

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Scott McCullough, Director

**Date:** For March 26, 2012 Planning Commission Agenda

**RE:** TA-2-1-12 Congregate Living and Multi-Dwelling Parking Standards – (revising standards created with TA-6-17-09)

On January 24, 2012 the City Commission initiated a text amendment to the Land Development Code to revise the minimum amount of area for a structure being converted to the Congregate Living Use or Multi-Dwelling use.

The code currently requires that, "Whenever a structure 3,500 gross square feet or larger as of February 11, 2011 on a property 8,775 square feet in size or less is renovated as a [Multi-Dwelling Structure](#) or [Congregate Living](#) use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom."

See attached documentation reviewed by the City Commission for background as to why the amendment was initiated and how the City Commission concluded that 4,500 square feet clarifies the intent of the current code standard.

After review and consideration of all of the information and the Planning Commission minutes of November 14, 2011, the City Commission directed that the language be revised so that a structure being converted to one of the uses noted above needs to contain 4,500 gross square feet and that for the purposes of calculating the structure's area the following shall be considered to be included and in existence at the time of making application for use of the parking standard:

- Living Area, including attic space that is accessed by a permanent stairway.
- Total Basement Area, finished or unfinished and of a height to meet building code for livable area.
- Enclosed Space, Not Living Area, i.e. enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's HVAC system.

One of the intentions of the amendment was to reduce the number of potentially eligible properties in the Oread Neighborhood able to qualify for the reduced parking standard. The Planning Commission reported their similar intention at their meeting of November 14, 2011. The 3,500 square feet yielded 83 new (net) or 18.7% of properties in the

Oread Neighborhood as eligible for the .5 parking standard. Increasing to 4,500 square feet lowers the potential number of eligible properties in the Oread Neighborhood to 15 (net) or 3.4%.

To implement the City Commission's direction, staff offers the code language below for consideration. Only the footnote of the parking table related to this issue is being revised and is highlighted in yellow below.

It is important to note that at least two site plans have been approved under the parking standard revised in January 2011. Because of other code revisions made at the same time to Article 15, Nonconformities, the structures associated with these site plans would be able to be rebuilt, if damaged, without seeking variances if they are reconstructed within 12 months of being damaged.

### Proposed Language

#### 20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL USE GROUPS		
HOUSEHOLD LIVING		
Accessory Dwelling Unit	See 20-534 for standards	None
Attached Dwelling	2 per Dwelling Unit	
Cluster Dwelling		
Detached Dwelling	1 per bedroom	
Duplex		
Manufactured Home	2 per Dwelling Unit	
Manufactured Home, Residential-Design	2 per Dwelling Unit (1 may be located in common area)	
Mobile Home		
Mobile Home Park		
Multi-Dwelling Structure	1 per bedroom, + 1 per 10 units (visitors and guests) <sup>[1]</sup>	1 per 4 auto spaces
Non-Ground Floor Dwelling	1 per bedroom	None
Work/Live Unit	1 per Dwelling Unit	
Zero Lot Line Dwelling	2 per Dwelling Unit	
Home Occupation, Type A or B	See 20-537 for standards	
GROUP LIVING		
Assisted Living	1 per independent living unit; 0.5 per Assisted Living unit	None
Congregate Living	1 per bedroom <sup>[1]</sup>	1 per 4 auto spaces
Dormitory and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
Group Homes, General	1 + 1 per employee	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Group Homes, Limited	2 per Dwelling Unit	
PUBLIC AND CIVIC USE GROUPS		
COMMUNITY FACILITIES		
Adult Day Care	1 per 1.5 employees	None
Cemetery	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
Cultural Center / Library	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater
Day Care Center	1 per 1.5 employees + 4 spaces	None
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9 Grades 10+	1 per 1.5 teachers and employees	1 per 5 students
	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)	
Passive Recreation		
Private Recreation		
RELIGIOUS ASSEMBLY		
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses	5 or 1 per 10 auto spaces, whichever is greater
Neighborhood Institution		
COMMERCIAL USE GROUPS		
ANIMAL SERVICES		
Kennel	1 per 500 square feet	None
Livestock Sales	1 per 600 square feet	None
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces
Veterinary	1 per 400 square feet	None
EATING AND DRINKING ESTABLISHMENTS		
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
Brewpub		
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Fast Order Food, Drive-In		
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	
Private Dining Establishment	Per Section 20-539	Per Section 20-539
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
OFFICE		
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces
Financial, Insurance and Real Estate		
Other		
PARKING FACILITIES		
Accessory	None	None
Commercial		
RETAIL SALES AND SERVICE		
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	1 per 10 auto spaces
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	
Food and Beverage Retail Sales	1 per 300 square feet	
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Service	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Service	1 per 200 square feet	1 per 10 auto spaces
Repair Service, Consumer	1 per 400 square feet	
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Medium		
Retail Establishment, Specialty		
SEXUALLY ORIENTED BUSINESSES		
Sexually Oriented Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Physical Sexually Oriented Business		
Sex Shop	1 per 4 seats	
Sexually Oriented Theater		
TRANSIENT ACCOMMODATION		
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees for associated uses	as required for associated uses
Hotel, Motel, Extended Stay		
VEHICLE SALES AND SERVICE		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	
INDUSTRIAL USE GROUPS		
INDUSTRIAL FACILITIES		
Explosive Storage	per Schedule C (Section 20-904)	None
Industrial, General		
Industrial, Intensive		
Laundry Service		
Manufacturing and Production, Limited		
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
WHOLESALE, STORAGE AND DISTRIBUTION		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse	4 + 1 per 25 rental spaces	
OTHER USE GROUPS		
ADAPTIVE REUSE		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
AGRICULTURE		
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agricultural Services	1 per 1.5 employees	1 per 10 auto spaces
Agriculture, Animal	None	None
Agriculture, Crop	None	None
COMMUNICATIONS FACILITIES		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<a href="#">Communications Service Establishment</a>	1 per 400 square feet	1 per 10 auto spaces
<a href="#">Telecommunications Antenna</a>	None	None
<a href="#">Telecommunications Tower</a>	1 space	None
<a href="#">Satellite Dish</a>	None	None
<b>MINING</b>		
<a href="#">Mining</a>	per Schedule D (Section 20-905)	None
<b>RECYCLING FACILITIES</b>		
<a href="#">Large Collection</a>	per Schedule C (Section 20-904)	None
<a href="#">Small Collection</a>		
<a href="#">Processing Center</a>	per Schedule C (Section 20-904)	None
<b>Footnotes:</b>		
<p>[1] Whenever a structure <del>3,500</del> <b>4,500</b> gross square feet or larger as of <del>February 11, 2014</del> <b>(Effective Date of Ordinance)</b> on a property 8,775 square feet in size or less is renovated as a <a href="#">Multi-Dwelling Structure</a> or <a href="#">Congregate Living</a> use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. <b>For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:</b></p> <ol style="list-style-type: none"> <li>1. <b>Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following:</b> <ol style="list-style-type: none"> <li>a. <b>Attic space when it is accessed by a permanent stairway.</b></li> <li>b. <b>Basement space.</b></li> <li>c. <b>Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system.</b></li> </ol> </li> </ol>		