

Revised PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

ITEM NO. ~~7~~ 6: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (SDM)

TA-07-18-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to (1) exempt certain projects in the CD, Downtown Commercial District, from site planning requirements, and (2) revise certain requirements in Article 13 Development Review Procedures related to Major, Standard, and Minor Development Projects. Initiated by the Lawrence City Commission on July 7, 2009.

This report has been revised from the August 24, 2009 report. Deletions are shown in **~~bold strikethrough~~** and additions are shown in **bold italics underlined**.

RECOMMENDATION: Staff recommends that the Planning Commission *forward a recommendation for approval of the proposed amendments to Chapter 20, Land Development Code to the City Commission* ~~review this report, receive public input on this matter and direct staff appropriately.~~

Reason for Request: The City Commission initiated this amendment on July 7, 2009 after recognizing a need to streamline the process for changes of use and tenant finish projects in the downtown area under certain circumstances and to review the thresholds for when an existing development outside of the downtown district would be required to fully comply with the code for a building addition, change in use, or redevelopment project.

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 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

- No written comments received to date.
- Staff has met with LAN representatives and Chamber of Commerce members to generally discuss a number of different text amendments in process including this one.
- No comments received since the August 24 PC meeting.

KEY POINTS

- The Development Code requires site planning for most types of Development Activity.
- The Development Code has proven difficult to navigate in terms of which type of site plan project is being requested – minor, standard, or major – creating process issues for staff and applicants.
- The City Commission has directed staff to draft revisions to the Development Code to clarify the project types and when codes are required to be met, as well as create more efficiency for changes in use and minor development projects in the CD (Downtown Commercial) and other

districts.

- This amendment upholds the values of reviewing projects to city codes, but relieves applicants of certain site plan processes depending on the level of development activity on a particular site.

OVERVIEW OF PROPOSED AMENDMENT

Most of the revisions are clarifying standards or reformatting text to make it read more clearly. Major revisions include the following:

1. Exempting changes in use and development activity in the CD district as long as certain thresholds, related to an existing building's size and height, are not exceeded.
2. Exempting changes in use of an existing development where the use changes to a less intense use as defined by the code and no physical modifications to the site are proposed or the modifications fall under a certain threshold. If physical modifications to the site are proposed that exceed a certain threshold, then this exemption no longer applies.
3. Exempting certain physical modifications to an existing site that do not exceed certain thresholds.
4. Providing the Planning Director with the ability to waive code standards for all site plan types for good cause shown and as long as sound site planning principals are upheld. This authority currently exists for Major Development Projects.
5. Clarifying the definitions contained in Section 20-1305 related to Minor, Standard, and Major Development Projects.
6. Increasing the distance for those with standing to appeal a site plan decision from adjoining owners to those located within 200' of the subject property to align with recently adopted text that expanded the notice requirements for site plans.
7. **Creating a new threshold for developments in the IG district for when the entire site must comply fully with the code. As proposed, developments in the IG district that expand greater than 50% of their current development would be required to comply fully with the code unless waived by the Planning Director. The threshold for all other districts would be set at a 20% increase.**

For most projects in the CD District, these revisions could reduce the cost and time to process certain projects by an average of 31 business days (using current site plan processing data and depending on the sequencing of permit applications). While site planning certain projects would no longer be required, all other code reviews would be maintained – fire and building code review and permitting, Historic Resources review and permitting, ADA review, utility review for grease interceptors, etc.

CONFORMANCE WITH *HORIZON 2020*

Horizon 2020 contains several goals and policies that support appropriate site planning methods and efficient development. Through goal setting sessions, both the Planning Commission and City Commission have indicated that the code should be more efficient where appropriate to encourage redevelopment of infill sites. This amendment strives to reach some of these goals.

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.

Staff Response: The proposed amendment addresses process issues that both the Planning Commission and City Commission have indicated to staff that they would like to have considered for revisions. Planning staff and the community have worked with the latest version of the Development Code for over three years and staff believes that greater efficiencies in processing tenant finishes and minor projects can be achieved by foregoing the site plan process, while not reducing the values to insure high quality projects that otherwise meet the code.

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 does not specifically address the amendment. The amendment helps to carry out the plan's goal of using zoning standards to create compatible neighborhoods and efficient development processes.

PROPOSED LANGUAGE: ~~Staff is providing language at this time (attached) to introduce the text to the PC, but prefers to defer any action on this item until September so that the users and other stakeholders in the community have an appropriate period of time by which to review these comprehensive changes to these important code sections. Additionally, staff will continue to review and refine the language based on comment and on staff's review of the draft language.~~

Staff has revised the proposed language based on internal review and finds it ready to be acted upon. The revised language is attached. Staff has not received any comments on this amendment.

Attachments: Proposed language

PROPOSED LANGUAGE

20-1302 TEXT AMENDMENTS

(a) Initiation

An amendment to the text of the zoning ordinance **Chapter 20 – Code of the City of Lawrence, Kansas** may be initiated by the City Commission, the [Planning Commission](#), or, as to provisions affecting Urban Conservation Districts, by the [Historic Resources Commission](#); and adopted in accordance with the rules of that body. Applications for zoning map **text** amendments initiated by private parties shall be filed with the [Planning Director](#) **via a letter that includes the proposed text and the reasons for proposing the amendment. The Planning Director shall forward the letter to the City Commission for review and consideration of initiating the amendment taking into consideration the need for the amendment.** Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Public Hearing Notice

Newspaper notice of the [Planning Commission](#)'s public hearing shall be provided in accordance with Section 20-1301(q).

(c) Staff Review/Report

The [Planning Director](#) will review each proposed text amendment in accordance with the review and decision-making criteria of subsection ~~(e)(3)~~ **(f)** of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment to the [Planning Commission](#) and City Commission.

(d) Planning Commission's Review/Recommendation

The [Planning Commission](#) shall hold a public hearing on the proposed text amendment, review the proposed text amendment in accordance with the review and decision-making criteria of subsection ~~(e)(3)~~ **(f)** of this Section and recommend in writing that the City Commission approve, approve with modifications or deny the proposed amendment. The [Planning Commission](#) is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(e) City Commission Decision

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed text amendment:

- (1) approve, approve with modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - (i) The [Planning Commission](#), after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.
 - (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed text amendment, approve it with modifications, or deny it.

- (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission's](#) next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for action pursuant to Section 20-1302(e)(1) that is contrary to the [Planning Commission's](#) recommendations, in which case the action shall be by a 2/3 majority vote of the full membership of the City Commission.

(f) Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning text amendments, 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
- (2) whether the proposed text amendment is consistent with the [Comprehensive Plan](#) and the stated purpose of this Development Code (See Section 20-104).

(g) Date of Effect

The Development Code text amendment will become effective upon publication of the adopting ordinance.

20-1305 SITE PLAN REVIEW

(a) Purpose

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of [Development Activity](#) and to encourage the compatible arrangement of [Buildings](#), off-street parking, lighting, [Landscaping](#), pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for ~~commercial development~~ **uses included in the Commercial Use Groups of Sections 20-402 and 20-403** shall comply with the Commercial Design Standards and Guidelines adopted by the City Commission on July 25, 2006 by Resolution No. 6669.

For the purposes of this section:

- (1) A change to a less intensive use shall be defined as:
 - (i) a change in use of a site or [Structure](#) in which the Development Code requires less parking for the proposed new or modified use; or
 - (ii) that the operational characteristics of the proposed new or modified use are such that they generate less activity on the site, or result in a decrease in the number of days or hours of operation of the site.
- (2) A change to a more intensive use shall be defined as:

- (i) change in use of a site or **Structure** in which the Development Code requires more parking for the proposed new or modified use; or
- (ii) that the operational characteristics are such that they generate more activity on the site, or result in an increase in the number of days or hours of operation of the site.

(b) Applicability

In any **Zoning District**, except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(1) Minor Development Projects ~~*(Propose to change font color to black and remove the definition from Section 20-1701)*~~

Any development proposing the minor modification of a site, ***as determined by the Planning Director***, which does not meet the criteria for a **Standard** or **Major Development Project**, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a **Minor Development Project**.

(i) Requirements of Site Plan Review

- a. Amendments to an approved site plan depicting the proposed modification or improvements; and
- b. Verification that the use is permitted by zoning; and
- c. Verification that adequate parking is available.

(ii) Public Notice

The public notice procedures of Section 21-1305(g) are not applicable.

(iii) Compliance with City Codes

- a. Only those improvements or modifications proposed and approved as a **Minor Development Project** review are required to be compliant with the standards of this Development Code and/or the Commercial Design Standards, ***unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles.***
- b. Existing conditions of the site are not required to become compliant with all standards of this Development Code and/or the Commercial Design Standards other than those standards which are deemed necessary, by the **Planning Director**, to ensure the health, safety and welfare of the public and/or user of the site.

(2) Standard Development Projects ~~*(Propose to change font color to black and remove the definition from Section 20-1701)*~~

~~Any development proposing the modification of a site which does not have an approved site plan on file with the Planning Office, or a change in use on a site with an approved site plan on file with the Planning Office which meets the following criteria or proposes the following:~~

- ~~a. Any change in use to a more intensive use; or~~
- ~~b. A change in use to a less intensive use on a site without an approved site plan on file with the Planning Office; or~~
- ~~c. A modification to a site which alters the [Parking Area](#), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns; or~~
- ~~d. A development in commercial [Zoning Districts](#) including redevelopment or modifications to the exterior style, design or material type of a [Structure](#) that is subject to the Commercial Design Standards; or~~
- ~~e. An outdoor dining use in the CD and CN1 [Zoning Districts](#) and any outdoor dining use located in any other [Zoning District](#) that would result in an increase of the number of [Parking Spaces](#) required; or~~
- ~~f. The construction of one or more new [Buildings](#) with a [Gross Floor Area](#) of 1,499 square feet or less; or~~
- ~~g. The construction of additions with a [Gross Floor Area](#) of 1,499 square feet or less, or less than twenty percent (20%) of the existing [Building](#); or~~
- ~~h. The installation or addition of less than 1,499 square feet of [Impervious Surface](#) coverage; or~~
- ~~i. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the [Planning Director](#).~~

i. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

- 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior [Building](#) modifications, are proposed; or**
- 2. A change in use to a more intensive use regardless of whether [physical](#) modifications to the site are proposed; or**
- 3. the substantial modification of a site, defined as:**
 - a. The construction of any new [Building\(s\)](#) on the site; or**

- b. The construction of any [Building](#) addition that contains a [Gross Floor Area](#) of ten percent (10%) or more of the [Gross Floor Area](#) of existing [Building\(s\)](#); or*
 - c. Separate incremental [Building](#) additions below ten percent (10%) of the [Gross Floor Area](#) of existing buildings if the aggregate effect of such [Development Activity](#) over a period of 24 months would trigger the 10% threshold; or*
 - d. The addition of [Impervious Surface](#) coverage that exceeds 10% of what exists; or*
 - e. Any modification determined by the [Planning Director](#) to be substantial.*
- ii. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a [Major Development Project](#), any development proposing the following shall be considered a [Standard Development Project](#):
- 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or
 - 2. any modification of a site which meets the following criteria or proposes the following:
 - a. A modification to a site which alters the [Parking Area](#), drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or*
 - b. A development, redevelopment, or modifications to the exterior style, design or material type of a [Structure](#) that is subject to the Commercial Design Standards; or*
 - c. An outdoor dining or hospitality use in the CD and CN1 [Zoning Districts](#) and any outdoor dining use located in any other [Zoning District](#) that would result in an increase of the number of [Parking Spaces](#) required; or*
 - d. In the IG zoning district, the construction of one or more new [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of less than fifty percent (50%) of the [Gross Floor Area](#) of existing [Building\(s\)](#); or*
 - e. In any zoning district other than IG, ~~t~~The construction of one or more new [Buildings](#) or building additions that contain a [Gross Floor Area](#) of less than twenty percent (20%) of the [Gross Floor Area](#) of existing [Building\(s\)](#); or*
 - f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing [Impervious Surface](#) coverage; or*
 - g. In any zoning district other than IG, ~~t~~The installation or addition of less than [twenty percent \(20%\)](#) of existing [Impervious Surface](#) coverage; or*
 - h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the [Planning Director](#).*

(i) (ii) Requirements of Site Plan Review

- a. For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.
- b. For sites with an approved site plan on file at the Planning Office, the existing plan, if determined appropriate by the [Planning Director](#), may be amended.

(ii) (iii) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(iii) (iv) Compliance with City Codes

- a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the Commercial Design Standards, *unless otherwise determined by the [Planning Director](#) to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles.*
- b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the Commercial Design Standards as determined by the [Planning Director](#) in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) Major Development Projects *(Propose to change font color to black and remove the definition from Section 20-1701)*

Any development proposing the following:

- a. ~~Any modification to a site that alters [Parking Areas](#), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns, that the [Planning Director](#) determines to be significant; or~~
- b. Any [Significant Development Project](#); defined as:
 - 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 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 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.~~

a. Any **Development Activity** on a site that is vacant or otherwise undeveloped; or

b. Any **Significant Development Project** ~~(Propose to change font color to black and remove the definition from Section 20-1704)~~ on a site that contains existing development, defined as:

1. Any modification to a site that alters **Parking Areas**, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns, that the **Planning Director** determines to be significant in terms of impacting adjacent roads or adjacent properties; or

2. In the IG zoning district, the construction of one or more **Building(s)** or building additions that contain a **Gross Floor Area** of fifty percent (50%) or more of the **Gross Floor Area** of existing **Building(s)**; or

3. In any zoning district other than IG, ~~t~~The construction of one or more **Building(s)** or building additions that contain a **Gross Floor Area** of twenty percent (20%) or more, of the **Gross Floor Area** of existing **Building(s)**; or

4. Separate incremental **Building** additions below 50% for IG zoning and 20% for all other zoning districts of the **Gross Floor Area** of existing **Building(s)** if the aggregate effect of such **Development Activity** over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or

5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing **Impervious Surface** coverage.

(i) Requirements of Site Plan Review

Submitted site plans shall meet all the specifications of Section 20-1305(f).

(ii) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(iii) Compliance with City Codes

Full compliance with all City Codes, including this Development Code and the Commercial Design Standards, is required for the entire site, unless otherwise determined by the **Planning Director** to be waived for

good cause shown by the applicant. The [Planning Director](#) may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles.

(c) Exemptions

The following are expressly exempt from the Site Plan Review procedures of this section:

- (1) changes to [Detached Dwelling](#)(s) or [Duplex](#)(es), as well as site improvements on [Lots](#) containing [Detached Dwelling](#)(s) and [Duplex](#)(es). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a [Parking Area](#) or private recreational area, and such complex contains a combined total of four (4) [Dwelling Units](#) or more, Site Plan Review is required;₂
- (2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or [Planned Development](#) procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures;₂
- (3) changes expressly exempted from Site Plan Review process by the underlying [Zoning District](#);₂
- (4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type;₃
- (5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior [Building](#) modifications, are proposed and where an approved site plan is not on file with the Planning Office.
- (6) any [Development Activity](#) on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:
 - (i) The construction of any [Building](#) addition that contains less than ten percent (10%) of the current [Building's Gross Floor Area](#); or
 - (ii) Separate incremental [Building](#) additions below 10% of the [Gross Floor Area](#) of existing [Buildings](#) if the aggregate effect of such [Development Activity](#) over a period of 24 consecutive months would trigger the 10% threshold; or
 - (iii) The addition of [Impervious Surface](#) coverage that does not exceed 10% of what exists; or
- (7) any change in use, regardless of whether it is less or more intense than the current use, or any [Development Activity](#) in the CD district of an existing developed site where the effect of the change in use or [Development Activity](#) does not increase a [Building's](#) footprint or the number of [Building](#) stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than ~~twenty (20)~~ [fifty \(50\)](#) square feet in area, and similar appurtenances, as determined by the [Planning](#)

Director, shall not be considered as increasing the Building's footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the Historic Resources Commission. Outdoor dining uses, and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed ~~twenty (20)~~ fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.

- (8) changes otherwise exempted from Site Plan Review by state or federal law.

(d) Pre-application Meetings

A pre-application meeting with the Planning Director is required at least 7 Working Days prior to the formal submission of a Site Plan application. See Section 20-1301(d).

(e) Initiation and Application Filing

Site Plan Review applications shall be filed with the Planning Director. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting, ~~not to exceed a total of 30 site plans.~~

(f) Application Contents

- (1) A site plan shall:

- (i) *For any Standard or Major Development Project be* Be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;
- (ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres *or at a scale determined to be appropriate by the Planning Director;*
- (iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;
- (iv) Show boundaries and dimensions graphically; ~~and~~ *(separated iv and v into two statements)*
- (v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;
- (vi) *Show existing conditions of the site:*
 - a.* Show existing public and Private Street system,
 - b.* platted or unplatted Ownership,
 - c.* type and location of Structures,
 - d.* curb cuts on adjacent properties and along the opposite side of the street.

- (vii) Show topography extending ~~100~~ **50** feet beyond the outside boundaries of the proposed site plan ~~for sites that are not adjacent to existing development and show topography extending 50 feet beyond the outside boundaries of the proposed site plan for infill development sites;~~
- (viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;
- (ix) Show the location of existing utilities and **Easements** on and adjacent to the site including
- a. **Show the location of** power lines, telephone lines, & gas lines.
 - b. Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.
- (x) **Show** ~~the~~ location of ground mounted transformers and air conditioning units ~~shall be shown on the site plan~~ and **how** such units shall be screened if visible from the Street or when adjacent to a **Structure** on an adjoining **Lot(s)**. In any instance, the location of such units shall occur behind the Front and **Side Setback** lines as set forth in Section 20-601 in the **Density** and Dimensional Standards Tables;
- (xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by **City Regulations**, and provide on the site plan a site summary table, **in the format noted below**, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a **Building(s)**; development as a paved surface; undeveloped and planted with grass, **Ground Cover**, or similar vegetative surface.

<i>PROPERTY SURFACE SUMMARY</i>			
<i>Summary of Existing Conditions</i>		<i>Summary after project completion</i>	
<i>Total Buildings</i>	<i># ft.²</i>	<i>Total Buildings</i>	<i># ft.²</i>
<i>Total Pavement</i>	<i># ft.²</i>	<i>Total Pavement</i>	<i># ft.²</i>
<i>Total Impervious</i>	<i># ft.²</i>	<i>Total Impervious</i>	<i># ft.²</i>
<i>Total Pervious</i>	<i># ft.²</i>	<i>Total Pervious</i>	<i># ft.²</i>
<i>Total Property Area</i>	<i># ft.²</i>	<i>Total Property Area</i>	<i># ft.²</i>

- (xii) Show the location of existing and proposed **Structures** and indicate the number of stories, **Floor Area**, and entrances to all **Structures**;

- (xiii) Show the location and dimensions of existing and proposed curb cuts, [Access](#) aisles, off-street parking, loading zones and walkways;
- (xiv) Indicate location, height, and material for [Screening](#) walls and fences;
- (xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;
- (xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior [Landscaping](#) including grass, [Ground Cover](#), trees and [Shrubs](#);
- (xvii) ~~Show both Gross and Net public areas for proposed offices and commercial establishments. The proposed use, the required number of off-street [Parking Spaces](#), and the number of off-street [Parking Spaces](#) shown **provided** shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;~~
- ~~(xviii) Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on [Screening](#) proposed for the lighting and steps taken to prevent glare.~~
- (xix) Designate a trash storage site on each site plan [appropriate for the number of occupants proposed, with one two-cubic yard dumpster per each eight \(8\) occupants being a good guide](#) ~~or, [if a site proposes the sharing of a trash storage area and sharing is otherwise allowed by this code](#), a note explaining how refuse removal will be handled and where the trash storage area will be shared. An agreement between the owners of property proposed to share a trash storage site shall be submitted to staff for review.~~ The size of the trash storage receptacle, its location and an elevation of the enclosure, [which may be waived in alley locations](#), shall be approved by the Director of Public Works prior to approval of [included on](#) the site plan. If a modification to the location of the trash storage area is required during the construction phase [or thereafter](#), both the Planning and Public Works Directors must approve the modification before it occurs [a revised site plan can be approved](#).
- (xx) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that [Zoning District](#) under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be developed in which order and showing in which phases the [Easements](#), [Driveways](#), [Parking Areas](#) and [Landscaping](#) will be included. The [Planning Director](#) may require adjustments in the provision of [Easements](#), [Driveways](#), [Parking Areas](#) and [Landscaping](#) among the various phases as a condition of approval;

(xxi) Provide at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate [Building](#) shape, [Height](#), and [Screening](#) proposed and to determine compliance with the Commercial Design Standards and Guidelines.

a. Photographs of the property may be submitted when no physical changes to the building facades are proposed.

(xxii) Show the intersection visibility triangle required in Section 20-1102.

(xxiii) Show the location and height of any sign structures that would not be located on a [building](#).

(2) A note shall be provided on the site plan for a public or governmental [Building](#)(s) and facility(ies) indicating that it has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for [Buildings](#) and facilities, appendix A to 28 CFR Part 36.

(3) If the site plan is for a multiple-[Dwelling](#) residential [Structure](#) containing at least four (4) [Dwelling Units](#), a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.

(4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on [Screening](#) proposed for the lighting and steps taken to prevent glare. ~~Light sources shall be shielded to prevent point source glare from adjacent properties or streets.~~

(g) Public Notice

(1) Notice of the proposed site plan shall be posted on the property covered by the site plan, in accordance with Section 20-1301(q)(4). In addition, written notice of the proposed site plan shall be mailed to the [Owner](#) of record of all property within 200 feet of the subject property, and to all [Registered Neighborhood Associations](#) whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the Site Plan application. An application for Site Plan Review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:

(i) a brief description of the proposed [Development Activity](#);

(ii) the projected date for construction of the proposed use;

(iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;

- (iv) the date the site plan application will be submitted to the [Planning Director](#) for review; and a Statement with substantially the following information:

Notice of Site Plan Review pending before the Lawrence Douglas County Planning Office

This letter is being sent to the [Owner](#) of property within 200 feet of, or a [Registered Neighborhood Association](#) encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise nearby [Landowners](#) of the pending proposed development. This letter does not grant the recipient and/or [Landowners](#) any additional rights to challenge this proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Office at (785) 832-3150.

- (2) The failure to receive notice of Site Plan Review by an adjoining [Landowner](#) or [Registered Neighborhood Association](#) will not affect the validity of Site Plan approval or review.

(h) Staff Review/Action

The [Planning Director](#) will review each Site Plan application and, within 30 days, the [Planning Director](#) shall take one of the following actions:

- (1) approve the Site Plan application;
- (2) identify those modifications that would allow approval of the Site Plan application;
- (3) approve the Site Plan application with conditions; or
- (4) disapprove the Site Plan application.

(i) Notice of Decision

Notice of the decision, including the [Planning Director's](#) findings and basis for decision in light of the criteria of Section 20-1305(j), shall be mailed to the applicant and all other parties who have made a written request for notification.

(j) Approval Criteria

In order to be approved, a Site Plan shall comply with all of the following criteria:

- (1) the site plan shall contain only platted land;
- (2) the site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;
- (3) the proposed use shall be allowed in the District in which it is located or be an allowed nonconforming use;
- (4) vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or [Access Management](#) policies; and,

- (5) the site plan shall provide for the safe movement of pedestrians on the subject site.

(k) Appeals

Appeals of the [Planning Director](#)'s decision on a Site Plan application may be taken to the City Commission by filing a notice of appeal with the [Planning Director](#). Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(l) Right to Appeal

The following persons and entities have standing to appeal the action of the [Planning Director](#) on applications for Site Plan approval:

- (1) the applicant;
- (2) the City Commission;
- (3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or
- (4) record [Owner](#) of all adjoining property **within 200 feet of the subject property**, ~~as the term "adjoining property" is defined in Section 20-1305(g).~~

(m) Action on Appeal

- (1) The City Commission shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the City Commission's meeting shall be provided **to the appealing party and the applicant** a minimum of 14 days prior to the Commission's meeting.
- (2) After considering the matter, the City Commission shall act on the original Site Plan application, applying the criteria of Section (j), taking action as provided in Section (h) and giving notice of its decision as provided in Section 20-1305(i).

(n) Modifications to Approved Site Plans

- (1) An applicant who wishes to alter or revise an approved Site Plan shall contact the [Planning Director](#).
- (2) The [Planning Director](#) is authorized to approve, without public notice, any modification that complies with the approval criteria of Section (j) as long as the [Planning Director](#) determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding [Landowners](#).
- (3) Any other modification may be approved only after re-notification in accordance with Section 20-1305(g). The action of the [Planning Director](#) on such an application shall be reported in a staff report at the next meeting of the City Commission and shall be appealable by any party aggrieved within 15 days of such meeting, in accordance with the appeal procedures of Section 20-1311.

(o) Expiration; Vesting of Rights

(1) In the event the **Landowner** fails to obtain a **Building** Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 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 Site Plan. The **Planning Director** shall place such request, with any recommendation of the **Planning Director** on the agenda of the City Commission.

The **Planning Director** shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the **Planning Director** and may hear from other interested parties.

(ii) No action by the City shall be necessary to cause the Site Plan 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 Site Plan had not been granted.

(2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related **Building** Permit is issued and substantial construction is begun in reliance on that permit.

(3) Rights in an entire Site Plan shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial **Building** Permit and completion of construction in accordance with that **Building** Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

20-1701 GENERAL TERMS

Development Project, Major (Ord. 8098)	<p>Any modification to a site that alters parking Lots, drive aisles, or impacts on site pedestrian and vehicular circulation and traffic patterns, that the Planning Director determines to be significant; or:</p> <p>Any Significant Development Project, defined as:</p> <p>(1) The construction of one or more new Buildings with a gross Floor Area of 1,500 square feet or more;</p> <p>(2) The construction of additions with a gross Floor Area of 1,500 square feet or more, or twenty percent (20%) or more, of the existing Building;</p> <p>(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;</p> <p>(4) The alteration or intensification of any use that increases off Street Parking requirements pursuant to Article 9; or</p> <p>(5) The installation or addition of more than 1,500 square feet of impervious site cover.</p> <p>Any development proposing the following:</p>
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	<p>a. <u>Any Development Activity on a site that is vacant or otherwise undeveloped; or</u></p> <p>b. <u>Any Significant Development Project on a site that contains existing development, defined as:</u></p> <ol style="list-style-type: none"> <u>1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or</u> <u>2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or</u> <u>3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or</u> <u>4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or</u> <u>5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.</u>
Development Project, Minor (Ord. 8098)	<p>Any development proposing the minor modification of a site which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.</p> <p><u>Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.</u></p>

<p>Development Project, Standard (Ord. 8098)</p>	<p>Any development proposing the modification of a site which does not have an approved site plan on file with the Planning Office, or a change in use on a site with an approved site plan on file with the Planning Office which meets the following criteria or proposes the following:</p> <ul style="list-style-type: none"> (a) Any change in use to a more intensive use; or (b) A change in use to a less intensive use on a site without an approved site plan on file with the Planning Office; or (c) A modification to a site which alters the <u>Parking Area</u>, drive aisles, or impacts on site pedestrian and vehicular circulation and traffic patterns; or (d) A development in commercial zoning districts including redevelopment or modifications to the exterior style, design or material type of a <u>Structure</u> that is subject to the Commercial Design Standards; or (e) An outdoor dining use in the CD and CN1 zoning districts and any outdoor dining use located in any other zoning district that would result in an increase of the number of parking spaces required; or (f) The construction of one or more new <u>Buildings</u> with a <u>Gross Floor Area</u> of 1,499 square feet or less; or (g) The construction of additions with a <u>Gross Floor Area</u> of 1,499 square feet or less, or less than twenty percent (20%) of the existing <u>Building</u>; or (h) The installation or addition of less than 1,499 square feet of <u>Impervious Surface</u> coverage; or (i) Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director. <p><u>i. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:</u></p> <ul style="list-style-type: none"> 1. <u>a change in use to a less intensive use and where physical modifications to the site, excluding interior <u>Building</u> modifications, are proposed; or</u> 2. <u>A change in use to a more intensive use regardless of whether modifications to the site are proposed; or</u> 3. <u>the substantial modification of a site, defined as:</u> <ul style="list-style-type: none"> a. <u>The construction of any new <u>Building(s)</u> on the site; or</u> b. <u>The construction of any <u>Building</u> addition that contains a <u>Gross Floor Area</u> of ten percent (10%) or more of the <u>Gross Floor Area</u> of existing <u>Building(s)</u>; or</u> c. <u>Separate incremental <u>Building</u> additions below ten percent (10%) of the <u>Gross Floor Area</u> of existing buildings if the aggregate effect of such <u>Development Activity</u> over a period of 24 months would trigger the 10% threshold; or</u> d. <u>The addition of <u>Impervious Surface</u> coverage that exceeds 10% of what exists; or</u> e. <u>Any modification determined by the <u>Planning Director</u> to be substantial.</u> <p><u>ii. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:</u></p> <ul style="list-style-type: none"> 1. <u>any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or</u>
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	<p><u>2. any modification of a site which meets the following criteria or proposes the following:</u></p> <ul style="list-style-type: none"> <u>a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or</u> <u>b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Commercial Design Standards; or</u> <u>c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or</u> <u>d. In the IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or</u> <u>e. In any zoning district other than IG, the construction of one or more new Buildings or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or</u> <u>f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or</u> <u>g. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or</u> <u>h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.</u>
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<p>Significant Development Project</p>	<p>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 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. (Ord. 8098)</p> <ol style="list-style-type: none"> 1. <u>Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or</u> 2. <u>In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or</u> 3. <u>In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or</u> 4. <u>Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or</u> 5. <u>The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.</u>
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