

**DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS
TEXT AMENDMENTS, NOVEMBER 16, 2010 EDITION**

Amending Sections
20-207, 20-208, 20-209, 20-211, 20-212, 20-213, 20-1301, 20-1304,
20-1305, 20-1701

**OF CHAPTER 20 OF THE CODE OF THE CITY OF LAWRENCE,
KANSAS**



City of Lawrence

Incorporated By Reference Pursuant to K.S.A. 12-3009, *et seq.* K.S.A. 12-3301 *et seq.* and the
Home Rule Authority of the City

Passed by the Governing Body of the City of Lawrence, Kansas

Ordinance No. 8588

First Reading: November , 2010

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SECTION ONE: Chapter 20, Article 2, Section 20-207 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-207 CN1, INNER NEIGHBORHOOD COMMERCIAL DISTRICT

(a) Purpose

The CN1, Inner Neighborhood Commercial District is primarily intended to accommodate pedestrian-oriented, small-scale retail and service businesses that serve nearby residential areas, typically within a developed neighborhood. The District is restricted in use to unique situations where the Center is part of an overall planned neighborhood development or where the Center can easily be integrated into an existing neighborhood and where it can be served by [Collector](#) or [Arterial Streets](#) pursuant to adopted [Access Management](#) standards.

(b) [Principal Uses](#)

[Principal Uses](#) are allowed in CN1 Districts in accordance with the Use Table of Article 4.

(c) [Accessory Uses](#) and [Structures](#)

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), including [Accessory Dwelling Units](#) and [Home Occupations](#), are subject to the regulations of Section 20-532, et seq.

(d) [Density](#) and Dimensional Standards

Unless otherwise expressly stated, all development in CN1 Districts shall comply with the City's [Comprehensive Land Use Plan](#), ~~[Commercial Design Standards and Guidelines](#)~~, and the [Density](#) and Dimensional Standards of Article 6.

(1) Site Requirements

Site area of any development within the CN1 District shall not exceed 1 acre. See Article 6.

(2) [Lot](#) Requirements

No Additional Standards.

(3) [Floor Area](#) Requirements

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CN1 District shall not exceed 3,000 gross square feet.

(e) Street [Access](#)

Development in the CN1 District may take [Access](#) to local, Collector or [Arterial Streets](#) and to public [Alleys](#) (if they abut the property being developed).

(f) Other Regulations

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

(1) General Development Standards

See Article 11.

(2) [Landscaping](#)

See Article 10.

(3) Off-Street Parking and Loading
See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

(5) [Overlay Districts](#)
See Article 3.

SECTION TWO: Chapter 20, Article 2, Section 20-208 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT

(a) Purpose

The CN2, Neighborhood Shopping Center District, is primarily intended to implement the [Comprehensive Plan](#)'s "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for [Collector/Arterial Street](#) intersections or at [Arterial/Arterial Street](#) intersections. Development is intended on only one corner of the intersection.

(b) Principal Uses

[Principal Uses](#) are allowed in CN2 Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), including [Home Occupations](#), are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CN2 Districts shall comply with the City's [Comprehensive Land Use Plan](#), ~~[Commercial Design Standards and Guidelines](#)~~, and the [Density](#) and Dimensional Standards of Article 6.

(1) Site Requirements

Site area shall not exceed 15 acres for any CN2 development. See Article 6.

(2) Lot Requirements

[Lot Area](#) of any development within the CN2 District shall maintain a width-to-depth ratio between 1:1 and 3:2. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space, unless the Center contains a grocery ([Food and Beverage Retail Sales](#)) store that has over 60,000 gross square feet. In this case, the Center may contain no more than 125,000 gross square feet of commercial space.

(3) Floor Area Requirements

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CN2 District, other than a grocery ([Food and Beverage Retail Sales](#)) store, shall not exceed 40,000 gross square feet. A grocery ([Food and Beverage Retail Sales](#)) store shall not exceed 80,000 gross square feet.

(e) Street Access

Development in the CN2 District may take [Access](#) to [Local](#), [Collector](#) or [Arterial Streets](#) and to public [Alleys](#) (if they abut the property being developed).

(f) Other Regulations

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

- (1) General Development Standards
See Article 11.
- (2) [Landscaping](#)
See Article 10.
- (3) Off-Street Parking and Loading
See Article 9.
- (4) Outdoor Lighting
See Section 20-1103.
- (5) [Overlay Districts](#)
See Article 3.

SECTION THREE: Chapter 20, Article 2, Section 20-209 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-209 CO, OFFICE COMMERCIAL DISTRICT

(a) Purpose

The CO, Office Commercial [Zoning District](#), is generally intended to function as a medium-intensity office [Zoning District](#). The District is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses and to serve as a land use buffer between [Arterial](#) or [Collector Streets](#) and residential neighborhoods. The District allows freestanding office [Buildings](#) as well as office parks.

(b) [Principal Uses](#)

[Principal Uses](#) are allowed in CO Districts in accordance with the Use Table Article 4.

(c) [Accessory Uses](#) and [Accessory Structures](#)

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), are subject to the regulations of Section 20-532 et seq.

(d) [Density](#) and Dimensional Standards

Unless otherwise expressly stated, all development in CO Districts shall comply with the City's [Comprehensive Land Use Plan](#), ~~[Commercial Design Standards and Guidelines](#)~~, and the [Density](#) and Dimensional Standards of Article 6.

(1) Site Requirements

No Additional Standards.

(2) [Lot](#) Requirements

No Additional Standards.

(3) [Floor Area](#) Requirements

No Additional Standards.

(e) Street [Access](#)

Development in CO Districts shall take [Access](#) to [Collector](#) or [Arterial Streets](#).

(f) Other Regulations

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

(1) General Development Standards

See Article 11.

(2) [Landscaping](#)

See Article 10.

(3) Off-Street Parking and Loading

See Article 9.

(4) Outdoor Lighting

See Section 20-1103.

- (5) [Overlay Districts](#)
See Article 3.

SECTION FOUR: Chapter 20, Article 2, Section 20-211 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-211 CC, COMMUNITY COMMERCIAL DISTRICT

(a) Purpose

- (1) The CC, Community Commercial Centers District, is primarily intended to implement the [Comprehensive Plan](#)'s Community Commercial Centers policy for commercial development at a community scale to serve multiple neighborhoods. Within the Community Commercial Center classification there are two categories of commercial centers; the CC200 Center and the CC400 Center. Permitted uses are the same in both categories; [Density](#) and dimensional standards are greater in the CC400 Center than in the CC200 Center.
- (2) The Primary Purpose of the CC200 Center is to provide for the redevelopment of existing Community Commercial Centers and to provide an alternative for the existing highway strip commercial areas.
- (3) The Primary Purpose of the CC400 Centers is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop.

(b) [Principal Uses](#)

[Principal Uses](#) are allowed in CC Districts in accordance with the Use Table of Article 4.

(c) [Accessory Uses](#) and [Accessory Structures](#)

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Additionally, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), including [Home Occupations](#) are subject to the regulations of Section 20-532 et seq.

(d) [Density](#) and Dimensional Standards

Unless otherwise expressly stated, all development in CC Districts shall comply with the City's [Comprehensive Land Use Plan](#), ~~[Commercial Design Standards and Guidelines](#)~~, and [Density](#) and Dimensional Standards of Article 6, as modified by the design standards set forth in Section 20-526. The following additional [Density](#) and Dimensional Standards shall apply in the CC District:

(1) Site Requirements

Not all corners of a CC200 [Commercial Node](#) shall be devoted to commercial uses. For a Center that has [Buildings](#) between 40,000 and 100,000 gross square feet in size, the maximum gross square feet of the Center shall not exceed 50% of the allowable commercial square feet for a CC200 [Commercial Node](#).

A minimum of 95% of the commercial gross square feet of a new CC400 Center shall be located on two (2) or fewer corners of the [Commercial Node](#) intersection. If there are remaining allowable square feet at a [Node](#) (intersection) after two or fewer corners are developed, one of the remaining corners may have 50% or less of the remaining 400,000 gross square feet of

allowable commercial space. Any corner of an intersection where the gross square feet of commercial space is 20,000 or more shall have a minimum site area of 20 acres and a width to depth ratio between 1:1 and 3:2.

(2) Lot Requirements

Lot Area of any development within the CC Centers District shall maintain a width-to-depth ratio between 1:1 and 3:2. A maximum **Building** coverage of 25% shall apply to all development within the CC Centers District.

(3) Floor Area Requirements

CC200 Centers: CC200 Centers shall contain no more than 200,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC200 Center shall not exceed 100,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment. General retail stores (including general merchandise and apparel) shall not exceed 65,000 gross square feet.

CC400 Centers: CC400 Centers shall contain no more than 400,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC400 Center shall not exceed 175,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment.

(e) Street Access

Development in the CC Centers District shall take **Access** from a **Collector Street**, **Arterial Street**, or designated highway. CC200 Centers shall be located at **Collector/Arterial Street** intersections or **Arterial/Arterial Street** intersections. CC400 Centers shall be located at the intersection of two **Arterial Streets** that have at least a four-lane cross section or at the intersection of a four-lane **Arterial Street** with a State or Federally designated highway. Whenever possible, CC Centers development shall share direct or indirect **Access** through common curb cuts or private **Access** roads. When the CC Center site abuts a controlled intersection, **Access** shall be directed to a side street with adequate distance between the intersection and the site **Access** point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in **Base Districts**, including but not limited to the following:

(1) General Development Standards
See Article 11.

(2) Landscaping
See Article 10.

(3) Off-Street Parking and Loading
See Article 9.

(4) Outdoor Lighting
See Section 20-1103.

- (5) [Overlay Districts](#)
See Article 3.

SECTION FIVE: Chapter 20, Article 2, Section 20-212 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-212 CR, REGIONAL COMMERCIAL DISTRICT

(a) Purpose

The CR, Regional Commercial District, is primarily intended to implement the [Comprehensive Land Use Plan](#)'s Regional Commercial Center policy of providing the same services as a Community Commercial Center but for a regional market area, offering a greater variety and number of general merchandise, apparel, furniture stores and other tenants. Regional Commercial Centers shall contain no more than 1.5 million gross square feet of commercial space.

(b) Principal Uses

[Principal Uses](#) are allowed in CR Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

[Accessory Uses](#) and [Structures](#) are permitted by right in connection with any lawfully established [Principal Use](#), except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, [Accessory Uses](#) are subject to the same regulations as the [Principal Use](#). [Accessory Uses](#) and [Structures](#), are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless expressly stated, all development in CR Districts shall comply with the City's [Comprehensive Land Use Plan](#), [Commercial Design Standards and Guidelines](#), and the [Density](#) and Dimensional Standards Article 6. The following additional [Density](#) and Dimensional Standards apply in the CR District:

(1) Site Requirements

Site area of any development within the CR District shall be no less than 40 acres and shall have a minimum primary street [Frontage](#) of 1,400 linear feet.

(2) Lot Requirements

[Lot Area](#) of any development within the CR District shall maintain a width-to-depth ratio between 1:1 and 3:2 with a maximum [Building](#) coverage not to exceed 25%.

(3) Floor Area Requirements

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CR District shall not exceed 175,000 gross square feet. Within a [Large Retail Establishment](#), no more than 15% of the [Floor Area](#) may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public [Access](#) internally from the larger Retail Establishment.

(e) Street Access

Development in the CR Districts shall be located at the intersection of two State or Federally designated highways or the intersection of a four-lane [Arterial Street](#) and a State or Federally designated highway. Whenever possible, such Commercial Development shall share direct or indirect [Access](#) through common curb cuts or private [Access](#) roads. When the Commercial Development abuts a controlled intersection, [Access](#) shall be directed to a side street with adequate distance between the intersection and the site [Access](#) point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

- (1) General Development Standards
See Article 11.
- (2) [Landscaping](#)
See Article 10.
- (3) Off-Street Parking and Loading
See Article 9.
- (4) Outdoor Lighting
See Section 20-1103.
- (5) [Overlay Districts](#)
See Article 3.

SECTION SIX: Chapter 20, Article 2, Section 20-213 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-213 CS, COMMERCIAL STRIP DISTRICT

(a) Purpose

The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City's Major Arterial Streets. No new undeveloped Parcel shall be zoned CS, except in the case where an undeveloped Parcel is adjacent to an existing CS, then the adjacent undeveloped Parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent Parcel.

(b) Principal Uses

Principal Uses are allowed in CS Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532.

(d) Density and Dimensional Standards

Unless expressly stated, all development in CS Districts shall comply with the City's Comprehensive Land Use Plan, ~~Commercial Design Standards and Guidelines~~, and the Density and Dimensional Standards of Article 6.

- (1) Unless otherwise expressly stated, all development in CS Districts shall comply with the Density and Dimensional of Article 6.
- (2) Expansion of a Development in the CS District to an adjacent Lot may be allowed only to square off the boundaries of an area designated on the official zoning map as a CS District along the rear or Side Setback of the Development; provided, however, this expansion may not exceed twenty-five percent (25%) of the Lot Area of the development and provided, further, the expansion on the adjacent Lot must implement the goals, policies and strategies of the Comprehensive Land Use Plan by providing one of the following:
 - (i) Shared Access with adjacent Development;
 - (ii) Perimeter Landscaping between the street and the development;
 - (iii) A Bufferyard or other landscape Screening between the development and any residential development; or
 - (iv) A sidewalk or extension of a sidewalk, along the public right-of-way adjacent to the Lot being redeveloped.

(e) Street Access

- (1) The creation of shared public [Access](#) or consolidation of multiple [Access](#) points shall be required where determined by access management policy or adopted corridor plans identify potential changes upon redevelopment of a Major Development Project in the CS District.

(f) Other Regulations

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

- (1) General Development Standards
See Article 11.
- (2) [Landscaping](#)
See Article 10.
- (3) Off-Street Parking and Loading
See Article 9.
- (4) Outdoor Lighting
See Section 20-1103.
- (5) [Overlay Districts](#)
See Article 3.

SECTION SEVEN: Chapter 20, Article 13, Section 20-1301 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1301 GENERAL

(a) Summary of Procedures

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies				Notice
	Staff	PC	BZA	CC	[2]
Text Amendments (§0)	R	<R>		DM	N
Zoning Map Amendments (§0) [3]	R	<R>		DM	N/P/M
Planned Developments (§ 20-1303(l)(2)(v))					
Preliminary Development Plan	R	<R>		DM	N/P/M
Final Development Plan	DM			<A>	M
Site Plan Review (§0)	DM			<A> [4]	P/M
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM	N/P/M
Zoning Variances (§0)	R		<DM>		N/M
Written Interpretations (§0)	DM		<A> [5]		
Appeals of Administrative Decisions (§0)			<DM>		N/M
PC = Planning Commission BZA = Board of Zoning Appeals CC = City Commission <>= Public Hearing Required					
[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.					
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (p)(3) of this section)					
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.					
[4] City Commission is authorized to hear and decide appeals of Planning Director's decision on Site Plans.					
[5] Appeals processed as "Appeals of Administrative Decisions."					

(b) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the [Owner](#) of the property that is the subject of the application; (2) the [Landowners'](#) authorized [Agent](#); or (3) any review or decision-making body.

(c) Form of Application

Applications required under this Development Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the office of the [Planning Director](#).

(d) Pre-application Meetings

- (1) All applicants for matters that require a public hearing are required to attend a pre-application meeting with staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that

they are required. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 [Working Days](#) before submitting an application.

- (2) All other applicants are encouraged to arrange a pre-application meeting with City staff. The [Planning Director](#) will provide assistance to applicants and ensure that appropriate City staff members are involved in pre-application meetings.

(e) **Application Processing Cycles**

The [Planning Director](#) may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

- (1) deadlines for receipt of complete applications;
- (2) dates of regular meetings;
- (3) the scheduling of staff reviews and staff reports on complete applications; and
- (4) any required time-frames for action by review and decision-making bodies.

(f) **Application Filing Fees**

Applications shall be accompanied by the fee amount that has been established by the City Commission. Fees are not required with applications initiated by review or decision-making bodies. Application fees are nonrefundable.

(g) **Application Completeness, Accuracy and Sufficiency**

- (1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- (2) Within 5 [Working Days](#) of application filing, the [Planning Director](#) shall determine whether the application includes all information required for processing (See Section 20-1301(c)). If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If the application is deemed incomplete, written notice shall be provided to the applicant and the applicant's [Agent](#). The notice shall include an explanation of the application's deficiencies.
- (3) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant and the applicant's [Agent](#).
- (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this Article and the processing cycles established under Section 20-1301(d)(2).

- (5) The [Planning Director](#) may require that applications or plans be revised before being placed on the agenda of the [Planning Commission](#) or City Commission if the [Planning Director](#) determines that:
 - (i) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
 - (ii) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
 - (iii) the application or plan cannot be approved without a variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.
- (6) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with Development Code standards shall be revised before they will be placed on agenda of the [Planning Commission](#) or City Commission.
- (7) Action or inaction by the [Planning Director](#) under this section may be appealed to the Board of Zoning Appeals.

(h) **Continuation of Public Hearings**

- (1) A public hearing for which proper notice was given may be continued by the Board of Zoning Appeals or [Planning Commission](#) to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- (2) If a public hearing is tabled or deferred by the Board of Zoning Appeals or [Planning Commission](#) for an indefinite period of time or postponed more than three (3) months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.
- (3) The applicant or [Landowner](#) who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

(i) **Action by Review Bodies**

- (1) Review bodies may take any action that is consistent with:
 - (i) the regulations of this Article;
 - (ii) the City's adopted Development Policy;
 - (iii) any by-laws that may apply to the review body; and

- (iv) the notice that was given.
- (2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.
- (3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or **Zoning District** than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.
- (4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the Director of Legal Services and/or compliance with the **Access Management Standards and ~~Commercial Design Policies and Standards, or Industrial Design Standards~~ the Community Design Manual** adopted by the City Commission from time to time.
- (5) Review bodies may not recommend a greater **Density** of development; a more intensive use or a more intensive **Zoning District** than was indicated in the public notice.
- (6) Review bodies are not required to recommend approval of the maximum **Density** or intensity of use allowed.

(j) **Action by Decision-Making Bodies**

- (1) Decision-making bodies may take any action that is consistent with:
 - (i) the regulations of this Article;
 - (ii) the City's adopted development policy;
 - (iii) any by-laws that may apply to the decision-making body; and
 - (iv) the notice that was given.
- (2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.
- (3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or **Zoning District** than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.
- (4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the Director of Legal Services and/or compliance with the **Access Management Standards and ~~Commercial Design Policies and Standards, or Industrial Design Standards~~ the Community Design Manual** adopted by the City Commission from time to time.

- (5) Decision-making bodies may not approve a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was specified in the public notice.
- (6) Decision-making bodies are not required to approve the maximum [Density](#) or intensity of use allowed.

(k) Lesser Change Table

Pursuant to K.S.A. 12-757, the [Planning Commission](#) may adopt a “Lesser Change Table.” The Lesser Change Table is for the use of the [Planning Commission](#) in determining the hierarchy of [Zoning Districts](#) and for determining when public notification or re-notification is required. Such a table lists zoning classifications, by category, in ascending order from the least intense to the most intense. The [Planning Commission’s](#) Lesser Change Table shall identify only the hierarchy of [Zoning Districts](#) within each of the three categories of [Base Districts](#)—Residential, Commercial and Industrial. It is not intended to identify hierarchical arrangements among Districts in different categories. For example, the Lesser Change Table may classify the RS40 District as less intense than the RS20 District, but it may not classify (R) Residential Districts as less intense than (C) Commercial Districts, or vice-versa. The Lesser Change Table shall be filed with the [Planning Director](#).

(l) Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

(m) Conditions of Approval

When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

(n) Deferred Items

Once on a published and distributed agenda, [Planning Commission](#) action is required to defer an item. If an application is requested for deferral from the next [Planning Commission](#) agenda prior to publication of the agenda, the applicant may defer an item by submitting a written request to the [Planning Director](#). For [Deferred Items](#), the [Landowner](#) or applicant shall provide an updated property Ownership list from the County Clerk’s office for items that have been deferred from an agenda for 3 or more months. If deferred at the applicant or [Landowner’s](#) request, the cost of republication of legal notice in the newspaper shall be paid by the applicant or [Landowner](#). If an item is deferred by the [Planning Commission](#), no republication fee will be charged.

(o) Inactive Files

For [Inactive Files](#), the [Planning Director](#) may notify the applicant and applicant’s [Agent](#) in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

(p) Inaction by Review/Decision-Making Bodies

- (1) When a review or decision-making body fails to take action on an application within any time limit that is specified in or under this Article

(as with an application processing cycle), that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively. The **Effective Date** of such a “non-action” approval or recommendation of approval will be the date that action was required to have occurred under the required time limit.

- (2) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.
- (3) When a review body fails to take action on an application within any time limit that is specified in this Article, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

(q) **Notices**

The notice provisions of this section apply except as otherwise expressly stated.

(1) **Content**

(i) **Newspaper and Mailed Notice**

All Newspaper and Mailed Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. describe the property involved in the application by Street address or by general description;
- c. describe the nature, scope and purpose of the application or proposal; and
- d. indicate where additional information on the matter can be obtained.

(ii) **Posted Notice**

All Posted Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. state the language “**Development Activity Proposed**”, and
- c. indicate where additional information on the matter can be obtained.

(2) **Newspaper Notice**

When the provisions of this Development Code require that “Newspaper Notice” be provided, the City is responsible for ensuring that notice is published in the official newspaper of the City of Lawrence. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) **Mailed Notice**

When the provisions of this Development Code require that “Mailed Notice” be provided:

(i) **Owner Notice; Radius**

The official responsible for accepting the application shall mail notice to the record **Owner** of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

(ii) **Notice to Registered Neighborhood Associations**

The official responsible for accepting the application shall mail notice to any **Registered Neighborhood Associations** whose boundaries include or are contiguous to the subject property.

(iii) **Ownership Information**

The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) **Timing of Notice**

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) **Posted Notice**

(i) When the provisions of this Development Code require that "Posted Notice" be provided, the applicant shall ensure that notice is posted on the subject property.

(ii) Posted notice shall be in the form of official signs provided by the City.

(iii) Posted notice shall be clearly visible to neighboring residents and passers-by from each **Public Street** bordering the subject property. At least one sign shall be posted on each Street **Frontage**. The **Planning Director** is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street **Frontage** may be required.

(iv) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.

(v) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through Act of God, vandalism, defect in installation or vegetative growth.

(vi) For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven (7) days prior to the scheduled public hearing, meeting, or date of

action that is the subject of the notice. Failure to make timely delivery of such affidavit to the [Planning Director](#) shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the [Planning Commission](#).

- (vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn. Failure to properly post or maintain such signs is grounds for deferral or denial of the application.
- (viii) For applications that do not abut [Public Streets](#), the [Planning Director](#) is authorized to approve an alternative form of posted notice that will be visible to passers-by.
- (ix) The public may submit written statements regarding a specific development proposal that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the official record in the planning department.
- (x) Parties affected by the actions of a decision making body have the right to appeal the action taken in accordance with the procedures set out in Article 13 of this Chapter.

(r) Written Findings

Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application. Provided, however, that any decision may be expressly made subject to the subsequent adoption of written findings and, in such cases, the decision shall not be considered final until such findings are adopted. Provided further, that where an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d) in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and thereafter shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

(s) Where Ordinance Required

Adoption of an ordinance is required in the case of a zoning text amendment, rezoning and special use permit. In such instances, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper.

(t) [Planning Director](#) as Administrative Official

Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

SECTION EIGHT: Chapter 20, Article 13, Section 20-1304 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1304 **PLANNED DEVELOPMENTS**

(a) **Description**

PD, **Planned Development Overlay Districts** are established through the approval of zoning map amendments, in accordance with the hearing and notice requirements of Section 20-1303. PD zoning map amendments shall only be processed concurrently with a Preliminary Development Plan application. Final Development Plan approval is required after approval of the zoning map amendment and Preliminary Development Plan. This section sets forth the required review and approval procedures for PD Preliminary and Final Development Plans.

Development Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Community Design Manual which is comprised of the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593. Sections of the Community Design Manual pertaining to site layout will be reviewed with the Preliminary Development Plan and sections pertaining to building detail will be reviewed with the Final Development Plan.

(b) **Concurrent Processing**

Concurrent submission and processing of Preliminary and Final Development Plans is allowed for a single-use **Structure** as long as individual plans are submitted that meet the Preliminary and Final Development Plan standards and criteria. All other developments (those that involve multiple **Structures** or multiple uses) require review and approval of a Preliminary Development Plan before submittal of a Final Development Plan.

(c) **Prerequisite to Building Permit**

Approval of PD Preliminary and Final Development Plans, and recording with the Register of Deeds, shall occur before any **Building Permit** is issued and before any **Development Activity** takes place in a PD **Overlay District**.

(d) **Preliminary Development Plans**

(1) **Application Filing**

Preliminary Development Plan applications shall be filed with the **Planning Director** at the same time as a PD zoning map amendment application. The application shall be accompanied by required fees.

(2) **Neighborhood Input**

- (i) During the design process for the Preliminary Development Plan, the applicant shall make a reasonable effort to meet with individuals, required to be mailed notice under Section 20-1301(q)(3), to present their project in conceptual fashion and to solicit input on the proposed design.
- (ii) A statement describing the reasonable effort(s) made to meet with and receive input from individuals required to receive notice shall be submitted with the Preliminary Development Plan application when it is filed for review at the Planning Department.

(3) **Application Contents**

- (i) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as **Collector** or **Arterial Streets** on the City's Major Thoroughfares Map of the **Comprehensive Plan**.
- (ii) The application shall include a statement by the **Landowner** setting forth the reasons why, in his or her opinion, a **Planned Development** would be in the public interest and would be consistent with the Developer's Statement of Intent for **Planned Development**.
- (iii) The Preliminary Development Plan submitted by the **Landowner** as part of his or her application for tentative approval shall be prepared at a scale no smaller than one inch to 50 feet and shall include all of the area proposed to comprise the **Planned Development**. The plan and supporting documents shall include the following information:
 - a. A legal description of the site;
 - b. The dimensions of all property boundaries;
 - c. The **Owner** of record and any other parties having an interest in the proposed development;
 - d. A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Public Works Department;
 - e. The location of all existing **Structures**, **Easements**, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;
 - f. The existing public and **Private Street** system, platted or unplatted ownership, type and location of Structures, curb cuts on adjacent properties and along the opposite side of the Street and topography extending 100 feet beyond the outside boundaries of the proposed development;
 - g. The width, **Grade**, location and ownership of all proposed public and **Private Streets** and sidewalks in the area to be developed;
 - h. The use, **Height**, **Floor Area**, and approximate location of all proposed **Buildings** and other Structures;
 - i. The number of **Dwelling Units** to be contained in each **Building** proposed for residential use;
 - j. The location, dimension and capacity of all proposed off-Street **Parking Areas** in the area to be developed;
 - k. The location, dimension, acreage, and Ownership of all proposed public and private recreation areas, Open Space and **Non-encroachable Areas**;

- l. Dimensions and notes as deemed necessary to show compliance with the development standards of this Article;
- m. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the [Planned Development](#) are intended to be filed. The [Planning Commission](#) may either approve or modify the submitted development time schedule. The development phases as shown on the time schedule shall also be indicated on the plan;
- n. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of [Dwelling Units](#), the acreage devoted to residential, non-residential, commercial, recreation, Open Space, [Non-encroachable Area](#), streets (both public and private), off-street parking, and other major land uses, [Density](#), public lands (existing and proposed), and the total number of acres contained in each development phase;
- o. A summary of the total number of units of each type of use, number of [Dwelling Units](#), the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public Ownership, the acreage of the total area proposed to be developed, and the overall [Net Density](#) of the development;
- p. A statement as to the feasibility of proposals for the disposition of sanitary waste and storm water, and how all utilities are to be provided including sewerage, water, storm drainage, gas and electricity, and how completion of all improvements is to be guaranteed;
- q. A statement as to the form of Ownership proposed to own and maintain the [Common Open Space](#), recreation facilities, [Non-encroachable Area](#) and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessee and [Owner](#) of the [Planned Development](#);
- r. A statement as to the substance of the covenants, grants of [Easements](#) or other restrictions to be imposed upon the use of the land; [Buildings](#) and [Structures](#), including proposed [Easements](#) or grants for public utilities;
- s. The [Landowner](#) shall also submit a tentative dedication clause including dedication of public utility and drainage [Easements](#), street rights-of-way and the following statement: "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as [Common Open Space](#), open air recreation area, and [Non-encroachable Area](#) and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and [Owner](#) of the [Planned Development](#);"

- t. A statement specifying those variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the [Landowner](#), such should be allowed;
 - u. At least one north-south and one east-west elevation across the site to show typical site layout, [Grade](#), etc.; and
 - v. Submission of a landscape plan in conformance with Section 20-1001(d).
- (iv) The plan shall be submitted so as to conform with the requirements for the submission of a Preliminary Plat in the Subdivision Regulations, except where such requirements conflict with the requirements of this Article.
 - (v) Approval of the Preliminary Development Plan shall constitute approval of a Preliminary Plat. A preliminary plat review fee shall not be required.
 - (vi) Provide the supplemental stormwater information required by [City Regulations](#), and provide on the development plan a site summary table which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a [Building\(s\)](#); development as a paved surface; undeveloped and planted with grass, [Ground Cover](#), or similar vegetative surface. When a development is proposed to be phased, the entire detention basin shall be provided during phase one of the project unless otherwise approved.

(4) Phased Development Schedule

If the applicant proposes to develop a PD in phases, the application shall contain a proposed phasing schedule. In a phased development, Open Space and site amenities shall be apportioned among the phases in proportion to the amount of development occurring in each phase, so that, for example, when the development is 40% complete, 40% of the Open Space and amenities will be complete, transferred to the association or other permanent [Owner](#), and properly restricted as required by this Code.

(5) Public Hearing Notice

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

(6) Staff Review/Report

The [Planning Director](#) shall review each proposed PD zoning map amendment and Preliminary Development Plan in accordance with the review and decision-making criteria of Section (9) and distribute the proposed plan to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment/plan to the [Planning Commission](#) and City Commission.

(7) [Planning Commission's](#) Review/Recommendation

- (i) The [Planning Commission](#) shall hold a public hearing on the proposed amendment/plan, review the proposed amendment/plan in accordance with the review and decision-making criteria of

Section (9) and recommend that the City Commission approve, approve with conditions or deny the proposed amendment/plan. The [Planning Commission](#) is also authorized to forward the proposed amendment/plan to the City Commission with no recommendation.

- (ii) The recommendation on the Preliminary Development Plan shall include findings of fact and set forth reasons for the recommendation, including but not limited to findings of fact on the review and approval criteria of Section (9).
- (iii) The [Planning Director](#) shall give written notice of the [Planning Commission's](#) recommendation to the applicant and the applicant's [Agent](#).

(8) **City Commission Decision**

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

- (i) approve, approve with conditions or modifications, or deny; or
- (ii) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - a. The [Planning Commission](#), after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new and amended recommendation.
 - b. Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed amendment/plan, approve it with conditions or modifications, or deny it.
 - c. If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission's](#) next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (iii) The City Commission may act by a simple majority vote, except for the following cases:
 - a. action that is contrary to the [Planning Commission's](#) recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
 - b. approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a

3/4 majority vote of the full membership of the City Commission.

(iv) The City Commission shall:

- a. State the reasons for its decision in writing; and
- b. notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

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

In reviewing and making decisions on proposed Preliminary Development Plans, review and decision-making bodies shall consider at least the following factors:

- (i) the Preliminary Development Plan's consistency with the [Comprehensive Plan](#);
- (ii) the Preliminary Development Plan's consistency with the PD standards of Section 20-701 including the statement of purpose;
- (iii) the nature and extent of [Common Open Space](#) in the PD;
- (iv) the reliability of the proposals for maintenance and conservation of [Common Open Space](#);
- (v) the adequacy or inadequacy of the amount and function of [Common Open Space](#) in terms of the densities and [Dwelling](#) types proposed in the plan;
- (vi) whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
- (vii) whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:
 - a. doubling or more the traffic generated by the neighborhood;
 - b. proposing housing types, [Building Heights](#) or [Building Massing](#)(s) that are incompatible with the established neighborhood pattern; or
 - c. increasing the residential [Density](#) 34% or more above the [Density](#) of adjacent residential properties.
- (viii) whether potential adverse impacts have been mitigated to the maximum practical extent; and,
- (ix) the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PD in the case of a plan that proposes development over a period of years.

(10) **Effect of Preliminary Development Plan Approval**

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

(11) **Status of Preliminary Development Plan after Approval**

- (i) The applicant and the applicant's [Agent](#) shall be given written notice of the action of the City Commission.
- (ii) Approval of a Preliminary Development Plan does not qualify as a plat of the [Planned Development](#) for [Building](#) and permitting purposes.
- (iii) An unexpired approved Preliminary Development Plan, including one that has been approved subject to conditions provided that the [Landowner](#) has not defaulted on or violated any of the conditions, may not be modified or revoked by the City without the consent of the [Landowner](#).
- (iv) If a [Landowner](#) chooses to abandon a plan that has been given preliminary approval, he or she may do so prior to Final Development Plan approval, provided that he or she notifies the [Planning Commission](#) in writing.
- (v) Major Changes in the [Planned Development](#) (see Section 20-1304(e)(2)(iv)) may be made only after rehearing and reapproval of the entire Preliminary Development Plan under the terms and procedures specified in this section. All [Landowners](#) within the entire Preliminary Development Plan boundary shall be notified in writing of any proposed Major Change at the time of submittal of the revised Preliminary Development Plan to the [Planning Director](#).
- (vi) An approved Preliminary Development Plan with multiple [Parcel](#) and multiple [Landowners](#) may only be altered or modified if all [Landowners](#) of [Parcel](#) within the Preliminary Development Plan consent to the proposed alterations or modifications.
- (vii) A Preliminary Development Plan may be explicitly conditioned with a provision on the face of the Preliminary Development Plan that all [Landowners](#) of all properties waive their right to approve or disapprove any alterations or modifications to the Preliminary Development Plan.
- (viii) In the absence of the explicit condition contained in subsection (8)(iv)b, the provision of subsection (v) will govern Preliminary Development Plan alterations or modifications.

(12) **Expiration of Approval**

In the event the [Landowner](#) fails to file an application for Final Development Plan approval within 24 months after final approval of the Preliminary Development Plan has been granted or within 6 months after the date shown on an approved development schedule, in accordance with Section 20-1304(d)(4), then such approval shall expire in accordance with the following provisions:

- (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months, or the

proposed phasing schedule may be modified to extend all dates by a period not to exceed one-half the original period allowed for development of that phase. The application for extension may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the approval. The [Planning Director](#) shall forward such request, with any recommendation of the [Planning Director](#), to the City Clerk for scheduling on the agenda of the City Commission. The [Planning Director](#) shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the [Planning Director](#) and may hear from other interested parties.

- (ii) If the approval of the Preliminary Development Plan for a phased development expires after the completion of one or more phases, the Preliminary Development Plan will remain in full effect as to those portions of the development that are subject to Final Development Plans in which the developer has acquired vested rights, in accordance with Section 20-1304(e)(2)(vii), but the remaining portions of the Preliminary Development Plan shall expire.
- (iii) No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for Final Development Plan or for other [Development Activity](#) on the site shall be considered as though the Preliminary Development Plan had not been granted.
- (iv) After expiration of a Preliminary Development Plan, or any portion thereof, the PD Overlay zoning shall remain in effect for the affected property, but further development on the property shall require the approval of a new Preliminary Development Plan, in accordance with the procedures and standards in effect at the time of the new application. If a Preliminary Development Plan has expired for any part of a phased development, consistency with the developed parts of the Preliminary Development Plan shall be an additional criterion for consideration of a new proposed Preliminary Development Plan.
- (v) Approval of a Preliminary Development Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764.

(e) **Final Development Plan**

(1) **Application Filing**

Final Development Plan applications shall be filed with the [Planning Director](#) after approval of and before the expiration of a Preliminary Development Plan. A Final Development Plan may be submitted for a portion of the area in the approved Preliminary Development Plan.

(2) **Application Contents**

- (i) Final Development Plan, in its entirety or in phases, drawn at a scale of one inch to 40 feet and supportive documents shall show or contain at least the following:
- a. all information required of the Preliminary Development Plan;
 - b. the placement of all principal and [Accessory Structures](#);
 - c. the entrances to all [Structures](#);
 - d. the location and dimensions of all existing and proposed curb cuts, [Driveways](#) and aisles, public and [Private Streets](#), off-street parking and loading space areas, sidewalks and pedestrianways, sanitary sewers, storm sewers and drainageways, power lines, gas lines, and fire hydrants;
 - e. the location, height and material of [Screening](#) walls and fences;
 - f. the type of surfacing and base course proposed for all [Private Streets](#), [Driveways](#), off-street parking and loading space areas, and sidewalks and pedestrianways;
 - g. the location of all utilities in and adjacent to the property. (No overhead lines, with the exception of high voltage power lines, shall be permitted in [Planned Developments](#));
 - h. a location map of one inch equals 200 feet or less showing the site of the proposed development in relationship with major [Thoroughfares](#) in the city;
 - i. a landscape plan in accordance with Section 20-1001(d);
 - j. the proposed topography or grading of the area at a contour interval of not more than two feet;
 - k. the location of each outdoor trash storage facility;
 - l. proof of the establishment of an agency or entity to own, manage and maintain the [Common Open Space](#), open air recreation areas, recreation facilities, [Non-encroachable Areas](#), [Private Streets](#) and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and [Owner](#);
 - m. copies of all restrictions or covenants that are to be applied to the development area;
 - n. proof that no [Lot](#), [Parcel](#), [Tract](#) or other portion of the development area has been conveyed or leased prior to the recording of any restrictive covenants, Final Development Plan, or final plat; **and**
 - o. such other drawings, specifications, covenants, [Easements](#), conditions, and performance bonds as set forth in the granting of preliminary approval; **and**

p. *at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.*

(ii) A plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval. Modification by the **Landowner** of the plan as preliminarily approved may not:

- a. Increase the proposed gross residential **Density** or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for **Common Open Space**, open air recreation area or **Non-encroachable Area**, nor the substantial relocation of such areas; nor,
- b. Increase by more than 10 percent (10%) the total **Floor Area** proposed for non-residential or commercial uses; nor,
- c. Increase by more than 5 percent (5%) the total ground area covered by **Buildings** nor involve a substantial change in the **Height** of **Buildings**.

(iii) Consistency with Preliminary Development Plan; Major Changes

A Final Development Plan will not be considered complete and ready for processing if all approved conditions have not been met or if the Final Development Plan constitutes a Major Change from the approved Preliminary Development Plan. Major Changes may be made only after rehearing and reapproval of the Preliminary Development Plan, and the **Planning Director** shall notify the applicant of the provisions of this section.

(iv) Major Changes

A Major Change is one that:

- a. increases the proposed gross residential **Density** or intensity of use by more than five percent (5%)
- b. involves a reduction in the area set aside for **Common Open Space** in general, or **Recreational Open Space** or **Natural Open Space** in particular, or the substantial relocation of such areas;
- c. increases by more than 10 percent (10%) the total **Floor Area** proposed for nonresidential uses;
- d. increases by more than 5 percent (5%) the total ground area covered by **Buildings**;
- e. changes a residential use or **Building Type**;
- f. increases the **Height** of **Buildings** by more than 5 feet; or

- g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding [Landowners](#).
- h. changes a residential [Building Type](#) or a non-residential [Structure](#) by more than 10% in size.

(v) Review and Action by [Planning Director](#); Appeals

- a. Within 45 days of the filing of a complete Final Development Plan application, the [Planning Director](#) shall review and take action on the Final Development Plan. The [Planning Director](#) shall approve the Final Development Plan if it complies with the approved Preliminary Development Plan, all conditions of Preliminary Development Plan approval and all applicable standards of this Development Code. If the submitted Final Development Plan does not so comply, the [Planning Director](#) shall disapprove the Final Development Plan and advise the [Landowner](#) in writing of the specific reasons for disapproval.
- b. In the event that the [Planning Director](#) does not approve the Final Development Plan, the [Landowner](#) may either: (1) resubmit the Final Development Plan to correct the plan's inconsistencies and deficiencies, or (2) within 45 days of the date of notice of refusal, appeal the decision of the [Planning Director](#) to the City Commission. In the event such an appeal is filed, a public hearing before the City Commission shall be scheduled with such notice as is required for the Preliminary Development Plan/Zoning Map Amendment.
- c. Notice shall be given of the [Planning Directors'](#) action to adjacent property [Owner](#) or Neighborhood Associations if such request for notice has been made in writing from the adjacent property [Owner](#) or Neighborhood Associations.

(vi) Effect of Approval

- a. A Final Development Plan or any part thereof that has received final approval shall be so certified by the [Planning Director](#), and shall be filed by the [Planning Director](#) with the Register of Deeds immediately upon compliance with all conditions of approval. If the [Landowner](#) chooses to abandon a Final Development Plan or portion thereof after it has been given final approval, he or she shall notify the [Planning Director](#) in writing.
- b. The filing of a Final Development Plan for a [Planned Development](#) with the Register of Deeds does not constitute the effective dedication of [Easements](#), rights-of-way or [Access](#) control, nor will the filed plan be the equivalent of, nor an acceptable alternative for, the final platting of land prior to the issuance of [Building](#) Permits in the [Planned Development](#).
- c. The [Planning Director](#) shall file the final plats and all supportive documents concerning the [Planned Development](#) with the Register of Deeds. The [Landowner](#) is responsible for

all costs incurred in filing such documents and the Final Development Plan.

(vii) Expiration of Approval

In the event the [Landowner](#) fails to obtain a building permit for development shown on the Final Development Plan within 24 months after final approval of the Final Development Plan has been granted, the approval shall expire in accordance with the following provisions:

- a. For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the approval. The [Planning Director](#) shall forward such request, with any recommendation of the [Planning Director](#), to the City Clerk for scheduling on the agenda of the City Commission. The [Planning Director](#) shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the [Planning Director](#) and may hear from other interested parties.
- b. No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for subdivision review, for a [Building Permit](#) or for other [Development Activity](#) on the site shall be considered as though the Final Development Plan had not been granted.
- c. After expiration of a Final Development Plan and related portions of the Preliminary Development Plan, the PD Overlay zoning shall remain in effect, but further development on the property shall require the approval of a new Preliminary Development Plan and Final Development Plan, in accordance with the procedures and standards in effect at the time of the new application.
- d. Rights to the development pattern shown in a Final Development Plan shall vest in accordance with K.S.A. Sect. 12-764 upon approval of a final subdivision plat. If such subdivision plat expires in accordance with K.S.A. Sect. 12-764(a), then the related portions of the Final Development Plan shall also expire at the same time.

(f) Enforcement and Modifications of Final Development Plan

(1) Enforcement by the City

The provisions of a Final Development Plan relating to: (1) the use of land and the use, bulk and location of [Buildings](#) and Structures; (2) the quality and location of [Common Open Space](#); and, (3) the intensity of use or the [Density](#) of

residential units, run in favor of the municipality and are enforceable in law or in equity by the City, without limitation on any powers or regulations otherwise granted the City by law.

(2) Enforcement by Residents and Landowners

All provisions of the Final Development Plan run in favor of the residents and Landowners of the Planned Development, but only to the extent expressly provided in, and in accordance with, the Final Development Plan. To that extent, the Final Development Plan provisions, whether recorded by plat, covenant, Easement or otherwise, may be enforced at law or equity by said residents and Landowners, acting individually, jointly, or through an organization designated in the Final Development Plan to act on their behalf. No provisions of the Final Development Plan will be implied to exist in favor of residents and Landowners of the Planned Development except those portions of the Final Development Plan that have been finally approved and have been recorded.

(3) Modifications of the Final Development Plan by the City

All those provisions of the Final Development Plan authorized to be enforced by the City may be modified, removed or released by the City (except grants or Easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- (i) no such modification, removal or release of the provisions of the Final Development Plan by the City may affect the rights of the residents and Landowners of the Planned Development to maintain and enforce provisions, at law or equity; and
- (ii) no modification, removal or release of the provisions of the Final Development Plan by the City may be permitted, except upon a finding by the City, following a public hearing, that the same is consistent with the efficient development and preservation of the entire Planned Development, does not adversely affect either the enjoyment of land abutting upon or across a Street from the Planned Development or the public interest, and is not granted solely to confer a special benefit upon any person.

(4) Modifications by the Residents

Residents and Landowners of the Planned Development may, to the extent and in the manner expressly authorized by the provisions of the Final Development Plan, modify, remove or release their rights to enforce the provisions of the Final Development Plan, but no such action will affect the right of the City to enforce the provisions of the Final Development Plan.

(5) Modification Procedures

Modification of approved Planned Development plans may be initiated as follows:

- (i) By the Landowners or residents of the property within the Planned Development, provided that the right to initiate modification has been expressly granted to or retained by the Landowners or residents under the provisions of the plan;
- (ii) By the City Commission upon its own motion, duly made and carried by a two-thirds majority vote of the City Commission, when modification appears strictly necessary to implement the purpose of

this article and such modification would not impair the reasonable reliance interests of the [Landowners](#) and residents of the [Planned Development](#).

- (iii) Modifications of the provisions of the Final Development Plan that constitute Major Changes may be approved by an affirmative vote of a majority of all members of the City Commission upon a finding, after a public hearing, that the modification complies with Section 20-1304(f)(3). Newspaper, posted, and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).
- (iv) Modifications to the Final Development Plan that do not constitute Major Changes as defined in Section 20-1304(e)(2)(iv) may be approved by the [Planning Director](#).

(6) **Modifications to Final Development Plans Approved Prior to the Effective Date**

Final Development Plans, which were approved prior to the [Effective Date](#) of this Development Code, shall be modified only in accordance with this Development Code, as amended.

(g) **Interpretations**

(1) **Purpose**

Because the very specific nature of the Development Plans approved for [Planned Developments](#) may result in unforeseen circumstances, particularly through the passage of time, the purpose of this sub-section is to provide a formal method for interpreting Final Development Plans and related provisions of Preliminary Development Plans.

(2) **Applicability and Authority**

This sub-section shall apply to any application or request to interpret a Development Plan. The [Planning Commission](#) shall have the authority to make such interpretations, subject to appeal as set forth herein. This procedure shall apply only when the effect of the Development Plan is unclear because of the passage of time or as applied to particular circumstances. In most cases, this procedure will be initiated by referral from the [Planning Director](#), when, upon receipt of an application for a permit or interpretation, such official determines that the Development Plan is unclear or otherwise requires interpretation.

(3) **Initiation**

The interpretation process may be initiated by:

- (i) Any [Owner](#) of real property included within the land area of the original Development Plan to be interpreted;
- (ii) The [Planning Director](#), by referral, or upon the Director's initiative;
- (iii) The Director of Neighborhood Resources, by referral;
- (iv) The City Commission; or
- (v) The [Planning Commission](#).

(4) **Procedure**

(i) Public Hearing to be Scheduled

At the next meeting following the initiation of the process for interpretation of a Development Plan (or, if initiated by the [Planning Commission](#), at the same meeting), the [Planning Commission](#) shall schedule a public hearing on the matter, which hearing shall occur within 45 days of the date of the meeting at which the hearing date is set.

(ii) Notice

If there are 20 or fewer separately owned [Parcel](#) of property within the area affected by the Preliminary Development Plan (or comparable document) governing the [Planned Development](#), the [Planning Director](#) shall cause written notice of the hearing to be given to the [Owner\(s\)](#) of each such [Parcel](#) and to property [Owner](#) within 200 feet of the Preliminary Development Plan. If there are more than 20 separately owned [Parcel](#), then the [Planning Director](#) shall cause notice of the hearing to be published in accordance with Section 20-1301(q)(1).

(iii) Public Hearing

At the scheduled time and place, the [Planning Commission](#) shall hold a public hearing on the interpretation of the Final Development Plan. The [Planning Commission](#) may at that time consider all evidence reasonably brought before it, including but not limited to:

- a. Copies of the original plans, as approved;
- b. Copies of documents recorded in the chain of title of the [Planned Development](#);
- c. Minutes of the meeting(s) of the City Commission and [Planning Commission](#) at which the original plans were approved;
- d. Copies of pertinent sections of the zoning or development ordinance in effect at the time that the original plans were approved;
- e. The [Comprehensive Plan](#) in effect on the date of interpretation and, if different, relevant provisions of the [Comprehensive Plan](#) in effect at the time of approval of the original plans;
- f. Explanation of the applicant (if any), the [Planning Director](#) and others regarding the reasons why the Preliminary and/or Final Development Plan or comparable documents are unclear or inadequate to address the issue raised in the request for interpretation;
- g. Testimony of persons owning property within the area affected by the Preliminary Development Plan;
- h. Testimony of other interested persons;
- i. Recommendation of the [Planning Director](#); and/or

- j. Such other evidences as the [Planning Commission](#) may find relevant to the interpretation of the Plan.

(iv) Criteria for Decision

The criteria for the decision of the [Planning Commission](#) in interpreting the Development Plan shall be, in priority order:

- a. Consistency with the literal provisions of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;
- b. Consistency with the stated purpose of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;
- c. Where the original plans referred to or depended upon provisions of the Zoning Ordinance then in effect, consistency with those provisions; and
- d. Interpretation of the original plans as reflected in the development of the project and reliance on it by property [Owner](#) within it.

(v) Decision

At the same meeting at which the hearing is held, or at its next meeting, the [Planning Commission](#) shall render a decision. If it is unable to render an interpretation that resolves the issue placed before it, it shall recommend that the interested parties file an application to amend the Development Plan, in accordance with (f)(5) of this section.

(5) Appeal

An appeal of an interpretation by the [Planning Commission](#) under this subsection shall be to the City Commission. The action, if any, by the City Commission shall be final. Any person aggrieved may file an application for a permit to undertake the proposed action and may follow the appeal process for any action on that, or any person aggrieved may file an application to modify the development plan, in accordance with (f)(5) of this section.

SECTION NINE: Chapter 20, Article 13, Section 20-1305 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1305 SITE PLAN REVIEW

(a) **Purpose**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of **Development Activity** and to encourage the compatible arrangement of **Buildings**, off-street parking, lighting, **Landscaping**, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for uses included in the Commercial ~~or Industrial~~ Use Groups of Sections 20-402 and 20-403 shall comply with the ~~Commercial Design Standards and Guidelines~~ **Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593**, ~~adopted by the City Commission on July 25, 2006 by Resolution No. 6669.~~

For the purposes of this section:

(1) A change to a less intensive use shall be defined as:

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

(2) A change to a more intensive use shall be defined as:

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

(b) **Applicability**

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

(1) **Minor Development Projects**

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

(i) **Requirements of Site Plan Review**

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

(ii) Public Notice

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

(iii) Compliance with City Codes

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

(2) Standard Development Projects

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

- 1.a.** a change in use to a less intensive use and where physical modifications to the site, excluding interior **Building** modifications, are proposed; or
- 2.b.** a change in use to a more intensive use regardless of whether physical modifications to the site are proposed; or
- 3.c.** the substantial modification of a site, defined as:
 - a.1.** The construction of any new **Building(s)** on the site; or
 - b.2.** The construction of any **Building** addition that contains a **Gross Floor Area** of ten percent (10%) or more of the **Gross Floor Area** of existing **Building(s)**; or
 - c.3.** Separate incremental **Building** additions below ten percent (10%) of the **Gross Floor Area** of existing buildings if the aggregate effect of such **Development Activity** over a period of 24 months would trigger the 10% threshold; or

- d.4.** The addition of **Impervious Surface** coverage that exceeds 10% of what exists; or
- e.5.** Any modification determined by the **Planning Director** to be substantial.

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

1.a. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or

2.b any modification of a site which meets the following criteria or proposes the following:

- a.1.** A modification to a site which alters the **Parking Area**, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or
- b.2.** A development, redevelopment, or modifications to the exterior style, design or material type of a **Structure** that is subject to the ~~Commercial Design Standards~~ **Community Design Manual** or
- c.3.** An outdoor dining or hospitality use in the CD and CN1 **Zoning Districts** and any outdoor dining use located in any other **Zoning District** that would result in an increase of the number of **Parking Spaces** required; or
- d.4.** In the IG zoning district, the construction of one or more new **Building(s)** or building additions that contain a **Gross Floor Area** of less than fifty percent (50%) of the **Gross Floor Area** of existing **Building(s)**; or
- e.5.** In any zoning district other than IG, the construction of one or more new **Buildings** or building additions that contain a **Gross Floor Area** of less than twenty percent (20%) of the **Gross Floor Area** of existing **Building(s)**; or
- f.6.** In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing **Impervious Surface** coverage; or
- g.7.** In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing **Impervious Surface** coverage; or
- h.8.** Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the **Planning Director**.

(i)(iii) Requirements of Site Plan Review

- a.** For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.

- b. For sites with an approved site plan on file at the Planning Office, the existing plan if determined appropriate by the [Planning Director](#), may be amended.

~~(ii)~~(iv) Public Notice

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

~~(iii)~~(v) Compliance with City Codes

- a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the ~~Commercial Design Standards~~ [Community Design Manual](#) unless otherwise determined by the [Planning Director](#) to be waived for good cause shown by the applicant. The [Planning Director](#) may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the [Planning Director](#) will remain eligible for consideration of a variance by the Board of Zoning Appeals.
- b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the ~~Commercial Design Standards~~ [Community Design Manual](#) as determined by the [Planning Director](#) in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) **Major Development Projects**

Any development proposing the following:

- ~~a.~~(i) Any [Development Activity](#) on a site that is vacant or otherwise undeveloped; or
- ~~b.~~(ii) Any [Significant Development Project](#) on a site that contains existing development, defined as:
 - ~~1.a.~~ Any modification to a site that alters [Parking Area\(s\)](#), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns; that the [Planning Director](#) determines to be significant in terms of impacting adjacent roads or adjacent properties; or
 - ~~2.b.~~ In the IG zoning district, the construction of one or more [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of fifty percent (50%) or more of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - ~~3.c.~~ In any zoning district other than IG, the construction of one or more [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of twenty percent (20%) or more; of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - ~~4.d.~~ Separate incremental [Building](#) additions below 50% for IG zoning and 20% for all other zoning districts of the [Gross Floor Area](#) of existing [Building\(s\)](#) if the aggregate

effect of such [Development Activity](#) over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or

5.e. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing [Impervious Surface](#) coverage.

~~(i)~~(iii) Requirements of Site Plan Review

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

~~(ii)~~(iv) Public Notice

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

~~(iii)~~(v) Compliance with City Codes

Full compliance with all City Codes, including this Development Code and the ~~Commercial Design Standards~~ [Community Design Manual](#), is required for the entire site, unless otherwise determined by the [Planning Director](#) to be waived for good cause shown by the applicant. The [Planning Director](#) may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

(b) Exemptions

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

- (1) changes to [Detached Dwelling\(s\)](#) or [Duplex\(es\)](#), as well as site improvements on [Lots](#) containing [Detached Dwelling\(s\)](#) and [Duplex\(es\)](#). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a [Parking Area](#) or private recreational area, and such complex contains a combined total of four (4) [Dwelling Units](#) or more, Site Plan Review is required.
- (2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or [Planned Development](#) procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures.
- (3) changes expressly exempted from Site Plan Review process by the underlying [Zoning District](#).
- (4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type.
- (5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior [Building](#) modifications, are proposed and where an approved site plan is not on file with the Planning Office.

- (6) any **Development Activity** on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:
 - (i) The construction of any **Building** addition that contains less than ten percent (10%) of the current **Building's Gross Floor Area**; or
 - (ii) Separate incremental **Building** additions below 10% of the **Gross Floor Area** of existing **Buildings** if the aggregate effect of such **Development Activity** over a period of 24 consecutive months would trigger the 10% threshold; or
 - (iii) The addition of **Impervious Surface** coverage that does not exceed 10% of what exists.
- (7) any change in use, regardless of whether it is less or more intense than the current use, or any **Development Activity** in the CD district of an existing developed site where the effect of the change in use or **Development Activity** does not increase a **Building's** footprint or the number of **Building** stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than fifty (50) square feet in area, and similar appurtenances, as determined by the **Planning Director**, shall not be considered as increasing the **Building's** footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the **Historic Resources Commission**. Outdoor dining uses and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.
- (8) changes otherwise exempted from Site Plan Review by state or federal law.

(d) **Pre-application Meetings**

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

(e) **Initiation and Application Filing**

Site Plan Review applications shall be filed with the **Planning Director**. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting.

(f) **Application Contents**

- (1) A site plan shall:
 - (i) For any Standard or Major Development Project be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;

- (ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres or at a scale determined to be appropriate by the [Planning Director](#);
- (iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;
- (iv) Show boundaries and dimensions graphically;
- (v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;
- (vi) Show existing conditions of the site:

 - a. Show existing public and [Private Street](#) system,
 - b. platted or unplatted Ownership,
 - c. type and location of [Structures](#),
 - d. curb cuts on adjacent properties and along the opposite side of the street.
- (vii) Show topography extending 50 feet beyond the outside boundaries of the proposed site plan;
- (viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;
- (ix) Show the location of existing utilities and [Easements](#) on and adjacent to the site including

 - a. Show the location of power lines, telephone lines, & gas lines.
 - b. Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.
- (x) Show the location of ground mounted transformers and air conditioning units and how such units shall be screened if visible from the Street or when adjacent to a [Structure](#) on an adjoining [Lot\(s\)](#). In any instance, the location of such units shall occur behind the Front and [Side Setback](#) lines as set forth in Section 20-601 in the [Density](#) and Dimensional Standards Tables;
- (xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by [City Regulations](#), and provide on the site plan a site summary table, in the format noted below, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a [Building\(s\)](#); development as a paved surface; undeveloped and planted with grass, [Ground Cover](#), or similar vegetative surface.

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

- (xii) Show the location of existing and proposed **Structures** and indicate the number of stories, **Floor Area**, and entrances to all **Structures**;
- (xiii) Show the location and dimensions of existing and proposed curb cuts, **Access** aisles, off-street parking, loading zones and walkways;
- (xiv) Indicate location, height, and material for **Screening** walls and fences;
- (xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;
- (xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior **Landscaping** including grass, **Ground Cover**, trees and **Shrubs**;
- (xvii) The proposed use, the required number of off-street **Parking Spaces**, and the number of off-street **Parking Spaces** provided shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;
- (xviii) Designate a trash storage site on each site plan appropriate for the number of occupants proposed. The size of the trash storage receptacle, its location and an elevation of the enclosure shall be approved by the Director of Public Works prior to approval of the site plan. If a modification to the location of the trash storage area is required during the construction phase or thereafter, both the Planning and Public Works Directors must approve the modification before a revised site plan can be approved.
- (xix) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that **Zoning District** under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be developed in which order and showing in which phases the **Easements**, **Driveways**, **Parking Areas** and **Landscaping** will be included. The **Planning Director** may require adjustments in the

provision of Easements, Driveways, Parking Areas and Landscaping among the various phases as a condition of approval;

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

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

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

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

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

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

(4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on Screening proposed for the lighting and steps taken to prevent glare.

(g) **Public Notice**

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

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

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

- (iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;
- (iv) the date the site plan application will be submitted to the [Planning Director](#) for review; and a Statement with substantially the following information:

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

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

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

(h) Staff Review/Action

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

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

(i) Notice of Decision

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

(j) Approval Criteria

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

- (1) the site plan shall contain only platted land;

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

(k) Appeals

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

(l) Right to Appeal

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

- (1) the applicant;
- (2) the City Commission;
- (3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or
- (4) record [Owner](#) of all property within 200 feet of the subject property.

(m) Action on Appeal

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

(n) Modifications to Approved Site Plans

- (1) An applicant who wishes to alter or revise an approved Site Plan shall contact the [Planning Director](#).

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

(o) **Expiration; Vesting of Rights**

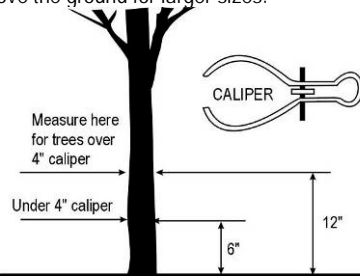
- (1) In the event the [Landowner](#) fails to obtain a [Building](#) Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:
 - (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension or modification may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the Site Plan. The [Planning Director](#) shall place such request, with any recommendation of the [Planning Director](#) on the agenda of the City Commission.

The [Planning Director](#) shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the [Planning Director](#) and may hear from other interested parties.
 - (ii) No action by the City shall be necessary to cause the Site Plan to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a [Building](#) Permit or for other [Development Activity](#) on the site shall be considered as though the Site Plan had not been granted.
- (2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related [Building](#) Permit is issued and substantial construction is begun in reliance on that permit.
- (3) Rights in an entire Site Plan shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial [Building](#) Permit and completion of construction in accordance with that [Building](#) Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

SECTION TEN: Chapter 20, Article 17, Section 20-1701 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby amended and shall read as follows:

20-1701 General Terms

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling .
Accessory Structure	A subordinate Structure , the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off- Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway , Street , turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building . The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure .
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes .
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna .
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building , except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base Density	The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.

Term	Definition
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings , or use of land, and other regulations relating to the development or maintenance of existing uses or Structures , are uniform; but not including Overlay Zoning Districts .
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment , Large.
Block	A Parcel of land entirely surrounded by public Streets , highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets .
Boarding House	A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms , fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building , except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District , or as modified pursuant to a Variance , a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District , any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	<p>The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes.</p>  <p>The diagram shows a tree trunk with a caliper measuring its diameter. The measurement is taken at 6 inches above the ground for trees with a caliper size of 4 inches or less, and at 12 inches above the ground for trees with a caliper size greater than 4 inches.</p>
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.

Term	Definition
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements , licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets .
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets .
Common Open Space	Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development . Common Open Space , except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development . Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan , also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission , as amended or superceded by adoption of a replacement plan from time to time.
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director , Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus	An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.
Density Cap	Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets .
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets .
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises , including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration , or partial or total demolition of Buildings and Structures ; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.

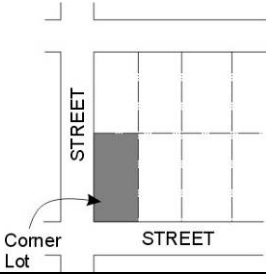
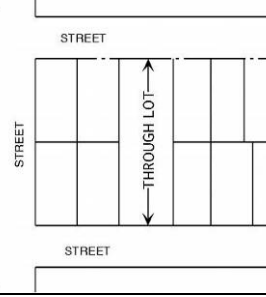
Term	Definition
Development Project, Major (Ord. 8465)	<p>Any development proposing the following:</p> <ul style="list-style-type: none"> a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: <ul style="list-style-type: none"> 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Development Project, Minor (Ord. 8465)	<p>Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.</p>

Term	Definition
Development Project, Standard (Ord. 8465)	<ol style="list-style-type: none"> a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: <ol style="list-style-type: none"> 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: <ol style="list-style-type: none"> a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: <ol style="list-style-type: none"> 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: <ol style="list-style-type: none"> a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Commercial Design Standards Community Design Manual; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.

Term	Definition
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots .
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line .
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home .
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access , and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Evergreen (Coniferous) Tree	An Evergreen Tree , usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

Term	Definition
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building , including a single- Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single- Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	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. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District , a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Boarding House , lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Boarding House , lodging house, motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building , measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings .
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building , measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings , from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure ; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure , such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls (<i>excluding basements</i>) of a Building or a portion thereof divided by the Lot Area .
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended , then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End .
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building , between the Building and a line five feet from the Building .
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.

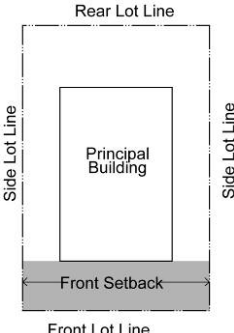
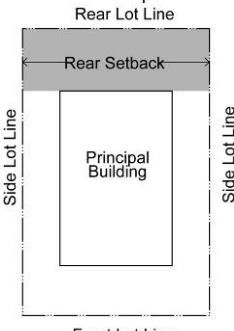
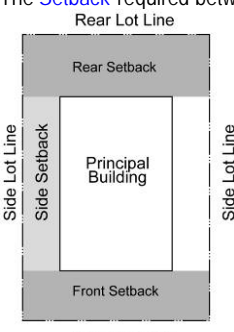
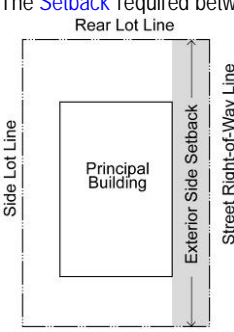
Term	Definition
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade .
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade , or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family .
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Landowner	See Owner
Landscape Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs , Ground Cover /vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.

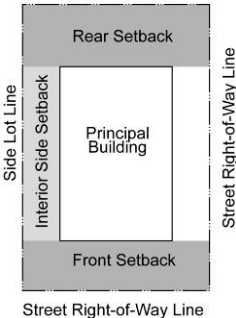
Term	Definition
Landscaping	Any combination of living plants such as trees, Shrubs , plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches , topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations .
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure . It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure .
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot .
Lot Frontage	See Frontage
Lot, Corner	<p>A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot.</p> 
Lot, Through	<p>A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot.</p> 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot .
Lot Line	A boundary of a Lot .
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley .
Lot Line, Front	The Street Line at the front of a Lot . On Corner Lots , the Landowner may choose either Street Frontage as the Front Lot Line .

Term	Definition
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line . A triangular Lot has no Rear Lot Line .
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line .
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-513.
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098)
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s) .
Mature Trees, Stand of	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.
Mixed Use	The development of a Lot , Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure .
Mixed Use Structure, Vertical	A Building or Structure , a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure .
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park .
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie Remnants	Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains , Wetlands , steep slopes, and Woodlands .
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node .
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity , excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Nursing Care Facility	See Extended Care Facility

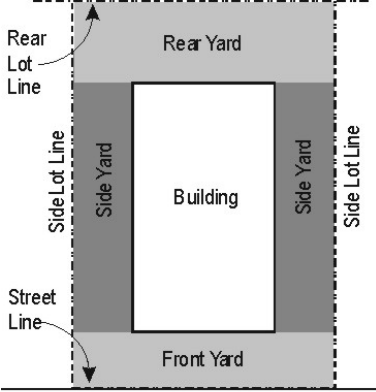
Term	Definition
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures . Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure , designed and used for parking motor vehicles including parking Lots , garages, private Driveways and legally designated areas of public Streets .
Parking Area	An area devoted to off- Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area . Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street , outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District , for a number of Dwelling Units , office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot , together with all Buildings and Structures thereon.
Principal Building	See Building , Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use .
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures . Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.

Term	Definition
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director .
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building .
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area .
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building . A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna , with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building .
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms , or densely planted vegetation, or other means approved by the Planning Director .
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))

Term	Definition
Setback, Front	<p>The Setback required between a Building and the Front Lot Line.</p>  <p>The diagram shows a rectangular lot with a central rectangle labeled 'Principal Building'. The front boundary is labeled 'Front Lot Line'. A horizontal double-headed arrow between the front lot line and the front of the building is labeled 'Front Setback'. The rear boundary is labeled 'Rear Lot Line'. The left and right boundaries are labeled 'Side Lot Line'.</p>
Setback, Rear	<p>The Setback required between a Building and the Rear Lot Line.</p>  <p>The diagram shows a rectangular lot with a central rectangle labeled 'Principal Building'. The rear boundary is labeled 'Rear Lot Line'. A horizontal double-headed arrow between the rear lot line and the back of the building is labeled 'Rear Setback'. The front boundary is labeled 'Front Lot Line'. The left and right boundaries are labeled 'Side Lot Line'.</p>
Setback, Side	<p>The Setback required between a Building and the Side Lot Line.</p>  <p>The diagram shows a rectangular lot with a central rectangle labeled 'Principal Building'. The front boundary is labeled 'Front Lot Line'. The rear boundary is labeled 'Rear Lot Line'. The left and right boundaries are labeled 'Side Lot Line'. A horizontal double-headed arrow between the side lot line and the side of the building is labeled 'Side Setback'. The top and bottom setbacks are labeled 'Rear Setback' and 'Front Setback' respectively.</p>
Setback, Side (Exterior)	<p>The Setback required between a Building and the Exterior Side Lot Line.</p>  <p>The diagram shows a rectangular lot with a central rectangle labeled 'Principal Building'. The front boundary is labeled 'Street Right-of-Way Line'. The rear boundary is labeled 'Rear Lot Line'. The left boundary is labeled 'Side Lot Line'. The right boundary is labeled 'Exterior Side Setback'. A vertical double-headed arrow between the exterior side setback and the side of the building is labeled 'Exterior Side Setback'.</p>

Term	Definition
Setback, Side (Interior)	<p>The Setback required between a Building and the Interior Side Lot Line.</p> 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas .
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen ; planted primarily for its high crown of foliage or overhead Canopy .
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.
Shrub	A Deciduous , Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover , consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.
Significant Development Project	<ol style="list-style-type: none"> Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or In the IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or In any zoning district other than IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or Separate incremental Building additions below 50% for IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District , Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Term	Definition
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story .
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets . Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at- Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single- Family residential Lots .
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited- Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as " Frontage Roads ."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan .
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building , including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes .
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel , site, piece of land or property that is the subject of a development application or restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.

Term	Definition
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship .
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays
Yard	<p>Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard or <i>open area</i> (referred to as a "Setback")</p> 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line .
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line .
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot .
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard , or in the absence of either of such front or Rear Yards , to the front or Rear Lot Lines . Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot .
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.