

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
08/24/2009

ITEM NO. 9: AMENDMENTS TO DEVELOPMENT CODE; NON-GROUND FLOOR DWELLINGS & WORK/LIVE UNITS (SMS)

TA-6-10-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to permit the location of non-ground floor dwellings and work/live units in various zoning districts. Initiated by the Lawrence – Douglas County Planning Commission on May 20, 2009.

ITEM NO. 10 AMENDMENTS TO DEVELOPMENT CODE; MULTI-DWELLING STRUCTURES (SMS)

TA-6-11-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code for revisions to the standards for multi-dwelling structures in various zoning districts. Initiated by the Lawrence – Douglas County Planning Commission on May 20, 2009.

RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of the proposed amendments [TA-6-10-09] and [TA-6-11-09] to Sections 20-402, 20-403, 20-517, 20-542 and 20-1701 of Chapter 20, Land Development Code and forward the proposed amendments to the City Commission for approval.

Reason for Request: The Planning Commission initiated these amendments on May 20, 2009 along with other amendments aimed at making development standards more reasonable for property owners while maintaining the stated purposes established in the code.

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 zoning regulations, is an implementation step in Chapter 13 of *Horizon 2020*, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date.

KEY POINTS/ OVERVIEW OF PROPOSED AMENDMENT

- The *Non-Ground Floor Dwelling* and *Work/Live Units* were created when Staff proposed the Mixed Use Zoning District. Staff had identified the need to specifically call out uses that were different than traditional multi-dwelling units that this code defined as three or more units in a multi-dwelling structure (such as the single apartment above a storefront in the downtown area).

- These uses were originally limited to the CN1, CN2, MU and CD Districts. Since the MU District was adopted, Staff has found that these new household living types would be appropriate in other districts (such as the RSO, RMO and CS Districts) and can offer options for development of small-scale residential uses mixed with nonresidential uses throughout the community. The amendment also proposes to eliminate the multi-dwelling structure from the CN1 District since this district is intended for smaller, inner-neighborhood areas where less than three dwelling units may be more appropriate.
- Staff has also identified the standards in 20-517 to be too limiting to actually encourage residential development. In Staff's opinion, the Development Code should meet two objectives: include standards that preclude RSO or RMO Districts from developing solely with multi-dwelling uses and include standards that allow residential uses to be permitted to some degree in a variety of the commercial districts.
- The amendment does not propose changes to the Density & Dimensional Standards in Article 6. In Staff's opinion, the size and/or number of dwelling units in these mixed use projects will be determined based upon the size of the nonresidential portion of the project as well as building setbacks and parking requirements for the various uses.
- The proposed amendments also eliminate a redundancy in Article 17 where terms are listed in 20-1701 and also in 20-1734.

CONFORMANCE WITH *HORIZON 2020*

The opportunity to provide a mix of housing types and mixed uses is a primary theme throughout *Horizon 2020*. Providing the ability to create residential or work/live units in more districts increases the likelihood that a variety of housing types will be developed throughout the city. Establishing limits that allow residential uses in nonresidential or mixed districts, without permitting these districts to be fully developed with residential uses, should provide more choice for property owners while maintaining predictability within the community.

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 Development Code currently limits certain residential dwelling units to certain districts. Staff has found that these types of units would be appropriate in additional locations in the community. The Code also includes standards for development of residential units in various districts that are too limiting and do not permit the intended mixing of uses in these districts. These amendments are proposed to provide more options for feasible development and reuse of existing properties in the community.

- 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: As discussed above, the comprehensive plan recognizes the importance of

providing a variety of housing types within the community and to encourage infill development opportunities. The proposed amendments should provide more locations for creating small-scale residential uses while also providing reasonable limits in various nonresidential districts.

The existing text for Sections 20-402, 20-403, 20-517, 20-542 and 20-1701 are shown below. New text is shown in **bold, italic underlined font**; deletions are shown as ~~struck through~~. The changes shown in the Use Tables are highlighted for reading ease.

Amend this portion of Section 20-402 as shown:

20-402 RESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling Unit	A*	A*	A*	A*	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	-	-	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	-	P*	503
	Cluster Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	702
	Detached Dwelling	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	508
	Duplex	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	-	P*	503
	Manufactured Home	-	-	-	-	-	-	-	S	S	S	S	S	-	-	
	Manufactured Home, Residential-Design	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	513
	Mobile Home	-	-	-	-	-	-	-	-	-	S	S	S	-	-	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	-	514
	Multi-Dwelling Structure	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	517
	<u>Non-Ground Floor Dwelling</u>	-	-	-	-	-	-	-	P*	-	-	-	-	-	P*	517/542
	<u>Wok/Live Unit</u>	-	-	-	-	-	-	-	P*	-	-	-	-	-	P*	517/541
	Zero Lot Line Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	531
	Home Occupation, Type A or B	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	537

Amend this portion of Section 20-403 as shown:

20-403NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H		
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	534	
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	P*	-	503	
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702	
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	P*	P*	508	
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	503	
	Manufactured Home	-	-	-	-	-	-	-	-	-	P	P	-	P	P		
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	513	
	Mobile Home	-	-	-	-	-	-	-	-	-	P	P	-	P	P		
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Multi-Dwelling Structure	P*	P*/S*	P*	-	P*/S*	P*	-	P*	-	-	-	-	S	P	517	
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	517	542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	517	541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	531	
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-		

Amend this portion of Section 20-517 as shown:

20-517 MULTI-DWELLING STRUCTURE, NON-GROUND FLOOR DWELLING UNITS AND WORK/LIVE UNITS

(1) Standards that Apply in RMO District

A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units 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 foot of residential Floor Area for each phase of development.~~ when at least 25% of the Gross Floor Area is developed with nonresidential uses.

~~**(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.~~

(2) Standards that Apply in CN2 District

- (i) ~~A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall be permitted in the CN2 District provided that it is the residential units are constructed as part of a Mixed-Use project containing no more than one (1) Dwelling Unit per 2,000 square foot of nonresidential Gross Floor Area. when at least 50% of the Gross Floor Area is developed with nonresidential uses.~~
- (ii) ~~A Special Use Permit is required for densities greater than one (1) Dwelling Unit per 2,000 square foot of non residential Gross Floor Area. However, no project shall exceed the RM15 District Density limit.~~

(3) Standards that Apply in CD District

- (i) A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall be permitted in the CD District provided that ~~it is~~ the residential units are situated above the Ground Floor when located on Massachusetts Street.
- (ii) A Multi-Dwelling Structure and Work/Live Units requires a Special Use Permit in the CD District when Ground Floor residential uses are proposed along numbered streets, Vermont or New Hampshire Streets.

(4) Standards that Apply in CC and CS District

~~A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units is shall be~~ permitted as part of a multi-use Mixed-Use development in the CC and CS Districts provided that the total Gross Floor Area of the residential units do does not exceed ~~40 percent (40%)~~ 50% 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.

(5) 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.

No changes are proposed to Section 20-541. It is provided for context since it is listed as a standard that governs a use proposed for change in the Use Tables:

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.

Amend this portion of Section 20-542 as shown:

20-542 NON-GROUND FLOOR DWELLING UNITS

- (1)** **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**.
- (2)** **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 **may** contain **only two or fewer more or less Dwelling Units based on density, dimensional and parking standards of the particular Zoning District in which they are proposed.**

Amend this section to remove definitions which are also found (and more appropriately located) in 20-1734 Household Living:

20-1701 GENERAL TERMS

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.
Work/Live Unit	A space within a Building that consists of a Dwelling Unit which is accessory to a nonresidential use and has direct internal access to the nonresidential use.