(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 management regulations and other applicable land use and development regulations of Lawrence and Douglas County;
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(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.

(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 so long as the remaining portion of the unplatted land retains the minimum dimensional requirements for a Certificate of Survey;

(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) An Agricultural Subdivision Boundary Survey division of property in the Ag-1 District within the Unincorporated Area of the County is permitted without review under these subdivision regulations provided the following standards are met:

a. Each new Parcel shall have direct Access to a Full Maintenance Road and meet the road frontage required in the Access Management Standards;

b. Each new Parcel shall be a minimum of 20 acres in area;

1. 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.

2. 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.

3. Parcels in an Agricultural Subdivision Boundary Survey may be reduced to the minimum area permitted by the Douglas
County Sanitary Code, provided the development on the remainder of the parcel is prohibited with the recording of an executed Agricultural/Natural Resource Protection Agreement.

(viii) The Right-of-Way provided on the adjacent roads meets the minimum width standards of Section 20-801(e)(5).

a. If the property within the survey is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), one-half the required Right-of-Way width based on the Road’s classification established in the County’s Access Management Standards shall be dedicated prior to the recording of the survey.

b. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

(ix) Agricultural Subdivision Boundary Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to determine compliance with these standards.

(x) The Parcels created through the Agricultural Subdivision Boundary Survey are eligible for building permits for uses permitted in the district provided the requirements of the Douglas County Sanitary Code are met for uses which require on-site sewage management systems.

(xi) 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 Director; or

(xii) Within the Unincorporated Area of the County, a division of property within the Ag-2 Zoning District, (commonly called a Homestead Exemption Survey) created to divide off a residential building that existed On-Site on December 31, 2006, and grounds, from a larger Parcel provided that the following conditions are met:

1. 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 of the Douglas County Zoning Regulations;

2. The 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;
3. 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 unless an Access Restriction Agreement is approved by the County Engineer.

4. The remaining undevelopable Parcel must have access to the adjacent roadway, either through an easement or physical connection to the Road that is a minimum of 30 feet in width.

5. The right-of-way provided on the adjacent roads meets the minimum width standards of Section 20-801(e)(5).

1. If the property within the survey is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), one-half the required Right-of-Way standard based on the Road’s classification established in the County’s Access Management Standards shall be dedicated prior to the recording of the survey.

2. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

(xiii) Homestead Exemption Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to insure compliance with these standards prior to being recorded at the Register of Deeds.

(xiv) 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.

(xv) 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.

(xvi) 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:

e. The minimum size of the new Parcel upon which the residential building is located meets the County’s Sanitary Code requirements for Access to a Potable Water supply and the Height, Area and Bulk Requirements in of the Douglas County Zoning Regulations;

f. The 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,

g. 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 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.

(2) **Lot of Record or Non-Conforming Lots/Parcels**

(i) In the City of Lawrence, a Lot of Record or Parcel created before the Effective Date of this Article that has been maintained in individual Ownership, may be used for residential purposes for a detached Dwelling or for another use that is allowed in the 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 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 which include partial Lot descriptions or multiple Lot 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.

(iv) For property in the Unincorporated Areas of Douglas County, 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 District the property is located in, without further review under this Article, until such Lot of Record or Parcel is further Subdivided.

(v) 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.

(3) Combination of Unplatted Lands in Unincorporated Douglas County

(i) A vested unplatted Parcel may be combined with another unplatted Parcel and retain the right to a building permit for one principal building for residential purposes on the newly created Land Combination provided:

   a. A survey of the Land Combination is filed at the Register of Deeds; and

   b. All land covered by the survey is owned by the same person or persons; and

   c. The Owner requests in writing that the County Clerk combines the constituent Parcels for tax parcel purposes.

(ii) A Land Combination does not increase the number of building permits a Parcel of land has a vested right to receive.
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(d) Notices

(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 and does not require individual newspaper or mailed notice.

c. Mailed notice requirements for divisions within the Urban Growth Areas are provided in Section 20-804.

d. Mailed notice is not required for divisions located outside of the Urban Growth Areas.

e. The notice requirements for appeals to Certificates of Survey determinations are provided in Section 20-807(i).
### Article 8  Subdivision Design and Improvements

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

**Purpose**

The purpose of this Section is to allow an administrative approval procedure for smaller divisions of land (up to 4 residential development Rural Development Parcels) to accommodate rural residential development on land Parcels that are located within the Urban Growth Areas of cities in Douglas County. Cluster Development land Divisions are possible only on properties within the CP (Cluster Preservation) Zoning District. The procedure contemplates that forethought and design considerations will be employed to identify the 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 Parcel Rural Development Parcels may be created when they allow for future divisions through a ‘Build Out Plan’ of the Residential Development Parcel Rural 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 Parcel Rural 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 contain at least 20 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.

**Applicability**

1. The division of a Parcel of land that 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.

**Immediate Development Acreage and Future Development Acreage**

Lands divided pursuant to this Section shall be developed as a Cluster Development and shall be identified as either the Immediate Development Area 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 no more
than 4, **Residential Development Parcel—Rural Development Parcels** (RDPs) subject to the requirements of this Section.

(i) **Residential Development Parcel Rural Development Parcels** shall be located only in the Immediate Development Area.

(ii) Individual **Residential Development—Parcel Rural Development Parcels** shall only take Access from a **Cross Access Easement** and shall be laid out in a manner that minimizes adverse impacts to the Future Development Area.

(iii) Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

a. **Minimum Parcel Acreage and dimensional standards**

   **Residential Development Parcel Rural 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 Rural Development Parcel** size shall be 3 acres.

b. **Location of Residential Development—Parcel Rural Development Parcels**

   Within the **Cluster Development**, each **Residential Development—Parcel** shall be designed and developed in accordance with the requirements in this sub-section:

   1. **Clustered to take Access from Cross Access Easements to minimize Access points to the adjacent public Right(s)-of-Way.**

      A. **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**.

      B. 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.

   2. 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.

(iv) **Utility – Water**
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All Residential Development Parcels Rural Development Parcels shall obtain Publicly Treated Water delivered through a water meter.

(v) Utility – Wastewater

All Residential Development Parcels Rural Development Parcels shall have an On-Site Sewage Management System approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.

(vi) County Health Code Restriction in Floodplain

On-Site Sewage Management Systems shall be located outside the FEMA designated regulatory Floodplain.

(vii) Building Envelopes

The buildable area for each Residential Development Parcel Rural 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.

a. Residential Development Parcels Rural 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.

b. The buildable area for each Residential Development Parcel Rural 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.

c. The Building Envelopes for each RDP Rural Development Parcel shall be shown on the Certificate of Survey.

(viii) 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 provides Access to only one or two RDPs Rural Development Parcels 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 point shall be allowed for the entire development unless a separate Access point is necessary to allow Access to prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected.

(ix) Steep Slopes

The Building Envelopes of Residential Development Parcels Rural Development Parcels shall not contain any slopes greater than 15%.

(x) 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(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 recorded 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) Minimum Frontage and Entrance Spacing Requirements

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) Drainage Easements

If any portion of the Residential Development Parcel Rural Development Parcel lies in a FEMA designated regulatory Floodplain, or if drainage Channels or Swales exist on the Residential Development Parcels Rural Development Parcels that carry runoff from adjacent property or Public Street/Roads, the FEMA designated regulatory Floodplain or drainage Channel or Swale shall be protected by grant of
an Easement, or other similar device, evidenced by separate legal instrument, as may be required by the Planning Director and acceptable to the County Counselor.

(xiii) Restrictive Covenants

Property in the Immediate Development Area shall be subject to a Restrictive Covenant as set forth in Section 20-804(d).

(2) Future Development Area

The Future Development Area shall meet the requirements set forth in this sub-section:

(i) Minimum Requirement.

A minimum of 40% of the total Cluster Development shall be designated as Future Development Area. To the extent practical, the Future Development Area should be one contiguous area of land for future planning purposes.

(3) Conservation of Natural Resources

No matter where located within the boundaries of the Certificate of Survey, land that is or contains Environmentally Sensitive Lands identified in Section 20-810(k), to the greatest extent reasonably practicable, shall be conserved and protected through the recording with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement.

(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.

(ii) Conservation Easement

a. A permanent Conservation Easement may be 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(k), or similar sensitive lands.
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b. A permanent Conservation Easement shall be 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.

(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.

(5) Restrictive Covenant

The Immediate and Future Development Areas shall be subject to a Restrictive Covenant as set forth in Section 20-804(d).

(d) Restrictive Covenant

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:

(1) Incorporate by reference and have attached as an exhibit the Build Out Plan;

(2) Require future division of the Residential Development Parcels Rural Development Parcels to conform to the Build Out Plan or the Subdivision Regulations in place at that time;

(3) For the Immediate Development Area, limit each Residential Development Parcel Rural 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 purposes is prohibited until annexation or until an amended Certificate of Survey is approved and 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.

a. **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, 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:

   a. A brief description of the location of the property proposed for division;

   b. The projected date a Certificate of Survey application will be submitted to the Lawrence/Douglas County Planning Office;

   c. A contact telephone number and address for the property Owner proposing the division for rural residential purposes; and,

   d. The letter shall include the following statement and information:

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Notice of Proposal to divide land located at [road address or general description such as; ½ mile north of the intersection of x road and y road, on the east side] for rural residential development purposes.

This letter is being sent to the Owner of property adjoining and within ¼ mile of the boundaries of the property proposed for division for rural residential Cluster Development. The purpose of this letter is to provide general information to the recipient and/or Owner of property of a proposed or potential change in land use.
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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.

(e) **Cluster Developments – After Annexation**

1. Upon Annexation, development 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.

(i) 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; and,

(4) Shall be accompanied by the application materials listed in 20-807(d).

(ii) 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.
20-806 Property Divisions in the Rural Area (Outside the UGAs)

(a) Purpose

Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential and other 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 and other development in the Rural Area of Douglas County while minimizing the loss of agricultural lands.

(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 or two separate Ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.

(2) **Parent Parcel** – an area of 20 acres or more surveyed solely for the purpose of creating one or more Residential Development Parcel Rural Development Parcels.

(3) **Residential Development Parcel Rural Development Parcel** – a Parcel created from the Parent Parcel through the administrative Certificate of Survey process to make the new land division eligible for a residential building permit.

(4) **Rural Area** – the area of Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

(c) Applicability

Rural Certificates of Survey are permitted only on land within the Ag-2, Transitional Agriculture District, outside the urban growth area. Residential Development Parcel Rural Development Parcels and tracts 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 Rural 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 Parcel.

   (ii) In calculating the area 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.

### (d) Residential Development Parcel Rural Development Parcel (RDP)

1. Up to 3 RDPs may be created by dividing a Parent Parcel, depending on the classification of the Full Maintenance Roads bounding the property.
   - (i) Up to 2 RDPs may be created by dividing the Parent Parcel 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.
   - (ii) Up to 3 RDPs may be created if the Parent Parcel is bounded on 2 or more sides by Local Roads.

2. Residential Development Parcel Rural Development Parcels can be created through the Certificate of Survey process only when the Planning Director finds:
   - that the property is being divided for single-family residential purposes;
   - the division does not involve or result in the creation of any new Full Maintenance Roads or Road Rights-of-Way or Easements; and,
   - the division is made in accordance with the following requirements:
     - (i) Minimum Residential Development Parcel Rural Development Parcel Area and dimensional standards
       - a. Residential Development Parcel Rural 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 Rural Development Parcel shall have the minimum area required in 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;
       - b. The area of Rural Development Parcels may be reduced to the minimum permitted by the Douglas County Sanitary Code; provided development on the remaining tract/parcel is prohibited with the recording of an executed Agricultural/Natural Resource Protection Agreement.
         1. This agreement will remain in effect until the property is annexed into a city or the property is rezoned to a district which permits greater density.
     - (ii) Development Access
       - Each Residential Development Parcel Rural 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 Rural Development Parcel will satisfy all applicable health and sanitation requirements of the Lawrence/Douglas County Health Department;

b. On-Site Sewage Management Systems shall have a minimum of 3 acres be located outside the FEMA designated regulatory Floodplain.

(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 Parcel Rural Development Parcels to facilitate the efficient provision of Infrastructure and other public services.

(v) Minimum Frontage and Entrance Spacing Requirements.

Each Residential Development Parcel Rural 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 Rural 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(e)(5), approval of the application for division of land pursuant to this Section 20-806 will be subject to the condition that the Owner 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 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

a. When a Residential Development Parcel Rural Development Parcel includes lands identified for Protection of Environmentally Sensitive Lands in Section 20-810(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.

b. A Building Envelope is not required on a Residential Development Parcel Rural Development Parcel that does not include lands within the categories identified for resource preservation in Section 20-810(k); however, structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.

(viii) Conservation Easement

a. A permanent Conservation Easement may be 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(k), or similar sensitive lands.

b. A permanent Conservation Easement shall be 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.

(3) With respect to any division made according to this Section, the subsequent Residential Development Parcels Rural Development Parcels shall be considered Parcels but shall not be considered Platted Lots created through a Major or Minor Subdivision/Replat process. Each Residential Development Parcel Rural Development Parcel shall be eligible for the issuance of building permits for one single-family Dwelling and permitted and 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 Parcels shall be prohibited. Development for any other use will require review through the Major Subdivision process.
20-807 Certificate of Survey, Administrative Review Procedures

(a) Purpose

The purpose of the Certificate of Survey review procedure is to provide an administrative process for creating an accurate record of the description and location of Residential Development Parcel, Rural Development Parcel divisions created in conformance with Sections 20-804 or 20-806, whichever is applicable, without requiring full compliance with the 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 and 20-806, subject to the requirements of this Section. This 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 or 20-806, for review in conformance with this Section.

2. Residential Development Parcel, Rural Development Parcels are eligible for Certificate of Survey approval only one time within the Urban Growth Areas of the cities in Douglas County; however, an amended Certificate of Survey may be recorded for property in the Urban Growth Areas, or within the Rural Area when it:

   (i) includes the same land area as the original Certificate of Survey (or more); and,

   (ii) when it meets the applicable requirements in Sections 20-804 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 review procedure.
(d) Application

Applications for a Certificate of Survey 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 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 paper and one electronic copy 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 for letters mailed to property Owners within ¼ mile of the property proposed for the Cluster Development for rural residential development purposes. The certificate is included in the application and does not refer to ‘certified mail’.

   (i) 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 Rural 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.
(ii) For applications within Urban Growth Areas, 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, when the city requires such an agreement.

(iii) For properties with including Environmentally Sensitive Lands identified in Section 20-810(k) and designated for protection, 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.

   (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;

(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 Rural Development Parcel and shall not include lands identified as Environmentally Sensitive Lands as identified in Section 20-810(k) that have been designated for protection;

(xv) Except for divisions made in conformance with Section 20-806, Building Envelopes shall be designed to allow for the placement of principal structures on Parcels that will facilitate future further Subdivision of the Residential Development Parcel Rural Development Parcel into Urban Streets and Blocks;

(xvi) A note stating the specific Section [20-804 or 20-806] pursuant to which the division is being made;

(xvii) For Cluster Certificates of Survey, 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

(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 Parcel Rural Development Parcels.

(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 or 20-806, as applicable;

(2) The Certificate of Survey meets all of the requirements of Section 20-807;

(3) The proposed Residential Development Parcel Rural 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.

(5) 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;

(6) The Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land;

(7) The proposed Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.
(g) **Review and Action by the Planning Director**

(1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.

(2) Upon receipt of a complete application, the **Planning Director** shall review the application for conformance with applicable regulations.

(3) The **Planning Director** shall conduct the review of the application within 30 days of receipt of the complete application. If the **Planning Director** finds that the **Certificate of Survey** conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey “Approved as a **Certificate of Survey** under the **Subdivision Regulations** of the City of Lawrence & the **Unincorporated Area** of Douglas County” with the date of approval.

(4) If the **Planning Director** finds that the **Certificate of Survey** fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this Section, the **Planning Director** shall refuse to approve the proposed **Certificate of Survey** and shall notify the applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and **Certificate of Survey** within 45 days after receipt of the letter and shall not be required to pay an additional fee.

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

(h) **Amending an Approved Certificate of Survey**

An approved **Certificate of Survey** may be amended for a Parent Parcel created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Section 20-804 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**, **Rural Development Parcel**, Immediate Development Area, Future Development Area, or the layout of **Residential Development Parcels**, **Rural 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(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.
Article 8  Subdivision Design and Improvements

Section 20-807 Certificate of Survey, Administrative Review Procedures

(1) An amendment to an approved Certificate of Survey shall:

(i) Include the entire land area of the original Certificate of Survey (may include additional land) 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(d) through (g);

(iii) Be eligible for the same appeals procedure identified in 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 Rural Development Parcel Rural Development Parcel shall only be permitted if an additional Rural Development Parcel is permitted according to Sections 20-804 and 20-806 and/or by the County's Access Management Standards.

(v) 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.

ii. Appeals Process for Sections 20-804 and 20-806

(1) Upon the approval or denial of an application for a division of land under Sections 20-804 or 20-806, a party aggrieved by the Planning Director’s decision may appeal that decision to the Board of County Commissioners.

(2) 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 for a division of land under 20-804, or the applicant for a division of land under 20-806. 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.

(i) Certificate of Survey Expiration

(4) 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
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approval have been completed or an extension has been granted by the Planning Director for good cause.

(5) Such request for extension must be submitted to the Planning Director, in writing, prior to the expiration of the original 24 month approval period.
20-809 Major 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 Director. In addition, Final Plats that include Dedication or Vacation of Easements and/or Rights-of-Way, require action by the appropriate Governing Body.

(b) Applicability

(1) The Major Subdivision procedures of this section apply to all 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 Major Subdivisions are not permitted in an Urban Growth Area in the Unincorporated Area of Douglas County only within the CP (Cluster Preservation) Zoning District, except and on property zoned A-1 or R-1 prior to January 1, 2007.

(3) Non-Residential Subdivisions are permitted in the Unincorporated Area of Douglas County. Major Subdivisions are permitted outside the Urban Growth Area in the Unincorporated Area of Douglas County only within the Commercial or Industrial Zoning Districts and on property zoned Ag-2.

(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) 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).

(d) Criteria for Review

Approval or disapproval of Major Subdivisions shall be based on the following criteria:
(1) Each Lot resulting from the division will have direct Access to a Public Street/Road that has been accepted by the county or city or a Private Street that has been approved as part of a Planned Development;

(2) Each Lot resulting from the division will conform with the minimum Lot size and other dimensional requirements applicable to the property through the Zoning District regulations;

(3) The proposed Major Subdivision and all Lots within it conform fully with the standards set forth in Section 20-810;

(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 Map and provides for the logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Major Subdivision;

(6) The proposed Major Subdivision shall provide for a logical connection of Streets between adjacent Subdivisions taking into consideration constraints from steep Topography and other natural features that may limit Street connectivity but allow for pedestrian connectivity, shall conform with adopted watershed/sub-basin plans, sector or Neighborhood Plans for Street layout;

(7) The proposed Major Subdivision conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan; and

(8) The Major Subdivision Plat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Preliminary Plat – Application

A Subdivider shall apply for Preliminary Plat approval by submitting an application to the Planning Director.

(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 a complete submission of a Preliminary Plat;

   (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**

   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.

   (vi) 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;

   (vii) 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;

   (viii) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

   (ix) 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;

   (x) 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;
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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) Additional materials for subdivisions within the Urban Growth Areas of a city in the unincorporated portion of the county:

(i) Build Out Plan.

A Build-Out Plan as described in Section 20-804, shall be required with the plat.

a. Lots shall be planned and arranged to allow for the future Subdivision into Urban Streets and Blocks that conform to the development regulations of the city associated with the Urban Growth Area.

b. The buildable area for each Lot 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.

c. The Building Envelopes for each Lot shall be shown on the plat.

(ii) Future Development Area

a. A minimum of 40% of the total Subdivision shall be designated as Future Development Area. To the extent practical, the Future Development Area should be one contiguous area of land for future planning purposes.

b. The Future Development Area may not be developed until the property has been annexed into the associated city.

c. To the greatest extent possible, protected Environmentally Sensitive Lands should be located within the Future Development Area.

(iii) Conservation of Natural Resources

No matter where located within the boundaries of the Subdivision, Environmentally Sensitive Lands identified in Section 20-810(k), to the greatest extent reasonably practicable, shall be conserved and protected through the recording with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement with the provisions noted in Section 20-810(k)(4)(vi)
(iv) 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.

(v) Conservation Easement

a. A permanent Conservation Easement may be 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(k), or similar sensitive lands.

b. A permanent Conservation Easement shall be 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.

(3) Existing Conditions

The Preliminary Plat shall also show the following existing conditions:

(i) Location of any area designated as Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the regulatory flood.
(ii) Location of any area 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 unique topographic features, lakes, Stream Corridors, and insofar as can reasonably be shown, natural features to be removed;

(v) Boundaries of 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,

(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) For properties within the unincorporated portion of the county, the plat shall show the boundaries of lands which are identified by the Natural Resource Conservation Services (NRCS) as ‘prime farmland’.

(4) 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**.

   a. **Lots** that are not rectangular or that have a single dimension of less than 55 feet shall 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 the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the **Building Envelope**.

(ix) For properties within the urban growth area of a city within the unincorporated portion of the county, the plat shall also show the following:

   a. The boundaries of the Future Development Area, and

   b. Building envelopes based on the Build Out Plan.

(5) **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 saying “Provision and Financing of Roads, Sewer, Water and Other Public Services”. 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.

(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.

(6) 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 Planning Director or the Planning Commission. The 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 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.

(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 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.

(2) If the Planning Commission finds that the proposed Preliminary Plat conforms to all of the criteria set forth in Section 20-809(d) the Planning Commission shall approve the Preliminary Plat.

(3) If the Planning Commission finds that the proposed Preliminary Plat fails in any way to conform to the standards set forth in 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 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, 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).”

(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 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) All perimeter Rights-of-Way shall be dedicated for the entire Preliminary Plat with the first Final Plat phase of the approved Preliminary Plat.

(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, subject only to the following:

(i) Submission of a Final Plat, in the form and containing all of the information required by Section 20-809(k). The Final Plat shall be 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(h)(2).
(j) Preliminary Plat Expiration

(1) Approval of a Preliminary Plat by the Planning Commission shall expire:

   (i) Twenty four months from the date approval was granted, unless a complete application for Final Plat is submitted by that approval 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.

   (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 Final Plat has not been submitted, approved, and recorded within this 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.

(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(m).

(1) 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 a complete submission of a Final Plat; and

   (iv) All of the materials required by Section 20-809(l), as well as any additional materials required by the application form provided by the Planning Director.
The **Final Plat** application shall be accompanied by all required fees; however, the fees necessary for recording the **Final Plat** at the Register of Deeds office may be submitted after approval;

The **Final Plat** shall be in the format and contain the information required by Section 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**;

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.

For properties in the urban growth area of a city in the unincorporated portion of the county, the final plat shall show building envelopes based on the Build-Out plan, as defined in Section 20-804, to insure buildings are not located within the setbacks or future rights-of-way.

### Final Plat Contents

#### 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.

#### Material to be Included

The **Final Plat** shall show:

- **Descriptive information,** which shall:
  - State the name of the proposed **Subdivision**;
  - Show date of preparation, north arrow and graphic scale;
  - 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 Plats, with a description tying it to the point of beginning for the **Subdivision**.
  - A **Replat** shall not be required to be referenced to a section and/or quarter-section corner, provided the original **Plat** for the subject **Replat** is tied to at least one of these corner monuments;
  - Show names of adjoining **Subdivisions** or, in the case of unplatted land, the names of the **Owner** or **Owners** of adjoining property;
  - **Easements,** showing width and general purpose;

- **Easements,** showing width and general purpose;
Section 20-809 Major Subdivisions

8. 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 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 urban growth area of a city in the unincorporated portion of the county, the following items are also required on the Final Plat:

1. The Future Development Area, as defined in Section 20-804, shall be shown with a note prohibiting development of this site until the property is annexed into a city.

2. Building envelopes based on the Build-Out plan, as defined in Section 20-804, to insure structures are not located within the setbacks or future rights-of-way.

3. Environmentally Sensitive Lands which have been designated for protection including the recording information for the Temporary Set-Aside Agreement or Conservation Easement.

e. For properties within the unincorporated portions of the County, outside the urban growth area, the Plat shall include a Building Envelope which excludes the environmentally sensitive lands and notes the maintenance responsibility and protection measures of the protected 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.
f. 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,

g. Block and Lot numbers and dimensions of Blocks and Lots.

(iii) 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;

(iv) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and 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 Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.

(v) 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.

(vi) For any Lot including or adjacent to a Lot including environmentally sensitive lands as defined in Section 20-810(k) [County Code Section 11-110(k)] designation of a Building Envelope within which a building may be built after compliance with all applicable setback, Floodplain and sensitive land standards;

(vii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: “This survey conforms to the Kansas Minimum Standards for Boundary Surveys”;

(viii) Acknowledged certifications on the face of the Final Plat as listed below (may be combined where appropriate):
Article 8  Subdivision Design and Improvements
Section 20-809 Major Subdivisions

a. A certificate signed by all parties having any record, title or interest of record in the land Subdivided, showing their consent to the preparation and recording of the Plat;

b. A certificate, signed by the Owner or Owners, dedicating all Parcels of land which are intended for public use;

(ix) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;

(x) Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;

(xi) As a separate document, a certificate that all taxes and special assessments due and payable have been paid.

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.

(xii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.

(xiii) A line shall be provided on the Plat for the review date and signature of the County Surveyor beneath a note stating: “Reviewed in compliance with K.S.A. 58-2005”.

(xiv) 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.

(xv) 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(e)(9)(ii).

(xvi) Evidence shall be submitted with the Final Plat providing one or more of the means of ensuring completion of required Public Improvements identified in Section 20-811(h).

(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 20-809(l).

(2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-809(l) and 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) Is in substantial compliance with the Preliminary Plat 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 approved Lots, Parcels or Tracts shown within the approved phase of the Preliminary Plat.

   c. 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.

   d. Modifications to Easements and Rights-of-Way when 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.

   (ii) Satisfies any conditions of approval imposed by the Planning Commission;

   (iii) Includes the same proposed Dedications subject to minor technical adjustments as described in Section 20-809(m)(2)(l)(a) through (d), above;

   (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, subject to Section 20-809(m)(2)(l)(a) through
(d), 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 20-809(g).

(5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and 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.

(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.

(3) If the Governing Body defers or refuses these Dedications, it shall advise the Planning 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.

(o) Signatures on Final Plat

If the Planning Director has approved and certified the Final Plat in accordance with Section 20-809(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(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 provided in 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, detailed Street/Road and/or utility plans shall be submitted to and approved by either the County Engineer or City Engineer, as applicable, prior to 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.

(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 Planning Director. The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county.

(4) Errors found in closure or internal dimensions shall be corrected prior to recording the Final Plat at the Register of Deeds.

(q) **Final Plat Expiration**

(1) Approval of a Final Plat 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, 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.
Section 20-810

(k) Protection of Environmentally Sensitive Lands

(1) Definition of Environmentally Sensitive Lands

Certificates of Survey land divisions and Platted Subdivisions shall be designed to protect environmentally sensitive lands which contain 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) Native Prairie and Restored Prairie which have been voluntarily listed for protection;

(vi) Prime Farmland as defined by the National Resource Conservation Service

(vii) Stands of Mature Trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map with priority to Heritage Woodlands (old growth forests); and

(viii) Archaeological sites and native prairies that are listed on the Heritage Conservation Council register of environmentally sensitive lands, 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 Historical Resources Inventory
Article 8  Subdivision Design and Improvements

Section 20-810 Subdivision Design and Improvements

(v) Douglas County Heritage Conservation Council Resources Inventory; and

(vi) 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)(3) [County Code Sections 11-104(c)(3)], 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:

   a. The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.

   b. 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.
(iv) 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.
SECTION 20-813 [11-113]

(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 Rural Development Parcel shown on an approved and recorded Certificate of Survey;
   (ii) On a Platted Lot or land division in existence on the Effective Date of these regulations that has a vested right under these requirements pursuant to Section 20-801(e);
   (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
   (iv) On a recorded Land Combination, created pursuant to Section 20-801(f).
   (v) On an agricultural subdivision boundary survey pursuant to 20-801(d)(2)(vii), with or without an Agricultural/Natural Resource Protection Agreement.

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.