

## ORDINANCE NO. 8533

AN ORDINANCE RELATING TO CHAPTER 20, THE DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS OF THE CODE OF THE CITY OF LAWRENCE, KANSAS 2009 EDITION AND AMENDMENTS THERETO; AMENDING CHAPTER 20, ARTICLE 5, SECTION 20-501 AND CHAPTER 20, ARTICLE 17, SECTION 20-1703 PERTAINING TO ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTIES; AND REPEALING THE EXISTING SECTIONS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

**SECTION ONE:** Chapter 20, Article 5, Section 20-501 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

### 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 individually or as a contributing Structure to a historic district** listed, as a Landmark or as part of an Historic District, in 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) ~~Only Properties~~ that meet **criteria (i) or (ii) below and one the additional or more of the following criteria below** are encouraged **eligible** to pursue Adaptive Reuse:
  - (i) ~~When~~ such use can facilitate active renovation or restoration of the property **and when the request for the Adaptive Reuse is submitted prior to the renovation or restoration commencing. (the first part of this language is not new but moved to become an actual criteria).**
  - (ii) **When such use can maintain an otherwise adequate property that has an existing Adaptive Reuse Special Use Permit.**
  - (iii) **When** the property is located in a nonresidential **Zoning District**;
  - (iv) **When** the property, though **is** located in a **single-dwelling** residential **Zoning District**, **and the structure** was built **primarily** for a ~~non-residential use~~ **any use other than Detached Dwelling** that has been substantiated through archival records, tax records, City directories, or other physical evidence **and when the property is not being converted from Detached Dwelling to Adaptive Reuse**;
  - (v) **When the property is located in a multi-dwelling residential Zoning District and where the Structure on the property was built for any use other than Detached Dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence or where** the **Structure** on the property has a minimum of 4,000 square feet **of Gross Floor Area** 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~~ **the Special Use** application shall first be reviewed and approved **a recommendation made** by the Lawrence **Historic Resources Commission** **at a regular meeting of the Lawrence Historic Resources Commission** and, when applicable, the State Historic Preservation Officer. **Mailed notice of the Historic Resources Commission's meeting shall be provided pursuant to Section 20-1301(q)(3).**
- (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 **recommendation has** been **made** granted **pursuant to Section 20-501(6)**, the Special Use application shall be scheduled for public hearing before the ~~Historic Resources~~ **Planning Commission**.
- (9) **The recommendations of the Historic Resources Commission and the Planning Commission will be forwarded to the City Commission for consideration.**

**SECTION TWO:** Chapter 20, Article 17, Section 20-1703 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

**20-1703 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY**

Conversion of a designated local, State or national historic landmark **Structure** **listed individually or as a contributing Structure to a historic district in the National, State or local register** to another specified use, with the intent of preserving the landmark listed **Structure**.

**SECTION THREE:** That Chapter 20, Article 5, Section 20-501 and Chapter 20, Article 17, Section 20-1703 of the Code of the City of Lawrence, 2009 Edition and amendments thereto, are hereby repealed it being the intent that the provisions of this ordinance supersede the repealed code provisions.

**SECTION FOUR:** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION FIVE:** This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Governing Body this \_\_\_\_ day of\_\_\_\_, 2010.

**APPROVED:**

\_\_\_\_\_  
Mike Amyx, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Toni Ramirez Wheeler  
Director of Legal Services

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of Legal Services.