

**SUBDIVISION REGULATIONS FOR LAWRENCE AND  
THE UNINCORPORATED AREAS OF DOUGLAS COUNTY,  
KANSAS, TEXT AMENDMENTS, MARCH 17, 2020, EDITION**

Amending Article 8, Sections 20-801, 20-802, 20-804, 20-806,  
20-807, 20-809, 20-810, and 20-813  
**OF CHAPTER 20 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS**

These Sections are labeled as Sections 11-101, 11-102, 11-104,  
11-106, 11-107, 11-109, 11-110, and 11-113  
**OF CHAPTER 11 OF THE CODE OF DOUGLAS COUNTY, KANSAS**



*City of Lawrence*



**Douglas County**

Incorporated By Reference Pursuant to K.S.A. 12-3009, *et seq.*, K.S.A. 12-3301 *et seq.*,  
and the Home Rule Authority of the City

Passed by the Governing Body of the City of Lawrence, Kansas  
**Ordinance No. 9742**  
First Reading: February 24, 2020  
Second Reading: March 17, 2020

Adopted by the Governing Body of Douglas County, Kansas  
**Resolution No. 20-07**\_\_\_\_\_  
Date: March 18, 2020

Date of Publication: March 22, 2020

**20-801 General**

**(a) Purpose and Intent**

- (1) The purpose of the [Subdivision Regulations](#) of this Article is to ensure that the division of land, which, in many instances, is an initial step in [Urbanization](#), will serve the public interest and general welfare. Since the allocation and arrangement of [Parcels](#) of land for both private uses and public uses helps to influence the health, safety, economy, livability, and amenities of an area, these regulations are intended to:
  - (i) Provide for the harmonious and orderly development of land within the City and the [Unincorporated Area](#) of Douglas County by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related [Easements](#), light and air, and other public needs;
  - (ii) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and
  - (iii) Provide for the conservation and protection of human and natural resources.
- (2) The [Subdivision Regulations](#) of this Article are designed, intended and should be administered to:
  - (i) Ensure that in the City and in the [Unincorporated Area](#) of Douglas County is in accordance with the [Comprehensive Plan](#); any adopted watershed/sub-basin plans, sector or [Neighborhood Plans](#) covering the subject [Subdivision](#); the applicable [Zoning Regulations](#) enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan;
  - (ii) Provide for the conservation of existing neighborhoods and facilitate the development of new neighborhoods;
  - (iii) Prevent the development of substandard [Subdivisions](#) and blighted areas that will be a detriment to the community;
  - (iv) Coordinate the development of each [Parcel](#) of land with the existing community and facilitate the proper of adjoining land;
  - (v) Provide adequate and accurate records of all land Divisions;
  - (vi) Ensure that the cost of [Improvements](#), which benefit primarily the [Tract](#) of land being developed, be borne primarily by the [Owners](#) or [Developers](#) of the subject [Tract](#), and that the cost of [Improvements](#) that provide benefits to the subject [Tract](#) and the community as a whole be shared by the [Developer](#) and the community;
  - (vii) Ensure that [Subdivisions](#) are designed and developed in a manner that is consistent with all applicable flood protection and storm water management regulations and other applicable land use and development regulations of Lawrence and Douglas County;
  - (viii) Provide for the efficient arrangement and orderly location of [Street/Roads](#);
  - (ix) Encourage the reduction of vehicular congestion and support multi-modal transportation design standards in a manner that supports multi-modal transportation;

- (x) Provide for the reservation or **Dedication** of lands for open space and other community facilities;
- (xi) Require the provisions of off-site and **On-Site Public Improvements** that are necessary to serve land being developed;
- (xii) Provide for any other services, facilities and **Improvements** deemed necessary to serve land being developed; and
- (xiii) Establish **Building Envelope** lines.

**(b) Jurisdiction**

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- (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**

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- (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**

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- (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 take **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  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ) 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  $\frac{1}{2}$  of the adjoining **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.
  - c. The **Right-of-Way** provided on the adjacent roads meets the minimum width standards of Section 20-810(e)(5).
    - 1. If the property within the survey is located adjacent to public **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.

2. All necessary **Dedications** shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.
  - d. Agricultural Subdivision Boundary Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to determine compliance with these standards.
  - e. 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.
- (viii) 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** .
- (ix) 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.
- (x) 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:

- a. The minimum size of the new Parcel upon which the residential building is located meets both the County's Sanitary Code requirements for Access to a Potable Water supply and the Height, Area and Bulk Requirements in of the Douglas County Zoning Regulations;
- b. 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;
- c. The new Parcel on which the residential building is located meets the minimum Frontage and entrance spacing requirements established in the County's Access Management Standards.
- d. 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.
- e. The Right-of-Way provided on the adjacent roads meets the minimum width standards of Section 20-810(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.
- f. 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.
- g. 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.

**(e) Vested Rights**

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- (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**.

- (3) 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.

(f) **Combination of Unplatted Lands in Unincorporated Douglas County**

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- (1) 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:

- (i) A survey of the **Land Combination** is filed at the Register of Deeds; and

- (ii) All land covered by the survey is owned by the same person or persons; and

- (iii) The **Owner** requests in writing that the County Clerk combines the constituent **Parcels** for tax parcel purposes.
- (2) A **Land Combination** does not increase the number of building permits a **Parcel** of land has a vested right to receive.

## 20-802 General Review and Approval Procedures

### (a) Authority to File Applications

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Unless otherwise expressly stated, applications for review and approval under this Article may be initiated by all the **Owners** of the property that is the subject of the application; or the **Owners'** authorized **Agent**.

### (b) Form of Application

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- (1) Applications required under these **Subdivision Regulations** shall be submitted in a form and in the numbers of copies required by the **Planning Director**. All application materials must be submitted in both print and electronic format.
- (2) The **Planning Director** shall develop checklists of application submittal requirements and make those checklists available to the public. The application also shall contain all materials required by:
  - (i) Section 20-807(d)&(e) for **Certificate of Survey** applications;
  - (ii) Section 20-808(e) for **Minor Subdivision/Replat** applications;
  - (iii) Section 20-809(f) for **Preliminary Plat** applications; or
  - (iv) Section 20-809(l) for **Final Plat** applications, whichever is applicable.

### (c) Pre-application Meetings

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All applicants submitting applications for approvals must attend a pre-application meeting with Planning Staff. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 working days before submitting an application.

### (d) Notices

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The notice provisions of this section apply to the **Major Subdivision** process except as otherwise expressly stated.

#### (1) Content

##### (i) Newspaper and Mailed Notice

All newspaper and Mailed notice shall:

- a. Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. Describe the property involved in the application by **Street** or **Road** address or by general description;
- c. Describe the nature, scope and purpose of the application or proposal; and
- d. Indicate where additional information on the matter can be obtained.

(2) Newspaper Notice

When the provisions of these [Subdivision Regulations](#) require that “Newspaper Notice” be provided, the [Planning Director](#) is responsible for ensuring notice is published in the official newspaper of the City of Lawrence or Douglas County. The notices shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) Mailed Notice

When the provisions of these [Subdivision Regulations](#) require that “Mailed Notice” be provided:

(i) [Owner Notice](#); Radius

The official responsible for accepting the application shall mail notice to the record [Owner](#) of the subject property and all [Owners](#) of property located within 200 feet of the subject property if in the City of Lawrence and within 1,000 feet of the subject property if located in the [Unincorporated Areas](#) of Douglas County. If the subject property [Abuts](#) a City limits, the area of notification shall be extended to at least 200 feet inside the City or 1,000 feet into the [Unincorporated Area](#).

(ii) Notice to Registered Neighborhood Associations

The official responsible for accepting the application shall mail ~~or e-mail~~ notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) [Ownership Information](#)

The applicant is responsible for providing certified [Ownership](#) information. Current [Ownership](#) information shall be obtained from the Douglas County Clerk. [Ownership](#) information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) Administrative Processes

(i) [Minor Subdivision/Replats](#) and [Final Plats](#)

[Subdivision](#) or consolidation of property through the [Minor Subdivision/Replat](#) and [Final Plat](#) processes are administrative processes and do not require individual newspaper or mailed notice.

(ii) Certificates of Survey

Division of property through the [Certificate of Survey](#) process is an administrative process and does not require individual newspaper or mailed notice.

**(e) Application Processing Cycles**

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Officials responsible for accepting applications may, after consulting with review and decision-making bodies, publish processing cycles for applications. Processing cycles may establish:

- (1) The official date upon which a completed application was submitted;
- (2) Deadlines before consideration;
- (3) Dates of regular meetings;
- (4) The scheduling of staff reviews and staff reports on complete applications; and,
- (5) Any required time frames for action by review and decision-making bodies.

**(ii) Application Review and Recording Fees**

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Applications shall be accompanied by the review has been established by the applicable [Governing Body](#). Fees are not required for applications initiated by review or decision-making bodies. Application review fees are nonrefundable. Additional recording fees are required prior to recording approved documents at the Register of Deeds and will be collected at that time.

**(iii) Application Completeness, Accuracy and Sufficiency**

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- (1) An application will be considered complete and ready for processing only if it is: submitted in the required number and form; includes all required information; and, is accompanied by the required fees.
- (2) Within 5 working days of application filing, the [Planning Director](#) shall determine whether the application includes all information required by these [Subdivision Regulations](#). If an application does not include all of the required information, it will be deemed incomplete. If an application includes all of the required information, it will be deemed complete. Written notice of the incompleteness and the specific information lacking shall be provided to the applicant or the applicant's [Agent](#).
- (3) No processing of incomplete applications shall occur and incomplete applications will be removed from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. No refund of a review fee shall be made for applications that are withdrawn.
- (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Planning Staff and other review and decision-making bodies in accordance with the procedures of these [Subdivision Regulations](#).

**(iv) Applications Containing Technical Deficiencies**

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- (1) The [Planning Director](#) may require that applications be revised before being placed on the agenda of the [Planning Commission](#) or [Governing Body](#), if the [Planning Director](#) determines that:
  - (i) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;
  - (ii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

- (iii) The application cannot be approved without a [Variance](#) or some other change or modification that the decision-making body for that application does not have the authority to grant or approve. This determination shall be made in written form to the applicant. If the determination is based on this sub-section (iii), it shall include an explanation of what [Variance](#), change or modification would be required to allow approval of the application.
- (2) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with this Article shall be revised before they will be placed on an agenda of the [Planning Commission](#) or [Governing Body](#).
- (3) Action or inaction by the [Planning Director](#) under this section may be appealed to the appropriate [Governing Body](#) in accordance with Section 20-807(h) or Section 20-813(f), whichever is applicable.

**(v) Applicability**

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Unless expressly exempted under Section 20-801(d), no [Subdivision](#) or Rural Development Parcel may be created and no [Certificate of Survey](#) may be recorded with the Register of Deeds until the division has been approved in accordance with the applicable Review and Approval Procedures of this Article.

**20-804 Cluster Developments in the Urban Growth Areas**

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**(a) Purpose**

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The purpose of this Section is to allow an administrative approval procedure for smaller divisions of land (up to 4 Rural Development Parcels) to accommodate rural 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** development of the land **Parcel** prior to any division occurring, and that based on these considerations, 3 acre or larger Rural Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the 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 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.

**(b) Applicability**

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- (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.

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

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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, Rural Development Parcels (RDPs) subject to the requirements of this Section. Rural Development Parcels shall be located only in the Immediate Development Area. Individual 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. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

  - (i) Minimum **Parcel** Acreage and dimensional standards

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 Rural Development Parcel size shall be 3 acres.

(ii) Location of Rural Development Parcels

The [Cluster Development](#), shall be designed and developed in accordance with the requirements in this sub-section:

- a. Clustered to take [Access](#) from [Cross Access Easements](#) to minimize [Access](#) points to the adjacent public [Right\(s\)-of-Way](#).
  1. [Cross Access Easements](#) shall be established by a separate legal instrument, acceptable to the legal counsel of the nearby city and the [Easement](#) shall be filed recorded at the Register of Deeds as a [Restrictive Covenant](#) of the [Cluster Development](#) that prohibits development of the Future Development Area until, upon annexation, the [Cross Access Easement](#) is dedicated to the annexing city as public [Road Right-of-Way](#).
  2. The [Cross Access Easements](#) shall be written so that, upon annexation by a city, the [Cross Access Easement](#) shall be in acceptable form and dimensions to be dedicated to the City as public [Road Right\(s\)-of-Way](#), to allow for construction of [Streets](#) within the [Cross Access Easements](#) to meet the then current city [Street](#) standards.
- b. Planned and laid out to allow for future [Subdivision](#) of the Rural Development Parcels into [Platted Lots](#) at an [Urban Density](#) commensurate with the zoning and [Subdivision Regulations](#) of the annexing city.

(iii) Utility – Water

All Rural Development Parcels shall obtain [Publicly Treated Water](#) delivered through a water meter.

(iv) Utility – Wastewater

All 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.

- a. County Health Code Restriction in [Floodplain](#)

[On-Site Sewage Management Systems](#) shall be located outside the FEMA designated regulatory [Floodplain](#).

(v) [Building Envelopes](#)

The buildable area for each 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. 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 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 Rural Development Parcel shall be shown on the [Certificate of Survey](#).

(vi) [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 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.

(vii) [Steep Slopes](#)

The [Building Envelopes](#) of Rural Development Parcels shall not contain any slopes greater than 15%.

(viii) [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,  $\frac{1}{2}$  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.

(ix) [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](#).

(x) [Drainage Easements](#)

If any portion of the Rural Development Parcel lies in a FEMA designated regulatory [Floodplain](#), or if drainage [Channels](#) or [Swales](#) exist on the 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.

(xi) [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.
- 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](#)**

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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 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 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.

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

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- (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**.

**(f) Application**

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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).

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

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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**

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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**

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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 Rural Development Parcels.
- (3) 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 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**

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Rural Certificates of Survey are permitted only on land within the Ag-2, Transitional Agriculture District, outside the urban growth area. 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 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 [Tract](#).
  - (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) Rural Development Parcel (RDP)**

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- (1) Up to 2 Rural Development Parcels (RDP) may be created by dividing a [Parent Parcel](#).
- (2) Rural Development Parcels can be created through the [Certificate of Survey](#) process only when the [Planning Director](#) finds that the division does not involve or result in the creation of any minimum maintenance or Full Maintenance new [Roads](#) or [Road Rights-](#)

of-Way or Easements; and, the division is made in accordance with the following requirements:

- (i) Minimum Rural Development Parcel Area and dimensional standards
  - a. Rural Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County [Zoning Regulations](#). Each Rural Development Parcel shall have the minimum area required in Section 12-303-2 in the County [Zoning Regulations](#). The minimum [Parcel](#) area shall also meet the County Sanitary Code minimum requirements for [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 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 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 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 Rural Development Parcels to facilitate the efficient provision of [Infrastructure](#) and other public services.
- (v) Minimum [Frontage](#) and Entrance Spacing Requirements.

Each 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 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,  $\frac{1}{2}$  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 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 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 Rural Development Parcels shall be considered **Parcels** but shall not be considered **Platted Lots** created through a Major or **Minor Subdivision/Replat** process. Each Rural Development Parcel shall be eligible for the issuance of building permits for permitted and accessory uses, buildings and structures.

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**20-807 Certificate of Survey, Administrative Review Procedures**

**(a) Purpose**

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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 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**

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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**

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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) Rural Development Parcels are eligible for [Certificate of Survey](#) approval only one time; however, an amended [Certificate of Survey](#) may be recorded 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**

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Applications for a [Certificate of Survey](#) 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:

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- (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 [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 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 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**

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

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

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- (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 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 **Unincorporated Area** of Douglas County”; or the **Subdivision Regulations** of the appropriate City; and
  - (xxii) A line for identification of book and page of the Register of Deeds recording information.
- (3) Before approval of a **Certificate of Survey** in the Lawrence **Urban Growth Area** that will not be served by City of Lawrence utilities, the property **Owner** shall provide written documentation to the Lawrence-Douglas County Health Officer and the Lawrence-Douglas County **Planning Director** that **Publicly Treated Water**, delivered through a water meter, is available to and will be provided for all Rural Development Parcels.

**(f) Criteria for Review**

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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 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

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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**

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- (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**

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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 Rural Development Parcel, Immediate Development Area, Future Development Area, or the layout of 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

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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.

- (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) Comply with the Subdivision Regulations in effect at the time the amended Certificate of Survey application is submitted for review; and
  - (iv) For each amended Certificate of Survey, the creation of new Rural Development Parcels in addition to those created originally 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.
- (2) An amendment of a Certificate of Survey shall not alter future Street layouts that would conflict with a Build Out Plan approved for an adjacent property.
- (1) If an approved Certificate of Survey has not been recorded at the Register of Deeds office, the approval of a Certificate of Survey shall be effective for no more than 24 months from the date of approval unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.
- (2) Such request for extension must be submitted to the Planning Director, in writing, prior to the expiration of the original 24 month approval period.

## 20-809 Major Subdivisions

### (a) Purpose

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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

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- (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) **Major Subdivision** are permitted in an Urban Growth Area in the **Unincorporated Area** of Douglas County only within the CP (Cluster Preservation) Zoning District, and on property zoned A-1 or R-1 prior to January 1, 2007.
- (3) **Major Subdivision** 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

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- (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

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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**

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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.

**(f) Preliminary Plat Contents**

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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;
    - 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 Area** 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 Envelope 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)
- a. Temporary Set Aside Agreement
    - 1. 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.
    - 2. 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.
    - 3. The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City.
    - 4. Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.
  - b. 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**

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- (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**

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- (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**

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- (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**

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- (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**

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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**.

- (2) 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;
- (3) 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**; and
- (4) For **Final Plats** which represent only a phase of an approved **Preliminary Plat** and include minor revisions from the approved **Preliminary Plat**, as reflected in 20-809(m)(2)(i), a revised **Preliminary Plat** that includes the proposed revisions shall be submitted with the **Final Plat** application for record keeping purposes.
- (5) 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**.

(l) **Final Plat Contents**

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(1) Format

The **Final Plat** shall be prepared by a licensed **Land Surveyor** with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches.

(2) Material to be Included

The **Final Plat** shall show:

(i) Descriptive information, which shall:

- a. State the name of the proposed **Subdivision**;
- b. Show date of preparation, north arrow and graphic scale;
- c. Give a legal description of the proposed **Subdivision** complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the **Plat**, with a description tying it to the point of beginning for the **Subdivision**.
- d. 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;
- e. Show names of adjoining **Subdivisions** or, in the case of unplatted land, the names of the **Owner** or **Owners** of adjoining property;
- f. **Easements**, showing width and general purpose;
- g. 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 Platt**:
    - 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.
    - 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**.
    - 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.
  - 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**;

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- 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):
    - 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**

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- (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(1).
- (2) If the **Planning Director** finds that the submitted **Final Plat** conforms with the content requirements of Section 20-809(1) 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**;

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- (iii) Includes the same proposed **Dedications** subject to minor technical adjustments as described in Section 20-809(m)(2)(i)(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)(i)(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**

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- (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**

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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**

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- (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**

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- (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**

**(a) General**

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(1) Applicability

All **Subdivisions** shall comply with the Design Standards of this Section and the Public Improvement Standards of Section 20-811.

(2) Design of **Lots**

- (i) **Lots** shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each **Lot** in a **Subdivision** shall also take into consideration **Topography** (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent **Lots**.
- (ii) **Lots** for commercial and industrial use shall be of size and arrangement to allow for off-**Street/Road** parking and loading facilities.
- (iii) **Double-Frontage** and **Reverse-Frontage Lots** shall be avoided except where they are necessary to provide for the separation of residential development from **Collector** and **Arterial Street/Roads** or to overcome challenges of steep **Topography** and orientation.
- (iv) A planting screen **Easement** of a minimum 20 feet, with or without a berm, shall be provided along the portion of the **Lots Abutting** such an **Arterial Street/Road** if required by the **Planning Commission**.
- (v) Corner **Lots** shall be a minimum of 20% wider than the minimum **Lot Width** required in the applicable zoning district to allow for appropriate building setbacks and sufficient yard space.

(3) Plans for **Resubdivision**

- (i) Whenever an area is divided into residential **Lots** with a **Lot** area of one acre or greater, and there is a possibility that such **Lots** may eventually be re-subdivided into smaller **Lots**, consideration shall be given to the **Street**, and **Lot** arrangement of the original **Subdivision** so that additional **Streets** can be opened later to permit a logical arrangement of smaller **Lots**.
- (ii) Provision of **Easements** or **Right-of-Way** for the future opening and extension of such **Streets** and for gravity sewers and stormwater drainage shall be made a condition of **Preliminary Plat** approval.

**(b) Frontage**

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All **Lots** shall have **Frontage** on a **Public Street** unless **Lot Frontage** is approved on a **Private Street** as part of a Planned Development.

(c)  Access 

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(1) City of Lawrence

For **Lots** located within the City, **Access** shall be provided directly from a **Street** or as follows:

- (i) An **Alley** may provide the primary vehicular **Access** to one or more **Lots** in a **Subdivision**, provided that each such **Lot** shall have **Street Frontage** on a **Public Street** unless designed as part of a Planned Development.
- (ii) **Alley Access** is particularly appropriate where the **Street Frontage** for the **Lot** is on a Collector or **Arterial Street**.
- (iii) Residential shared **Driveways** are permitted when a recorded **Access Easement** is provided.
- (iv) Joint-Use **Driveways** in Lawrence with a minimum paved width of 24 feet may be approved as part of the **Subdivision** approval process for non-residential developments (e.g., shopping centers, industrial/business parks), if there is a city approved **Easement** of record ensuring perpetual **Access** to the **Joint-Use Driveway** by all **Lots** with **Frontage** and providing for the perpetual **Ownership**, continuance and maintenance of the Joint-Use **Driveway**.
- (v) Joint-Use **Driveways** shall not be considered as parking or loading space or as an aisle for **Access** to individual parking spaces in computing conformance with the parking requirements of the Development Code.
- (vi) Joint use **Access** points may be approved within Lawrence when located wholly within the dedicated **Public Street Right-of-Way**.

(2) **Unincorporated Area** of the County

For **Lots** located within the **Unincorporated Areas** of the County, **Access** shall be directly from a **Road** or as follows:

- (i) Joint-Use **Driveways** are not permitted in the **Unincorporated Area** of the County.
- (ii) Shared **Driveway Approaches** serving residential uses may only be approved with the filing of an instrument for joint maintenance of the **Driveway Approach** area and only when individual **Driveways** are separately maintained beyond the **Road Easement** or **Right-of-Way** line.
- (iii) Joint use **Access** points may be approved when located wholly within the dedicated or public **Road Easement**.



(d) **Blocks**

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(1) General

The lengths, widths, and shapes of **Blocks** shall be determined with due regard to:

- (i) Limitations and opportunities of **Topography** and other physical features such as utilities, **Floodplains**, **Jurisdictional Wetlands** and natural storm drainage patterns;
- (ii) Provision of building sites adequate for the uses contemplated;
- (iii) Zoning requirements as to **Lot** sizes and dimensions; and
- (iv) Need for convenient **Access**, circulation, and control of **Street** traffic for safety.

(2) Length

(i) City of Lawrence

**Block** length for **Local Streets** within the City of Lawrence shall not exceed 800 feet in length (centerline to centerline of **Streets**) unless the **Subdivider** demonstrates to the satisfaction of the **Planning Commission** that:

- a. There are Pedestrian Ways at intervals of 700 feet or less, replacing the connection that would exist as a **Sidewalk** along the **Street**; and
- b. The proposed **Block** must be greater than 800 feet in length because physical conditions preclude a **Block** length of less than 800 feet. Such conditions may include, but are not be limited to, **Topography** or the existence of natural resource areas such as **Jurisdictional Wetlands**, **Floodplains**, wildlife habitat areas, steep slopes or **Woodlands**.

(ii) **Unincorporated Area** of the County [Reserved]

(3) Width

A residential **Block** shall have sufficient width to allow for two tiers of **Lots** of appropriate depth unless it adjoins a limited-**Access**, **Collector**, or **Arterial Street**, railroad or other nonresidential use, in which case it may have a single tier of **Lots** that exceed the minimum **Lot** area required in the zoning district.

(4) Shape

**Blocks** may be irregular in shape, provided their design meets the requirements of **Lot** standards, traffic flow and control considerations and any adopted watershed/ sub-basin plans, Sector or **Neighborhood Plan**.

(e) **Streets**

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(1) General

- (i) **Local Streets** within the City of Lawrence should be less than 1,320 feet in length.

- a. **Local Streets** exceeding 800 feet in length shall include **Traffic Calming Devices**, shown in an adopted City of Lawrence Traffic Calming Policy document as maintained by the Municipal Services and Operations Director.
  - (ii) All **Streets** within **Subdivisions** shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, Sector or **Neighborhood Plan** or, in the absence of such a plan, with all applicable standards of this Article.
  - (iii) Arterial and **Collector Streets** shall be laid-out, arranged and designed in accordance with any adopted **Major Thoroughfares Map** or corridor plan.
  - (iv) **Subdivisions** shall provide a logical **Street** layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such **Streets**.
  - (v) At time of **Preliminary Plat** approval, the full **Right-of-Way** for all boundary line and **Full Maintenance Roads** under the applicant's **Ownership** control shall be annexed to the City.
- (2) Connections
- (i) **Street** connections shall provide **Access** to adjoining lands, existing and proposed **Streets**.
  - (ii) Every **Subdivision** shall provide for at least one **Street** connection to each adjacent **Subdivision** or future adjacent **Subdivision**.
    - a. Any existing or **Platted Street** that terminates at the boundary line of a proposed **Subdivision** shall be continued into the proposed **Subdivision** in such a manner as to provide **Street** connections to adjoining lands and **Streets** within the proposed **Subdivision** or,
    - b. **Local Streets** may terminate in a **Cul-de-sac** if an existing environmental feature dictates the design.
  - (iii) **Streets** shall provide connections to adjacent undeveloped land in accordance with the adopted **Major Thoroughfares Map**.
  - (iv) Proposed **Subdivisions** that have **Access** to the public **Road** system via a **Single Outlet** must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of **Lots** or residential **Dwelling** units permitted; total amount of square feet constructed; or the type of construction allowed.
  - (v) **Residential Collector Streets** shall provide connections to nonresidential uses within the neighborhood and shall not typically intersect with **Arterial Streets**.
    - a. **Bicycle & pedestrian** facilities are strongly recommended for Residential Collectors.
    - b. Various traffic-calming treatments may be used to reduce travel speeds.
    - c. **Residential Collector Streets** with adjacent residential land uses should, in most cases, be limited to two lanes.

- d. Residential Collector Streets that connect neighborhoods to shopping areas shall be designed to have indirect connections to Arterial Streets.
  - (vi) Streets longer than one Lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary Turn-around.
- (3) Intersecting Streets
- (i) Local Streets generally should not intersect Arterial Streets. The Planning Commission, with the City Engineer's recommendation, may approve a new connection of a Local Street to an Arterial Street:
    - a. Where it finds that such connection is part of the best traffic solution for the new Subdivision; and
    - b. Where the Subdivider will add turn lanes or other Improvements recommended by the City Engineer to the Arterial Street to minimize the impact of the connection on the functioning of the Arterial Street.
  - (ii) Local Streets intersecting opposite sides of another Local or Collector Street when offset shall be offset 300 feet or more.
  - (iii) Streets shall intersect as nearly as possible at right angles.
  - (iv) Not more than two Streets shall intersect at any one point.
- (4) Requirements When Access Barriers Exist
- Wherever a proposed Subdivision contains or is adjacent to a Marginal Access Street or Road; an Arterial Street or a railroad Right-of-Way; the Planning Commission, as part of the Preliminary Plat approval, shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the Marginal Access, Arterial, or railroad Right-of-Way:
- (i) Dedication of a Local Street or Road to provide ingress and egress to and from such Blocks or Lots;
  - (ii) A Street or Road approximately parallel to and on each side (where applicable) of such Marginal Access Street or Road, Arterial Street or railroad Right-of-Way at a distance suitable for the appropriate use of the land between such Streets or Roads;
  - (iii) Reverse Frontage Lots with Access Control provisions along the rear property line; or
  - (iv) Adequate distance between such parallel Streets or Roads and the Arterial, Marginal Access Street or Road, or railroad so as to provide for proper approach grades and future grade separation.
- (5) Cross-Sections
- (i) City of Lawrence
- All Platted Subdivisions lying within the City of Lawrence shall comply with the following cross-section standards:

Street Type	Right-of-Way
	Min. Width (feet)
Principal Arterial	150
Minor Arterial (3 lane)	100
Collector	80
Residential Collector	60
Local	60
Limited Local	50
Cul-de-sac	60
Marginal Access (Frontage Road)	60

- a. Pavement width constructed according to City standards.
- b. Additional r-o-w may be necessary at [Intersections](#).
- c. Paved bulb with 50' radius is required/60' minimum r-o-w radii required.

(ii) [Unincorporated Area](#) of the County

All residential developments and nonresidential [Subdivisions](#) within the [Unincorporated Area](#) shall comply with the following minimum cross-section standards:

Street Type	Right-of-Way
	Min. Width (feet)
Principal Arterial (w/ median)	150
Principal Arterial (w/o median)	120

Street Type	Right-of-Way
	Min. Width (feet)
Minor Arterial	100
Major Collector	80
Minor Collector	70
Local	70

- a. **Right-of-Way** shall be sufficient to include top of ditch back slopes; may be variable
- b. **Road** design shall meet design standards contained in KDOT’s “Project development Manual for Non-National Highway System Local Government Road and Street Projects” and/or AASHTO Green Book standards.

(6) Grades

The finished grade for all **Streets** and **Roads** shall be at or above the base flood elevation. The grades of **Streets** and **Roads** shall comply with the following standards:

Street Type	Maximum Grade (%)	Minimum Grade (%)
Arterials (Principal and Minor):		
City or Urban Growth Area	5	1.0
Rural Area	5	1.0
Collector (Major or Minor)	8	1.0
Marginal Access	10	1.0
Local	10	1.0

- (i) The City or County Engineer, as applicable, shall be authorized to approve minor deviations for short distances from these grade standards when it is determined that compliance with these standards is impracticable.
- (ii) Within the City of Lawrence, maximum grade of **Streets** serving industrial areas shall be 5% regardless of **Street** classification.

(7) Radii of Curvature

The minimum radius of curvature of the centerline of Arterial and Collector Street shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.

(8) Cul-de-sacs

(i) Cul-de-sac lengths shall not exceed 10 times the required minimum Lot Width of the base zoning district or 1,000 feet (1,320 feet in Unincorporated Area), whichever is less.

a. A Cul-de-sac's length shall be measured from the center point of the Cul-de-sac bulb or Turn-around to the centerline of the Right-of-Way of the nearest intersecting through Street.

(ii) Maximum Cul-de-sac length may be increased by up to 25% above the maximum allowed by Section 20-810(e)(8)(i) during the Preliminary Plat approval process if the Planning Commission determines that the proposal meets all of the following criteria:

a. It is impracticable to connect the Street to another Street or to provide a looped Street or other means of Access that would avoid the Cul-de-sac or allow the Cul-de-sac to meet the length limit because:

1. The area is separated from other parts of the Subdivision or a possible Street connection by Floodplains, Jurisdictional Wetlands, or steep slopes greater than 10% or other natural resource areas; and
2. Other properties adjoining the area have already been Subdivided or developed in a manner that precludes connecting the Cul-de-sac to an existing or proposed Street.

b. Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the Cul-de-sac length limit of Section 20-810(e)(8) and realization of at least 75% of the maximum Lot density allowed by the site's base zoning; and

c. The degree of increase in allowable Cul-de-sac length is the minimum necessary to allow the above findings.

d. The Subdivider bears the burden of demonstrating that all criteria have been met.

(iii) In Subdivisions with Cul-de-sacs, Easements may be required to ensure that the water supply system is looped.

(iv) If a Cul-de-sac is longer than 600 feet, the Subdivision shall include Pedestrian Easements at the terminus of the Cul-de-sac to provide pedestrian connections to and from the Cul-de-sac, in accordance with 20-810(h)(4)(iii).

(9) Half-Streets

- (i) Whenever **Right-of-Way** for one-half of a **Street** has been dedicated to bring that **Street** to then-current standards, regardless of whether that half of the **Street** has been improved, and a **Subdivision** of land adjoining the other half of the **Street** is proposed, the remainder of the **Right-of-Way** shall be dedicated and improved by the **Subdivider**.
- (ii) No building permits shall be issued for **Lots** with **Access** only to a **Half-Street** until the entire remainder of the **Street Right-of-Way** between the two nearest intersecting **Streets** and passing in front of the subject **Lot(s)** is dedicated and improved.

(10) Private Streets and Roads

- (i) **Unincorporated Area** of the County
  - a. Private **Roads** are prohibited in the **Unincorporated Area** of Douglas County, except for those that were approved prior to December 15, 1998.
  - b. **Before** Douglas County will consider a request to assume maintenance of any existing Private **Road**, by **Dedication** or otherwise, the **Road** must be brought into compliance with all applicable **Road** and **Right-of-Way** standards.
- (ii) City of Lawrence
  - a. New **Private Streets** in the City are permitted only in Planned Developments approved by the **Planning Commission** and City Commission.
  - b. **Private Streets** shall be built to City **Street** construction standards and maintained by the **Land**owner.

(11) Alleys

- (i) **Alleys** shall be provided in commercial and industrial districts, except that the **Planning Director** may waive this requirement where other definite or assured provisions are made for service **Access**, off-**Street** loading and unloading and parking spaces consistent with and adequate for the uses proposed.
- (ii) **Alleys** shall have a minimum unobstructed **Right-of-Way** width of 20 feet.
- (iii) **Alleys** shall comply with the construction standards of the city and/or county, as determined by the City or County Engineer.
- (iv) Intersecting **Alleys** shall be prohibited except when no feasible alternative exists. When **Alley Intersections** are unavoidable, a turning radius shall be provided to permit safe vehicular movement.
- (v) **Alleys** that serve dock areas shall be designed with adequate **Turn-around** facilities.

(f) **Street and Road Names and Lot and Block Numbering**

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(1) City of Lawrence

- (i) **Street** names shall be proposed by the **Subdivider**, reviewed by the Municipal Services and Operations Director, and approved by the City Commission. The approval of **Street** names shall be within the legislative discretion of City Commission, subject to the following standards:
  - a. Compass directions shall not be used as part of **Street** names;
  - b. The identifiers “Court and “Circle” shall be used as follows:
    - 1. A Court identifies a Dead-End or **Cul-de-sac**; and
    - 2. A Circle identifies a **Street** where both ends terminate at the same **Roadway**.
  - c. **Streets** that run in an east – west direction shall be named as numbered **Streets**;
- (ii) Existing **Street** names shall be used where the **Street** to be named is, or would be, a logical extension of an existing **Street** even though separated by undeveloped land, natural physical barriers or man-made obstructions; and
- (iii) Where a proposed **Street** is shown on an adopted **Major Thoroughfares Map** and such map indicates a name for that **Street**, that name shall be used.

(2) **Unincorporated Area** of the County

**Road** names in the unincorporated County shall be named in accordance with the E911 Emergency Management System.

(g) **Lot and Block Numbering**

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**Lot** numbers shall be assigned by starting in the northeast corner of each **Block** and proceeding in a counterclockwise direction. When a **Street** or **Road** separates a group of **Lots**, a new **Block** shall be identified, and the **Lots** within the new **Block** shall be numbered as herein specified.

(h) **Easements**

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(1) Permanent Utility **Easements**

Permanent utility **Easements** shall be provided where necessary to accommodate utilities that will serve the **Subdivision**. Permanent utility **Easements** shall be provided where necessary to allow for utility service in and through the proposed **Subdivision**. Where such an **Easement** is necessary, it shall be centered on rear or side **Lot Lines**, as applicable, and shall be at least 30 feet and 15 feet wide respectively, except that **Easements** for **Street** lighting purposes only need not exceed 10 feet in width.

(2) Temporary Utility **Easements**

Temporary utility **Easements** shall be provided where necessary to accommodate the installation of utilities that will serve the **Subdivision**. Temporary utility **Easements** shall be centered on rear or side **Lot Lines** and shall be at least 30 feet and 25 feet wide respectively. The temporary utility **Easement** shall expire after the initial installation of the required

utilities. After the expiration of a temporary utility [Easement](#), the permanent utility [Easement](#) will govern.

(3) [Drainage Easements](#)

[Drainage Easements](#) for water courses, drainage [Swales](#) or streams which traverse a [Subdivision](#) may be required. [Drainage Easements](#) shall be exclusively for that use and separate from the [Dedication](#) of other utility [Easements](#). Upon the request of the [Planning Director](#), the City or County Engineer, as applicable, shall make recommendation to the [Planning Commission](#) regarding the desired width of the [Drainage Easement](#). Such study and report shall be based on the 100-year flood depth (if known), or the regulatory flood elevation when provided by the Federal Insurance Administration.

(4) [Pedestrian Easements](#)

- (i) [Pedestrian Easements](#) shall be required when [Block](#) lengths for [Local Streets](#) exceed 800 feet in length. Such [Easements](#) shall extend entirely across the width of the [Block](#) at approximately the midpoint of the [Block](#).
- (ii) Additional [Pedestrian Easements](#) should be required within the City and [Urban Growth Area](#) to provide pedestrian connections from a [Subdivision](#) to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent [Subdivisions](#) or neighborhoods, including a pedestrian connection at the terminus of each [Cul-de-sac](#).
- (iii) [Easements](#) for Pedestrian Ways shall have a minimum width of 12 feet.
- (iv) The [Planning Commission](#) may waive this requirement where, due to [Topography](#) or physical barriers, the [Pedestrian Easement](#) would not form a logical part of the larger pedestrian circulation system through the approval of the [Preliminary Plat](#).

(i) **[Parks, Open Space, Schools and Other Public Facilities](#)**

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The [Planning Commission](#) shall encourage the donation, reservation, or [Dedication](#) of sites for parks, open space, schools and other public facilities in accordance with the Lawrence Parks and Recreation Comprehensive Master Plan.

(j) **[Land in Floodplain Overlay Districts](#)**

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Land within a [Floodplain Overlay District](#) shall be subject to the Flood Protection Standards of Article 12, Chapter 20, City Code and to the Flood Protection Standards of Section 12-328 of the [Zoning Regulations](#) for the [Unincorporated Area](#) of Douglas County.

(k) **[Protection of Environmentally Sensitive Lands](#)**

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(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 Natural 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 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
  - (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.

**(l) Soils and Soil Testing – City of Lawrence**

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Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test shall be obtained to verify sub-surface soil characteristics for rocky or unstable soil types, when requested by the City Engineer, for areas proposed to be dedicated for City of Lawrence public **Rights-of-Way** and public **Easements**.

**(m) Soils and Soil Testing – Unincorporated Area of the County**

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Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test holes shall be conducted in accordance with the Douglas County Sanitary Code.

**20-813 Administration and Enforcement**

**(a) Planning Director Powers and Duties**

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The **Planning Director** shall have the following powers and duties under this Article:

- (1) Maintain permanent and current records with respect to these regulations, including amendments thereto;
- (2) Receive all pre-applications together with other necessary information;
- (3) Distribute copies of applications and other necessary information to other appropriate governmental agencies and departments for their review and recommendations;
- (4) Review applications of land division for compliance with these regulations;
- (5) Present reports and recommendations to the [Planning Commission](#) and Governing Bodies;
- (6) File approved [Final Plats](#), [Minor Subdivision/Replats](#), and [Certificates of Surveys](#) with the Register of Deeds;
- (7) Make such other determinations and decisions as may be required by these regulations or by the [Planning Commission](#).

**(b) Planning Commission Powers and Duties**

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The [Planning Commission](#) shall have the following powers and duties under this Article:

- (1) Review and approve, conditionally approve, or disapprove [Preliminary Plats](#);
- (2) Grant or deny [Variances](#) to the Design Standards of this Article as per Section 20-813(g);
- (3) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable state law.

**(c) Dedications or Vacations**

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The applicable Governing Bodies shall be responsible for accepting the [Dedication](#) or approving the [Vacation](#) of Rights-of-Way for [Public Streets](#), [Roads](#) and public [Easements](#).

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

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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).

Article 8 Subdivision Design and Improvements

Section 20-813 Administration and Enforcement

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- (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.

(e) **Building Permits in the City of Lawrence**

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No building permit shall be issued for any building or structure in the City of Lawrence unless the **Planning Director** finds that:

- (1) All **Public Improvements** required as a condition of approval of the **Final Plat** on which the **Lot** is shown have been completed or the **Subdivider** has provided security for the completion of such **Improvements**, in accordance with Section 20-811(h)(2);
- (2) A certification, signed by a licensed **Land Surveyor**, has been presented as proof of pinning for each of the **Lots** for which building permits are requested; and
- (3) There has been compliance with:
  - (i) All applicable Design Standards and Public Improvement requirements of this Article;
  - (ii) All applicable Review and Approval Procedures of Section 20-802; and
  - (iii) Any conditions of **Final Plat** approval.; or
- (4) The property is determined by the **Planning Director** to be a **Lot of Record** or a nonconforming **Lot** as defined in Section 20-1504 of the Land Development Code.

(f) **Appeals**

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- (1) From Decision of the **Planning Director**

Unless otherwise provided, a person aggrieved by a decision of the **Planning Director** under these **Subdivision Regulations** may appeal the decision to the Lawrence Board of Zoning Appeals in accordance with Section 20-1311 of the City Code or the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the County Code, as applicable. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other

written representation of the decision of the [Planning Director](#) which was reasonably available to the person aggrieved. An appeal not timely filed is barred.

(2) From Decision of the Douglas County Zoning and Codes Director

Unless otherwise provided, a person aggrieved by a decision of the [Douglas County Zoning & Codes Director](#) under these [Subdivision Regulations](#) may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the Douglas County [Zoning Regulations](#). Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the Zoning and Codes Director which was reasonably available to the person aggrieved. An appeal not timely filed is barred.

(3) From Decision of [Planning Commission](#)

A person aggrieved by a decision of the [Planning Commission](#) under these [Subdivision Regulations](#) may appeal the decision to the City Commission (in the case of a matter involving land in the City) or to the Board of County Commissioners (in the case of a matter involving land in an unincorporated part of the County). Such appeal shall be filed within 30 days of the date of the meeting of the [Planning Commission](#) at which the action appealed from was taken. An appeal not timely filed is barred.

(4) From Decision of [Governing Body](#)

A person aggrieved by a decision of the Board of County Commissioners or the Lawrence City Commission under these [Subdivision Regulations](#) may pursue any available cause of action in a court of competent jurisdiction, subject to the rules of civil procedure then in effect and subject to any limitations imposed by Kansas law.

**(g) Variances**

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In cases where there is hardship in carrying out the literal provisions of the Design Standards of these regulations (such as Design Standards for [Lot Width](#), [Lot area](#), [Block depth](#), etc.) or Public Improvement Standards of these regulations, the [Planning Commission](#) may grant a [Variance](#) from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) regarding wastewater disposal systems, the appropriate [Governing Body](#) may grant a [Variance](#) from such provisions.

(1) An application for a [Variance](#) shall be made to the [Planning Director](#). The [Planning Commission](#) shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a [Variance](#) from the provisions of the regulations.

(2) A [Variance](#) shall not be granted unless all of the following apply:

- (i) Strict application of these regulations will create an unnecessary hardship upon the [Subdivider](#);
- (ii) The proposed [Variance](#) is in harmony with the intended purpose of these regulations; and,
- (iii) The public health, safety and welfare will be protected.

**(h) Design Variances for Planned Development**

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When a [Plat](#) is presented which includes land for which a Planned Development plan has been approved, the [Planning Commission](#) may vary the Design Standards in these regulations as necessary to conform to such approved Preliminary and Final Development Plans.

**(i) Enforcement and Penalties**

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It shall be the duty of the [Douglas County Zoning & Codes Director](#), the City Codes Enforcement Manager, and the [Planning Director](#) to enforce the [Subdivision Regulations](#) of this Article.

**(j) Violations**

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The following shall constitute violations of these [Subdivision Regulations](#):

- (1) To submit for recording, any [Subdivision Plat](#), land division or other Development Plan that has not been approved in accordance with the procedures of these [Subdivision Regulations](#) or that does not qualify for an exemption under these [Subdivision Regulations](#);
- (2) To engage in the construction of a building or development or division of land, requiring one or more approvals under these [Subdivision Regulations](#) without obtaining all such required approvals;
- (3) To engage in the construction of a building or development or division of land, requiring one or more approvals under these [Subdivision Regulations](#) in any way inconsistent with any such approval or any conditions imposed thereon;
- (4) To violate the terms of any approval granted under these [Subdivision Regulations](#) or any condition imposed on such approval; or
- (5) To violate any lawful order issued by any person or entity under these [Subdivision Regulations](#).

**(k) Penalties; Remedies**

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The following penalties and remedies shall be available to the City and County in enforcing these [Subdivision Regulations](#):

- (1) The City or County may seek an injunction or other equitable relief in the District Court to stop any violation of these [Subdivision Regulations](#) or of a permit, certificate or other form of authorization granted hereunder.
- (2) The City or County may seek a Court order from the District Court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to

restore otherwise the premises in question to the condition in which they existed prior to the violation.

- (3) The City or County may seek such criminal or civil penalties as are provided by Kansas law, City or County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.
- (4) The City's Building Safety Manager or the [Douglas County Zoning & Codes Director](#) may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or [Improvements](#) thereon:
  - (i) Which has been divided or [Subdivided](#) other than in accordance with the requirements of these [Subdivision Regulations](#); or
  - (ii) On which there is an uncorrected violation of these [Subdivision Regulations](#).
- (5) Any permit or other form of authorization required under these [Subdivision Regulations](#) may be revoked by the City's Building Safety Manager, the [Douglas County Zoning & Codes Director](#), the [Planning Director](#), or by any City or County official with authority to issue such permit when the official determines:
  - (i) That there is departure from the plans, specifications, or conditions as required under terms of the [Subdivision](#) approval;
  - (ii) That the [Subdivision](#) approval was procured by false representation or was issued by mistake; or
  - (iii) That any of the provisions of these [Subdivision Regulations](#) are being violated.
- (6) Written notice of revocation shall be served upon the [Owner](#), the [Owner's Agent](#) or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.
- (7) Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of these [Subdivision Regulations](#), the City's Building Safety Manager or the [Douglas County Zoning & Codes Director](#) may order the work to be immediately stopped.
  - (i) The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
  - (ii) Violation of a stop-work order constitutes a misdemeanor.
- (8) Where a violation of these [Subdivision Regulations](#) involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the [Planning Commission](#) may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):
  - (i) Revoke the plan or other approval or
  - (ii) Condition its continuance on:
    - a. Strict compliance with these [Subdivision Regulations](#),
    - b. The provision of financial security to ensure that construction is completed in compliance with approved plans, or
    - c. Such other conditions as the city may reasonably impose.

- (iii) Any required financial security shall be in a form approved by the City or County, as applicable.