

**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
02/23/09

**ITEM NO. 2: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (DDW)**

**TA-1-1-09:** Consider amending various sections of Chapter 20 to reference the recently adopted Lawrence SmartCode which becomes effective on July 1, 2009. These amendments will not materially affect processes within the Development Code, but will instead reference the Lawrence SmartCode where necessary for certain processes and/or standards. Potential Articles that may require amending include, but may not be limited to, Article 1, 2, 6, 7, 10, 11, 13, 14 and 17. Initiated by the Planning Commission on 1/26/09.

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments [TA-1-1-09 to reference the recently adopted Lawrence SmartCode] to Chapter 20, Development Code to the City Commission. The sections being amended are 20-201(b), 20-224, 20-601(b), 20-1306(a) and (b), and 20-1402(f) and (g).

**Reason for Request:** The Planning Commission initiated this amendment at the request of staff to reference the recently adopted Lawrence SmartCode which becomes effective on July 1, 2009. The amendments will reference the Lawrence SmartCode where necessary for certain processes and standards.

**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 Lawrence SmartCode, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan. The amendments will ensure the Lawrence SmartCode is properly referenced in the Development Code.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None to date.

**KEY POINTS**

- The Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) was adopted by the City Commission on January 20, 2009 with an effective date of July 1, 2009.
- The Lawrence SmartCode is a parallel development code for the City of Lawrence.
- Chapter 20 should be amended to reflect the Lawrence SmartCode in certain processes and standards.

**OVERVIEW OF PROPOSED AMENDMENT**

The amendment proposes to reference the Lawrence SmartCode in certain sections of Chapter 20.

- The Lawrence SmartCode borrows the rezoning process of Chapter 20 making it necessary to reflect the zoning districts of the Lawrence SmartCode in the table located in Section 20-201(b). This amendment also creates Section 20-224.
- The minimum setback table for industrial districts in 20-601(b) is amended to provide for separation standards for industrial districts adjacent to Lawrence SmartCode districts.
- Additional references were added to Sections 20-1306(a) and (b) and in Sections 20-1402 (f) and (g) regarding the Board of Zoning Appeals authority to consider requests related to Lawrence SmartCode standards.

### **CONFORMANCE WITH *HORIZON 2020***

Horizon 2020 Chapter 15 – Place Making was also recently approved by the City Commission, and currently awaiting approval by the Board of County Commissioners. Horizon 2020 Chapter 15 is the policy guidance for the development regulations of the Lawrence SmartCode. Amending Chapter 20, Development Code to ensure the use of the Lawrence SmartCode conforms with Horizon 2020.

### **CRITERIA FOR REVIEW & DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

**Staff Response:** The proposed amendment meets the challenge of a changing condition. The recent adoption of the Lawrence SmartCode by the City Commission requires a few changes to Chapter 20. These changes will not materially affect processes within the Development Code, but will instead reference the Lawrence SmartCode where necessary for certain processes and standards.

- 2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

**Staff Response:** The proposed amendment is consistent with *Horizon 2020* as describe above. It is consistent with the stated purpose of the Development Code because it protects, enhances and promotes the health, safety and general welfare of the citizens of Lawrence.

## PROPOSED LANGUAGE

Proposed text is shown in ***bold italic*** font.

Section 20-201 of the Development Code is proposed to be amended as follows:

### 20-201 THE DISTRICTS

#### (a) **Base Districts**

The **Zoning Districts** presented in this chapter are referred to as “**Base Districts**” because they establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official **Zoning District** Map as in that **Zoning District**. All land in the City has a **Base District** classification. **Base District** regulations control the types of uses allowed and the way in which uses and **Buildings** may be developed on a site. The **Base District** regulations are the default regulations—they always control unless expressly overridden by or pursuant to any applicable Overlay **Zoning District** regulations.

#### (b) **Districts Established**

The following **Base Districts** are included in this Development Code. The **Base Districts** established by this Development Code are intended to be applied in accordance with the **Comprehensive Plan**.

District Name	Map Symbol	Corresponding Comprehensive Plan Designation
<b>RS, Single-Dwelling Residential Districts [square feet per Dwelling Unit]:</b>		
Single-Dwelling Residential—40,000 sq. feet	RS40	Very Low-Density
Single-Dwelling Residential—20,000 sq. feet	RS20	Low-Density
Single-Dwelling Residential—10,000 sq. feet	RS10	Low-Density
Single-Dwelling Residential—7,000 sq. feet	RS7	Low-Density
Single-Dwelling Residential—5,000 sq. feet	RS5	Low- or Medium-Density
Single-Dwelling Residential—3,000 sq. feet	RS3	Medium-Density
<b>RSO, Single-Dwelling Residential-Office District [square feet per Dwelling Unit]:</b>		
Single-Dwelling Residential-Office -- 2,500 sq. feet.	RSO	Low or Medium-Density
<b>RM, Multi-Dwelling Residential Districts [Dwelling Units per acre]:</b>		
Multi-Dwelling Residential— 12 d.u. per acre	RM12/ RM12D	Medium-Density
Multi-Dwelling Residential -- 15 d.u. per acre	RM15	Medium-Density
Multi-Dwelling Residential— 24 d.u. per acre	RM24	High-Density
Multi-Dwelling Residential— 32 d.u. per acre	RM32	High-Density
<b>RMG, Multi-Dwelling Residential-Greek Housing District:</b>		
Multi-Dwelling Residential-Greek Housing	RMG	High-Density
<b>RMO, Multi-Dwelling Residential-Office District [Dwelling Units per acre]:</b>		
Multi-Dwelling Residential-Office—22 d.u. / acre	RMO	High-Density
<b>C, Commercial Districts:</b>		
Inner Neighborhood Commercial	CN1	NA
Office Commercial	CO	Office or Office/Research
Neighborhood Shopping Center	CN2	Neighborhood Commercial Center
Downtown Commercial	CD	Regional Commercial Center
Community Commercial	CC	Community Commercial Centers

Regional Commercial	CR	Regional Commercial Center
Strip Commercial	CS	NA
<b>I, Industrial Districts:</b>		
Industrial/Business Park	IBP	Office or Office/Research
Limited Industrial	IL	Warehouse and Distribution or Industrial
General Industrial	IG	Warehouse and Distribution or Industrial
<b>Special Purpose Base Districts:</b>		
General Public and Institutional	GPI	NA
Hospital	H	NA
Planned Unit Development	PUD[name]	NA
Planned Residential Development	PRD[name]	NA
Planned Commercial Development	PCD[name]	NA
Planned Industrial Development	PID[name]	NA
Planned Office District	POD[name]	NA
Urban Reserve	UR	NA
University/University – Kansas University	U/U-KU	NA
Open Space	OS	NA
<b>Lawrence SmartCode Districts (Chapter 21 of the Code of the City of Lawrence):</b>		
<b>General SmartCode District</b>	<b>SC</b>	<b>NA</b>
<b>T1 – The Natural Zone</b>	<b>T1</b>	<b>NA</b>
<b>T2 – The Rural Zone</b>	<b>T2</b>	<b>NA</b>
<b>T3 – The Sub-Urban Zone</b>	<b>T3</b>	<b>NA</b>
<b>T4 – The General Urban Zone</b>	<b>T4</b>	<b>NA</b>
<b>T5 – The Urban Center Zone</b>	<b>T5</b>	<b>NA</b>
<b>T5.5 – The Special Urban Center Zone</b>	<b>T5.5</b>	<b>NA</b>
<b>CS – Civic Space</b>	<b>CIVIC</b>	<b>NA</b>

Section 20-601 of the Development Code is proposed to be amended as follows:

## 20-601 DENSITY AND DIMENSIONAL STANDARDS

**(a) Residential Districts**

Unless otherwise expressly stated, all development in R Districts shall comply with the [Density and Dimensional Standards](#) of the following table:

[illegible]

Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance [Setback](#) = 20 feet

[2] First number represents minimum [Exterior Side Setback](#) when subject [Lot](#) is adjacent to an abutting interior [Side Lot Line](#). Second number represents minimum [Exterior Side Setback](#) when subject [Lot](#) is adjacent to an abutting [Rear Lot Line](#).

[3] First number represents minimum [Rear Setback](#) for Single [Frontage Lot](#). Second number represents minimum [Rear Setback](#) for double [Frontage](#) (or through) [Lot](#).

[4] Applies only to Lots platted after the [Effective Date](#) or any improvements on a property after the [Effective Date](#) which increase the [Building](#) coverage or impervious coverage.

[5] Additional [Setback](#) restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

[6] [Density](#) and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

### (b) Nonresidential Districts

Unless otherwise expressly stated, all development in the Commercial and Industrial Districts shall comply with the Dimensional Standards of the following table:

[illegible]

District	Abutting Street Right-of-Way			Abutting Other Lot Lines	
	Across From R District	Across From Non- R District		Abutting R or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector		
IBP [10]	40	40	40	40	15
IL	50	50	25	20	15
IG	50 [14]	50	25	50 [15]	15

- [2] First number represents minimum Exterior **Setback** to an abutting **Side Lot Line**. Second number represents minimum Exterior **Setback** to an abutting **Rear Lot Line**
- [3] Same as **Front Yard** of abutting **Lot**
- [4] First number represents minimum **Rear Setback** for Single **Frontage Lot**. Second number represents minimum **Rear Setback** for double **Frontage** (or through) **Lot**
- [5] Applies only to Lots platted after the **Effective Date**.
- [6] **Setback** of **Building** constructed after the **Effective Date** shall be within 1 foot of the average **Setback** of existing **Buildings** on the same **Block** on the same side of the Street.
- [7] Subject to location and **Height** limitations in Downtown Design Guidelines and Downtown Design Standards.
- [8] Maximum **Building** coverage in CC and CR districts is 25%.
- [9] Additional **Setback** restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [10] **Density** and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
- [11] Applies to any **Significant Development Project**.
- [12] First number represents the minimum existing **Lot Width**. The second number represents the required **Lot Width** for a **Lot** platted after the Effective Date.
- [13] Maximum **Height** may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
- [14] **Setback** shall be 25 feet for all IG properties zoned M-2 under the previous zoning code.
- [15] **Setback** shall be 20 feet for all IG properties zoned M-2 under the previous zoning code.

### (c) Mixed Use District

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. <b>Lot Area</b> (sq. ft.)	3,000		
Min. <b>Lot Width</b> (ft.) [12]	25		
Max. <b>Dwelling Units</b> (per acre)	32	15	12
<b>Setback</b> 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 <b>Alley</b> )	0-10 [3]	0-20	10-30 [4]
Rear (no <b>Alley</b> ) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]
Max. <b>Building</b> Coverage (% of <b>Lot</b> )	100 [6]	85 [6]	75 [6]
Max. Impervious Coverage (% of <b>Lot</b> )	100 [6]	95 [6]	85 [6]
Max. <b>Height</b> (ft.)	48 [7]	36 [7]	24 [7]
Minimum Outdoor Area (per <b>Dwelling Unit</b> )			
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]
<p>[1] Corresponding Public Frontages shall be designed for each Development Zone.</p> <p>[2] First number represents the required Setback for all attached Structures, second number represents the required Setback for detached Structures.</p> <p>[3] May be up to 25 feet to accommodate service/delivery uses.</p> <p>[4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units.</p> <p>[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).</p> <p>[6] Applies only to Lots platted after the Effective Date.</p> <p>[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.</p> <p>[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).</p> <p>[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.</p> <p>[10] Or 20% of the Lot Area when located on Lots whose width is less than 50 feet, whichever is greater.</p>			

Section 20-1306 of the Development Code is proposed to be amended as follows:

## 20-1306 ZONING VARIANCES

### (a) Authority and Applicability

The zoning variance procedures of this section authorize the Board of Zoning Appeals to approve, in specific cases, variances from specific zoning standards of this Development Code **or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence)** that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in Unnecessary Hardship.

### (b) Prohibited Zoning Variances

- (1) The Board of Zoning Appeals is not authorized to approve a variance that would allow a use that is not allowed in the Base District.
- (2) The Board of Zoning Appeals is not authorized to approve a variance from the standards of Article 7.
- (3) ***The Board of Zoning Appeals is not authorized to approve a variance from the standards specifically identified in what is listed in Chapter 21, Article \_\_\_\_.***

### (c) Application Filing

Zoning variance applications shall be filed with the Planning Director.

### (d) Public Hearing Notice

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with Section 20-1301(q).

### (e) Staff Review/Report

The Planning Director will review each proposed variance application in accordance with the review and decision-making criteria of Section 20-1309(g) and, if deemed necessary, distribute the variance application to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the variance application to the Board of Zoning Appeals.

**(f) Board of Zoning Appeals' Hearing and Decision**

The Board of Zoning Appeals shall hold a public hearing on the proposed variance and review the application in accordance with the applicable review and decision-making criteria of Section (g). Following the public hearing, the Board of Zoning Appeals shall take one of the following actions:

- (1) approve the variance;
- (2) approve the variance with conditions;
- (3) deny the variance.

**(g) Review and Decision-Making Criteria**

**(1) Outside the Regulatory Floodway (Unnecessary Hardships)**

The Board of Zoning Appeals may approve a zoning variance, but not a variance from the Floodplain management regulations of Article 12 upon the finding of the Board that all of the following conditions have been met:

- (i) That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property Owner or applicant;
- (ii) That granting the variance would not adversely affect the rights of adjacent property Owner or residents;
- (iii) That strict application of the provisions of this chapter for which the variance is requested would constitute Unnecessary Hardship upon the property Owner represented in the application;
- (iv) That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
- (v) That granting the variance desired would not be opposed to the general spirit and intent of this chapter.

**(2) Flood Protection Regulations**

- (i) The Board of Zoning Appeals may approve a variance from the flood protection regulations of Article 12 only after finding that the requested variance meets all of the following criteria:
  - a. a determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;
  - b. a showing of good and sufficient cause;
  - c. a determination by the Board of Zoning Appeals that failure to grant the variance would result in an Unnecessary Hardship to the applicant, as that term is defined in Section 20-1309(g)(1); and
  - d. a determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to



public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.

- (ii) The Board of Zoning Appeals may approve a zoning variance from the flood protection regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12 and meeting the terms of K.S.A. 12-734. In addition, the following factors shall be considered:
  - a. the danger of injury from materials swept onto other lands;
  - b. the danger of life and property due to flooding or erosion damage;
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual [Owner](#) or occupant;
  - d. the importance of the services provided by the proposed facility to the community;
  - e. the necessity to the facility of a waterfront location, where applicable;
  - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. the compatibility of the proposed use with existing and anticipated development;
  - h. the relationship of the proposed use to the [Comprehensive Plan](#) and [Floodplain](#) management program for that area;
  - i. the safety of [Access](#) to the property in times of flood for ordinary and emergency vehicles;
  - j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (iii) Generally, variances from flood protection standards may be issued for a [Significant Development Project](#) to be erected on a [Lot](#) of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the [Regulatory Flood](#) level, providing items Section 20-1309(g)(2)(ii)(a) through Section 20-1309(g)(2)(ii)(j) have been fully considered. As the [Lot](#) size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (iv) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk

resulting from the reduced lowest floor elevation.

- (v) The **Planning Director** shall maintain the records of all variances and report any variances to the Federal Insurance Administration upon request.

**(h) Findings of Fact**

All decisions on zoning variances shall be supported by an affirmative finding of fact on each of the applicable approval criteria of Section (g). Each finding shall be supported by substantial evidence in the record of proceedings.

**(i) Filing and Mailing of Decision**

Every decision or determination by the Board of Zoning Appeals shall be:

- (1) filed in the office of the City Clerk by the **Planning Director** not more than seven (7) **Working Days** following the date of hearing; and
- (2) mailed to the applicant and all other parties who have made a written request for notification.

**(j) Date of Effect**

Decisions on variances become effective on the date the Board of Zoning Appeals makes its decision.

**(k) Expiration of Approval**

**(1) Failure to Apply for Building Permit**

In the event the **Landowner** fails to file an application for **Building** Permit within 12 months after final approval of the variance has been granted, then such variance shall expire in accordance with the following provisions:

- (i) For good cause shown, the expiration date may be extended by the Board of Zoning Appeals for a period not to exceed 6 months. The application for extension or modification may be made by letter to the **Planning Director** and will be considered only if received before the expiration date of the variance. The **Planning Director** shall place such request, with any recommendation of the **Planning Director** on the agenda of the Board of Zoning Appeals. The **Planning Director** shall notify the applicant by first class mail of the date of the proposed consideration by the Board. On that date, the Board shall hear from the applicant and the **Planning Director** and may hear from other interested parties. Only one such extension may be granted.
- (ii) No action by the City shall be necessary to cause the variance to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a **Building** Permit or for other **Development Activity** on the site shall be considered as though the variance had not been granted.
- (iii) Approval of a variance does not, in itself, vest any rights under K.S.A. Sec. 12-764. Rights vest only after the related **Building** Permit is issued and substantial construction is begun in reliance on that permit.
- (iv) A variance will also expire upon expiration of a **Building** Permit.

**(l) Appeals**

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

Section 20-1402 of the Development Code is proposed to be amended as follows:

**20-1402 BOARD OF ZONING APPEALS**

**(a) Appointment**

A Board of Zoning Appeals is hereby created.

- (1) The Board of Zoning Appeals shall consist of seven members to be appointed by the Mayor with the approval of the City Commission. All of the members of the Board of Zoning Appeals shall be residents of the City. None of the members shall hold any other public office of the City except that one member may be a member of the Lawrence [Planning Commission](#). A member shall be appointed for a term of three years.
- (2) It is specifically provided that on the [Effective Date](#) such Board of Zoning Appeals, as was legally in existence immediately prior to such date, shall be constituted as the Board of Zoning Appeals hereby created, and the terms of the then members of the Board of Zoning Appeals shall expire on the same dates as were established at the time of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three years.
- (3) One member of the [Planning Commission](#) may be appointed to the Board of Zoning Appeals in the same manner as other members of the Board of Zoning Appeals. In the event such member's term on the [Planning Commission](#) shall expire prior to the expiration of the term on the Board of Zoning Appeals, and in the event such member is not re-appointed on the [Planning Commission](#), his position on the Board of Zoning Appeals shall become vacant simultaneously with the expiration of his appointment to the [Planning Commission](#).

**(b) Replacement of Board of Zoning Appeals Members**

A member of the Board of Zoning Appeals, once qualified, can thereafter be removed during his term of office only for cause and after public hearing. In the event of the death, resignation, or removal of any such member before the expiration of his term, a successor shall be appointed by the mayor and confirmed by the City Commission to serve his unexpired term.

**(c) Officers**

The Board of Zoning Appeals shall annually elect a chairperson, a vice-chairperson, and secretary. The secretary may be an officer or employee of the City.

**(d) Duties of Officers**

The chairperson, or in the chairperson's absence, the vice-chairperson, shall preside at all meetings, shall decide all points of order or procedure, and as necessary, shall administer oaths and compel the attendance of witnesses.

**(e) Rules and Meetings**

- (1) The Board of Zoning Appeals may adopt rules to govern its proceedings in

accordance with the provisions of this article.

- (2) Meetings of the Board of Zoning Appeals shall be held at least once a month but may be held at any time at the call of the chairperson and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be held at such place or places within the City as the Board of Zoning Appeals may designate and shall be open to the public.
- (3) The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board of Zoning Appeals, decisions of the Board of Zoning Appeals, and the vote upon each question. Records of all official actions of the Board of Zoning Appeals shall be filed with the [Planning Director](#).

**(f) Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall administer the details of appeals from the provisions of this chapter (except for the provisions of Articles 7 and 8), or other matters referred to it regarding the application of this chapter ***or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence)*** as hereinafter provided. In exercising these powers, the Board of Zoning Appeals, in conformity with the provisions of this chapter ***or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence)***, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and attach appropriate conditions, and may issue or direct the issuance of a permit.

**(g) Powers Specified Elsewhere in this Development Code**

The Board of Zoning Appeals shall also have those powers and duties specifically set forth in other parts of this Development Code ***and of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence)***.

**(h) Quorum of the Board of Zoning Appeals**

A quorum of the Board of Zoning Appeals is four members of the seven member Board. If a meeting is called and a quorum is not present at the specified meeting time, the chairperson of the Board or his designee shall immediately declare a lack of quorum and schedule a new meeting date and time for continuance of the published meeting and public hearings.

**(i) Tie Vote of the Board of Zoning Appeals**

A tie vote of the Board of Zoning Appeals on a variance request, or the lack of approval of a motion by a majority of members present and voting shall be considered a denial of the appeal request.

**NEW LANGUAGE**

Section 20-224 is proposed to be added to the Development Code to describe the Lawrence SmartCode Districts as follows:

**20-224 LAWRENCE SMARTCODE DISTRICTS**

**(a) Purpose**

- (1) ***The primary purpose of the Lawrence SmartCode Districts is to promote Traditional Neighborhood Design (TND) development for both Greenfield and***

***Infill/Redevelopment. The rezoning of property as part of the Lawrence SmartCode relies on the rezoning process of the Development Code (20-1303). See Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) for additional information.***

- (2) ***The Lawrence SmartCode Districts are primarily differentiated on the level of urbanism allowed, as provided below:***
- (i) ***SC, General SmartCode District – the general zoning district to be used for Greenfield and Infill/Redevelopment rezoning when a Transect Map has not been previously adopted by the City..***
  - (ii) ***T1, The Natural Zone – consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.***
  - (iii) ***T2, The Rural Zone – consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, grasslands, and irrigable deserts.***
  - (iv) ***T3, Sub-Urban Zone – consists of low density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.***
  - (v) ***T4, The General Urban Zone – consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.***
  - (vi) ***T5, The Urban Center Zone – consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.***
  - (vii) ***T5.5, The Special Urban Center Zone – consists of the highest density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages. Because of its historic designation and character, it will be protected from competition in intensity.***
  - (viii) ***CIVIC, Civic Space – an outdoor area dedicated for public use.***