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20-501 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY

- (1) Special Use approval may be granted in any [Zoning District](#) for an Adaptive Reuse provided the property is listed, as a Landmark or as part of an Historic District, on one or more of the following: the Lawrence Register of Historic Places; the Register of Historic Kansas Places; or the National Register of Historic Places.
- (2) Properties that meet one or more of the following criteria are encouraged to pursue Adaptive Reuse when such use can facilitate active renovation or restoration of the property:
 - (i) the property is located in a nonresidential [Zoning District](#);
 - (ii) the property, though located in a residential [Zoning District](#), was built for a non-residential use that has been substantiated through archival records, tax records, City directories, or other physical evidence;
 - (iii) the [Structure](#) on the property has a minimum of 4,000 square feet in living space. (Square footage shall include all finished living space excluding porches and garages).
- (3) Adaptive Reuse of a property shall not include a reduction in area or dimension of the existing [Front Yard](#) or Exterior [Side Yard](#);
- (4) Adaptive Reuse of a residentially-designed [Structure](#) shall maintain the residential quality and character of the property;
- (5) Adaptive Reuse of a [Building](#) shall maintain the architectural character of the historic property, as established by the [Historic Resources Commission](#), and the historic context within the neighborhood environs;
- (6) Prior to public hearing of an application for a Special Use for Adaptive Reuse by the [Planning Commission](#), an application shall first be reviewed and approved by the Lawrence [Historic Resources Commission](#) and, when applicable, the State Historic Preservation Officer.
- (7) In addition to the Special Use review procedures of Section 20-1306, the following criteria shall apply:
 - (i) conformance with the regulations for redevelopment established in Chapter 22 of the City Code, as determined by the Lawrence [Historic Resources Commission](#) when the project is on the Lawrence Register of Historic Places;
 - (ii) compliance with the Secretary of Interior Standards for Rehabilitation, as determined by the [Historic Resources Commission](#) and/or State Historic Preservation Officer, when a State or National Register property is involved; and,
 - (iii) adherence to other criteria established in this Development Code, as appropriate to the use proposed, when so determined by the [Planning Director](#) or the Historic Resources Administrator.
- (8) After the appropriate approvals have been granted, the Special Use application shall be scheduled for public hearing before the [Historic Resources Commission](#).

20-502 AGRICULTURE, ANIMAL

- (1) Animal husbandry, dairying, and pasturage, but not including the keeping of swine, shall have a minimum Lot Area of not less than five (5) acres and shall have not less than one (1) acre of Lot Area for each head of Livestock kept on the Premises. No feedlots shall be allowed.
- (2) No Animal Agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining Lot Line than 100 feet.
- (3) Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

20-503 ATTACHED DWELLINGS

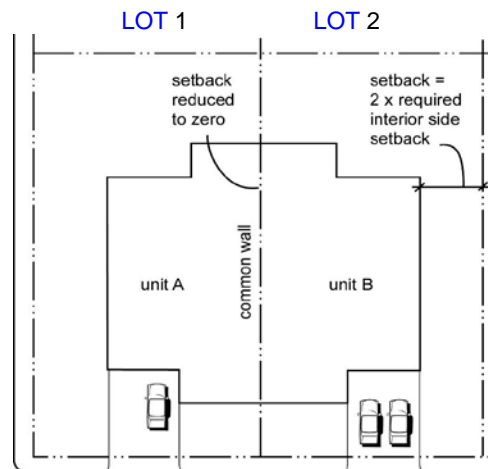
(1) General

- (i) The common or abutting wall shall be shared for at least 50% of the length of the side of the [Dwelling Units](#) and shall have a maintenance agreement for the sharing of a common wall filed at the Register of Deeds.
- (ii) [Attached Dwellings](#) shall comply with the [Density](#) and Dimensional Standards of Article 6, except where such standards are expressly modified by the provisions of this section.
- (iii) [Attached Dwelling](#) developments in RS Districts are subject to the Site Plan Review procedures of Section 20-1305 and Special Use Permit (SUP) requirements of Section 20-1306.
- (iv) [Attached Dwelling](#) developments in the MU District are subject only to the Site Plan Review procedures of Section 20-1305.

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

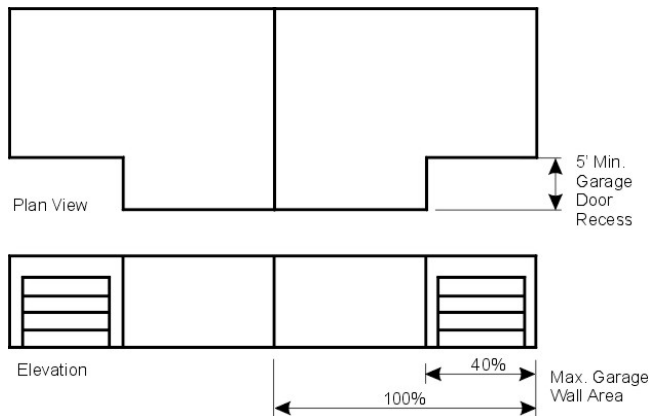
The following standards apply to [Attached Dwellings](#) in the RS-10, RS-7 and RS-5 Districts.

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



- (iv) On [Corner Lots](#), either the [Rear Setback](#) or [Interior Side Setback](#) may be reduced to zero. However, the remaining interior Side or [Rear Setback](#) shall comply with the interior Side or [Rear Setback](#) standards of the [Base District](#).

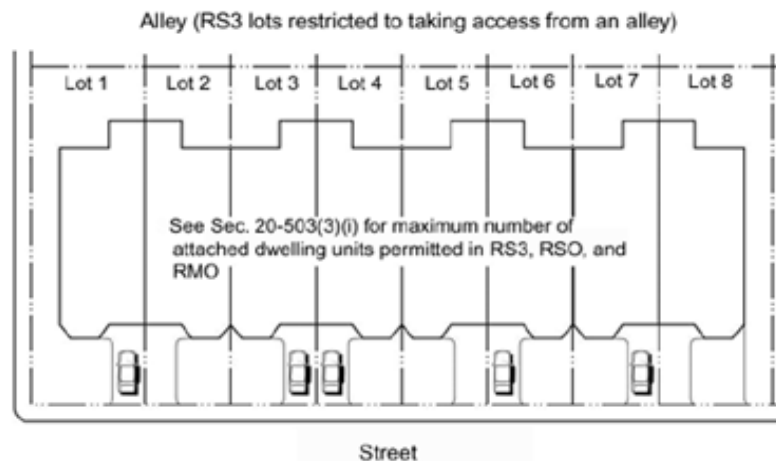
- (v) No more than 40% of the width of the front **Facade** of an **Attached Dwelling** may be comprised of garage door area, and all garage doors shall be recessed at least 5 feet from the front **Building** plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the **Structure**.



(3) Standards that Apply in the RS3, RSO, and RMO Districts

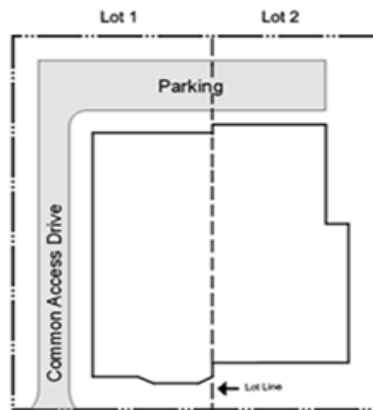
The following standards apply to **Attached Dwellings** in the RS3, RSO and all RMO Districts.

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



- (ii) The **Density** and **Lot** size (area and width) requirements of the **Base District** apply. Commonly owned areas, including **Common Open Space**, **Driveway**, or **Parking Areas** apply toward the overall **Density** standard.
- (iii) The front, side, and **Rear Setback** standards of the **Base District** apply around the perimeter of the project.

- (iv) The [Interior Side Setback](#) on the side containing a common wall is reduced to zero.
- (v) On [Corner Lots](#), either the [Rear Setback](#) or [Interior Side Setback](#) may be reduced to zero. However, the remaining interior side or [Rear Setback](#) shall comply with the [Rear Setback](#) standards of the [Base District](#).
- (vi) The roof of each [Attached Dwelling](#) shall be distinct from the others through separation of roof pitches or direction, or other variation in roof design.
- (vii) A common [Access Drive](#) providing [Access](#) to the Rear of the Lots for shared or individual [Parking](#) is required and shall take the form of a public right-of-way or private [Easement](#). Common [Access Drives](#) shall be at least 12 feet wide if designed for one-way traffic and 20 feet wide if designed for two-way traffic.



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

(4) Standards that Apply in the MU District

The following standards apply to [Attached Dwellings](#) in the MU District.

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

20-504 **BED AND BREAKFAST ESTABLISHMENT**

- (1) A **Bed and Breakfast** with 3 or fewer guest bedrooms shall be operated as an incidental use to the **Principal Use** of an **Owner**-occupied **Structure**.
- (2) A **Bed and Breakfast** establishment with 4 or more guest bedrooms is considered a **Bed and Breakfast Inn**.
 - (i) A **Bed and Breakfast Inn** shall have a full-time resident manager or **Owner** on the site and be licensed by the State of Kansas to do business.
 - (ii) A **Bed and Breakfast Inn** shall only be permitted if it is adjacent to or within ready **Access** to an **Arterial** or **Collector Street**.
- (3) **Bed and Breakfast** establishments operated as part of an adaptive reuse within a Registered Historic Landmark or within a property located within a Registered Historic District shall not be restricted to a number of bedrooms.

20-505 **FUNERAL AND INTERMENT**

Funeral and Interment Services that are subject to this standard shall have direct **Access** to an **Arterial Street**, with ingress and egress so designed as to minimize traffic congestion.

- (1) **Cemeteries** and **Interment** services shall provide a wall or fence at least 6 feet in **Height** along all **Lot Lines**.
- (2) **Structures** used for **Interment** and Cremation services, such as mausoleums, columbariums, and crematories, when located in an OS District may not be located within 50 feet of any R District.
- (3) Funeral and Internment facilities, such as funeral homes and mortuaries, are only permitted in the OS District when accessory to a **Cemetery** use.

~~20-506 **COMMUNICATION SERVICE ESTABLISHMENTS (RESERVED)**~~

~~Communication Service Establishments located in the IBP, IL and IG Zoning Districts shall be reviewed as a permitted use through the Site Plan Review Procedures, Section 20-1305.~~

20-507 **DAY CARE ESTABLISHMENTS**

- (1) **Day Care Homes**
 - (i) **Class A Day Care Homes** are permitted as an **Accessory Use** in the MU and R Districts, provided that written notification is given by the operator to all adjacent **Landowners** before beginning operation of the Day Care home. The notice shall State the proposed use and times of operation.
 - (ii) **Class B Day Care Homes** require Special Use approval in all R Districts and in the MU and CN1 Districts.
- (2) **Day Care Centers**
Day Care Centers shall maintain a wall or fence at least 4 feet in **Height** between any play area and any other property in the CN1 and MU District or any R District. **Day Care Centers** require Special Use approval in the CN1 and MU District and all R Districts, except when they are an **Accessory Use** to a permitted **School**, religious institution, or allowed as a **Community Facility** (see Section 20-402).

20-508 DETACHED DWELLING

A **Detached Dwelling** shall only be permitted to be constructed in an RM or RMO district, after the **Effective Date**, by approval of a Special Use Permit. A **Detached Dwelling** may be permitted to be constructed without approval of a Special Use Permit if it is located on its own platted **Lot**, and if the majority of the properties on the **Block Face** are constructed as **Detached Dwellings**.

20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a **Licensed Premises** use. The **Fast Order Food** establishments in 3 and 4 are not permitted to be a Licensed Premise:

(1) Accessory Uses to Hotels

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

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

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

(2) Accessory Bars

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

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

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

Fast Order Food establishments shall be permitted in MU, CN1 and CN2 Districts provided that the **Gross Floor Area** shall not exceed 3,000 square feet.

(4) Standards that Apply in CO District

Fast Order Food establishments are permitted in the CO District provided that the total **Floor Area** does not exceed 10 percent (10%) of the total **Gross Floor Area** of all floors of the office **Building** or of all **Buildings** in the office complex in which the use is located.

(5) Standards that Apply in CD District

The following restrictions apply to **Licensed Premises** in the CD district:

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

20-510 **FINANCIAL, INSURANCE AND REAL ESTATE (F.I.R.E.) SERVICES**

All uses in this use category shall be permitted in the RSO, RMG, RMO and CN1 Districts subject to the following standards:

- (1) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted;
- (2) Total nonresidential **Gross Floor Area** is limited to 5,000 square feet in RSO, RMG, RMO and 3,000 square feet in CN1; and
- (3) Walk-up ATMs are allowed for all uses in this use category.

20-511 **FOOD AND BEVERAGE SALES**

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

Food and Beverage Sales establishments shall be permitted in MU, CN1 and CN2 Districts provided the **Gross Floor Area** shall not exceed 3,000 square feet.

(2) Standards that Apply in CO District

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

20-512 **LODGE, FRATERNAL AND CIVIC ASSEMBLY**

(1) Where permitted in R Districts, **Lodge, Fraternal and Civic Assembly** uses shall comply with the **Religious Assembly** supplemental design standards of Section 20-522.

(2) A **Lodge, Fraternal and Civic Assembly** use in an R District shall be limited to a seating capacity of no more than 500 persons.

(3) A swimming pool, tennis court, or other recreational facility that is accessory to a **Lodge, Fraternal and Civic Assembly** use may not be located nearer to other property in an R District than the required **Setback** for a **Principal Building**, and wherever this type of facility is located in a **Yard** abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in **Height**.

20-513 **MANUFACTURED HOMES, RESIDENTIAL-DESIGN**

The following standards apply to Residential-Design **Manufactured Homes**.

- (1) Such **Structures** shall provide all of the accommodations necessary to be a **Dwelling Unit** and shall be connected to all utilities in conformance with applicable **City Regulations**.
- (2) Such **Structures** shall be on a permanent-type, enclosed perimeter foundation.
- (3) The **Structure** shall have an entrance on the side of the **Structure** facing the **Front Lot Line**.
- (4) The roof shall be predominantly double-pitched and have a minimum vertical rise of 2.5 inches for every 12 inches of horizontal run, and shall be covered with material that is customarily used on site-built **Dwellings**, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches, which may include a gutter.
- (5) Exterior siding shall be of a non-reflective material customarily used on site-built **Dwellings** such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City-adopted **Building** codes.
- (6) The **Structure** shall be installed in accordance with the recommended installation procedure of the manufacturer and Chapter 5 of the City Code. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. The **Structure** shall be permanently mounted on either a **Basement** or foundation that complies with Chapter 5 of the City Code.
- (7) On level sites, the main floor shall be no greater than 24 inches above the finished **Grade** at the foundation. On sloping or irregular sites, the main floor at the side closest to **Grade** shall not be greater than 24 inches above the finished **Grade** at the foundation.
- (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards of Chapter 5 of the City Code and attached permanently to the primary **Structure** and anchored permanently to the ground.
- (9) If 70% or more of the **Structures** on the **Block Face**, and the **Block Face** opposite where the home is to be located, have attached garages, a garage constructed according to the provisions of Chapter 5 of the City Code (**Building** Code) shall be required to be attached to the Residential-design **Manufactured Home**.

20-514 MOBILE HOME PARKS

(1) Purpose

The purpose of these standards is to ensure and promote an acceptable living environment for occupants of Mobile Home Parks with Mobile Home spaces offered for rental or lease. No use shall be allowed other than those uses considered as an integral part of the Mobile Home Park as shown on the approved development plan.

(2) Interpretation

Nothing in this subsection shall be interpreted to prohibit a Manufactured Home, Manufactured Homes, Residential Design from being located in a Mobile Home Park.

(3) Size of Park

The minimum size of a Mobile Home Park shall be 5 acres.

(4) Roads

All Mobile Homes shall front upon a private road Easement within the Mobile Home Park.

(5) Gross Density

The Gross Density of a Mobile Home Park (including Streets and sidewalks) may not exceed 12 Mobile Home spaces per acre.

(6) Access

A Mobile Home Park shall have Access to an Arterial or direct Access to a Collector Street.

(7) Mobile Home Park Plan

A site plan on a scale of one inch (1") equaling 30 or 40 feet shall be submitted as part of the Special Use application. The site plan shall show roads, Buildings, land use, zoning, and other features inside and outside the park within 300 feet of the exterior boundaries. The site plan shall comply with the following design requirements:

(i) Natural Features

The design of the park shall preserve natural features.

(ii) Spaces

Each Mobile Home Park shall clearly define the Mobile Home spaces, and each such space shall have a minimum area of at least 3,000 square feet. There shall be a minimum distance of 20 feet between Mobile Homes.

(iii) Private Roadways

- a. Internal roadways shall be provided and all Mobile Home spaces shall face or abut a roadway. A roadway shall have at least 22 feet of unencumbered travel way.
- b. Such roadways shall be surfaced with 4 inches of Portland cement concrete or 5 inches of rock with 2 inches of asphalt.
- c. A minimum 50 foot radius paved turn-around shall be provided at the terminus of Dead-End roadways, sufficient to accommodate emergency vehicles.

(iv) Sidewalks

A minimum sidewalk width of 4 feet shall be provided on both sides of Accessway leading from Mobile Home spaces to service and recreational areas.

(v) Lighting

Both roadways and sidewalks shall be adequately lighted. Roadways shall be lighted with a minimum of one Street light at each roadway intersection and one Street light at the end of each Cul-de-sac that is three hundred feet or more from a roadway intersection. These lights shall meet the code requirements in Section 20-1103.

(vi) Setbacks and Landscaping

Mobile Homes shall be set back a minimum of 50 feet along the Street Frontage of Arterial Streets and a minimum of 25 feet from all other Lot Lines. This Setback shall be planted with a Type 2 Bufferyard that has a mixture of grass, trees, and Shrubs to provide a park-like appearance. The interior of the Mobile Home Park shall have adequate grass, trees, and Shrubs to provide a dust-deterrent and shaded park-like atmosphere.

(vii) Office and Management

An area near the main entrance of the park shall be for office and management use only, with accessory off-Street Parking.

(viii) Facilities

Adequate provision shall be made for public water supply, sanitary sewers, fire protection, refuse collection and other necessary facilities to satisfy State and local codes, ordinances, and specifications.

(ix) Emergency Shelters

One or more Emergency Shelters shall be provided, with fifteen square feet of floor space for each Mobile Home space. An existing Building that complies with these provisions may serve as an Emergency Shelter. An Emergency Shelter shall:

- a. be a Building complying with Chapter 5 of the City Code and with the Association Standard for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association;
- b. be clearly marked with a sign at or near its entrance; and
- c. be accessible at all times, either by being kept unlocked or by a person with Access being present at the Mobile Home Park at all times.

(x) Recreational Space

One or more recreational areas shall be provided and equipped with suitable play equipment and other Recreational Facilities. There shall be at least 200 square feet of developed recreation area per Mobile Home space. Calculations of Recreational Open Space shall not include the minimum Setbacks required in Section 20-514(7)(vi) above.

(xi) Boat and Trailer Storage

Each Mobile Home Park shall provide Screened areas with an aggregate size of at least 100 square feet per Mobile Home space for the storage of boats and trailers (travel, horse, or utility). This requirement shall be waived if the covenants filed for the Mobile Home Park prohibit the storage of boats and trailers.

20-515 MINING

Mining, including extraction of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation, including removal of topsoil; and depositing of construction material, clay, earth, gravel, minerals, rock, sand or stone on the ground, will not be construed to be an allowed use in any District but IG, except as provided below:

(1) A Special Use Permit for a temporary basis.

Mining may be approved as a Special Use that is to be allowed on a temporary basis in accordance with the Special Use procedures of Section 20-1306. Such a Special Use approval is revocable and valid for specified periods of time, to permit **Mining** or extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or **Building** or construction materials; and,

(2) **The following activities shall not be considered Mining:**

- (i) Excavations for the foundation or **Basement** of any **Building** or for a swimming pool for which a **Building** Permit has been issued, or deposits on the earth of any **Building** or construction materials to be used on-site in a **Structure** for which a **Building** Permit has been issued.
- (ii) Grading of any **Parcel** of land for a permitted use where no bank of more than 4 feet in vertical **Height** is left standing and exposed.
- (iii) Grading in a subdivision that has been approved by the City in accordance with Article 8, Subdivision Regulations, of this development code and any amendments thereto.
- (iv) Temporary crushing of excavated stone on-site for use within the development or hauled off-site for another construction-related use.
- (v) Any extractive operation existing and operating as such on the **Effective Date** shall conform to the provisions set forth herein within one year of the **Effective Date**.

20-516 MIXED MEDIA STORES

(1) Standards that Apply in CN1 District

In addition to the district standards, a **Mixed Media Store** shall be permitted in the CN1 District; however, no drive-through windows shall be permitted.

(2) Standards that Apply in CO District

In addition to the district standards, a **Mixed Media Store** shall be permitted in the CO District provided that the **Gross Floor Area** shall not exceed 5,000 square feet.

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 only be permitted in the RMO District provided that the residential units are constructed as part of a **Mixed-Use** project when at least 25% of the **Gross Floor Area** is developed with nonresidential uses.

(2) Standards that Apply in CN2 District

- (i) A **Multi-Dwelling Structure, Non-Ground Floor Dwelling Units** and **Work/Live Units** shall only be permitted in the CN2 District provided that the residential units are constructed as part of a **Mixed-Use** project when at least 50% of the **Gross Floor Area** is developed with nonresidential uses.

(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 the residential units are situated above the **Ground Floor** when located on Massachusetts Street.
- (ii) A **Multi-Dwelling Structure** and **Work/Live Units** require 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** shall only be permitted in the CC and CS Districts provided that the residential units are constructed as part of a **Mixed-Use** project when at least 50% of the **Gross Floor Area** is developed with nonresidential uses.

(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.

20-518 OFFICE, ADMINISTRATIVE AND PROFESSIONAL**(1) Standards that Apply in RSO and CN1 Districts**

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

(2) Standards that Apply in RMO and RMG Districts

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

(3) Standards that Apply in the MU District

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

20-519 OUTPATIENT CARE FACILITY

An **Outpatient Care Facility** shall be permitted in the MU, RMO, RSO, and CN1 Districts provided that the **Gross Floor Area** shall not exceed 3,000 square feet.

20-520 PERSONAL CONVENIENCE STORE

A personal convenience store shall be permitted in the CN1 District provided that the **Gross Floor Area** shall not exceed 3,000 square feet.

20-521 PERSONAL IMPROVEMENT SERVICE**(1) Standards that Apply in RMO, RSO and RMG Districts**

A **Personal Improvement Service** shall be permitted in the RMO, RSO and RMG Districts; however, no external automated teller machine, drive-through windows, or night drop windows shall be permitted.

(2) Standards that Apply in CN1 District

A **Personal Improvement Service** shall be permitted in the CN1 District provided that the **Gross Floor Area** shall not exceed 3,000 square feet.

20-522 RELIGIOUS ASSEMBLY

(1) Neighborhood Religious Institutions

(i) Size

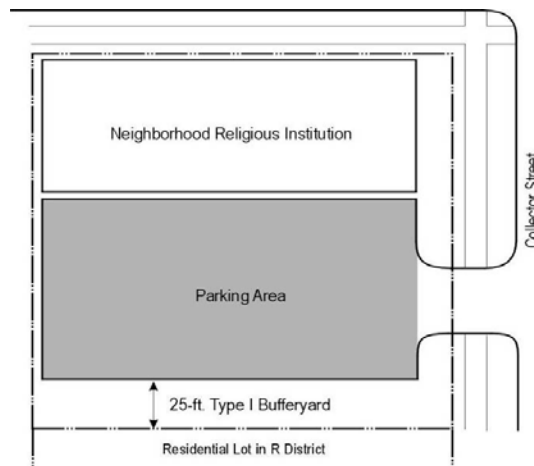
- a. A **Neighborhood Religious Institution** in an R District shall be limited to a seating capacity of no more than 500 persons in the sanctuary or other principal place of worship or assembly; and
- b. The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the **Lot Area** (expressed in square feet) divided by 100.

(ii) Supplemental Design Standards

a. In R Districts

The following supplemental design standards shall apply only to a **Neighborhood Religious Institution** in an R District:

1. the nearest edge of an on-site **Parking Area** shall be set back at least 25 feet from the nearest residential **Lot** in an R District;
2. where practicable, **Access** to the on-site **Parking Area** will be to a **Collector Street**;
3. the on-site **Parking Area** will be buffered from any adjoining **Lot** in an R District by a Type 1 **Bufferyard**, as set forth in Section 20-1005(d); and
4. outdoor lighting shall meet the standards of Section 20-1103(d).



b. In Other Base Districts

A **Neighborhood Religious Institution** located in any other **Base District** shall be subject to the **Density**, dimensional and design standards applicable to other uses in that **Base District**.

- c. A swimming pool, tennis court, or other recreational facility that is accessory to a **Neighborhood Religious Institution** use may not be located nearer to other property in an R District than the required **Setback** for a **Principal Building**, and wherever this type of facility is

located in a [Yard](#) abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in [Height](#).

(iii) [Accessory Uses](#) Permitted by Right

Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the following [Accessory Uses](#) shall be permitted by right to a [Neighborhood Religious Institution](#):

- a. a [Temporary Shelter](#) with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

(iv) [Accessory Uses](#) Permitted Only with a Special Use Permit

The following [Accessory Uses](#) may only be permitted with a Special Use Permit as an accessory use to any [Neighborhood Religious Institution](#):

- a. a [Temporary Shelter](#) that exceeds the shelter occupant or calendar day limitations of Section 20-522(1)(iii)(a). Such [Temporary Shelter](#) shall meet the requirements of Section 20-544; or
- b. a community meal program.

(2) [Campus or Community Religious Institution](#)

(i) Size

The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the [Lot Area](#) (expressed in square feet) divided by 100. [Accessory Uses](#) shall require additional [Lot Area](#) to meet the dimensional, intensity, parking and design standards applicable to the use and the [Base District](#).

(ii) [Accessory Uses](#) Permitted by Right

- a. Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the following [Accessory Uses](#) shall be permitted by right to a [Campus or Community Religious Institution](#) if they comprise a gross square footage of 25% or less of the [Principal Use](#) on the site:
 1. all [Accessory Uses](#) permitted on a [Lot](#) where the [Principal Use](#) is a detached residence;
 2. any other use permitted as a [Principal Use](#) or an [Accessory Use](#) in the [Base District](#) in which the institution is located, subject to applicable [Density](#), parking and dimensional standards.
 3. educational uses incidental to the [Religious Assembly](#);
 4. [Schools](#);
 5. colleges;
 6. day-care centers;
 7. [Group Living](#) incident to the religious institution;
 8. indoor [Recreational Facilities](#) not used for commercial purposes;
 9. dormitories incident to any [School](#), college or other educational use on the property; and

- b. Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the following [Accessory Uses](#) shall be permitted by right to a [Campus or Community Religious Institution](#):

- 1. a [Temporary Shelter](#) with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

(iii) [Accessory Uses Permitted with Special Use Permit](#)

Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the [Accessory Uses](#) set forth in Section 20-522(2)(ii)(a)(1-9) shall be permitted by Special Use Permit to a [Campus or Community Religious Institution](#) if they comprise a gross square footage of more than 25% of the [Principal Use](#) on the site.

(iv) [Accessory Uses Permitted Only with a Special Use Permit](#)

Regardless of the proposed size of the following [Accessory Uses](#), they may only be permitted with a Special Use Permit as an accessory use to any [Campus or Community Religious Institution](#):

- a. outdoor [Recreational Facilities](#) not used for commercial purposes, provided that these facilities shall be buffered from any adjoining property in an R District by a Type 2 [Bufferyard](#), Section 20-1005(e);
- b. a [Temporary Shelter](#) that exceeds the shelter occupant or calendar day limitations of Section 20-522(2)(ii)(b)(1). Such [Temporary Shelter](#) shall meet the requirements of Section 20-544; or
- c. a community meal program.
- (v) A swimming pool, tennis court, or other recreational facility that is accessory to a [Campus or Community Religious Institution](#) may not be located nearer to other property in an R District than the required [Setback](#) for a [Principal Building](#), and wherever this type of facility is located in a [Yard](#) abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in [Height](#).

20-523 [REPAIR SERVICE, CONSUMER](#)

A [Consumer Repair Service](#) shall be permitted in the CN1 District provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

20-524 [RESTAURANT, QUALITY](#)

- (1) Standards that Apply in CN1 District

A [Quality Restaurant](#) is permitted in the CN1 and IBP Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

- (2) **Standards that Apply in CO District**

A [Quality Restaurant](#) is permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

20-525 RETAIL SALES, GENERAL

(1) **Standards that Apply in CN1 District**

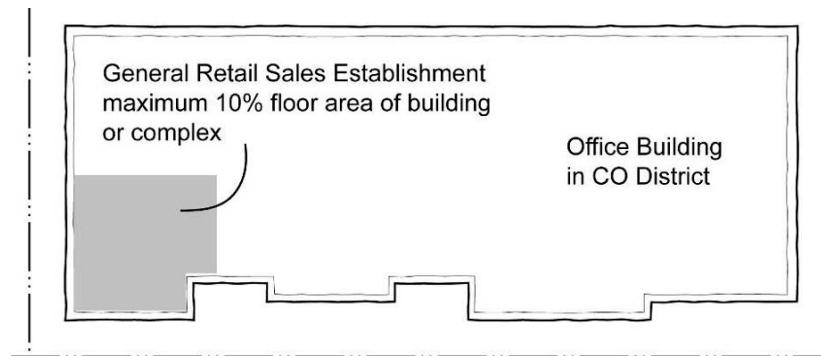
A [General Retail Sales](#) establishment shall be permitted in the CN1 District provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

(2) **Standards that Apply in CC District**

A [General Retail Sales](#) establishment shall be permitted in the CC District provided that the [Gross Floor Area](#) shall not exceed 65,000 square feet.

(3) **Standards that Apply in CO District**

A [General Retail Sales](#) establishment is permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.



20-526 RETAIL ESTABLISHMENTS

(1) **Purpose**

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

(2) **Market Impact Analysis**

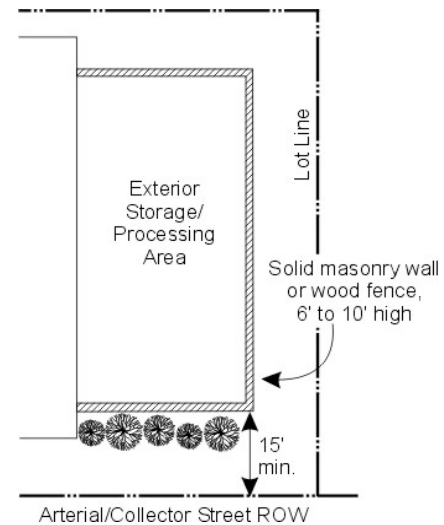
A Commercial Center proposed for more than 50,000 gross square feet of commercial space is required to have a market impact analysis submitted at the time of application for rezoning in accordance with Section 20-1107.

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

Retail Establishments, Medium and Retail Establishments, Specialty shall be permitted in the MU District provided that such establishments are located in a [Vertical Mixed Use Structure](#) in a designated Primary Zone.

20-527 SCRAP AND SALVAGE OPERATIONS

- (1) All **Exterior Storage** and processing areas abutting an **Arterial** or **Collector Street** shall be screened by a solid masonry wall or solid wood fence at least 6 feet in **Height** and be designed and located to prevent visibility of stored or stacked material and such fence shall be located no closer than 15 feet to any Street right-of-way. The fence shall have a gate to permit **Access** for maintenance of property and **Landscaping** on both sides of the fence. In no case shall the **Height** of the solid fence exceed 10 feet and no stored or stacked material shall exceed the **Height** of the fence. Fencing shall be placed along the side and rear of all processing areas and may be of any approved type including live **Screening** where deemed appropriate.

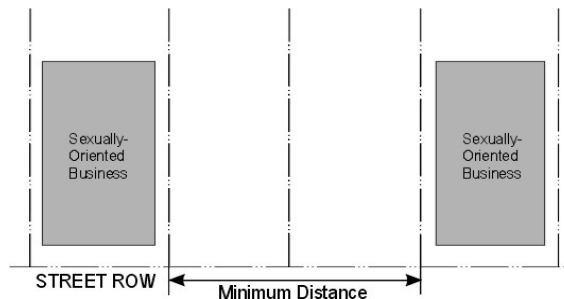


- (2) No open burning of junked, salvaged, or discarded materials is permitted. Incinerators may be used for burning of wastes or the conducting of salvage operations if such incinerators are of a type approved by the Kansas State Department of Health and Environment.
- (3) A Special Use Permit is required for the operation of this type of use.

20-528 SEXUALLY-ORIENTED BUSINESSES

(1) **Minimum Distance & Location**

- (i) No **Sexually Oriented Business** may be located within 1,500 feet of another **Sexually Oriented Business**, regardless of whether such uses are located in the same facility or separate facilities.
- (ii) No **Sexually Oriented Business** may be located on the same **Block** as property in an R **Zoning District**, or a **Religious Assembly**, **School**, Day Care, Community Recreation, or **Cultural Exhibits and Libraries** use, and shall also be at least the following distances from said **Zoning Districts** and uses:
 - a. for a **Sexually Oriented Media Store**, 600 feet;
 - b. for a **Sex Shop**, 800 feet; and
 - c. for a **Sexually Oriented Theater**, 1,000 feet.
- (iii) The distances mandated above shall be measured in a straight line along Street rights-of-way between the **Lot Lines** of the two relevant properties. For leased spaces in multi-tenant properties, the measurements shall be from the outer boundaries of the leased space, projected to ground level, if applicable. For leased space in single-tenant properties, the measurements shall be from the **Lot Lines**.



- (iv) All **Sexually Oriented Businesses**, except **Mixed Media Stores**, shall be located along State highways.
- (v) Pursuant to the provisions of K.S.A. 12-770, **Sex Shops** not located along a State highway shall have until July 30, 2005 (five years from the enactment of Ordinance No. 7226) to comply with the provisions of this Development Code.

(2) **Display Standards for Mixed Media Stores**

The **Owner** or operator of a **Mixed Media Store** shall have the affirmative duty to prevent the display of **Sexually Oriented Media** at or within the portions of the business open to, or visible by, the general public. A store conforming to these standards shall be considered a Mixed-Media Store and shall not be considered a **Sexually Oriented Business**. Failure to conform to the standards set forth in this section shall result in classification of the store as a **Sexually Oriented Media Store**, which is a **Sexually Oriented Business**. **Sexually Oriented Media** in a **Mixed Media Store** shall be kept in a separate room or section of the store, which room or section shall:

- (i) not be open to any person under the age of 18;
- (ii) be physically and visually separated from the rest of the store by an opaque wall reaching at least eight feet high or to the ceiling, whichever is less;

- (iii) be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
- (iv) have [Access](#) controlled by electronic or other means to provide assurance that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section.

(3) **Additional District Standards for [Sexually Oriented Media Stores](#)**

(i) **Standards that Apply in CC and CR Districts**

In addition to the standards above, a [Sexually Oriented Media Store](#) shall be permitted in the CC and CR Districts provided that the [Gross Floor Area](#) shall not exceed 5,000 square feet.

(ii) **Additional District Standards for [Sex Shops and Theaters](#)**

In addition to the standards above, a [Sex Shop](#) or theater shall be permitted in the CC and CR Districts provided that the [Gross Floor Area](#) shall not exceed 5,000 square feet.

20-529 **[TELECOMMUNICATIONS FACILITIES](#)**

In lieu of other Dimensional and [Density](#) standards, [Telecommunications Facilities](#) shall be subject to the following standards.

(1) **Applicability of Regulations**

In Districts where Telecommunications Towers are allowed as a Special use (S), if there is already a lawful Telecommunications Tower on the site, a [Telecommunication Antenna](#) may be allowed as an [Accessory Use](#) if installed on that [Telecommunication Tower](#). In Districts where a Telecommunications Tower is allowed as an [Accessory Use](#) (A*), a Telecommunications [Antenna](#) is allowed as an [Accessory Use](#) affixed to an existing [Telecommunication Tower](#), [Building](#) or other [Structure](#), subject to the criteria set forth in this section and applicable dimensional requirements of this Development Code.

(2) **Standards Applicable to Construction of All [Telecommunications Facilities](#)**

The following standards shall apply to any Telecommunications Tower or Telecommunications [Antenna](#):

- (i) No commercial advertising shall be allowed on a Telecommunications Facility, unless such Telecommunications [Antenna](#) is actually located on an existing, approved sign. Telecommunications Towers may have safety or warning signs in appropriate places;
- (ii) No signals, lights or illumination shall be permitted on a Telecommunications Facility, unless required by the FAA. Should lighting be required by State or Federal law, the lighting shall be placed on the Telecommunications Tower and designed in such a way as to minimize to the fullest extent possible glare onto adjacent residential properties;
- (iii) Light fixtures may be attached if it is part of the design incorporated into the Telecommunications Tower [Structure](#) to be used for the illumination of athletic fields, [Parking Lots](#), Streets or other similar areas. Lighting of the accessory [Buildings](#) for basic security purposes is permissible but may not result in glare on adjacent properties;

- (iv) The **Height** of a Telecommunications Facility shall conform to the **Height** limitations of an applicable Airspace Control Overlay District as defined in Section 20-302;
- (v) All **Telecommunications Facilities** shall be sited to have the least adverse visual effect as is practical on the environment. Telecommunications Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Telecommunications Towers shall be a galvanized finish or painted gray or light blue unless other standards are required by the FAA. Where possible, monopole Telecommunications Towers shall be preferable to guyed Telecommunications Towers. Telecommunications Towers shall be designed and sited to avoid, whenever possible, application of FAA lighting and painting requirements. For existing Tower sites, if redevelopment is considered, guyed Telecommunications Towers are the least desirable option and should be avoided where feasible;
- (vi) Subject to the requirements of this Chapter, more than one Telecommunication Facility may be attached to, or placed upon, the same **Structure**.

(3) **Maintenance Standards Applicable to All **Telecommunications Facilities****

The following maintenance and operating standards shall apply to any Telecommunications Tower or Telecommunications **Antenna**:

- (i) Any Telecommunications Facility that is not in use for a period of three full years or more shall be removed by the **Owner** at the **Owner's** expense. Failure to remove the Telecommunications Facility pursuant to non-use may result in removal and assessment of cost to the property pursuant to K.S.A. 12-6a17.
- (ii) Any **Owner** of a Telecommunications Tower shall submit a letter to the **Planning Director** by July 1 of each year listing the current users and types of Telecommunications **Antennas** located on the Facility.
- (iii) A sign shall be posted on every Telecommunications Facility, or on the exterior fence around the Telecommunications Facility, noting the name and telephone number of the Telecommunications Facility **Owner** and operator.
- (iv) The **Owner/operator** shall at all times employ at least ordinary care and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(4) **Inspections**

All **Telecommunications Facilities** shall be inspected annually at the **Owner's** expense and an inspection report shall be filed with the Director of Planning. All **Telecommunications Facilities** may be inspected at any time by the Codes Enforcement Officer in order to determine compliance with original construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this Code.

Notice of violations will be sent by registered mail to the Telecommunications Facility operator who will have 30 days from the date the notification is issued to make adjustments or repairs. The operator shall notify the Codes Enforcement Officer in writing that the adjustments or repairs have been made, and, as soon as reasonably possible thereafter, another inspection will be made by the Codes Enforcement Officer to assess compliance. The operator shall then be notified of the results of the second inspection. An appeal of the decision of the Codes Enforcement Officer can be made to the Board of Zoning Appeals in accordance with Section 20-1311.

(5) **Telecommunications **Antennas** Attached to Existing **Structures****

The following standards shall apply to any proposal to attach a Telecommunications **Antenna** to an existing **Structure**:

- (i) Any **Structure** shall be at least 40 feet in **Height** before a Telecommunications **Antenna** may be erected upon, or attached to, it;
- (ii) Said attachment **Structure** may not be one designated by the **Historic Resources Commission** as a historic **Structure** or be in a designated Historic Resources Overlay District unless the **HRC** approves such arrangement;
- (iii) The addition of a Telecommunications **Antenna** to an existing **Structure** shall not cause the **Height** of said **Structure** to increase by more than 20% or to the maximum **Height** allowed in that **Zoning District**, whichever is less;
- (iv) Telecommunications **Antennas** erected upon, or attached to, existing **Structures** shall not be subject to standard **Setback** requirements;
- (v) When the arrangement is deemed safe by the Codes Enforcement Officer, all accessory **Buildings** and other **Structures** to be located on the same property as a Telecommunications **Antenna** under this Subsection shall be located on the roof of the **Structure** whenever possible. If the accessory equipment, **Buildings** and other **Structures** are able to be safely located on the roof of the **Structure**, the area of said equipment, accessory **Buildings** and other **Structures** shall not occupy more than 25 percent of the total roof area; and
- (vi) The addition of any related equipment or accessory **Building** to an existing **Structure** shall not cause the **Height** of said **Structure** to increase by more than 20 percent or to the maximum **Height** allowed in that **Zoning District**, whichever is less.

(6) New Telecommunications Towers and Antennas – Review Fee

In addition to the Special Use Permit filing fee applicable to all requests for Special Use Permits, an applicant for a Telecommunications Tower and **Antenna** (other than an Amateur or **Receive-Only Antenna** less than 75 feet in **Height**), shall make a deposit with the **Planning Director** of a fee sufficient to cover the cost of an independent study and shall sign a form authorizing the City to use those funds to hire consulting engineers to review the application and to advise the City on the extent to which the applicant has, or has not, met the Burden of Proof, required by the following sub-section (20-529(7)). The fee shall be set by the City Commission based upon: a list of city-approved consultants; and, the standard industry fee for the study required to make a determination. Upon the conclusion of the review process, any funds remaining unexpended shall be refunded to the applicant, and the applicant shall be provided with an accounting for the funds expended.

(7) New Telecommunications Towers – Burden of Proof

The following standards shall apply to a determination of whether Telecommunications Towers will be permitted. These standards are in addition to those in the next sub-section, Section 20-529(8): No new Telecommunications Tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing Telecommunications Tower or other **Structure** can accommodate the applicant's proposed Telecommunications **Antenna**. Evidence submitted to demonstrate that no existing Telecommunications Tower or **Structure** can accommodate the applicant's proposed Telecommunications **Antenna** may consist of any of the following (the claimed "hardship" may not be created by the applicant):

- (i) No existing Telecommunications Towers or **Structures** are located within the geographic area required to meet the applicant's engineering requirements;

- (ii) Existing Telecommunications Towers or **Structures** are not of sufficient **Height**, and could not be extended to become sufficient in **Height**, to meet the applicant's engineering requirements;
- (iii) Existing Telecommunications Towers or **Structures** do not have sufficient structural capacity to support the applicant's proposed Telecommunications **Antenna** and related equipment; and the existing or approved Telecommunications Tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
- (iv) The proposed Telecommunications **Antenna** would cause excessive electromagnetic interference with an existing Telecommunications **Antenna** on the Telecommunications Tower or **Structure**, or the Telecommunications **Antenna** on the existing Telecommunications Tower or **Structure** would cause interference with the proposed Telecommunications **Antenna**; and reconfiguration would not resolve the interference problem; or
- (v) The applicant demonstrates that there are other limiting factors, not including the provisions of this Article, that render existing Telecommunications Towers or **Structures** unsuitable for its proposed Telecommunications **Antenna**.

(8) **New Telecommunications Facilities – Additional Criteria for Review**

In addition to the standards and conditions listed in Sections 20-529(2) and 20-529(9), the City Commission shall consider the following factors in determining whether or not to issue a Special Use Permit:

- (i) **Height** of proposed Telecommunications Facility;
- (ii) proximity of Telecommunications Facility to residential **Structures** and residential district boundaries;
- (iii) technical or engineering requirements limiting placement of the Telecommunications Facility in other areas in order to provide coverage;
- (iv) nature of uses on adjacent and nearby properties;
- (v) surrounding topography, tree coverage and foliage;
- (vi) design of the Telecommunications Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and making the proposed Telecommunications Tower or Telecommunications **Antenna** a stealth or disguised facility;
- (vii) availability of suitable existing Telecommunications Towers or other **Structures** for placement of proposed Telecommunications **Antenna**; and
- (viii) whether the character of the proposed site and the proposed Telecommunications Tower will facilitate maximum utilization of space for placement of Telecommunications **Antennas** serving multiple users.

(9) **New Telecommunications Towers – Design Standards**

The following standards shall apply to Telecommunications Tower to be used to hold or support one or more Telecommunications **Antennas**, in addition to the standards to be used in determining whether to permit such Telecommunications Tower under Sections 20-529(7) and 20-529(8).

- (i) No free-standing Telecommunications Tower shall exceed 180 feet in **Height**;
- (ii) **Setbacks**

- a. The Telecommunications Towers shall be **Setback** from the property line in all directions a distance equal to at least one-half the **Height** of the Telecommunications Tower if the site is in or adjoins an R **Base District**;
 - b. In any other **Base District**, the Telecommunications Tower shall be **Setback** from the property line in all directions the distance established by the fall zone of the tower;
- (iii) **Telecommunication Towers** shall not be located closer than one-half (1/2) mile from another **Telecommunication Tower**, except when the two are located on the same site and the second Telecommunications Tower is approved with a Special Use Permit.
- (iv) All Telecommunications Towers and the base of the **Structure** shall be designed and built to allow expansion at a later date to accommodate at least three two-way Telecommunications **Antennas** for every 150 feet of Telecommunications Tower **Height**, or at least one two-way Telecommunications **Antenna** and one microwave facility for every 150 feet of Telecommunications Tower **Height**. The above requirements may be modified by the **Planning Director** to allow for the maximum number of compatible users within the radio frequency emission levels.
- (v) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any Telecommunications Facility, nor any lines, cable, equipment, wires or braces in connection with the Facility, shall at any time extend across or over any part of the right-of-way, **Public Street**, highway, sidewalk or property line.
- (vi) All signal and remote control conductors of low energy between a Telecommunications Tower or Telecommunications **Antenna** and a **Structure**, or between Telecommunications Towers, shall be hidden from plain view and shall be underground whenever possible. If impossible to bury underground, said conductor shall be at least eight feet above the ground at all points.
- (vii) All Telecommunications Towers or Telecommunications **Antennas** shall conform to the requirements of the Occupational Safety and Health Administration (OSHA).
- (viii) Telecommunications Towers shall be of a monopole design.
- (ix) The use of guyed or lattice Telecommunications Towers is prohibited.
- (x) Every Telecommunications Tower shall be protected from trespass by unauthorized persons to discourage the climbing of the Tower.
- (xi) Telecommunications Towers shall be constructed so that if a failure does occur, the Telecommunications Tower will collapse into itself and will not fall onto **Structures** near the site.
- (xii) Mobile or immobile equipment not used in direct support of a Telecommunications Tower facility shall not be stored or parked on the site, unless repairs to the Telecommunications Tower or Telecommunications **Antenna** are being made.
- (xiii) No Telecommunications Tower shall have a platform, crow's nest or like **Structure** around it, or attached to it, except while under construction or repair.
- (xiv) Lighting of the accessory **Buildings** for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties.

- (xv) All accessory [Buildings](#) or [Structures](#) shall meet all [Building](#) design standards as listed in this Chapter, shall require a [Building](#) Permit issued by the Codes Enforcement Officer and shall conform with the [Height](#) restrictions and Setbacks established for the site's district.
- (xvi) All [Buildings](#), [Structures](#) and equipment accessory to a Telecommunications Tower or Telecommunications [Antenna](#) shall be designed to blend in with the surrounding environment through the use of color, camouflage and architecture.
- (xvii) If located in or adjoining an R [Base District](#), the Telecommunications Tower shall be surrounded by a Type 3 [BufferYard](#), Section 20-1005.
- (xviii) The Telecommunications Tower site may not be situated in a designated Historic Resource Overlay District unless the [Historic Resources Commission](#) approves the location and design.

(10) **City Commission Action**

- (i) A request for the placement, construction, or modification to a Telecommunications [Antenna](#), Telecommunications Tower, or Telecommunications Facility shall be acted upon within a reasonable period of time from the receipt of a complete submittal of an application, site plan and supporting documentation as required in this section.
- (ii) Denial of a request or application to place, construct or modify a Telecommunications [Antenna](#), Telecommunications Tower, or Telecommunications Facility shall be supported by findings based on substantial evidence and shall be provided in written form to the applicant.

(11) **Telecommunications [Antennas](#) – Site Plan Review**

- (i) Telecommunications [Antennas](#), wherever located, shall be reviewed as a permitted use through the Site Plan Review provision, Section 20-1305.
- (ii) Telecommunications [Antennas](#) to be attached to an existing [Structure](#) in any [Zoning Districts](#) permitting a Telecommunications [Antenna](#) as an [Accessory Use](#) shall be reviewed as an amendment to the site plan, through the Site Plan Review provision, Section 20-1305.

(12) **Plan and Application**

At the time of application for a Special Use or Site Plan Review for a Telecommunications Facility, the applicant shall submit a site plan in sufficient detail, as determined by the [Planning Director](#), to evaluate its conformance with applicable standards and guidelines. The development plan shall include:

- (i) written authorization from the [Landowner](#) of the proposed Telecommunications Facility site.
- (ii) a site plan drawn to scale showing the property boundaries, Telecommunications Tower, guy wire anchors and other apparatus, existing and proposed [Structures](#), proposed transmission [Buildings](#) and/or other [Accessory Uses](#), [Access](#) road(s) location, [Access](#) road surface material, [Parking Area](#), fences, location and content of warning signs, exterior lighting specifications, a [Landscaping](#) plan, land elevation contours, and existing land uses surrounding the site. If any [Accessory Structure](#) is proposed, details of the [Structure](#), including elevations and proposed use of the [Structure](#), shall be included.
- (iii) A signed and sealed report from a qualified professional structural or electrical engineer, licensed to practice in Kansas, that:

- (iv) describes Telecommunications Tower [Height](#) and design, including cross section and elevation;
- (v) describes [Height](#) for all potential mounting positions for Telecommunications [Antennas](#) and minimum separation distances between Telecommunications [Antennas](#);
- (vi) describes the Telecommunications Tower's capacity, including number and type of Telecommunications [Antennas](#) that can be accommodated; and
- (vii) includes other information necessary to evaluate the request.
- (viii) The site plan/area map included in the application shall also contain a drawing and a description of the lease area for the proposed Telecommunications [Antenna](#) including, but not limited to, colors and [Screening](#) devices;
- (ix) An affidavit of intent committing the site [Owner](#), his successors and assigns and the operator and his successors and assigns to allow the shared use of the Telecommunications Tower and to offer a potential additional user reasonable terms and conditions for co-location. Failure to follow through with this commitment constitutes a violation of this Chapter and may result in the revocation of the permit associated with the site in violation hereof; and
- (x) Proof of bonding, as required by Section 20-529(13).

(13) **Bonding Required**

(i) **Safety**

Before a Telecommunications Facility is erected, the operator of the Telecommunications Facility must file with the City Clerk a written indemnification of the City and proof of liability insurance sufficient to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of [Telecommunications Facilities](#) within the City, both subject to the approval of the Director of Legal Services.

(ii) **Removal**

Before a permit is issued, the applicant shall present a bond to the Director of Legal Services in the amount of \$20,000 which shall be available for use by the City for the removal of the Telecommunications Facility should said Telecommunications Tower ever be abandoned. The bond shall contain the following endorsement: "It is hereby understood and agreed that this instrument may not be canceled nor any intention not to renew be exercised until 60 days after receipt by the City, by registered mail, of written notice of such intent."

(14) **Amateur and [Receive-Only Antennas](#)**

This Section shall not govern any Telecommunications Facility that is:

- (i) less than 75 feet in [Height](#);
- (ii) located in the [Rear Yard](#) of a residentially zoned [Parcel](#); and
- (iii) Owned and operated by a federally licensed amateur radio operator.

Telecommunications Towers covered under this Paragraph shall not be available for co-location.

20-530 **UTILITY, MINOR**

A minor utility that serves a specific development is permitted by right. All other **Minor Utilities** require special use approval.

20-531 **ZERO LOT LINE DWELLINGS**(1) **General**

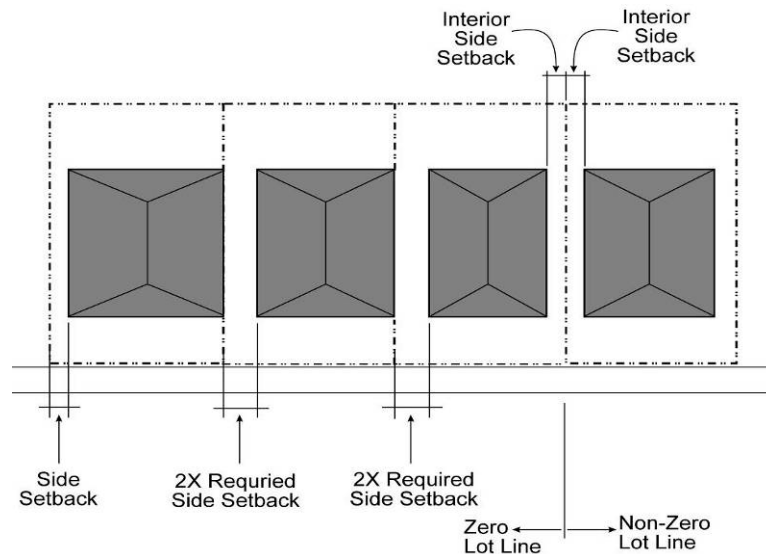
Zero Lot Line Dwellings shall comply with the **Density** and Dimensional Standards of Article 6, except where those standards are expressly modified by the provisions of this section.

(2) **Approval Procedure**

Review for compliance with the standards of this section will occur during the subdivision platting process if platting is required. If platting has already occurred, the Zero **Lot Line** development will be subject to Site Plan Review in accordance with Section 20-1305. Restrictions that assure the minimum distance between **Detached Dwellings** and any required **Easements** shall be noted on the subdivision plat, or in a separate instrument in a form approved by the City, that is recorded with the Register of Deeds. Proof of recording shall be submitted with the **Building** Permit application.

(3) **Standards**

- (i) The **Side Setback** on one side of the **Detached Dwelling** may be reduced to zero. **Exterior Side Setbacks** or **Interior Side Setbacks** adjacent to Lots that are not part of the Zero **Lot Line** project, may not be reduced.
- (ii) The minimum distance between all **Detached Dwellings** in the project shall be equal to twice the required **Interior Side Setback** required by the applicable Base and **Overlay Zoning District**. A deed restriction shall be recorded with the Register of Deeds to ensure continued compliance with this **Setback**. [See Section 20-531(2)]
- (iii) Eaves and other (e.g., fireplaces, bay windows, Juliet balconies) **Building** projections on the side of a **Detached Dwelling** with a reduced **Setback** may project a maximum of 18 inches over the adjacent **Lot Line** if they are located at least 9 feet above the ground. In this case, an **Easement** for the projection shall be noted on the plan and recorded with the Register of Deeds. [See Section 20-531(2)]



- (iv) An **Easement** between the two **Landowners** to allow for maintenance or repair of the **Detached Dwelling** is required when the eaves or side wall of the **Detached Dwelling** are 4 feet or closer to the adjacent **Lot Line**. The **Easement** on the adjacent property shall provide at least Five (5) feet of unobstructed space between the furthestmost projection of the **Structure** (including the eave) and the edge of the **Easement**.
- (v) If the side wall of the **Detached Dwelling** is on the **Lot Line**, or within three (3) feet of the **Lot Line**, windows or other openings that allow for visibility into the **Side Yard** of the adjacent **Lot** are not allowed. Windows that do not allow visibility into the **Side Yard** of the adjacent **Lot**, such as a clerestory window or a translucent window, are allowed.

20-532 **ACCESSORY USES AND ACCESSORY STRUCTURES, PURPOSE**

This section regulates uses and **Structures** that are incidental to **Principal Uses** and **Buildings** to prevent them from becoming the predominant element of the site. The standards provide for necessary **Access** around **Structures**, help maintain privacy to abutting Lots, and maintain open **Front Setbacks**.

- (1) A use which is permitted in the GPI District as an **Accessory Use** must be accessory to a **Principal Use** on the site. Two or more institutions may enter into a partnership to utilize the site without affecting the accessory status of the use; further, an institution may partner with a non-institutional entity as long as the **Institutional Use** remains the **Principal Use** on the site.

20-533 **GENERAL STANDARDS FOR ACCESSORY STRUCTURES**

The standards of this subsection apply to all **Accessory Uses** and **Structures**.

- (1) **Time of Construction**
Accessory Structures shall be constructed in conjunction with or after the **Principal Building**. They shall not be built prior to the construction of the **Principal Building**.
- (2) **Subordinate Nature**

- (i) **Accessory Uses** shall be a subordinate part of a **Principal Use** and be clearly incidental to a **Principal Use**.
- (ii) **Accessory Structures** shall be of secondary importance and subordinate in size and **Scale** to the **Principal Building** on a site.

(3) **Density and Dimensional Standards**

Unless otherwise expressly stated, the **Setback**, **Height**, and **Building** coverage standards of the **Base District** apply to both principal and **Accessory Structures** (See **Density** and **Dimensional Standards**, Article 6). **Accessory Structures** in residential districts shall be located to the rear of the front **Building** line and may be located as close as 5' to interior and **Rear Lot Lines**. Setbacks from interior **Side Lot Lines** shall not apply to accessory **Buildings** placed on lots that abut **Alleys**. An **Accessory Structure** may be located up to the rear property line when the **Lot** abuts an **Alley** and when the doors to the **Building** do not open directly onto the **Alley**. There shall be no **Setback** required between an **Accessory Structure** and an **Alley** when **Access** to the **Structure** is parallel to the **Alley**, except that no part of the **Structure** shall overhang or otherwise encroach onto the **Alley**.

(4) **Building Coverage**

- (i) A detached **Accessory Structure** may not have a larger footprint than the **Building** footprint of the **Principal Building**.
- (ii) The combined footprint of all **Accessory Structures** may be equal to the footprint of the **Principal Building** or 20% of the **Lot Area**, provided the total footprint of all **Structures** does not exceed the maximum **Building** coverage as permitted by Sec. 20-601(a) or (b) for the corresponding **Zoning District**.

(5) **Height of Accessory Structures**

Unless otherwise expressly stated, **Accessory Structures** may not exceed 25 feet in **Height**, or the **Height** of the **Principal Building** on the same **Lot**, whichever is less.

20-534 **ACCESSORY DWELLING UNITS** (Permitted only in RS40, RS20, RS10, RS7, MU and CN1)

(1) **Purpose**

Accessory Dwelling Units are allowed in certain situations to:

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

(2) **Design Standards**

(i) Purpose

These design standards are intended to ensure that [Accessory Dwelling Units](#):

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

(ii) Generally

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

(iii) Methods of Creation

An [Accessory Dwelling Unit](#) may only be created through one of the following methods:

- a. converting existing living area within a [Detached Dwelling](#), [Attached Dwelling](#) (e.g., attic, [Basement](#) or attached garage); or
- b. adding [Floor Area](#) to an existing [Detached Dwelling](#), [Attached Dwelling](#) or detached garage; or
- c. constructing a new [Detached Dwelling](#), [Attached Dwelling](#) or detached garage with an internal [Accessory Dwelling Unit](#).

(iv) Owner Occupancy Required in RS Districts

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

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

(v) Number of Residents

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

(vi) Other Uses

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

(vii) Location of Entrances

- a. Only one entrance to the [Principal Building](#) may be located on the front [Facade](#) that faces the Street, unless the [Principal Building](#) contained an additional Street-facing entrance before the [Accessory Dwelling Unit](#) was created.
- b. When the [Accessory Dwelling Unit](#) is located behind the rear wall of the [Principal Building](#), the accessory [Dwelling](#) entrance shall face the [Front Lot Line](#).

- c. An exception to subsection(b), above, is **Dwelling Units** that do not have **Access** from the ground such as **Dwelling Units** with entrances from balconies or elevated decks.

(viii) Parking

The following Parking requirements apply to **Accessory Dwelling Units**.

- a. Lots containing **Accessory Dwelling Units** shall contain a minimum of two off-Street **Parking Spaces**.
- b. If the **Lot** containing the **Accessory Dwelling Unit** abuts only a **Local Street** and the pavement of the **Local Street** is at least 27 feet wide, no additional **Parking Space** is required for the **Accessory Dwelling Unit**.
- c. If the **Lot** containing the **Accessory Dwelling Unit** abuts only a **Local Street** and the pavement of the **Local Street** is less than 27 feet wide, or if the **Accessory Dwelling Unit** is created at the same time as the principal **Dwelling Unit**, one additional **Parking Space** is required for the **Accessory Dwelling Unit**.
- d. One additional **Parking Space** is required for the **Accessory Dwelling Unit** if the **Lot** containing the **Accessory Dwelling Unit** abuts only a Collector or **Arterial Street**.

(ix) Size

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

(x) Floor Area Additions

Accessory Dwelling Units created through the addition of habitable **Floor Area** to an existing **Structure** shall comply with the following standards:

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

(xi) Registration; Affidavit

- a. **Accessory Dwelling Units** shall be registered with the **Planning Director** prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing **Accessory Dwelling Units**; that the City has all information necessary to evaluate whether the **Accessory Dwelling Unit** initially meets and continues to meet Development Code requirements; and that the distribution and location of **Accessory Dwelling Units** is known.

- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the [Accessory Dwelling Unit](#) standards of this section. The affidavit shall specify which of the [Dwelling Units](#) will be occupied by an [Owner](#) of the property; if at any time such [Owner](#) moves to the other [Dwelling Unit](#), the [Owner](#) shall be responsible for filing an updated affidavit, recording such change.
- c. Permits for [Accessory Dwelling Units](#) may be issued after the [Planning Director](#) determines that the proposal complies with all applicable Development Code requirements.

20-535 ACCESSORY PARKING

Accessory Parking shall be located in the same [Zoning District](#) as the use to which it is accessory. Accessory Parking may be permitted in a different [Zoning District](#) by site plan approval, subject to the following limitations:

- (1) accessory Parking for a nonresidential use shall in no case be allowed in an RS [Zoning District](#);
- (2) accessory Parking for a use permitted in a C [Zoning District](#) may be permitted in an RO or RM [Zoning District](#), provided that the total area of such Parking shall not be greater than 10,000 square feet; and
- (3) approval of any such accessory Parking in a different [Zoning District](#) shall be made subject to appropriate [Bufferyard](#) or other [Screening](#) requirements to limit the impact of the accessory Parking on the other [Zoning District](#).

20-536 AMATEUR RADIO AND [RECEIVE-ONLY ANTENNAS](#)(1) **Amateur Radio and [Receive-Only Antennas](#)**

Amateur Radio and [Receive-Only Antennas](#) may be installed and operated as permitted [Accessory Uses](#), subject to the following conditions:

- (i) a single ground or [Building](#) mounted [Receive-Only Antenna](#) including any mast, for the sole use of the principal occupant(s) of the residential [Parcel](#) on which the [Receive-Only Antenna](#) is located; with a [Receive-Only Antenna Height](#) not exceeding twenty-five feet (25') or the [Building Height](#) allowed in the [Zoning District](#), whichever is higher;
- (ii) a ground, [Building](#), or tower mounted [Amateur Radio Antenna](#) if the [Height](#) (post and [Antenna](#)) does not exceed thirty-five feet (35'); and
- (iii) a ground, [Building](#), or tower-mounted Amateur Radio or [Receive-Only Antenna](#) up to 75 feet tall as a Special Use, subject to the following additional standards:
 - a. the applicant shall provide certification from a civil engineer licensed in Kansas that the tower design is such that it will not fall on adjacent property or on any [Building](#) on the property on which it is located;
 - b. the tower installation shall include a Type 2 [BufferYard](#) to [Screen](#) it from any adjoining property in an RS zone that is located within 20 feet of the proposed tower site; and
 - c. the tower may be limited to a [Height](#) of less than 75 feet if the [Planning Commission](#) finds that it will otherwise protrude above the tree Canopy or otherwise create an unnecessary and unacceptable visual impact.

(2) **[Satellite Dishes](#)**(i) **General**

- a. No [Satellite Dish](#) shall block any entrance or required emergency egress of any [Building](#).

- b. Any [Satellite Dish](#) in a HL or HD Overlay District shall be subject to Chapter 22 of the City Code, and shall specifically require a Certificate of Appropriateness under Chapter 22.

(ii) [Satellite Dishes One Meter or Smaller](#)

[Satellite Dishes](#) one meter or less in diameter are a permitted [Accessory Structure](#) in all [Base Districts](#).

(iii) [Satellite Dishes Two Meters or Smaller](#)

[Satellite Dishes](#) more than one meter, up to and including two meters, in diameter are a permitted [Accessory Structure](#) in all Commercial and Industrial [Zoning Districts](#) and a Special Use (under Section 20-1306) in all Residential [Zoning Districts](#), and are subject to the following:

- a. such a [Satellite Dish](#) shall not be located in the [Front Setback](#) or [Front Yard](#);
- b. such a [Satellite Dish](#) shall not be located in a [Side Setback](#); and
- c. such a [Satellite Dish](#) in a Residential or Commercial [Zoning District](#), or the IBP [Zoning District](#), shall be Screened from view off [Premises](#) by a fence, wall, [Berm](#), or [Landscaping](#).

(iv) [Satellite Dishes Larger Than Two Meters](#)

[Satellite Dishes](#) more than two meters in diameter are a permitted [Accessory Structure](#) in all Industrial [Zoning Districts](#) and all Commercial [Zoning Districts](#) except for CN1. Such [Satellite Dishes](#) are a Special Use (under Section 20-1306) in any Residential [Zoning District](#) or in the CN1 [Zoning District](#). Such [Satellite Dishes](#) are subject to the following:

- a. Such a [Satellite Dish](#) shall not be located in a [Front Setback](#) or [Front Yard](#);
- b. such a [Satellite Dish](#) shall not be located in a Side or [Rear Setback](#); and
- c. such a [Satellite Dish](#) in a Commercial [Zoning District](#) or the IBP [Zoning District](#), or where adjoining property is in a Residential or Commercial [Zoning District](#) or the IBP [Zoning District](#), shall be Screened from view off [Premises](#) by a fence, wall, [Berm](#), or [Landscaping](#).

20-537 HOME OCCUPATIONS

(1) Purpose

Home Occupations are activities accessory to uses in the Household Living category. Special regulations apply to such activities to ensure that Home Occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the Home Occupation remains subordinate to the residential use, and that the residential viability of the Dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

(2) Applicability

Uses are allowed as Home Occupations only if they comply with all of the requirements of this section.

(3) Exemptions**(i) Day Care Homes**

Day Care homes are not regulated as a Home Occupation and are exempt from the Home Occupation regulations of this section.

(ii) Bed and Breakfast and Bed and Breakfast Inns

Bed and Breakfasts and Bed and Breakfast Inns are not regulated as Home Occupations and are exempt from the regulations of this section.

(4) Description of Type A and Type B Home Occupations

There are two types of Home Occupations: Type A Home Occupations and Type B Home Occupations.

(i) Type A

A Type A Home Occupation is one where residents use their home as a place of work, with no employees or customers/clients coming to the site. Examples include artists, crafts people, writers, and consultants.

(ii) Type B

A Type B Home Occupation is one where an employee and/or customers/clients come to the site. Examples are counseling, tutoring, and hair cutting/styling.

(5) Use-Related Regulations**(i) Allowed Uses**

The intent of the regulations of this section is to establish performance standards for all Home Occupations rather than to limit uses and activities to a specific list. Home Occupations that comply with the performance standards of this section are allowed by-right unless otherwise expressly stated.

(ii) Prohibited Uses

- a. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to vehicles and their parts is prohibited.
- b. Home Occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

- c. [Funeral and Interment Services](#) are not allowed as [Home Occupations](#).
- d. [Animal Services](#) are not allowed as [Home Occupations](#).
- e. Restaurants are not allowed as [Home Occupations](#); catering for off-premise consumption is not prohibited.
- f. A Type B [Home Occupation](#) is prohibited on a [Lot](#) where an [Accessory Dwelling Unit](#) exists.
- g. More than two garage sales within a calendar year is a prohibited use.

(6) Site-Related Standards

(i) Signs

One non-animated, non-illuminated, accessory identification sign of no more than 2 square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, displayed in a window, or within ten feet (10') of the [Building](#) entrance.

(ii) Outdoor Activities

- a. All activities shall be in completely enclosed [Structures](#).
- b. [Exterior Storage](#) or display of goods or equipment is prohibited.

(iii) Appearance

The [Dwelling](#) and site shall remain residential in appearance and characteristics. Internal or external changes that will make the [Dwelling](#) appear less residential in character or function are prohibited. Examples of such prohibited alterations include construction of [Parking Lots](#), paving of required Setbacks, or the addition of commercial-like exterior lighting.

(7) Impact-Related Standards

(i) Hazardous Substances

Hazardous substances are prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.

(ii) Noise

The maximum noise level associated with a [Home Occupation](#) shall not violate the provisions of the City’s noise ordinance.

(iii) Trucks and Vehicles

No more than one vehicle advertising or displaying the name of the [Home Occupation](#) may be parked at the site. The maximum size of a vehicle that may be parked in association with a [Home Occupation](#) is a [Light Truck](#).

(iv) Deliveries

Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the [Home Occupation](#) only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

(8) Additional Type B [Home Occupation](#) Regulations

The following are additional regulations that apply to Type B [Home Occupations](#). Waivers or variances from this section of the regulations are prohibited.

(i) Hours

Customers or clients may visit the site only during the hours of 7 a.m. to 7 p.m.

(ii) Nonresident Employees

One nonresident employee is allowed with a Type B [Home Occupation](#). For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-[Owner](#), or other person affiliated with the [Home Occupation](#) who does not live at the site but who regularly visits the site as part of the [Home Occupation](#).

(iii) Customers/Clients

Only 10 customers or clients may visit the site in a day.

(iv) Retail Sales

Retail sales of goods shall be entirely accessory to any services provided on the site (such as hair care products sold to hair cutting clients).

(v) Number

No more than one Type B [Home Occupation](#) is permitted per [Dwelling Unit](#).

(9) Type B [Home Occupation](#) Permit**(i) Purpose**

Permits for Type B [Home Occupations](#) shall be obtained, prior to their establishment, from the [Planning Director](#). The permit requirements are intended to ensure:

- a. that the applicant is aware of the provisions of this Development Code governing [Home Occupations](#);
- b. that the City has all information necessary to evaluate whether the proposal initially meets, and continues to meet, Development Code regulations; and
- c. that the distribution and location of Type B [Home Occupations](#) is known.

(ii) Procedure and Renewal Process

Type B [Home Occupations](#) are required to register with the [Planning Director](#) prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation that the proposal is a Type B [Home Occupation](#). A [Home Occupation](#) permit for Type B [Home Occupations](#) will be issued by the [Planning Director](#) for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The permit is tied to the applicant and to the [Lot](#) occupied by the Type B [Home Occupation](#). Permits are not transferable to other sites or to other operators. The applicant shall also demonstrate at the time of registration compliance with the following neighborhood notice requirements.

(iii) Neighborhood Notice

- a. The purpose of this requirement is to notify the Registered Neighborhood Association and nearby [Landowners](#) of the establishment of a Type B [Home Occupation](#), the type of activities that will occur, and the regulations under which the use shall operate.
- b. The applicant shall prepare a notice that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis.
- c. The applicant shall send notice to all [Registered Neighborhood Associations](#) whose boundaries include the site and to all [Owner](#) of property within 200 feet of the subject site. At the time of application

submittal, the applicant shall submit to the [Planning Director](#) a list of the [Owner](#) and addresses notified, a copy of the notice that was sent, and a signed Statement verifying that notice requirements have been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

- d. The notice shall provide information on the proposed [Home Occupation](#) and at least the following additional information:

Notice of Proposed Home Occupation

This letter is being sent to [Landowners](#), or a Registered Neighborhood Association, near the site of a proposed [Home Occupation](#). It is being sent for the purpose of informing the [Landowner](#) and other interested parties about the proposed home-based business. This letter does not grant the recipient and/or [Landowner](#) any legal rights to challenge the proposed development, instead, it is being provided solely to inform nearby [Landowners](#) of the proposed plans of one of your neighbors. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Department at (785) 832-XXXX.

(iv) Revocation

A Type B [Home Occupation](#) permit may be revoked for failure to comply with the regulations of this section, through the procedures identified in Section 20-1605(e). When a Type B [Home Occupation](#) permit has been revoked, a new Type B [Home Occupation](#) permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

20-538 EXTERIOR STORAGE

(1) Purpose

Exterior Storage areas are permitted as an accessory to a **Principal Use** in specific nonresidential **Zoning Districts** to provide space for the outdoor storage of materials related to the **Principal Use**. Outdoor storage of materials not related to the business of the **Principal Use** is prohibited.

(2) Applicability

Exterior Storage is defined as the outdoor storage of any and all materials related to the **Principal Use** of the **Lot** or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. **Exterior Storage** is permitted as an **Accessory Use** in the CR, CS, CC, IBP, IL, IG, GPI and H Districts to any **Principal Use** permitted in these districts. The standards for **Exterior Storage** areas exclude dumpsters and trash receptacles and mechanical equipment, which themselves have **Screening** requirements in Section 20-1006.

(3) Location of **Exterior Storage** on a Site(i) Location in **Rear Yard**

Exterior Storage areas may be located in the provided **Rear Yard** of a property but must adhere to the minimum setbacks as required by Article 6 in addition as to what is required by Subsection (iv) below.

(ii) Location in **Side Yard**

Exterior Storage areas may be located in any **Side Yard** of a property not adjacent to a street right-of-way, except in the IL and IG Districts where they may be located in any **Side Yard**, regardless of the presence of adjacent street right-of-way. The location of **Exterior Storage** areas in any **Side Yard** must adhere to the minimum setbacks as required by Article 6 in addition to what is required by Subsection (iv) below. When located in a **Side Yard**, **Exterior Storage** areas shall be located to the rear of the front **Building Facade** of the principal **Structure**, except in the IL and IG Districts where they may encroach into the **Front Yard**.

(iii) Location in **Front Yard**

Exterior Storage areas are prohibited from being located in the provided **Front Yard** of any property in all **Zoning Districts**, with exception of the IL and IG **Zoning Districts** where **Exterior Storage** areas may be located in the **Front Yard**.

(iv) Minimum Setbacks

Minimum setbacks apply to the location of **Exterior Storage** areas depending upon adjacent property's zoning classification. To determine the **Setback** required, first identify the zoning of the site planned for **Exterior Storage** and the zoning of all adjacent sites. Find where the zoning of the site for **Exterior Storage** and each adjacent site intersect on the table. This is the required minimum **Setback** from the property line.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	CN1, CN2	CR, CS, CC	IBP, IL, IG, GPI, H	
CR, CS, CC	15'	15'	--	50'[1]
IBP, IL, IG, GPI, H	15'	--	10'	25'[1]
[1] or behind the front Building façade whichever is the greater distance.				

(4) Screening Required

To protect the **Public Safety** and promote aesthetic quality, all **Exterior Storage** areas are required to be screened from adjacent properties and the public right-of-way in the form of a landscaped **Bufferyard**. To determine the type of **Bufferyard** required, first identify the zoning of the site planned for **Exterior Storage** and the zoning of all adjacent sites. Find where the zoning of the site for **Exterior Storage** and each adjacent site intersect on the table. This is the required type of **Bufferyard**. For detailed provisions on each type of **Bufferyard**, see Sec. 20-1005.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	CN1, CN2	CR, CS, CC	IBP, IL, IG, GPI, H	
CR, CS, CC	2	--	1	3
IBP, IL, IG, GPI, H	3	2	--	3

(5) Area

The area of **Exterior Storage** uses shall be limited to 50% of the **Floor Area** of the principal **Structure**. **Exterior Storage** areas may only exceed 50% of the **Floor Area** of the associated principal **Structure** with approval of a Special Use Permit.

(6) Surfacing Required**(i)** In CR, CS, and CC Districts

Exterior Storage areas located in these Districts shall be located upon any of the paved surfaces as provided in Sec. 20-913.

(ii) In IBP, IL, IG, GPI, and H Districts

Exterior Storage areas located in these districts may be located on compacted gravel surfaces. **Driveways** and **Driveway Aprons** providing **Access** to these areas shall be paved to City Standards.

(iii) **Exterior Storage** areas in **Floodplains**

Exterior Storage areas located in the **Floodplain**, regardless of the site's zoning, may be surfaced with compacted gravel.

20-539 GENERAL STANDARDS FOR PRIVATE DINING ESTABLISHMENTS

- (1) The operation of a [Private Dining Establishment](#) in RS, RSO and RMO Districts shall be limited to:
 - (i) Service to no more than 30 guests per seating.
 - (ii) One seating per service day.
 - (iii) 5 service days in a standard 7-day week.
 - (iv) Service shall be provided to the general public by reservation only.
 - (v) Shall be located in Mixed-Use neighborhoods.
 - (vi) No drive-in, drive-through or carry-out facilities are permitted.
 - (vii) The service of beverages may include alcoholic beverages subject to approval of a City Liquor License.
 - (viii) The [Planning Commission](#) and City Commission have the discretion to place additional restrictions upon the use or the site based upon the Review and Decision-Making Criteria set forth in Sec. 20-1306(i), but shall not be precluded from consideration from other factors which may be relevant to a particular application including but not limited to hours of operation, lighting, and noise.
- (2) **Off-street Parking**
 - (i) **Principal Residential Use**

Off-street parking shall be provided in accordance with the applicable provisions of Article 9 of Chapter 20 of the Development Code for the primary use as a residence.
 - (ii) **Accessory Private Dining Use**

The [Planning Commission](#) and City Commission shall have the discretion to adjust the amount of parking required and/or the permitted location and site design of off-street [Parking Facilities](#) dedicated to [Private Dining Establishments](#) as a condition of Special Use Permit approval.
 - (iii) **Standards for the Location of Off-Street Parking**

Off-street parking shall be provided in such a way as to maintain the residential pattern and character of the neighborhood in which the use is proposed to occur.
- (3) **Site-Related Standards**
 - (i) **Owner-Occupancy Required**

A [Private Dining Establishment](#) shall be accessory to an [Owner](#)-occupied principal residential use.
 - (ii) **Location**
 - a. The use shall be contained in neighborhoods that include [Mixed Use](#) Lots, Tracts, [Parcels](#) or [Buildings](#) or [Structures](#) as the term [Mixed Use](#) is defined in Sec. 20-1701. Neighborhoods which are predominantly single-[Dwelling](#) residential in nature shall not be considered for [Private Dining Establishments](#). The use shall be contained within or adjacent to [Blocks](#) with non-residential uses in a neighborhood with [Mixed Uses](#) or [Zoning Districts](#).

- b. The use shall have direct [Access](#) to a [Public Street](#) or right-of-way. [Private Dining Establishments](#) shall not be permitted on [Private Streets](#).

(iii) Screening

The [Planning Commission](#) shall have the discretion to require [Landscaping](#) and [Screening](#) as deemed necessary given the operational, neighborhood and site characteristics for the use as a condition of Special Use Permit approval.

(iv) Appearance

- a. The exterior of the residence shall remain consistent with the primary function as a [Dwelling Unit](#).
- b. No exterior signage or advertising material permitted in residential districts.

(v) Operating Characteristics

The [Planning Commission](#) and City Commission shall have the discretion to determine if the serving and consumption of any food and/or beverage may occur outdoors.

20-540 SMALL AND LARGE COLLECTION [RECYCLING FACILITIES](#)(1) **Purpose**

Small and Large Collection [Recycling Facilities](#) are centers or facilities for the acceptance by donation, redemption, or purchase, of [Recyclable Materials](#) from the public. Special regulations apply to such centers or facilities to ensure public and user safety as well as to ensure adequate and on-going maintenance of such facilities and general aesthetic appeal. Areas designated for such facilities shall obtain site plan approval by the [Planning Director](#).

(2) **Applicability**

Uses are allowed as Small or Large Collection [Recycling Facilities](#) only if they comply with all of the requirements of this section.

(3) **Exemptions**

Any indoor Small or [Large Collection Recycling Facility](#) located within a [Building](#).

(4) **Use-Related Regulations**(i) **Allowed Uses**

The intent of the regulations of this section is to establish performance and use standards for all Small and Large Collection [Recycling Facilities](#). Such Facilities which comply with the performance and use standards of this section are permitted by-right upon site plan review and approval by the [Planning Director](#).

(ii) **Allowed collection facilities**

- a. Mobile collection units such as all-weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;
- b. Reverse vending machines or kiosks that may include permanent [Structures](#). Reverse vending machines and kiosks may be located indoors or outdoors adjacent to the main entryway of a [Building](#) and are not required to be located within the area designated on the site plan for the Small or [Large Collection Recycling Facility](#).
- c. Indoor facilities, ancillary to the primary activity of a business or organization which is exempt from these standards.

(5) **Site-Related Standards**(i) **Area**

One Small or one [Large Collection Recycling Facility](#) shall be permitted per property or [Parcel\(s\)](#) or [Tract\(s\)](#) of land under common [Ownership](#). In the case of a commercial/shopping center with multiple tenants and/or multiple property [Owners](#), only one Small or [Large Collection Recycling Facility](#) may be permitted. Small and Large Collection [Recycling Facilities](#) shall be limited to one area per property, [Parcel\(s\)](#) or [Tract\(s\)](#) of land under common [Ownership](#) dedicated to such facilities. Small Collection Facilities are limited to 500 square feet in area whereas Large Collection Facilities may contain a larger area.

Any use meeting the definition of a Small or [Large Collection Recycling Facility](#) shall be located within the designated area as shown on the approved site plan or development plan. Kiosks and reverse vending machines may be located outside the designated area when located adjacent to the public entrance of the principal [Structure](#).

(ii) Location and Placement

- a. Small or Large Collection **Recycling Facilities** shall be located on a paved surface.
- b. All **Density** and Dimensional Standards as provided in Article 6, such as **Building** setbacks, shall apply to the placement and location of areas designated for Small or Large Collection **Recycling Facilities**.
- c. Whenever possible, Small or Large Collection **Recycling Facilities** should not be located between the public right-of-way and the front façade of a **Building**.
- d. Small or Large Collection **Recycling Facilities** shall not be located in **Parking Lots** when its placement in such a location will result in a reduction in available parking below the amount required for the **Principal Use** of the property or site.
- e. Small or Large Collection **Recycling Facilities** shall not be located in **Parking Lots** when its placement in such a location will result in impeding safe and orderly pedestrian and vehicular movement.
- f. The location and placement of the area designated for Small or Large Collection **Recycling Facilities** shall be safe for public use. Prior to site plan approval, the applicant shall provide evidence to the Planning Department that the designated site is safely accessed by the general public.

(iii) Appearance**a. Screening**

The designated area for Small or Large Collection **Recycling Facilities** may be screened from public rights-of-way by a landscape **Screen** or **Berm**. Such **Screening** may be required to obtain site plan approval and is encouraged in all instances. **Screening**, regardless of the method, shall not exceed 4 feet in **Height**, at any time, for security and **Public Safety** purposes.

b. Maintenance

The designated area for Small or Large Collection **Recycling Facilities** shall be kept clean from debris, **Recyclable Materials**, or garbage at all times. Collection of **Recyclable Materials** shall occur only within mobile collection units, reverse vending machines and kiosks which include permanent **Structures**. All facilities, collection units, vending machines, and kiosks shall be properly maintained.

(iv) Site Plan Review

Small and Large Collection **Recycling Facilities** shall only be permitted upon site plan review and approval by the **Planning Director**.

20-541 WORK/LIVE UNITS

(1) Purpose

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

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

(2) Standards

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

20-542 NON-GROUND FLOOR DWELLING UNITS

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

20-543 OFFICE, OTHER

(1) Standards that Apply in the MU District

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

20-544 TEMPORARY SHELTERS**(1) Purpose**

The purpose of this subsection is to set forth standards for the location and operation of [Temporary Shelters](#).

(2) Exemptions**i. Residential Uses**

Any permitted residential use listed in Section 20-402 shall be exempt from the regulations of this subsection.

(3) Standards for [Temporary Shelters](#)**i. Use Standards**

[Temporary Shelters](#) require a Special Use Permit in accordance with the procedures of Section 20-1306. In addition to the standards of Section 20-1306, the following standards shall apply to all Special Use Permits granted for [Temporary Shelters](#):

- a. At least once every five (5) years the operator shall make a presentation to the City Commission and the Commission shall review the Special Use Permit for compliance with original conditions of approval and use standards.
- b. A minimum of 1 toilet per 15 beds shall be provided.
- c. Shall be staffed in compliance with the staffing requirements of the approved management plan.
- d. All uses and activities conducted outdoors shall be shown on the site plan.

(4) Management Plan

The operator of a [Temporary Shelter](#) shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

- i. Narrative description of the nature and characteristics of the use and descriptions of all services provided.
- ii. Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.
- iii. Rules of conduct for guests.
- iv. Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter.
- v. Communications plan that establishes how the shelter will regularly communicate with neighbors and police.
- vi. Response plan for emergencies that may occur at the site.
- vii. Adequate staffing levels given the number of guests served and the nature of the facility and population served.

(5) Design Standards

[Temporary Shelter](#) site design shall incorporate design features that contribute to the livability and safety for guests, efficient use of space, ease of emergency access, and compatibility with nearby land uses. In furtherance of this purpose, the following design standards shall apply, to the extent practicable, to Special Use Permits granted for [Temporary Shelters](#):

- i. Building entrances shall be clearly defined and visible from the public right-of-way or from an occupied area of the building such as administrative offices or staffed reception areas.
- ii. Building entrances, outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.
- iii. Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.
- iv. Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.
- v. The exterior of the building shall be designed to ensure that all outside areas surrounding the building are clearly visible either from public right-of-way or through the use of design features such as windows or video surveillance.
- vi. Landscaping shall be designed to not obstruct the view of sidewalks, parking areas or outdoor children/adult recreational areas.
- vii. Effort through design to minimize loitering in the vicinity of the shelter through careful site design, building design, or by providing site features or amenities on the property which attract guests to a specific location on the property.

20-545 LIGHT EQUIPMENT SALES/RENTAL

(1) **Purpose**

The purpose of these use-specific standards are to ensure that [Vehicle Sales and Service](#) uses permitted in the CN2 District conform to the intent of the purpose of the CN2 District as set forth in Section 20-208 of this Development Code.

(2) **Applicability**

The use-specific standards of this section shall apply to any [Vehicle Sales and Service](#) uses listed below.

(3) **Light Equipment Sales/Rental**

- (i) Shall be limited to automobile sales and/or rental.
- (ii) Shall permit a maximum of 12 vehicles to be stored onsite for sale or rental.
- (iii) Accessory vehicle wash bays are permitted but may not be made available for public use and shall be limited to one wash bay.
- (iv) Accessory vehicle wash bays shall be located within enclosed [Structures](#).
- (v) Automobile [Cleaning](#) and detail activity shall be conducted in enclosed [Structures](#).