

**LAND DEVELOPMENT CODE OF THE CITY OF LAWRENCE,
KANSAS TEXT AMENDMENTS, JULY 12, 2011 EDITION**

Amending Sections
20-602 20-701

**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. 8641

First Reading: July 12, 2011

Second Reading: July 19, 2011

Date of Publication:

SECTION ONE: Chapter 20, Article 6, Section 20-602 of the Code of the City of Lawrence, Kansas, 2010 Edition, and amendments thereto is hereby amended and shall read as follows:

20-602 MEASUREMENT OF AND EXCEPTIONS TO DENSITY AND DIMENSIONAL STANDARDS

(a) **Generally**

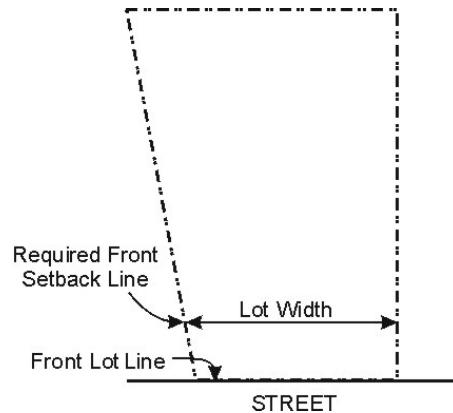
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) **Lot Area**

The area of a Lot includes the total horizontal surface area within the Lot's boundaries, not including submerged lands, public Access Easements or rights-of-way. For Nonconforming Lots, see Section 20-1504.

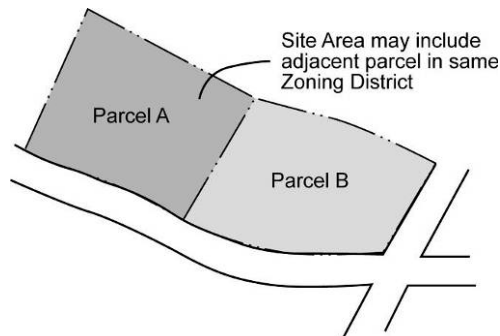
(c) **Lot Width**

Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.



(d) **Site Area**

For purposes of Minimum and Maximum Site Area requirements, site area is the total contiguous land area included within a Zoning District. For example, if the minimum site area requirement of a Zoning District is 2 acres, no property may be rezoned to that District unless it includes a minimum site area of 2 acres or it abuts another Parcel in the same Zoning District and the site area of the combined Parcel is at least 2 acres in area. If there is a maximum site area requirement, no property may be rezoned to that Zoning District unless the maximum site area, including the site area of abutting Parcel in the same Zoning District, does not exceed the maximum site area for that Zoning District.

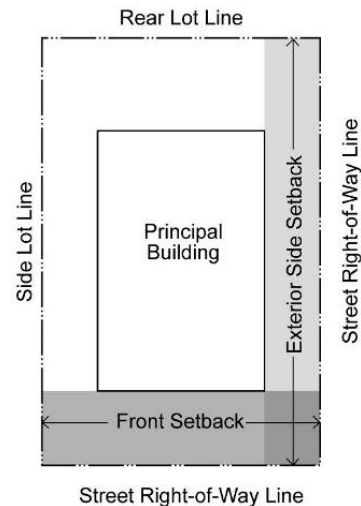


(e) **Setbacks and Required Yards**

(1) **Front and Exterior Side Setbacks**

Front and **Exterior Side Setbacks** extend the full width of a **Lot** and are measured from the Street right-of-way line. The Front and **Exterior Side Setbacks** will overlap at the outside corner of the **Lot**. The following exceptions apply:

- (i) In any District where 35% or more of the **Frontage** on one side of a Street between two intersecting Streets is improved with **Buildings** whose **Front Setbacks** do not vary more than 15 feet from the required **Front Setbacks** of the **Base District**, any new **Building** erected may comply with the average **Front Setback** of the existing **Buildings**.
- (ii) The widths of developed Lots will be used to determine the percentage of **Frontage** that is developed.
- (iii) The actual **Setbacks** of **Buildings** fronting on the Street will be used to determine the average **Front Setback**.



(2) **Rule for Through Lots**

A **Through Lot** shall have two **Front Setbacks**, at opposite ends of the **Lot**. The **Front Setback** provisions of this section shall apply to both. Other sides of a **Through Lot** shall be subject to **Side Setback** standards.

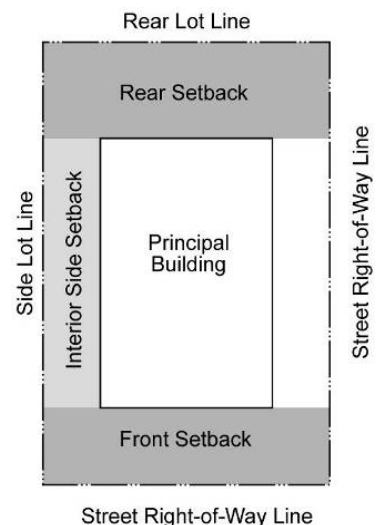
(3) **Interior Side Setbacks**

(i) **Measurement**

Interior Side Setbacks extend from the required **Front Setback** line to the required **Rear Setback** line and are measured from the **Side Lot Line**. If no Front or **Rear Setback** is required, the required **Setback** area shall run to the opposite **Lot Line**.

(ii) **Exception**

The width of one **Interior Side Setback** may be reduced by the **Planning Director** to a width of not less than 3 feet if the sum of the widths of the two **Interior Side Setbacks** on the same **Lot** is not less than the combined required minimum for both **Side Setbacks**. This reduction may be authorized only when the **Planning Director** finds the reduction is warranted by the location of existing **Buildings** or conducive to the desirable development of two or more Lots.

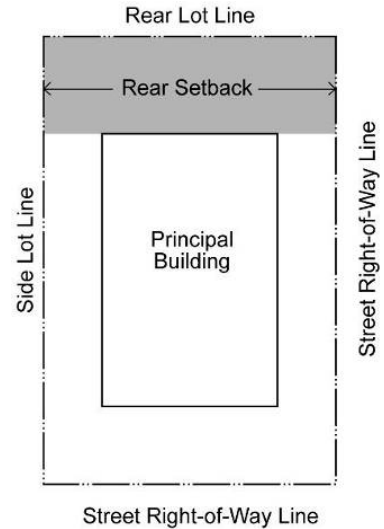


(4) **Rear Setbacks**

(i) **Measurement**

Rear Setbacks extend the full width of the **Lot** and are measured from the **Rear Lot Line**.

- a. In calculating the required depth of a **Rear Setback** abutting an **Alley**, the **Rear Setback** may be measured from the centerline of the abutting **Alley**.
- b. On **Corner Lots** in RS10 and RS7 Districts, **Structures** may be located at an angle, with the long axis of the **Lot** facing the intersecting **Street Lines**. In such cases, the Front and **Side Setback** standards of Section 20-216(d) apply, but the minimum **Rear Setback** is reduced to 20 feet.



(5) **Setbacks for Speaker Box Systems**

There shall be a minimum of one hundred (100) feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(i) **Screening**

- (ii) Any area intended or employed for a use that requires Special Use approval under Article 4 shall be located at least 50 feet from any residential **Lot** or District or be so Screened as to provide visual and auditory privacy to such **Lot** or District.

(6) **Permitted Exceptions to Required Yard and Setback Standards**

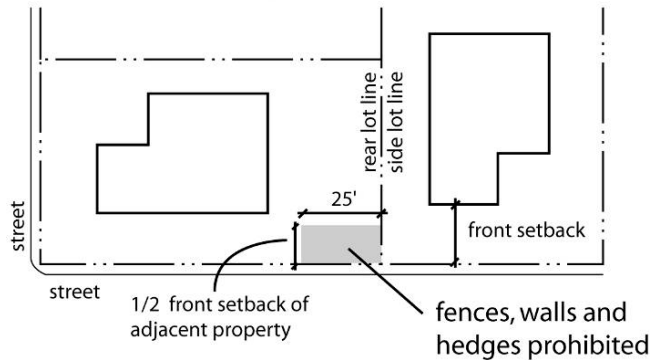
Required Yards and **Setbacks** shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

- (i) Cornices, canopies, eaves or other architectural features may project into **Required Yards** up to 2.0 feet.
- (ii) Unenclosed fire escapes may project into **Required Yards** and/or **Setbacks**, provided that they are set back at least 3 feet from all **Lot Lines**.
- (iii) An uncovered stair and necessary landings may project into **Required Yards** and/or **Setbacks**, provided that they are set back at least 3 feet from all **Lot Lines**, and the stair and landing may not extend above the entrance floor of the **Building** except for a railing not exceeding 4 feet in **Height**.

- (iv) Bay windows, balconies, and chimneys may project into [Required Yards](#) and/or [Setbacks](#) up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the [Building](#) wall on which they are located.
- (v) Mechanical [Structures](#) are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical [Structures](#) are not allowed in required Front or [Side Yards](#), but they may be located in required [Rear Yards](#) if they are located at least 5 feet from the [Rear Lot Line](#).
- (vi) Vertical [Structures](#) are items such as flag poles, trellises and other garden [Structures](#), play [Structures](#), radio [Antennas](#), and lamp posts. Vertical [Structures](#) are allowed in [Required Yards](#) if they are no taller than 30 feet. If they are taller, they are not allowed in required [Setbacks](#), except that flag poles are allowed in any [Required Yard](#).
- (vii) Uncovered horizontal [Structures](#) are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required [Setbacks](#); such [Structures](#) may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.
- (viii) Covered Accessory [Structures](#) ([Buildings](#)) are items such as garages, greenhouses, storage [Buildings](#), wood sheds, covered decks, coops for fowl, and covered porches. Covered Accessory [Structures](#) that are six feet or less in [Height](#) are allowed in required Side and [Rear Yards](#), and covered Accessory [Structures](#) greater than six feet in [Height](#) are allowed in the required [Rear Yard](#) where an [Alley](#) abuts the [Rear Lot Line](#), but no covered Accessory [Structure](#) is allowed in a required [Front Yard](#).

In addition, coops for fowl shall meet all [setback](#) requirements established in Article 5 of Chapter III of the City Code. [Setback](#) standards contained in Article 5 of Chapter III of the City Code are not subject to Board of Zoning Appeals review.

- (ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any **Required Yard**, except:
 - a. as otherwise provided in City Code Chapter 16, Article 6; and
 - b. on **Corner Lots** with a **Rear Lot Line** that abuts a **Side Lot Line** of another **Lot** in a Residential District, no fence, wall or hedge within 25 feet of the common **Lot Line** may be closer to the **Exterior Side Lot Line** than one-half the depth of the actual **Front Setback** of the **Lot** that fronts on the side Street.



(7) **Setbacks Along Designated Thoroughfares**

The minimum Front and **Exterior Side Setbacks** for each **Lot** that abuts a Street shown on the Lawrence/Douglas County MPO Transportation Plan, as amended, shall be measured from the recommended ultimate right-of-way line for each classification of Street.

(f) **Building Coverage**

Building coverage refers to the total area of a **Lot** covered by **Buildings** or roofed areas, as measured along the outside wall at ground level, and including all projections, other than **Open Porches**, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as **Building** coverage.

(g) **Outdoor Area**

(1) **Purpose**

The required outdoor area standards assure opportunities for outdoor relaxation or recreation. The standards help ensure that some of the land not covered by **Buildings** is of an adequate size, shape and configuration to be useable for outdoor recreation or relaxation. The requirement for outdoor area serves as an alternative to a large **Rear Setback** and is an important aspect in addressing the livability of a residential **Structure** on a small **Lot**.

(2) **Requirements**

- (i) The minimum outdoor area for each **Dwelling Unit** shall be a contiguous area and may be on the ground or above ground.
- (ii) The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter

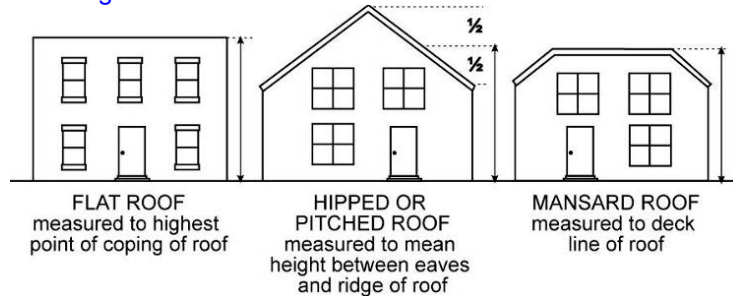
boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. [Driveways](#) and [Parking Areas](#) may not be counted toward fulfillment of the outdoor area requirement.

- (iii) The required outdoor area may not be located in the required [Front Setback](#) or [Exterior Side Setback](#).

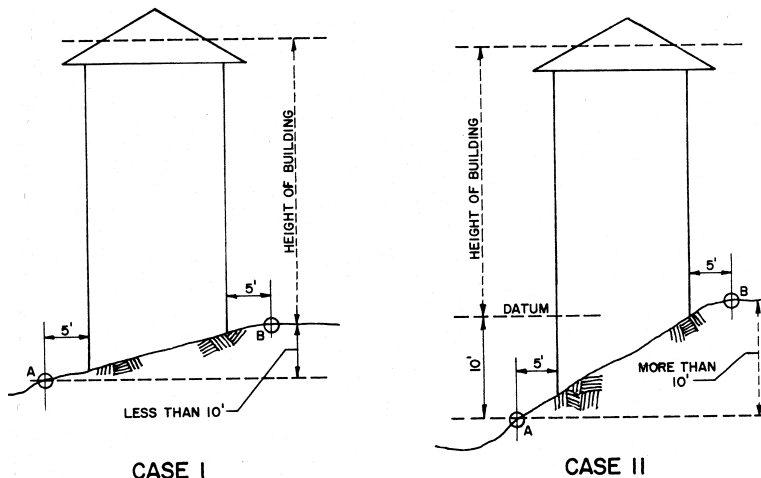
(h) **Height**

(1) **Measurement**

[Building Height](#) is measured as the distance between a reference datum and (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average [Height](#) of the highest gable of a pitched or hipped roof. The reference datum is either of the following, whichever yields a greater [Height](#) of [Building](#):



- (i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the [Building](#) when such sidewalk or ground surface is not more than 10 feet above lowest [Grade](#). (See "Case I" in accompanying illustration.)
- (ii) An elevation 10 feet higher than the lowest [Grade](#) when the sidewalk or ground surface described in sub-paragraph Section 20-602(h)(1)(i) above is more than 10 feet above lowest [Grade](#). (See "Case II" in accompanying illustration.)



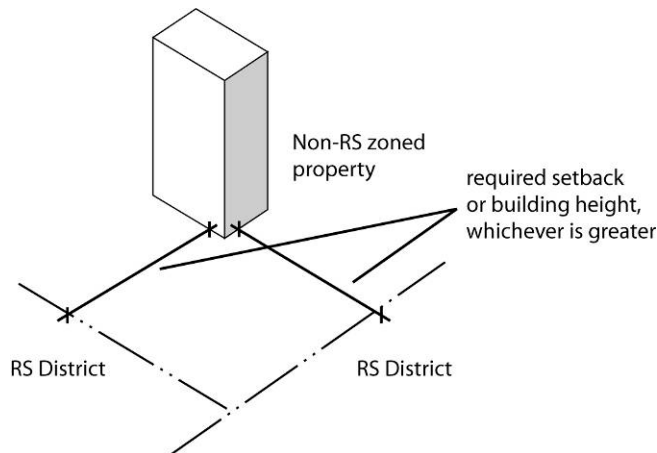
(2) **Height Limit on Projects Adjoining Certain Residential Zoning Districts**

(i) **Applicability**

The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.

(ii) **Height Limit Related to Setback**

Any Building or Structure to which this Section is applicable shall be set back from the ~~Yard-property~~ line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the ~~Building or Structure on the adjoining maximum permitted height of the adjoining RS Lot~~. When the Height of the Building or Structure exceeds the ~~Height of the Building or Structure on maximum permitted height of~~ the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.



(3) **Exceptions**

- (i) Except as specifically provided herein, the Height limits of this Development Code do not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a Building, provided that such Structures do not cover more than 33% of the roof area or extend over ten (10) feet in Height above the maximum Height allowed by the Base Districts.
- (ii) Except as specifically provided herein, the Height limitations of this Development Code do not apply to radio Antennas, television Antennas, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable Structures, which may be erected above the Height limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.
- (iii) Telecommunication Towers may exceed the Zoning District Height limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

SECTION TWO: Chapter 20, Article 6, Section 20-701 of the Code of the City of Lawrence, Kansas, 2010 Edition, and amendments thereto is hereby amended and shall read as follows:

20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT

(a) Purpose

The PD, [Planned Development](#), regulations are intended to:

- (1) ensure development that is consistent with the [Comprehensive Plan](#);
- (2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;
- (3) allow design flexibility that results in greater public benefits than could be achieved using conventional [Zoning District](#) regulations;
- (4) preserve environmental and historic resources; and
- (5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

(b) Procedure

PDs shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(c) Developer's Statement of Intent

Each PD application shall include a comparison of the proposed development with the standards of the [Base District](#) and the otherwise applicable standards of this Development Code. Applications shall also include a Statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

(d) Effect of Other Development Code Standards

Except as expressly authorized by the regulations of this section and approved as part of a PD plan (in accordance with the procedures of Section 20-1304), all of the standards of this Development Code apply to development within a PD District.

(e) Minimum District Size

Minimum area for a PD district shall be ~~five-½ acres~~. The minimum district size may be reduced by the City Commission, provided that such a decrease is warranted to support the public benefit likely to result from the proposed development.

(f) Standards Eligible for Modification

As a condition of approval, the [Planning Commission](#) or City Commission may designate by ordinance or as a note on the face of the development plan, any specific use, [Structure](#) or [Building Type](#) which shall be restricted and excluded as part of the [Planned Development](#) Overlay District. The City Commission may modify the following standards during the PD approval process. Standards not listed are not eligible for modification.

(1) **Allowed Uses**

The **Planning Commission** shall recommend, and the City Commission shall approve, a list of uses allowed in a PD at the time of PD preliminary approval. Regardless of the fact that the approved uses may be determined by reference to a **Base District**, the list of approved uses shall be incorporated into and made a condition of the PD approval. The City Commission may approve only uses that are allowed in the **Base District**, provided that:

- (i) PDs in Single-Dwelling and Multi-Dwelling (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per Dwelling Unit.
- (ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units.

(2) **Lot Size**

The minimum Lot size standards of the **Base District** may be reduced by the City Commission, provided that Lot sizes shall be adequate to safely accommodate all proposed Buildings and site features.

(3) **Residential Density**

(i) Density Increase

The City Commission may increase the maximum Net Density beyond that of the **Base District** by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

(ii) Density Calculation

For the purpose of calculating Net Density in Multi-Dwelling Structures, a studio or 1-bedroom unit shall count as .4 Dwelling Unit, a 2-bedroom shall count as .6 Dwelling Unit, a 3-bedroom unit shall count as .8 Dwelling Unit, and 4 or more bedroom units shall count as 1 Dwelling Unit. Minimum outdoor area, as required in Article 20-601(a), shall be met based on the total calculated Dwelling Unit count and not the actual number of Dwelling Units.

Example of Actual and Calculated Dwelling Unit Count

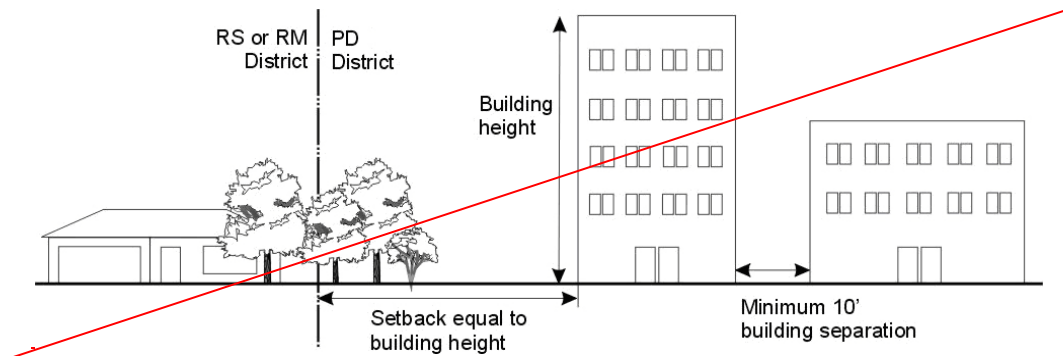
<u>Dwelling Unit Types</u>	<u>Actual # of Dwelling Units</u>	<u>Calculated # of Dwelling Units</u>	<u># of Bedrooms</u>	<u>Req. Outdoor Area (square feet) (Calc du * 50 sf)</u>
<u>20 4-bedroom units</u>	<u>20</u>	<u>20 * 1 = 20</u>	<u>20 * 4 = 80</u>	<u>20 * 50 = 1,000 sf</u>
<u>26 3-bedroom units (.8)</u>	<u>26</u>	<u>26 * .8 = 20</u>	<u>26 * 3 = 78</u>	<u>20 * 50 = 1,000 sf</u>
<u>34 2-bedroom units (.6)</u>	<u>34</u>	<u>34 * .6 = 20</u>	<u>34 * 2 = 68</u>	<u>20 * 50 = 1,000 sf</u>

<u>54</u> <u>1-bedroom</u> <u>units (.4)</u>	<u>52</u>	<u>$52 * .4 = 20$</u>	<u>$52 * 1 = 52$</u>	<u>$20 * 50 =$</u> <u>1,000 sf</u>
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(4) **Setbacks**

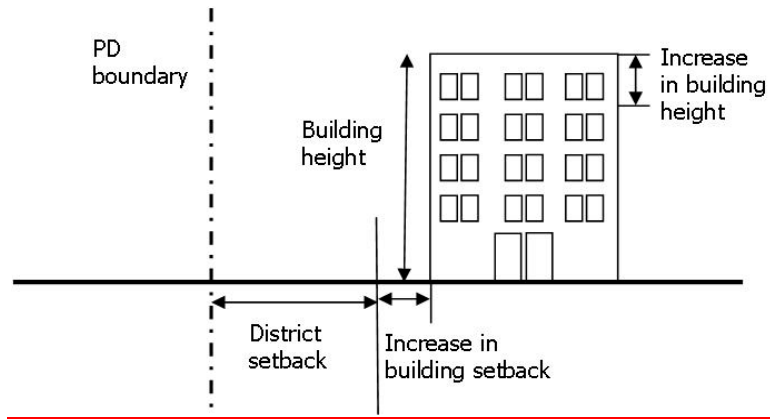
The minimum **Setback** standards of the **Base District** may be reduced by the City Commission, provided that:

- (i) ~~Buildings located within the PD, and along any District boundary that is adjacent to RS and or RM Zoning Districts shall be Setback a distance at least equal to the Height of the proposed Building. The zoning district adjacent to the PD district is more intense than the base district of the PD according to the Lesser Change Table in Section 20-1303; and~~
- (ii) All exterior walls of detached **Buildings** shall be separated by a minimum distance of 10 feet.
- (iii) Balconies shall not be located along peripheral site **Setbacks** adjacent to RS zoned properties unless privacy **Screening** and Landscaping is included in the design.



(g) **Height**

The City Commission may increase maximum **Height** limits of the **Base District** if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. **Height** increases shall be permitted only for **Buildings** set back from the boundary of the PD by the ~~Height of the proposed Building plus 25 feet Base District Setback plus the increase in the height of the Building~~, so that the primary impact of the increased **Height** is on property within the PD.



(h) **Balconies**

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a Planned Development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum Height) or a masonry wall (6' minimum Height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

(i) **Parking and Loading**

The City Commission may decrease or increase the number of off-Street Parking and loading spaces required for residential uses for good cause shown. The City Commission may decrease the number of off-Street Parking for non residential uses with the submission of a parking study prepared by the applicant as outlined in Section 20-905(b). Parking and loading areas shall comply with all otherwise applicable design standards.

~~(j) **Buffer Areas**~~

~~Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:~~

- ~~(1) use category, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and~~
- ~~(2) a landscaped buffer, including a Berm (minimum 4' in Height), a masonry wall (minimum of 6' in Height) or a fence (minimum 6' in Height).~~

~~(k)~~ **(i) Common Open Space**

(1) **Amount Required**

The PD shall include at least 20% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 50% of the Common Open Space shall be developed as Recreational Open Space unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) **General Provisions**

See Section 20-703 for General Provisions applicable to Open Space in a PD or Cluster Development.

~~(k)~~ **Additional Requirements and Standards**

(1) Unified Control

No application for a PD will be accepted or approved unless all of the property included in the application is under unified Ownership or a single entity's control.

(2) Street Access

PDs that will generate 100 or more average daily trips (based on traffic generation estimates of the Institute of Transportation Engineers' [Trip Generation](#) Manual, 7th edition, or subsequent edition, or based on local estimates provided by the City) shall have [Access](#) to an [Arterial Street](#) using a [Frontage](#) or rear [Access](#) road or by taking direct [Access](#) to a [Collector Street](#).

Individual residential [Building Lot](#) shall not take direct [Access](#) to an [Arterial Street](#) or a non-[Residential Collector Street](#). Each individual residential [Lot](#) shall have [Frontage](#) on a public or [Private Street](#) that has been constructed to the [Public Street](#) standards of the City.

(3) Sidewalks

Sidewalks built to City specifications shall be built along both sides of all public and [Private Streets](#). On [Local Streets](#), sidewalks shall be at least 5 feet in width; on all other Streets sidewalks shall be at least 6 feet in width.

(4) Landscaping

The Landscaping and [Screening](#) standards of Article 10 apply to PDs. In addition, any part of the development area not used for [Buildings](#), [Structures](#), Parking, Streets, or [Accessways](#) shall be landscaped with a sufficient mixture of grass, vegetative Ground Cover, trees, and [Shrubs](#), except those areas designated to be preserved with natural vegetation.

(5) Preservation of Natural Features

Mature stands of trees or individually significant mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. At a minimum the common open space provisions in this section and the standards of Article 10 apply.

(6) Zoning Map

Approved PDs shall be identified on the [Official Zoning District Map](#).

(7) Additional Conditions

The [Planning Commission](#) may recommend, and the City Commission may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this Development Code. Such conditions may include limitations on the types of uses, [Structures](#) or [Building Types](#) to be allowed in the PD. When such conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

~~(m)~~ **Additional Standards for PD's with Residential and Nonresidential Uses**

In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/[Bicycle](#) and automobile [Access](#) by way of improved sidewalks or paths and Streets that do not involve leaving the PD or using a major [Thoroughfare](#). "Directly accessible" does not necessarily mean that nonresidential

uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.