

The County Commission initiated these text amendments for the December Planning Commission on Wednesday, October 29, 2008:

Amend section 20-804(d) and 20-805(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 and accessory buildings until annexation into a city and municipal water and sanitary sewer service are extended to the property;
- (4) For the Future Development Area, any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds;
- (5) Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future subdivision of the Immediate Development Area into ~~lots~~ **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."

Amend section 20-804(g) and 20-805(f)(5)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: satisfy the requirements of Section 20-802; be submitted with an approved application form supplied by the Planning Department; and, shall be accompanied by:

- (1) The applicable review and recording fees;
- (2) Proof of legal or equitable interest in the property;
- (3) Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;
- (4) Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Cluster division for rural residential development purposes;
- (5) A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:
 - (i) A realistic future urban ~~lot and~~ block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;
 - (ii) The layout of future Streets/Roads; provided that, local Streets/Roads shall be planned to provide Street/Road connections to adjoining parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State roads or highways for local trips;
 - (iii) **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** ~~to accommodate future subdivision into urban density lots~~; and,
- (i) Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.
- (6) One original and 3 copies of a Certificate of Survey that complies with the requirements of Section 20-807, and,
- (7) An executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city."

Replace sections 20-804(c)(1)(vii) and 20-805(c)(1)(iii) Building Envelopes with consistent requirements for both Cluster and Large Parcel Developments:

~~(vii) "Building Envelopes. The Immediate Development Area shall not contain any lands identified as worthy for Resource Preservation in Section 20-810(j). The buildable area for each Residential Development Parcel within the Immediate Development Area shall be defined by Building Envelopes."~~

AND

~~(1) "Building Envelopes. Residential Development Parcels shall be planned and arranged to allow for future subdivision of these parcels into lots at an urban density that conforms to the development regulations of the city that's Urban Growth Area the development is located within. Building Envelopes shall be shown on each Residential Development Parcel."~~

New Wording for sections 20-804(c)(1)(iii) and 20-805(c)(1)(vii):

"Building Envelopes. Residential Development Parcels shall be planned and arranged to allow for the future subdivision of these parcels by urban streets and blocks that conform with the applicable Urban Growth Area city's development regulations. Building Envelopes shall be shown on each Residential Development Parcel."

Amend section 20-805(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 density lots~~ **urban blocks and connective street networks.** 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."

Amend section 20-807(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 shall be a minimum size of 11 inches by 17 inches;
- (2) The Certificate of Survey shall show or contain on its face the following information; provided, however, that the licensed Land Surveyor may, at his or her discretion, provide additional information regarding the survey:
 - (i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A Certificate of Survey shall not bear the title "plat," "subdivision" or any title other than "Certificate of Survey;"
 - (ii) A note stating "This Certificate of Survey was not prepared for the purpose of the platting of land. No further divisions of the parcels created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed.";
 - (iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining platted subdivisions;
 - (iv) The date the survey was completed;
 - (v) A north arrow;
 - (vi) A written and graphic scale. (The scale must be one inch equals 30 feet or less);
 - (vii) A narrative legal description of the property surveyed, including a benchmark or other vertical reference point tied to the United States Geological Survey;
 - (viii) A location map showing the property surveyed in relation to property ownership lines within the same section and the nearest existing public right(s)-of-way;
 - (ix) The dimensions and locations of all of the parcels indicated on the survey, including dashed lines to depict the future urban ~~lot~~ **street and block** layout in the Build Out Plan. This requirement is not applicable to Section 20-806;
 - (x) A numbering system or other clear and simple method of identifying each parcel within the Certificate of Survey;
 - (xi) The location and width of public right(s)-of-way, existing and proposed;
 - (xii) The location of any easements, existing and proposed;
 - (xiii) The dimensions of all existing Structures in relation to existing and proposed parcel lines, and based on the future ~~lot~~ **street and block** layout shown in the Build Out Plan;
 - (xiv) Building Envelopes, when required, shall be shown for every Residential Development Parcel and shall not include lands identified as environmentally or geographically sensitive areas or the sites of historic landmarks or historic features;
 - (xv) Except for divisions made in conformance with Section 20-806, Building Envelopes shall be designed to allow for the placement of rural residences on parcels that will facilitate **in the** future further subdivision of the Residential Development Parcel into city-sized urban ~~lot~~ **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 or Conservation Easements required by the proposed division shall be noted book and page number in which the covenants or Conservation Easement are recorded;
- (xviii) The signature of the Owner, properly acknowledged;
- (xix) The dated signature and seal of the Kansas licensed land surveyor responsible for the survey along with a note stating: "This survey complies with the Kansas Minimum Standards for Boundary Surveys";
- (xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";
- (xxi) A line for the approval date and signature of the Planning Director under a note stating: "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence **(name of appropriate city)** & the Unincorporated Area of Douglas County"; and
- (xxii) A line for identification of book and page of the Register of Deeds filing information.

Amend section 20-807(h) Purpose

"An approved Certificate of Survey may be amended for a Parent Parcel created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Sections 20-804 or 20-805 for Lawrence's Urban Growth Area. The amendment may occur when there is an application to revise an area designated as a Residential Development Parcel, Immediate Development Area, Future Development Area, or the layout of Residential Development Parcels and future ~~lot~~ **streets or blocks** on the Build Out Plan. The Future Development Area cannot be revised for those portions that include sensitive lands identified in Section 20-810(j), permanent Conservation Easement(s), or Temporary Set Aside Agreement(s). Access to the development (location of cross access easement or individual driveway access) from public road right-of-way shall be permitted only upon written recommendation from the County Engineer that revising the point of access to the public road is desirable for public safety.

- (1) An amendment to an approved Certificate of Survey shall:
 - (i) Include the entire land area of the original Certificate of Survey and be signed by all of the current owners of land within the entire land area of the original Certificate of Survey;
 - (ii) Be submitted in the same form as an original Certificate of Survey and meet the requirements in section 20-807(e) through (g);
 - (iii) Be eligible for the same appeals procedure [re: section 20-807(i)] as the original Certificate of Survey;
 - (iv) Comply with the Subdivision Regulations in effect at the time the amended Certificate of Survey application is submitted for review;
 - (v) For each Parent Parcel, the creation of new Residential Development Parcels in addition to those created from the original Parent Parcel shall only be permitted if an additional Residential Development Parcel is permitted according to Sections 20-804, 20-805 and 20-806 and/or by the County's Access Management Standards.

- (2) An amendment of a Certificate of Survey shall not alter future ~~road~~ **street** layouts that would conflict with a Build Out Plan approved ~~of~~ **for** an adjacent property."

Amend section 20-815(b) Definitions

Build Out Plan	<p>A future subdivision layout that has been planned and engineered <u>designed to the urban street and block level</u> based on <u>existing topography and</u> the design standards in the subdivision regulations of the city that is closest to the unplatted rural residential development. The build out plan shall identify <u>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.</u> eventual lots based on the typical residential lot size within the nearby city, the bundling of these "city-sized" residential lots for immediate development as rural Residential Development Parcels with the building envelope shown for this immediate development, which is outside the future Street rights-of-way and public easement locations based on the future subdivision layout.</p>
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