

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission

FROM: Joe Rexwinkle, Planning Staff

CC: Scott McCullough, Planning & Development Services Director
Sheila Stogsdill, Assistant Planning Director

Date: April 10, 2008

RE: Item 12: Proposed Mixed Use District – Specific Changes to Final Draft

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of TA-04-05-07, to create a mixed use zoning district, as revised, to the City Commission for approval.

On February 27, 2008, the Planning Commission voted 5-2 to defer the amendments to *Horizon 2020* and the Development Code until April and directed staff to make three specific revisions to the draft Development Code language. The specific changes requested were as follows:

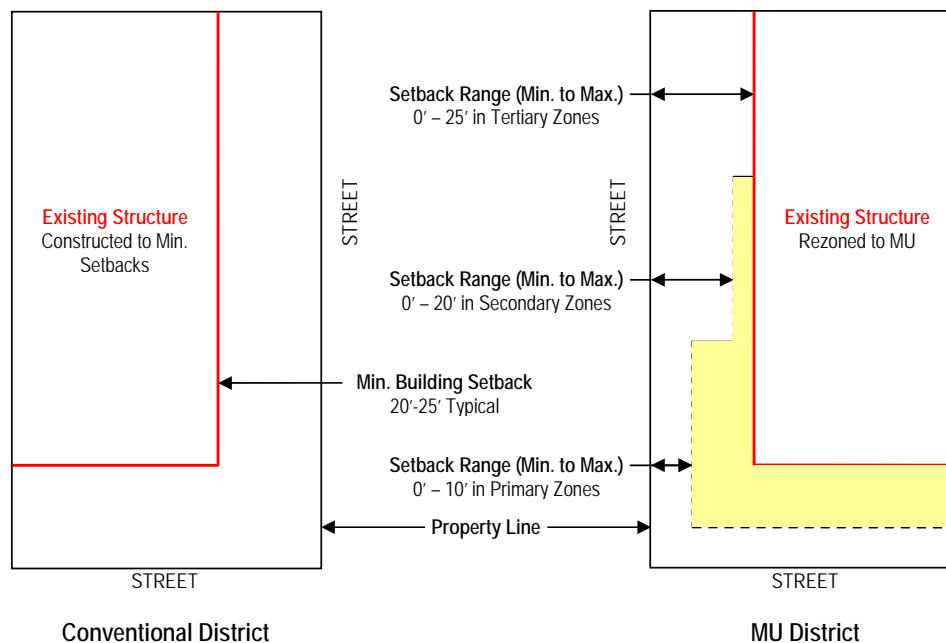
- 1) To revise Section 20-223(b)(1) as follows: "Within one-quarter mile of a Designated Transit ~~Stop~~ Route; and
- 2) To revise Section 20-223(b)(3) to provide a cross-reference to the downtown boundaries as described in Chapter 6 of *Horizon 2020*; and
- 3) To revise Section 20-403 to require a Special Use Permit for Brewpub uses in the MU District;

The previous draft language presented to the Planning Commission in February has been revised to incorporate the above-referenced changes and the previous draft of Articles 2 and 4 have been revised and attached for reference. Due to the requested change in terminology (see #1 above), an additional revision has been made to the defined term in Articles 11 and 17 to ensure consistency. This revision eliminates the term "Designated Transit Stop" and replaces it with "Designated Transit Route" and a new definition. The definition references both KU on Wheels and the Lawrence Transit System routes and is shown below. Route maps for both the Lawrence Transit System and KU on Wheels are attached.

<i>Designated Transit Stop</i>	<i>Any permanent bus stop shelter identified on the route map published by the Lawrence Transit System.</i>
<i>Designated Transit Route</i>	<i>Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.</i>

Consideration of Public Comment

The Commission also directed staff to consider the public comment received regarding the potential that existing structures, once rezoned to the MU District may be made nonconforming, particularly with regard to building setbacks. The MU District prescribes form standards applicable to building orientation, such as a minimum to maximum setback range. The concept of maximum setbacks is a break from convention because conventional zoning districts typically prescribe minimum setbacks whereas the MU District prescribes maximum setbacks in order to encourage development that is pedestrian-oriented with buildings constructed closer to the street and/or sidewalk. Since much of Lawrence's existing development was constructed under conventional zoning regulations with minimum setbacks applied, it's possible that existing structures proposed to be rezoned to MU may be made nonconforming as a result. An example is provided below which demonstrates the potential nonconformity (shaded area) resulting from an existing structure being rezoned to MU.



This resulting nonconforming situation is not unique to the MU District. For instance, a structure constructed to the minimum setbacks of an industrial district would be made nonconforming if rezoned to any commercial district because all industrial districts have

greater minimum setback requirements than any commercial district. There are also slight differences in the minimum setbacks amongst the various commercial districts. For instance, a structure constructed to the minimum setbacks of the CN2 or CO District (20 feet) would become nonconforming if rezoned to CC, CR or CS.

Proposal Received from Public

Staff met with a member of the public to discuss concerns related to an existing structure which is a candidate to be rezoned to MU. If rezoned, the structure may be made nonconforming and a representative of the potential applicant suggested the following language be added to the Section 20-223(f) of the final draft, as shown below:

(f) Development Standards

All new development or redevelopment constituting a [Major Development Project](#) shall comply with the General Development Standards for Mixed Use Districts (Sec. 20-1108). Structures, buildings and development existing at the time of rezoning to the Mixed Use District shall be allowed to remain. ~~An existing structure, even if destroyed by fire or nature shall be allowed to be reconstructed as it existed prior to being rezoned to the MU District.~~ The intensification of the use of property in the MU District that increases the off-street parking requirements shall not constitute a [Major Development Project](#).

Deleted: until a [Major Development Project](#) is requested

The representative for the applicant suggested that the revision proposed above would relieve the landowner from potential complications when refinancing the subject property.

Nonconforming Structure Provisions of the Development Code (Sec. 20-1503)

Section 20-1503 of the Development Code contains detailed provisions pertaining to nonconforming structures, regardless of zoning district.

- *Alternations or Expansions of Existing Nonconforming Structures* (Sec. 20-1503(b))
A nonconforming structure may be expanded so long as the expansion does not increase the extent of the nonconformity. Since the MU District contains a setback range with a maximum setback, a structural expansion would not constitute a violation and in fact, such an expansion may bring the structure into conformance if the expansion extends into the required setback range.
- *Abandonment or Voluntary Destruction* (Sec. 20-1503(e)(1))
In such cases, a nonconforming structure may lose nonconforming status and be reconstructed in conformance with the development standards of the applicable zoning district when:
 - 2) The owner intends to discontinue all uses in the structure;
 - 3) The structure is vacant for 12 or more months and the owner has not expressed a concerted effort to maintain a use;
 - 4) A demolition permit has been applied for;
 - 5) All equipment and furnishings have been removed from the structure and have not been replaced within 90 days unless facts show that the owner intends to resume the use;

- 6) A building permit has been obtained to reconstruct a damaged nonconforming structure within 12 months.
- *Damage or Destruction of a Nonconforming Structure (Sec. 20-1503(e)(2))*
A nonconforming structure may lose nonconforming status if it is damaged to the extent of more than 60% of its fair market value. If such occurs, the structure must be reconstructed in conformance with the development standards of the applicable zoning district.

The nonconforming structure provisions permit existing structures to remain and to be altered or expanded without being required to come into conformance of the standards of the MU District. These provisions also permit the change in use of the structure, so long as the structure does not remain vacant for more than a year. These provisions provide as much security and assurance to owners of MU-zoned property as they do owners of any other zoning district.

Other Potential Remedies in Nonconforming Situations

- *Board of Zoning Appeals*
As with a nonconforming structure in any other zoning district, the owner of a nonconforming structure in the MU District may seek a variance from the Board of Zoning Appeals to approve the existing conditions.
- *Designation of Development Zones*
An additional remedy is for the owner to consider carefully where they opt to designate development zones on the subject property. As can be seen in the figure provided in this memo, an existing structure may not be nonconforming in every development zone because each development zone prescribes different maximum setbacks.
- *Owner's Choice*
The owner is choosing to rezone her/his property to MU and is thus subjecting it to the standards of the district. Some owners may choose to apply to rezone to the MU District because the wide latitude of uses permitted in the district. The district is intended to permit this wide variety of uses in exchange for development which meets desirable form standards that promote walkability, transit use and efficient use of existing infrastructure among other things.

Staff Response to Suggested Proposal

The suggested proposal would be unique to the MU District and would negate the provisions pertaining to nonconforming structures of the Development Code and would require that the structure be reconstructed in conformance with the standards of the district only if the owner voluntarily redevelops the property. In staff's opinion, existing structures which may be made nonconforming as a result of being rezoned to MU should not be treated differently than existing nonconforming structures in other zoning districts.

Staff suggests the following language change to the Section 20-223(f) of the previous draft:

(f) Development Standards

~~Development~~ constituting a **Major Development Project** shall comply with the General Development Standards for Mixed Use Districts (Sec. 20-1108). **Any structure(s) which existed prior to being rezoned to the Mixed Use District may become nonconforming with regard to the Development Standards of Sec. 20-1108. Such structures, if involuntarily damaged or destroyed may be reconstructed as they existed if and only if the conditions of Section 20-1503(e)(2) are satisfied.** ▼ The following situations are exempt from the Development Standards of Section 20-1108:

Deleted: All new development or redevelopment

Deleted: Structures, buildings and development existing at the time of rezoning

- 1) Structures which existed prior to being rezoned to the Mixed Use District shall be allowed to remain **as developed** ~~until such structure is proposed to be demolished and redeveloped;~~
- 2) The intensification of the use of property in the MU District that increases the off-street parking requirements shall not constitute a **Major Development Project**.

Deleted: until a Major Development Project is requested

Deleted: .

The proposed language change (reflected in revised Article 2 attached) requires that all development constituting a Major Development Project shall be required to be constructed in conformance with the development standards of the MU District, unless specifically exempted. The exemptions proposed permit existing structures to remain as is and clearly state that such structures shall not be considered nonconforming and shall not be required to become conforming with the development standards until they are demolished and redeveloped.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of TA-04-05-07, to create a mixed use zoning district, as revised, to the City Commission.

Attachments

- KU on Wheels Route Map
- Lawrence Transit System Route Map
- Revised Article 2 of Final Draft Language
- Revised Article 4 of Final Draft Language

20-223 **MU, Mixed Use District**

(a) Purpose

The MU, Mixed Use District, is primarily intended to permit a variety of land uses together in one or more Structures on a site including governmental, retail, office, public and community facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. Retail and service uses that attract and generate foot traffic are encouraged to be located at ground level along the Public Frontage. Development in the Mixed Use District shall include both residential and nonresidential uses.

(b) Where Appropriate

The Mixed Use District zoning classification may not be appropriate in all areas of the City of Lawrence. To be eligible for rezoning to the Mixed Use District, a site proposed for Mixed-Use development shall be:

- (1) Within one-quarter of a mile of Designated Transit Route; and
- (2) Near or adjacent to the intersection of Arterial Streets as per the adopted Major Thoroughfares Map; or
- (3) Within one-quarter of a mile of university campuses; or
- (4) Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of *Horizon 2020*;
- (5) Immediately adjacent to public parks or open space; or
- (6) An existing nonresidential development proposed for redevelopment.

(c) Compatibility

Mixed-Use developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Compatibility is best achieved through a transition in building form, scale and intensity rather than through uses, peripheral buffers or landscaping. In furtherance of this purpose, development zones shall be designated on the property proposed for the Mixed-Use development. Such zones shall be designated to govern the permitted density, building height and building scale and to assure compatibility between the proposed development and surrounding existing development.

(d) Development Zones

Development zones govern permitted density on the site as well as building height, scale and form. The three development zones are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. In cases where a rezoning to the MU District is proposed for a site which is surrounded by existing detached residential development, a Tertiary Development Zone shall be required to be designated adjacent to such existing development in order to ensure compatibility of height, scale and form.

(1) Primary Development Zone

The Primary Development Zone is that area of land within a Mixed-Use development which is designated for the most intense development allowed by

Article 2 – Revised April 10, 2008
Revised Sections Highlighted

the District. **Primary Development Zones** shall contain **Vertical Mixed Use Structures** with a mixture of both residential and nonresidential uses and no interruption of **Building Frontage** along the **Public Frontage**. Where a **Primary Development Zone** enfronts upon a **Public Frontage**, such area shall be designated as **Primary Public Frontage**. A **Primary Public Frontage** shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of structures in the **Primary Development Zone**.

(2) Secondary Development Zone

The **Secondary Development Zone** is that area of land within a **Mixed-Use** development which is designated for less-intense development, relative to that permitted by a **Primary Development Zone**. **Secondary Development Zones** may contain **Vertical Mixed Use Structures**, **Horizontal Mixed Use Structures** or single-use structures with interruption of building frontage along the **Public Frontage** allowed only for access to parking areas, for alleys or service lanes. Where a **Secondary Development Zone** enfronts a **Public Frontage** such area shall be designated as **Secondary Public Frontage**. A **Secondary Public Frontage** shall be designed to accommodate moderate amounts of pedestrian traffic, and if planned, vehicular access to parking areas and service lanes in a manner that minimizes pedestrian-vehicular conflict. **Secondary Development Zones** may contain both nonresidential ground-level uses as well as ground level residential uses.

(3) Tertiary Development Zone

The **Tertiary Development Zone** is that area of land within a **Mixed-Use** development which is designated for the least-intense development, relative to that permitted in the other zones. **Tertiary Development Zones** shall permit a development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two-story detached residential dwellings across the street from existing structures which are of the same form, etc.). Nonresidential uses shall only be permitted in a **Tertiary Development Zone** if the existing surrounding development contains such nonresidential uses. A **Tertiary Development Zone** shall only permit a residential use type which exists in surrounding development.

(e) Designation of Development Zones

The applicant for any rezoning to the MU District shall propose development zones for the entire site proposed to be rezoned. The proposed designation shall be included with the application for rezoning. No application for rezoning to the MU District shall be considered complete and sufficient without this information. The proposed designation shall include, at a minimum, the following information:

- (1)** A plan or graphic representation depicting the location and arrangement of each proposed development zone for the entire site proposed to be rezoned. The plan or graphic shall include the following:

Article 2 – Revised April 10, 2008
Revised Sections Highlighted

- (i) A general location map showing the subject property's location;
 - (ii) Existing and proposed lot lines on the subject property;
 - (iii) Existing and proposed rights-of-ways of the subject property;
 - (iv) The existing zoning and land use of the subject property;
 - (v) The existing zoning and land use of surrounding properties;
 - (vi) The height and floor area footprint of individual structures in surrounding existing development;
 - (vii) The building form (i.e. Vertical Mixed Use Structure, Horizontal Mixed Use Structure, Attached Structure or Detached Structure) of surrounding existing development;
- (2) A written narrative describing how each development zone proposed is compatible with surrounding existing development in terms of building height, building form, and land use.

(f) Development Standards

Development constituting a Major Development Project shall comply with the General Development Standards for Mixed Use Districts (Sec. 20-1108). Any structure(s) which existed prior to being rezoned to the Mixed Use District may become nonconforming with regard to the Development Standards of Sec. 20-1108. Such structures, if involuntarily damaged or destroyed may be reconstructed as they existed if and only if the conditions of Section 20-1503(e)(2) are satisfied. The following situations are exempt from the Development Standards of Section 20-1108:

- (1) Structures which existed prior to being rezoned to the Mixed Use District shall be allowed to remain as developed until such structure is proposed to be demolished and redeveloped;
- (2) The intensification of the use of property in the MU District that increases the off-street parking requirements shall not constitute a Major Development Project.

(g) Principal Uses

Principal Uses are allowed in MU District in accordance with the Use Table of Article 4.

(h) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Article 5.

(i) Density and Dimensional Standards

Unless expressly stated below, all development in the MU District shall comply with the Density and Dimensional Standards of Article 6. The following additional Density and Dimensional Standards shall apply in the MU District:

(1) Site Requirements

Article 2 – Revised April 10, 2008

Revised Sections Highlighted

Development sites between 20,000 square feet and 20 acres in area are permitted in the MU District. For **Mixed-Use** developments on sites greater than 20 acres in area, see Section 20-701(f) Planned Developments.

(2) Lot Requirements

All lots in the MU District shall be a minimum of 3,000 square feet.

(j) Pedestrian and Vehicular Access

In areas designated as the **Primary Public Frontage**, vehicular **Access** to individual **Lots** may be permitted only from a public **Alley**. In areas designated as **Secondary Public Frontage** or **Tertiary Public Frontage**, vehicular **Access** may be permitted from the **Alley** or **Street**. Pedestrian access shall be permitted from the **Street**, public **Alley** or pathway.

(k) Other Regulations

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

(1) General Development Standards

Specific standards apply to Mixed-Use Developments. See Article 11.

(2) Landscaping

Specific standards apply to Mixed-Use Developments. See Article 10.

(3) Off-Street Parking and Loading

Specific standards apply to Mixed-Use Developments. See Articles 9 & 11.

(4) Outdoor Lighting

Specific standards apply to Mixed Use Developments. See Sec. 20-1103.

(5) Overlay Districts

See Article 3.

Article 4

20-403

Nonresidential District Use Table

KEY: A = Accessory P = Permitted S = Special Use

* = Standard Applies – Use not allowed

CN1

CN2

MU

CO

CD

CC

CR

CS

IBP

IL

IG

Use Specific Standard

RESIDENTIAL

Accessory Dwelling

Attached Dwelling

Cluster Dwelling

Detached Dwelling

Duplex

Manufactured Home

Manufactured Home, Residential-Design

Mobile Home

Mobile Home Park

Multi-Dwelling Structure

Non-Ground Floor Dwelling

Work/Live Unit

Zero Lot Line Dwelling

Home Occupation, Type A or B

P*

P*

--

P*

P*

-

P*

-

-

P*

P*/S*

P*

P*

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

P*

P*

P

P

P

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

Retail Sales & Service	Communications	–	P	<i>P</i>	P	P	P	P	P	P	–		
	Construction Sales and Service	–	–	–	–	–	P	P	P	S	P	P	
	Food and Beverage	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*	–	20-511
	Mixed Media Store	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*		20-516 & 20-528
	Personal Convenience	P*	P*	<i>P*</i>	–	P*	P*	P*	P*	P*	P*	–	20-520
	Personal Improvement	P*	P*	<i>P*</i>	–	P*	P*	P*	P*	P*	P*	–	20-521
	Repair Service, Consumer	P*	P*	<i>P*</i>	–	P*	P*	P*	P*	P*	P*	–	20-523
	Retail Sales, General	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*	–	20-525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	20-526
	Retail Establishment, Medium	–	P*	<i>P*</i>	–	P*	P*	P*	P*	–	–	–	20-526
	Retail Establishment, Specialty	–	P*	<i>P*</i>	–	P*	P*	P*	P*	–	–	–	20-526
Sexually Oriented Business	Sexually Oriented Media Store	–	–	–	–	–	–	–	–	–	–	–	20-528
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	20-528
	Sex Shop	–	–	–	–	–	P*	P*	P*	–	–	–	20-528
	Sexually Oriented Theater	–	–	–	–	–	P*	P*	P*	–	–	–	20-528
Transient Accommodation	Bed and Breakfast	P*	–	<i>P*</i>	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	
	Hotel, Motel, Extended Stay	–	–	<i>P</i>	–	P	P	P	P	–	–	–	
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	–	S	–	–	–	P	P	P	P	P	P	
	Fleet Storage	–	–	–	–	–	P	P	P	P	P	P	
	Gas and Fuel Sales	–	S	<i>S</i>	–	–	P	P	P	P	P	P	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	P	P	P	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	P	P	P	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	P	P	P	
	Light Equipment Repair	–	S	–	–	S	P	P	P	P	P	P	
	Light Equipment Sales/Rental	–	–	–	–	S	P	P	P	P	P	P	
	RV and Boats Storage	–	–	–	–	–	P	P	P	P	P	P	
INDUSTRIAL													
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	P	
	Industrial, General	–	–	–	–	–	–	–	–	S	P	P	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	P	
	Laundry Service	–	–	–	–	–	P	P	P	P	P	P	
	Manufacturing & Production, Ltd.	–	–	<i>P</i>	–	S	S	S	S	P	P	P	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	S*	20-527
Wholesale, Storage, & Distribution	Heavy	–	–	–	–	–	S	S	S	S	S	P	
	Light	–	–	–	–	–	P	P	P	P	P	P	
	Mini-Warehouse	–	–	–	–	–	P	P	P	P	P	P	
OTHER													
Adaptive Reuse	Designated Historic Property	S*	S*	<i>S*</i>	S*	S*	S*	S*	S*	S*	S*	S*	20-501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	P	
	Agriculture, Animal Husbandry	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	<i>P</i>	P	–	P	P	P	P	P	P	
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	<i>A*</i>	A*	A*	A*	A*	A*	A*	A*	A*	20-536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	
	Communications Service Establishment	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*	P*	20-506
	Telecommunications Facilities:												
Mining	Telecommunications Antenna	A*	A*	<i>A*</i>	A*	S*	A*	A*	A*	A*	A*	A*	20-529
	Telecommunications Tower	S*	S*	<i>S*</i>	S*	S*	S*	S*	S*	S*	S*	S*	20-529
	Satellite Dish	A*	A*	<i>A*</i>	A*	A*	A*	A*	A*	A*	A*	A*	20-536
Mining	Mining	–	–	–	–	–	–	–	–	–	–	S*	20-515
Recycling Facilities	Large Collection	–	–	–	–	–	P	P	P	P	P	P	
	Small Collection	P	P	<i>P*</i>	P	P	P	P	P	P	P	P	
	Processing Center	–	–	–	–	–	–	–	–	–	P	P	



	Westbound			Eastbound		
	Depart 9th & Mass	6th & Maine	8th & Kasold	Arrive Free State Aquatic Center	Depart Free State Aquatic Center	Root Billings Pkwy & Iowa
AM	6:03	6:08	6:12	6:18	6:21	6:32
	6:43	6:48	6:52	6:58	7:01	7:12
	7:23	7:28	7:32	7:38	7:41	7:52
	8:03	8:08	8:12	8:18	8:21	8:32
	8:43	8:48	8:52	8:58	9:01	9:12
	9:23	9:28	9:32	9:38	9:41	9:52
	10:03	10:08	10:12	10:18	10:21	10:32
	10:43	10:48	10:52	10:58	11:01	11:12
	11:23	11:28	11:32	11:38	11:41	11:52
PM	12:03	12:08	12:12	12:18	12:21	12:32
	12:43	12:48	12:52	12:58	1:01	1:12
	1:23	1:28	1:32	1:38	1:41	1:52
	2:03	2:08	2:12	2:18	2:21	2:32
	2:43	2:48	2:52	2:58	3:01	3:12
	3:23	3:28	3:32	3:38	3:41	3:52
	4:03	4:08	4:12	4:18	4:21	4:32
	4:43	4:48	4:52	4:58	5:01	5:12
	5:23	5:28	5:32	5:38	5:41	5:52
	6:03	6:08	6:12	6:18	6:21	6:32
	6:43	6:48	6:52	6:58	7:01	7:12
	7:23	7:28	7:32	7:38	7:41	7:52
						8:00

	Westbound			Eastbound			
	Depart 9th & Mass	Bob Billings Plwy & Iowa	Arrive Free State Aquatic Center	Depart Free State Aquatic Center	6th & Kasold	6th & Maine	Arrive 9th & Mass
AM	6:03	6:11	6:22	6:25	6:30	6:35	6:40
	6:43	6:51	7:02	7:05	7:10	7:15	7:20
	7:23	7:31	7:42	7:45	7:50	7:55	8:00
	8:03	8:11	8:22	8:25	8:30	8:35	8:40
	8:43	8:51	9:02	9:05	9:10	9:15	9:20
	9:23	9:31	9:42	9:45	9:50	9:55	10:00
	10:03	10:11	10:22	10:25	10:30	10:35	10:40
	10:43	10:51	11:02	11:05	11:10	11:15	11:20
	11:23	11:31	11:42	11:45	11:50	11:55	12:00
	12:03	12:11	12:22	12:25	12:30	12:35	12:40
PM	12:43	12:51	1:02	1:05	1:10	1:15	1:20
	1:23	1:31	1:42	1:45	1:50	1:55	2:00
	2:03	2:11	2:22	2:25	2:30	2:35	2:40
	2:43	2:51	3:02	3:05	3:10	3:15	3:20
	3:23	3:31	3:42	3:45	3:50	3:55	4:00
	4:03	4:11	4:22	4:25	4:30	4:35	4:40
	4:43	4:51	5:02	5:05	5:10	5:15	5:20
	5:23	5:31	5:42	5:45	5:50	5:55	6:00
	6:03	6:11	6:22	6:25	6:30	6:35	6:40
	6:43	6:51	7:02	7:05	7:10	7:15	7:20
	7:23	7:31	7:42	7:45	7:50	7:55	8:00

	Eastbound										Westbound									
	Depart 27th & Scottsdale to 8 North	Arrive 31st & Iowa to 8 North	Depart 31st & Iowa to 8 North	23rd & Quadahill from 8 South	23rd & Louisiana to 1 from 7 North	HNU to 2 North	23rd & Harper to 1 from 1 South	Arrive East Hills Business Park	Depart East Hills Business Park	23rd & Louisiana to 1 from 1 North	HNU from 2 South	23rd & Louisiana from 7 South	23rd & Quadahill to 8 North	Arrive 31st & Iowa to 1 from 7 South	Depart 31st & Iowa from 8 South	Arrive 27th & Scottsdale				
AM	6:00	6:12	6:16	6:25	6:28	6:31	6:36	6:40	6:42	6:47	6:52	6:55	6:58	7:06	7:09	7:20				
	6:40	6:52	6:56	7:05	7:08	7:11	7:16	7:20	7:22	7:27	7:32	7:35	7:38	7:46	7:49	8:00				
	7:20	7:32	7:36	7:45	7:48	7:51	7:56	8:00	8:02	8:07	8:12	8:15	8:18	8:26	8:29	8:40				
	8:00	8:12	8:16	8:25	8:28	8:31	8:36	8:40	8:42	8:47	8:52	8:55	8:58	9:06	9:09	9:20				
	8:40	8:52	8:56	9:05	9:08	9:11	9:16	9:20	9:22	9:27	9:32	9:35	9:38	9:46	9:49	10:00				
	9:20	9:32	9:36	9:45	9:48	9:51	9:56	10:00	10:02	10:07	10:12	10:15	10:18	10:26	10:29	10:40				
	10:00	10:12	10:16	10:25	10:28	10:31	10:36	10:40	10:42	10:47	10:52	10:55	10:58	11:06	11:09	11:20				
	10:40	10:52	10:56	11:05	11:08	11:11	11:16	11:20	11:22	11:27	11:32	11:35	11:38	11:46	11:49	12:00				
	11:20	11:32	11:36	11:45	11:48	11:51	11:56	12:00	12:02	12:07	12:12	12:15	12:18	12:26	12:29	12:40				
	12:00	12:12	12:16	12:25	12:28	12:31	12:36	12:40	12:42	12:47	12:52	12:55	12:58	1:06	1:09	1:20				
	12:40	12:52	12:56	1:05	1:08	1:11	1:16	1:20	1:22	1:27	1:32	1:35	1:38	1:46	1:49	2:00				
	1:20	1:32	1:36	1:45	1:48	1:51	1:56	2:00	2:02	2:07	2:12	2:15	2:18	2:26	2:29	2:40				
	2:00	2:12	2:16	2:25	2:28	2:31	2:36	2:40	2:42	2:47	2:52	2:55	2:58	3:06	3:09	3:20				
	2:40	2:52	2:56	3:05	3:08	3:11	3:16	3:20	3:22	3:27	3:32	3:35	3:38	3:46	3:49	4:00				
	3:20	3:32	3:36	3:45	3:48	3:51	3:56	4:00	4:02	4:07	4:12	4:15	4:18	4:26	4:29	4:40				
	4:00	4:12	4:16	4:25	4:28	4:31	4:36	4:40	4:42	4:47	4:52	4:55	4:58	5:06	5:09	5:20				
	4:40	4:52	4:56	5:05	5:08	5:11	5:16	5:20	5:22	5:27	5:32	5:35	5:38	5:46	5:49	6:00				
	5:20	5:32	5:36	5:45	5:48	5:51	5:56	6:00	6:02	6:07	6:12	6:15	6:18	6:26	6:29	6:40				
	6:00	6:12	6:16	6:25	6:28	6:31	6:36	6:40	6:42	6:47	6:52	6:55	6:58	7:06	7:09	7:20				
	6:40	6:52	6:56	7:05	7:08	7:11	7:16	7:20	7:22	7:27	7:32	7:35	7:38	7:46	7:49	8:00				
	7:20	7:32	7:36	7:45	7:48	7:51	7:56	8:00												

	Northbound			Southbound		
	Depart 9th & Mass	Hospital	Iowa & Lakeview	Hospital	Arrive 9th & Mass	Continue as Rt. 2 to HINU
AM	6:24	6:30	6:40	6:13	6:20	
	7:04	7:10	7:20	6:53	7:00	
	7:44	7:50	8:00	8:13	8:20	
	8:24	8:30	8:40	8:53	9:00	
	9:04	9:10	9:20	9:33	9:40	
	9:44	9:50	10:00	10:13	10:20	
	10:24	10:30	10:40	10:53	11:00	
	11:04	11:10	11:20	11:33	11:40	
	11:44	11:50	12:00	12:13	12:20	
PM	12:24	12:30	12:40	12:53	1:00	
	1:04	1:10	1:20	1:33	1:40	
	1:44	1:50	2:00	2:13	2:20	
	2:24	2:30	2:40	2:53	3:00	
	3:04	3:10	3:20	3:33	3:40	
	3:44	3:50	4:00	4:13	4:20	
	4:24	4:30	4:40	4:53	5:00	
	5:04	5:10	5:20	5:33	5:40	
	5:44	5:50	6:00	6:13	6:20	
	6:24	6:30	6:40	6:53	7:00	
	7:04	7:10	7:20	7:33	7:40	
	7:44	7:50	8:00			

Route 3 bus continues as Route 2 bus
See Route 2 - HINU/Downtown

		Northbound				Southbound				
		Depart 9th & Mass	2nd & Locust	7th & Lyon	Arrive 17th Business Center	Depart 17th Business Center	7th & Lyon	2nd & Locust	Arrive 9th & Mass	Continues as Rt. to Prairie
AM	6:24	6:30	6:34	6:40	6:02	6:09	6:13	6:20		
	7:04	7:10	7:14	7:20	7:22	7:29	7:33	7:40		
	7:44	7:50	7:54	8:00	8:02	8:09	8:13	8:20		
	8:24	8:30	8:34	8:40	8:42	8:49	8:53	9:00		
	9:04	9:10	9:14	9:20	9:22	9:29	9:33	9:40		
PM	9:44	9:50	9:54	10:00	10:02	10:09	10:13	10:20		
	10:24	10:30	10:34	10:40	10:42	10:49	10:53	11:00		
	11:04	11:10	11:14	11:20	11:22	11:29	11:33	11:40		
	11:44	11:50	11:54	12:00	12:02	12:09	12:13	12:20		
	12:24	12:30	12:34	12:40	12:42	12:49	12:53	1:00		
	1:04	1:10	1:14	1:20	1:22	1:29	1:33	1:40		
	1:44	1:50	1:54	2:00	2:02	2:09	2:13	2:20		
	2:24	2:30	2:34	2:40	2:42	2:49	2:53	3:00		
	3:04	3:10	3:14	3:20	3:22	3:29	3:33	3:40		
	3:44	3:50	3:54	4:00	4:02	4:09	4:13	4:20		
4:24	4:30	4:34	4:40	4:42	4:49	4:53	5:00			
5:04	5:10	5:14	5:20	5:22	5:29	5:33	5:40			
5:44	5:50	5:54	6:00	6:02	6:09	6:13	6:20			
6:24	6:30	6:34	6:40	6:42	6:49	6:53	7:00			
7:04	7:10	7:14	7:20	7:22	7:29	7:33	7:40			
7:44	7:50	7:54	8:00							

Route 4 bus continues as Route 1 bus
See Route 1 - Prairie Park/Downtown

	Southbound				Northbound			
	Depart 9th & Mass	19th & Haskell	23rd & Harper to & from 5 East	Prairie Park Nature Center	23rd & Harper to & from 5 West	19th & Haskell	Arrive 9th & Mass	Continues as Rt. 4 to I-70 Business Center
AM								
	6:24	6:32	6:36	6:40	6:07	6:11	6:20	
	7:04	7:12	7:16	7:20	6:47	6:51	7:00	
	7:44	7:52	7:56	8:00	8:07	8:11	8:20	
	8:24	8:32	8:36	8:40	8:47	8:51	9:00	
	9:04	9:12	9:16	9:20	9:27	9:31	9:40	
	9:44	9:52	9:56	10:00	10:07	10:11	10:20	
	10:24	10:32	10:36	10:40	10:47	10:51	11:00	
	11:04	11:12	11:16	11:20	11:27	11:31	11:40	
	11:44	11:52	11:56	12:00	12:07	12:11	12:20	
PM	12:24	12:32	12:36	12:40	12:47	12:51	1:00	
	1:04	1:12	1:16	1:20	1:27	1:31	1:40	
	1:44	1:52	1:56	2:00	2:07	2:11	2:20	
	2:24	2:32	2:36	2:40	2:47	2:51	3:00	
	3:04	3:12	3:16	3:20	3:27	3:31	3:40	
	3:44	3:52	3:56	4:00	4:07	4:11	4:20	
	4:24	4:32	4:36	4:40	4:47	4:51	5:00	
	5:04	5:12	5:16	5:20	5:27	5:31	5:40	
	5:44	5:52	5:56	6:00	6:07	6:11	6:20	
	6:24	6:32	6:36	6:40	6:47	6:51	7:00	
	7:04	7:12	7:16	7:20	7:27	7:31	7:40	
	7:44	7:52	7:56	8:00				

Route 1 bus continues as Route 4 bus
See Route 4 - North Lawrence/Downtown

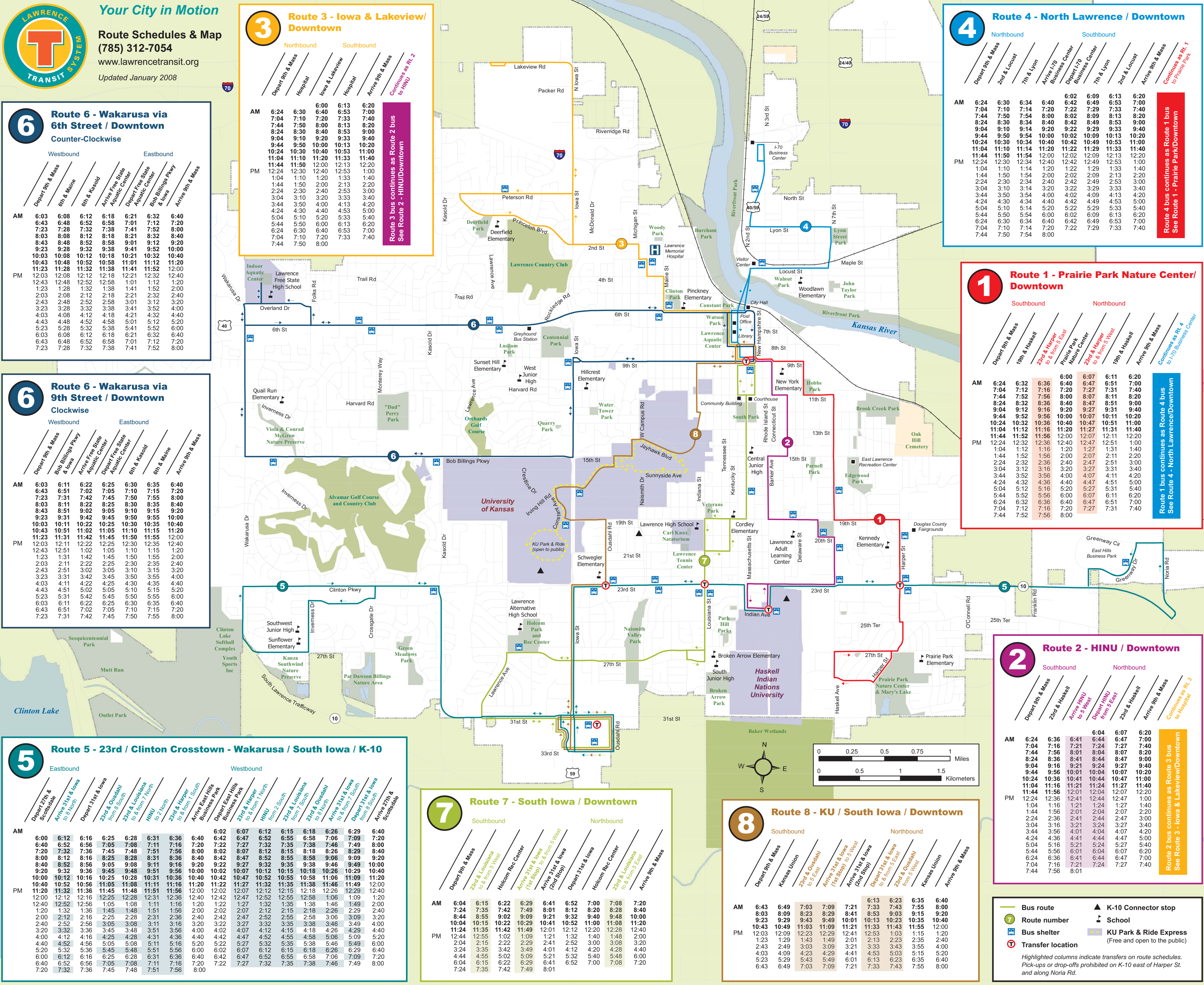
Southbound			Northbound		
Depart 6th & Mass	2nd & Haskell	Arrive HWY to 5 West	Depart HWY from 5 East	2nd & Haskell	Arrive 6th & Mass
			6:04	6:07	6:20
AM 6:24	6:36	6:41	6:44	6:47	7:00
7:04	7:16	7:21	7:24	7:27	7:40
7:44	7:56	8:01	8:04	8:07	8:20
8:24	8:36	8:41	8:44	8:47	9:00
9:04	9:16	9:21	9:24	9:27	9:40
9:44	9:56	10:01	10:04	10:07	10:20
10:24	10:36	10:41	10:44	10:47	11:00
11:04	11:16	11:21	11:24	11:27	11:40
11:44	11:56	12:01	12:04	12:07	12:20
PM 12:24	12:36	12:41	12:44	12:47	1:00
1:04	1:16	1:21	1:24	1:27	1:40
1:44	1:56	2:01	2:04	2:07	2:20
2:24	2:36	2:41	2:44	2:47	3:00
3:04	3:16	3:21	3:24	3:27	3:40
3:44	3:56	4:01	4:04	4:07	4:20
4:24	4:36	4:41	4:44	4:47	5:00
5:04	5:16	5:21	5:24	5:27	5:40
5:44	5:56	6:01	6:04	6:07	6:20
6:24	6:36	6:41	6:44	6:47	7:00
7:04	7:16	7:21	7:24	7:27	7:40

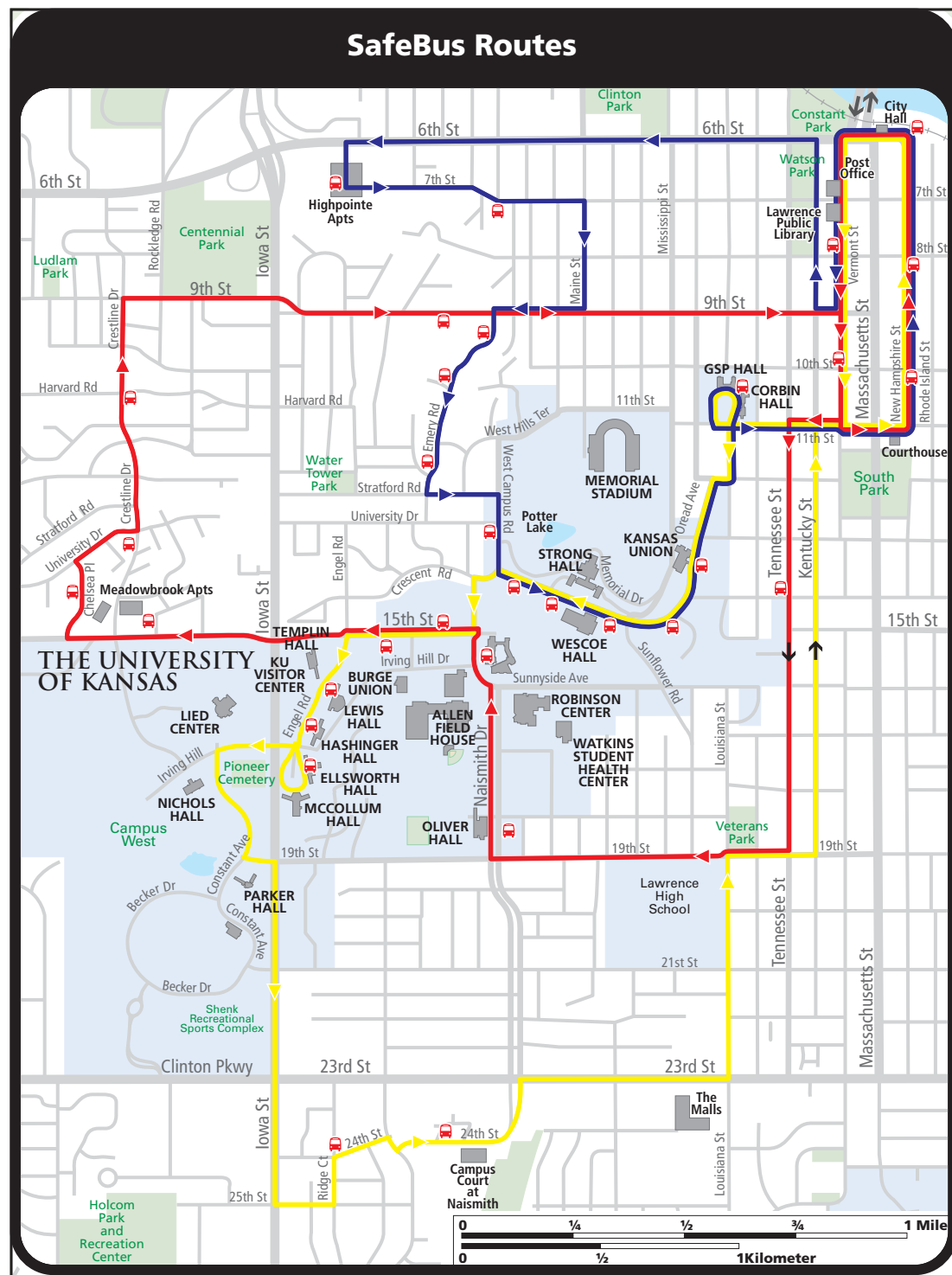
Route 2 bus continues as Route 3 bus

See Route 3 - Iowa & Lakeview/Downtown

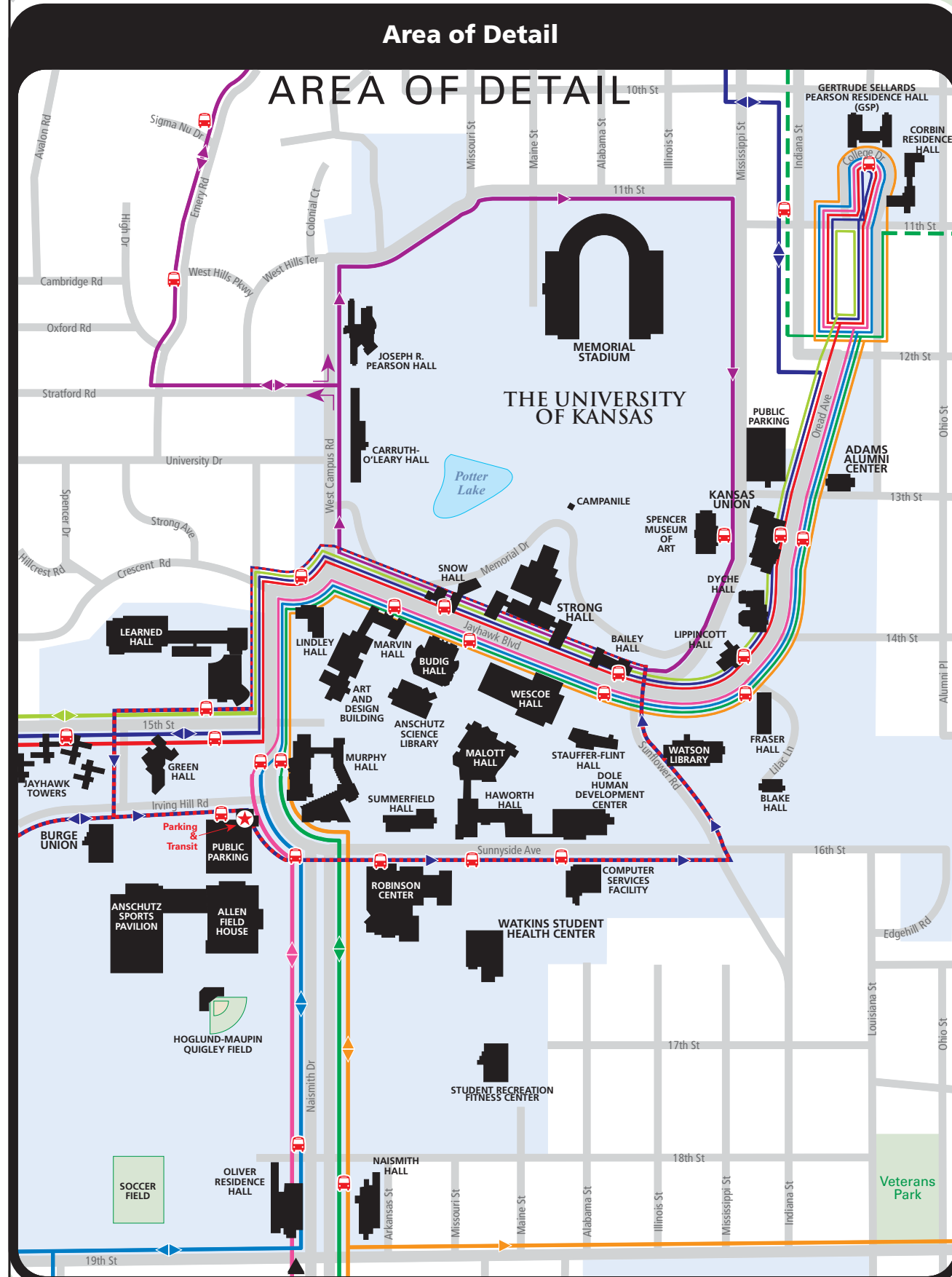
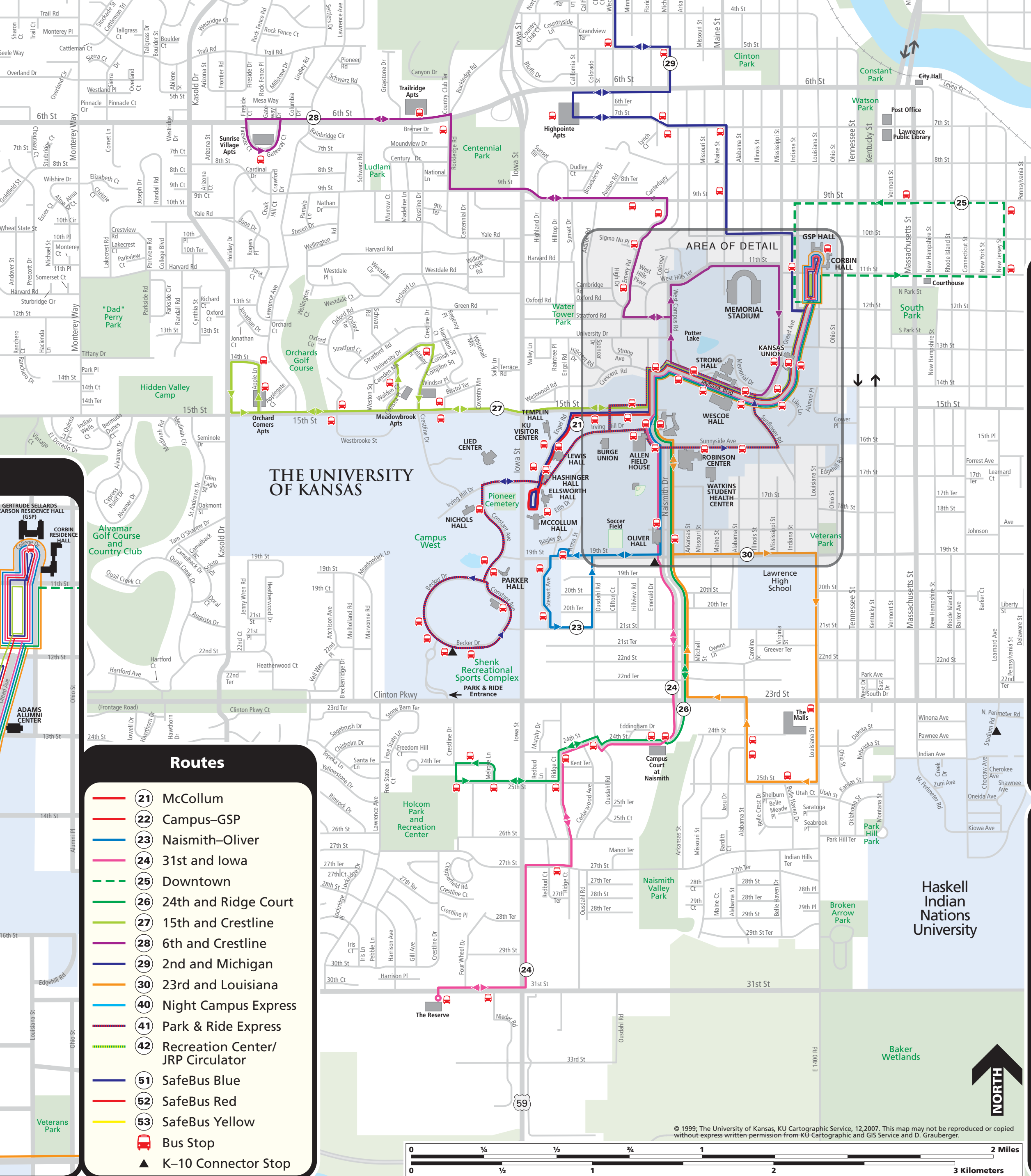
	Southbound					Northbound				
	Depart 9th & Mass	22nd & Louisiana to & from 5 West	Holcom Rec Center	Arrive 31st & Iowa (1st Stop)	Arrive 31st & Iowa (2nd Stop)	Depart 31st & Iowa	Holcom Rec Center	22nd & Louisiana to & from 5 East	Arrive 9th & Mass	
AM	6:04	6:15	6:22	6:29	6:41	6:52	7:00	7:08	7:20	
	7:24	7:35	7:42	7:49	8:01	8:12	8:20	8:28	8:40	
	8:44	8:55	9:02	9:09	9:21	9:32	9:40	9:48	10:00	
	10:04	10:15	10:22	10:29	10:41	10:52	11:00	11:08	11:20	
	11:24	11:35	11:42	11:49	12:01	12:12	12:20	12:28	12:40	
PM	12:44	12:55	1:02	1:09	1:21	1:32	1:40	1:48	2:00	
	2:04	2:15	2:22	2:29	2:41	2:52	3:00	3:08	3:20	
	3:24	3:35	3:42	3:49	4:01	4:12	4:20	4:28	4:40	
	4:44	4:55	5:02	5:09	5:21	5:32	5:40	5:48	6:00	
	6:04	6:15	6:22	6:29	6:41	6:52	7:00	7:08	7:20	
	7:24	7:35	7:42	7:49	8:01					

	Southbound					Northbound				
	Depart 9th & Mass	Kansas Union	23rd & Quindahl to 5 th East	Arrive 31st & Iowa (1st Stop)	Arrive 31st & Iowa (2nd Stop)	Depart 31st & Iowa to 8 th from 5 th East	23rd & Quindahl from 5 th West	Kansas Union	Arrive 9th & Mass	
AM	6:43	6:49	7:03	7:09	7:21	6:13	6:23	6:35	6:40	
	8:03	8:09	8:23	8:29	8:41	7:33	7:43	7:55	8:00	
	9:23	9:29	9:43	9:49	10:01	10:13	10:23	10:35	10:40	
	10:43	10:49	11:03	11:09	11:21	11:13	11:43	11:55	12:00	
PM	12:03	12:09	12:23	12:29	12:41	12:53	1:03	1:15	1:20	
	1:23	1:29	1:43	1:49	2:01	2:13	2:23	2:35	2:40	
	2:43	2:49	3:03	3:09	3:21	3:33	3:43	3:55	4:00	
	4:03	4:09	4:23	4:29	4:41	4:53	5:03	5:15	5:20	
	5:23	5:29	5:43	5:49	6:01	6:13	6:23	6:35	6:40	
	6:43	6:49	7:03	7:09	7:21	7:33	7:43	7:55	8:00	

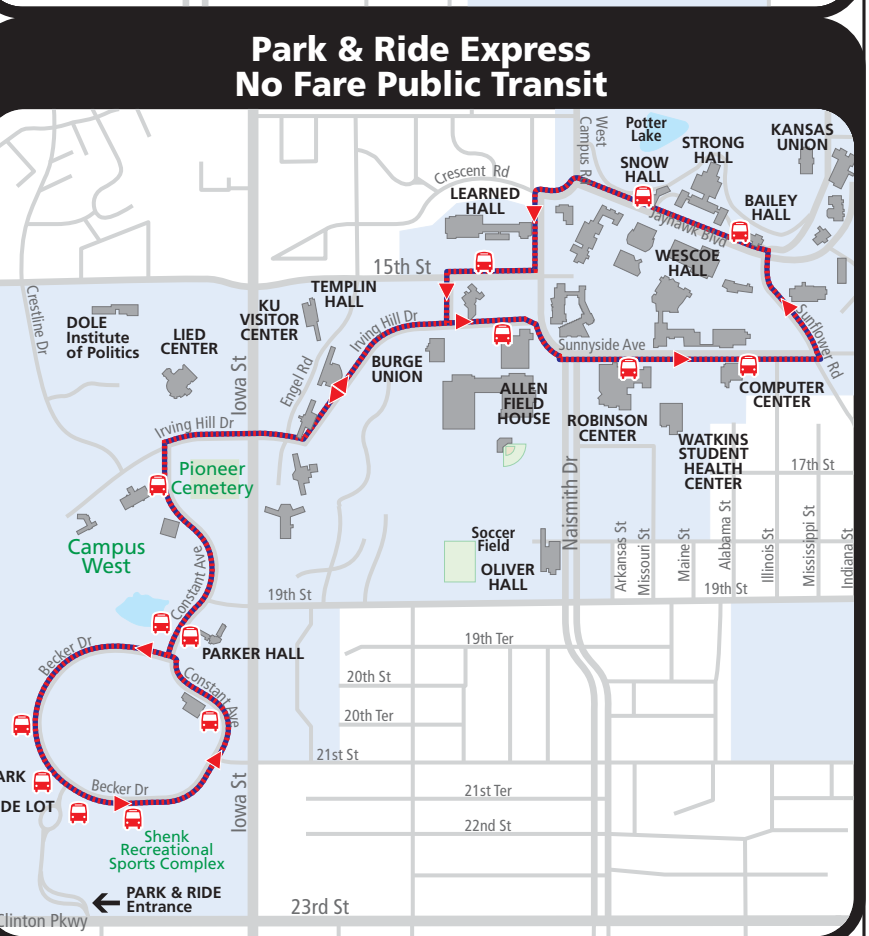
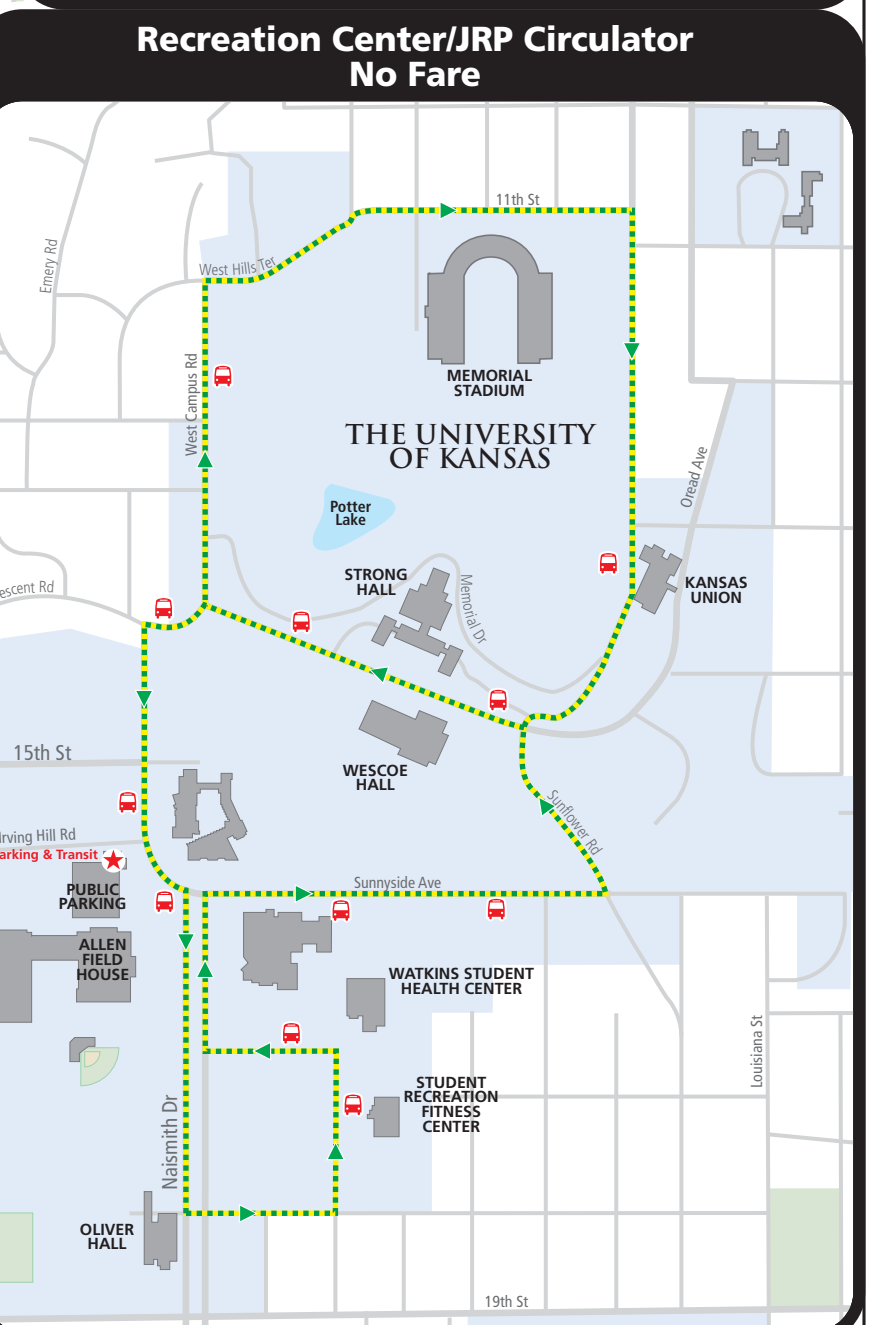
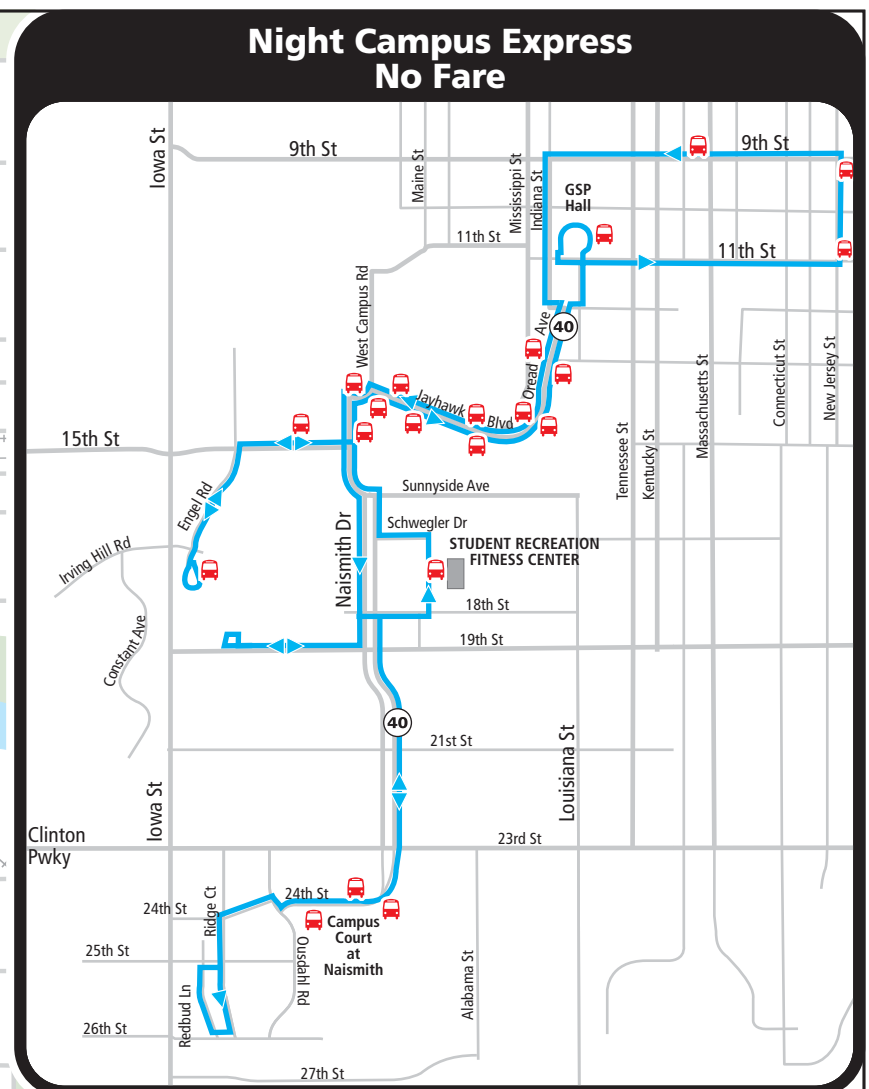




KU ON WHEELS BUS ROUTES



- ### Routes
- 21 McCollum
 - 22 Campus-GSP
 - 23 Naismith-Oliver
 - 24 31st and Iowa
 - 25 Downtown
 - 26 24th and Ridge Court
 - 27 15th and Crestline
 - 28 6th and Crestline
 - 29 2nd and Michigan
 - 30 23rd and Louisiana
 - 40 Night Campus Express
 - 41 Park & Ride Express
 - 42 Recreation Center/JRP Circulator
 - 51 SafeBus Blue
 - 52 SafeBus Red
 - 53 SafeBus Yellow
 - Bus Stop
 - K-10 Connector Stop



PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report
02/27/08

ITEM NO. 13: ADOPTION OF A MIXED USE ZONING DISTRICT (JCR)

TA-04-05-07: Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation to the City Commission to adopt a mixed use zoning district for the City of Lawrence, Kansas. The proposed mixed use district is a new zoning district to be added to the City's Development Code.

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation for approval of the proposed revisions (TA-04-05-07) to Article 2, 4, 5, 6, 9, 10, 11 and 17 of the Development Code to implement a mixed use zoning district to the City Commission.

Reason for Request: The Mixed Use zoning district is proposed in order to provide a zoning district to the Development Code which permits and promotes mixed use development that is designed to be pedestrian-oriented and transit-supportive.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is the Mixed Use zoning district, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written correspondence on the current draft has been received.
- Written correspondence on previous drafts has been received from the League of Women Voters which has expressed concern regarding the transition of development intensity throughout a mixed use development and the compatibility of such developments with existing surrounding development. Staff has responded by expanding upon the concept of the designation of Public Frontages to designation of Development Zones (See Section 20-223(e)).

STAFF REPORT

There are three major components to this staff report. They are:

1. A history of the process that has occurred in the drafting of the Mixed Use District;
2. The key points for adoption of the Mixed Use zoning district; and
3. An overview of the final draft Mixed Use District language and comparison to the previous drafts.

HISTORICAL TIMELINE OF THE MIXED USE DISTRICT

April 23, 2007	Planning Commission identifies the need for a mixed use zoning district and initiates a text amendment to the Development Code directing Planning Staff to research and prepare draft language.
April – July, 2007	Planning Staff committee formed to study the development of a Mixed Use District.
July 25, 2007	First draft of proposed Mixed Use District is made available for public review on the Planning Department's website. Presentation of first draft is provided to the Planning Commission for public hearing and feedback.
July – Nov., 2007	Planning Staff prepares second draft based upon feedback received from the Planning Commission at its July 25, 2007 meeting.
November 28, 2007	Second draft of proposed Mixed Use District is made available for public review on Planning Department's website. Presentation of second draft is provided to the Planning Commission for public hearing and further feedback from the Commission.
Nov. 2007 – Present	Staff prepares a final draft of the proposed Mixed Use District incorporating feedback received by the Planning Commission at its November 28, 2007 meeting as well as public comment received on the initial draft.
February 15, 2008	Final draft was posted to the Planning Department's website for public review.

KEY FEATURES OF THE MIXED USE DISTRICT

The following are highlights of the proposed Mixed Use District:

- **Rezoning Application & Process.** Approval of a rezoning request to the MU District is required to utilize the provisions of the District. This is the same process used for every other zoning district in the Development Code. A request to rezone to the MU District shall be considered by Planning Commission with a public hearing and a recommendation to the City Commission with final action by the City Commission.
- **Properties Eligible to be Rezoned to the MU District.** Unlike other zoning districts, the MU District language contains location criteria to guide decision-makers in determining appropriate locations for mixed use zoning. (Other districts are guided by Horizon 2020, as is the mixed use district, but for further clarification of appropriate locations, these criteria are proposed to be included in the Development Code language). Some of the location criteria include proximity to transit stops, adjacency to university campuses, parks and recreational areas as well as arterial street intersections.
- **Designation of Development Zones.** Unlike other rezoning requests, a request to rezone to the MU District must be accompanied by a Designation of Development Zones. This designation shall demonstrate in both graphic and narrative form, a

development zone or zones for the entire site area proposed to be rezoned. An application to rezone to the MU District is not complete without submittal of the Designation of Development Zones. The designation shall be considered by the Planning Commission with a public hearing and a recommendation to the City Commission with final action by the City Commission.

- **Emphasis in regulation of building form.** Unlike other zoning districts, the Mixed Use District functions similarly to a form-based zoning district. Most zoning districts are use-based (i.e. commercial zoning districts permit commercial uses primarily with little to no residential uses permitted whereas most residential districts permit residential uses primarily with few commercial uses allowed). The Mixed Use District emphasizes proper building form and the mixing of uses as opposed to the separation of uses. Building form typically includes the scale, height, mass of a structure and its location on a property as well as its orientation to the street and public spaces, among other things.
- **Uses Permitted.** Because the Mixed Use District is a form-driven district as opposed to a use-driven district, more uses are permitted in the MU District than in any other zoning district in the Development Code. The mixed use zoning district encourages the mixture of nonresidential and residential uses on the same site and in the same structure.
- **Development Standards for New Development or Redevelopment.** Use-driven zoning districts typically apply use standards or performance standards to particular uses to achieve compatibility between different uses. Form-driven districts apply development or form standards to buildings and public spaces (such as streets and sidewalks) to achieve compatibility between uses and developments. The Mixed Use District contains a variety of Development Standards, including the aforementioned Designation of Development Zones, which form the framework for physical development in the Mixed Use District. The Development Standards provide density and dimensional standards which apply appropriate building scale and mass for each designated development zone. The standards also prescribe standards for the form of public spaces such as streets and sidewalks. Different Development Standards apply to proposed development depending upon the Development Zone designated and approved with the rezoning request. Because Development Zones are designated at a public hearing at the time of a rezoning request - and future development must comply with the standards prescribed by that designated zone, decision-makers and the public have a reasonable assurance of how the property may eventually develop.
- **Development Standards for Existing Development.** Existing development on properties which existed prior to the date of approval of the rezoning to the MU District is not subject to the Development Standards of the MU District. Development Standards shall apply to any proposed development which constitutes a Major Development Project, as defined in the Development Code.
- **Development Approval.** The process for development approval in the MU District is the same as that for development approval in any other zoning district. Following approval of a rezoning to the MU District and the associated Designation of Development Zones, the applicant may submit a site plan for review and approval by

the Planning Director. If the site plan is compliant with the applicable standards of the Development Code and with the approved Designation of Development Zones, the Planning Director may approve the site plan.

- **Development Bonuses.** Unlike development in other zoning districts, development in the MU District may earn development points by providing certain development features such as energy efficient construction, moderately-priced housing, stormwater mitigation, transit-oriented development features, etc. Development points earned may be redeemed for development bonuses such as increased residential densities or reduced parking requirements, among others. The points earned in one Development Zone may be transferred to and redeemed for certain bonuses in other Development Zones. Certain bonuses, such as increased building height, may only be redeemed in specified Development Zones in order to ensure that compatibility is achieved.

SUMMARY OF ATTACHED DRAFT MIXED USE DISTRICT PROVISIONS

The following is a brief summary of proposed changes to the Development Code in order to implement the MU District:

Article 2

Article 2 is proposed to be amended to add base district provisions for the MU District. This section (Sec. 20-223) provides the purpose of the district as well as location criteria, goals for compatibility, and requirement of the designation of development zones.

Article 4

Article 4 is proposed to be amended to add the MU District to the Nonresidential Districts Use Table (Sec. 20-403).

Article 5

Article 5 is proposed to be amended to add or modify use standards for certain uses permitted in the MU District. The use standards added or modified are highlighted in yellow in this Article as well as the Nonresidential Districts Use Table (Article 4).

Article 6

Article 6 is proposed to be amended to add a new section (Sec. 20-601(c)) which is a table containing proposed density and dimensional standards for the MU District. This table contains standards relating to density, building height and area as well as site area and minimum lot area. The standards in this table are similar to those used for the Residential Districts Table (Sec. 20-601(a)) and the Nonresidential Districts Table (Sec. 20-601(b)).

Article 9

Article 9 is proposed to be amended to add the MU District to Section 20-908(c). This is an existing section of the Development Code which specifies the location of parking lots.

Article 10

Article 10 is proposed to be amended to add the MU District to Section 20-1005(c). This is an existing section of the Development Code which specifies the type of landscape buffer required between developments in certain zoning districts.

Article 11

Article 11 is proposed to be amended to add a new section (Sec. 20-1108), which are general

development standards for development in the MU District. This section contains defined terms associated with the development standards as well as building form standards, public space standards, form standards, parking area standards and development bonus provisions.

Article 17

Article 17 is proposed to be amended to add defined terms associated with mixed use development. These terms are the same as those listed in Section 20-1108(b) of the proposed general development standards for mixed use districts.

SUMMARY OF CHANGES AND MODIFICATIONS

The following sections of the draft mixed use district provisions have been modified from previous drafts:

Article 2

Section 20-223(a) was modified to:

- Emphasize that development in the district is intended to be pedestrian and transit-oriented.
- Specify the various types of uses intended for the district and to note that development in the district shall include both residential and nonresidential uses. The required mixture of both residential and nonresidential uses was always the intent, but language was added to this section for further clarification.

Section 20-223(b) was modified to:

- Reformat the location criteria.
- To state that development in the mixed use district must be located within ¼ of a mile from a transit stop (criteria (1)) in addition to other location criteria.
- To specify that a site must meet the location criteria in order to be eligible for rezoning to the MU District.

Section 20-223(c) *Principal Uses* was moved to 20-223(g) and was replaced with language regarding compatibility of development. This compatibility language was moved from Article 11 to this section of Article 2.

Section 20-223(d) *Accessory Uses and Structures* was moved to 20-223(h) and was replaced with language describing the three development zones. The development zone language was moved from Article 11 to this section of Article 2.

Section 20-223(e) *Density and Dimensional Standards* was moved to 20-223(i) and replaced with language pertaining to the process for designating development zones. This process language had been located in Article 11, but was moved to this section of Article 2.

Section 20-223(f) *Pedestrian and Vehicular Access* was moved to 20-223(j) and replaced with a reference to the applicability of development standards (Article 11) to new development in the MU District.

Section 20-223(g) *Other Regulations* was moved to 20-223(k) and replaced with *Principal Uses* (moved from 20-223(c)).

Section 20-223(h) was added for *Accessory Uses and Structures* (moved from 20-223(d)).

Section 20-223(i) was added for *Density and Dimensional Standards* (moved from 20-223(e)).

Section 20-223(j) was added for *Pedestrian and Vehicular Access* (moved from 20-223(f)).

Section 20-223(k) was added for *Other Regulations* (moved from 20-223(g)).

Article 4

Among Household Living Uses, Section 20-403 was modified to:

- Add *Non-Ground Floor Dwelling* and *Work/Live Unit* as permitted uses.

Among Community Facility Uses, Section 20-403 was modified to:

- Add *College/University* as a permitted use.
- Change *Public Safety* from a special use to a permitted use.
- Add *Minor Utility* as a permitted use and *Major Utility* as a special use.

Among Animal Services Uses, Section 20-403 was modified to:

- Add *Kennel* as a special use.

Among Eating and Drinking Establishment Uses, Section 20-403 was modified to:

- Eliminate *Bar or Lounge* uses.

Among Transient Accommodation Uses, Section 20-403 was modified to:

- Change *Hotel, Motel, Extended Stay* uses from special uses to permitted uses.

Among Vehicle Sales and Service Uses, Section 20-403 was modified to:

- Eliminate *Cleaning (e.g. Car Wash)* uses. (Previous draft listed Car Washes as a permitted special use)

Among Industrial Facilities Uses, Section 20-403 was modified to:

- Add *Manufacturing & Production, Limited* as a permitted use. This type of industrial use is defined in Section 20-1739 as a use which does "not involve the outside storage of materials, or require Federal air quality discharge permits, is compatible with nearby residential uses because there are few or no offensive external effects..." Uses such as catering are defined as Limited Manufacturing and Production.

Among Agriculture Uses, Section 20-403 was modified to:

- Add *Agriculture, Crop* uses. Such uses are permitted in every other nonresidential zoning district, except CD(Downtown Commercial).

Article 5

Article 5 was not included in previous drafts because language had not been prepared by staff at the time; therefore there have been no changes or modifications.

Article 6

Article 6, Section 20-601(c) has been modified as follows:

- To clarify that the density and dimensional standards provided in the table apply only to new development in the MU District and not to development which existed prior to rezoning to the MU District.
- To add the three development zones.
- To increase the minimum site area from 3,000 square feet to 20,000 square feet.

- To add maximum block perimeter and maximum block lengths. This is particularly important for larger mixed use developments because it will require pedestrian-scaled block sizes (a 1700 square foot block perimeter is similar to that found in the original townsite areas of Lawrence where most blocks are 600 feet from north to south by 250 feet from east to west)
- To provide a variation of maximum permitted residential density, depending upon the development zone. The maximum residential density (32 dwelling units per acre) remains unchanged from the previous draft and in this draft is only permitted in the Primary Development Zone.
- To provide a variation in the setback ranges for each development zone.
- To add a rear yard setback range.
- To remove maximum Floor Area Ratio and add Maximum Building Coverage figures.
- To provide a variation of the maximum height permitted depending upon development zone. The maximum height permitted is 48 feet (up from 45 in the previous draft) and is permitted only in the Primary Development Zone.
- To add a Minimum Outdoor Area requirement per dwelling unit. This requirement is found in the density and dimensional standards for residential and nonresidential districts (See Sec. 20-601(a) and 20-601(b)).
- To add minimum dimensions for ground-level, nonresidential spaces in mixed use buildings. This is a common feature of other cities mixed use district regulations. The intent is to ensure that commercial areas of mixed use buildings are designed appropriate for commercial tenants. The American Planning Association's model mixed use district ordinance suggests that this is one of the most overlooked features of mixed use developments.

Article 9

Article 9 was not included in previous drafts because language had not been prepared by staff at the time; therefore there have been no changes or modifications.

Article 10

Article 10 was not included in previous drafts because language had not been prepared by staff at the time; therefore there have been no changes or modifications.

Article 11

Section 20-1108(a) *Purpose* was deleted because this section is discussed in Section 20-223(a). This section was replaced with *Applicability* which discusses how and when to apply the development standards.

Section 20-1108(b) *Where Appropriate* was deleted because location criteria are discussed in Section 20-223(b). This section was replaced with *Terms Defined*.

Section 20-1108(c) *Terms Defined* was moved to Section 20-1108(b).

Section 20-1108(d) *Applicability* was moved to Section 20-1108(a) and clarified.

Section 20-1108(e) *Designation of Public Frontage* was moved to Section 20-223(e) and rewritten as *Designation of Development Zones*. The revised language in Section 20-223(e) describes the designation process, the description of each development zone was moved to Section 20-223(d).

Section 20-1108(f) *Form and Use Standards* was moved to Section 20-1108(d) and rewritten as *Building Form & Use Standards*. The rewritten language in Section 20-1108(d) clarifies the location of residential and nonresidential uses among the different building forms.

Section 20-1108(g) *Parking Area Standards* was moved to Section 20-1108(e). Minor changes were made to this section for clarification purposes.

Section 20-1108(h) *Development Bonuses* was moved to Section 20-1108(f) and replaced with *Other Regulations*. Minor changes were made to this section to adjust the number of points earned for certain features.

Section 20-1108(i) *Redemption of Development Bonus* was moved to Section 20-1108(g). Minor changes were made to this section to clarify bonuses for which points may be redeemed.

Section 20-1108(j) *Design Standards for MU Districts* was deleted.

HOW TO READ THE PROPOSED LANGUAGE

The proposed language for Articles 4, 5, 9, 10 and 17 contains text which with yellow highlighting. In the case of the Use Tables in Article 4, the particular uses highlighted are those for which Use Standards (Article 5) were amended. In all other Articles, the highlighting is provided so that the reader may easily distinguish which particular sections or sub-sections are proposed to be amended.

20-223 **MU, Mixed Use District****(a) Purpose**

The MU, Mixed Use District, is primarily intended to permit a variety of land uses together in one or more Structures on a site including governmental, retail, office, public and community facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. Retail and service uses that attract and generate foot traffic are encouraged to be located at ground level along the Public Frontage. Development in the Mixed Use District shall include both residential and nonresidential uses.

(b) Where Appropriate

The Mixed Use District zoning classification may not be appropriate in all areas of the City of Lawrence. To be eligible for rezoning to the Mixed Use District, a site proposed for Mixed-Use development shall be:

- (1) Within one-quarter of a mile of Designated Transit Stops; and
- (2) Near or adjacent to the intersection of Arterial Streets as per the adopted Major Thoroughfares Map; or
- (3) Within one-quarter of a mile of university campuses or downtown; or
- (4) Immediately adjacent to public parks or open space; or
- (5) An existing nonresidential development proposed for redevelopment.

(c) Compatibility

Mixed-Use developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Compatibility is best achieved through a transition in building form, scale and intensity rather than through uses, peripheral buffers or landscaping. In furtherance of this purpose, development zones shall be designated on the property proposed for the Mixed-Use development. Such zones shall be designated to govern the permitted density, building height and building scale and to assure compatibility between the proposed development and surrounding existing development.

(d) Development Zones

Development zones govern permitted density on the site as well as building height, scale and form. The three development zones are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. In cases where a rezoning to the MU District is proposed for a site which is surrounded by existing detached residential development, a Tertiary Development Zone shall be required to be designated adjacent to such existing development in order to ensure compatibility of height, scale and form.

(1) Primary Development Zone

The Primary Development Zone is that area of land within a Mixed-Use development which is designated for the most intense development allowed by the District. Primary Development Zones shall contain Vertical Mixed Use Structures with a mixture of both residential and nonresidential uses and no interruption of Building Frontage along the Public Frontage. Where a Primary

Article 2

Development Zone enfronts upon a **Public Frontage**, such area shall be designated as **Primary Public Frontage**. A **Primary Public Frontage** shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of structures in the **Primary Development Zone**.

(2) Secondary Development Zone

The **Secondary Development Zone** is that area of land within a **Mixed-Use** development which is designated for less-intense development, relative to that permitted by a **Primary Development Zone**. **Secondary Development Zones** may contain **Vertical Mixed Use Structures**, **Horizontal Mixed Use Structures** or single-use structures with interruption of building frontage along the **Public Frontage** allowed only for access to parking areas, for alleys or service lanes. Where a **Secondary Development Zone** enfronts a **Public Frontage** such area shall be designated as **Secondary Public Frontage**. A **Secondary Public Frontage** shall be designed to accommodate moderate amounts of pedestrian traffic, and if planned, vehicular access to parking areas and service lanes in a manner that minimizes pedestrian-vehicular conflict. **Secondary Development Zones** may contain both nonresidential ground-level uses as well as ground level residential uses.

(3) Tertiary Development Zone

The **Tertiary Development Zone** is that area of land within a **Mixed-Use** development which is designated for the least-intense development, relative to that permitted in the other zones. **Tertiary Development Zones** shall permit a development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two-story detached residential dwellings across the street from existing structures which are of the same form, etc.). Nonresidential uses shall only be permitted in a **Tertiary Development Zone** if the existing surrounding development contains such nonresidential uses. A **Tertiary Development Zone** shall only permit a residential use type which exists in surrounding development.

(e) Designation of Development Zones

The applicant for any rezoning to the MU District shall propose development zones for the entire site proposed to be rezoned. The proposed designation shall be included with the application for rezoning. No application for rezoning to the MU District shall be considered complete and sufficient without this information. The proposed designation shall include, at a minimum, the following information:

- (1)** A plan or graphic representation depicting the location and arrangement of each proposed development zone for the entire site proposed to be rezoned. The plan or graphic shall include the following:

Article 2

- (i) A general location map showing the subject property's location;
 - (ii) Existing and proposed lot lines on the subject property;
 - (iii) Existing and proposed rights-of-ways of the subject property;
 - (iv) The existing zoning and land use of the subject property;
 - (v) The existing zoning and land use of surrounding properties;
 - (vi) The height and floor area footprint of individual structures in surrounding existing development;
 - (vii) The building form (i.e. Vertical Mixed Use Structure, Horizontal Mixed Use Structure, Attached Structure or Detached Structure) of surrounding existing development;
- (2) A written narrative describing how each development zone proposed is compatible with surrounding existing development in terms of building height, building form, and land use.

(f) Development Standards

All new development or redevelopment constituting a [Major Development Project](#) shall comply with the General Development Standards for Mixed Use Districts (Sec. 20-1108). Structures, buildings and development existing at the time of rezoning to the Mixed Use District shall be allowed to remain until a [Major Development Project](#) is requested. The intensification of the use of property in the MU District that increases the off-street parking requirements shall not constitute a [Major Development Project](#).

(g) Principal Uses

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

(h) Accessory Uses and Structures

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), including [Home Occupations](#), are subject to the regulations of Article 5.

(i) Density and Dimensional Standards

Unless expressly stated below, all development in the MU [District](#) shall comply with the [Density](#) and Dimensional Standards of Article 6. The following additional [Density](#) and Dimensional Standards shall apply in the MU District:

(1) Site Requirements

Development sites between 20,000 square feet and 20 acres in area are permitted in the MU District. For [Mixed-Use](#) developments on sites greater than 20 acres in area, see Section 20-701(f) Planned Developments.

(2) Lot Requirements

All lots in the MU District shall be a minimum of 3,000 square feet.

(j) Pedestrian and Vehicular Access

In areas designated as the [Primary Public Frontage](#), vehicular [Access](#) to individual [Lots](#) may be permitted only from a public [Alley](#). In areas designated as [Secondary Public](#)

Article 2

[Frontage](#) or [Tertiary Public Frontage](#), vehicular [Access](#) may be permitted from the [Alley](#) or [Street](#). Pedestrian access shall be permitted from the [Street](#), public [Alley](#) or pathway.

(k) Other Regulations

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

(1) General Development Standards

Specific standards apply to Mixed-Use Developments. See Article 11.

(2) Landscaping

Specific standards apply to Mixed-Use Developments. See Article 10.

(3) Off-Street Parking and Loading

Specific standards apply to Mixed-Use Developments. See Articles 9 & 11.

(4) Outdoor Lighting

Specific standards apply to Mixed Use Developments. See Sec. 20-1103.

(5) Overlay Districts

See Article 3.

Article 4

20-403 Nonresidential District Use Table

KEY: A = Accessory P = Permitted S = Special Use
* = Standard Applies – Use not allowed

	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	Use Specific Standard	
RESIDENTIAL													
Household Living	Accessory Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	20-534
	Attached Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	20-503
	Cluster Dwelling	--	–	-	–	–	–	–	–	–	–	–	20-702
	Detached Dwelling	P*	–	P	–	–	–	–	–	–	–	–	20-508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	20-503
	Manufactured Home	–	–	–	–	–	–	–	–	–	P	P	
	Manufactured Home, Residential-Design	P*	–	–	–	–	–	–	–	–	–	–	20-513
	Mobile Home	–	-	–	–	–	–	–	–	–	P	P	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	P*	P*/S*	P*	–	P* / S*	P*		P*	–	–	–	20-517
	Non-Ground Floor Dwelling	P*	P*	P*	–	P*	–	–	–	–	–	–	20-542
	Work/Live Unit	P*	P*	P*	–	P*	–	–	–	–	–	–	20-541
	Zero Lot Line Dwelling	P*	–	P	–	–	–	–	–	–	–	–	20-531
	Home Occupation, Type A or B	–	–	P*	–	–	–	–	–	–	–	–	20-537
Group Living	Assisted Living	–	–	P	–	–	–	–	–	–	–	–	
	Boarding Houses & Cooperatives (Ord. 8040)	-	-	P	-	-	-	-	-	-	-	-	
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	
	Group Home, Limited (10 or less)	P	–	P	–	–	–	–	–	–	–	–	
PUBLIC AND CIVIC													
Community Facilities	Cemetery	P*	P*	–	P*	–	P*	P*	P*	P*	P*	–	20-505
	College/University	S	P	P	P	P	P	P	P	P	P	P	
	Cultural Center/ Library	S	P	P	S	P	P	–	–	–	–	–	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	20-507
	Day Care Home, Class A	P	P	P*	–	P	P	–	P	–	–	–	20-507
	Day Care Home, Class B	S*/A*	P*	S*	–	P	P	–	P	–	–	–	20-507
	Detention	–	–	–	–	–	–	–	–	–	S	P	
	Lodge, Fraternal and Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	20-512
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	
	School	P	P	P	P	P	P	P	P	–	–	–	
	Funeral and Internment	–	P*	–	P*	–	P*	P*	P*	P*	P*	–	20-505
	Transient Shelter	–	–	–	S	S	S	S	S	–	–	–	
	Soup Kitchen	–	–	–	S	S	S	S	S	–	–	–	
	Utility, Minor	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20-530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	P	
Medical Facilities	Extended Care Facility, General	–	S	–	S	–	–	–	–	–	–	–	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	–	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	–	20-519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	–	
	Entertainment & Spectator Sports, Gen.	–	–	–	–	P	P	P	P	–	–	–	
	Entertainment & Spectator Sports, Ltd.	–	P	P	–	P	P	P	P	–	–	–	
	Participant Sports & Recreation, Indoor	–	P	P	–	P	P	P	P	P	P	–	
	Participant Sports & Recreation, Outdoor	–	–	S	–	–	P	P	P	P	P	–	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	-P	P	P	–	P	P	–	P	–	–	–	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	20-522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	20-522
COMMERCIAL													
Animal Services	Kennel	–	–	–	–	–	P	P	P	–	P	P	
	Livestock Sale	–	–	–	–	–	S	S	S	–	P	P	
	Sales and Grooming	P	P	P	P	P	P	P	P	–	P	P	
	Veterinary	–	P	P	P	P	P	P	P	–	P	P	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	–	A*	A*	A*	A*	–	–	–	20-509
	Bar Or Lounge	–	–	–	–	P*	P*	P*	P*	–	–	–	20-509
	Brewpub	–	P*	P*	–	P*	P*	P*	P*	–	–	–	20-509
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	20-511 & 20-509
	Fast Order Food, With Drive-In	–	S	–	–	–	P	P	P	P	P	–	
	Nightclub	–	–	–	–	P*	–	P*	–	–	–	–	20-509
	Restaurant, Quality	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	20-524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20-518
	Financial, Insurance & Real Estate Services	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	20-510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20-537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	
	Building Maintenance	–	P	S	–	P	P	P	P	P	P	P	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	

Retail Sales & Service	Communications	–	P	<i>P</i>	P	P	P	P	P	P	–		
	Construction Sales and Service	–	P	–	–	–	P	P	P	S	P	P	
	Food and Beverage	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*	–	20-511
	Mixed Media Store	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*		20-516 & 20-528
	Personal Convenience	P*	P*	<i>P*</i>	–	P*	P*	P*	P*	P*	P*	–	20-520
	Personal Improvement	P*	P*	<i>P*</i>	–	P*	P*	P*	P*	P*	P*	–	20-521
	Repair Service, Consumer	P*	P*	<i>P*</i>	–	P*	P*	P*	P*	P*	P*	–	20-523
	Retail Sales, General	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*	–	20-525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	20-526
	Retail Establishment, Medium	–	P*	<i>P*</i>	–	P*	P*	P*	P*	–	–	–	20-526
	Retail Establishment, Specialty	–	P*	<i>P*</i>	–	P*	P*	P*	P*	–	–	–	20-526
	Sexually Oriented Business	Sexually Oriented Media Store	–	–	–	–	–	–	–	–	–	–	–
Physical Sexually Oriented Business		–	–	–	–	–	–	–	–	–	–	–	20-528
Sex Shop		–	–	–	–	–	P*	P*	P*	–	–	–	20-528
Sexually Oriented Theater		–	–	–	–	–	P*	P*	P*	–	–	–	20-528
Transient Accommodation	Bed and Breakfast	P*	–	<i>P*</i>	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	
	Hotel, Motel, Extended Stay	–	–	<i>P</i>	–	P	P	P	P	–	–	–	
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	–	S	–	–	–	P	P	P	P	P	P	
	Fleet Storage	–	–	–	–	–	P	P	P	P	P	P	
	Gas and Fuel Sales	–	S	<i>S</i>	–	–	P	P	P	P	P	P	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	P	P	P	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	P	P	P	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	P	P	P	
	Light Equipment Repair	–	S	–	–	S	P	P	P	P	P	P	
	Light Equipment Sales/Rental	–	–	–	–	S	P	P	P	P	P	P	
	RV and Boats Storage	–	–	–	–	–	P	P	P	P	P	P	
INDUSTRIAL													
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	P	
	Industrial, General	–	–	–	–	–	–	–	–	S	P	P	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	P	
	Laundry Service	–	–	–	–	–	P	P	P	P	P	P	
	Manufacturing & Production, Ltd.	–	–	<i>P</i>	–	S	S	S	S	P	P	P	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	S*	20-527
Wholesale, Storage, & Distribution	Heavy	–	–	–	–	–	S	S	S	S	S	P	
	Light	–	–	–	–	–	P	P	P	P	P	P	
	Mini-Warehouse	–	–	–	–	–	P	P	P	P	P	P	
OTHER													
Adaptive Reuse	Designated Historic Property	S*	S*	<i>S*</i>	S*	S*	S*	S*	S*	S*	S*	S*	20-501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	P	
	Agriculture, Animal Husbandry	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	<i>P</i>	P	–	P	P	P	P	P	P	
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	<i>A*</i>	A*	A*	A*	A*	A*	A*	A*	A*	20-536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	
	Communications Service Establishment	P*	P*	<i>P*</i>	P*	P*	P*	P*	P*	P*	P*	P*	20-506
	Telecommunications Facilities:												
Mining	Telecommunications Antenna	A*	A*	<i>A*</i>	A*	S*	A*	A*	A*	A*	A*	A*	20-529
	Telecommunications Tower	S*	S*	<i>S*</i>	S*	S*	S*	S*	S*	S*	S*	S*	20-529
	Satellite Dish	A*	A*	<i>A*</i>	A*	A*	A*	A*	A*	A*	A*	A*	20-536
Mining	Mining	–	–	–	–	–	–	–	–	–	–	S*	20-515
Recycling Facilities	Large Collection	–	–	–	–	–	P	P	P	P	P	P	
	Small Collection	P	P	<i>P*</i>	P	P	P	P	P	P	P	P	
	Processing Center	–	–	–	–	–	–	–	–	–	P	P	

Article 5. Use Regulations

Contents of Article

20-501	Adaptive Reuse of Designated Historic Property	2
20-502	Agriculture, Animal	3
20-503	Attached Dwellings	3
20-504	Bed and Breakfast Establishment	7
20-505	Funeral and Interment	7
20-506	Communications Service Establishments	7
20-507	Day Care Establishments	7
20-508	Detached Dwelling	8
20-509	Eating and Drinking Establishments	8
20-510	Financial, Insurance and Real Estate (F.I.R.E.) Services	9
20-511	Food and Beverage Sales	9
20-512	Lodge, Fraternal and Civic Assembly	10
20-513	Manufactured Homes, Residential-Design	10
20-514	Mobile Home Parks	11
20-515	Mining	13
20-516	Mixed Media Stores	14
20-517	Multi-Dwelling Structure	14
20-518	Office, Administrative and Professional	15
20-519	Outpatient Care Facility	15
20-520	Personal Convenience Store	15
20-521	Personal Improvement Service	15
20-522	Religious Assembly	16
20-523	Repair Service, Consumer	18
20-524	Restaurant, Quality	18
20-525	Retail Sales, General	18
20-526	Retail Establishments	19
20-527	Scrap and Salvage Operations	19
20-528	Sexually Oriented Businesses	20
20-529	Telecommunications Facilities	22
20-530	Utility, Minor	30
20-531	Zero Lot Line Dwellings	30
20-532	Accessory Uses and Accessory Structures; Purpose	31
20-533	General Standards for Accessory Structures	31
20-534	Accessory Dwelling Units (permitted only in RS40, RS20, RS10, RS7, and CN1)	32
20-535	Accessory Parking	35
20-536	Amateur Radio and Receive-Only Antennas	36
20-537	Home Occupations	37
20-538	Exterior Storage	
20-539	Private Dining Facilities	

Article 5

20-540	Small and Large Collection Recycling Facilities.....
20-541	Work/Live Units.....
20-542	Non-Ground Floor Dwelling Units.....
20-543	Office, Other.....

Use Standards

20-503 Attached Dwellings

(1) General

- (i) The common or abutting wall shall be shared for at least 50% of the length of the side of the **Dwelling Units** and shall have a maintenance agreement for the sharing of a common wall filed at the Register of Deeds.
- (ii) **Attached Dwellings** shall comply with the Density and Dimensional Standards of **Article 6**, except where such standards are expressly modified by the provisions of this section.
- (iii) Attached **Dwelling** developments in RS Districts are subject to the Site Plan Review procedures of Sec. **20-1305** and Special Use Permit (SUP) requirements of Sec. 20-1305.
- (iv) ***Attached Dwelling developments in the MU District are subject only to the Site Plan Review procedures of Section 20-1305.***

(2) Standards that Apply in RS-10, RS-7 and RS-5 Districts

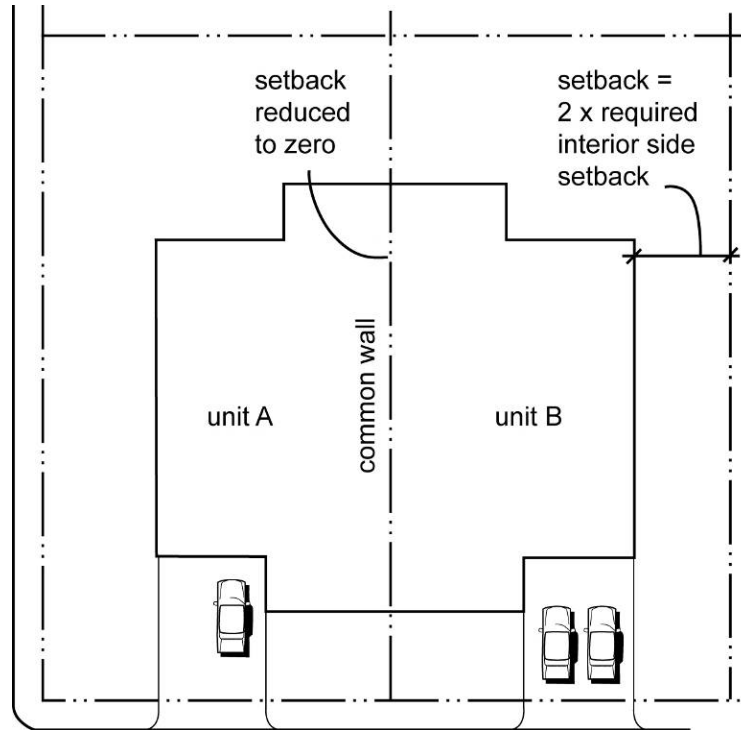
The following standards apply to **Attached Dwellings** in the RS-10, RS-7 and RS-5 **Districts**.

- (i) No more than 2 units may be attached by a common wall. **Structures** containing 3 or more attached **Dwelling Units** are prohibited in these **Districts**.
- (ii) Each Attached **Dwelling** shall be on a **Lot** that complies with the **Lot Area** and width standard for new **Lots** in the **Base District**.
- (iii) The minimum required interior **Side Setback** on the side of the **Dwelling Unit** containing the common wall is reduced to zero. The minimum required interior **Side Setback** on the side of the **Dwelling Unit** opposite the common wall shall be at least double the interior **Side Setback** standard of the **Base District**.

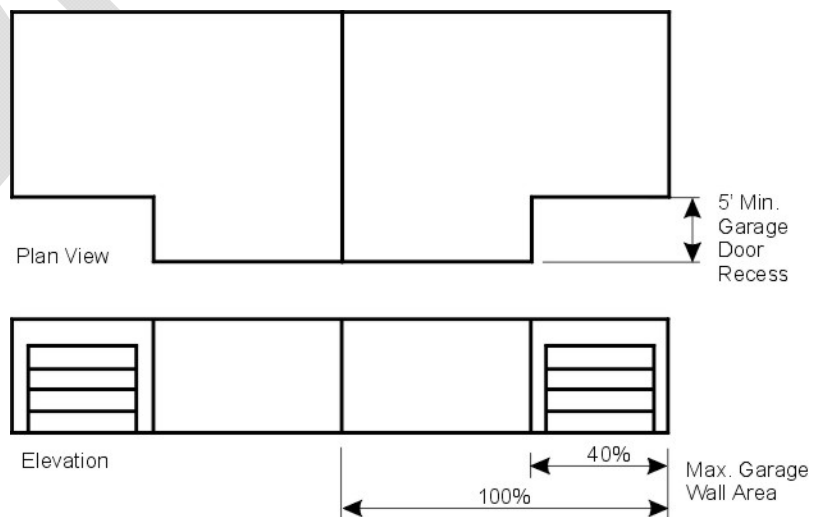
Lot 1

Lot 2

Article 5



- (iv) On **Corner Lots**, either the **Rear Setback** or interior **Side Setback** may be reduced to zero. However, the remaining interior **Side** or **Rear Setback** shall comply with the interior **Side** or **Rear Setback** standards of the **Base District**.
- (v) No more than 40% of the width of the front **Facade** of an Attached **Dwelling** may be comprised of garage door area, and all garage doors shall be recessed at least 5 feet from the front **Building** plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the **Structure**.

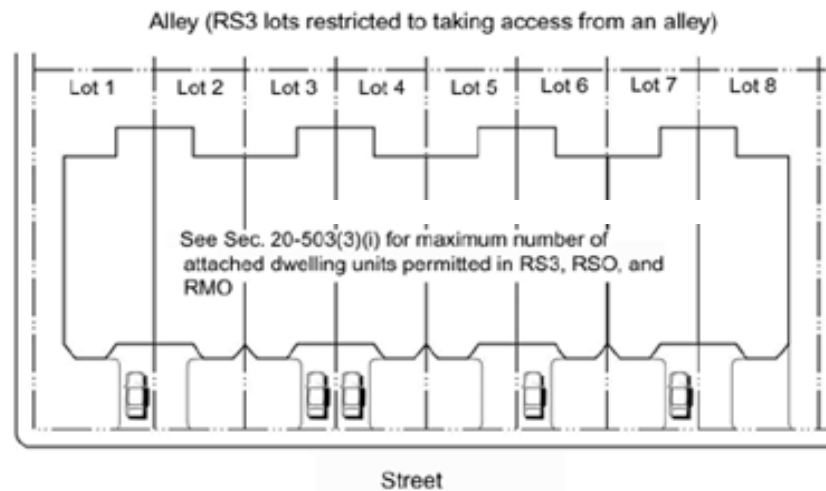


(3) Standards that Apply in the RS-3, RSO and RMO Districts

Article 5

The following standards apply to [Attached Dwellings](#) in the RS3, RSO and all RMO [Districts](#).

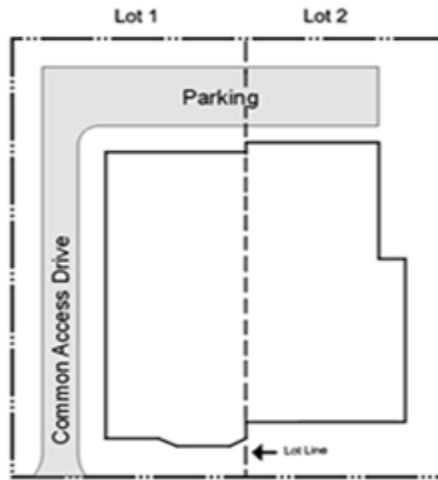
- (i) Up to 2 [Dwelling Units](#) may be attached (have common walls) in the RS3 [District](#). [Structures](#) containing 3 or more attached [Dwelling Units](#) are prohibited in the RS3 [District](#). Up to 8 [Dwelling Units](#) may be attached (have common walls) in the RSO [District](#). [Structures](#) containing 9 or more attached [Dwelling Units](#) are prohibited in the RSO [District](#). Up to 12 [Dwelling Units](#) may be attached (have common walls) in the RMO [District](#). [Structures](#) containing 13 or more attached [Dwelling Units](#) are prohibited in the RMO [District](#). Each Attached [Dwelling](#) shall be on a [Lot](#) that complies with the [Lot Area](#) and width standard for new [Lots](#) in the [Base District](#).



- (ii) The [Density](#) and [Lot](#) size (area and width) requirements of the [Base District](#) apply. Commonly owned areas, including [Common Open Space](#), [Driveway](#), or [Parking Areas](#) apply toward the overall [Density](#) standard.
- (iii) The front, side, and [Rear Setback](#) standards of the [Base District](#) apply around the perimeter of the project.
- (iv) The interior [Side Setback](#) on the side containing a common wall is reduced to zero.
- (v) On [Corner Lots](#), either the [Rear Setback](#) or interior [Side Setback](#) may be reduced to zero. However, the remaining interior side or [Rear Setback](#) shall comply with the [Rear Setback](#) standards of the [Base District](#).
- (vi) The roof of each Attached [Dwelling](#) shall be distinct from the others through separation of roof pitches or direction, or other variation in roof design.
- (vii) A common [Access Drive](#) providing [Access](#) to the [Rear](#) of the [Lots](#) for shared or individual [Parking](#) is required and shall take the form of a public right-of-way or private [Easement](#). Common [Access](#)

Article 5

Drives shall be at least 12 feet wide if designed for one-way traffic and 20 feet wide if designed for two-way traffic.



- (viii) All Parking other than the common Access Drives are prohibited in the front and side Street yards.

(4) Standards that Apply in the MU District

The following standards apply to Attached Dwellings in the MU District.

- (i) *Up to 12 Dwelling Units may be attached (have common walls) in the MU District. Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.*
- (ii) *Attached Dwellings shall be constructed in accordance with the form standards of the applicable zone, as per Section 20-1108(j).*
- (iii) *Vehicular access to lots containing Attached Dwellings shall be from a rear alley.*

20-507

Day Care Establishments

(1) Day Care Homes

- (i) Class A Day Care Homes are permitted as an Accessory Use in the MU and R Districts, provided that written notification is given by the operator to all adjacent LandOwners before beginning operation of the Day Care home. The notice shall State the proposed use and times of operation.
- (ii) Class B Day Care Homes require Special Use approval in all R Districts and in the MU and CN1 District.

(2) Day Care Centers

Article 5

Day Care Centers shall maintain a wall or fence at least 4 feet in Height between any play area and any other property in *the CN1 and MU District or any R District*. Day Care Centers require Special Use approval in *the CN1 and MU District and all R Districts*, except when they are an Accessory Use to a permitted school, religious institution, or allowed as a Community Facility (see Table 20-402).

20-509 Eating and Drinking Establishments

The restrictions in (1) and (2) shall apply to a Licensed Premises use. The fast order food establishments in (3) and (4) are not permitted to be a Licensed Premise:

(1) Accessory Uses to Hotels

A hotel with 50 or more rooms may have a restaurant as an Accessory Use; a restaurant may be permitted as a second Principal Use on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 100 or more rooms may have a bar as an Accessory Use, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 150 or more rooms may have a nightclub or other live entertainment as an Accessory Use.

(2) Accessory Bars

In any Zoning District allowing a Restaurant as a permitted use and allowing an Accessory Bar, the Accessory Bar shall be allowed only subject to the following standards:

- (i) the accessory bar shall not constitute more than 25% of the Floor Area of the eating & drinking establishment;
- (ii) the accessory bar shall not have a separate Street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the bar shall be deemed to be a Principal Use and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

(3) Standards that Apply in the MU, CN1 AND CN2 Districts

Fast order food establishments are *shall be* permitted in the MU, CN1 and CN2 Districts provided that the gross Floor Area shall not exceed 3,000 square feet.

(4) Standards that Apply in CO District

Fast order food establishments are permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total gross Floor Area of all floors of the office Building or of all buildings in the office complex in which the use is located.

(5) Standards that Apply in CD District

The following restrictions apply to licensed Premises in the CD district:

Article 5

- (i) The licensed **Premises** use in CD shall be required to derive from the sales of food for consumption on the **Premises** not less than 55% of all the licensed **Premises**' gross receipts for a calendar year from sales of food and beverages on such **Premises**.
- (ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from licensed **Premises** governed by this Section.
- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by **Article 15** of this Code.

20-511 Food and Beverage Sales

(1) Standards that Apply in *the MU*, CN1 and CN2 Districts

Food and beverage sales establishments ~~are~~ **shall be** permitted in *the MU* CN1 and CN2 Districts provided the gross **Floor Area** shall not exceed 3,000 square feet.

(2) Standards that Apply in CO District

Food and beverage sales establishments are permitted in the CO District provided that the total **Floor Area** does not exceed 10 percent (10%) of the total gross **Floor Area** of all floors of the office **Building** or of all buildings in the office complex in which the use is located.

20-517 Multi-Dwelling Structure

(1) Standards that Apply in RMO District

A multi-**Dwelling Structure** shall be permitted in the RMO District only as part of a **Mixed-Use** project containing at least 1 square foot of office **Floor Area** for each 2 square feet of residential **Floor Area** for each phase of development.

(2) Standards that Apply in CN1 District

A multi-**Dwelling Structure** shall be permitted in the CN1 District provided that it is situated above the **Ground Floor**. **Density** standards for the RM12 District shall apply for this use in the CN1 district.

(3) Standards that Apply in CN2 District

(i) A multi-**Dwelling Structure** shall be permitted in the CN2 District provided that it is constructed as part of a **Mixed-Use** project containing no more than one (1) **Dwelling Unit** per 2,000 square feet of nonresidential gross **Floor Area**.

(ii) A Special Use Permit is required for densities greater than one (1) **Dwelling Unit** per 2,000 square feet of non-residential gross **Floor Area**. However, no project shall exceed the RM15 District **Density** limit.

(4) Standards that Apply in CD District

Article 5

- (i) A multi-Dwelling Structure shall be permitted in the CD District provided that it is situated above the Ground Floor when located on Massachusetts Street. (Ord. 8040)
- (ii) A multi-Dwelling Structure requires a Special Use Permit in the CD District when Ground Floor residential uses are proposed along numbered streets, Vermont or New Hampshire Streets. (Ord. 8040)

(5) Standards that Apply in CC and CS District

A multi-Dwelling Structure is permitted as part of a multi-use development in the CC and CS Districts provided that the total Floor Area does not exceed 10 percent (10%) of the total gross Floor Area of the office/commercial Building or of all Buildings in the office/commercial complex in which the use is located.

(6) Standards that Apply in the MU District

- (i) A multi-Dwelling Structure shall only be permitted within designated Primary Zone of the MU District if it is a part of a Vertical Mixed Use Structure.
- (ii) A multi-Dwelling Structure shall only be permitted within a designated Tertiary Zone of the MU District if surrounding existing development consists of multi-Dwelling residential uses.

20-518 Office, Administrative and Professional

(1) Standards that Apply in RSO and CN1 Districts

- (i) An administrative and professional office shall be permitted in the RSO and CN1 Districts provided that the gross Floor Area shall not exceed 3,000 square feet.
- (ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

(2) Standards that Apply in RMO and RMG Districts

- (i) An administrative and professional office shall be permitted in the RMO and RMG Districts.
- (ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

(3) Standards that Apply in the MU District

- (i) In designated Primary Zones, such offices shall be permitted to be located on the ground level of a structure only when they do not occupy the Building Frontage.

20-519 Outpatient Care Facility

An outpatient care facility shall be permitted in the MU, RMO, RSO, and CN1 Districts provided that the gross Floor Area shall not exceed 3,000 square feet.

20-525 Retail Sales, General

(1) Standards that Apply in CN1 District

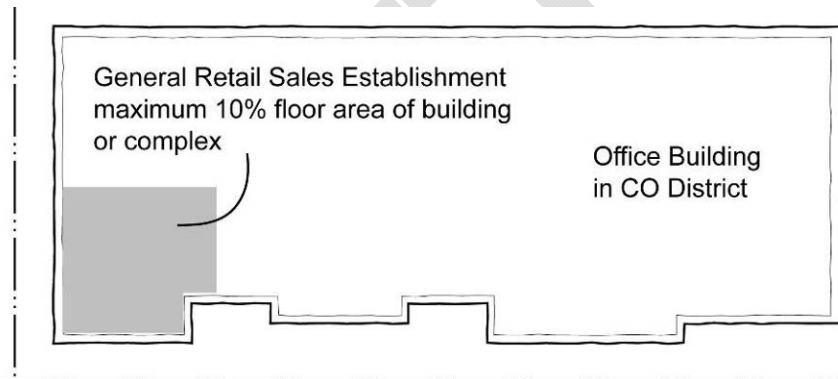
A general retail sales establishment shall be permitted in the CN1 District provided that the gross **Floor Area** shall not exceed 3,000 square feet.

(2) Standards that Apply in CC District

A general retail sales establishment shall be permitted in the CC District provided that the gross **Floor Area** shall not exceed 65,000 square feet.

(3) Standards that Apply in CO District

A general retail sales establishment is permitted in the CO District provided that the total **Floor Area** does not exceed 10 percent (10%) of the total gross **Floor Area** of the office **Building** or of all **Buildings** in the office complex in which the use is located.



(4) Standards that Apply in MU District

*A general retail sales establishment shall be permitted in the MU District provided that such establishments are located in a **Vertical Mixed Use Structure** in a designated **Primary Zone**.*

20-526 Retail Establishments

(1) Purpose

These standards are intended to ensure that development of **Retail Establishments**, including large, medium, and specialty sales establishments, is compatible with its surrounding area and contributes to the unique community character of Lawrence. All development and redevelopment of **Retail Establishments** shall exhibit uniform design characteristics based on commercial development design standards adopted by the City Commission.

(2) Market Impact Analysis

A Commercial Center proposed for more than 50,000 gross square feet of commercial space is required to have a market impact analysis submitted at the time of application for rezoning in accordance with Sec. Error! Reference source not found..

(3) Standards that Apply in the MU District

Retail establishments shall be permitted in the MU District provided that such establishments are located in a Vertical Mixed Use Structure in a designated Primary Zone.

20-534 Accessory Dwelling Units ~~(permitted only in RS40, RS20, RS10, RS7, and CN1)~~

(1) Purpose

Accessory Dwelling Units are allowed in certain situations to:

- (i) create new housing units while preserving the look and scale of single-Family detached Dwelling neighborhoods; ~~allowed in RS zones, subject to the procedures established in Section 20-534(2)(xi) Registration, Affidavit;~~
- (ii) allow more efficient use of the City's existing housing stock and Infrastructure;
- (iii) provide a mix of housing types that responds to changing Family needs and smaller households;
- (iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (v) provide a broader range of accessible and more affordable housing.

(2) Design Standards

(i) Purpose

These design standards are intended to ensure that Accessory Dwelling Units:

- a. are compatible with the desired character and livability of RS ~~the Zoning Districts;~~
- b. respect the general Building scale and placement of Structures to allow sharing of common space on the Lot, such as Driveways and Yards; and
- c. are 960 square feet or smaller in size.

(ii) Generally

The design standards for Accessory Dwelling Units are stated in this section. If not addressed in this section, the Base District standards apply.

(iii) Methods of Creation

An Accessory Dwelling Unit may only be created through one of the following methods:

- a. converting existing living area within a Detached Dwelling, Attached Dwelling (e.g., attic, Basement or attached garage); or (Ord. 8098)
- b. adding Floor Area to an existing Detached Dwelling, Attached Dwelling or detached garage; or (Ord. 8098)

Article 5

- c. constructing a new [Detached Dwelling](#), [Attached Dwelling](#) or detached garage with an internal [Accessory Dwelling Unit](#). (Ord. 8098)

(iv) **Owner Occupancy Required in RS Districts**

Either the principal [Dwelling Unit](#) or the [Accessory Dwelling Unit](#) must be occupied by one or more of the persons who is/are the record [Owner](#) of the [Premises](#).

If at any time, neither of the [Dwelling Units](#) in a [Building](#) that contains an [Accessory Dwelling Unit](#) is the principal residence of one of the [Owner](#) of the property, then the property shall be considered a Duplex. If a Duplex is not permitted in the [Zoning District](#) in which the property is located, the [Owner](#) shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the [Premises](#) to lawful status, conforming with the uses permitted in the [Zoning District](#).

(v) **Number of Residents**

The total number of individuals that reside in both units (principal + accessory) may not exceed the number that is allowed for a household, plus one additional person.

(vi) **Other Uses**

An [Accessory Dwelling Unit](#) is prohibited in a house with a Type B [Home Occupation](#).

(vii) **Location of Entrances**

- a. Only one entrance to the [Principal Building](#) may be located on the front [Facade](#) that faces the [Street](#), unless the [Principal Building](#) contained an additional [Street](#)-facing entrance before the [Accessory Dwelling Unit](#) was created.
- b. When the [Accessory Dwelling Unit](#) is located behind the rear wall of the [Principal Building](#), the accessory [Dwelling](#) entrance shall face the [Front Lot Line](#).
- c. An exception to subsection(b), above, is [Dwelling Units](#) that do not have [Access](#) from the ground such as [Dwelling Units](#) with entrances from balconies or elevated decks.

(viii) **Parking**

The following [Parking](#) requirements apply to [Accessory Dwelling Units](#).

- a. [Lots](#) containing [Accessory Dwelling Units](#) shall contain a minimum of two off-[Street Parking Spaces](#).
- b. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is at least 27 feet wide, no additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).
- c. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is less than 27 feet wide, or if the [Accessory Dwelling Unit](#) is created at

Article 5

the same time as the principal [Dwelling Unit](#), one additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).

- d. One additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#) if the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Collector](#) or [Arterial Street](#).

(ix) **Size**

The maximum size of an [Accessory Dwelling Unit](#) may be no more than (33%) of the living area of the [Detached Dwelling](#) or [Attached Dwelling](#), or 960 square feet, whichever is less.

(x) **Floor Area Additions**

[Accessory Dwelling Units](#) created through the addition of habitable [Floor Area](#) to an existing [Structure](#) shall comply with the following standards:

- a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing [Structure](#);
- b. the roof pitch shall be the same as the predominant roof pitch of the house or existing [Structure](#);
- c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing [Structure](#);
- d. windows shall match those in the house in proportion (relationship of width to [Height](#)) and orientation (horizontal or vertical); and
- e. eaves shall project from the [Building](#) walls the same distance as the eaves on the rest of the house or existing [Structure](#).

(xi) **Registration; Affidavit**

- a. [Accessory Dwelling Units](#) shall be registered with the [Planning Director](#) prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing [Accessory Dwelling Units](#); that the City has all information necessary to evaluate whether the [Accessory Dwelling Unit](#) initially meets and continues to meet Development Code requirements; and that the distribution and location of [Accessory Dwelling Units](#) is known.
- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the [Accessory Dwelling Unit](#) standards of this section. The affidavit shall specify which of the [Dwelling Units](#) will be occupied by an [Owner](#) of the property; if at any time such [Owner](#) moves to the other [Dwelling Unit](#), the [Owner](#) shall be responsible for filing an updated affidavit, recording such change.
- c. Permits for [Accessory Dwelling Units](#) may be issued after the [Planning Director](#) determines that the proposal complies with all applicable Development Code requirements.

20-541 *Work/Live Units*

(1) *Purpose*

Work/Live Units are distinguished from *Home Occupations* in that in the case of *Home Occupations*, the business or commercial use is accessory to the residential use. In the case of *Work/Live Units*, the residential use is accessory to the business or commercial use. *Work/Live Units* are permitted in certain zoning districts to:

- (i) *Provide for the appropriate development of units that incorporate both living and working space;*
- (ii) *Encourage the development of new business by allowing a business owner to live in the same location as the business;*
- (iii) *Provide opportunities for people to live in mixed-use areas;*
- (iv) *Ensure that the exterior design of *Work/Live* buildings is compatible with the exterior design of commercial, industrial, and residential buildings in the area,*

(2) *Standards*

- (i) *Work/Live Units* shall consist of a nonresidential use, permitted in the *Base District* and a residential dwelling.
- (ii) *Work/Live Units* shall be designed to accommodate a permitted nonresidential use, such as a business and the residential dwelling of the business owner or operator.
- (iii) *The residential dwelling shall have direct internal access to the permitted nonresidential use.*

20-542 *Non-Ground Floor Dwelling Units*

Non-Ground Floor Dwellings shall be located in a *Vertical Mixed Use Structure*, either above ground level or below ground level. Such *Dwelling* units shall not have direct internal access to a nonresidential use within the *Structure*. For *Dwelling* units which are accessory to or have direct internal access to a nonresidential use see *Work/Live Unit*.

Non-Ground Floor Dwelling Units are commonly considered to be apartments, lofts, condominiums or flats located above or below a nonresidential use within the same structure. *Non-Ground Floor Dwelling Units* are distinguished from multi-*Dwelling* units or *Multi-Dwelling Structures*, as defined in Section 20-1724, on the basis that *Multi-Dwelling Structures* must contain at least three (3) *Dwelling Units*. Structures containing *Non-Ground Floor Dwelling Units* shall contain only two or fewer *Dwelling* units.

20-543 *Office, Other*

(1) *Standards that Apply in the MU District*

Article 5

- (i) *In designated **Primary Zones**, such offices shall be permitted to be located on the ground level of a structure only when they do not occupy the **Building Frontage**.*

DRAFT

Article 6

(c) **Mixed Use Districts**

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

Standard	Mixed Use District Development Zones		
	Primary	Secondary	Tertiary
Min. Site Area (sq. ft.)	20,000		
Max. Site Area (acres)	20		
Min. Lot Area (sq. ft.)	3,000		
Min. Lot Width (ft.)	25		
Max. Block Perimeter (ft.)	1,700		
Max. Block Length (ft.)	600		
Max. Dwelling Units (per acre)	32	15	12
Setback Range (Minimum to Maximum, in feet)			
Front	0-10 [1]	0-20 [1]	0-25 [1]
Side (Exterior)	0-10 [1]	0-20 [1]	0-25 [1]
Side (Interior)	0-5	0-5	0/5 [2]
Rear (when abutting alley)	0-10 [3]	0-20	10-30 [4]
Rear (no alley) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]
Max. Building Coverage (% of Lot)	100 [6]	85 [6]	75 [6]
Max. Impervious Coverage (% of Lot)	100 [6]	95 [6]	85 [6]
Max. Height (ft.)	48 [7]	36 [7]	24 [7]
Minimum Outdoor Area (per dwelling unit)			
Area (sq. ft.)	50 [8]	50 [8]	50 [8]
Dimensions (ft.)	4 [8]	4 [8]	4 [8]
Min. Dimensions of Ground Level Nonresidential Spaces in Mixed Use Buildings			
Floor to Floor Height (ft.) [9]	12	12	12
Area (sq. ft.) [9]	800 [10]	600 [10]	500 [10]

[1] Corresponding **Public Frontages** shall be designed for each Development Zone.

[2] First number represents the required setback for all attached structures, second number represents the required setback for detached structures.

[3] May be up to 25 feet to accommodate service/delivery uses.

[4] Setback may be reduced to zero feet for garages or garages with internal accessory dwelling units.

[5] First number represents the minimum rear setback for a Single Frontage Lot. Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The rear yard for double-frontage lots shall be considered a Public Frontage and shall be designed as such in accordance with Section 20-1108(j).

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

[7] Maximum Height may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.

[8] Minimum Outdoor Area is not required for each dwelling unit onsite if a public park is located within ¼ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(g).

[9] Minimum dimensions for the floor to floor height and gross floor area for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.

[10] Or 20% of the Lot Area when located on Lots whose width is less than 50 feet, whichever is greater.

(a) General

Except as otherwise expressly provided in this section, required off-[Street Parking](#) and loading spaces shall be located on the same [Lot](#) as the [Principal Use](#) (See Sec. Error! Reference source not found. for possible exceptions).

(b) Residential Districts

No part of a [Parking Area](#), other than a [Driveway](#), may be located within 25 feet of a [Street](#) right-of-way in any residential [Zoning District](#).

- (1) No more than 4 vehicles may be parked on [Driveways](#) or turnarounds within the required [Front](#) or [Side Setback](#) of any [Lot](#) in a residential [Zoning District](#). Single or double [Driveways](#) and turnarounds may not be used to provide required off-[Street Parking](#) within the required [Front](#) or [Exterior Side Setback](#) with the exception of when they are serving a [Duplex](#) or [Detached House](#).
- (2) [Driveway](#) widths may not exceed 26 feet in residential [Districts](#). All [Driveway](#) cuts into the [Street](#) require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.
- (3) In RS3 and RS5 Districts, residential driveways may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.

(c) Nonresidential Districts

The location of off-[Street Parking Areas](#) in Commercial and Industrial [Zoning Districts](#) shall comply with the adopted city design standards and the following standards:

District	Allowed Location	Minimum Setback from Right-of-Way (feet)	Minimum Setback from Residential Lot Lines (feet)
CN1 CO CN2	Not allowed between the Facade of the Building with the main entrance and the Street .		
CD	Prohibited between a Building and any Street		
CC CR CS IBP IL IG	No restriction except as specified in Sec. Article 5	15	10
MU	Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone . No restriction in a Tertiary Development Zone		

20-1005 **Bufferyards****(a) Purpose**

The standards of this section are intended to mitigate the impacts associated with incompatible land uses on adjacent properties. The standards require landscape **Bufferyards** between such uses to minimize the harmful impacts of noise, dust/debris, glare and other objectionable activities.

(b) Applicability

The **Bufferyard** standards of this section apply to all development or redevelopment requiring site plan review.

(c) Table of Required Bufferyards

Bufferyards are required in accordance with the following table. To determine the type of **Bufferyard** required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site and each adjacent site intersect on the table. If a **Bufferyard** is required, a numeral at the intersection will indicate the type of **Bufferyard** required. Width and landscape planting options for **Bufferyards** are explained in Sec. **(d)** through **(f)**. Where the required **Bufferyard** is wider than the **Side Setback** required at that location, the **Side Setback** shall be expanded to accommodate the **Bufferyard**.

Developing Site's Zoning	Adjacent Site's Zoning						
	RS	RM	CN1, CO, CN2	CD	CC, CR, CS	IBP, IL, IG	GPI, H
RS Districts (Residential uses)	–	1	1	2	2	3	3
RS Districts (Nonresidential uses)	1	1	1	1	2	3	2
RM Districts	1	–	1	–	2	3	2
CN1, CO and CN2 Districts	1	1	–	–	1	2	1
MU and CD Districts	2	–	–	–	–	–	–
CC, CR and CS Districts	2	2	1	–	–	1	1
GPI and H Districts	3	2	2	–	–	1	–
IBP, IL and IG Districts	3	3	2	–	1	–	1

Article 11. General Development Standards

Contents of Article

20-1101	Protection Standards for Residential Districts	11-1
(a)	Design and Operational Compatibility Standards—Discretionary Approvals..	11-1
(b)	Height Limit on Projects Adjoining Certain Residential Zoning Districts.....	11-2
(c)	Balconies of a multi-Dwelling unit Building	11-2
(d)	Implementation of Sensitive Land Standards.....	11-2
(e)	Sensitive Areas Site Plan Required.....	11-5
(f)	Drainage Easements.....	11-5
(g)	Administration and Enforcement of Drainage Easements	11-5
20-1102	Intersection Visibility	11-6
20-1103	Outdoor Lighting	11-6
(a)	Purpose.....	11-6
(b)	Applicability	11-6
(c)	Exterior Lighting (Photometric) Plan	11-6
(d)	Lighting Standards	11-7
(e)	Special Standards for Outdoor Recreation Uses	11-8
20-1104	Performance Agreements; Guarantees.....	11-8
(a)	Generally	11-8
(b)	Performance Before Occupancy.....	11-8
20-1105	Sidewalks	11-9
(a)	Applicability	11-9
(b)	Design and Construction Standards.....	11-9
(c)	Relationship to Standards under Americans with Disabilities Act	11-9
20-1106	Agreement Not to Protest Formation of a Benefit District	11-10
20-1107	Retail Market Impact Analysis	11-10
(a)	Applicability	11-10
(b)	Definitions	11-10
(c)	Criteria for Independent Market Impact Analysis	11-11
(d)	Responsibilities of the City	11-12
(e)	Relationship of Market Impact Analysis to Project Approval.....	11-12
20-1108	General Development Standards for Mixed Use Districts	11-12
(a)	Applicability.....	TBD
(b)	Terms Defined.....	TBD
(c)	Public Space Form Standards.....	TBD
(d)	Building Form Standards.....	TBD
(e)	Design Standards.....	TBD
(f)	Parking Area Standards.....	TBD
(g)	Development Bonuses.....	TBD
(h)	Redemption of Development Bonuses.....	TBD
(i)	Use Standards.....	TBD
(j)	Other Regulations.....	TBD

20-1108 General Development Standards for Mixed Use (MU) Districts
(a) Applicability

All new development or redevelopment constituting a **Major Development Project** shall comply with these standards. Structures, buildings and development existing at the time of rezoning to the Mixed Use District shall be allowed to remain until a **Major Development Project** is requested. For the purposes of the application of these standards, all of the criteria of Sec. 20-1305(b)(3) except Sec. 20-1305(b)(3)(b)(4) shall apply in determining if a proposed mixed use development constitutes a **Major Development Project**. An intensification of use which increases the off-street parking requirement shall not constitute a **Major Development Project**.

Development constituting a **Major Development Project** shall include a mixture of residential and nonresidential uses together in one structure or in separate structures, designed to form a **Pedestrian-Scale** environment. All **Mixed Use** developments shall require site plan review and approval.

(b) Terms Defined

The following terminology is used frequently in this Section and is provided below for reference.

Building Frontage	That portion of a building or structure that is adjacent to or faces the Public Frontage.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Designated Transit Stop	Any permanent bus stop shelter identified on the route map published by the Lawrence Transit System.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a structure. It may also provide a means of emergency exit from the structure but shall not serve as a primary entrance or exit to the structure.
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mixed Use Structure, Horizontal	A building or structure containing two or more different uses distributed horizontally throughout the structure.
Mixed Use Structure, Vertical	A building or structure, a minimum of two stories in height, containing two or more different uses distributed vertically throughout the structure.

Article 11

Moderately-Priced Dwelling Unit	A dwelling unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Non-Ground Floor Dwelling(s)	Residential dwelling(s) permitted in any Vertical Mixed Use Structure which are located above the ground level or first level of the structure or below the ground level or first level of a structure and do not have direct internal access to a nonresidential use.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as building-mounted signs.
Public Frontage	The publicly-owned layer between the lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.

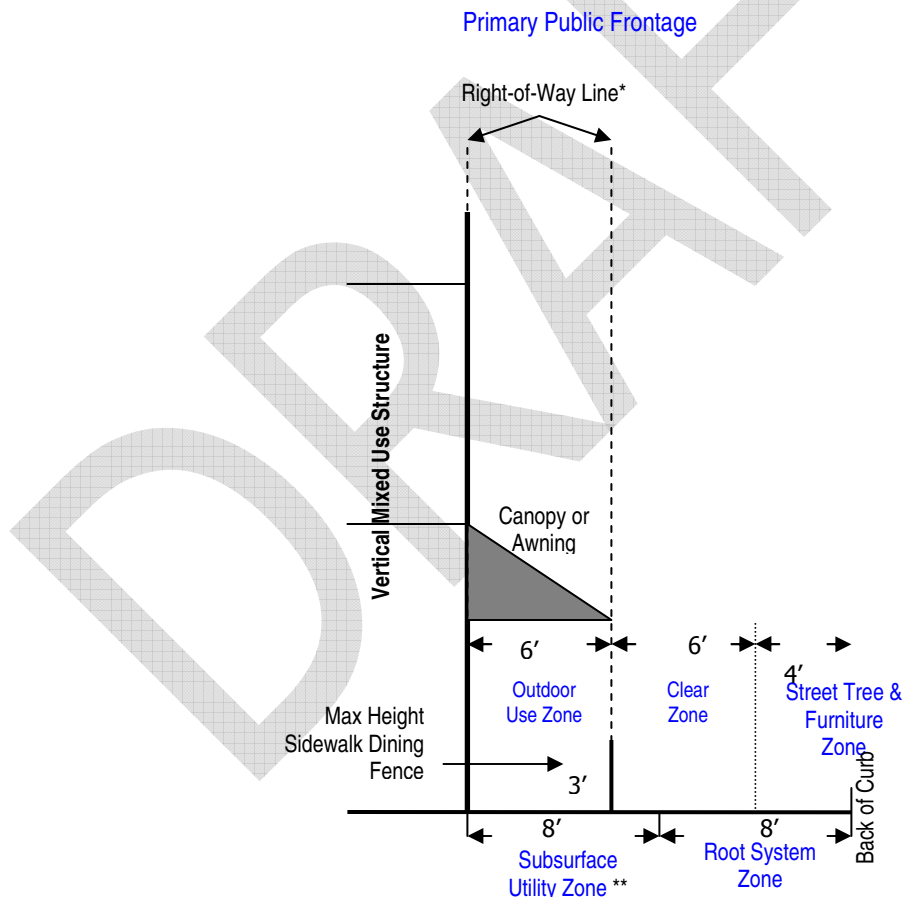
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Work/Live Unit	A space within a Building that consists of a Non-Ground Floor Dwelling which is accessory to a nonresidential use and has direct internal access to the nonresidential use.

(c) Public Frontage Form Standards

In order to ensure the design of pedestrian-oriented **Mixed Use** developments, each development proposed shall comply with the following standards based upon the applicable **Public Frontage**. The site plan proposed shall clearly demonstrate that the following **Public Frontage** form standards are satisfied.

(1) Primary Public Frontages

A **Primary Public Frontage** shall be planned and designed for all **Public Frontages** in association with any designated **Primary Development Zone**. The site plan shall demonstrate that each **Primary Public Frontage** is planned and designed in accordance with the standards shown below.



*When an **Outdoor Use Zone** is designated within the ROW a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

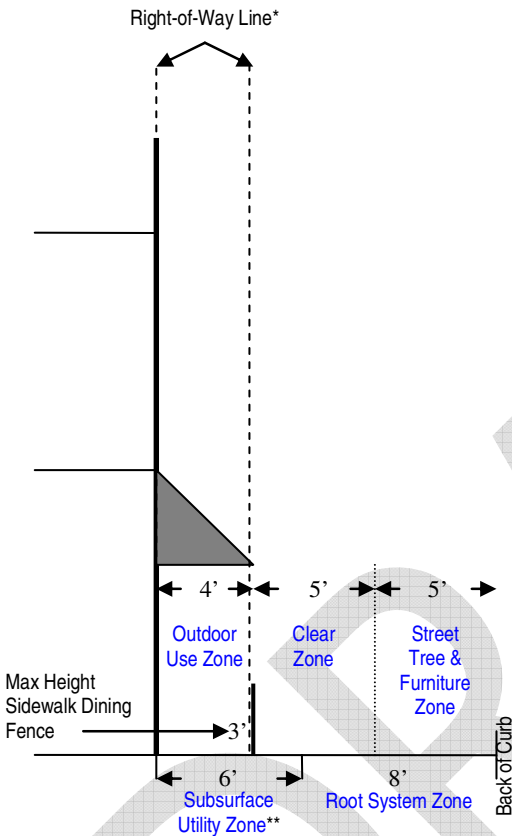
** When a **Subsurface Utility Zone** is located on private property or behind the ROW line, a Utility Easement shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(2) Secondary Public Frontages

A **Secondary Public Frontage** shall be planned and designed for all **Public Frontages** in association with any designated **Secondary Development Zone**. The site plan shall demonstrate that each **Secondary Public Frontage** is planned and designed in accordance with the standards shown below.

Secondary Public Frontage

With ground-level **building frontage** designated for Nonresidential Uses.

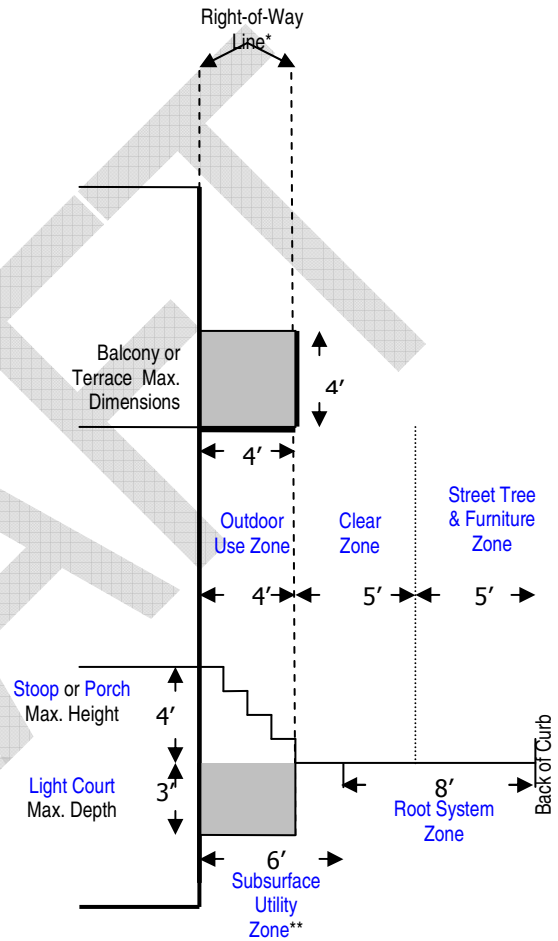


*When an **Outdoor Use Zone** is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

When a **Subsurface Utility Zone is located on private property or behind the ROW line, a **Utility Easement** shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

Secondary Public Frontage

With ground-level **building frontage** designated for Residential Uses.

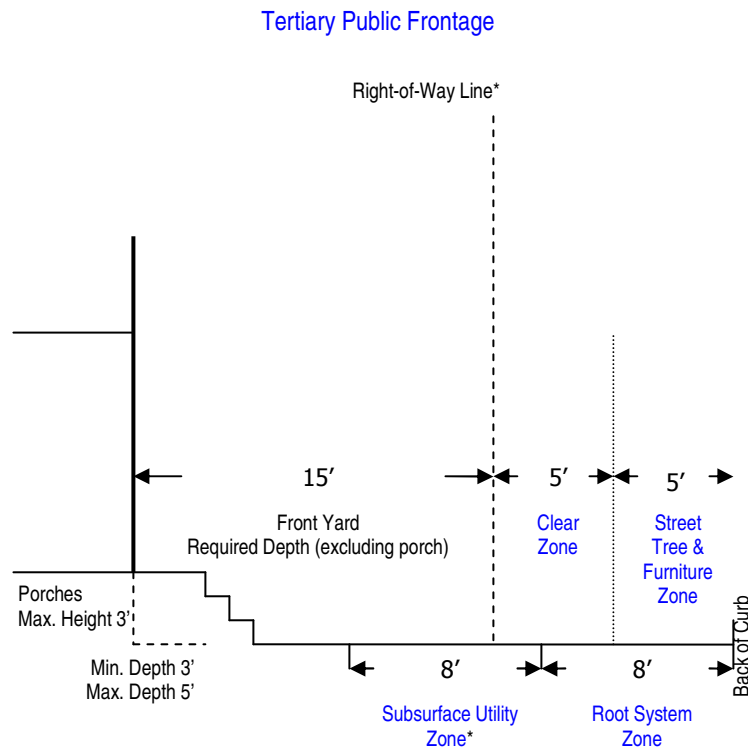


*When an **Outdoor Use Zone** is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

When a **Subsurface Utility Zone is located on private property, or behind the ROW line, a **Utility Easement** shall be filed with the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(3) Tertiary Public Frontages

A **Tertiary Public Frontage** shall be planned and designed for all **Public Frontages** in association with any designated **Tertiary Development Zone**. The site plan shall demonstrate that each **Tertiary Public Frontage** is planned and designed in accordance with the standards shown below.



*When a **Subsurface Utility Zone** is located on private property or behind the ROW line, a **Utility Easement** shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(4) Deviations

Deviations from these **Public Frontage** form standards may be granted by the Planning Director during site plan review in the following circumstances:

- i. The width of the **Subsurface Utility Zone** and **Root System Zone** may be altered based upon a recommendation by the City Utility Department and/or Parks and Recreation Department staff in order to resolve a conflict between placement of trees, landscaping and utilities;
- ii. The width of the any above-surface zone may be altered by the Planning Director if he/she determines that such alteration promotes pedestrian safety.

(d) Building Form & Use Standards

The following building forms shall be permitted in the [Mixed Use](#) District:

(1) Vertical Mixed Use Structures

Such structures shall be a minimum of two stories in height above grade and shall contain both nonresidential uses and residential uses distributed vertically throughout the structure.

i. Where Permitted

[Vertical Mixed Use Structures](#) shall only be permitted in the [Primary Development Zone](#) and [Secondary Development Zone](#). The density and dimensional standards of Article 6 for each development zone shall apply.

ii. Nonresidential Uses

Any permitted nonresidential use may be located in a [Vertical Mixed Use Structure](#).

iii. Location of Nonresidential Uses

The ground-level or street-level of [Vertical Mixed Use Structures](#) shall be designed, constructed, and reserved for occupation by nonresidential uses.

iv. Residential Uses

[Non-Ground Floor Dwelling\(s\)](#) shall be permitted in [Vertical Mixed Use Structures](#). [Work/Live Units](#) are permitted when the nonresidential component of the unit occupies the [Building Frontage](#).

(2) Horizontal Mixed Use Structures

Such structures shall contain a mixture of nonresidential uses and residential uses distributed horizontally throughout the structure. The location of the uses within as [Horizontal Mixed Use Structure](#) shall be as follows.

i. Where Permitted

[Horizontal Mixed Use Structures](#) shall only be permitted in the [Secondary Development Zone](#) and the [Tertiary Development Zone](#). The density and dimensional standards of Article 6 for each development zone shall apply.

ii. Nonresidential Uses

Any permitted nonresidential use may be located in a [Horizontal Mixed Use Structure](#).

iii. Location of Nonresidential Uses

The [Building Frontage](#) of a [Horizontal Mixed Use Structure](#) shall be designed, constructed, and reserved for occupation by nonresidential uses.

iv. Residential Uses

[Attached Dwellings](#) shall be permitted in [Horizontal Mixed Use Structures](#). [Live/Work Unit\(s\)](#) are permitted in [Horizontal Mixed Use Structures](#) with direct internal access between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the [Building Frontage](#) with the residential component of the unit located behind the nonresidential component.

(3) Attached Structures

Such [Structures](#) are designed to contain either nonresidential or residential use(s). Such [Structures](#) are not designed to contain both residential and nonresidential uses and therefore are not considered to be mixed use [Structures](#). Attached [Structures](#) may contain a variety of nonresidential uses (such as retail and office) or a variety of residential uses (such as townhomes or rowhomes, i.e. [Attached Dwellings](#)).

i. Where Permitted

Attached structures shall only be permitted in the [Secondary Development Zone](#) and the [Tertiary Development Zone](#). The density and dimensional standards of Article 6 for each development zone shall apply.

(4) Detached Structures

Such [Structures](#) are designed to contain either a single nonresidential or a single residential use. Such [Structures](#) are designed to contain a single use.

i. Where Permitted

Detached [Structures](#) shall only be permitted in the [Tertiary Development Zone](#). Detached residential structures (i.e. Detached Dwellings) shall be required in [Tertiary Development Zones](#) when surrounding existing structures are of the same form.

(e) Parking Area Standards

The following Automobile and Bicycle Parking provisions apply to all development in the MU District in addition to the provisions of Article 9 not described below. If the provisions of Article 9 conflict or are inconsistent with any of the provisions within this Section, the regulations of this Section shall apply.

(1) Required Automobile Parking

i. Provision of On-Street Parking

On-Street parking shall be counted toward the minimum off-Street parking requirements for a given use as per Sec. 20-902. On-Street Parking may be provided on all [Streets](#) forming the perimeter boundary of or within a [Mixed Use](#) development with the exception of [Streets](#) classified as Principal [Arterial Streets](#) according to the adopted Major Thoroughfares Map of the City of Lawrence. When a Principal [Arterial Street](#) forms the perimeter boundary of, or is contained within a [Mixed Use](#) development parking may be designed in the form of a [Slip Road](#) as approved by the [City Engineer](#).

ii. Shared Off-Street Parking

The applicant may elect to use the Shared Parking provisions of Sec. 20-909 to calculate the required parking for the [Mixed Use](#) development. All uses within [Mixed Use](#) development, except [Detached Dwellings](#) on individual lots are encouraged to share parking rather than provide parking on a use by use basis on individual properties.

iii. Location of Off-Street Parking Areas

[Parking Areas](#) shall not be permitted in a designated [Primary Development Zone](#). All [Parking Areas](#) shall be located within the site area of the [Mixed Use](#) development and within 1,320 feet of any use for which it is designated to provide parking. [Parking Areas](#) shall be located in accordance with the provisions of Sec. 20-908(c).

iv. Access to Off-Street Parking Areas

Access to a [Parking Area](#) shall not be permitted through a designated [Primary Public Frontage](#).

(2) Bicycle Parking Areas

The provisions of Article 9 shall apply.

(f) Development Bonuses

A development bonus is an incentive-based tool that permits an increase in the allowable development potential of a property in exchange for helping the community achieve goals as stated in the Lawrence/Douglas County [Comprehensive Land Use Plan](#). [Mixed Use](#) developments in the MU District which contain features it identified as public goals in the table below may be eligible to increase development potential based upon the number of points earned. The applicant shall make a request for development bonus(es) in writing with the site plan application. The request shall state the goal(s) provided, points earned and development bonus redeemed for the points earned. Such information shall also be stated on the approved site plan.

Public Goal	Points Earned
Goal I: Provision of Moderately-Priced Dwelling Units	
Percentage of all dwelling units which are considered to be Moderately-Priced Dwelling Units	100 points for the first 10%; PLUS 10 points for each 1% provided in addition to 10%
Goal II: Provision of a variety of housing types	
At least two (2) of the following five (5) housing types must be provided in order to redeem points.	
Non-Ground Floor Dwellings	25 if two (2) of the types are provided; 50 if three (3) of the types are provided; 75 if four(4) of the types are provided; 100 if five (5) of the types are provided;
Attached Dwellings	
Live/Work Units	
Assisted Living or Independent Living	
Zero-Lot Line Dwellings	
*The points earned for provision of the above-mentioned goals may be combined	
Goal III: Provision of transit-supportive development	
Location adjacent to Designated Transit Stop	100 points if located directly adjacent to a transit stop and if stop is integrated into the Mixed Use Development and transit stop/pedestrian amenities are provided.
Goal IV: Ensuring availability of adequate public facilities	
Location within ½ mile of a fire station	10 points
Location within 1 mile of a police station	10 points
Location within ¼ mile of a public park or open space	25 points
Location within ¼ mile of a school or cultural center	25 points
Redevelopment of an existing commercial or nonresidential center with adequate utility and transportation infrastructure to support redevelopment	75 points
Location adjacent to the intersection of two streets classified as either Minor Arterial or Principal Arterial according to the adopted Major Thoroughfares Map	15 points
Goal V: Ensuring Protection of Environmental Quality	
Provision of a green roof or rooftop garden to control stormwater runoff (determination of materials used to constitute a green roof or rooftop garden shall be made by the City Stormwater Engineer)	75 points
Provision of a stormwater best management practice as per the adopted BMP Manual	25 to 50 points (as determined by the City's Stormwater Engineer)
Construction of a structure with LEED (Leadership in	100 points per mixed-use structure certified;

Public Goal	Points Earned
Energy Efficient Design) Certification	
Construction of a residential structure with ENERGY STAR Certification	25 points per attached or detached dwelling certified;
Protection of Sensitive Land Features as per Sec. 20-1101(d)(4) otherwise not required to be protected or preserved	25 points per feature preserved

(g) Redemption of Development Bonus

(1) Increase in Residential Density

In a designated [Primary Development Zone](#), the maximum residential density permitted as stated in Sec. 20-601(c) may be increased at the rate of 1 additional dwelling unit per acre for every 10 points earned. For instance, if a development proposal earns 20 points an additional 2 dwelling units per acre may be constructed (for a total of 34) in the [Primary Development Zone](#). Points earned in any development zone may be transferred to the [Primary Development Zone](#) for redemption.

(2) Increase in Building Height

In a designated [Primary Development Zone](#), building height may be increased above the permitted maximum height as stated in Sec. 20-601(c) at the rate of 12 feet for every 100 points earned. Points earned in any development zone may be transferred to the [Primary Development Zone](#) for redemption.

(3) Increase in Building Coverage above Maximum

In the [Secondary Development Zone](#), building coverage may be increased above the maximum permitted as per Sec. 20-601(c) up to 100% coverage for 75 points earned. Only those points earned through provision of features of Goal V may be redeemed for an increase in building coverage.

(4) Reduction in Minimum Parking Requirement

The minimum number of parking spaces required may be reduced at a rate of 1 parking space for every 5 points earned. Only those points earned through provision of features of Goal III may be redeemed for a reduction in the minimum parking requirement.

(5) Increase in Impervious Surface Coverage above Maximum

In the [Secondary Development Zone](#), impervious surface coverage may be increased above the maximum permitted as per Sec. 20-601(c) up to 100% coverage for 75 points earned. Only those points earned through provision of a feature of Goal V may be redeemed for an increase in building coverage.

(h) Other Regulations

There are a number of other development standards that may apply to Mixed Use development, including but not limited to the following:

(1) Use Standards

For standards applicable to uses in the Mixed Use District see **Article 5**.

(2) Density and Dimensional Standards

For Density and Dimensional Standards of the Mixed Use District see **Article 6**.

(3) Off-Street Parking and Loading

For parking standards not provided in this Section see **Article 9**.

(4) Landscaping & Screening

For landscaping & screening requirements see **Article 10**.

(5) Outdoor Lighting

See **Section 20-1103**.

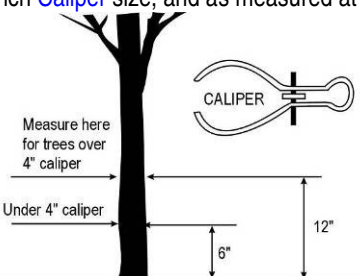
DRAFT

Article 17. Terminology

20-1701 General Terms

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

Term	Definition
Basement	Any floor level below the first Story in a Building , except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings , or use of land, and other regulations relating to the development or maintenance of existing uses or Structures , are uniform; but not including Overlay Zoning Districts .
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment , Large.
Block	A Parcel of land entirely surrounded by public Streets , highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets .
Boarding House	A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms , fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building , except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District , or as modified pursuant to a Variance , a site review, or prior City approval.
Building Frontage	<i>That portion of a building or structure that is adjacent to or faces the Public Frontage.</i>
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District , any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential structure defined by the number of dwelling units contained within.

Term	Definition
Caliper	<p>The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes.</p> 
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements , licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets .
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets .
Common Open Space	A Parcel of land, water, water course, or drainageway within a site designated for a Planned Development or Cluster Housing Project, designed and intended for the use or enjoyment of all the residents and Landowners of the Planned Development or Cluster Housing Project. Common Open Space , except for Common Open Space designated as Natural Open Space , may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Planned Development or Cluster Housing Project. Common open space shall not include space devoted to streets and parking areas.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan , also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission , as amended or superceded by adoption of a replacement plan from time to time.
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.

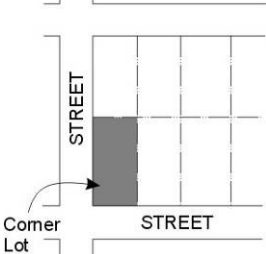
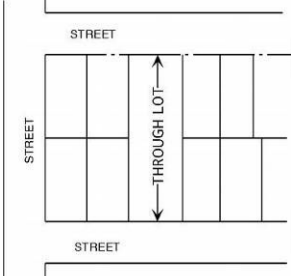
Term	Definition
Deferred Item	An item that has been deferred from a published agenda by the Planning Director , Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets .
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets .
Designated Transit Stop	Any permanent bus stop shelter identified on the route map published by the Lawrence Transit System.
Development Activity	Any human-made change to Premises , including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration , or partial or total demolition of Buildings and Structures ; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots .

Term	Definition
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line .
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home .
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access , and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Evergreen (Coniferous) Tree	An Evergreen Tree , usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

Term	Definition
Extended Stay Lodging	A Building , including a single- Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single- Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District , a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Boarding House , lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Boarding House , lodging house, motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building , measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings .
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building , measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings , from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure ; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure , such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls (excluding basements) of a Building or a portion thereof divided by the Lot Area .
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended , then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End .
Frontage, Building	That portion of a building or structure that is adjacent to or faces the Public Frontage .
Frontage, Public	The publicly-owned layer between the lot line and the edge of the vehicular lanes of a Thoroughfare . The public frontage may include sidewalks, street planters and street trees as well as other landscaping, benches, lamp posts, and other street furniture.
Frontage, Primary Public	A type of Public Frontage commonly associated with pedestrian-oriented urban commercial and retail areas or Thoroughfares in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures . Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Frontage, Secondary Public	A type of Public Frontage commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. Secondary Public Frontages are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.

Term	Definition
Frontage, Tertiary Public	A type of Public Frontage commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building , between the Building and a line five feet from the Building .
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade .
*Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade , or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Sec. 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family .
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission

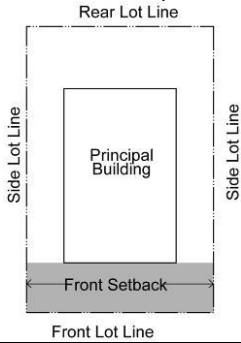
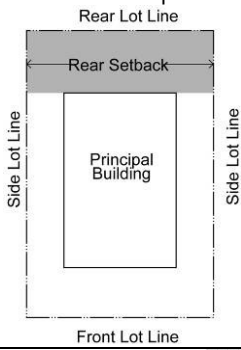
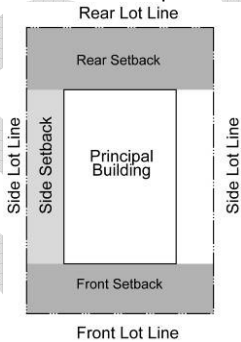
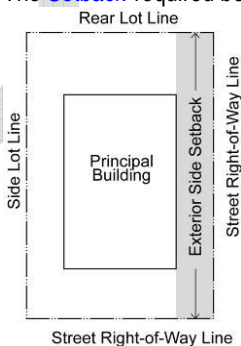
Term	Definition
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs , Ground Cover /vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs , plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches , topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations .
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a structure. It may also provide a means of emergency exit from the structure but shall not serve as a primary entrance or exit to the structure.
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot .
Lot Frontage	See Frontage

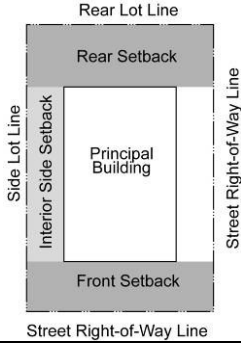
Term	Definition
Lot, Corner	<p>A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot.</p> 
Lot, Through	<p>A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot.</p> 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.
Lot Line	A boundary of a Lot.
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley.
Lot Line, Front	The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street Frontage as the Front Lot Line.
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line. A triangular Lot has no Rear Lot Line.
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line.
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-501(m).
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-501(m).
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mature Trees, Stand of	An area of ½ acre or more covered by densely wooded growth of mature trees having a minimum Height of 25 feet.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Term	Definition
Mixed Use Structure, Horizontal	A building or structure containing both nonresidential and residential uses distributed horizontally throughout the structure.
Mixed Use Structure, Vertical	A building or structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Structures for the purpose of this Development Code when they are parked in a Mobile Home Park .
Moderately-Priced Dwelling Unit	A dwelling unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains , Wetlands , steep slopes, and Woodlands .
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node .
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity , excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Non-Ground Floor Dwelling(s)	Residential dwelling(s) permitted in any Vertical Mixed Use Structure which are located above the ground level or first level of the structure or below the ground level or first level of a structure and do not have direct internal access to a nonresidential use.
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures . Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as building-mounted signs.

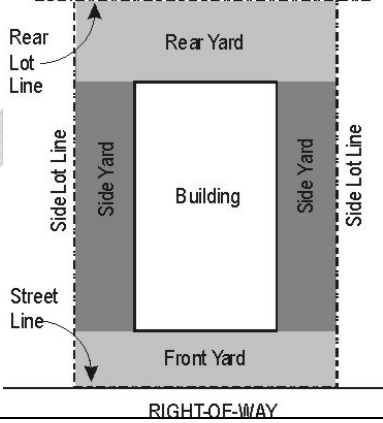
Term	Definition
Overlay Zoning District (or Overlay District)	Any Zoning District included in this Development Code with the word “overlay” in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser’s assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure , designed and used for parking motor vehicles including parking Lots , garages, private Driveways and legally designated areas of public Streets .
Parking Area	An area devoted to off- Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area . Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street , outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an overlay district, for a number of Dwelling Units , office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot , together with all Buildings and Structures thereon.
Principal Building	See Building , Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use .
Prominent Natural Geographic Features with Rocky Outcropping	A rocky protrusion having greater than a 3:1 slope, a minimum Height of 20’ above the surrounding Grade and covering an area of one (1) or more acres. Exposed rock area is 50% or more limestone or sandstone.
Public Frontage	<i>The publicly-owned layer between the lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.</i>
Public Frontage, Primary	<i>The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.</i>

Term	Definition
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director .
Regulatory Flood	See Base Flood definition in Article 12
Regulatory Floodplain	See Floodplain definition in Article 12
Regulatory Floodway	See Floodway definition in Article 12
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building .
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area .
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building . A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person cLothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so cLothed or naked.
Satellite Dish	A dish Antenna , with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building .
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms , or densely planted vegetation, or other means approved by the Planning Director .

Term	Definition
Setback	The minimum horizontal distance by which any building or structure must be separated from a street right-of-way or lot line. (See also 20-602(e)).
Setback, Front	<p>The Setback required between a Building and the Front Lot Line.</p> 
Setback, Rear	<p>The Setback required between a Building and the Rear Lot Line.</p> 
Setback, Side	<p>The Setback required between a Building and the Side Lot Line.</p> 
Setback, Side (Exterior)	<p>The Setback required between a Building and the Exterior Side Lot Line.</p> 

Term	Definition
Setback, Side (Interior)	<p>The Setback required between a Building and the Interior Side Lot Line.</p> 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas .
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen ; planted primarily for its high crown of foliage or overhead Canopy .
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.
Shrub	A Deciduous , Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover , consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.
Significant Development Project	(1) The construction of one or more new Buildings with a gross Floor Area of 1,500 square feet or more; (2) The construction of additions or modifications to one or more existing Buildings with a gross Floor Area of 1,500 square feet or more, or twenty percent (20%) or more, of the existing Building ; (3) Separate incremental additions below the 1,500 square feet or 20% amount if the aggregate effect of such Development Activity over a period of 18 consecutive months would trigger the 1,500 square feet or 20% threshold; (4) The alteration or intensification of any use that increases off- Street Parking requirements pursuant to Article 9 ; or (5) The installation or addition of more than 1,500 square feet of impervious site cover.
Slip Road	<i>A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.</i>
Special Purpose Base District	See Base District , Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Term	Definition
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story .
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an intermittent stream or an intermittent stream specifically identified in the Comprehensive Plan as a significant intermittent stream subject to protection.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets . Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at- Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-Family residential Lots.
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited- Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as " Frontage Roads ."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan .
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building , including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.

Term	Definition
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes .
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Temporary Shelter	See Emergency Shelter
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel , site, piece of land or property that is the subject of a development application or restriction.
Transient (or temporary) Shelter	Facility providing temporary housing for one (1) or more individuals who are otherwise homeless.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship .
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
Wetlands	Any Parcel or portion of a Parcel which meets the state or federal definition of Wetlands that are under the jurisdiction of state or federal laws. Synonymous with "jurisdictional wetland".
Woodlands	Natural hardwood forests, whether or not actively forested.
Work/Live Unit	A space within a Building that consists of a Non-Ground Floor Dwelling which is accessory to a nonresidential use and has direct internal access to the nonresidential use.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays
Yard	Any Open Space located on the same Lot with a Building , unoccupied and unobstructed from the ground up, except for accessory Buildings , or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line , as opposed to the Required Yard or <i>open area</i> (referred to as a "Setback") 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line .

Term	Definition
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line .
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard , or in the absence of either of such front or Rear Yards , to the front or Rear Lot Lines . Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot .
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

20-1734 Household Living

Residential occupancy of a [Dwelling Unit](#) by a household with tenancy arranged on a month-to-month or longer basis.

(1) Attached Dwelling

A [Dwelling Unit](#), located on its own [Lot](#), that shares one or more common or abutting walls with one or more [Dwelling Units](#). An [Attached Dwelling](#) does not share common floor/ceilings with other [Dwelling Units](#). An [Attached Dwelling](#) is also called a townhouse or a row house.

(2) Detached Dwelling

A [Dwelling Unit](#) located on its own [Lot](#) that is not attached to any other [Dwelling Unit](#).

(3) Cluster Dwelling

A subdivision or development project containing [Detached Dwellings](#) where some or all [Lots](#) are smaller than the required minimum [Lot Area](#) and width requirements but the overall project complies with the maximum [Density](#) requirements of the applicable Base and [Overlay Zoning Districts](#).

(4) Duplex

A single [Structure](#) that contains two (2) primary [Dwelling Units](#) on one (1) [Lot](#). The units may share common walls or common floor/ceilings.

(5) Multi-Dwelling (Structure)

A [Structure](#) that contains three (3) or more [Dwelling Units](#) that share common walls or floor/ceilings with one (1) or more units. The land underneath the [Structure](#) is not divided into separate [Lots](#). A Multi-Dwelling includes [Structures](#) commonly called garden apartments, apartments and condominiums

(6) Zero Lot Line Dwelling

[Detached Dwellings](#) that are located to one side of [Lot](#) on which they are located, in accordance with the standards of Sec. 20-534.

(7) Non-Ground Floor Dwelling

Residential dwelling(s) permitted in any [Vertical Mixed Use Structure](#) which are located above the ground level or first level of the structure or below the

ground level or first level of a structure and do not have direct internal access to a nonresidential use.

(8) Work/Live Unit

A space within a [Building](#) that consists of a [Non-Ground Floor Dwelling](#) which is accessory to a nonresidential use and has direct internal access to the nonresidential use.

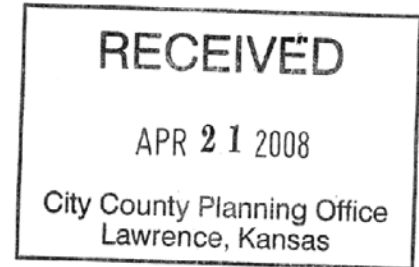
DRAFT

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 20, 2008

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM 12: PROPOSED MIXED USE DISTRICT - SPECIFIC CHANGES TO FINAL DRAFT

Dear Chairman Eichhorn and Planning Commissioners:

We have generally agreed with the concept of a Mixed Use District that is pedestrian friendly and supported by public transit. However, there are three issues that we had not identified in our communications to you regarding this new Mixed Use District that we realized will become major concerns to citizens when this district is actually used.

1. The first issue is that of its potential location. Allowing each district to be as much as a quarter of a mile distance to a bus route and only "near" (whatever that means) the intersection of arterial streets would allow these districts to be built almost anywhere in the existing city.

We still support the point that each of these Mixed Use Districts should be on a bus route and provide a bus stop. Having to walk a quarter of a mile to get to a bus route outside of a twenty-acre development would not be convenient enough to support such a development as being "transit-oriented," the original reason for our support.

2. The second issue is the fact that there is no upper limit on the number of these districts permitted. They are not limited to redevelopment of existing commercial areas, and allow medium retail establishments (when a part of a vertical mixed-use structure). This flexibility could inadvertently and unintentionally have a major negative effect on the CBD as well as unintentionally increase the intensity of a neighborhood area in an inappropriate location.

3. The third issue is that when standards are reduced to accommodate non-conformities, there should be limits described, or references included as to existing limits elsewhere in the ordinance, so that the code is not misinterpreted in a way that indicates that there are no restrictions. One example here that appears in the modifications is under (f) Development Standards,

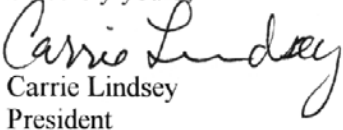
"...The intensification of the use of property in the MU District that increases the off-street parking requirements shall not constitute a Major Development Project."


We suggest that this will be misinterpreted unless a limiting standard or a reference is added as to what are the outer limits of the intensification of the use. In the past we have had a very unfortunate experience with the intensification of a use in an existing building that was approved inadvertently, and resulted in very serious, unintended consequences.

We hope that you will receive these suggestions favorably.

Thank you.

Sincerely yours,


Carrie Lindsey
President


Alan Black, Chairman
Land Use Committee

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

January 27, 2008

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

Attention: Joe Rexwinkle

RE: MIXED USE DISTRICT

Dear Chairman Eichhorn and Planning Commissioners:

This is a continuation of our suggestions and observations on the Mixed Use District.

One of the concerns that we have had with the Mixed Use District is the lack of effective standards for integrating potentially incompatible uses and buildings in a way that is mutually beneficial. One of these major incompatibilities in Lawrence is abrupt differences in scale. It is not uncommon in this town to see a three-story apartment immediately adjacent to a much smaller single family house. The disparity creates a lack of privacy to the individual home dwellers that isn't easily remedied with screening, and is unnecessary when there are techniques for combining buildings into a neighborhood that allow mixed uses without creating liabilities. Attached are examples provided to us by Professor Cliff Ellis while he was in the Urban Planning Department here at KU.

Also attached is our letter sent last November promising our outline of annotations to the Draft Mixed Use District along with an outline of our annotations to the draft text. A second major concern was the individual lot size of 20 acres permitted in the district. Because each lot represents an individual property ownership, the size is inconsistent with the projected uses and ownership patterns unless the district were to be a PD (please see outline of annotations attached). Also please see November letter, attached.

Thank you for your interest in this issue, and we send our special thanks to Joe for his work on this code.

Sincerely yours

Paula Schumacher
President

Alan Black, Chairman
Land Use Committee

Attachments

The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any another MIME-compliant system, you should be able to save it or view it from within your mailer. If you cannot, please ask your system administrator for assistance.

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

ANSWER FROM PROF. ELLIS

Dear Betty:

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

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

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

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

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

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

* Underlining has been added.

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

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

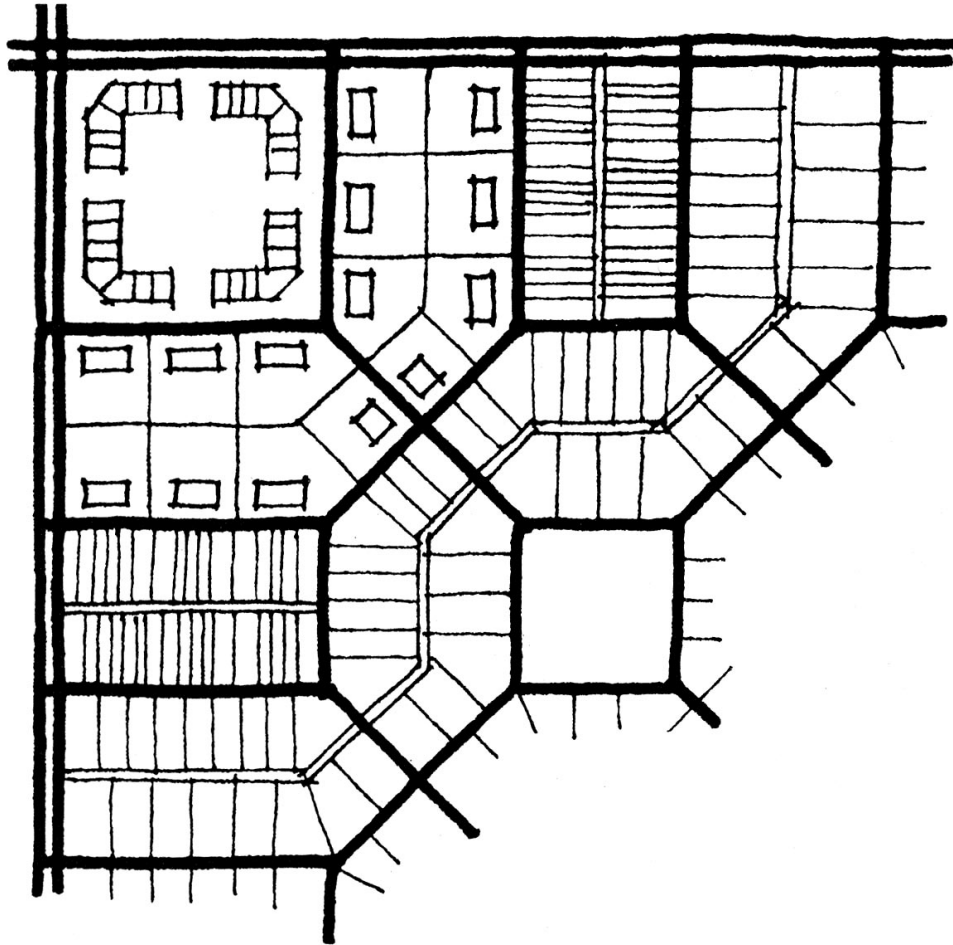
Good luck with your effort. Let me know if you have any more questions. And it would be interesting to find out how everything turns out in the end, after it is debated and a final decision is made.

Best regards,

Cliff Ellis

=====

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



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

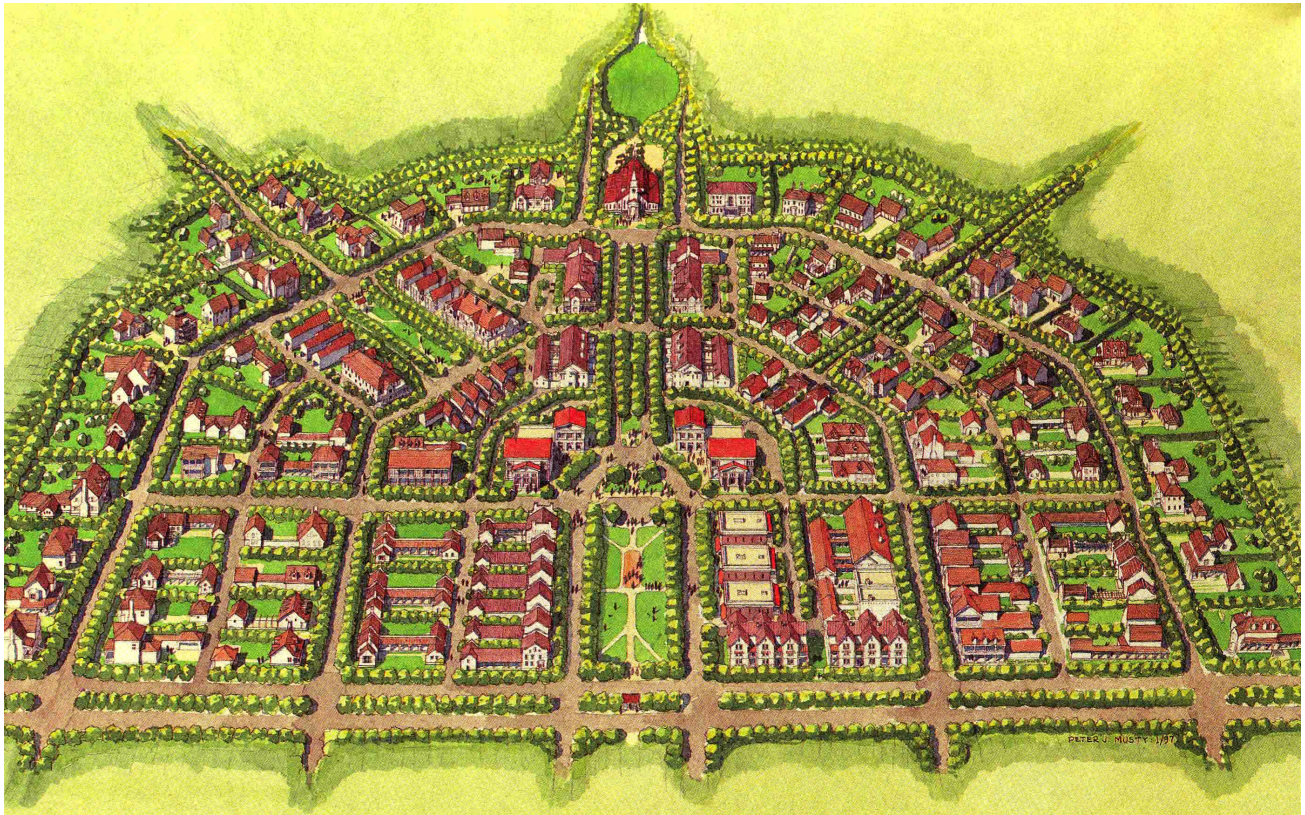
Source: Hall, Kenneth B., and Gerald A. Porterfield. 2001. *Community by Design: New Urbanism for Suburbs and Small Communities*. New York: McGraw-Hill.

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



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

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



Schematic Traditional Neighborhood Development (TND) showing gradual transition from commercial/office/civic land uses in the center to apartments, townhouses, small-lot single-family, and finally larger-lot single-family on the edge. The transitions between land uses are relatively gradual, and make use of streets, alleys, and civic spaces as transitional elements.

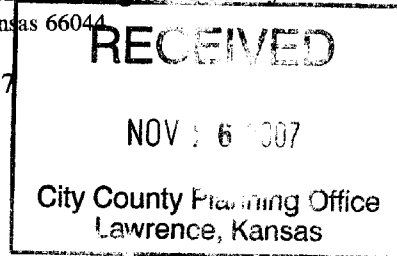
Source: Anderson, R. John, and Jason Miller, eds. 1997. *TND Series, Volume 1*. Homestyles Publishing and Marketing, Inc.

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

November 25, 2007

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM NO. 9B: AMENDMENTS TO CHAPTER 20, DEVELOPMENT CODE FOR MIXED USE DISTRICTS

Dear Chairman Eichhorn and Planning Commissioners:

The Land Use Committee is in the process of reviewing the new Mixed Use District and would like to present comments to you on this new district in two forms: a CD of the text with our annotated comments and an outline in hard copy summarizing these comments.

In general we support the concept of the Mixed Use District. The proposed addendum to the Comprehensive Plan characterizes the district and provides for its transition into neighboring properties. As just one of its listed intentions,

"New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods..."

After a preliminary reading and discussion of the text of the new district, we find that the language proposed to be written into the code for the district has many options for uses to be mixed, but few details on integration into new or existing neighborhoods or for that matter involvement of neighboring property owners or neighborhood residents, an important oversight.

We urge you to incorporate directly into the Land Use Code the same site and use restrictions that you adopt in Horizon 2020 to guide the use of this district. The Land Development Code is a law. The comprehensive plan is a guide, and, we find, variously interpreted and occasionally ignored at times.

One consideration that we see needs defining better is the compatibility of scale. The relationship between buildings should also be compatible on all sides and not just on frontages.

We also want to emphasize how important it is for this district not just to support pedestrian use within it, but also to it, and also to support access to public transportation. This should be a requirement, not just an aspiration.

There are other questions and comments that we would like to present to you and ask that you permit us to submit these to you within the next few days.

Thank you for your consideration.

Sincerely yours,

Paula Schumacher
President

Alan Black, Chairman
Land Use Committee

RE: MIXED USE DISTRICT LIST; OF ANNOTATIONS FROM THE LAND USE COMMITTEE

December, 2007

PDF Page 1: GENERAL COMMENT: These Mixed Use areas will be high impact districts which can be either positive or negative. As such, only requiring rezoning in the approval process and a site plan administratively approved is expecting too much expertise on the part of the planning staff. We have learned that the neighborhoods are much more cognizant of their needs than the planners. There should either be concept plans required with the zoning applications or the site plan approvals should be public hearings with Planning Commission approval.

Regarding the maximum area size allowed for the Mixed Use District: the entire Downtown area can't be much over 20 acres. To create a large Mixed Use District outside of the CBD is to create a duplicate Downtown. There should be closer scrutiny and approval options for this new Mixed Use District. Even the SmartGrowth consultants did not want to duplicate the Regional district in their SmartGrowth plans and emphasized preserving the CBD. Do you really want to allow MU sites as large as 20 acres without other criteria than you have here?

PDF Page 2: What Is Promoted And Encouraged:

Comment: Pedestrian environments require places TO WALK TO and most importantly, to allow self sufficiency by including, in fact, requiring, everyday needs to be included. Any neighborhood needs this. The object is to reduce or eliminate dependence on private automobile transportation. The point is that these areas need more than just form-based buildings. They should be planned for function.

PDF Page 4; 20-223(e)(2) Lot Requirements:

Comment: The 20-acre maximum LOT sizes allowed are unrealistic. This needs to be examined. Please see annotated explanation in the left hand margin of the draft text.

EXPLANATION: This is described as a conventional district. This means that separate property ownerships would have to be platted as separate lots if each building and the ground under it is sold as one parcel (lot) after recordation. If buildings or portions of each building are sold separately from the land, each building or portions of each building would have to be sold as a "condominium," and the land would have to be one large lot with a *single owner*. Unless this district is a Planned District (PD) and allows more than one building on a lot, if the lot is as large as 20 acres, the permitted ownership patterns need to be written into the code if you are going to allow any other ownership arrangements than for one person owning each lot and its building. The definitions would have to be adjusted for "principal building" for example. If this district is going to be an exception, it must have the subdivision requirements exclusive to this district written into the Subdivision Regulations. If you allow super-sized lots and don't anticipate how you are going to manage property transfers and ownerships in this district, you will totally unhinge the Subdivision Regulations. Please also see comments in Article 17. One thing you must NOT do is allow subdivision by Site Plan. Each proposed land ownership parcel (that is not an unbuildable tract) must be a platted lot and each land parcel transferred must be a platted lot.

SUGGESTED REWORDING: Eliminate "maximum of 20 acres." Substitute the following, *"Any lot having more than one building, each of which with the land under it is proposed to be sold or transferred separately, shall be designated a MU-PD District and shall be governed by the provisions of that district."* Then write a separate PD article for the MU District. OR allow only one building per platted lot. That would be the easiest solution. (Actually, this is how the SmartCode reads.) This would allow one owner per building and the separate portions of the building could then be sold as a condominium. You should be doing this with all large lot development, regardless of the district. Also, please remember that each building fronts on a public street. Multiple buildings on 20 acres with only one frontage would be a strip.

PDF Page 5; 20-223(f) Pedestrian and vehicular access:

Comment: By "pedestrian access" do you mean a sidewalk? Any "pathway" should be defined as a *paved* pedestrian access. We suggest that you define it in the definitions and then create standards.

PDF Page 9: 20-403; Non-residential District Uses Table:

Comment: “Explosive storage” should not be allowed in any district including industrial districts without a permit, storage standards, and supervision.

PDF Page 10, 20-601 and 20-602; Density and Dimensional Standards Mixed Use Table,

Footnote [6] “ When a lot containing a detached or single-dwelling residential structure abuts the rear lot line of a lot containing an attached dwelling or nonresidential structure, the minimum setback for the lot containing the attached dwelling or nonresidential structure shall be 20' from the property.”

Comment: One of the major incompatibilities in Lawrence is the location of tall, bulky apartments adjacent to smaller single family homes. The set-back isn't the problem. It's the loss of privacy to the single family house because of the location of the higher multiple family building or it also may involve cutting into the sun exposure by shading. This can deteriorate a home-occupied neighborhood by creating a nucleus of uncertainty and/or blight. Some communities require step-up scaling of buildings with the peripheral buildings the same height as the adjacent single family structures, increasing in height toward the center and away from the smaller single family dwelling. Another approach is similar to the SmartCode: require accessory buildings to be located between the two. A rear garage opening onto an alley serves as a privacy screen and is similar in function to the step-up requirement.

PDF Page 12, 20-1108 General Development standards for Mixed Use Districts;

(b) Where Appropriate “...adjacent to or surrounding public parks or open space...”

Comment A: This is too general. The MU district needs its own open space. Some types of public open space would be ruined, such as natural preserves, if an intensively developed mixed use district were adjacent to it because of the trash dumping that occurs in high density/intensity situations. The open space should be under the jurisdiction of the MU District so that the owners have a sense of responsibility.

Comment B: The most important requirement for the location of a Mixed Use District should be for the mixed use project to be within walking distance of a transit stop plus another high activity area.

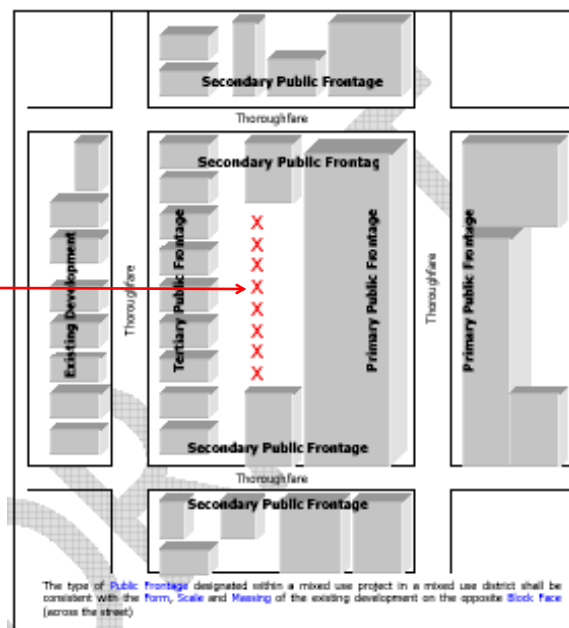
(e) Designation of public frontage

Comment: The location and scale of the public frontage building juxtapositioned to the back of the small, probably residential, buildings is totally incompatible with the smaller housing without some intervening view and nuisance blockage such as a low building, high wall or some other kind of system compatible with individually owned small housing. (Please see red Xs in diagram.)

Needed is a different building arrangement. [The SmartCode does not create this type of transition between buildings or uses. For transition between different scales they use a view-blocking accessory building and/or rear garage and alley behind the main building on each single dwelling lot.]

(f) Form and Use Standards

Comment: Once the requirements for an MU District are established, could you include all the information needed in a booklet, including the articles not included here such as landscaping standards, lighting, and the other pertinent requirements? It also would be helpful if you could provide an example of a sample application showing the information required, including the graphics.



(h) Development bonuses

Public Goal

Points Earned

Goal III: Provision of transit-supportive development	
Location adjacent to Designated Transit Stop	10 points if within 1,000 feet; 15 points if within 500 feet; 50 points if located directly adjacent to a transit stop and if stop is integrated into the Mixed Use Development and transit stop/pedestrian amenities are provided.

Comment A. Some of these criteria listed in the bonus table should be requirements, and not optional.

Comment: B. The support of public transportation should be the main goal of Mixed Use Development and, in fact, should be a REQUIREMENT for the MU District. This type of use should never be isolated and without close access to public transit. The main purpose of this type of development should be self-sufficiency and independence from private automobile use. Consequently, the most important commercial use in each MU District would be to provide access to a food store and/or restaurant. You should be considering not just the idea of mixed uses, but also their contribution to energy conservation.

Comment C. We suggest that allowing high density residential developments to be isolated and inaccessible to any type of supporting uses or public transit and to design them in a way that prevents pedestrian access to these uses is one of the most serious of bad land use planning practices. One way to avoid this would be to **require** that any new development show that it will be within walking distance of (1) a pedestrian-accessible public transit stop; (2) a community neighborhood facility (recreational center, public school); (3) a food source (restaurant, grocery store, or delicatessen); and (4) a recreational open space (public park, walking trails, etc.). These are features that any living area needs.

GENERAL COMMENT: You need to separate your bonus criteria from locational criteria and use/design criteria, the latter of which should be requirements and not optional.

GENERAL COMMENT REPEATED: Once the requirements for an MU District are established, could you include all the information needed in a booklet, including the articles not included here such as landscaping standards, lighting, and the other pertinent requirements? It also would be helpful if you could provide an example of a sample application showing the information required, including the graphics.

(I) Redemption of Development Bonuses

(5) Increase in Impervious Surface Coverage above Maximum

Comment: You should not reward increasing impervious surface; it is already up to 75%, the maximum permitted by most other high intensity districts. You should allow for increased intensity in some other way.

One of the problems of SmartGrowth projects is that the stormwater management is all subsurface. These mixed use and smart growth projects should not be a source of additional runoff unless there is publicly owned detention storage that these areas drain into and especially that provides pollution absorption and/or control.

GENERAL COMMENT: These areas will be high impact districts which can be either positive or negative. As such, only requiring rezoning in the approval process and a site plan administratively approved is expecting too much expertise on the part of the planning staff. We have learned that the neighborhoods are much more cognizant of their needs than the planners. There should either be concept plans required with the zoning applications or the site plan approvals should be public hearings with Planning Commission approval.

Memorandum

City of Lawrence—Douglas County

Planning & Development Services Department

TO: Lawrence-Douglas County Planning Commission

FROM: Planning Staff

CC: Sheila Stogsdill

Date: November 19, 2007

RE: Item No. 9B: Discuss and provide feedback on proposed of amendments to Chapter 20, Development Code to create a Mixed Use zoning district and associated development standards. Initiated by Planning Commission on April 23, 2007.

The entire Downtown area can't be much over 20 acres. To create a large Mixed Use District outside of the CBD is to create a duplicate Downtown. There should be closer scrutiny and approval options for this district. Even the SmartGrowth consultants did not want to duplicate the Regional district in their SmartGrowth plans and emphasized preserving the CBD. Do you really want to allow MU sites are large as 20 acres without other criteria than you have here?

Overview

Staff has continued to draft language to implement a new Mixed Use zoning district. The draft MU District was originally discussed by the Planning Commission at its July meeting and was posted on the website for the Planning and Development Services Department at that time for public feedback. The draft language attached reflects all changes made since July's Planning Commission meeting. Significant changes include the addition of provisions for development bonuses, an incentive-based tool, and clarification of design and form standards as well as the terminology used. The revised draft language attached has been posted to the department's website for public feedback.

Summary of Attached Language

Please find the draft Mixed Use District language attached in the following order:

- Proposed amendments to Article 2 to add the MU District, its purpose, location and site criteria.
- Proposed amendments to Article 4 to add the MU District to the use table. Please look at the uses listed for the MU District and provide any feedback you may have.
- Proposed amendments to Article 6 to add density and dimensional standards for the MU District.
- Proposed amendments to Article 11 to add general development standards for new development in the MU District.

FAQ's on the background, intent and key features of the MU District:

What's the intent?

- To permit and promote mixed use development in appropriate locations.
- To permit and promote the redevelopment of existing commercial centers.

Key Features

- Development Standards apply to site planning for new development.
- Purpose, uses enumerated, location criteria and designation of public frontages apply to rezoning requests.
- Site area shall be between 3000 sf and 20 acres.
- Maximum residential density (without density bonus) is the same as RM32.
- Maximum height (without development bonus) is 45 feet.
- Vertical Mixed Use Structures must enfront upon a designated Primary Public Frontage.

What is required?

- **Mixing Uses.** New development in MU Districts shall include both residential and nonresidential uses.
- **Designation of Public Frontages.** At the time of request to rezone to the MU District, the applicant shall propose the designation of public frontages. Such designations for all external public frontages or those which form the boundary of the development shall be consistent with the opposite block face in terms of scale, massing and form. Internal public frontages may be designated at the discretion of the applicant and determined through the approval process.
- **Form and Design Standards.** New development shall be designed and constructed in accordance with the form and design standards required for each public frontage type as per Sec. 20-1108(j).

What is promoted and encouraged?

- **Mixed use structures.** The applicant is only required to mix residential and nonresidential uses across the site; however a vertical or horizontal mixture of these uses is encouraged with the language.
- **Pedestrian Scale.** The form and design standards (required) will promote and encourage a walkable environment.
- **Transit Use.** Adjacency to a designated transit stop is a key location criteria for MU Districts. Development bonuses reward mixed use development adjacent to or surrounding designated transit stops. Furthermore, shared parking is required for mixed use developments.
- **Redevelopment.** The redevelopment of existing single-use nonresidential districts (such as strip malls and commercial or office centers) is a key location criteria. Development bonuses reward development when adequate public facilities such as utilities and transportation infrastructure exist, supporting redevelopment.
- **Infill.** The parameters of the site area for MU Districts (3000 sf to 20 acres) allows use of the district for small infill sites and for larger areas (such as the redevelopment of commercial centers or pockets of undeveloped land in the City). Most of the location criteria are located within developed areas. The location criteria also state that the MU District is not intended for large-scale development. Development bonuses reward mixed use development which is served by existing public facilities.
- **Environmental Quality.** Development bonuses reward development which incorporates environmental design features such as a green roof or LEED certification.
- **Variety of Housing Types.** Development bonuses reward development with two or more housing types. The rewards increase for each additional housing type provided.
- **Moderately-Priced Housing.** Development bonuses reward development which provides moderately-priced dwelling units (units which are affordable to households earning 80% of the median income or less).

What is discouraged?

- **Single-use Structures.**
- **Excessive Area dedicate to Parking.**

Pedestrian environments require places TO WALK TO and most importantly, to allow self sufficiency by including, i.e. requiring that be included, everyday needs. Any neighborhood needs this.

Recommendation:

Discuss and provide feedback on proposed amendments to Chapter 20, Development Code to create a Mixed Use zoning district and associated development standards.

(a) Purpose

The MU, Mixed Use District, is primarily intended to permit a variety of land uses together in one or more Structures on a site including governmental, retail, office, public and community facilities, institutional, religious, and residential uses. Retail and service uses that attract and generate foot traffic are encouraged to be located along the Public Frontage.

(b) Where Appropriate

The MU District zoning classification may not be appropriate in all areas of the City of Lawrence. Mixed-Use development in the MU District is most appropriately located along transit lines and within ¼ mile of Designated Transit Stops, near or adjacent to the intersection of Arterial Streets as per the adopted Major Thoroughfares Map, near or adjacent to university campuses, near or adjacent to downtown, adjacent to or surrounding public parks or open space and for infill development opportunities in the above-mentioned locations. It is also appropriate for the redevelopment of existing commercial or nonresidential developments.

(c) Principal Uses

Principal Uses are allowed in MU District in accordance with the Use Table of Article 4.

(d) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Article 5.

(e) Density and Dimensional Standards

Unless expressly stated below, all development in the MU District shall comply with the Density and Dimensional Standards of Article 6. The following additional Density and Dimensional Standards shall apply in the MU District:

(1) Site Requirements

Development sites between 3,000 square feet and 20 acres in area are permitted in the MU District. For mixed use developments on sites greater than 20 acres in area, see Section 20-701(f) Planned Developments.

(2) Lot Requirements

All lots in the MU District shall be a minimum of 3,000 square feet and a maximum of 20 acres in area. (SEE BELOW FOR SUGGESTED REWORDING.)

(f) Pedestrian and Vehicular Access

In areas designated as the Primary Frontage, vehicular Access to individual Lots may be permitted only from a public Alley. In areas designated as Secondary Frontage or Tertiary Frontage, vehicular Access may be permitted

Eliminate "maximum of 20 acres." Substitute the following, "Any lot having more than one building, each of which with the land under it is proposed to be sold or transferred separately, shall be designated a MU-PD District and shall be governed by the provisions of that district." Then add a PD section in the MU District text. OR allow only one building per platted lot. That would be the easiest solution. This would allow one owner per building and the separate portions of the building could then be sold as a condominium. You should be doing this with all large lot development, regardless of the district. Also, please remember that each building fronts on a public street. Multiple buildings on a 20-acre lot with only one frontage would be a strip.

The 20-acre maximum LOT sizes allowed are unrealistic. This needs to be examined. Please see explanation in the left hand margin.

EXPLANATION

This is described as a conventional district. This means that separate property ownerships would have to be platted as separate lots if each building and the ground under it is sold as one parcel (lot) either initially or after recordation. If buildings or portions of each building are sold separately from the land, each building or portions of each building would have to be sold as a "condominium," and the land would have to be one large lot with A SINGLE OWNER. Unless this district is a Planned District (PD) and allows more than one building on a lot, if the lot is as large as 20 acres, the permitted ownership patterns need to be written into the code if you are going to permit any other ownership arrangements than for one person owning each lot and its building(s). The definitions would have to be adjusted for "principal building" for example. If this district is going to be an exception, it must have the subdivision requirements exclusive to this district written into the Subdivision Regulations. If you allow supersized lots and don't anticipate how you are going to manage property transfers and ownerships in this district, you will totally unhook the Subdivision Regulations. Please also see comments in Article 17. One thing you must NOT do is allow subdivision by Site Plan. Each proposed land ownership parcel (that is not an unbuildable tract) must be a platted lot and each land parcel transferred must be a platted lot.

from the [Alley](#) or [Street](#). Pedestrian access shall be permitted from the [Street](#), public [Alley](#) or pathway. By "pedestrian access" do you mean a sidewalk? Any "pathway" should be defined as a paved pedestrian access. Please define it in the definitions and then create standards.

(g) Other Regulations

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

(1) General Development Standards

Specific standards apply to Mixed-Use Developments. See Article 11.

(2) Landscaping

Specific standards apply to Mixed-Use Developments. See Article 10.

(3) Off-Street Parking and Loading

Specific standards apply to Mixed-Use Developments. See Articles 9 & 11.

(4) Outdoor Lighting

Specific standards apply to Mixed Use Developments. See Sec. 20-1103.

(5) Overlay Districts

See Article 3.

20-403 **Nonresidential District Use Table**

KEY: A = Accessory P = Permitted S = Special Use

* = Standard Applies – Use not allowed

[illegible]

Community Facilities	Public Safety	S	P	S	P	P	P	P	P	P	P	P	
	School	P	P	P*	P	P	P	P	P	-	-	-	
	Funeral and Internment	-	P*	-	P*	-	P*	P*	P*	P*	P*	-	20-505
	Transient Shelter	-	-	-	S	S	S	S	S	-	-	-	
	Soup Kitchen	-	-	-	S	S	S	S	S	-	-	-	
	Utility, Minor	P*	P*	-	P*	P*	P*	P*	P*	P*	P*	P*	20-530
	Utility and Service, Major	S	S	-	S	S	S	S	S	S	S	P	
Medical Facilities	Extended Care Facility, General	-	S	-	S	-	-	-	-	-	-	-	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	20-519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	
	Entertainment & Spectator Sports, Gen.	-	-	-	-	P	P	P	P	-	-	-	
	Entertainment & Spectator Sports, Ltd.	-	P	P	-	P	P	P	P	-	-	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	P	-	
	Participant Sports & Recreation, Outdoor	-	-	S	-	-	P	P	P	P	P	-	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	20-522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	20-522
COMMERCIAL													
Animal Services	Kennel	-	-	S	-	-	P	P	P	-	P	P	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	P	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	P	
	Veterinary	-	P	P	P	P	P	P	P	-	P	P	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	-	A*	A*	A*	A*	-	-	-	20-509
	Bar Or Lounge	-	-	P*	-	P*	P*	P*	P*	-	-	-	20-509
	Brewpub	-	P*	P*	-	P*	P*	P*	P*	-	-	-	20-509
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	20-511 & 20-509
	Fast Order Food, With Drive-In	-	S	-	-	-	P	P	P	P	P	-	
	Nightclub	-	-	-	-	P*	-	P*	-	-	-	-	20-509
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	-	-	20-524

Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20-518
	Financial, Insurance & Real Estate Services	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	20-510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20-537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	P	P	P	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	
	Communications	–	P	P	P	P	P	P	P	P	P	–	
	Construction Sales and Service	–	–	–	–	–	P	P	P	S	P	P	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	20-511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20-516 & 20-528
	Personal Convenience	P*	P*	P*	–	P*	P*	P*	P*	P*	P*	–	20-520
	Personal Improvement	P*	P*	P*	–	P*	P*	P*	P*	P*	P*	–	20-521
	Repair Service, Consumer	P*	P*	P*	–	P*	P*	P*	P*	P*	P*	–	20-523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	20-525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	20-526
	Retail Establishment, Medium	–	P*	P*	–	P*	P*	P*	P*	–	–	–	20-526
	Retail Establishment, Specialty	–	P*	P*	–	P*	P*	P*	P*	–	–	–	20-526
Sexually Oriented Business	Sexually Oriented Media Store	–	–	–	–	–	–	–	–	–	–	–	20-528
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	20-528
	Sex Shop	–	–	–	–	–	P*	P*	P*	–	–	–	20-528
	Sexually Oriented Theater	–	–	–	–	–	P*	P*	P*	–	–	–	20-528
Transient Accommodation	Bed and Breakfast	P*	–	P*	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	
	Hotel, Motel, Extended Stay	–	–	S	–	P	P	P	P	–	–	–	
Vehicle Sales & Service Vehicle Sales & Service	Cleaning (e.g., Car Wash)	–	S	S	–	–	P	P	P	P	P	P	
	Fleet Storage	–	–	–	–	–	P	P	P	P	P	P	
	Gas and Fuel Sales	–	S	S	–	–	P	P	P	P	P	P	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	P	P	P	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	P	P	P	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	P	P	P	
	Light Equipment Repair	–	S	–	–	S	P	P	P	P	P	P	

	Light Equipment Sales/Rental	-	-	-	-	S	P	P	P	P	P	P	
	RV and Boats Storage	-	-	-	-	-	P	P	P	P	P	P	
INDUSTRIAL													
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	P	
	Industrial, General	-	-	-	-	-	-	-	-	S	P	P	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	P	
	Laundry Service	-	-	-	-	-	P	P	P	P	P	P	
	Manufacturing & Production, Ltd.	-	-	-	-	S	S	S	S	P	P	P	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	
	Research Service	-	-	-	S	S	P	P	P	P	P	P	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	S*	S*	20-527
Wholesale, Storage, & Distribution	Heavy	-	-	-	-	-	S	S	S	S	S	P	
	Light	-	-	-	-	-	P	P	P	P	P	P	
	Mini-Warehouse	-	-	-	-	-	P	P	P	P	P	P	
OTHER													
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	20-501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	P	
	Agriculture, Animal Husbandry	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	-	P	-	P	P	P	P	P	P	
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	
	Communications Service Establishment	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20-506
	Telecommunications Facilities:												
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	20-529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	20-529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	20-515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	P	P	P	
Recycling Facilities	Small Collection	P	P	P*	P	P	P	P	P	P	P	P	
	Processing Center	-	-	-	-	-	-	-	-	-	P	P	

Explosives storage should never be permitted in any district by right . It should require a permit and supervision.

Standard	MU
Min. Site Area (sq. ft.)	3,000
Max. Site Area (acres)	20
Min. Lot Area (sq. ft.)	3,000
Min. Lot Width (ft.)	25
Max. Dwelling Units (per acre)	32
Build-to Line Range (ft.)	
Front	0-15 [4]
Side (Exterior)	0-15 [4]
Side (Interior)	5 [5]
Max. Floor Area Ratio	3.0 [3]
Max. Impervious Lot Cover (%)	75 [1]
Min. Outdoor Area (per dwelling unit)	
Area (sq. ft.)	50 [2]
Dimensions (ft.)	5 [2]
Max. Height (ft.)	45 [3]

[1] Maximum coverage may be increased if the project is eligible for Development Bonuses as per Sec. 20-1108(j)

[2] Minimum Outdoor Area is not required for each dwelling unit on the premises if a public park is within 1/4 mile of the development. If not available, Outdoor Area shall be provided in the form of an on-site park, residential balconies, rooftop gardens, and courtyards, as approved by the Planning Director.

[3] Maximum height may be greater than 45 feet and Floor Area Ratio may exceed 3.0 only if the project is eligible for Development Bonuses as per Sec. 20-1108(l)

[4] Between 0 feet and 15 feet as per the form standards of 20-1108(j) for each **Public Frontage**.

[5] May be 0' if structures are attached. If adjacent structures are detached, be a minimum of 5' setback from property line.

[6] When a lot containing a detached or single-dwelling residential structure abuts the rear lot line of a lot containing an attached dwelling or nonresidential structure, the minimum setback for the lot containing the attached dwelling or nonresidential structure shall be 20' from the property line or centerline of the alley, if one exists or is proposed.

One of the major incompatibilities in Lawrence is the location of tall, bulky apartments adjacent to smaller single family homes regardless of whether backing fronting or on the side. The set-back isn't the problem. It's the loss of privacy to the single family dwelling and yard from the higher multiple family building or it also may involve cutting into the sun exposure by shading. This can deteriorate a home-occupied neighborhood by creating a nucleus of uncertainty and/or blight. Some communities require step-up scaling of buildings with the peripheral buildings the same height as the adjacent single family structures and increasing in height toward the center. Another approach is similar to the SmartCode: require accessory buildings to be located between the two. Rear garages opening onto an alley functions as a privacy screen and is similar in function to the step-up requirement.

Article 11. General Development Standards

Contents of Article

20-1101	Protection Standards for Residential Districts	11-1
(a)	Design and Operational Compatibility Standards—Discretionary Approvals ..	11-1
(b)	Height Limit on Projects Adjoining Certain Residential Zoning Districts	11-2
(c)	Balconies of a multi-Dwelling unit Building	11-2
(d)	Implementation of Sensitive Land Standards	11-2
(e)	Sensitive Areas Site Plan Required	11-5
(f)	Drainage Easements	11-5
(g)	Administration and Enforcement of Drainage Easements	11-5
20-1102	Intersection Visibility	11-6
20-1103	Outdoor Lighting	11-6
(a)	Purpose	11-6
(b)	Applicability	11-6
(c)	Exterior Lighting (Photometric) Plan	11-6
(d)	Lighting Standards	11-7
(e)	Special Standards for Outdoor Recreation Uses	11-8
20-1104	Performance Agreements; Guarantees	11-8
(a)	Generally	11-8
(b)	Performance Before Occupancy	11-8
20-1105	Sidewalks	11-9
(a)	Applicability	11-9
(b)	Design and Construction Standards	11-9
(c)	Relationship to Standards under Americans with Disabilities Act	11-9
20-1106	Agreement Not to Protest Formation of a Benefit District	11-10
20-1107	Retail Market Impact Analysis	11-10
(a)	Applicability	11-10
(b)	Definitions	11-10
(c)	Criteria for Independent Market Impact Analysis	11-11
(d)	Responsibilities of the City	11-12
(e)	Relationship of Market Impact Analysis to Project Approval	11-12
20-1108	General Development Standards for Mixed Use Districts	11-12
(a)	Purpose	
(b)	Where Appropriate	
(c)	Terms Defined	
(d)	Applicability	
(e)	Designation of Public Frontage	
(f)	Form and Use Standards	
(g)	Parking Area Standards	
(h)	Development Bonuses	
(i)	Redemption of Development Bonuses	
(j)	Design Standards for Mixed Use Developments	
(k)	Use Standards	
(l)	Outdoor Lighting Standards	
(m)	Landscape and Screening Standards	

(a) Purpose

The Mixed Use (MU) District, is primarily intended to permit a variety of land uses together in one or more Structures on a site, including governmental, retail, office, public and community facilities, institutional, religious, and residential uses. Retail and service uses that attract and generate foot traffic are encouraged to be located along the Public Frontage.

(b) Where Appropriate

The MU District zoning classification may not be appropriate in all areas of the City of Lawrence. Mixed-Use development in the MU District is most appropriately located along transit lines and within ¼ mile of Designated Transit Stops, near or adjacent to the intersection of Arterial Streets as per the adopted Major Thoroughfares Map, near or adjacent to university campuses, near or adjacent to downtown, adjacent to or surrounding public parks or open space and for infill development opportunities in the above-mentioned locations. It is also appropriate for the redevelopment of existing commercial or nonresidential developments.

(c) Terms Defined

Clear Zone	<i>An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.</i>
Designated Transit Stop	<i>Any permanent bus stop shelter identified on the route map published by the Lawrence Transit System.</i>
Frontage, Building	<i>That portion of a building or structure that is adjacent to or faces the Public Frontage.</i>
Frontage, Public	<i>The publicly-owned layer between the lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.</i>
Frontage, Primary Public	<i>A type of Public Frontage commonly associated with pedestrian-oriented urban commercial and retail areas or Thoroughfares in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.</i>
Frontage, Secondary Public	<i>A type of Public Frontage commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. Secondary Public Frontages are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.</i>
Frontage, Tertiary Public	<i>A type of Public Frontage commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.</i>
Live/Work Unit	<i>A space within a Building that consists of an Upper Floor Dwelling which is accessible to a nonresidential use and has direct internal access to the nonresidential use.</i>

This is too general. The MU district needs its own open space. Some types of public open space would be ruined if a mixed use district were adjacent because of the trash dumping that occurs in high density/intensity situations. The open space should be under the jurisdiction of the MU District so that the owners have a sense of responsibility.

The most important requirement should be for the mixed use project to be within walking distance of a transit stop plus convenience shopping. The object of a Mixed Use District should be automobile independence and energy economy.

Comment [j2]: Does everyone understand the difference between a live/work and a non-ground floor dwelling unit?

Massing	<i>The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).</i>
Mixed Use Structure, Horizontal	<i>A building or structure containing two or more different uses distributed horizontally throughout the structure. That portion of the structure occupying the Building Frontage shall contain only nonresidential uses such as retail, office, and service uses while the rear portion of the structure may be reserved for residential uses but may include office uses.</i>
Mixed Use Structure, Vertical	<i>A building or structure, a minimum of two stories in height, containing two or more different uses distributed vertically throughout the structure. Only nonresidential uses shall occupy the ground level Building Frontage such as retail, office, service uses while the rear portion of a ground level and/or upper levels may be reserved for residential uses and/or office uses.</i>
Moderately-Priced Dwelling Unit	<i>A dwelling unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.</i>
Non-Ground Floor Dwelling(s)	<i>Residential dwelling(s) permitted in any Vertical Mixed Use Structure which are located above the ground level or first level of the structure or below the ground level or first level of a structure and do not have direct internal access to a nonresidential use.</i>
Outdoor Use Zone	<i>An area designated for outdoor use by a nonresidential tenant within the Public Frontage or along a sidewalk in a Mixed Use Project. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as building-mounted signs.</i>
Scale	<i>A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.</i>
Slip Road	<i>A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.</i>
Street Tree and Furniture Zone	<i>An area designated within the Public Frontage in a Mixed Use Project. Such zones shall reserve space for Street Trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.</i>

(d) Applicability

Any new structure or development in the Mixed Use (MU) District shall be in the form of a **Mixed Use** development. Such development shall, at minimum, include a mixture of residential and nonresidential uses together in one structure or in separate structures, designed to form a **Pedestrian-Scale** environment. All **Mixed Use** developments shall require site plan review and approval. When developing a **Mixed Use** development in a Mixed Use (MU) District the following general development standards shall apply.

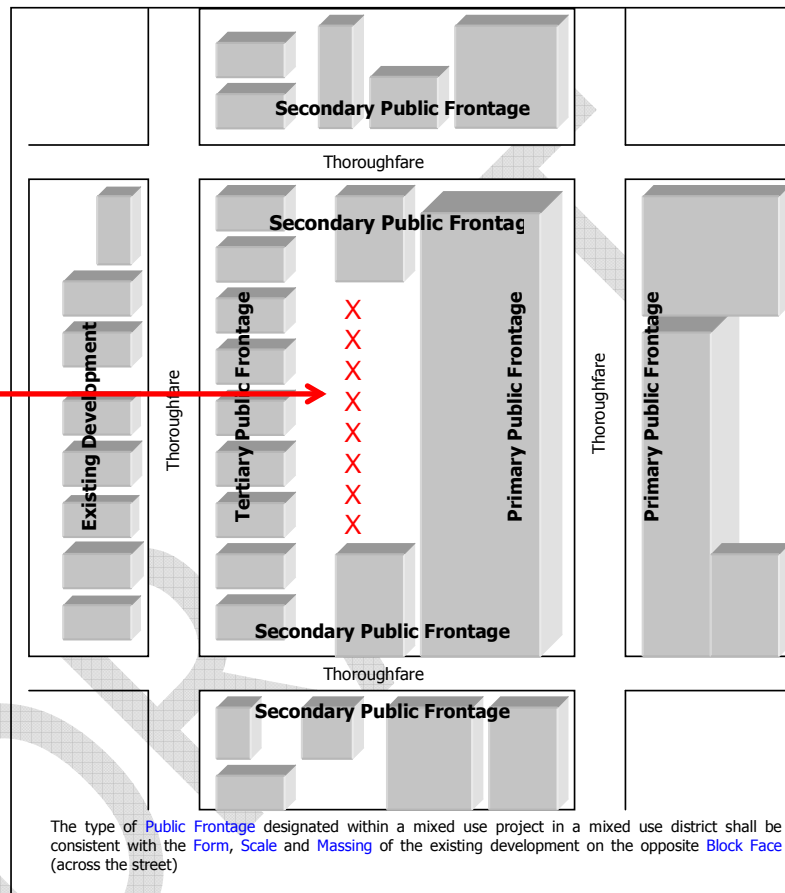
(e) Designation of Public Frontage

The designation of **Public Frontage(s)** ensures compatibility of building form, **Scale** and **Massing** between opposite **Block Faces**. Such designation also ensures a compatible **Streetscape** throughout the **Mixed Use** development and provides a mechanism for transition both within the **Mixed Use** development itself, and between the development proposed and existing development which surrounds the site.

At the time of a request to rezone to the Mixed Use (MU) District, **Public Frontage(s)** shall be designated for each **Street** or **Thoroughfare** that is within or forms the boundary of the **Mixed Use** development or the MU zoning district. Such designation shall be provided in graphic and narrative form with the rezoning application. Any application to rezone to the MU District which does not include such information shall be deemed to be incomplete and insufficient.

Comment [j3]: This section explains the policy that a designation of public frontages will be required at time of rezoning so that neighbors know what the scale of development will be on a given frontage up front (since the site plan review process is administrative).

The location and scale of the public frontage building juxtapositioned to the back of the small, probably residential, buildings is totally incompatible with the smaller housing without some intervening blockage such as a low building, high wall or some other kind of view blocking system compatible with individually owned small housing. Needed is a different building arrangement. The SmartCode does not create this type of transition between buildings or uses. They use a view-blocking accessory building or rear garage and alley on the same lot as the single dwelling and behind the main building.



The **Public Frontage** designations approved with the rezoning shall be shown on a site plan approved by the **Planning Director**. **Public Frontage(s)** shall be designated as per Sec. 20-1108(m)(1).

(1) Primary Public Frontage

A **Primary Public Frontage** shall be designated along each **Building Frontage** of a **Vertical Mixed Use Structure**. **Vertical Mixed Use Structures** must enfront upon all designated **Primary Public Frontages**. A **Primary Public Frontage** may be designated on more than one **Street** or **Thoroughfare** within a **Mixed Use** development. **Primary Public Frontage(s)** shall be comply with dimensional and form standards as shown in Section 20-1108(m)(2).

(2) Secondary Public Frontage

A **Secondary Public Frontage** shall be designated in a **Mixed Use** development in a Mixed Use (MU) District if a **Vertical Mixed Use Structure** is proposed. The **Secondary Public Frontage** shall be designated along the **Building Frontage** of any **Vertical Mixed Use Structure**. A **Secondary Public Frontage** may be designated on more than one **Thoroughfare** within a **Mixed Use** development. **Secondary Public Frontage(s)** shall comply with the dimensional and form standards as shown in Section 20-1108(m)(3).

(3) Tertiary Public Frontage

A **Tertiary Public Frontage** shall be designated along any **Public Frontage** in which the **Scale** and **Massing** of the proposed development is of a lower intensity than the remainder of the **Mixed Use** development.

Tertiary Public Frontages shall also be designated along any **Public Frontage** which faces existing development that is of a lower intensity in **Scale** and **Massing** than the proposed **Mixed Use** development. **Tertiary Public Frontages** shall comply with the dimensional and form standards as shown in Section 20-1108(m)(4).

Comment [j4]: I want to make sure you understand the distinction between each of the different types of frontages. Please let me know if you have questions, clarifications or suggestions for clarifying each. Please see the standards of 1108(j)(6) thru (8) for visual clarification.

(f) Form & Use Standards

Mixed Use Development shall be permitted in the following forms:

(1) Vertical Mixed Use Structures

Such structures are a minimum of two stories in height above grade and are typically constructed with little to no setback from the property line and must contain a combination of nonresidential uses and residential uses. The location of the uses within a **Vertical Mixed Use Structure** shall be as follows.

i. **Nonresidential Uses**

Any nonresidential use permitted in the applicable zoning district shall be permitted in a **Vertical Mixed Use Structure**.

ii. **Residential Uses**

Non-Ground Floor Dwelling(s) shall be permitted in a **Vertical Mixed Use Structure**. **Live/Work Unit(s)** are permitted on the ground level with direct internal access between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the **Building Frontage** with the residential component of the unit located either above or behind the nonresidential component.

(2) Horizontal Mixed Use Structures

Such structures are one story in height above grade and may be constructed with little or no setback from the property line and may contain a combination of nonresidential uses and residential uses, though they typically contain a combination of various nonresidential uses such as office, services and retail. The location of the uses within as **Horizontal Mixed Use Structure** shall be as follows.

i. **Nonresidential Uses**

Any nonresidential use permitted in the MU District shall be permitted in a **Horizontal Mixed Use Structure**.

ii. **Residential Uses**

Live/Work Unit(s) are permitted in **Horizontal Mixed Use Structures** with direct internal access between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the **Building Frontage** with the residential component of the unit located behind the nonresidential component.

Once the requirements for an MU District are established, could you include all the information needed in a booklet, including the articles not included here such as landscaping standards, lighting, and the other pertinent requirements?

It also would be helpful if you could provide an example of a sample application showing the information required, including the graphics.

(g) Parking Area Standards

The following Automobile and Bicycle Parking provisions apply to all development in the MU District in addition to the provisions of Article 9. If the provisions of Article 9 conflict or are inconsistent with any of the provisions within this Section, the regulations of this Section shall apply.

(1) Required Automobile Parking

i. Provision of On-Street Parking

On-Street Parking shall be counted toward the minimum off-Street Parking requirements for a given use as per Sec. 20-902. On-Street Parking may be provided on all **Streets** forming the perimeter boundary of or within a **Mixed Use** development with the exception of **Streets** classified as Principal **Arterial Streets** according to the adopted Major Thoroughfares Map of the City of Lawrence. When a Principal **Arterial Street** forms the perimeter boundary of, or is contained within a **Mixed Use** development parking may be designed in the form of a **Slip Road** as approved by the **City Engineer**.

ii. Shared Parking

The applicant may elect to use the Shared Parking provisions of Sec. 20-908 to calculate the required parking for the **Mixed Use** development.

iii. Location and Form of Automobile Parking

1. Shared Parking Facilities

All uses within **Mixed Use** development, except detached dwellings on individual lots are encouraged to share parking in the form of **Surface Parking Lots** or **Structured Parking Facilities** rather than provide parking on a use by use basis on individual properties. **Shared Parking Facilities** shall be located within 1,320 feet of any use for which it is designated to provide parking.

2. Surface Parking Lots

Surface Parking Lots and access to such lots shall not be permitted along a designated **Primary Public Frontage**. **Surface Parking Lots** shall be located behind buildings and may only be accessed via Secondary or Tertiary Public Frontages.

3. Structured Parking Facilities

Structured Parking Facilities may be located along a designated **Primary Public Frontage** only when the structure's ground level **Building Frontage** is occupied by a nonresidential use.

(2) Bicycle Parking Areas

The provisions of Article 9 shall apply.

(h) Development Bonuses

A development bonus is an incentive-based tool that permits an increase in the allowable development potential of a property in exchange for helping the community achieve goals as stated in the Lawrence/Douglas County **Comprehensive Land Use Plan**. **Mixed Use** developments in the MU District which contain features it identified as public goals in the table below may be eligible to increase development potential based upon the number of points earned. When development bonuses are requested, the applicant shall make such requests in writing which states the goal provided, points earned and development bonus redeemed for the points earned. Such information shall also be stated on the approved site plan.

Comment [j5]: Please let me know any comments, ideas or suggestions you may have about development bonuses. I know they've been used before in Lawrence. I took the approach of just throwing some ideas out there as far as public goals listed in the table. I am not sure if I should link it to goals as stated in H2020 or not. Please let me know what you think. Also, please let me know if you understand how points are earned. I didn't model this system after anyone else, so I understand this section may change. BUT, I think it may work...

Public Goal	Points Earned
Goal I: Provision of Moderately-Priced Dwelling Units	
Percentage of all dwelling units which are considered to be <u>Moderately-Priced Dwelling Units</u>	20 points for the first 10%; PLUS 2 points for each 1% provided in addition to 10%
Goal II: Provision of a variety of housing types	
At least two (2) of the following five (5) housing types must be provided in order to redeem points.	
<u>Non-Ground Floor Dwellings</u>	25 if two (2) of the types are provided; 50 if three (3) of the types are provided; 75 if four(4) of the types are provided; 100 if five (5) of the types are provided;
<u>Attached Dwellings</u>	
<u>Live/Work Units</u>	
<u>Assisted Living</u> or Independent Living	
<u>Zero-Lot Line Dwellings</u>	
*The points earned for provision of the above-mentioned goals may be combined	
Goal III: Provision of transit-supportive development	
Location adjacent to <u>Designated Transit Stop</u>	10 points if within 1,000 feet; 15 points if within 500 feet; 50 points if located directly adjacent to a transit stop and if stop is integrated into the Mixed Use Development and transit stop/pedestrian amenities are provided.
Goal IV: Ensuring availability of adequate public facilities	
Location within ½ mile of a fire station	10 points
Location within 1 mile of a police station	10 points
Location within ¼ mile of a public park or open space	25 points
Location within ¼ mile of a school or cultural center	25 points
Redevelopment of an existing commercial or nonresidential center with adequate utility and transportation infrastructure to support redevelopment	35 points
Location adjacent to the intersection of two streets classified as either Minor Arterial or Principal Arterial according to the adopted Major Thoroughfares Map	15 points
Goal V: Ensuring Protection of Environmental Quality	
Provision of a green roof or rooftop garden to control stormwater runoff (determination of materials used to constitute a green roof or rooftop garden shall be made by the City Stormwater Engineer)	25 points
Provision of a stormwater best management practice as per the adopted BMP Manual	10 to 25 points (as determined by the City's Stormwater Engineer)
Construction or redevelopment of a structure with LEED (Leadership in Energy Efficient Design) Certification	100 points per mixed-use structure certified; 50 points per single-use nonresidential structure certified; 25 points per attached residential structure certified; 15 points per detached residential structure certified
Protection of Sensitive Land Features as per Sec. 20-1101(d)(4) otherwise not required to be protected or preserved	10 points per feature preserved

The support of public transportation should be the main goal of Mixed Use Development and, in fact, should be a **REQUIREMENT** for the MU District. This type of use should never be isolated and without close access to public transit. The main purpose of this type of development should be self-sufficiency and independence from private automobile use. Consequently, the most important commercial use in each MU District would be to provide access to a food store and/or restaurant. You should be considering not just the idea of mixed uses, but also their contribution to energy conservation.

To my mind there is nothing more stupid in urban planning than to allow high density residential developments to be isolated and inaccessible to any type of supporting uses or public transit and to design them in a way that prevents pedestrian access to these uses.

Some of these criteria should be requirements, and not optional.

You need to separate your bonus criteria from locational criteria and design criteria, the latter of which should be requirements and not optional.

(i) Redemption of Development Bonus

(1) Increase in Residential Density

In the MU District, residential densities may be increased above the permitted maximum as stated in Sec. 20-601(c) at the rate of 1 dwelling unit per acre for every 5 points earned. For instance, if a development proposal earns 10 points, all 10 points may be redeemed to increase the maximum density by 2 dwelling units per acre.

(2) Increase in Building Height

In the MU District, building height may be increased above the permitted maximum height as stated in Sec. 20-601(c) at the rate of 12 feet for every 100 points earned.

(3) Increase in Floor Area Ratio

In the MU District, Floor Area Ratio may be increased above the maximum ratio permitted as per Sec. 20-601(c) at the rate of 1 whole number for every 50 points earned.

(4) Reduction in Minimum Parking Requirement

In the MU District, minimum parking requirements may be reduced below the minimum requirement at the rate of 1 parking space for every 5 points earned. Only those points earned through provision of features of Goal III may be redeemed for a reduction in the minimum parking requirement.

(5) Increase in Impervious Surface Coverage above Maximum

In the MU District, impervious surface coverage may be increased above the maximum coverage permitted as per Sec. 20-601(c) at the rate of 1% for every 5 points earned. Only those points earned through provision features of Goal V may be redeemed to allow increases in impervious surface coverage.

(j) Design Standards for Mixed Use (MU) Districts

These design standards shall apply any development in the MU District which consists of new development on undeveloped land, or redevelopment of a site which constitutes demolition and reconstruction. Such standards shall be required unless otherwise waived by the Planning Director as per Sec. 20-1108(n).

(1) Building Orientation along Primary and Secondary Public Frontages

- (i) A minimum of 90% of the **Primary Public Frontage** shall be occupied by a building or structure arranged to orient to the street with building entrances and storefronts. A minimum of 80% of the **Secondary Public Frontage** shall be occupied by a building or structure.
- (ii) The quadrants of each intersection shall be occupied by a building or structure, and the building or structure shall be arranged to orient to the street intersection by means of providing a ground-level public entrance. The public frontage adjacent to an intersection may not be designated as a **Tertiary Public Frontage** as a means to avoid this requirement.

Comment [j6]: Please let me know if you understand the redemption system and if the points allocated for each bonus are fair and make sense. For instance, is the bonus rewarded to significant given the points needed to redeem the bonus? Also, are there other ways to redeem points which I've not listed here? I am sure that there are – just couldn't think of any.

You should not reward increasing impervious surface. You should allow for increased intensity in some other way. The impervious surface is already minimal.

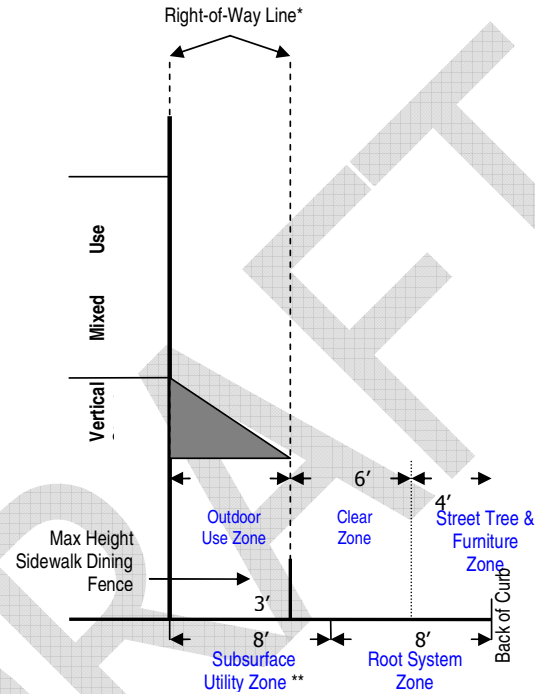
One of the problems of SmartGrowth projects is that the stormwater management is all subsurface. These should not be a source of additional runoff unless there is publicly owned detention storage that these areas drain into and especially that provides pollution absorption and/or control.

Comment [j7]: This is the toughest section for me. I've struggled with we need design standards or not – considering this district has relatively strict form standards (see Sec. 1108(j)(6) thru (8)) but something is telling me that we do need a little of something. Please feel free to make suggestions here. Any help would be appreciated.

(2) Primary Public Frontages

Public Frontages shall be designated at time of request to rezone a property to the MU District. Such frontages shall be similar to what is shown below.

Primary Public Frontage



*When an **Outdoor Use Zone** is designated within the ROW a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

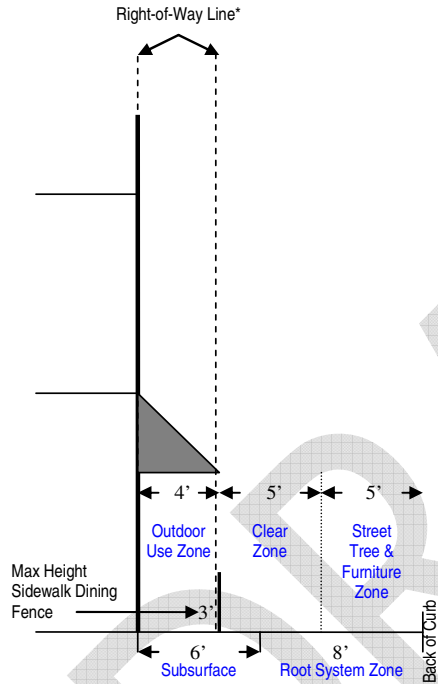
** When a **Subsurface Utility Zone** is located on private property or behind the ROW line, a Utility Easement shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(3) Secondary Public Frontages

Public Frontages shall be designated at time of request to rezone a property to the MU District. Such frontages shall be similar to what is shown below.

Secondary Public Frontage

With ground-level **building frontage** designated for Nonresidential Uses.

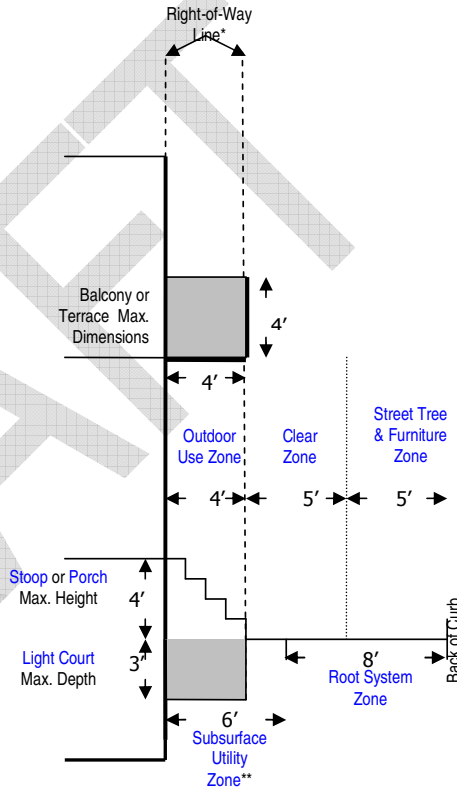


*When an **Outdoor Use Zone** is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

When a **Subsurface Utility Zone is located on private property or behind the ROW line, a **Utility Easement** shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

Secondary Public Frontage

With ground-level **building frontage** designated for Residential Uses.

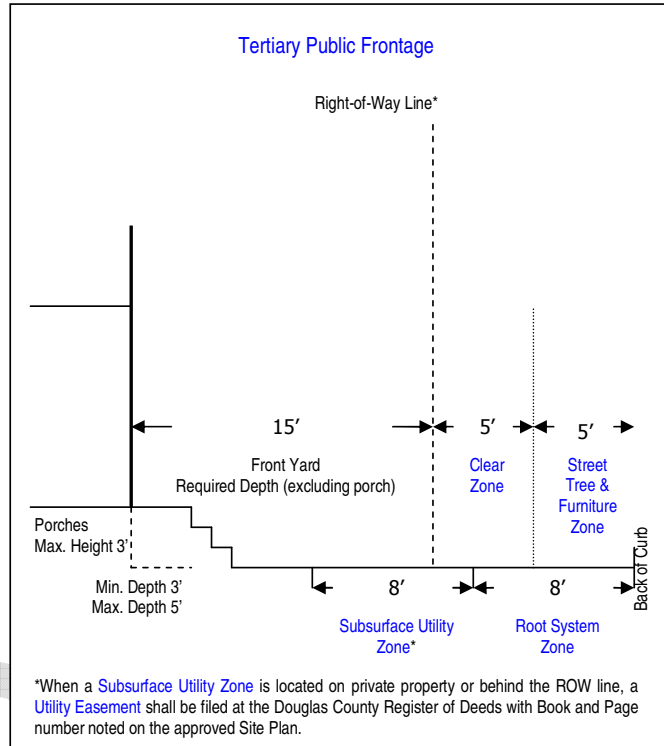


*When an **Outdoor Use Zone** is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

When a **Subsurface Utility Zone is located on private property, or behind the ROW line, a **Utility Easement** shall be filed with the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(4) Tertiary Public Frontages

Public Frontages shall be designated at time of request to rezone a property to the MU District. Such frontages shall be similar to what is shown below.



(k) Use Standards

See **Article 5.**

(l) Outdoor Lighting Standards

See **Section 20-1103.**

(m) Landscape and Screening Standards

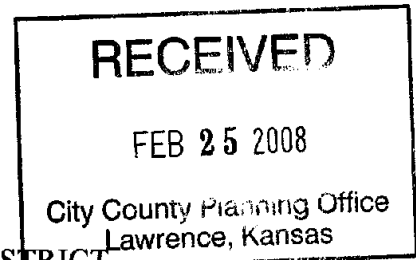
See **Article 10.**

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

February 24, 2008

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM NO. 13 ADOPTION OF A MIXED USE ZONING DISTRICT

Dear Chairman Eichhorn and Planning Commissioners:

This is the first public hearing that a complete draft of the Mixed Use Code along with the Comprehensive Plan amendments have been available for review. We generally support the goals and intent of this district. However, there are some concerns that we have.

1. There needs to be a requirement that this district can be used only in areas that have a complete street system or plan with pedestrian access along with neighborhood plans that will allow the surrounding neighborhood to have direct pedestrian access to this district. Without the requirement that they be planned into neighborhoods, there is a danger of these districts ending up as isolated, disconnected, auto-oriented developments, thereby negating their intent of energy conservation and pedestrian support.
2. There needs to be a system of timed development that prevents these districts from competing with the Downtown. There also needs to be some method of ensuring that the retail businesses attracted to these districts actually provide the goods and services that neighborhood areas need, in contrast to serving regional areas. A critically important need is for these districts to provide the retail uses that allow neighborhoods to be less auto-dependent and to provide a choice in transportation.

Thank you for allowing these comments. We anticipate having more.

Sincerely yours,

Paula Schumacher
President

Alan Black, Chairman
Land Use Committee

ITEM NO. 12 CPA-2007-2 (DDW)

CPA-2007-2: Consider amending Horizon 2020 to ensure proper comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code.

ITEM NO. 13 AMENDMENTS TO CHAPTER 20, DEVELOPMENT CODE (JCR)

TA-04-05-07: Consider amendments to Chapter 20, Development Code to create a Mixed Use Zoning District. Initiated by the Planning Commission on April 23, 2007.

STAFF PRESENTATION

Mr. Dan Warner and Mr. Joe Rexwinkle presented items 12 and 13 together.

Commissioner Hird asked why transit stops had to have shelters.

Mr. Rexwinkle said that the Transit System creates a map and it needs to be represented on the map. The definitions are tied to the Lawrence T Routes Map.

Commissioner Hird said he thought the point was to place mixed use development centers where there is access to bus shelters and asked what happens if a developer builds a mix use development and wants to put in a bus shelter.

Mr. Rexwinkle said that the developer should talk to the Transit Department if they want to put a bus shelter.

Commissioner Harris asked how to show zones if only working with one lot or building.

Mr. Rexwinkle said that if it is just one piece of property they can show the zones across the property.

Commissioner Harris suggested using the word 'route' instead of 'stop' regarding transit.

Commissioner Hird said that the financial viability of the transit changes annually. He liked the suggestion of changing the word to 'route.'

Mr. McCullough said these would be decisions in the public process and would be elements of judgment that the City Commission and Planning Commission will have to make.

Commissioner Finkeldei inquired about a market study.

Mr. Rexwinkle said the scale of mixed-use districts could not compete with downtown because of the size.

Commissioner Finkeldei asked how to analyze the viability of downtown.

Ms. Stogsdill said that the Commission tabled many months ago a CPA to that very section because the Development Code language is not the same as Horizon 2020 language.

Commissioner Harris inquired about page 13-4 (item 13) where it mentions that a development bonus can be transferred to another site.

Mr. Rexwinkle said that if a developer can earn points in other zones within the same development.

Commissioner Harris said that the plan talks about mixed use being allowed within ¼ mile from downtown. She asked how the edge of downtown was defined.

Mr. Rexwinkle said it was based on the downtown boundary district CD.

Commissioner Harris asked if drive-thrus would be allowed in the mixed-use development.

Mr. Rexwinkle said no, it was not permitted.

Commissioner Harris asked if brew pubs were allowed.

Mr. Rexwinkle replied yes.

Commissioner Harris had concerns about that and said that should only be allowed by special permit.

Commissioner Eichhorn asked if an application would have to spell out the intended uses.

Mr. Rexwinkle said yes at the Site Plan phase and that the applicant should consider what uses are permitted before rezoning.

Commissioner Harris said that currently a mixed-use development can put in a brew pub no matter the size. She felt that if the development is in a residential area that a special permit would be helpful.

Commissioner Moore agreed with Commissioner Harris.

Commissioner Finkeldei asked for the definition of brew pub.

Ms. Stogsdill directed him to page 17-22 of the Land Development Code.

Commissioner Finkeldei read the definition of brew pub out loud.

PUBLIC HEARING

Betty Lichtwardt, League of Women Voters, spoke regarding the letter they sent. She was concerned about the randomness of this district. She said the fact that it can be as large as 20 acres indicates that it also might be utilized in new areas. She stated that it was essential to have a preplanned neighborhood with pedestrian routes identified first. She questioned the separation of site plans from the rezoning process because the site plan is not reviewed by Planning Commission. She felt that the decision would then depend on the judgment on relatively few people. She was concerned about the location of commercial uses not being distributed where people need them. She said that initially when the early Comprehensive Plan was adopted the idea was to tailor the needs to the size of the district so that the smallest districts were designed for neighborhoods and included food stores, service uses, and small businesses. She said that the whole purpose of the mixed use district is to support pedestrian use. She felt that they needed to reduce reliance on automobiles.

Commissioner Eichhorn asked how this zoning district did not help what they are emphasizing.

Ms. Lichtwardt said that it does not restrict uses and that businesses should have value to the neighborhood. She said that the site plan needs to be with the zoning.

Commissioner Eichhorn felt that the use table spoke to those types of things.

Ms. Lichtwardt said that explosives storage should require a Special Use Permit in the IG district.

Ms. Jane Eldredge, Barber Emerson, representing the Jayhawk Bookstore in regards to the mixed-use planning. She gave history of Jayhawk Bookstore. She said that the bookstore has always been non-conforming and has had problems with lenders and insurance. She said that this problem was compounded by the Development Code automatic rezoning. She stated that the Jayhawk Bookstore is in the RMG district and if it burned down it could not accommodate a fraternity or sorority because of the small lot size. She stated that the owner is trying to rezone for conformity and that the MU district does not quite work. She went on to say that some residents are concerned about the location being turned into a bar but the Mr. Muggy has no intention of opening a bar at that location. As part of the zoning staff report, she suggested striking requirements of MU District for major Development projects. She suggested alternate language of existing mixed uses prior to MU.

Mr. McCullough said that a new code provides new standards. There is an entire article for non conforming uses. He stated that this is not a unique situation for the MU district and that lots of sites that do not conform to standards and the code allows for a few options such as variance or rezoning. He disagreed that the Code should have specific language.

Mr. Michael Almon, lives in East Lawrence, spoke from the perspective of being a member of Friends of Douglas County that started the discussion on Smart Growth. He went on to say that the main principle of smart growth is to increase density offset by open space preserved. He felt that open space should be under the jurisdiction of MU site. He felt that they should not be building over all the open lots in the old parts of town. He commented on Peak Oil and felt that development patterns needed to be changed.

Commissioner Harris asked why Mr. Almon did not want to see open space adjacent to parks.

Mr. Almon said he did not want a developer to not dedicate open space on their site and claim an adjacent park was the open space.

Ms. Lichtwardt said that she thought Mr. Almon was probably referring to a comment that the League of Women Voters made. If high density is near natural areas it can be problematic to maintain so they need to choose park space wisely.

COMMISSION DISCUSSION

Commissioner Harris suggested several changes:

- Change 'and' to 'or.'

- Change 'transit stop' to 'transit route.'

- Require a brew pub to have a Special Use Permit.

- Document should specify boundaries of downtown as defined by Horizon 2020.

Mr. Rexwinkle said that they could reference boundaries of downtown as being defined in Horizon 2020, Chapter 6.

Commissioner Finkeldei agreed with the suggested changes.

Commissioner Hird recognized that a lot of hard work and time has gone into this. Some of the comments about the Jayhawk Bookstore lead him to be of the opinion that they should not take action on this tonight. He wanted to see further communication on the ideas and a clearer draft of what is being done. He suggested deferring the item.

Commissioner Eichhorn agreed and was okay with this being deferred.

Mr. McCullough said that the four changes suggested were fairly minor.

Commissioner Eichhorn agreed with Mr. McCullough and said that they should identify areas that might be mixed use.

Commissioner Harris wondered if there are existing mixed use sites in Lawrence that should not be and that they might be opening a can of worms.

Commissioner Finkeldei said there is nothing in town that is zoned mixed use and will not be until a rezoning.

Ms. Eldredge said that there are places in town that are not legal in any way. She said that Jayhawk Bookstore is a legal non-conforming use.

Commissioner Finkeldei said that Mr. Muggy would still need to apply for rezoning.

Commissioner Hird said he would feel better about approving this if he knew who it was impacting.

Commissioner Moore said that whether it impacts them or not is up to them coming forward and rezoning their property.

Commissioner Finkeldei said there are certainly uses in downtown with mixed-use and those people would not have to come forward and be rezoned because they are already using it that way.

Commissioner Moore said he was comfortable with the changes and they seem fairly minor.

Commissioner Hird would rather vote on the items armed with more information. Identifying those areas where mixed use might apply might present an opportunity. He was in favor of mixed use zoning and felt it was a positive step. He wanted to know what areas of town could fit into this and identifying those might stimulate development and infill development.

Mr. McCullough said they might need to look at any use that wants to redevelop to see how close the standards are addressed.

Commissioner Eichhorn asked what would be the benefit of someone taking 80 acres and coming in with four 20 acre MU zonings.

Mr. McCullough said that those would have to be looked at as they are applied for.

Commissioner Harris asked Staff to speak about open space issues.

Mr. McCullough said that a number of important elements such as transit, moderately priced housing, and open space are all included in the district for bonus points.

Mr. Rexwinkle said that other requirements of the Code still apply but that the bonus table just grants bonuses for features that are not required.

Commissioner Finkeldei asked if there is an application waiting on this being adopted.

Mr. McCullough said that the Jayhawk Bookstore is.

Commissioner Finkeldei said he was generally supportive of the Bookstore being able to use this district and felt that other like uses could benefit from this. He was not sure that the solution should be to grandfather in non-conforming uses.

ACTION TAKEN ON ITEM 12

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer until the April Planning Commission meeting to allow time for a better understanding of the implementations.

Motion carried 5-2 with Commissioners Chaney and Moore voting in opposition.

ACTION TAKEN ON ITEM 13

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer until the April Planning Commission meeting to allow time for a better understanding of the implementations.

Motion carried 5-2 with Commissioners Chaney and Moore voting in opposition.

ITEM NO. 11 CPA-2007-2 (DDW)

CPA-2007-2: Consider amending Horizon 2020 to ensure proper comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code.

ITEM NO. 12 AMENDMENTS TO CHAPTER 20, DEVELOPMENT CODE (JCR)

TA-04-05-07: Consider amendments to Chapter 20, Development Code to create a Mixed Use Zoning District. Initiated by the Planning Commission on April 23, 2007.

STAFF PRESENTATION

Mr. Dan Warner and Mr. Joe Rexwinkle presented items 11 and 12 together.

PUBLIC HEARING ON ITEM 11

Mr. Bill Muggy, Jayhawk Bookstore, thanked staff for their work and expressed support for the items.

PUBLIC HEARING ON ITEM 12

No public comment.

ACTION TAKEN ON ITEM 11

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the comprehensive plan amendment to *Horizon 2020* by amending Chapter 6 to add policy language in support of a mixed use district in the Land Development Code and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Unanimously approved 6-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve and sign Planning Commission Resolution 2007-04.

Unanimously approved 6-0.

ACTION TAKEN ON ITEM 12

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve TA-04-05-07, to create a mixed use zoning district, as revised, to the City Commission for approval.

(On February 27, 2008, the Planning Commission voted 5-2 to defer the amendments to *Horizon 2020* and the Development Code until April and directed staff to make three specific revisions to the draft Development Code language.) The specific changes requested were as follows:

- 1) To revise Section 20-223(b)(1) as follows: "Within one-quarter mile of a Designated Transit ~~Stop~~ Route; and
- 2) To revise Section 20-223(b)(3) to provide a cross-reference to the downtown boundaries as described in Chapter 6 of *Horizon 2020*; and
- 3) To revise Section 20-403 to require a Special Use Permit for Brewpub uses in the MU District;

Unanimously approved 6-0.