

Excerpt from 2009 Subdivision Regulations

SECTION 20-811 PUBLIC IMPROVEMENTS

20-811 (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 Lecompton) standards:

- (i) *Public sidewalks shall be installed on both sides of all Streets, as follows:*

	walk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' side walk on the other side

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

SECTION 20-813 ADMINISTRATION AND ENFORCEMENT

Section 20-813 (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, block depth, etc.), the Planning Commission may grant a variance from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) (wastewater disposal systems) the appropriate Governing Body may grant a variance from such provisions.

(1) An application for a variance shall be made to the Planning Department. The planning commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions of the regulations, except that the Governing Body shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions dealing with Sidewalks, Pedestrian Rights-of-Way or pedestrian ways.

(2) City 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.*