant** of the **Cluster Development** that prohibits development of the Future Development Area until, upon annexation, the **Cross Access Easement** is dedicated to the annexing city as public **Road Right-of-Way**.
 2. The **Cross Access Easements** shall be written so that, upon annexation by a city, the **Cross Access Easement** shall be in acceptable form and dimensions to be dedicated to the City as public **Road Right(s)-of-Way**, to allow for construction of **Streets** within the **Cross Access Easements** to meet the then current city **Street** standards.
 - b. Planned and laid out to allow for future subdivision of the **Residential Development Parcels** into platted **Lots** at an **Urban Density** commensurate with the zoning and subdivision regulations of the annexing city.
- (iii) Utility – Water.
All **Residential Development Parcels** shall obtain **Publicly Treated Water** delivered through a water meter.

- (iv) ~~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 identified in Section 20-810(f)(4).~~
- (v) (iv) Utility – Wastewater.
All Residential Development Parcels shall have an On-Site Sewage Management System approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.
- (vi) (v) County Health Code Restriction in Floodplain.
On-Site Sewage Management Systems shall be located outside the FEMA designated regulatory floodplain.
- (vii) (vi) Building Envelopes.
~~The Immediate Development Area shall not contain any Environmentally Sensitive Lands identified as worthy for Resource Preservation in Section 20-810(j)(k).~~ The buildable area for each Residential Development Parcel within the Immediate Development Area shall be defined by Building Envelopes and structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.
- Residential Development Parcels shall be planned and arranged to allow for the future subdivision of these Parcels into Urban Streets and Blocks that conform to the development regulations of the city associated with the Urban Growth Area.
 - The buildable area for each Residential Development Parcel shall be defined by Building Envelopes which accommodate the future Block layout and exclude lands which have been identified for protection as Environmentally Sensitive Lands areas.
 - The Building Envelopes for each RDP shall be shown on the Certificate of Survey.

Comment [sms24]: I think this standard was written when there was some intention that the Future area was an open space or common area. Do not think this is necessary.

Comment [sms25]: Don't think it is reasonable to restrict the RDPs from including any Sensitive Lands – the owner may want those features on his property – they are still restricted from the building envelope.

Comment [sms26]: Staff believes this is important in order to make sure building placement does not conflict with potential Build Out Plan

(viii) **(vii)** Access.

- a. When the **Cluster Development** is located within the Lawrence **Urban Growth Area** or in the **Urban Growth Area** of another city, the development shall have direct **Access** to a **Road** that meets or exceeds the **County's Rock Road Standard**.
- b. When established as part of a **Cluster Development** in Lawrence's UGA, the service drive constructed within the **Cross Access Easement** shall be constructed, at a minimum, to meet the **County's Rock Road Standard**, and the minimum width of traveled-way plus shoulder shall be 20 feet.
 1. **As an alternative, when a Cross Access Easement only provides access to only one or two RDPs in the Immediate Development Area, a waiver from this construction standard may be permitted if approved by the County Engineer and when provisions for future improvement to Road standards are included in the Restrictive Covenants.**
- c. **Only** ~~one~~ access 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 **Environmentally Sensitive Lands** being conserved and protected.

Comment [sms27]: Regulatory language – this should be relocated to 20-804(c) taken from definitions

Comment [sms28]: Will need to be blue after TA

(ix) **(viii)** Steep Slopes.

The **Building Envelopes** of **Residential Development Parcels** shall not contain any slopes greater than 15%.

(x) **(ix)** Minimum **Road Right(s)-of-Way**.

- a. If the **Cluster Development** is located adjacent to public **Road Right-of-Way** that does not meet the minimum width standards of Section 20-810~~(d)(4)~~ **(e)(5)**, approval of the application for division pursuant to this Section 20-804 shall be subject to a condition that the **Subdivider** dedicate, by separate instrument to the County, ½ the additional land necessary to bring the **Road(s)** adjoining the **Cluster Development** to the required **Right-of-Way** standard based on the **Road's** classification established in the **County's Access Management Standards**.
- b. All necessary **Dedications** shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds.
- c. No final action may be taken on the **Certificate of Survey** until this additional **Road Right-of-Way** has been dedicated.

(xi) **(x)** Minimum **Frontage** and Entrance Spacing Requirements.

Comment [sms29]: Changed to blue – change throughout

a. The **Cluster Development** must meet the minimum frontage and entrance spacing requirements established in the **County's Access Management Standards**. The Frontage and Entrance Spacing Requirements are based on the classification of the **Road** upon which the **Cross Access Easement** is proposed to take access.

b. **Minimum RDP Frontage on the Cross Access Easement is not subject to the Frontage requirements in Section 12-318 of the Douglas County Zoning Regulations.**

(xii) **(xi)** Drainage **Easements**.

If any portion of the **Residential Development Parcel** lies in a FEMA designated regulatory **Floodplain**, or if drainage **Channels** or **Swales** exist on the **Residential Development Parcel** that carry runoff from adjacent property or public **Street/Roads**, the FEMA designated regulatory **Floodplain** or drainage **Channel** or **Swale** shall be protected by grant of an **Easement**, or other similar device, evidenced by separate legal instrument, as may be required by the **Planning Director** and acceptable to the County Counselor.

(xiii) **(xii)** Restrictive Covenants.

Property in the **Immediate Development Area** shall be subject to a **Restrictive Covenant** as set forth in ~~sub-section~~ **Section 20-804(d)**.

Comment [sms30]: consistency

(2) Future Development Area.

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

(i) Minimum Requirement.

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

(ii) **(3)** Conservation of Natural Resources.

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

Comment [sms31]: Evan suggestion that the Agreements or Easements apply to both Immediate and Future Areas

Comment [sms32]: Evan suggested this clearly state that it applies to the Immediate Dev Area too

- a. (i) **Temporary Set Aside Agreement.**
- a. A **Temporary Set Aside Agreement** shall prohibit **Development**, while the lands are located within the **Urban Growth Area** that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources.
 - b. The **Temporary Set Aside Agreement** shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official.
 - c. The City will have regulatory authority over the **Temporary Set Aside Agreement** only after the property has been annexed into the City.
 - d. Within 2 years of the date of annexation into the City, the **Temporary Set Aside Agreement** will expire unless further action is taken by either the City or the property **Owner** to secure its continuance.
- b. (ii) **Conservation Easement.**
- a. A permanent **Conservation Easement** may be ~~developed~~ **established** by an **Owner** that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent **Conservation Easement** may cover include those lands identified in Section 20-810(j)-(k), or similar sensitive lands.
 - b. A permanent **Conservation Easement** shall be ~~developed~~ **established** to retain the environmental, geographical or historical characteristics of the land.
 - c. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.
 - d. A permanent **Conservation Easement** created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.
- (iii) (4) **Restriction on Subsequent Divisions.** Any further division for **Development** purpose is prohibited until annexation or until an amended **Certificate of Survey** is approved and ~~filed~~ **recorded** with the Register of Deeds.
- (iv) (5) **Restrictive Covenant.** The **Immediate and Future Development Areas** shall be subject to a **Restrictive Covenant** as set forth in ~~sub-section~~ **Section 20-804(d)**.

Comment [sms33]: List format for readability

Comment [sms34]: List format for readability

(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 or the subdivision regulations in place at that time**; ~~subject to the requirements of this Article~~;
- (3) For the Immediate Development Area, limit **each Residential Development Parcel** to one principal **Dwelling** and accessory buildings until annexation into a city and municipal water and **Sanitary Sewer** service are extended to the property;
- (4) For the **Future Development Area**, any further division for **Development** purpose is prohibited until annexation or until an amended **Certificate of Survey** is approved and ~~filed~~ **recorded** with the Register of Deeds;
- (5) Restrict the location of structures within **the Immediate Development Area** to **Building Envelopes** that have been created to allow for the future subdivision of the **Immediate Development Area** into **Blocks** of an **Urban Density** that avoids interference with planned future **Street/Roads**, **Easements** and setbacks;
- (6) Be binding upon the **Owner** and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and
- (7) Be in a recordable form and be recorded with the Register of Deeds.

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

- (1) Written notice of the proposed division for rural residential purposes shall be mailed to the **Owner** of record of all property within ¼ mile of the subject property. The notice shall be sent by the applicant by regular mail, postage pre-paid. The mailing addresses for property **Owners** within the ¼ mile notification area shall be obtained from the Douglas County Clerk. The applicant shall submit a Certificate of Mailing, ~~obtained from the US Post Office~~, at the time of submission of the **Certificate of Survey** application. A **Certificate of Survey** application shall be considered incomplete without an executed Certificate of Mailing. The notice shall provide:

- (i) A brief description of the location of the property proposed for division;
- (ii) The projected date a **Certificate of Survey** application will be submitted to the Lawrence/Douglas County Planning Office;

Comment [sms35]: This is form included in App packet from staff

- (iii) A contact telephone number and address for the property Owner proposing the division for rural residential purposes; and,
- (iv) The letter shall include the following ~~S~~-statement and information:

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

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

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

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

Comment [sms36]: This section says almost same thing as (i)-- (deleted (i) below)

- (1) ~~Land divided in accordance with this Section shall not be eligible for subsequent division until the land has been annexed by a city. or until an amended Certificate of Survey is approved and filed recorded with the Register of Deeds.~~
- (2) ~~Additional divisions or development of the Immediate Development Area shall be made in accordance with Section 20-810 809.~~
- (3) ~~After annexation, divisions or development of any portion of the Immediate or Future Development Area not subject to a Conservation Easement or Temporary Set Aside Agreement shall be made in accordance with the Subdivision Regulations of the applicable city.~~
- (1) **Upon Annexation, Development of the Future Development Area shall occur in accordance with the Build Out Plan or an approved plan meeting the Subdivision Regulations in place at the time. If, however, the appropriate city's plans or regulations for the area covered by the Build Out Plan recommend a different type of land use or scale of development, the property shall be platted to conform to the city's current plans and regulations.**
- (2) **Upon Annexation, all future divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the City of Lawrence, or in accordance with the applicable procedures set forth in the annexing city's Subdivision Regulations.**

Comment [sms37]: Moved from (i) below

Comment [sms38]: Moved from (i) below and inserted the word 'future' to indicate divisions of existing parcels after annexation

(g) **Application**

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

- (1) Satisfy the requirements of Section 20-802;
- (2) Be submitted with an approved application form supplied by the Planning Department;
- (3) **Be submitted in both print and electronic format, on disc;** and,
- (4) Shall be accompanied by **the application materials listed in 20-807(d)±.**
 - (1) ~~The applicable review and recording fees;~~
 - (2) ~~Proof of legal or equitable interest in the property;~~
 - (3) ~~Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;~~
 - (4) ~~Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Cluster division for rural residential development purposes;~~
 - (5) ~~A [Build Out Plan](#) illustrating the following with respect to both the Immediate Development Area and Future Development Area:~~
 - (i) ~~A realistic future urban block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;~~
 - (ii) ~~The layout of future [Streets/Roads](#), provided that, local [Streets/Roads](#) shall be planned to provide [Street/Road](#) connections to adjoining [Parcels](#), neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State [Roads](#) or highways for local trips;~~
 - (iii) ~~Block level easement locations for utilities and storm water drainage;~~
 - (iv) ~~Locations of [Building Envelopes](#) for each [Residential Development Parcel](#) that are respective of the future urban street and block layout; and;~~
 - (v) ~~Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.~~

Comment [sms39]: Moved these requirements to 20-807 so only stating once

Article 8 Subdivision Design and Improvements
Section 20-804 Cluster Developments in the Urban Growth Areas

- (6) One original and 3 copies of a ~~Certificate of Survey~~ that complies with the requirements of Section 20-807, and;
- (7) An executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city.

Comment [sms40]: Moved to 807

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

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

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

Comment [sms41]: This section says almost same thing as (f) – MOVED

- (1) Land divided pursuant to this Section shall not be eligible for subsequent division until the land covered by the ~~Build Out Plan~~ has been annexed by a city or the ~~Build Out Plan~~ has been revised as part of an amended ~~Certificate of Survey~~.
- (2) Upon Annexation, development of the ~~Future Development Area~~ shall occur in accordance with the ~~Build Out Plan~~. If, however, the appropriate city's plans or regulations for the area covered by the ~~Build Out Plan~~ recommend a different type of land use or scale of development, the property shall be platted to conform to the city's current plans and regulations.
- (3) Upon annexation, all divisions of land in the ~~Immediate Development Area~~ or ~~Future Development Area~~ shall be made in accordance with Section 20-809, ~~Major Subdivisions~~ for the City of Lawrence, or in accordance with the applicable procedures set forth in the annexing city's Subdivision Regulations.

20-805 Large Parcel Property Divisions in Urban Growth Areas (RESERVED)

(a) Purpose

The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on large land ~~Parcels~~ that are located within the Urban Growth Areas of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the ultimate urban density residential development of the large land parcel prior to any division occurring, and that based on these considerations, 3-acre or larger ~~Residential Development Parcels~~ may be created when they allow for future divisions through a 'Build Out Plan' of the ~~Residential Development Parcels~~, at some future time, to create urban blocks and connective street networks in accordance with the design standards in the Subdivision Regulations for the city associated with the Urban Growth Area. These regulations will result in ~~Residential Development Parcels~~ that retain their rural character for the immediate future, but will also allow for more efficient transition to urban density development as subsequent circumstances dictate.

(b) Applicability

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

(1) For purposes of determining compliance with the 40-acre minimum parcel area, an entire quarter of a quarter section (e.g. Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$) shall be deemed to be a 40-acre parcel.

(2) In calculating the size of a parcel, the parcel size shall be deemed to include $\frac{1}{2}$ of the adjoining road ~~Right(s) of Way or Easements~~ if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size.

(c) Immediate Development Area and Future Development Area

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 and dimensional standards.~~ Residential Development ~~Parcels~~ shall be laid out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations.

- (iii) ~~Building Envelopes. Residential Development Parcels~~ shall be planned and arranged to allow for future subdivision of these ~~Parcels~~ into blocks that conform to the development regulations of the city that is associated with the Urban Growth Area. The buildable area for each ~~Residential Development Parcel~~ shall be defined by ~~Building Envelopes~~, which accommodate the future block layout and exclude lands which have been identified for protection as environmentally sensitive areas.
- (iv) ~~Development Parcel Access. Each Residential Development Parcel~~ shall have direct access to a road that meets or exceeds the ~~County's Rock Road Standard~~.
- (v) ~~Minimum Road Right(s) of Way. If the Large Parcel Property Division~~ is located adjacent to public road ~~Right(s) of Way~~ that does not meet the minimum width standards of Section 20-810(d)(4)(e)(5), 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, 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~~. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds. No final action may be taken on the ~~Certificate of Survey~~ until this additional road ~~Right of Way~~ has been dedicated.
- (vi) ~~Minimum Frontage and Entrance Spacing Requirements. Residential Development Parcels~~ must meet the minimum frontage and entrance spacing requirements established in the ~~County's Access Management Standards~~. The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the ~~Residential Development Parcel~~ is proposed to take access.
- (vii) ~~Utility – Water. All Residential Development Parcels~~ shall obtain Publicly Treated Water delivered through a water meter.
- (viii) ~~Steep Slopes. The Building Envelopes of Residential Development Parcels~~ shall not contain any slopes greater than 15%.
- (ix) ~~Drainage Easements. If any portion of the Residential Development Parcel~~ lies in FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the ~~Residential Development Parcel~~ that carry runoff from adjacent property or public ~~Street/Roads~~, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by grant of Easement, or other similar device, evidenced by a separate legal instrument, as may be required by the ~~Planning Director~~ and acceptable to the County Counselor.
- (x) ~~Utility – Wastewater. Residential Development Parcels~~ shall have an ~~On-Site Sewage Management System~~ approved by the Director of Lawrence/Douglas County Health Department or a connection to a

~~wastewater disposal system approved by the Kansas Department of Health and Environment.~~

- (xi) ~~County Health Code Restriction in Floodplain.~~ [On-Site Sewage Management Systems](#) shall be located outside of the FEMA designated regulatory floodplain.
- (xii) ~~Restrictive Covenants.~~ Property in the Immediate Development Area shall be subject to a restrictive covenant as set forth in sub-section 20-805(d).

(2) ~~Future Development Area.~~

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

- (i) ~~Minimum Requirement.~~ The portion of a Large Parcel Property Division not included in the Immediate Development Area shall be designated Future Development Area.
- (ii) ~~Conservation of Natural Resources.~~ Land that is or contains the resources identified in Section 20-810(j), to the greatest extent reasonably practicable, shall be conserved and protected through the filing with the Register of Deeds of either a [Temporary Set Aside Agreement](#) or a permanent [Conservation Easement](#).
 - a. A [Temporary Set Aside Agreement](#) shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources. The [Temporary Set Aside Agreement](#) shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official. The City will have regulatory authority over the [Temporary Set Aside Agreement](#) only after the property has been annexed into the City. Within 2 years of the date of annexation into the City, the [Temporary Set Aside Agreement](#) will expire unless further action is taken by either the City or the property Owner to secure its continuance.
 - b. A permanent [Conservation Easement](#) may be developed by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent [Conservation Easement](#) may cover include those lands identified in Section 20-810(j), or similar sensitive lands. A permanent [Conservation Easement](#) shall be developed to retain the environmental, geographical or historical characteristics of the land. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance. A permanent [Conservation Easement](#) created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

- (iii) ~~Restriction on Subsequent Divisions. Any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds.~~
- (iv) ~~Restrictive Covenant. The Future Development Area shall be subject to a restrictive covenant as set forth in sub-section 20-805(d).~~

(d) Restrictive Covenants

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

- (1) ~~Incorporate by reference and have attached as an exhibit the Build-Out Plan;~~
- (2) ~~Require future division of the Residential Development Parcels to conform to the Build-Out Plan, subject to the requirements of this Article;~~
- (3) ~~For the Immediate Development Area, limit each Residential Development Parcel to one principal dwelling until annexation into a city and municipal water and sanitary sewer service are extended to the property;~~
- (4) ~~For the Future Development Area, any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds;~~
- (5) ~~Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future subdivision of the Immediate Development Area into blocks of an urban density that avoids interference with planned future Street/Roads, Easements and setbacks;~~
- (6) ~~Be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and~~
- (7) ~~Be in a recordable form and be recorded with the Register of Deeds.~~

(e) Notice to Nearby Property Owners

- (1) ~~Written notice of the proposed division for rural residential purposes shall be mailed to the Owner of record of all property within ¼ mile of the subject property. The notice shall be sent by the applicant by regular mail, postage pre-paid. The mailing addresses for property owners within the ¼ mile notification area shall be obtained from the Douglas County Clerk. The applicant shall submit a Certificate of Mailing, obtained from the US Post Office, at the time of submission of the Certificate of Survey application. A Certificate of Survey application shall be considered incomplete without an executed Certificate of Mailing. The notice shall provide:~~
 - (i) ~~A brief description of the location of the property proposed for division;~~

- (ii) ~~The projected date a Certificate of Survey application will be submitted to the Lawrence/Douglas County Planning Office;~~
- (iii) ~~A contact telephone number and address for the property owner proposing the division for rural residential purposes; and,~~
- (iv) ~~The letter shall include the following Statement and information:~~

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

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

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

(f) **Large Parcel Property Divisions After Annexation**

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

(g) **Application**

~~Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a Large Parcel Property Division in conformance with this Section. The completed application must satisfy the requirements of Section 20-802; be on an approved application form supplied by the Planning Department; be submitted in both print and electronic format, on disc; and, shall be accompanied by:~~

- (1) ~~The applicable review and recording fees;~~
- (2) ~~Proof of legal or equitable interest in the property;~~
- (3) ~~Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;~~

- (4) Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Large Parcel Property division for rural residential purposes;
- (5) A ~~Build Out Plan~~ illustrating the following with respect to both the Immediate Development Area and Future Development Area:
 - (i) A realistic future urban block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the ~~Subdivision Design Standards~~ set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
 - (ii) The layout of future ~~Street/Roads~~; provided that, local ~~Streets/Roads~~ shall be planned to provide ~~Street/Road~~ connections to adjoining ~~Parcels~~, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State ~~Roads~~ or highways for local trips;
 - (iii) Block level easement locations for utilities and storm water drainage;
 - (iv) Locations of ~~Building Envelopes~~ for each ~~Residential Development Parcel~~ that are respective of the future urban street and block layout; and
 - (v) Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.
- (6) One original and 3 copies of a ~~Certificate of Survey~~ conforming to the requirements of Section 20-807; and;
- (7) An executed annexation agreement allowing annexation by the city, who's Urban Growth Area the development is located within, based on the adopted annexation policies of that city.

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

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

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

- (1) Land divided pursuant to this Section shall not be eligible for subsequent division until the land covered by the ~~Build Out Plan~~ has been annexed by a city or the ~~Build Out Plan~~ has been revised as part of an amended ~~Certificate of Survey~~;
- (2) Upon Annexation, development of the Future Development Area shall occur in accordance with the ~~Build Out Plan~~. If, however, the appropriate city's plans or regulations for the area covered by the ~~Build Out Plan~~ recommend a different type of land use or scale of development, the property shall be platted to conform with the city's current plans and regulations;

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Section 20-805 ~~Large Parcel Property Divisions in Urban Growth Areas~~ [Reserved]

- (3) ~~Upon annexation, all divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the City of Lawrence, or in accordance with the Subdivision Regulations set forth in the annexing city's regulations.~~

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

(a) Purpose

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

(b) Definitions

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

- (1) **Original Tract** – shall be composed of a Parcel or a combination of all adjacent Parcels under a single ownership [not separated by public Right(s)-of-Way] that share common boundary lines, 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. **creating one or more Residential Development Parcels.**
- (3) **Residential Development Parcel** – a Parcel created from the Parent Parcel through the Certificate of Survey review process 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 **Unincorporated Douglas** County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

Comment [sms42]: Modified to be consistent with definitions section.

Comment [sms43]: LMF suggestion – need to update definition to align

Comment [sms44]: LMF suggestion: can be the same as the Parent Parcel or may be created through division of the Parent Parcel, through the Certificate of Survey review process, for the purpose of obtaining a residential development permit, or permit for accessory buildings when a main building is present on the Residential Development Parcel.

(c) Applicability

Residential Development Parcels may be created within the Rural Area according to the following requirements:

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

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- (iii) ~~Proof is provided that no unpaid taxes exist on the subject property, in the form of a certificate or tax receipt, for all taxes and special assessments that are due and payable.~~
- (2) ~~To initiate a division of land according to this Section, the owner must submit an application to the Planning Director, on a form provided by the Planning Department accompanied by an original and 3 copies of a Certificate of Survey prepared in conformance with Section 20-807(d). The Certificate of Survey shall illustrate and identify the Original Tract on the location map. The Parent Parcel and Residential Development Parcels shall be identified by legal description and show all environmentally or geographically sensitive areas or sites of historic landmarks or historic features [refer to Section 20-810(j)].~~

Comment [sms45]: -ALL APP moved MATERIALS IN 807

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

- (1) Up to 3 Residential Development Parcels (RDP) may be created from a Parent Parcel, depending on the classification of the Full Maintenance Roads bounding the property. Up to 2 RDPs may be created in the following instances: If the Parent Parcel is bounded on only 1 side by a Road or the Parent Parcel is bounded on 2 or more sides by Roads and any of the Roads are classified as other than local Roads. Up to 3 RDPs may be created if the Parent Parcel is bounded on 2 or more sides by local Roads.
- (2) Residential Development Parcels can be created through the Certificate of Survey process only when the Planning Director finds: the property is being 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 following requirements: in this sub-section.
- (i) Minimum Residential Development Parcel Area and dimensional standards.
Residential Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. Each Residential Development Parcel shall have the minimum area required in Article 18 Section 12-318 in the County Zoning Regulations. The minimum Parcel area shall also meet the County Sanitary Code minimum requirements for residential development that has an On-Site Sewage Management System;
- (ii) Development Access.
Each Residential Development Parcel shall have direct access to a Full Maintenance Road;
- (iii) County Health Code Requirements.
a. The applicant has provided evidence that each Residential Development Parcel will satisfy all applicable health and sanitation requirements of the Lawrence/Douglas County Health Department;
- b. On-Site Sewage Management Systems shall be located outside the FEMA designated regulatory floodplain

Comment [sms46]: LMF comment: Again, to clarify RDPs are divisions of the Parent Parcel and not merely from the Parent Parcel, I suggest the following substitute language: "Residential Development Parcels can only be created when they can meet the minimum frontage requirements for the road that borders one or more sides of the Residential Development Parcel. A Parent Parcel may be divided one time, to create 2 Residential Development Parcels (RDP), when the Parent Parcel has one boundary line along a full maintenance road. A Parent Parcel may have two divisions, creating 3 Residential Development Parcels (RDPs), when the Parent Parcel has two or more boundary lines along full maintenance, Local classified roads."

Comment [sms47]: LMF comment: I would also suggest adding here: "...the division does not result in less than the full area of the Parent Parcel being included in the Residential Development Parcel(s) created;

Comment [sms48]: Not currently required outside of UGAs -- propose to add here and amend County Health Code

Note in staff report

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

(iv) Grouping Divisions.

When a **Parent Parcel** has previously been identified and filed of record from an **Original Tract**, any subsequent **Parent Parcel** identified from that **Original Tract** shall, where practicable, be located with one boundary line adjacent to the previously created **Parent Parcel** to encourage the grouping of **Residential Development Parcels** to facilitate the efficient provision of **Infrastructure** and other public services.

(v) Minimum Frontage and Entrance Spacing Requirements.

Each **Residential Development Parcel** must meet the minimum frontage and entrance spacing requirements established in the **County's Access Management Standards**. The frontage and entrance spacing requirements are based on the classification of the **Road** upon which the **Residential Development Parcel** is proposed to take access.

(vi) Minimum **Road Right(s)-of-Way**.

- a. If the **Original Tract/Parent Parcel** Division is located adjacent to public **Road Right(s)-of-Way** that does not meet the minimum width standards of Section 20-810~~(d)(4)~~ **(e)(5)**, 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**.
- b. All necessary **Dedications** shall be by separate instrument, satisfactory to the County Counselor, and ~~filed with~~ **recorded at** the Register of Deeds.
- c. No final action may be taken on the **Certificate of Survey** until this additional **Road Right-of-Way** has been dedicated.

(vii) **Building Envelope**.

- d. When a **Residential Development Parcel** includes lands identified for ~~Resource Preservation~~ **Protection of Environmentally Sensitive Lands** in Section 20-810~~(j)~~ **(k)**, a **Building Envelope** is required to be shown on the **Parcel** and it shall not include the areas and sites identified for resource preservation.
- e. A **Building Envelope** is not required on a **Residential Development Parcel** that does not include lands within the categories identified for resource preservation in Section 20-810~~(j)~~ **(k)**; **however, structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.**

(viii) **Conservation Easement**.

~~Land that is or contains the resources identified in Section 20-810(j)(k), is encouraged to be made subject to a **Conservation Easement** or other~~

Comment [sms49]: Doesn't say the same thing as Conservation Easement in 804

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~~conservation measure to permanently retain the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of this land. The **Conservation Easement** shall be conveyed by a separate legal instrument to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance in Kansas.~~

- a. ~~A permanent **Conservation Easement** may be developed **established** by an **Owner** that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent **Conservation Easement** may cover include those lands identified in Section 20-810(j)-(k), or similar sensitive lands.~~
- b. ~~A permanent **Conservation Easement** shall be developed **established** to retain the environmental, geographical or historical characteristics of the land.~~
- c. ~~It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.~~
- d. ~~A permanent **Conservation Easement** created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.~~

Comment [sms50]: Added same language as in 804 (pg 16)

- (3) With respect to any division made according to this Section, the subsequent **Residential Development Parcels** shall be considered **Parcels** but shall not be considered **platted Lots created through a Major or Minor Subdivision/Replat process**. ~~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. **Development for any other use will require review through the Major Subdivision process.**

Comment [sms51]: Just include in 807

(e) **Application**

~~Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a Property Division in the Rural Area in conformance with this Section. The completed application must satisfy the requirements of Section 20-802; be on an approved application form supplied by the Planning Department; be submitted in both print and electronic format, on disc; and, shall be accompanied by:~~

- (1) ~~The applicable review and recording fees;~~
- (2) ~~Proof of legal or equitable interest in the property;~~

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- (3) ~~Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and~~
- (4) ~~One original and 3-1 copies of a Certificate of Survey conforming to the requirements of Section 20-807(d).~~
- (5) ~~The Certificate of Survey shall illustrate and identify the Original Tract on the location map. The Parent Parcel and Residential Development Parcels shall be identified by legal description and show all environmentally or geographically sensitive areas or sites of historic landmarks or historic features [refer to as identified in Section 20-810(j)(k)].~~

20-807 Certificate of Survey, Administrative Review Procedures

(a) Purpose

The purpose of the [Certificate of Survey](#) administrative review procedure is to provide an administrative process for creating an accurate record of the description and location of [Residential Development Parcel](#) divisions created in conformance with Sections 20-804, ~~20-805~~, or 20-806, whichever is applicable, without requiring full compliance with the ~~Subdivision Development~~ regulations of Section 20-809, [Major Subdivisions](#).

(b) Authority

The [Planning Director](#) is authorized to review and approve applications for land divisions made in conformance with Sections 20-804, ~~20-805~~ and 20-806, subject to the requirements of this Section. This administrative review procedure allows for an administrative approval process with final action by the [Planning Director](#).

(c) Applicability

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

- (1) The proposed division meets the criteria of one of the types of division authorized by Sections 20-804, ~~20-805~~, or 20-806, for review in conformance with this Section.
- (2) [Residential Development Parcels](#) are eligible for [Certificate of Survey](#) approval only one time within the [Lawrence Urban Growth Areas of the cities in Douglas County](#). However, an amended [Certificate of Survey](#) may be filed **recorded** for property in the [Lawrence Urban Growth Areas](#), or within the [Rural Area](#) when it:
 - (i) Includes the same land area as the original [Certificate of Survey](#); and,
 - (ii) When it meets the applicable requirements in Sections 20-804, ~~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.
- (4) ~~Proof is provided that no unpaid taxes exist on the subject property, in the form of a certificate or tax receipt, for all taxes and special assessments that are due and payable.~~

Comment [sms52]: List form

Comment [sms53]: This is already listed in Application sections of each Cof S

(d) Application

Applications for a **Certificate of Survey** administrative review procedure shall be submitted to the **Planning Director** in conformance with the general requirements of Section 20-802; **be submitted in both print and electronic format**; and ~~any specific requirements provided in this Article.~~ **be accompanied by:**

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

Comment [sms54]: Moved from 804, 805, 806

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

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

A **Certificate of Survey** shall comply with the following requirements:

- (1) The **Certificate of Survey** shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record **and** shall be a minimum size of 11 inches by 17 inches;
- (2) The **Certificate of Survey** shall show or contain on its face the following information; provided, however, that the licensed **Land Surveyor** may, at his or her discretion, provide additional information regarding the survey:
 - (i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A **Certificate of Survey** shall not bear the title "plat," "subdivision" or any title other than "**Certificate of Survey**;"
 - (ii) A note stating "This **Certificate of Survey** was not prepared for the purpose of the platting of land. No further divisions of the **Parcels** created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed **or until an Amended Certificate of Survey is approved and recorded with the Register of Deeds.**";
 - (iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining platted subdivisions;
 - (iv) The date the survey was completed;
 - (v) A north arrow;
 - (vi) A written and graphic scale. ~~(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 Street** and **Block** layout in the **Build Out Plan**. This requirement is not applicable to **a Certificate of Survey prepared in accordance with** Section 20-806;

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- (x) A numbering system or other clear and simple method of identifying each **Parcel** within the **Certificate of Survey**;
 - (xi) The location and width of public **Right(s)-of-Way**, existing and proposed;
 - (xii) The location of any **Easements**, existing and proposed;
 - (xiii) The dimensions of all existing structures in relation to existing and proposed **Parcel** lines, and based on the future **Urban Street** and **Block** layout shown in the **Build Out Plan**, **if applicable**;
 - (xiv) **Building Envelopes**, when required, shall be shown for every **Residential Development Parcel** and shall not include lands identified as ~~environmentally or geographically sensitive areas or the sites of historic landmarks or historic features~~ **Environmentally Sensitive Lands as identified in Section 20-810(k)**;
 - (xv) Except for divisions made in conformance with Section 20-806, **Building Envelopes** shall be designed to allow for the placement of rural residences on **Parcels** that will facilitate future further subdivision of the **Residential Development Parcel** into **Urban Streets** and **Blocks**;
 - (xvi) A note stating the specific Section [20-804 ~~, 20-805~~, or 20-806] pursuant to which the division is being made;
 - (xvii) **Restrictive Covenants**, **Temporary Set Aside Agreements**, or **Conservation Easements** required by the proposed division shall be noted **with** book and page number in which the covenants, **Temporary Set Aside Agreements**, or **Conservation Easement** are recorded;
 - (xviii) The signature of the **Owner**, properly acknowledged;
 - (xix) The dated signature and seal of the Kansas licensed **Land Surveyor** responsible for the survey along with a note stating: "This survey complies with the Kansas Minimum Standards for Boundary Surveys";
 - (xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";
 - (xxi) A line for the approval date and signature of the **Planning Director** under a note stating: "Approved as a **Certificate of Survey** under the **Subdivision Regulations** of the City of Lawrence & the **Unincorporated Area** of Douglas County"; or the **Subdivision Regulations** of the appropriate City; and
 - (xxii) A line for identification of book and page of the Register of Deeds ~~filling~~ **recording** information.
- (3) **Before approval of a Certificate of Survey in the Lawrence Urban Growth Area that will not be served by City of Lawrence utilities, the property Owner shall provide written documentation to the Lawrence-Douglas County Health Officer and the Lawrence-Douglas**

County Planning Director that Publicly Treated Water, delivered through a water meter, is available to and will be provided for all Residential Development Parcels.

Comment [sms55]: Moved this requirement from 811(e)(2) since Cof S process is not same as Subdivision Process

(f) **Criteria for Review**

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

- (1) The proposed division meets the requirements for a division of land under Sections 20-804 ~~, 20-805~~ or 20-806, as applicable;
- (2) The Certificate of Survey meets all of the requirements of this Section 20-807;
- (3) The proposed Residential Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the comprehensive plan of another city in Douglas County;
- (4) The Certificate of Survey conforms to the County's Access Management Standards and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Certificate of Survey. If additional Right-of-Way is needed to meet the minimum required for the classification of Road accessed by the development in the Certificate of Survey, the Certificate of Survey review process shall be suspended for up to 90 days to allow for Dedication by separate instrument of the necessary Right-of-Way. If the criteria for review are not met by the end of the suspension period, this shall be sufficient cause for rejecting an application for a Certificate of Survey;
- (5) The proposed Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land; and
- (6) The proposed Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.

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

- (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.

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Section 20- 807 Certificate of Survey, Administrative Review Procedures

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

Comment [sms56]: Entire term not blue – this term and Immediate Dev Area are not included in glossary –delete blue text throughout

- (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 ~~s~~Section 20-807~~(e)~~ **(d)** through (g);
 - (iii) Be eligible for the same appeals procedure ~~for~~ **identified in** ~~s~~Section 20-807~~(i)~~ as the original **Certificate of Survey**;
 - (iv) Comply with the **Subdivision Regulations** in effect at the time the amended **Certificate of Survey** application is submitted for review; **and**
 - (v) For each amended **Certificate of Survey**, the creation of new **Residential Development Parcels** in addition to those created originally shall only be permitted if an additional **Residential Development Parcel** is permitted according to Sections 20-804 ~~—20-805~~ and 20-806 and/or by the **County's Access Management Standards**.

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

(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.

(j) Certificate of Survey Expiration

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

20-808 Minor Subdivisions/Replats

Comment [sms57]: Add Replat to title

(a) Purpose

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

Comment [sms58]: Insert replat since this is the local term and it is in the definitions – allows us to use it interchangeably with Minor Sub

(b) Authority

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

(c) Applicability

- (1) Within the City of Lawrence, a platted Lot may be ~~split~~ divided into 4 or fewer Platted Lots by using the Minor Subdivision/Replat procedures of this section; provided, that:
 - (i) No new Street or extension of an existing Street is created, or
 - (ii) A Vacation of Streets, Alleys, Setback Lines, Access Control or Easements is required or proposed.
 - (iii) **As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, after mailed notice to surrounding property Owners, the Minor Subdivision/Replat shall first be placed on the Governing Body's agenda for approval of the subject Vacation or acceptance of additional Dedications prior to final administrative approval of the Minor Subdivision/Replat.**
- (2) Within the Unincorporated Area of the County, a platted Lot may be ~~split~~ divided into 2 Platted Lots by using the Minor Subdivision/Replat procedures of this section, provided that:
 - (i) Each resulting Lot has a minimum Lot area that conforms to the County Sanitation Requirements for minimum Lot area;
 - (ii) The platted Lot takes access from a Hard Surfaced Road or from a Road that meets or exceeds the County's Rock Road Standard;
 - (iii) No new Road or extension of an existing improved Road is created, nor
 - (iv) ~~is a~~ A Vacation of Roads, Setback Lines, Access Control or Easements is required or proposed; and,
 - (v) The ~~lot split~~ Minor Subdivision/Replat is not prohibited by any other Section of this Article.

Comment [s59]: ADD A NOTICE PROCESS BEFORE PLACING ON GOV BODY ACTION ON CONSENT AGENDA

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

Comment [s60]: ADD A NOTICE PROCESS BEFORE PLACING ON GOV BODY ACTION ON CONSENT AGENDA

Comment [sms61]: Moved this section to Application Requirements

(d) **Criteria for Review**

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

- (1) The proposed division(s) or consolidation(s) meets the criteria of one of the types of divisions **or consolidations** eligible for review through the **Minor Subdivision/Replat** process under Section 20-808(c);
- (2) **All Lots created through the Minor Subdivision/Replat process conform to the Lot size requirements of the underlying zoning district;**
- (3) ~~(2)~~ Each **Lot** resulting from the **split division** or consolidation will have direct access to an existing public **Street/Road** that meets current adopted access and improvement standards or will meet such standards as a result of improvements required as a condition of approval of the **Minor Subdivision/Replat**;

- (4) ~~(3)~~If the property is located adjacent to a public **Street/Road Right-of-Way** that does not meet the minimum right-of way standard of Section 20-810~~(d)(4)(e)(5)~~, approval of the **Minor Subdivision/Replat** will be subject to the condition that the **Subdivider** dedicate to the City or County, as applicable, one-half the additional land necessary to bring the **Road(s)** adjoining the land to be divided to the required minimum **Right-of-Way** standards.
- (i) All necessary **off-site Dedications** shall be filed by separate instrument with the Register of Deeds and proof of these **Dedications** shall be provided to the **Planning Director**. No final action shall be taken on the **Minor Subdivision/Replat** until this additional **Right-of-Way Dedication** has been recorded; ~~or~~
- (ii) **As an alternative to 20-809(d)(4)(i), all necessary On-Site Dedications may be provided on the Minor Subdivision/Replat; however the Minor Subdivision/Replat is shall be placed on the Governing Body's agenda for acceptance of the additional Right-of-Way or Easements prior to final approval of the Minor Subdivision/Replat.**
- (5) ~~(4)~~If any portion of the property within the **Minor Subdivision/Replat** lies in a FEMA designated regulatory floodplain, or if drainage **Channels** or **Swales** exist on the property that carry runoff from adjacent property or public **Street/Roads**, the FEMA designated regulatory floodplain or drainage **Channel** or **Swale** shall be protected by grant of **Easement, Dedication** or other similar ~~device device~~ as may be required by the **Planning Director**. No final action shall be taken on the **Minor Subdivision/Replat** until this **Dedication** has been recorded, **either by**:
- (i) **Separate instrument, or**
- (ii) **After mailed notice, the Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Right-of-Way or Easements prior to final approval of the Minor Subdivision/Replat.**
- (6) ~~(5)~~The **Owner** shall provide written documentation for **splits divisions** or combination of **Lots** in the **Unincorporated Area** of the County to the **Planning Director** providing proof that the proposed **Lots** will have:
- (i) Access to **Publicly Treated Water** delivered through a water meter; and,
- (ii) Test holes for an **On-Site Sewage Management System** have been reviewed and approved by the Director of Lawrence/Douglas County Health Department.
- (7) ~~(6)~~The proposed **Lots** and all other aspects of the proposed **Minor Subdivision/Replat** conforms with the current **Comprehensive Land Use Plan** of Lawrence and Douglas County;
- (8) ~~(7)~~The **Minor Subdivision/Replat** conforms with the adopted **Major Thoroughfares Map referenced** in the **Comprehensive Land Use Plan** and does not preclude or interfere with the subsequent logical continuation of any

Comment [sms62]: Does this read right now, since (i) was changed to off-site?

Comment [sms63]: Reformatted to outline form and added option to place on GB agenda for acceptance.

Comment [sms64]: Reformatted to outline form and added option to place on GB agenda for acceptance. Notice rqmt

Street/Roads shown thereon affecting the land included in the proposed **Minor Subdivision/Replat** or the original platted subdivision;

- (9) ~~(9)~~ The proposed **Minor Subdivision/Replat** is consistent with any conditions imposed on the original platted **Subdivision** from which the **Lots** being ~~split~~ **divided** or consolidated were originally platted; and,
- (10) ~~(9)~~ The **Minor Subdivision/Replat** conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) **Application**

- (1) Requests for **Minor Subdivision/Replat** approval shall be submitted to the **Planning Director**.
- (2) Each application shall be submitted on a form provided by the **Planning Director**; **be submitted in both print and electronic format**; and shall be accompanied by:
 - (i) The applicable review and recording fees;
 - (ii) ~~Ten~~ **Five** Copies of **scaled drawings of a Minor Subdivision/Replat as required by the Planning Director**, certified by a licensed **Land Surveyor**, ~~at a scale of one inch equals 30 feet or less~~; and
 - (iii) A certificate that all taxes and special assessments due and payable have been paid.
 - a. Any unpaid special assessments shall be noted with the application submittal and a proposed redistribution plan for these unpaid special assessments, which meets the City Clerk and City Engineer requirements for **Lots** within the City of Lawrence or with the County Clerk and County Engineer requirements for **Lots** within the **Unincorporated Area** of Douglas County, also shall be submitted with the application.
 - (iv) **If Dedication or Vacation of Easements or Rights-of-Way is proposed, a certified copy of a property ownership list to provide mailed notice in accordance with 20-802(d)(3).**

Comment [sms65]: All application materials must be submitted in both print and electronic format

Comment [sms66]: Remove specific number from code and let that be determined by application packet (may change over time as workflow changes)

(f) **Contents**

- (1) ~~(3)~~ The **Minor Subdivision/Replat** ~~replat~~ shall contain the following information:
 - (i) A title that includes the original **Lot** numbers and subdivision name and an indication that this is a **Minor Subdivision/Replat** ~~replat~~ of said **Lots** in the subdivision;
 - (ii) Legal description of the property, including a **Benchmark** or other vertical reference point tied to the United States Geological Survey;

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- (iii) Location map identifying community features and the nearest existing public Right(s)-of Way within a one mile radius of the site;
- (iv) Location and dimensions of existing and/or proposed Easements and utilities;
- (v) Dimensions and locations of the new Lots to be created through the division or consolidation;
- (vi) Location and width of access Driveways, existing and proposed;
- (vii) Dimensions of all existing structures in relation to existing and proposed Lot Lines;
- (viii) Signature of the Owner, properly attested;
- (ix) A signature and date line for approval by the Planning Director, stating "Approved as a Minor Subdivision/Replat under the Subdivision Regulations of the City of Lawrence and the Unincorporated Area of Douglas County";
- (x) A signature and date line for the appropriate Governing Body Chair indicating acceptance or approval, if the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Right-of-Way;
- (xi) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005"; and,
- (xii) A signature and seal of the Land Surveyor licensed by the State of Kansas, who performed the survey for the Minor Subdivision/Replat replat; and,
- (xiii) A note on the face of the Minor Subdivision/Replat which states: "Further division or consolidation of any Lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i)."

Comment [sms67]: Insert potential for new to be provided through gov body acceptance

(g) ~~(f)~~ Review and Action by the Planning Director

- (1) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.
- (2) The Planning Director shall conduct the review of the application within 20-30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/ Replat.
- (3) If the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Rights-of-Way, the Planning Director shall:

Comment [sms68]: Consistency with Cof S administrative review period

- (i) Provide mailed notice to surrounding property Owners as established in Section 20-802(d); and
 - (ii) Place the Minor Subdivision/Replat on the Governing Body's agenda for either acceptance of Dedications or approval of proposed Vacations.
- (4) If the Planning Director finds that the Minor Subdivision/Replat fails in any way to conform to the standards set forth in this Section or that the proposed division or consolidation is not eligible for consideration as a Minor Subdivision/Replat, the Planning Director shall refuse to approve the proposed Minor Subdivision/Replat and shall notify the applicant by letter of the reason(s) for such refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and map within 45 days after receipt of such letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division or consolidation is not eligible for consideration as a Minor Subdivision/Replat because the Replat does not meet all of the criteria in Section 20-808(d), the Subdivider may submit an application for Major Subdivision approval at any time.
- (5) The Planning Director shall forward a signed, original Mylar copy of the Minor Subdivision/Replat to the Register of Deeds for recording.
- (6) ~~A copy of the signed original Mylar shall be furnished to the Applicant.~~
- (7) Appeals of the Planning Director's decision on a Minor Subdivision/Replat shall be subject to Section 20-813(f)(1).
- (h) **Review and Action by the Governing Body**
- If the Planning Director determines that the Minor Subdivision/Replat includes a proposal to dedicate or vacate Easements and/or rights-of-way, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance or Vacation of Easements and/or Rights-of-Way following the appropriate review process, mailed notice and prior to the Planning Director's final approval of the application.
- (i) **Signatures on Minor Subdivision/Replat following Action by the Governing Body**
- If the Minor Subdivision/Replat includes the Dedication or Vacation of Easements and/or rights-of-way and the Governing Body has accepted the Dedication or approved the Vacation, the Planning Director shall submit the Minor Subdivision/Replat to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures.
- (j) **Processing after Approval of Minor Subdivision/Replat**
- (1) Prior to the Minor Subdivision/Replat being recorded with the Register of Deeds, a digital version of the Minor Subdivision/Replat shall be submitted to the Planning Director in a format approved by the ~~Director of Planning~~ Director as identified in the application packet. ~~The digital file shall be registered to the State Plane~~

~~Coordinate Grid System used by the city and county. Any Minor Subdivision/Replat submitted in a digital format will be converted by the City or County, and the cost for conversion will be paid by the Applicant before the Minor Subdivision/Replat can be recorded at the Register of Deeds.~~

- (2) Errors found in closure or internal dimensions shall be corrected prior to filing recording the Minor Subdivision/Replat.

Comment [sms69]: New text from Micah & Bryce

(k) Minor Subdivision/Replat Expiration

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

...

20-809 Major Residential and Non-Residential Subdivisions

(a) Purpose

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

Comment [sms70]: In this section, the term Major Subdivision seems to be used interchangeably with Preliminary Plat. when we get into the section on processing for Prelim Plats we should stick with one term. Major Subdivision is the overall category that includes the two steps – prelim & final.

Comment [sms71]: Spell out the two-step process and who approves which piece

Comment [sms72]: correction

(b) Applicability

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

Comment [sms73]: all others are non-res

(c) Applications and Procedures

- (1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.
- (2) Applications under this Section shall contain the materials required under Section 20-811(j)(4). 20-812.
- (2) Specific application and Preliminary Plat contents are provided in Section 20-809(e) & (f).
- (3) Specific application and Final Plat contents are provided in Section 20-809(l) & (m).

Comment [sms74]: All of the other notice info is in Article 13 and doesn't reference Sub Regs – Added notice requirements in 802

Comment [sms75]: correction

(d) Criteria for Review

Approval or disapproval of Major Subdivisions shall be based on the following criteria:

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

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- (3) The proposed Major Subdivision and all Lots within it conform fully with the standards set forth in Section 20-810(a)(2);
- (4) The proposed Lots and all other aspects of the proposed Major Subdivision conforms with the current Comprehensive Plan of Lawrence and Douglas County; and watershed/sub-basin plans, sector or Neighborhood Plans;
- (5) The proposed Major Subdivision conforms with any adopted Major Thoroughfares Plan and provides for the logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Major Subdivision;
- (6) The proposed Major Subdivision shall provide for a logical connection of Streets between adjacent subdivisions taking into consideration constraints from steep Topography and other natural features that may limit street connectivity but allow for pedestrian connectivity, shall conform with adopted watershed/sub-basin plans, sector or Neighborhood Plans for street layout;
- (7) The proposed Major Subdivision conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan; and
- (8) The Major Subdivision plat conforms to the Kansas Minimum Standards for Boundary Surveys.

Comment [sms76]: All of Sub Design Stds should apply

(e) Preliminary Plat – Application

A Subdivider shall apply for Preliminary Plat approval by submitting an application to the Planning Director.

- (1) ~~The application shall contain the materials required by Section 20-812(a), as well as any additional materials required as part of the application form provided by the Planning Director.~~

Comment [sms77]: Delete redundant

(1) Each application shall be accompanied by:

- (i) The applicable filing fee;
- (ii) A completed Major Subdivision-Preliminary Plat application form;
- (iii) The required number of paper copies and an electronic copy of for a complete submission of a Preliminary Plat, containing all elements set forth in Section 20-812(a); and,
- (iv) A certified copy of a property ownership list to provide Mailed Notice in accordance with 20-802(d)(3); and
- (v) A drainage plan for Major Subdivisions if within the City limits, or for Major Non-Residential Subdivisions that are located within an Urban Growth Area.

(f) **Preliminary Plat Contents**

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

(1) **Materials to be Included**

Comment [sms78]: Section moved from 812

The Preliminary Plat shall:

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

Comment [sms79]: This was part of (v) above as long paragraph

Comment [sms80]: Addresses comment, so entire site does not have to be surveyed – is it ok to be this broad – base on judgment if sufficient info provided? – add to staff report

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

(2) **Existing Conditions**

The Preliminary Plat shall also show the following existing conditions:

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

Comment [sms81]: do we need both – def is basically the same?

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

- (xii) ~~Add note from 20-811(f) regarding underground utilities~~

Comment [sms82]: Reqmt for note is listed in 811 Public Improvements, should be included here

Comment [sms83]: Moved this to Supplemental Info (4) below

(3) **Streets, Sites Proposed Improvements**

The **Preliminary Plat** shall further show the following:

- (i) Proposed **Streets** (including location, width, names, approximate grades), and their relation to platted **Streets** or to proposed **Streets** as shown on any **Watershed/Sub-basin Plan**, sector or **Neighborhood Plan** of adjacent property.
- (ii) **Easements**, showing width and general purpose;
- (iii) **Layout of all new municipal utilities proposed to serve the Subdivision**;
- (iv) **Blocks** and **Lots**, showing approximate dimensions and proposed **Block** and **Lot** numbers;
- (v) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted **Watershed/Sub-basin Plan**, **Sector** or **Neighborhood Plan**. (Such plan shall be referenced on the face of the plat);
- (vi) Sites proposed for **Dedication** as drainageway, park, school, or other public purposes;
- (vii) Sites proposed by the applicant for land uses not in conformance with adopted comprehensive or **Neighborhood Plans** accompanied by a note on the face of the Plat stating that approval of the **Preliminary Plat** does not certify approval of these proposed land uses.
- (viii) If requested by Planning Staff, the **Building Envelope** for proposed **Lots**.

Comment [sms84]: Clarity --

- a. ~~Any Lots that is are~~ not rectangular or that ~~has have~~ a single dimension of less than 55 feet shall ~~show~~ **include** the **Building Envelope** permitted under the current Zoning District regulations. **A typical Building Envelope diagram may be provided where the majority of Lots are the same size.**

- b. ~~A~~ note referring to such **Building Envelope** shall be included on the face of the **Preliminary Plat** regarding ~~filed on a separate document in the Planning Department shall identify~~ the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the **Building Envelope**.

Comment [CoL85]: From 810(a) Design of Lots – more applicable here & in Final Plat contents than in Design Standards

(4) **Supplemental Data**

The following supplementary data and information shall be submitted with the **Preliminary Plat** or be included thereon:

- (i) A table, shown on the face of the plat, including this data:
 - a. Gross acreage of the Subdivision;
 - b. Acreage within each Zoning District;
 - c. Acreage to be dedicated for Streets or Roads, if any;
 - d. Acreage to be dedicated for public uses other than Roads, if any;
 - e. Total number of building Lots;
 - f. Maximum, minimum, and average Lot size; and
 - g. Phasing schedule if proposing phasing of final platting.
- (ii) A statement on the face of the plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading ~~in at least 24-point type~~ saying "Provision and Financing of Roads, Sewer, Water and Other Public Services." ~~The rest of the statement shall be set out in at least 12-point type.~~ At a minimum such statement shall indicate:
 - a. Whether the Subdivision will have public Streets and Roads, Private Streets and Roads or a combination thereof;
 - b. Whether the Subdivision will provide connections to a Public Water source (naming the source);
 - c. Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on On-Site Sewage Management Systems or other On-Site wastewater treatment systems;
 - d. Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of Streets, Roads, water lines and treatment, and/or wastewater lines and treatment; and
 - e. Whether the provision of improved Roads, water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.
- (iii) A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.
- (iv) Notation on the face of the plat that all new telephone, cable television and electrical lines (except high voltage lines) must be located underground when in the City of Lawrence or in Lawrence Urban Growth Area.

Comment [sms86]: Requirements from 20-811(f) (1)

- (v) Notation on the face of the plat that the Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed Subdivision.

Comment [sms87]: Requirements from 20-811(f) (2)

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

(i) **Supplemental Data**

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

(ii) **Minimum Floor Elevations**

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

Comment [sms88]: Added separate reqmt in Final Plat contents

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

Comment [sms89]: Reformatted into list form

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

- (1) The Planning Commission shall conduct the review of the application at the meeting at which it is scheduled by the Planning Director, unless the Subdivider shall requests deferral to a future meeting. The Planning Commission shall determine if the Preliminary Plat conforms to the requirements of the Subdivision Regulations and such determination shall be made within 60 days after the first meeting the Planning Director has placed the submitted plat on a Planning Commission agenda for action. take final action on the Preliminary Plat at a meeting occurring not later than 60 days after the date of receipt of a complete application by which the Planning Director has determined is ready to be placed on an agenda for the Planning Commission's initial receipt of the Preliminary Plat that the Planning Director has found to be a complete application.
- (2) If the Planning Commission finds that the proposed Major Subdivision Preliminary Plat conforms to all of the criteria set forth in Section 20-804(d), 20-809(d) the Planning Commission shall approve the Preliminary Plat.

Comment [s90]: DETERMINE IF THE PP CONFORMS TO THE SUB REGS

Comment [s91]: CHECK STATUTE LANGUAGE

Comment [sms92]: Sentence did not read correctly, trying to state the intention – 60 days starts from when PC first has it before them on an agenda

Comment [sms93]: correction

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

Comment [sms94]: Awkward text – clarify that the 60 days is from PC receipt rather than submittal to office

(h) **Phasing for Final Plats**

- (1) A Preliminary Plat may, at the option of the applicant, contain a proposed schedule for submitting Final Plat applications in phases. The Planning Commission may approve the proposed phasing plan if it finds that:
 - (i) The area represented by each proposed phase is of sufficient size to permit the economical installation of Public Improvements;
 - (ii) All parts of the necessary public and private improvements plans to serve the ~~Major-Subdivision Preliminary Plat-Subdivision~~ will be provided concurrently with the phase which will first be served by those improvements or part thereof, or with an earlier phase; and
 - (iii) **Dedication of All perimeter rights-of-way shall be dedicated for the entire Preliminary Plat occur with the first Final Plat phase of the approved Preliminary Plat.**
 - (iv) ~~That the application for the last phase of the Final Plat will be due no later than the end of the fifth year after approval is given for the Preliminary Plat.~~

Comment [sms95]: This step takes care of the concern that had led to all dedications with prelim plats in existing regs.

Comment [sms96]: Reference to vesting. 801(e)(4) refers to KSA 12-764 which was amended in 2009.

Comment [sms97]: **Do we really need to track prel plat for future phases? Usually, the later phases have changed circumstances and a revised prelim is required. – add to staff report**

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

- (1) Approval of the Preliminary Plat by the Planning Commission shall constitute approval of "the Plat" for purposes of K.S.A. 12-752(b), subject only to the following:
 - (i) Submission of a Final Plat, in the form and containing all of the information required by Section 20-812(b)20-809(k). The Final Plat shall be consistent in substantial compliance with the Planning Commission's approval of the Preliminary Plat, including satisfying any conditions imposed on that approval; and
 - (ii) Completion of Street/Roads, Roads and Public Improvements required by the terms of the approval of the Preliminary Plat, or provision of satisfactory Guarantees of Completion of Improvements, in accordance with Section 20-811(g)(9) (h) (2). ← and
 - (iii) ~~Development of Building Envelopes and drainage plans consistent with these Building Envelopes; and~~
 - (iv) ~~Acceptance (or rejection) of all proposed Dedications by the Governing Body.~~

Comment [sms98]: Correct reference

Comment [sms99]: Is this subsection needed? If Final Plat must comply with approved Prelim, these items are covered.

Comment [sms100]: Eliminate since Prelims won't go to GB, Final will be placed on GB agenda for acceptance prior to admin approval – content of this section moved to 20-809(n) Final Plat Action by Gov Body

(j) **~~Preliminary Plat — Review and Action by Governing Body~~**

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

(j) **Preliminary Plat Expiration**

- (1) Approval of a Preliminary Plat by the Planning Commission shall expire ~~on~~ the later of the following:
- (i) ~~Eighteen~~ **Twenty four** months from the date approval was granted, unless a complete application for Final Plat is submitted by that approval date. ~~or~~
 - (ii) ~~Any application due date as shown on an approved phasing schedule, unless a complete application for Final Plat is submitted by that due date.~~
- (2) Upon application by the Subdivider, the Planning Commission may, if the cause of failure of the Subdivider to submit a Final Plat is beyond the Subdivider's control, grant an extension of the time beyond this period, for a **24 month period for good cause shown. Such request for extension must be submitted to the Planning Director prior to the expiration of the 24 month approval period.** ~~not to exceed one additional year.~~
- (i) The Planning Director shall place such request, with any recommendation, on the next available Planning Commission agenda based on the adopted submittal schedule.
 - (ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the Planning Commission. Mailed notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-802(d). On that date, the Planning Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.
- (3) ~~If a Preliminary Plat expires under this sub-section after one or more Final Plats for a phased subdivision have been approved, then only that portion of the Preliminary Plat that relates to the phases with respect to which no Final Plat has been approved shall expire. If a~~ Final Plat has not been submitted, approved, and filed within this ~~40-~~ **24-month** period, or within an extension period, a Preliminary Plat must be resubmitted to the Planning Commission, reviewed and considered by the Planning Commission in accordance with the procedures set forth herein.

Comment [sms101]: This section seems really hard to manage and administer. Easier to lengthen approval process and permit extensions.

Comment [sms102]: Use language we used in site plan section for consistency.

Comment [sms103]: Added process and notice similar to 20-1301

Comment [sms104]: Once a final is filed, the remainder of the prelim should be good until revised or completely finalized out.

(k) **Final Plat – Application**

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

- (1) ~~The Final Plat shall be submitted with an application form provided by the Planning Director. The application shall contain all of the materials required by Section 20-812(b) 809(i), as well as any additional materials required by the application form provided by the Planning Director.~~

Each application shall be accompanied by:

- (i) The applicable filing fee;
 - (ii) A completed **Major Subdivision-Final Plat** application form;
 - (iii) The required number of **paper** copies **and an electronic copy of** for a complete submission of a **Final Plat**; and
 - (iv) All of the materials required by Section 20-812(b) **809(l)**, as well as any additional materials required by the application form provided by the **Planning Director**.
- (2) The **Final Plat** application shall be accompanied by all required fees; ~~including~~ **however,** the fees necessary for recording the **Final Plat may be submitted after approval;** ~~and~~
 - (3) The **Final Plat** shall be in the format and contain the information required by Section 20-812(b) **20-809(l)**, except that the Subdivider, at the Subdivider's discretion, may delay submission of the **final** recording and electronic copies of the **Final Plat** until final action on the **Final Plat** by the **Planning Director** and, if applicable, by the **Governing Body**; ~~and~~
 - (4) **For Final Plats which represent only a phase of an approved Preliminary Plat and include minor revisions from the approved Preliminary Plat, as reflected in 20-809(m)(2)(i), a revised Preliminary Plat that includes the proposed revisions shall be submitted with the Final Plat application for record keeping purposes.**

Comment [sms105]: This becomes our new base PP for review of future final plats.

Comment [sms106]: Staff suggestion instead of Chamber inclusion in list of 'substantial compliance' criteria - add to staff report

(l) **Final Plat Contents**

(1) **Format**

The **Final Plat** shall be prepared by a licensed **Land Surveyor** with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. ~~The scale shall be one inch equals 100 feet or less.~~

(2) **Material to be Included**

The **Final Plat** shall show:

~~Name under which the Subdivision is to be recorded;~~

- (i) Descriptive information, which shall:
 - a. State the name of the proposed **Subdivision**;
 - b. Show date of preparation, north arrow and graphic scale;
 - c. Give a legal description of the proposed **Subdivision** complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section

corner on the plat, with a description tying it to the point of beginning for the Subdivision.

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

Comment [sms107]: Text from TA-06-12-08

Article 8 Subdivision Design and Improvements

Section 20-809 Major Subdivisions

- (iii) ~~In addition, the following information is required which is similarly required on the Preliminary Plat:~~
- a. ~~Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;~~
 - b. ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~
 - c. ~~Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,~~
 - d. ~~Block and Lot numbers and dimensions of Blocks and Lots.~~
- (iv) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets, Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;
- (v) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and ~~the comparable provisions adopted by resolution in~~ Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County, the following:
- a. The total area of each Lot located in the designated Floodplain;
 - b. The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 of the City Code or ~~the applicable County Floodplain regulations.~~ Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.
- (vi) ~~On~~ Lots adjacent to all drainage Easements and on drainageways that are designated by the Director of Public Works or his or her designee, the Final Plat shall indicate:
- a. The required minimum habitable floor elevations for structures on Lots; or,
 - b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed Land Surveyor or Engineer.
 - c. A note that states: {If a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.}
- (vii) For any Lot including or adjacent to a Lot including environmentally sensitive lands (see ~~Section 20-1101(c)(iii)),~~ as defined in Section 20-810(i)(k) [County Code Section 11-110(i)(k)] designation of a Building Envelope within which a building may be built after compliance with all applicable setback, Floodplain and sensitive land standards;
- (viii) ~~For any Lot including or adjacent to a lot including sensitive lands (see Section 20-1101(c)(iii)), as identified in Section 20-810(i) & (j), designation of a~~

Comment [sms108]: Added same section that was in Prelim rather than have the requirement to place on Final Plat be listed under Prelim contents

Comment [sms109]: From TA-06-12-08

Article 8 Subdivision Design and Improvements

Section 20-809 Major Subdivisions

~~Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;~~

- (viii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and ~~the Final Plat shall contain~~ a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";
 - (ix) Acknowledged certifications on the face of the Final Plat as listed below (may be combined where appropriate):
 - a. A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the plat;
 - b. A certificate, signed by the Owner or Owners, dedicating all Parcels of land which are intended for public use;
 - (x) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;
 - (xi) Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;
 - (xii) As a separate document, a certificate that all taxes and special assessments due and payable have been paid.
 - a. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County or City's Public Works Director.
 - (xiii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.
 - (xiv) A line shall be provided on the plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".
 - (xv) A reference line shall be provided on the plat indicating the book and page where the Master Street Tree Plan is recorded at the Register of Deeds.
 - (xvi) A note shall be placed on the Final Plat designating any Lots Abutting a Half-Street and that take sole access from that Public Right-of-Way as non-buildable in accordance with Section 20-810(d)(9)(ii).
- (3) ~~Evidence shall be submitted with the Final Plat showing compliance with the requirements for public improvements in Section 20-811 providing one or more of the means of ensuring completion of required Public Improvements identified in Section 20-811(h).~~

Comment [sms110]: Requirement previously listed in 2-810(d)(8)(iii) – should be listed here as a requirement of plat contents

Comment [sms111]: Moved from 20-811(e) and broadened to encompass all public improvements.

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

- (1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission **and prior to final approval of Public Improvement Plans**, the Subdivider shall have prepared for recording a Final Plat, which is consistent with the action of the Planning Commission and with the formatting and content requirements of Section 20-812(b) **20-809(l)**. The ~~Planning Director~~ shall review the Final Plat for incorporation of the Planning Commission's recommendations ~~and comments~~ and to insure that the Final Plat is in the required format.
- (2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-812(b) **20-809(l)** and is ~~consistent in~~ **substantial compliance** with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the Final Plat and attach to it a formal certification that the submitted Final Plat:
- (i) ~~Conforms to~~ **Is in substantial compliance with** the Preliminary Plat previously approved by the Planning Commission. ~~The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:~~
- a. No change.
 - b. Increase or reduction, less than or equal to ten percent, of the number of ~~proposed~~ **approved** Lots, Parcels or Tracts shown within the ~~equivalent portion(s)~~ **approved phase of the Preliminary Plat.**
 - c. ~~Minor~~ **Minor** ~~adjustments to Rights-of-Way lines, Easement lines and/or property lines to account for technical changes related to the proposed public improvement plans, in accord with applicable street classification standards, easement width and location criteria, the Subdivision Regulations, dimensional and lot area requirements, density requirements, and with variances and/or waivers which may have been granted with previous approval of the equivalent portion(s) of the Preliminary Plat.~~
 - d. **Modifications to Easements and Rights-of-Way when Preservation** ~~of the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors is maintained.~~
 - e. ~~Determination by the Planning Director as to whether above-described changes, if applicable, are required to be retroactively included in a revised Preliminary Plat for Planning Office records.~~

Comment [sms112]: Subsection with most of Chamber suggestions (shown in red), Staff suggestions shown in green

Comment [sms113]: PIPs must be in public works for review and nearly ready for approval before final plat is filed – add to staff report

Comment [sms114]: Moved contents to this section

Comment [sms115]: Included this in 809 (k) (4) above

- (ii) Satisfies any conditions of approval imposed by the **Planning Commission**;
 - (iii) Includes the same **proposed Dedications** ~~accepted by the Governing Body,~~ subject **only** to minor technical adjustments **as described in Section 20-809(m)(2)(i)(a) through (d), above**;
 - (iv) ~~Satisfies any conditions of acceptance of Dedications imposed by the Governing Body;~~
 - (iv) Represents a plat for which all required **Public Improvements** have been completed, or for which adequate Guarantee of Improvements has been provided **as identified in Section 20-811(h)**; and
 - (v) Is otherwise consistent with the requirements of this Article for a **Final Plat**.
- (3) If the **Planning Director** finds that the submitted **Final Plat** is deficient as to format or content or otherwise technically deficient, the **Planning Director** shall notify the Subdivider of the deficiency(ies) within **5** working days.
- (4) If the **Planning Director** finds that the submitted **Final Plat** does not substantially comply with the approved **Preliminary Plat**, including any conditions incorporated in such approval, and with the **proposed Dedications** shown on the **Preliminary Plat** ~~and accepted by the appropriate Governing Body,~~ **subject to Section 20-809(m)(2)(i)(a) through (d), above**, the **Planning Director** shall place the **Final Plat** on the agenda of the next **Planning Commission** meeting **following the notice provisions of Section 20-802(d)**, for further consideration in accordance with the **Preliminary Plat** review and action provisions of Section ~~20-804(e)(2)~~. **20-809(g)**.
- (5) The **Planning Commission** approval of the **Preliminary Plat** combined with the **Planning Director's** approval as to form and ~~consistency~~ **substantial compliance** with the approved **Preliminary Plat** shall constitute **Planning Commission** approval of the **Final Plat**. No further action by the **Planning Commission** shall be necessary or required.

Comment [sms116]: 802(f) indicates 7 + 2 working days – not consistent with rest of dev code -- Changed to 5 in 802

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

- (1) A **Final Plat** that has been approved by the **Planning Director** shall be submitted to the **Governing Body**, as applicable, for its consideration of acceptance of the **Dedication of Street/Roads** and other public **Rights-of-Ways**, service, and utility **Easements** and any land dedicated for public purposes.
- (2) The **Governing Body** shall accept or refuse the **Dedication** of land for public purposes within 30 days after the first meeting of the **Governing Body** following the date of the **Final Plat's** submission to the Clerk of the appropriate **Governing Body**. The **Governing Body** may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the **Governing Body**. No additional review and recording fees shall be assessed during that period.

Comment [sms117]: This new section is basically the 'Action by Gov Body' section previously identified at prelim plat stage. [former section 20-809(i)]

- (3) If the **Governing Body** defers or refuses these **Dedications**, it shall advise the **Planning Commission** Director of the reasons thereof.
- (4) Failure of the **Governing Body** of the city or of the county to accept affirmatively a **Dedication** shown on the **Final Plat** shall be deemed to be a refusal of the proposed **Dedication**.
- (5) The respective **Governing Bodies** maintain full legislative discretion to reject any proposed **Dedication**, regardless of the approval of the **Final Plat**. If the **Governing Body** rejects part or all of a proposed **Dedication**, the Subdivider may amend the **Final Plat** and resubmit it for consideration by the **Planning Director** without the rejected **Dedication**; if the Subdivider takes no action within 60 days of the rejection of any proposed **Dedication**, it shall constitute failure of a material condition of the approval of the **Final Plat** and the **Final Plat** shall be deemed to have been rejected.

Comment [sms118]: Correction

(o) **Signatures on Final Plat**

If the **Planning Director** has approved and certified the **Final Plat** in accordance with Section 20-809~~(4)~~**(m)**, the **Planning Director** within 5 working days of receipt of the recordable copies of the **Final Plat**, shall submit the **Final Plat** to the Chair of the **Planning Commission** and to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures. Each of these persons shall, if he or she accepts the certification of the **Planning Director**, sign the **Final Plat**, including the "Acceptance of **Dedications**" certificate; if any of these persons refuse to sign the **Final Plat**, he or she shall refer the **Final Plat** to the **Planning Commission** for consideration at its next meeting in accordance with the requirements of Section ~~20-809(c)~~**20-809(g)**, together with a memorandum explaining the reasons why such person refused to sign it.

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

- (1) After all signatures have been obtained **and all other requirements of this Article have been completed**, the **Planning Director** shall forward the recordable copy of the **Final Plat** to the Register of Deeds for recording. The recorded version of the plat shall bear the endorsements ~~herein provided in (see Section 20-812(b)(2))~~ **Section 20-809(l)** including the endorsement by the **Governing Body** accepting the **Dedications**.
- (2) Upon approval and acceptance of all **Final Plats** that create new **Street/Roads or other public improvements**, ~~if a Major Non-Residential Subdivision in the Unincorporated Area of Douglas County, Kansas, detailed Street/Road and/or utility plans shall be submitted to~~ **and approved by either the County Engineer or City Engineer, as applicable**, and, ~~if the Major Subdivision is in the City, detailed Street/Road plans shall be submitted to and approved by the City Engineer for approval prior to filing~~ **recording** of the **Final Plat**, and these plans shall include the following:
 - (i) Plan, profile, ditch grades, and cross-sections of all **Street/Roads, Alleys** and other public ways; and,
 - (ii) Drainage areas and size and length of cross-road drainage structures.

Comment [sms119]: emphasize the need for PIPs to be approved prior to filing -- Statute requires construction or guarantee of public improvements for the subdivision -- PIPs must be close to approval in order to provide a reasonable cost estimate for guarantee

- (3) Prior to the **Final Plat** being recorded with the Register of Deeds, a digital version of the **Plat** shall be submitted to the **Planning Director** in a format approved by the ~~Director of~~ **Planning Director**. The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county. ~~Any **Final Plat** not submitted in a digital format will be converted by the City or County, and the cost for conversion will be paid by the **Applicant** before the **Plat** can be recorded at the Register of Deeds.~~
- (4) Errors found in closure **or internal dimensions** shall be corrected prior to filing **recording the Final Plat at the Register of Deeds.**
- (5) ~~Approval of a **Final Plat** by the **Planning DirectorCommission** and acceptance of **Dedications** by the appropriate **Governing Body** shall be effective for no more than 18 ~~24~~ months from the date of acceptance unless all conditions of approval have been completed. ~~unless an extension has been granted by the **Planning Director** for good cause. Such request for extension must be submitted prior to the expiration of the original approval.~~~~

Comment [sms120]: Relocate to new section below

(q) **Final Plat Expiration**

- (1) **Approval of a Final Plat by the Planning Director Commission and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 18 24 months from the date of acceptance unless all conditions of approval have been completed, unless an extension has been granted by the Planning Director for good cause.**
- (2) **Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.**

20-810 Subdivision Design Standards

(a) General

(1) Applicability

All Subdivisions shall comply with the Design and Improvement Standards of this Section and the Public Improvement Standards of 20-811. 20-810(j).

Comment [sms121]: this is an error

(2) Design of Lots

(i) Lots shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each Lot in a Subdivision shall also take into consideration Topography (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent Lots.

(ii) Lots for commercial and industrial use shall be of size and arrangement to allow for off-Street/Road parking and loading facilities.

(iii) Double-Frontage and Reverse-Frontage Lots shall be avoided except where they are necessary to provide for the separation of residential development from Collector and Arterial Street/Roads or to overcome or take advantage of specific disadvantages challenges of steep Topography and orientation.

Comment [sms122]: Odd wording

a. A planting screen Easement of a minimum 20 feet, with or without a berm, shall be provided along the portion of the Lots Abutting such an Arterial Street/Road if required by the Planning Commission.

Comment [sms123]: Existing text, just made a sub-part to iii for ease in reading

(iv) Corner Lots shall be a minimum of 20% wider than the minimum Lot Width required in the applicable zoning district interior Lots to allow for appropriate building setbacks and sufficient yard space.

(v) Any Lot that is not rectangular or that has a single dimension of less than 55 feet shall show the Building Envelope permitted under the current Zoning District regulations; a note to such Building Envelope filed on a separate document in the Planning Department shall identify the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.

Comment [CoL124]: Added to Prelim Plat requirements in 20-812 –

(vi) Lawrence Residential lots shall not be created where the width at the street Right-of-Way line is less than 75% of the depth of the lot except where the established neighborhood pattern would support a lesser percentage or the lot front onto a cul-de-sac.

Comment [sms125]: Is this reasonable? For a lot that is 120' deep, width would need to be 90' – not typical pattern and seems like it might encourage sprawl? For instance, not achievable in RS3 – 25' width x 120' depth = 3000sf

(3) Plans for Resubdivision

(i) Whenever an area is divided into residential Lots with a Lot area of one acre or greater, and there is a possibility that such Lots may eventually be re-subdivided into smaller Lots, consideration shall be given to the Street, and Lot arrangement of the original Subdivision so that additional Streets can be opened later to permit a logical arrangement of smaller Lots.

- (ii) Provision of **Easements or Right-of-Way** for the future opening and extension of such **Streets** and for gravity sewerage and stormwater drainage shall, ~~upon recommendation of the Planning Commission and approval of the Governing Body,~~ be made a condition of **Preliminary Plat** approval.

(b) **Frontage and Access**

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

Frontage shall be provided to all Lots on a public street unless Lot Frontage is approved on a Private Street as part of a Planned Development.

- (1) ~~All Lots shall have Frontage on a public Street except that:~~

- (i) ~~Private Streets may only be approved as part of a Planned Development and~~
- (ii) ~~Private Streets are not allowed in the unincorporated area of the County; and, Moved to Streets (d)~~

(c) **Access**

- (1) **City of Lawrence**

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

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

Comment [sms126]: Seems out of place

Comment [sms127]: These sub parts may be redundant since Private Streets are addressed in 20-810(9) –delete here and just say all lots must have frontage on public streets unless part of an approved PD

Comment [sms128]: Reformatted sentence. It seems to just be one of the elements under this heading.

Comment [sms129]: Created new sub-section to separate Frontage from Access.

Comment [sms130]: Not sure this is accurate, since concept is that lots are on the easement.

Comment [sms131]: ???

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

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

- (i) Joint-Use Driveways are not permitted in the Unincorporated Area of the County.
 - (ii) Joint-Use Shared Driveway Approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the Driveway approach area and only when individual Driveways are separately maintained beyond the Street Road easement or Right-of-Way line.
 - (iii) Joint use access points may be approved within Lawrence or the unincorporated area of the County when located wholly within the dedicated public street Right-of-Way or public Road Easement.
- (1) ~~Joint-Use Driveways in Lawrence with a minimum paved width of 24 feet may be approved as part of the Subdivision approval process for campus-like commercial or industrial Developments (e.g., shopping centers, industrial/business parks), if there is a city approved easement of record ensuring perpetual access to the Joint-Use Driveway by all Lots with Street Frontage and providing for the perpetual ownership, continuance and maintenance of the Joint-Use Driveway.~~
- (2) ~~Joint-Use Driveway approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the driveway approach area and only when individual driveways are separately maintained beyond the Street Right-of-Way line.~~
- (3) ~~Joint-Use Driveways are not permitted in the unincorporated area of the County.~~
- (4) ~~Joint-Use Driveways shall not be considered as parking or loading space or as an aisle for access to individual parking spaces in computing conformance with the parking requirements of the Zoning Ordinance.~~
- (5) ~~An alley may provide the primary vehicular access to one or more Lots in a subdivision, provided that each such Lot shall have Street Frontage on a Public Street. Alley access is particularly appropriate where the Street Frontage for the Lot is on a Collector Street.~~
- (6) ~~Joint use access points may be approved within Lawrence or the unincorporated area of the County when located wholly within the dedicated public street Right-of-Way or public road easement.~~

Comment [sms132]: Recognize that we are not addressing RDPs here – this is where some of design standards seem to get mixed in with Cert of Surveys Do or should the subdivision design standards apply to C of S?

Comment [sms133]: These were part of (2) above – seem to deserve their own numbers since each is a different restriction

(d) **Blocks**

(1) **General**

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

- (i) Limitations and opportunities of **Topography** and other physical features such as utilities, **Floodplains**, **Jurisdictional Wetlands** and natural storm drainage patterns;
- (ii) Provision of building sites adequate for the ~~special needs of the type of uses contemplated and adequate storm drainage from each lot, such as provisions of swales between lots;~~
- (iii) Zoning requirements as to **Lot** sizes and dimensions; and
- (iv) Need for convenient access, circulation, and control of **Street** traffic for safety.

(2) **Length**

(i) **City of Lawrence**

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

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

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

(3) **Width**

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

(4) **Shape**

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

(e) **Streets**

(1) **General**

- (i) **Local Streets** within the City of Lawrence should be less than 1,320 feet in length.
 - a. **Local Streets** exceeding 800 feet in length shall include **Traffic Calming Devices**, shown in an adopted City of Lawrence Traffic Calming Policy document **as maintained by the Public Works Director. at intervals not exceeding 400 feet.**
- (ii) All **Streets** within **Subdivisions** shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, **Sector** or **Neighborhood Plan** or, in the absence of such a plan, with all applicable **Street Layout and Design** standards of this Article.
- (iii) **Arterial** and **Collector Streets** shall be laid-out, arranged and designed in accordance with any adopted **Major Thoroughfares Plan Map** or corridor plan.
- (iv) **Subdivisions** shall provide a logical **Street** layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such **Streets**.
- (v) At time of **Preliminary Plat** approval, the full **Right-of-Way** for all boundary line and **Full Maintenance Roads** **under the applicant's ownership control** shall be annexed to the City.

Comment [sms135]: the standards in the policy should govern. They may change over time.

(2) **Connections**

- (i) **Street connections shall provide access to adjoining lands, existing and proposed Streets.**
- (ii) Every **Subdivision** shall provide for at least one **Street** connection to each adjacent **Subdivision** or future adjacent **Subdivision**.
 - a. Any existing or Platted **Street** that terminates at the boundary line of a proposed **Subdivision** shall be continued into the **subject proposed Subdivision** in such a manner as to provide **Street** connections to adjoining lands and **Streets** within the **subject proposed Subdivision** or,
 - b. **in the case of a Local Streets, may be terminated in a Cul-de-sac if an existing environmental feature dictates the design.**
- (iii) **Streets** shall provide **for Street** connections to adjacent undeveloped land in accordance with the adopted **Major Thoroughfares Plan Map**.
- (iv) **No new Subdivision shall be approved in which more than 35 residential Lots or potential residential dwelling units, or more than 25,000 square feet of nonresidential space will Proposed Subdivisions that have access to the public road system via a Single Outlet to the arterial and collector Street system as shown on the adopted Major Thoroughfares Plan Map must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of Lots or residential**

Dwelling units permitted; total amount of square feet constructed; or the type of construction allowed.

- (v) **Residential Collector Streets** shall provide connections to nonresidential uses within the neighborhood.
 - a. Bicycle & pedestrian facilities are strongly recommended for Residential Collectors.
 - b. Various traffic-calming treatments may be used to reduce travel speeds.
 - c. Residential Collector Streets with adjacent residential land uses should, in most cases, be limited to two lanes.
- (vi) Streets longer than one Lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary Turn-around.

Comment [CoL136]: Moved from (3) (v) below

Comment [CoL137]: some of design statements in definition moved into this section

Comment [sms138]: Standards brought in from definition of Residential Collector.

Comment [CoL139]: Moved from (7) cul-de sacs

(3) Intersecting Streets

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

Comment [sms140]: Previously all one long paragraph, just broke out into sub parts

Comment [sms141]: Add blule since this is defined term MOVED TO v above Restated. Sidewalks covered in separate sub section

(4) Requirements When Access Barriers Exist

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

Comment [CoL142]: Moved from 811 More design stds than public improvements

Comment [sms143]: This needs to occur at Prelim Plat stage, so is a PC approval

Article 8 Subdivision Design and Improvements
Section 20- -810 Subdivision Design Standards

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

Comment [CoL144]: Add def for Lots, Reverse Frontage DONE

(5) Cross-Sections

(i) City of Lawrence

All platted Subdivisions lying within the City of Lawrence shall comply with the following cross-section standards:

Comment [sms145]: City & County Engineers agree that construction standards should not be in Sub Regs – public improvement plans will be reviewed according to the adopted engineering standards in place at the time.

Comment [sms146]: Should this also reference dev in UGA?

Street Type (1) Measured from back of curb to back of curb. (2) Includes limited access routes.	Right-of-Way	Roadway			Sidewalks (See §20-811(c))
	Min. Width (feet)	Min. Width (feet) (1)	Paving	Curb and Gutter	
Principal Arterial	150	±	Required	Required	Both Sides
Minor Arterial (3 lane)	100	40	Required	Required	Both Sides
Collector	80**	36	Required	Required	Both Sides
Local or Residential Collector	60	30	Required	Required	Both Sides
Local	60	27	Required	Required	Both Sides
Limited Local	50	22	Required	Required	Both Sides
Cul-de-sac ***	60**	22	Required	Required	Both Sides
Marginal Access (Frontage Road)	60				

* As directed by the City Engineer

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

*** Paved bulb with 50' radius is required

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

Comment [CoL147]: Moved from (7)(iii)

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

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

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

* **Right-of-Way** shall be sufficient to include top of ditch back slopes; may be variable

** Shall meet latest AASHTO geometric tabular design standards or tabular standards, whichever is greater.

*** Shoulder surface type shall match traveled way surface type, unless otherwise approved by the County Engineer.

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

(6) **Grades**

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

Street Type	Maximum Grade (%)	Minimum Grade (%)
Arterials (Principal and Minor):		
City or Urban Growth Area	5	1.0
Rural Area	5	1.0
Collector (Major or Minor)	9 8	1.0
Marginal Access	10	1.0
Local	10	1.0

Note:

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

(7) **Radii of Curvature**

The minimum radius of curvature of the centerline of Arterial and Collector Street shall **meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.** ~~be as follows:-~~

Design Speed (MPH)*	Minimum Curvature Radius (feet)*	Minimum Tangent Length (feet)*
20	125	75
25	205	100
30	300	150
35	420	200
40	565	250
45	730	250
50	930	250
55	1,200	250

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

Comment [Col148]: There is value in having some basic info here for review of prelim plats
CHOSE TO KEEP MIN/MAX GRADES, BUT
TO DELETE SPECIFIC CURVATURE INFO
AND ADD GENERAL REFERENCE TO
DESIGN STDS

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

- (i) Cul-de-sac lengths shall not exceed 10 times the required minimum Lot Width of the base zoning district or 1,000 feet (1,320 feet ~~if rural in Unincorporated Area~~), whichever is less.
 - a. A Cul-de-sac's length shall be measured from the center point of the Cul-de-sac bulb or turn-around to the centerline of the Right-of-Way of the nearest intersecting through Street.
- (ii) Maximum Cul-de-sac length may be increased by up to 25% above the maximum allowed by Section 20-810 ~~(d)(7)(i)~~ **(e)(8)(i)** during the Subdivision Preliminary Plat approval process if the ~~Decision-Making Body~~ **Planning Commission** determines that the proposal meets all of the following criteria:
 - a. It is impracticable to connect the Street to another Street or to provide a **looped Street or other second** means of access that would avoid the Cul-de-sac or allow the Cul-de-sac to meet the Cul-de-sac length limit because:
 - 1. The area is separated from other parts of the Subdivision or a

Comment [sms149]: Existing text, just indented as sub-section to i

possible **Street** connection by **Floodplains**, **Jurisdictional Wetlands**, or steep slopes greater than 10% or other natural resource areas; ~~making it impracticable to provide the area a second means of access that would avoid the **Cul-de-sac** or allow the **Cul-de-sac** to comply with the maximum **Cul-de-sac** length limit (e.g., by providing a loop **Street** into the area instead of the **Cul-de-sac**, or extending the **Cul-de-sac** to connect to another **Street**), and~~

2. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the **Cul-de-sac** to an existing or proposed **Street**. ~~or the area is so separated from adjoining properties providing potential access by **Floodplains**, wetlands, steep slopes or other natural resource areas thereby making it impracticable to extend or connect the **Cul-de-sac** to the adjoining properties; and~~

- b. Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the **Cul-de-sac** length limit of Section 20-810 ~~(e)(7)~~ **(e)(8)** and realization of at least 75% of the maximum **Lot** density allowed by the site's base zoning; and
- c. The degree of increase in allowable **Cul-de-sac** length is the minimum necessary to allow the above findings.
- d. The **Subdivider** bears the burden of demonstrating that all criteria have been met.

- (iii) ~~All **Cul-de-sacs** shall have a minimum **Right-of-Way** radius of 60 feet.~~

- (iv) In **Subdivisions** with **Cul-de-sacs**, **Easements** may be required to ensure that the water supply system is looped.

- (v) If a **Cul-de-sac** is longer than 600 feet, the subdivision shall include **Pedestrian Right-of-Way Easements** at the terminus of the **Cul-de-sac** to provide pedestrian connections to and from the **Cul-de-sac**, in accordance with 20-810 ~~(f)(h)~~ **(4)(iii)**.

- (vi) ~~**Streets** longer than one **Lot** that terminate at the property boundaries of undeveloped land shall provide an improved temporary **Turn-around**.~~

(9) **Half-Streets**

- (i) Whenever **Right-of-Way** for ~~½~~ **one-half** of a **Street** has been dedicated to bring that **Street** to then-current standards, regardless of whether that half of the **Street** has been improved, and a subdivision of land adjoining the other half of the **Street** is proposed, the remainder of the **Right-of-Way** shall be dedicated and improved by the **Subdivider**.
- (ii) ~~New **Half-Streets** are prohibited, except when the Decision-Making Body **Planning Commission** determines that a **Half-Street** is the only means of accommodating reasonable **Development** of the proposed **Subdivision** and adequate assurances in accordance with Section 20-811(h)(2) are provided that the remaining portion of the **Half-Street** will be dedicated and improved.~~

Comment [sms150]: Deleted text in 1 & 2 for clarity.

Comment [CoL151]: Moved to footnote in (4)(i)

Comment [CoL152]: Moved to (2) Connections

Comment [sms153]: Engineers agreed that options for half-streets could be deleted.

- (ii) ~~Lots Abutting on a Half-Street that take sole access from that public Right-of-Way shall be designated as non-buildable (on the Final Plat) until the remainder of the Street is dedicated and improved.~~ No building permits shall be issued for Lots with access only to a Half-Street until the entire remainder of the Street Right-of-Way between the two nearest intersecting Streets and passing in front of the subject Lot(s) is dedicated and improved.

Comment [sms154]: Added to list in 809(l) -- requirements for Final Plat

(10) **Private Streets and Roads**

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

- a. Private Roads are prohibited in the Unincorporated Area of Douglas County, except for those that were approved prior to December 15, 1998.
- b. Before Douglas County will consider a request to assume maintenance of any existing Private Street-Road, by Dedication or otherwise, the Street or Road must be brought into compliance with all applicable Road and Right-of-Way standards.

Comment [CoL155]: Moved from (iii) below to put county standards together

(ii) **City of Lawrence**

- a. New Private Streets in the City are permitted only in Planned Developments approved by the Planning Commission and City Commission.
- b. Private Streets shall be built to City Street standards and maintained by the Landowner.

Comment [sms156]: Text from 20-913(e)

(11) **Alleys**

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

Comment [CoL157]: City doesn't specifically have standards and county doesn't anticipate use of alleys

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

Comment [sms158]: Separate section below

(1) **City of Lawrence**

- (i) **Street** names shall be proposed by the **Subdivider**, reviewed by the Public Works ~~Department~~ **Director**, and approved by the City Commission. The approval of **Street** names shall be within the legislative discretion of City Commission, subject to the following standards:
- Compass directions shall not be used as part of **Street** names;
 - The identifiers "~~Street~~", "~~Avenue~~", "Court", and "**Circle**", "~~Terrace~~", and "~~Place~~" shall be used ~~only in accordance with the respective definitions of those terms;~~ **as follows**:
 - A Court identifies a Dead-End or Cul-de-sac; and**
 - A Circle identifies a Street where both ends terminate at the same Roadway.**
 - Streets** that run in an east – west direction shall be named as numbered **Streets**;
- (ii) Existing **Street** names shall be used where the **Street** to be named is, or would be, a logical extension of an existing **Street** even though separated by undeveloped land, natural physical barriers or man-made obstructions; **and**
- (iii) Where a proposed **Street** is shown on an adopted **Major Thoroughfares Plan Map** and such ~~plan map~~ indicates a name for that **Street**, that name shall be used; ~~and~~.
- (2) **Unincorporated Area of the County**
Road names in the unincorporated County shall be named in accordance with the E911 Emergency Management System.

(g) **Lot and Block Numbering**

Comment [CoL159]: Created separate section from Street Names above

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

Comment [CoL160]: Moved from (4) above in Street Names

(h) **Easements**

(1) **Permanent Utility Easements**

Permanent utility **Easements** shall be provided where necessary to accommodate utilities that will serve the **Subdivision**. Permanent utility **Easements** shall be provided where necessary to allow for utility service in and through the proposed subdivision. Where such an **Easement** is necessary, it shall be centered on rear or side **Lot Lines**, as applicable, and shall be at least 30 feet and ~~40~~ 15 feet wide respectively, except that **Easements** for **Street** lighting purposes only need not exceed 10 feet in width.

(2) **Temporary Utility Easements**

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

(3) **Drainage Easements**

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

Comment [sms161]: Eliminate Blue font since attorneys recommended only defining easement and not all the different types

(4) **Pedestrian Right-of-Way Easements**

(i) ~~It is the goal of the City to ensure that the pedestrian circulation system within the City and within the Urban Growth Area forms a complete and effective network that includes, but is not limited, to sidewalks along Streets. In particular, it is the goal of the City to ensure that people have efficient and relatively direct pedestrian access between their places of residence and:~~

- a. ~~Nearby elementary schools;~~
- b. ~~Nearby parks and recreation facilities;~~
- c. ~~Other public facilities, such as libraries and community centers;~~
- d. ~~Adjoining neighborhoods or subdivisions, regardless of whether there are direct Street connections between the neighborhoods and/or subdivisions;~~
- e. ~~Any nearby shopping or service centers;~~
- f. ~~Places of employment;~~
- g. ~~The nearest Arterial or Collector Street with a bus route; and,~~
- h. ~~Any nearby access point to a trail or greenway system.~~

(i) ~~In furtherance of that purpose,~~ Pedestrian **Right-of-Way Easements** shall be required when **Block** lengths for **Local Streets** exceed 800 feet in length. Such **Easements** shall extend entirely across the width of the **Block** at approximately the midpoint of the **Block**. ~~Pedestrian Right-of-Way Easements shall have a minimum width of 12 feet. The Planning Commission may waive this requirement where, due to topography or physical barriers, the Pedestrian Right-of-Way would not form a logical part of the larger pedestrian circulation system.~~

Comment [sms162]: Nice language, but not really regulatory – regulatory text is included in following sub-sections

Comment [CoL163]: Moved to separate sub-sections below

- (ii) ~~Also in furtherance of that purpose, a~~Additional **Pedestrian Right-of-Way Easements** should be required within the City and **Urban Growth Area** to provide pedestrian connections from a **Subdivision** to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent **Subdivisions** or neighborhoods, including a pedestrian connection at the terminus of each **Cul-de-sac**. **Pedestrian Way Easements** shall have a minimum width of 12 feet.
- (iii) **Pedestrian Way Easements shall have a minimum width of 12 feet.**
- (iv) **The Planning Commission may waive this requirement where, due to Topography or physical barriers, the Pedestrian Right-of-Way Easement would not form a logical part of the larger pedestrian circulation system through the approval of the Preliminary Plat.**
- (v) ~~The responsibility for paving the pedestrian way shall be the developer's, and these pedestrian ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the Planning Director in acting on the final plat. The responsibility for maintenance of the pedestrian way shall be that of adjacent property owners or the homeowners association for the subdivision.~~
- (vi) ~~Variances from these standards may be granted by the Governing Body when requested following Planning Commission consideration of considering the Preliminary Plat according to the standards of 20-813(f)(g).~~

Comment [CoL164]: Move to 811 (c)(1) w/ other ped ways

Comment [sms165]: Modify to reflect change –GB will not typically see prelim plat

Comment [CoL166]: Delete section because waivers/variances permitted by PC thru prelim plat approval

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

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

Comment [sms167]: Provide PC explanation of change and opportunity for discussion – direction per CM

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

Land within a Floodplain **Overlay District** shall be subject to the Flood Protection Standards of Article 12, **Chapter 20, City Code** and to the ~~comparable provisions adopted by the Board of County Commissioners~~ **the Flood Protection Standards of Section 12-328 of the Zoning Regulations** for the **Unincorporated Area** of Douglas County.

(k) ~~Resource Preservation – City of Lawrence~~

Comment [sms168]: Adjusted according to recent TA

- (1) ~~Subdivisions shall be designed to preserve natural resources and environmentally sensitive areas, such as streams, wetlands, prominent natural~~

~~geographic features, and stands of mature trees. See Section 20-1101(c)(2)(iii) b., which requires that development of lands containing more than 5% defined sensitive lands can be developed only through a Cluster Development or a Planned Development. Section 1101(c) (3) requires that certain sensitive lands be dedicated, included in private open space or otherwise preserved through development design. Note also that Section 1101(c)(4) may limit the achievable density of developments containing specified sensitive lands.~~

- (2) ~~Subdivisions shall be designed to preserve archaeological and historical sites. See Section 20-1101(c)(2)(iii)b, which requires that development of lands containing more than 5% defined lands, which include archaeological and historic sites, can be developed only through a Cluster Development or a Planned Development. Section 20-1101(c)(3) requires that certain archaeological and historic lands be included in private open space or otherwise preserved through development design. Note also that Section 20-1101(c)(4) may limit the achievable density of developments containing archaeological and historic sites.~~

(l) **Resource Conservation — Unincorporated Area of the County**

Comment [CoL169]: Adjusted according to recent TA

- (1) ~~Residential Developments and non-residential Subdivisions in the unincorporated area of the County shall be designed in a way that protects and conserves the natural resources and environmentally sensitive areas through the filing of a Temporary Set Aside Agreement or the filing of a permanent Conservation Easement, with the Register of Deeds. These natural areas and environmentally sensitive areas shall include Floodways, based on the FEMA's one-hundred year storm; Floodplains, based on the FEMA's one-hundred year storm; jurisdictional wetlands; stream corridors; prominent natural geographic features with rocky outcroppings; and, stands of mature trees or individually significant mature trees.~~
- (2) ~~Residential Developments and non-residential Subdivisions shall be designed to protect and conserve archaeological and historical sites through the filing of a Temporary Set Aside Agreement or the filing of a permanent Conservation Easement, with the Register of Deeds.~~

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

Comment [CoL170]: Text from TA1-06-12-08 – HOWEVER, RENUMBERING ACCORDING TO CODE OUTLINE FORMAT

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

Certificates of Survey land divisions and platted **Subdivisions** shall be designed to protect environmentally sensitive lands which contain ~~preserve~~ natural resources and environmentally sensitive areas.– Environmentally sensitive lands are listed below in a priority order for protection:

- (i) **Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;**
- (ii) **Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;**

- (iii) [Jurisdictional Wetlands](#), as determined by the Army Corps of Engineers;
- (iv) Stream corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;
- (v) [Stands of Mature Trees](#), as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map; and
- (vi) Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.

(2) Determination of environmentally sensitive lands.

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

- (i) FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;
- (ii) US Fish and Wildlife Service National Wetland Inventory Maps;
- (iii) GIS Baseline Environmentally Sensitive Lands Map.
- (iv) Kansas State Historical Society Archeological and Historic Resources Inventory; and.
- (v) Other resources which may be appropriate.

(3) Protection Standards for Environmentally Sensitive Lands – City of Lawrence

- (i) Section 20-1101(d)(2)(i) of the [Land](#) Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area of residentially zoned property.
- (ii) Section 20-1101(d)(2)(ii)(b) requires that when platting, environmentally sensitive lands to be protected shall be placed within [Tracts](#) or [Easements](#) and information regarding ownership and maintenance responsibility of the [Tract](#) or [Easement](#), as well as protection measures, shall be included on the [Preliminary](#) and [Final Plat](#).
- (iii) Section 20-1101(e) contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.
- (iv) Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all [Subdivision](#) applications for properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).

**(4) Protection Standards for Environmentally Sensitive Lands –
Unincorporated Area of the County**

- (i) Per Sections 20-804(c)(2)(ii) and 20-805(c)(2)(ii) [County Code Sections 11-104(c)(2)(ii) and 11-105(c)(2)(ii)], **Certificates of Survey** land divisions within the UGA shall protect environmentally sensitive lands through the filing of a **Temporary Set Aside Agreement** or a permanent **Conservation Easement** with the Register of Deeds.
- (ii) Per Section 20-806(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] **Certificates of Survey** outside the UGA for properties which contain environmentally sensitive lands shall designate **Building Envelopes** which exclude the protected environmentally sensitive lands.
- (iii) All plats which include environmentally sensitive lands shall protect them through one of the following methods:
- (iv) The filing of a **Temporary Set Aside Agreement** or permanent **Conservation Easement** with the Register of Deeds.
- (v) Placement of the environmentally sensitive lands within **Tracts** or **Easements**. Information regarding ownership and maintenance responsibility of the **Tract** or **Easement**, as well as protection measures shall be included on the preliminary and **Final Plat**.
- (vi) Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the **Certificate of Survey** and 20% of the total site for platted properties.

Comment [sms171]: Need to check ref after renumbering complete

(l) Soils and Soil Testing – City of Lawrence

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

Comment [sms172]: Text from TA1-06-12-08 – HOWEVER, RENUMBERING ACCORDING TO CODE OUTLINE FORMAT

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

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

20-811 Public Improvements Standards

(a) General Public Improvement Construction Standards

(1) Standards

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

(2) Administration and Fees

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

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

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

- (i) Compliance with the items listed above and use of appropriate construction methods shall be determined by the County Engineer.
- (ii) A permit shall be issued by the County Engineer for the construction of a future Public Improvement prior to commencement of any work activity associated with the improvement.
- (iii) A fee in an amount set by Resolution of the County Commission shall be charged for the permit.
- (iv) This sub-section shall apply only to subdivisions in which the complete Lot pinning required by Section 20-811(g)(9)(k) has not been completed at the time that the first Public Improvements are installed.

Comment [sms173]: Should we make sure all references to Certificate of Survey stds are removed and shown in 804-807 so that they are not confused with Subdivisions – seems to be some mix and matching here NOT DEALING WITH IN THIS TA

Comment [sms174]: Moved this up from #3 and broke long paragraph into sub-parts. Seems more logical to have the broad statements first and the more specific ('only for unincorporated area') following

Comment [CoL175]: Reformatted the following into list form rather than paragraph

Comment [sms176]: Changed location so not under Street Trees

(b) **Streets or Roads**

(1) **City of Lawrence**

Subdivision Streets located within the incorporated city limits shall be constructed to comply with standards adopted by the City of Lawrence.

(2) **Urban Growth Areas**

Subdivision Streets and Roads located within the Urban Growth Areas shall be constructed to the Street and Road standards of the City that established the Urban Growth Area.

(3) **Rural Area**

Subdivision Roads located within the Rural Area shall be constructed to the higher of the following standards:

- (i) Road standards adopted by the Township(s) in which the Road is located;
- (ii) Standards for the Road classification specified on an adopted Major Thoroughfare Map, on Exhibit 9-506 of the County's Access Management Regulations, Chapter IX of the County Code.
- (iii) Other adopted County standards applicable to a Road of the classification and/or location of the proposed Road; or
- (iv) At a minimum, adopted Douglas County #Rock Roadway sStandard.

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

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

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

Comment [sms177]: Defined term – added blue font

Comment [CoL178]: This should be part of 810 More design stds than public improvements MOVED, NOT DELETED

Comment [CoL179]: Add def for Lots, Reverse Frontage

(c) **Sidewalks and Pedestrian Ways**

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

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

Comment [sms180]: Added separate section (2) for UGAs

- (i) Public **Sidewalks** shall be installed on both sides of all **Streets**, as follows:

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' Sidewalk on the other side

- (ii) **Sidewalks** shall be constructed in accordance with standards and specifications adopted by the applicable **Governing Body**.

(iii) ~~Waivers or~~ **Variances**

Comment [CoL181]: Should just use one term

- a. The applicant for a **Subdivision** may request a ~~waiver~~ **Variance for the requirement to construct** ~~of part of or all of the entire requirement to install Sidewalks in the Subdivision as part of the Preliminary Plat review in accordance with the Variance procedures outlined in Section 20-813(g). The Planning Commission~~ may make a recommendation on such waiver request, but final action on the waiver request shall be by the Governing Body, ~~with a request placed on the Governing Body's agenda concurrent with the Governing Body's acceptance of Easements and rights-of-way on the Final following the Planning Commission's consideration as part of the Preliminary Plat review.~~
- b. If the ~~applicable Governing Body~~ **the Planning Commission** takes no specific action on a proposed ~~waiver~~ **Variance for** of part or all of a **Sidewalk** requirement, the ~~waiver~~ **Variance** shall be deemed to be denied. In reviewing ~~waiver~~ **Variance** requests from the standard **Sidewalk** width, special consideration shall be given to walks adjacent to **Collector** or **Arterial Roads Streets** located in historic districts and areas with severe site **Topography** which would make it impractical or difficult to build a **Sidewalk** in accordance with the above standards.
- (iv) **Sidewalks** required to be constructed within the same **Right-of-Way** as the **Street** being paved shall be constructed concurrently with the paving of the adjacent **Roadway** **or with the first phase of development of a multiple Lot Subdivision, adjacent to any improved Street.**

(v) **Pedestrian Ways**

- a. Where an approved Preliminary Plat (including a condition to such Plat) shows a Pedestrian Way other than a Sidewalk, an improved Pedestrian Way not less than eight five (improved) feet wide in the Easement space dedicated for that purpose shall be provided by the Subdivider.
- b. Pedestrian Way Right-of-Way Easements shall be improved in accordance with adopted City construction standards for Sidewalks to a width of 12 feet and shall conform to all accessibility requirements of the Americans with Disabilities Act.
- c. Completion of the improvement for any segment of such Easements shall not be required under the earlier of three years after approval of the Final Plat or three months after the issuance of the last Building Permit for a lot adjoining the segment;
- c. Completion of such improvements shall be guaranteed in accordance with Section 20-811(g)(8)(h)(2); or subject to site plan review or non-residential development standards.
- d. The responsibility for paving the Pedestrian Way shall be the Developer's, and these Pedestrian Ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the Planning Director in acting on the Final Plat.
- e. The responsibility for maintenance of the Pedestrian Way shall be that of adjacent property Owners or the Homeowners Association for the Subdivision.

Comment [sms182]: Broke up long paragraph into list format

Comment [sms183]: Conflicts with 20-810(f)(4)(iv) which says ped ways should be constructed concurrent with most adjacent roadway

Comment [sms184]: Moved from 810 (h)(4) and broke into two parts here (d) and (e)

Comment [CoL185]: Moved from 810 (h)(4) and broke into two parts here (d) and (e)

- (vi) Public Improvement Petitions shall include the construction of Sidewalks or Pedestrian Ways, except where the appropriate Governing Body Planning Commission has specifically waived the installation as provided Section 20-810(f)(4)(ii) 811(c)(1)(iii) above. The total cost of all Sidewalks or Pedestrian Way Improvements shall be borne by the property benefited in the improvement district.

(2) **Urban Growth Areas**

An Agreement Not to Protest the Formation of a Future Benefit District for the construction of Sidewalks may be required as a condition of approval for platted Subdivisions in the Urban Growth Areas in accordance with the standards of Section 20-811(c)(1) for the Lawrence UGA or the standards of the applicable city's UGA.

Comment [sms186]: Separated from requirement in (i) above – construction with rural road sections is not practical.

(3) **Rural Area**

The Planning Commission may recommend and the Board of County Commissioners shall be authorized to require Sidewalks in other Major Subdivisions when deemed necessary to provide for safe pedestrian connections to nearby schools, parks, shopping, employment or other uses or activities. See also the Pedestrian Way Easement provisions of Section 20-810(f)(4).

Comment [sms187]: 810(f)(4) relates to City and UGA, not Rural Area

(d) **Wastewater Disposal Systems**

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

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

Comment [sms188]: add in reference to City requirements and DSSA

Comment [sms189]: Text from previous sub regs (Ord 7732) which was inadvertently omitted from these regulations when adopted

Comment [sms190]: Text from previous sub regs (Ord 7732) which was inadvertently omitted from these regulations when adopted.

Comment [sms191]: Sentence previously indicated that septic not permitted on any platted land

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

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

Comment [sms192]: Is this correct?—I thought we allowed owners to count their road #w in their total for creation of RDPs? Leave bc standard just applies to subdivisions, not CofS

- (ii) Community Sewage collection and treatment facilities (including lagoons) may be provided for subdivided or newly created Lots or Parcels in the Urban Growth Areas or for any other newly created Lots not suitable for an On-Site Sewage Management System.
 - a. Such systems shall be subject to approval by the Kansas Department of Health and Environment and shall be designed to allow for future connection to a public sewer system.
 - b. Maintenance of such facilities shall be provided by a Homeowner's Association, benefit district (if then permitted under Kansas law), or other appropriate entity. Evidence shall be submitted at the time of Subdivision approval showing the establishment of such an entity to be responsible for maintenance and management of the system.
 - (iii) In situations in which an On-Site Sewage Management System has been proposed, no Subdivision shall receive final approval until the Subdivider has presented evidence that the On-Site Sewage Management System, as a method of Sewage disposal for the Subdivision, has been approved by the Director of the Lawrence-Douglas County Health Department.
- (3) ~~Where On-Site Sewage Management Systems are allowed under these regulations, they must be approved by the County Health Officer.~~
- (4) On-Site Sewage Management Systems shall be constructed in accordance with ~~"Standards on Individual On-Site Sewage Management System – Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas,"~~ the Douglas County Sanitary Code, Resolution 97-48, 09-44, as amended.

Comment [sms193]: Strike because reference is to platted subdivisions – parcels not created through sub process

Comment [sms194]: this is not different from (3) above

Comment [sms195]: Need to add in City requirements - DONE

(e) **Water Supply**

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

Comment [sms196]: Text from previous sub regs (Ord 7732) which was inadvertently omitted from these regulations when adopted.

Article 8 Subdivision Design and Improvements
Section 20-811 Public Improvement Standards

Lawrence-Douglas County Metropolitan Planning Department Director that Publicly Treated Water, delivered through a water meter is available to and will be provided for all Lots. ~~or Residential Development Parcels.~~

Comment [sms197]: The requirements are listed in C of S sections for RDPs

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

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

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

Comment [CoL198]: Move to contents of final plat submittals now in 20-809

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

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

Comment [CoL199]: Moved to contents of prelim plat submittal

(g) **Street Trees**

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

(1) **Minimum Tree Requirements**

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

(i) **Size**

Medium or large trees, as defined by Section 18-103(e) of the Code of the City of Lawrence, Kansas, and amendments thereto, which can reach a mature height of 45 feet or greater are required except that ornamental trees planted pursuant to Section ~~21-708a-2~~ [20-811\(g\)\(2\)\(iv\)](#) are not subject to the 45 feet height requirement. The minimum trunk [Caliper](#) of ~~S~~street trees, at the time of planting, measured six inches above the ground in accordance with the American Nurseryman Standards shall be as follows:

Street Type	Tree	Minimum Trunk Caliper (inches)	Mature Height (feet)
Canopy Shade		2 (ball and burlap or equivalent)	At least 45
Ornamental		4.5 2 (ball and burlap or equivalent)	No more than 20

Comment [sms200]: Per Crystal's recommendation

(ii) **Number**

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

(iii) **Minimum Species Diversity**

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

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

(2) **Planting Location and ~~Clustering~~ Spacing**

Comment [sms201]: Reformatted most of this subsection to change long paragraphs into outlines

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

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

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

Street trees shall be located either within the **Street Right-of-Way** or within the required front yard building setback, PROVIDED,

- ~~A~~No tree is located farther than 30 feet from the back of the curb, with the exception of **Lots** on the radius of a **Cul-de-sac** which shall be located not greater than 45 feet from the back of the curb, **where practical**.
- Street trees shall ~~not~~ be planted ~~until~~ **after** planned utilities have been installed.
- Trees shall be planted no closer than 8 feet from existing utility lines, **where practical and approved by the Planning Director**.
- On corner **Lots**, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two **Streets**.

- e. No tree shall be planted between the curb and the Sidewalk if the clear space is less than 3 feet wide. [RE: Chapter XVIII of the City Code]

Comment [CoL202]: Should we add that preferred location is ??? look in street standard diagram

(iii) **Clustering Spacing**

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

~~Street trees shall be evenly spaced along the Street Frontage unless based on Planning Staff Director evaluation, dictate building location and Driveway placement which interrupts the even spacing of Street trees if one or more of the following conditions exist:~~

- a. ~~The Lot is on a corner;~~
- b. ~~The presence of existing trees, which qualify for credit under Section 20-811(g)(5), interrupt the even spacing of trees; and/or~~
- c. ~~Topographic conditions (i.e. steep gradient, rock outcroppings);, based on Planning Staff Director evaluation, dictate building location and Driveway placement which interrupts the even spacing of Street trees.~~

(iv) **Overhead Lines and Fixtures**

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

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

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

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

(3) **Master Street Tree Plan**

(i) A proposed written **and graphic** Master Street Tree Plan shall be submitted at the time a **Final Plat** is submitted to the Planning Department for review.

(ii) Prior to recording the **Final Plat** with the Register of Deeds, the applicant shall provide a Master Street Tree Plan that is signed and properly acknowledged by the property **Owner(s)**. The Master Street Tree Plan shall be written to be binding on present and future property **Owners**. A reference line shall be provided on the **Final Plat** indicating the book and page where the Master Street Tree Plan is filed which shall be completed by Planning Staff at the time the **Final Plat** is filed at the Register of Deeds.

Comment [sms203]: This is done by Reg of Deeds staff following their review.

Comment [CoL204]: Copied this to contents of Final Plats

(iii) The Master Street Tree Plan shall be prepared in a format established by the Planning Department **Director** and shall include the following information:

- a. A list of acceptable Street tree types;
- b. **The number of trees to be provided for each Lot;**
- c. The number, location and size of existing trees proposed to be saved and applied to the fulfillment of this requirement;
- d. The provisions to be taken pursuant to Section 18-107 of the Code of the City of Lawrence, Kansas during construction for the protection of existing trees to be saved (if any);
- e. If trees are proposed in **Street** medians, provisions for maintenance (including how water line extensions will be paid); and
- f. The identification of power line locations.

Comment [sms205]: Reformat from paragraph to outline

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

(i) Each **Final Plat** filed on and after January 1, 2003, for detached or attached single family **Dwelling** residential structures to be built on individual platted Lots in a City residential Subdivision in RS **and RM12D** zoning districts shall contain the following note on the face of the **Final Plat**: "The City is hereby granted a temporary right of entry to plant the required Street trees pursuant to Section 20-811(g) of the City Subdivision Regulations."

- (ii) For Final Plats filed before January 1, 2003~~2~~, for detached or attached single family Dwelling residential structures to be built on individual Platted Lots in a City residential Subdivision in RS and RM12D zoning districts, the property Owner of undeveloped Lots for which a city building permit has not been issued shall sign a consent form and submit it with the building permit application granting the City of Lawrence temporary right of entry to plant the required Street trees pursuant Section 20-811(g) of the City Subdivision Regulations.

(5) Credits for Existing Trees

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

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

Comment [sms206]: Move this into the list above, not separate.

(6) Timing of Landscape Placement

- (i) The timing of, and manner in which the Street trees shall be planted for detached or attached single family Dwelling residential structures to be built on individual platted Lots in city residential subdivisions final-platted in RS and RM12D Zoning Districts filed on and after January 1, 2003~~2002~~, shall be in accordance with City Administrative Policy No. 83.
- (ii) ~~The timing of, and manner in which the Street trees shall be installed on these undeveloped Lots for which the City has not issued a building permit for detached or attached single-family dwelling residential Structures on individual Lots within existing Platted Subdivisions in the RS and RM12D zoning districts filed before January 1, 2003~~2002~~, shall be in accordance with City Administrative Policy No. 83.~~

Comment [sms207]: correction

Comment [sms208]: combined since both refer to the Admin Policy

- (ii) For all other required Street trees not covered by (i) ~~and (iii)~~ above, and/or developments requiring a site plan:
 - a. Trees shall be installed, after other Public Improvements, if water is available for their care and maintenance. The property Owner or his designee shall be required to guarantee planting of the tree at the time a building permit application is submitted.
 - b. Street trees shall be planted prior to final building inspection or the issuance of an occupancy permit. Consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of tree planting PROVIDED, the guarantee for planting is extended to the date of completion of tree planting.
 - c. Guarantee shall be provided in the following form:
 - 1. A cash escrow deposit in a ~~federally insured commercial bank or savings and loan~~ financial institution authorized to do business in Kansas in an amount set forth in the City of Lawrence Administrative Policy No. 83. This escrow deposit shall be invested and reinvested by such bank or savings and loan, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as determined by Section 20-811(i). Money will be withdrawn to pay the Developer or a designated nursery after the installation of said trees and prior to the issuance of a final certificate of inspection; or
 - 2. The appropriate Governing Body, at its discretion, may accept an irrevocable letter of credit from a financial institution or a corporate surety performance bond in lieu of a cash escrow deposit to insure the planting of the required Street trees.

(7) **Continuing Maintenance**

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

(8) **Lot Pinning**

- (i) Pins for all corners of the Subdivision and for all Lot corners shall be set and the completion of the setting certified by the responsible Surveyor before a Plat is recorded.
- (ii) A Major Subdivision can be pinned or staked in phases that are coincident with:
 - a. The Street construction and Development phase;
 - b. The placement of utilities within the designated utility Easements phase; and
 - c. The pouring of building foundations for slabs for building construction (issuance of a building permit phase).
- (iii) Before the filing of a Plat or Replat with the Register of Deeds, the Developer or Owner shall provide certification to the Planning Director that the Subdivision's boundaries are pinned and there is a contract with a licensed Land Surveyor to pin the Lots after completion of Street and Public Improvements.
- (iv) At the time the Street plans are submitted to the public works department for approval, the center lines of Right(s) of Way shall be identified by establishing the following control points:
 - a. Points of Intersection (PI);
 - b. Points of Tangency (PT); and,
 - c. Points of Curvature (PC).
- (v) Simultaneously with the construction of public improvements, staking or pinning of the Subdivision boundary corners and key points along the Easement(s) shall be completed to provide the following information:
 - a. The Intersection of four or more Lots;
 - b. Points of curvature; and
 - c. Points of Intersection with other Easements.
- (vi) At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed Land Surveyor) to the building inspector to assure Lot corners are pinned and pins are found or set.

(h) **Completion of Public Improvements**

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

- (1) Provide written certification from the City or County Engineer, as applicable, that all required **Public Improvements** in that portion of a **Subdivision** authorized for development have been completed in accordance with applicable Design and Public Improvement Standards of this Article; or
- (2) Provide for one or more of the following means of ensuring completion of required **Public Improvements**:
 - (i) A **Public Improvement Petition** for construction and installation of all or a portion of the required **Public Improvements**. ~~However, property within the Regulatory Floodplain is not eligible for this option.~~
 - (ii) A cash escrow deposit in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate **Governing Body** of the construction and installation of the uncompleted portion of the required **Public Improvements** in accordance with applicable improvement standards;
 - (iii) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the appropriate **Governing Body**, in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate **Governing Body** of the construction and installation of required **Public Improvements** in accordance with applicable improvement standards; or
 - (iv) **Approval subject to conditions:**
 - a. The ~~appropriate Governing Body~~ **Planning Director** may approve the **Final Plat** subject to the condition that it not be recorded until the City Engineer or County Engineer, as applicable, has determined that all required **Public Improvements** have been completed in accordance with the standards of this Article and related design standards of the applicable local government.
 - b. If the required improvements are not timely completed, the City Engineer or County Engineer **with the Planning Director** may submit the **Final Plat** to the appropriate **Governing Body** for further consideration; after giving the Subdivider an opportunity to be heard, the appropriate **Governing Body** may:

Comment [sms209]: This is numberd as (8) under Street Trees. Relocate to end of 20-811 so it has its own section and does not require multiple reference changes to the completion of improvements and financing sections.

Comment [sms210]: PW using BDs to finance floodplain improvements

Comment [sms211]: Broke up long paragraph

1. **Authorize the Planning Director to** ~~R~~ rescind the approval of the plat, require additional assurance for completion of the Public Improvements,
 2. Authorize the recording of the **Final Plat** without further improvements, or
 3. Extend the timeline for completion of the Public Improvements.
- (v) The appropriate **Governing Body** may, at its discretion, determine which of such methods for ensuring completion of required **Public Improvements** shall be required.

(i) Escrow Deposit

- (1) The amount of the cash escrow deposit determined in accordance with Section 20-811(h)(2)(ii) shall be deposited by the appropriate **Governing Body** in a special escrow account in the commercial bank in which the funds of such appropriate **Governing Body** are then deposited.
- (2) This escrow deposit shall be invested and reinvested by such bank in short-term government securities, the interest or discount from which shall be paid to the **Subdivider** upon final release of such escrow deposit as hereinafter provided.
- (3) Upon written certification from the City or County Engineer, as applicable, that the required **Improvements** have been 30% completed, the appropriate **Governing Body** shall release 30% of such escrow deposit to the **Subdivider**.
- (4) Upon a like certification that the required **Public Improvements** have been 50% and thereafter, 75% completed, the appropriate **Governing Body** shall release 20% and 25% respectively, of the original escrow deposit to the **Subdivider**.
- (5) Upon written certification from the appropriate Engineer that the required **Public Improvements** have been completed in accordance with applicable improvement standards, the balance of such escrow deposit, together with all earnings accrued thereon, shall be released to the **Subdivider**.

(j) Irrevocable Letter of Credit

- (1) The amount of an irrevocable letter of credit determined in accordance with Section 20-811(h)(2)(iii) shall be submitted by the Subdivider to the City or County Engineer, **City or County Public Works Director** or other designated representative.

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

(k) **Lot Pinning**

- (1) Pins for all corners of the Subdivision and for all Lot corners shall be set and the completion of the setting certified by the responsible Surveyor before a Final Plat or Replat is recorded.
- (2) As an alternative to Section 20-811(k)(1), before the ~~filing-recording~~ of a Final Plat or Minor Subdivision/Replat with the Register of Deeds, the Developer or Owner shall provide certification to the Planning Director that the Subdivision's boundaries are pinned and there is a contract with a licensed Land Surveyor to pin the Lots after completion of Street and Public Improvements.
- (3) A Major Subdivision can be pinned or staked in phases that are coincident with:
 - (i) The Street construction and development phase;
 - (ii) The placement of utilities within the designated utility Easements phase; and
 - (iii) The pouring of building foundations for slabs for building construction (issuance of a building permit phase).
- (4) At the time the Street plans are submitted to the Public Works ~~department~~ Director for approval, the center lines of Right(s)-of-Way shall be identified by establishing the following control points:
 - (i) Points of Intersection (PI);
 - (ii) Points of Tangency (PT); and,
 - (iii) Points of Curvature (PC).
- (5) Simultaneously with the construction of Public Improvements, staking or pinning of the Subdivision boundary corners and key points along the Easement(s) shall be completed to provide the following information:

Comment [sms212]: Relocated from (8) under Street Trees. .

Comment [sms213]: Had to renumber/letter to fit outline format – content did not change

Comment [CoL214]: Moved this up in section to follow (1)

- (i) The intersection of four or more Lots;
 - (ii) Points of curvature; and
 - (iii) Points of intersection with other Easements.
- (6) At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed Land Surveyor) to the ~~Building Inspector~~ **Safety Manager** to assure Lot corners are pinned and pins are found or set.

20-812 Contents of Plats- [Reserved]

Comment [sms215]: Reserve section rather than renumber the following sections. All Plat Contents info is now in 809

(a) Preliminary Plat

~~(1) The Preliminary Plat shall be drawn to a scale where all features presented are readable.~~

~~(2) Materials to be Included~~

The Preliminary Plat shall:

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

Comment [sms216]: Phil indicated that this would require survey work on someone else's property that the applicant does not have permission to do

Article 8 Subdivision Design and Improvements
Section 20-812 [Reserved]

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

(2) **Existing Conditions**

The ~~Preliminary Plat~~ shall also show the following existing conditions:

- (i) ~~Location of any area designated as Floodplain or Regulatory Floodplain; location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.~~
- (ii) ~~Location of any area zoned "Floodplain" in the Floodplain Overlay District; location and direction of flow of all water courses; and Base Flood Elevation at water course entrances to and exits from the proposed Subdivision;~~
- (iii) ~~Location of section lines, private or public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;~~
- (iv) ~~Location of natural features such as rock outcroppings, unique topographic features, lakes, individually significant stands of mature trees; and insofar as can reasonably be shown, natural features to be removed;~~
- (v) ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~
- (vi) **Natural features and environmentally sensitive lands within the unincorporated portions of the County:**
 - a. ~~Location of natural features such as rock outcroppings, unique topographic features, lakes, individually significant mature trees, and water bodies and insofar as can reasonably be shown, natural features to be removed;~~
 - b. **Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision; Location of features which are listed in Section 20-810(i) [County Code Section 11-110(i)] as environmentally sensitive lands.**
 - c. **The plat shall delineate the environmentally sensitive lands which are to be protected and provide for protection in one of the following ways: note that they will be protected with a temporary set aside agreement or permanent conservation easement which will be recorded prior to the**

Comment [sms217]: Do we need to list FW & FF Overlay Districts for County or just go with this generic?

Comment [CoL218]: Text from TA-06-12-08

~~final plat, or place the protected areas within tracts or Easements and note the ownership, maintenance responsibility and protection measures on the plat.~~

- d. ~~Designation of a building envelope which excludes the environmentally sensitive lands.~~
- (vii) ~~Boundaries of significant stands of mature trees, jurisdictional wetlands, historic sites and Archaeological Sites on the property proposed for subdivision. Natural features and environmentally sensitive lands within the City:~~
 - a. ~~Location of natural features such as rock outcroppings, unique topographic features, lakes, individually significant mature trees, and water bodies, and insofar as can reasonably be shown, natural features to be removed;~~
 - b. ~~Location of environmentally sensitive lands including those which were identified on a Sensitive Areas Site Plan for protection and those which will be altered with the development.~~
 - c. ~~Article 11 of the Development Code requires that a Sensitive Area Site Plan be submitted with, or prior to, any development proposal for lands containing environmentally sensitive lands. The Sensitive Area Site Plan is to be incorporated into the plats and other plans.~~
 - d. ~~Protected Environmentally Sensitive Lands are to be located within a tract or easement.~~
 - e. ~~Information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.~~
- (viii) ~~Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the Final Plat is recorded;~~
- (ix) ~~Horizontal location and vertical elevation (if available) of existing sanitary sewers, storm water sewers, and culverts within and adjacent to the proposed Subdivision, and the location of existing water mains, underground wiring, pipelines, and gas lines;~~
- (x) ~~Zoning of all land within and adjacent to the tract;~~
- (xi) ~~Location, description and elevation of all benchmarks established or source used for vertical control;~~

Comment [sms219]: Text from TA-06-12-08

- (xii) Types of soil, with the soil types generally indicated on the Preliminary Plat or a supplemental sheet; and,
- (xiii) For a Subdivision that will rely on the use of On-Site Sewage Management Systems, a summary of available information on the subsurface Water Table, including the depth of the Water Table at the highest, lowest and typical locations within the Subdivision.

(3) **Streets; Sites**

The Preliminary Plat shall further show the following:

- (i) Proposed Streets (including location, width, names, approximate grades); and their relation to Platted Streets or to proposed Streets as shown on any Watershed/Sub-basin Plan, Sector or Neighborhood Plan of adjacent property;
- (ii) Easements, showing width and general purpose;
- (iii) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;
- (iv) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, Sector or Neighborhood Plan. (Such plan shall be referenced on the face of the Plat);
- (v) Sites proposed for Dedication as drainageway, park, school, or other public purposes;
- (vi) Sites proposed by the Applicant for land uses not in conformance with adopted comprehensive or neighborhood plans accompanied by a note on the face of the Plat stating that approval of the Preliminary Plat does not certify approval of these proposed land uses.
- (vii) If requested by Planning Staff, the Building Envelope for proposed Lots:
 - a. Any Lot that is not rectangular or that has a single dimension of less than 55 feet shall show the Building Envelope permitted under the current Zoning District regulations;
 - b. A note referring to such Building Envelope shall be included on the face of the Preliminary and Final Plats regarding filed on a separate document in the Planning Department shall identify the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.

Comment [CoL220]: Added reqmts from 20-810

(4)

Supplemental Data

The following supplementary data and information shall be submitted with the Preliminary Plat or be included thereon:

- (i) A table, shown on the face of the Plat, including this data:

- a. ~~Gross acreage of the Subdivision;~~
 - b. ~~Acreage within each Zoning District;~~
 - c. ~~Acreage to be dedicated for [Streets](#) or [Roads](#), if any;~~
 - d. ~~Acreage to be dedicated for public uses other than [Roads](#), if any;~~
 - e. ~~Total number of building Lots;~~
 - f. ~~Maximum, minimum, and average Lot size; and~~
 - g. ~~Phasing schedule if proposing phasing of final platting;~~
- (ii) ~~A statement on the face of the Plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading in at least 24 point type saying "Provision and Financing of [Roads](#), Sewer, Water and Other Public Services." The rest of the statement shall be set out in at least 12 point type. At a minimum such statement shall indicate:~~
- a. ~~Whether the Subdivision will have public [Streets](#) and [Roads](#), Private [Streets](#) and [Roads](#) or a combination thereof;~~
 - b. ~~Whether the Subdivision will provide connections to a Public Water source (naming the source);~~
 - c. ~~Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on [On-Site Sewage Management Systems](#) or other on-site wastewater treatment systems;~~
 - d. ~~Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of [Streets](#), [Roads](#), water lines and treatment, and/or wastewater lines and treatment; and~~
 - e. ~~Whether the provision of improved [Roads](#), water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.~~
- (iii) ~~A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.~~
- (5) **Stormwater Drainage — City of Lawrence**
- (i) **Supplemental Data**
- The [Preliminary Plat](#) shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the Staff of the Planning Department [Planning Director](#) or the Planning Commission. The Staff of the Planning Department [Planning Director](#) or the [Planning Commission](#) may request additional data,

~~information and supplemental maps from the Applicant regarding storm water drainage, as appropriate.~~

(ii) **Minimum Floor Elevations**

~~On lots adjacent to all Drainage Easements and on drainageways that are designated by the Director of Public Works or his or her designee, the Preliminary Plat and Final Plat shall indicate:~~

- ~~(a) The required minimum habitable floor elevations for Structures on Lots; or,~~
- ~~(b) The minimum elevation for a foundation opening(s) which shall be certified by a licensed land Surveyor or Engineer.~~
- ~~(c) [If a Basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.]~~

(b) **Final Plat**

(1) **Format**

~~The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. The scale shall be one inch equals 100 feet or less.~~

(2) **Material to be Included**

~~The Final Plat shall show:~~

~~Name under which the Subdivision is to be recorded;~~

(i) ~~Descriptive information, which shall:~~

- ~~a. State the name of the proposed Subdivision;~~
- ~~b. Show date of preparation, north arrow and graphic scale;~~
- ~~c. Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.~~
 - ~~(1) A Replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject Replat is tied to at least one of these corner monuments;~~
- ~~d. Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;~~
- ~~e. Easements, showing width and general purpose;~~

Comment [CoL221]: Add in electronic submission

Article 8 Subdivision Design and Improvements

Section 20-812 [Reserved]

- f. ~~Sites proposed for Dedication as drainageway, park, school, or other public purposes;~~

- (ii) ~~In addition, the following information is required which is similarly required on the Preliminary Plat:~~

Comment [CoL222]: Text from TA-06-12-08

- a. ~~Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;~~
- b. ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision; protected environmentally sensitive lands as shown on the preliminary plat.~~
- c. ~~For properties within the City, the environmentally sensitive lands shall be located within a tract or easement and the plat shall contain information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.~~
- d. ~~For properties within the unincorporated portions of the County, the plat shall include a building envelope which excludes the environmentally sensitive lands and one of the following: a note that a Temporary Set Aside Agreement or permanent Conservation Easement which contains use restrictions and maintenance and protection measures has been recorded for the environmentally sensitive lands and the Book and Page Number for the recorded Temporary Set Aside Agreement or permanent Conservation Easement; or the protected environmentally sensitive lands shall be placed within Easements or tracts and the plat shall note the ownership, maintenance responsibility and protection measures of the protected lands.~~
- e. ~~Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,~~
- f. ~~Block and Lot numbers and dimensions of Blocks and Lots.~~

- (iii) ~~In addition, the following information is required which is similarly required on the Preliminary Plat:~~

- a. ~~Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;~~
- b. ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~
- c. ~~Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,~~

Article 8 Subdivision Design and Improvements
Section 20-812 [Reserved]

- d. ~~Block and Lot numbers and dimensions of Blocks and Lots.~~
- (iv) ~~Accurate dimensions for all lines, angles, and curves used to describe boundaries, [Streets](#), [Easements](#) and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle.~~
- (v) ~~For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and the comparable provisions adopted by resolution in [Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County](#), the following:~~
- a. ~~The total area of each Lot located in the designated Floodplain;~~
- b. ~~The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 or the applicable County Floodplain regulations. [Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County](#).~~
- (vi) ~~For any Lot including or adjacent to a lot including environmentally sensitive lands (see Section 20-1101(c)(iii)), as defined in Section 20-810(i) [County Code Section 11-110(i)] designation of a [Building Envelope](#) within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards.~~
- (vii) ~~For any Lot including or adjacent to a lot including sensitive lands (see Section 20-1101(c)(iii)), [as identified in Section 20-810\(i\) & \(j\)](#), designation of a [Building Envelope](#) within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards.~~
- (viii) ~~The dated signature and seal of the licensed Land Surveyor responsible for the survey and the Final Plat shall contain a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";~~
- (ix) ~~Acknowledged certifications on the face of the [Final](#) Plat as listed below (may be combined where appropriate):~~
- a. ~~A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the Plat;~~
- b. ~~A certificate, signed by the Owner or Owners, dedicating all [Parcels](#) of land which are intended for public use;~~
- (x) ~~The endorsement of the [Planning Commission](#) as evidenced by the signature of its Chairperson;~~
- (xi) ~~Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;~~
- (xii) ~~As a separate document, a certificate that all taxes and special assessments due and payable have been paid.~~
- a. ~~In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or~~

Comment [CoL223]: From TA-06-12-08

Comment [sms224]: Seems better to reference to Sub Regs rather than Dev Code see if this is still accurate after TA

Article 8 Subdivision Design and Improvements

Section 20-812 [Reserved]

~~city's requirements and is acceptable to the County or City Clerk and County or City's Public Works Director.~~

- ~~(xiii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.~~
- ~~(xiv) A line shall be provided on the plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".~~

20-813 Administration and Enforcement

(a) Planning Department Powers and Duties

The Planning Department shall have the following powers and duties under this Article:

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

(b) Planning Commission Powers and Duties

The **Planning Commission** shall have the following powers and duties under this Article:

- (1) Review and approve, conditionally approve, or disapprove **Preliminary Plats**, and unless disapproved, transmit the same to the **Lawrence City Commission** for acceptance of **Dedication of Rights-of-way, and Easements**;
- (2) Grant or deny **Variances** to the **Design Standards** of this Article as per Section 20-813(f)(g);
- (3) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable state law.

Comment [sms225]: Modifying process

(c) **Dedications or Vacations**

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

Comment [sms226]: Added definition of term

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

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

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

Comment [sms227]: Multiple ways property may be vested, don't limit to just (2)

Comment [sms228]: repetitive of what is stated in (i)

(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:

Comment [sms229]: There should also be some reference to determination of nonconforming lots in Art 15

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

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

(f) **Appeals**

(1) **From Decision of the [Planning Director](#)**

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

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

Unless otherwise provided, a person aggrieved by a decision of the [Douglas County Zoning & Codes Director](#) under these [Subdivision Regulations](#) may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with ~~Section 23-2~~ **12-323** of the Douglas County [Zoning Regulations](#). Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the ~~Planning~~ **Zoning and Codes** Director which was reasonably available to the Person aggrieved. An appeal not timely filed is barred.

Comment [sms230]: Update with new numbering

(3) **From Decision of [Planning Commission](#)**

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

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

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

(g) **Variances**

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

- (1) An application for a **Variance** shall be made to the **Planning Department Director**. The **Planning Commission** shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a **Variance** from the provisions of the regulations, ~~except that the Governing Body shall receive the Planning Commission's recommendation and provide shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions dealing with Sidewalks, Pedestrian Rights of Way Easements or pedestrian ways.~~

Comment [sms231]: Conflict with 20-811(c)(1)(iii) that describes a waiver process

- (2) A **Variance** shall not be granted unless all of the following apply:
- (i) Strict application of these regulations will create an unnecessary hardship upon the **Subdivider**;
 - (ii) The proposed **Variance** is in harmony with the intended purpose of these regulations; and,
 - (iii) The public health, safety and welfare will be protected.

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

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

(i) **Enforcement and Penalties**

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

(j) Violations

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

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

(k) Penalties; Remedies

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

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

Comment [sms232]: Deleted blue font

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

Comment [sms233]: Broke up long paragraph into list form

20-814 Building Setbacks, Enforcement, Exceptions

Comment [sms234]: Why here when 813 is the Enforcement section?

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

(1) Purpose

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

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

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

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

(b) Exceptions

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

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

(c) Appeal – Setback

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

(d) **Enforcement**

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

Comment [sms235]: Does this mean 20-814? Why do we have a separate Enforcement paragraph here when the previous section 813 was also enforcement? --b/c written as separate ordinance

(e) **Interpretation**

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

20-815 Interpretations, Rules of Construction and Definitions

(a) Interpretation and Rules of Construction

- (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 division of land, which was not lawful at the time of the adoption of these regulations on December 31, 2006, shall not become or be made lawful solely by reason of adoption of these regulations.
- (4) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

(b) Definitions

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

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

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).
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Agricultural Purposes	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.
Alley	A minor Right-of-Way dedicated to public use which gives secondary means of vehicular access to the rear or side of properties otherwise Abutting a Street and which may be used or public utility purposes. A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to Abutting property.

Comment [sms236]: Term only used here

Comment [sms237]: Term only used with Half Streets which has been deleted

Comment [sms238]: Term only used in def – it is not necessary to include the Floodplain definitions when they are provided in both the County and City Codes in the FP articles

Comment [sms239]: Added def from Dev Code

Comment [sms240]: Not the same def as in Dev Code

Comment [sms241]: Def from Article 17

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
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".
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-lined 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 designed to the urban street and block level based on existing Topography and the design standards in the subdivision regulations of the city associated with the Urban Growth Area. The build out plan shall identifies an internal street network that has connectivity to existing and planned collector and/or Arterial Streets, including blocks for future urban development, and the general location of utility and drainage Easements.

Comment [sms242]: Term not used in this context in Sub Regs –DELETE

Comment [sms243]: Replace with Agent

Comment [sms244]: Only used here – delete

Comment [sms245]: Same as FP def – but different than Dev Code and County Regs

Comment [s246]: **BES URE IT ISN'T CAPITALIZED OR BLUE IN TEXT** DEF NOT NEEDED

Comment [sms247]: Term only used here

Comment [sms248]: Term only used here --- added requirement in 808(d)(2) to require compliance with lot design ..

Comment [sms249]: Definition should not include regulations (shall)

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
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, unless the Tract is identified for specific uses, such as signs, area markers or public utilities, as part of the subdivision process.
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 is considered 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 or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and excluding lands identified to be protected per Section 20-810(i-k) [County Code Section 11-110(i k)]. identified in Section 20-810(j). The three-dimensional space on a Lot on which a structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback Lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.
Catch Basin	An inlet designed to intercept and redirect surface waters.
Certificate of Survey	A legal instrument approved pursuant to Section 20-807; this is a narrowly used term and this instrument shall not be is not 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 Director 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

Comment [s250]: MAKE DISTINCTION IN STDS WITH GOOD DEF OF LOT & TRACT

Comment [sms251]: Term only used here – this is FP def (w/out green additions)

Comment [sms252]: Regulatory language shouldn't be in definitions

Comment [sms253]: Not same def as Dev Code

Comment [CoL254]: From TA-12-06-08

Comment [CoL255]: Check reference CORRECTED

Comment [sms256]: Dev Code def IDENTIFY FOR FUTURE TA TO CHANGE this should change in Dev Code to reflect SR def

Comment [CoL257]: From TA-06-12-08

Comment [sms258]: Term only used here

Comment [sms259]: Regulatory language shouldn't be in definitions

Comment [CoL260]: Term not used except in definitions

Comment [CoL261]: Circle not used in doc

Comment [sms262]: I added it to list in Street Naming in 809 – not all of those terms were defined
David W says the only conventions he has is that a Court should be a dead end/cul-de-sac and that both ends of a Circle should terminate at the same roadway. DEVELOP STDS IN 809 OR 810, NOT IN DEF --Bryce looking for street naming conventions

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
	responsible for the maintenance of City Streets.
Cluster Development Subdivision	<p>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.</p> <p>A form of residential development permitted in the Urban Growth Areas that requires Residential Development Parcels to take access from a common Cross Access Easement and to set aside common areas and to plan for the conservation of natural resources.</p>
Comprehensive Plan	<p>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.</p> <p>The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.</p>
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"
County's Access Management Standards	Access and minimum frontage standards in the Douglas County Code, Chapter IX, Article 5.
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 Director 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 Roads and infrastructure.
County's Rock Road Standard	Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.
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.

Comment [sms263]: Term only used here – should Sub Regs have a section for this w/standards????

Comment [sms264]: Not same as Dev Code def

Comment [sms265]: Dev Code def

Comment [s266]: IDENTIFY FOR DEV CODE TA

Comment [CoL267]: Term used throughout regs without reference to floodplain issues (just general community)

Comment [sms268]: Diff def in County Zoning Regs – open space

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Term	Definition
Gross 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 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 (or Through Lot)	A Lot with two opposite Lot Lines Abutting upon Streets or Roads which are substantially parallel. A Lot Abutting two Streets, not at their Intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot Abutting two Streets and not meeting the definition of a

Comment [CoL269]: Term not used – def of Ped Way

Comment [sms270]: Regulatory language???

Comment [CoL271]: Term only used here

Comment [sms272]: Not exactly the same as FP def in City or County regs -- IS DEF OF TERM NEEDED IN SUB REGS?

Comment [sms273]: Not same as Dev Code def of Lot, Through

Article 8 Subdivision Design and Improvements
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Term	Definition
	Corner Lot shall be considered a Through Lot
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 stormwater 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. A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway Apron or Driveway Approach	A paved area between the sidewalk and the street curb used by the property owner for vehicular access. The Driveway area or approach located between the Sidewalk and the curb. When there is no Sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line. See Public Works standards at http://www.lawrenceks.org/publicworks/docs/driveway_24x36.pdf
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 (with out Lots outlots) 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. recreational vehicle.
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. A grant by a property Owner to the use of land by the public, a corporation, or persons for the use of land for specific purposes.
Easement, Avigational	An air rights Easement which protects air lanes around airports.
Easement, Conservation	A non-possessionary 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

Comment [s274]: IDENTIFY FOR DEV CODE TA

Comment [CoL275]: Do we need both drive and driveway?

Comment [sms276]: Not same as Dev Code def

Comment [s277]: DEV CODE TA

Comment [sms278]: Not same as Dev Code def

Comment [s279]: ADD DIAGRAM OR REF TO PUBLIC WORKS. ANY DEF IN STANDARDS CHECK COUNTY PW FOR ENTRANCE PERMITS

Comment [sms280]: Need to make this change to Article 17 too

Comment [CoL281]: Check for consistency w/ dev code – OK for Dev Code, similar but not same as County Code

Comment [sms282]: Not same as Dev Code

Comment [sms283]: This is def that attnys agreed on. They suggested we did not need many of the specific ones identified below.

Comment [sms284]: Term not used in Article

Article 8 Subdivision Design and Improvements
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Term	Definition
	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 these regulations.
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. When established as part of a Cluster Development in Lawrence's UGA, the service drive constructed within the Cross Access Easement shall be constructed, at a minimum, to meet the County's rock road standard, and the minimum width of traveled way plus shoulder shall be 20 feet.
Easement, Drainage	An Easement required for the installation of stormwater sewers or Waterways overland flow 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 Easement granted for limited use of land for a private purpose.
Effective Date	December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 adopting this Article 8, Chapter 20, Code of the City of Lawrence and Chapter 11, of the Douglas County Code took effect.
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

Comment [sms285]: From TA-06-12-08

Comment [CoL286]: Regulatory language -- Moved to 804(c)

Comment [s287]: ADD PUBLIC EASEMENT AND LANDSCAPE EASEMENT

Comment [s288]: TAKE OUT CAPS AND BLUE TEXT FOR STRUCK DEFINED TERMS

Comment [sms289]: Is this necessary? Common definition

Comment [sms290]: Only used here and in other FP definitions

Comment [sms291]: Only used here

Comment [sms292]: Definition reads as if interchangeable with variance or waiver, yet waiver definition cautions that these are not the same. Term is really only used in 814(b) – revise so it is clear that is its only meaning in this article

Comment [CoL293]: Term only used in definitions

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
Final Plat	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. 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 valve and a connection for a fire hose.
Flag Lot	<i>City meaning: 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. County Meaning: A lot or a Residential Development Parcel that has a minimum lot or Residential Development Parcel width of less than 90% of the minimum lot or Residential Development Parcel's required frontage at the road Right-of-Way or road easement line.</i>
"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 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.

Comment [sms294]: City FP def, almost same as County FP def

Comment [CoL295]: Terms not used in this article

Comment [sms296]: Moved to Plat, Final

Comment [CoL297]: Term FIRM only used in def of 'existing construction'

Comment [sms298]: FP regs do not include GB in def, not same as Dev Code

Comment [sms299]: Term not in City or County FP definitions. Either delete or change to Floodplain Overlay District and reference sections of City/County codes that designate

Comment [CoL300]: term used in several definitions – agency, appeal, community, freeboard, grading --- same with next def (seems that one or other is sufficient)

Both terms same def as City and County FP def

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
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 or Regulatory 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 wastewater is pumped rather than carried by gravity flow.
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 Right-of-Way. All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property Abutting on one side between an intersecting Thoroughfare and the Dead-End. (city code) Street Frontage: all of the property on one side of a street between two intersecting Streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property Abutting on one side between an intersecting street and the dead end of the street.(county code) Lot Frontage: the distance to which the front boundary line of the lot and the street line are coincident. (county code)
Full Maintenance Road	A road in the Unincorporated Area of the County that receives maintenance on a regular basis in accordance with its road

Comment [sms301]: Both terms same def as City and County FP def

Comment [CoL302]: shows up in def of lowest floor
Def from City and County FP def

Comment [sms303]: Def from City and County FP def

Comment [sms304]: Def from City and County FP def

Comment [CoL305]: From TA-06-12-08

Comment [sms306]: Def from City and County FP def

Comment [CoL307]: Not used in regs

Comment [sms308]: Def from City and County FP def

Comment [sms309]: Def different from Dev Code and County Code

Comment [s310]: KEEP FRONTAGE HERE and ELIMINATE LOT FRONTAGE DEF – MAKE SURE THAT REQUIREMENT TO MEASURE IS IN STANDARDS --- need to determine which def to use

Comment [CoL311]: Is it imp to have this def when we have Lot Frontage and RDP frontage?

Comment [sms312]: Identify for TAs to dev code and county code

Article 8 Subdivision Design and Improvements
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Term	Definition
	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	The Right-of-Way for a 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 Right-of-Way width.
Hard Surfaced Road	A properly constructed and maintained road surface with asphaltic concrete, Portland cement concrete or with chip sealed aggregate base.
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 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.

Comment [CoL313]: ??? Grading is not defined in FP article

Comment [sms314]: Term only used here – same as City & County FP def

Comment [sms315]: Same as City & County FP def

Article 8 Subdivision Design and Improvements
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Term	Definition
Homestead Exemption Survey	A boundary survey creating a new Parcel from the division of a vested Parcel, for a residence that existed on the vested Parcel on 12/31/2006, which was made in accordance with Section 20-801(d)(2)(ix). The vested rights from the original Parcel remain with the existing residence, transferring to the new residential Parcel when the survey is recorded at the Register of Deeds.
Hydrologic and Hydraulic Study	An engineering study that is done in accordance with the Lawrence Development Code 20-1204(e).
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) 20-811.
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. Those man-made structures which serve the common needs of the populations, such as: Potable Water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm Drainage Systems, electric, gas or other utilities, bridges, Roadways, Bicycle paths or trails, pedestrian Sidewalks, paths or trails and transit stops.
Ingress	An entrance.
Intersection	Where two or more Streets cross at-grade.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
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 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.

Comment [CoL316]: Term only used in def of Base Flood and Floodplain

Comment [sms317]: Almost the same def as Public Improvements (later in this section)

Comment [sms318]: Regulatory lang

Comment [sms319]: Different than Dev Code – which one should be used??

Comment [sms320]: Is this needed – common def?

Comment [CoL321]: From TA-06-12-08

Comment [sms322]: Added to 801

Article 8 Subdivision Design and Improvements
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Term	Definition
	<p>Dev Code: A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.</p> <p>County: A parcel of land which may include one or more platted Lots, occupied or intended for occupancy by a use permitted in this Resolution, including one main building together with its accessory buildings, the yard areas and parking spaces required by this Resolution and having its principal frontage upon a street or upon an officially approved place.</p>
Lot, Reverse Frontage	A Through Lot that is not accessible from one of the parallel or non-intersecting Streets upon which it fronts.
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"	<p>The perimeter of a Lot or a Residential Development Parcel.</p> <p>A boundary of a Lot. (City and County Code)</p>
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 measured 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. See 801(e)(2) for more info – should it be included?
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 Metropolitan Planning Organization, the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and Roads in the community. The Major Thoroughfares Plan Map in effect on the date of adoption of this Article is incorporated in "Transportation 2020, 2030, the Lawrence/Douglas County Long Range Transportation Plan", but it

Comment [sms324]: Should identify this for change.

Comment [sms325]: Not same as Dev Code or County Code

Comment [sms326]: Identify for TA

Comment [sms327]: Close to same as Dev Code and County Code

Comment [sms328]: Determined that this is redundant – just keep 'frontage'

Comment [sms329]: Do we need to include something about NonConforming Lots as well?

Comment [CoL330]: term used here and in def of min elevation for building, but not in regs

Comment [sms331]: Same as City and County FP def

Comment [sms332]: Insert and MPO?

Article 8 Subdivision Design and Improvements
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Term	Definition
	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 and for regulatory purposes, typically represented by the current value listed in the Douglas County Appraiser's records.
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 Map (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"/Replat
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.
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

Comment [CoL333]: term only used in def of sub damage and sub improvement

Comment [sms334]: Not exactly the same as Co FP def – additional line in this def says: If the market value cannot be determined, the construction estimate can be used.

Comment [CoL335]: Is this needed here?

Comment [sms336]: Same as city and county FP def

Comment [CoL337]: only used in def – including def of dwelling

Comment [sms338]: Same as city and county FP def – not same as County Code def

Comment [CoL339]: Terms defined in dev code or zoning regs

Comment [CoL340]: Term not used

Comment [sms341]: Term Neighborhood Plan is used in doc, not Neigh Dev Plan

Comment [CoL342]: term not used

Comment [sms343]: Same as City FP def and same as County FP def with a1974 date

Comment [sms344]: Def in County Sanitary Code is much less: A conventional, alternative, experimental, or innovative sewage disposal system which serves a single family residential building or a single non-residential building. YES, CHANGE TO BE SAME AS COUNTY CODE

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
	<p>liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial FIRMs 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.</p> <p>A conventional, alternative, experimental, or innovative Sewage disposal system which serves a single family residential building or a single non-residential building.</p>
On-Site	Located within the perimeter of the property that is subject to an application for Subdivision or a Residential Development Parcel Certificate of Survey approval.
Open Space, Common	<p>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 or Tract and is owned and maintained by a Home Owners Association.</p> <p>Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space, except for Common Open Space designated as Environmentally Sensitive may contain such supplementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to Streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements. (city)</p>
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.
Original Tract	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.
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.

Comment [sms345]: Diff from Dev Code def

Comment [CoL346]: Do we want to keep this term?

Comment [sms347]: Which one to use???

Comment [CoL348]: We need to develop this map – boundaries are described in code or H2020

Comment [sms349]: Def is from 806(b)

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Term	Definition
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. An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
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 plat or Subdivision process. A Lot or contiguous Tracts owned and recorded as the property of the same persons or controlled by a single entity.
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. A surveyed area, site or land division created for the sole purpose of a residential development action.
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 dedicated 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 employment 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.

Comment [sms350]: Same as city and county FP def, but different than Dev Code def

Comment [sms351]: Diff from Dev Code

Comment [sms352]: Not the same def as dev code

Comment [sms353]: Revised to be consistent with def in 806

Comment [CoL354]: Term not used in article – keep or delete? May need as part of street naming convention

Comment [CoL355]: term not used – same as city and county FP def

Comment [CoL356]: term not used

Comment [sms357]: Should this move to Easement, Pedestrian?

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Term	Definition
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.
Plat, Preliminary	A map of proposed land Subdivision showing the character and proposed layout of the tract Parcel in sufficient detail to indicate its suitability for the proposed Subdivision.
Plat, Final	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.
Platting Binder	A report issued by a title insurance company setting forth the conditions to be met for certain property to be Platted, e.g., Easements filed for record, mortgages, fee title Owners, etc.
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 parcel 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

Comment [sms358]: Same as city and county FP def –

Comment [CoL359]: Move to Public Improvement Petition

Comment [CoL360]: Do we need to define separately from Prelim and Final – if so, need consistency esp since Prelim goes to PC, Final is Admin

Comment [sms361]: Need to make sure this def coordinates (or is consistent with) the def of Prelim and Final since all are defined. DON'T NEED WITH OTHERS DEFINED

Comment [CoL362]: Not used in article

Comment [sms363]: Moved to Plat, Prelim

Comment [CoL364]: Term defined in dev code; not used in this article except in the definition of Principal Building – can we delete?

Article 8 Subdivision Design and Improvements
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Term	Definition
	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 P platted for a Reserve or Tract 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 Improvement Petition	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.
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 or private utility provider.
Public Water Supply	A system outside of incorporated cities for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.
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 wastewater 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 to be self-propelled or permanently able to be towed by a

Comment [sms365]: Same as city and county FP def – only used here and in def of structure

Comment [CoL366]: Needs work describing private street – don't conflict with Drive and Driveway def earlier

Comment [CoL367]: Moved from Petition, Public Improvement

Comment [sms368]: Almost same as def of Improvements earlier in this section

Comment [CoL369]: Note that this def is really for development in uninc area – should be added to def for explanation purposes

Comment [sms370]: Term only used here

Comment [CoL371]: term only used here and in def of mobile home

Comment [sms372]: Def same as city and county FP def

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
	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. means the land inundated by a Flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study (Art 12)
Replat (or Resubdivision)	Same as "Resubdivision".—The further Subdivision division of a Tract of land which has previously been lawfully subdivided and for which a Plat of such prior Subdivision has been duly recorded in accordance with the Minor Subdivision procedures in Section 20-808.
Reserve	An area of property within a Subdivision which is P 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]. An alternate def: The designation of a portion of a property for proposed Right-of-Way without Dedication of the Right-of-Way to the agency providing the 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. A Parcel created from the Parent Parcel through the Certificate of Survey review process 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

Comment [sms373]: City FP def refers to 'Base Flood'

Comment [CoL374]: Def not same as dev code

Comment [CoL375]: Not used in regs except to say 'easements are reserved' -- should it be in regs?

Comment [sms376]: Definition should be same as 806(b)
DONE

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Term	Definition
	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.
Right-of-Way	<p>A strip of land acquired by reservation, Dedication, forced Dedication, prescription, or condemnation, and used or intended to be used, wholly or in part, as a public street, Alley, walkway, drain, or public utility line.</p> <p>OR</p> <p>An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.</p> <p>OR</p> <p>Right-of-Way: Property that is publicly owned or upon which a governmental entitiy has an express or implied property interest (eg., fee title or easement) held for a public purpose.</p>
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	<p>All of the Unincorporated Area of Douglas County lying outside of an Urban Growth Area.</p> <p>The area of the Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.</p>
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	<p>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.</p> <p>The Setback required between a Building and the Front Lot Line.</p>

Comment [CoL377]: Moved up with replat

Comment [sms378]: Just seems odd that this term is not defined in sub regs!

Comment [sms379]: Not same as Dev Code

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Term	Definition
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 wastewater to a reasonable state of purity. An artificial pond designed to exclude surface water and receive raw Sewage through a submerged sewer for biological decomposition.
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.
Sidewalk	Should we have a definition or is common dictionary def enough? A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
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.
Stand of Mature Trees	An area of ½ acre (21,780 sq. ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program; City/County GIS aeriels; and field surveys.
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

Comment [sms380]: Not same as County San Code def

Comment [CoL381]: Do we need this term? More confusing than helpful, changed term used on p48 to sanitary sewers.

Comment [CoL382]: Is this needed? Ordinary dictionary definition

Comment [CoL383]: From TA-06-12-08

Comment [CoL384]: term only used in def (sub imprvmt and exi construction)

Comment [sms385]: Same as city and county FP def

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Term	Definition
	Streets and/or walkways, excavation for a Basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.
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.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
Street or Streets (or Roads)	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 expressways 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

Comment [CoL386]: - not used - same as city and county FP def

Comment [CoL387]: From TA-06-12-08

Comment [CoL388]: Is this needed? This should be def of r-o-w

Comment [sms389]: ???

Comment [sms390]: Same as Dev Code

Comment [sms391]: Same as Dev Code

Comment [sms392]: Same as Dev Code

Comment [sms393]: Same as Dev Code

Comment [sms394]: Same as Dev Code

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Term	Definition
	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 is typically 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 access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
Street, Private	<p>A Street that is not dedicated for public use. Private Streets are not permitted in the Unincorporated Area of the County and only permitted within Planned Developments in the City of Lawrence.</p> <p>Any Tract of land or Access Easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a Private Street may choose to gate access to this type of street from the general public. (Dev Code)</p> <p>Street, Public: A way for vehicular traffic, whether designated as a local, collector, arterial, Freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.</p>
Street, Residential	Same as "Local Street".
Street, Residential Collector (or Residential Connector)	<p>Residential collector is a special category of Collector Street characterized by lower speeds & the residential nature of land uses along the corridor.</p> <p>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.</p>
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

Comment [sms395]: Same as Dev Code

Comment [sms396]: Same as Dev Code

Comment [sms397]: This is regulatory language rather than definition

Comment [sms398]: Same as Dev Code

Comment [sms399]: Not same as def in Dev Code

Comment [sms400]: Is this dangerously close to regulatory language in a def?

Comment [sms401]: Dev Code also has def for Street, Public – does it conflict with anything here?

Comment [sms402]: Term not in Dev Code definitions

Comment [CoL403]: Remove reference since changed in 810(2)(vii)

Comment [CoL404]: This is better suited to design stds -- Added to 810

Comment [sms405]: Same as city and county FP def – not the same as County Zoning Code def

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Term	Definition
	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 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 44X 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.
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

Comment [CoL406]: Do we need all of this for Sub Regs? Check dev code/county zoning for consistency Can we just use ordinary dictionary def for term where not in floodplain???

Comment [sms407]: Not exactly the same as def of Developer – is this OK?

Comment [sms408]: Not the same as the def of Plat -- should this be the definition of the act of subdividing and not the plat???

Comment [sms409]: What about one lot plats? Need to modify this definition.

Comment [sms410]: Not really accurate – more like sub that proposes new streets etc Need better definition

Comment [CoL411]: ONLY USED IN DEF – same as city and county FP def

Comment [CoL412]: ONLY USED IN DEF -- same as city and county FP def

Comment [CoL413]: Do we need since we have Land Surveyor?

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Term	Definition
	of carrying stormwater from one location to another and filtering sediments and other pollutants from stormwater runoff.
Temporary Set Aside Agreement	An agreement relating to land located within the Urban Growth Area that contains the resources identified in Section 20-810(j) that, as reasonably practicable, requires the retention of the environmental, geographical, or historical characteristics of the land and prohibits any use or activity that will significantly impair, interfere with, or destroy these characteristics. A Temporary Set Aside Agreement shall: (i) be between the Owner of the land and the County and City, (ii) provide that the County has regulatory authority under the agreement until the land is annexed into the City and, thereafter, the City acquires regulatory authority, (iii) provide that the agreement expires 2 years after the date of annexation unless further action is taken by the City and the Owner, and (iv) be approved by the County Counselor, the City Manager, or their designees.
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	Typically, a A non-buildable, platted Parcel reserved for open space, storm drainage or easement purposes or an otherwise specific and restricted use. Tracts may be identified for future public utility purposes as part of the plat process. Tract (of land): An area, Parcel, site, piece of land or property that is the subject of a development application or restriction. (Dev Code)
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.
Turn-around	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	In area generally characterized by medium and higher density residential development (i.e., 3 or more dwelling units per acre),

Comment [sms414]: Make sure to check other sections

Comment [sms415]: Regulatory language that is already in 804(c)(2) and 805(c)(2) or it should be placed there

Comment [CoL416]: Needed? ONLY USED HERE

Comment [sms417]: Not same as Dev Code def

Comment [sms418]: Do we want to modify this to permit construction of Utility structures (and issuance of building permit on these tracts)?

Comment [sms419]: ??

Comment [sms420]: Not consistent with H2020 def of med – 3/ac is low density – should we modify?

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Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
	commercial development, and industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer system, an extensive network of Streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered non-urban or rural.
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	<p>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.</p> <p>The area that is defined in the City and County Comprehensive Land Use Plan as the Urban Growth Area (UGA) surrounding the City of Lawrence. (County FP def)</p>
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.
Vacation	The termination of, or termination of an interest in, an easement, right-of-way or public dedication of land.
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. Note: 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

Comment [sms421]: Almost same as County FP def

Comment [sms422]: We may want to eliminate this since we will be doing a new master plan and may not have service areas or four of them.

Comment [sms423]: I think this can all be deleted now. This was in the old regs where the 5 acre exemption was eliminated in the UGA.

Comment [sms424]: Does this cover it now? Yes

Comment [sms425]: Do we really need this term? Perhaps the one place waiver is used for Ped Easements can just be called a variance and we can get rid of this term. YES, CHANGED TERM IN ARTICLE TO VARIANCE

Comment [sms426]: Same as city and county FP def – term is only used in the def of floodplain terms, not it article

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
	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.
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 remainder of Chapter 20 of the City Code or Chapter 12 of the Douglas County Code. the current Zoning Regulations in effect in Douglas County, as adopted from time to time by resolution of the Board of County Commissioners.

Comment [sms427]: Term shouldn't be used in def

Comment [CoL428]: Replace with jurisdictional wetlands

Comment [sms429]: Same as Dev Code def

Comment [sms430]:

All of these are same as city and county FP def – is there any reason to have them here?

Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Planning Commission

FROM: Sheila M. Stogsdill, Assistant Director

CC: Scott McCullough, Director

Date: For July 25, 2011 Commission Meeting

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

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

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

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

The following is an overview of the proposed revisions:

Housekeeping

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

Substantive Changes

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

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

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



7/01/2009

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

RE: Code Modifications

Dear Scott,

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

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

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

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

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

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

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

(l) Final Plat – Review by Planning Director

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

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

- (ii) Satisfies any conditions of approval imposed by the Planning Commission;
 - (iii) Includes the same Dedications accepted by the Governing Body, subject ~~only~~ to minor technical adjustments **as described in (I)(2)(i)(a) through (e), above;**
 - (iv) Satisfies any conditions of acceptance of Dedications imposed by the Governing Body;
 - (v) Represents a plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided; and
 - (vi) Is otherwise consistent with the requirements of this Article for a Final Plat.
- (3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.
- (4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the Dedications shown on the Preliminary Plat and accepted by the appropriate Governing Body, **subject to (I)(2)(i)(a) through (d), above**, the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting for further consideration in accordance with the Preliminary Plat review and action provisions of Section 20-804(e)(2).

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

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

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

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

Thank you for your consideration.

Sincerely,

Tom Kern
President/CEO
Lawrence Chamber of Commerce

Cc Mayor Rob Chestnut
City Manager Dave Corliss

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

October 23, 2011

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



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

Dear Chairman Hird and Planning Commissioners:

We would like to commend the staff for the amount of work and care exercised in producing this draft of text corrections in the Subdivision Regulations. We hope that it will make them more clear and easier to use.

In reviewing these proposed amendments, however, we do have some corrections that we hope you will adopt. Attached as Appendix A is our list of comments and proposed changes to these amendments, which we believe are self-explanatory. We ask that you adopt our suggestions for changes.

Thank you for considering our letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Caleb Morse".

Caleb Morse
Board Member and Secretary

A handwritten signature in cursive script, appearing to read "Alan Black".

Alan Black, Chairman
Land Use Committee

Attachment: Appendix A

APPENDIX A

NOTES ON SUGGESTED MODIFICATIONS TO SUBDIVISION REGULATION CORRECTIONS: ITEM NO. 7, PC OCTOBER, '11 AGENDA October 23, 2011

The following are changes that have been suggested by our planning staff as text amendments to the Land Development Code Article 8, Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS. that have been selected for comments by the Land Use Committee. These staff-suggested changes are quoted at the beginning of each paragraph below in black face type. In response, the Land Use Committee comments are shown in red face type.

Page 60. a. "Whether the Subdivision will have public Streets and Roads, Private Streets and Roads or a combination thereof;" **Note:** Private streets are not permitted in either the county or city outside of Planned Developments. In the case of a Planned Development, the Preliminary Plat is also the Development Plan and is reviewed under a separate process. Explanation: It is important to make this distinction in order to avoid confusion between driveways and streets! Although this is made clear in other sections of these regulations, please also include this distinction here, as well.

Page 61. Preliminary Plats (5) Stormwater Drainage - city of Lawrence. (ii)(c.) "A note that states: {If a basement is built on a lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump}." **Note:** Sump pumps are designed to drain away water collecting around foundations. In a case where the ground water is apt to be high and/or the building has been built in a drainageway, this is a transgression of good subdivision design. No buildings should be located in such areas. Where they are, no basements should be allowed. Certainly, no residential housing should be built in such areas that would require sump pumps to drain away excess storm water or water from high water tables. COMMENT: Lawrence needs you to adopt storm water management standards for individual lots, especially residential lots.

Page 67. Final Plats: (vi)(c). "A note that states: {if a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump}." **Note:** In a case where the ground water is apt to be high or the building has been built in a drainageway, this is a transgression of good subdivision design. No buildings should be located in such areas. Where they are, no basements should be allowed. Certainly, no residential housing should be built in such areas. (Please see above comments regarding the same issue as stated in Preliminary Plats.

Page 69. (m) Final Plat - Review and Action by Planning Director (2)(i)(b.) "Substantial Compliance" means "Increase or reduction, less than or equal to ten percent of the number of approved Lots, Parcels or Tracts shown within the approved phase of the Preliminary Plat." **Note:** This flexibility could negatively affect the number of required accesses to the Subdivision, or other requirements. We ask that you add a conditional statement indicating that any modifications will not affect the compliance of the Final Plat with other provisions of the Subdivision regulations.

Page 74. (b) Frontage. "Frontage shall be provided to all Lots on a public street unless Lot Frontage is approved on a Private Street as part of a Planned Development." **Please note: the way this correction reads sounds as though if a lot is on a public street it shall be provided frontage (but that lots can exist that are not on public streets). Please do not change this statement from what exists now: "(1) All lots shall have Frontage on a Public Street unless Lot Frontage is approved on a Private Street as part of a Planned Development." In other sections the regulations allow cases where access can also be to an alley (see below).**

Page 77. (e) Streets (2) Connections (iv) “Proposed Subdivisions that have access to the public road system via a Single Outlet must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of Lots or residential Dwelling units permitted; total amount of square feet constructed; or the type of construction allowed.” **Note: Please attach as an appendix to these Subdivision Regulations any regulations that also apply here that are not directly stated in this Article so as to make them readily accessible to the reader and/or user. Explanation: These regulations should be accessible to the public as well as to professional planners and architects.**

Page 78. (v) “Residential Collector Streets shall provide connections to non-residential uses within the neighborhood.” **Note: Please consider incorporating “Connector Streets” into the street system. These streets do not serve to direct traffic to arterials as do collectors, but rather, are designed to connect residential areas in neighborhoods to non-residential uses such as suggested here, but do not connect to arterials and therefore do not increase traffic within neighborhoods. They are “complete streets” in that they have sidewalks and bicycle paths on both sides.**

Page 78. (3) Intersecting Streets (v). “~~Residential Connector Streets...etc.~~” **Please note: This is proposed to be eliminated. We ask that you not eliminate this section. The function of connector streets has not been adequately substituted here by the added statement above “(v) Residential Collector Streets....” Explanation: By definition, a collector street connects a local street to an arterial street. Connector streets are specifically designed not to do this. When connector streets connect to shopping centers, their connection to an arterial street is designed to be indirect. Please do not eliminate the category here of “connector streets,” and please do encourage developers to design them into neighborhoods.**

Submitted by the Land Use Committee,
League of Women Voters of Lawrence-Douglas County