

**LAND DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS,
TEXT AMENDMENTS, NOVEMBER 19, 2013 EDITION**

Amending Sections 20-403 and 20-509

**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. 8937

First Reading: November 5, 2013

Second Reading: November 19, 2013

Date of Publication: _____

ORDINANCE NO. 8937

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER 20, ARTICLE 4, SECTION 403, AND ARTICLE 5, SECTION 509, CODE OF THE CITY OF LAWRENCE, KANSAS, 2013 EDITION, AND AMENDMENTS THERETO, PERTAINING TO BAR OR LOUNGE USE IN THE CN2 (NEIGHBORHOOD COMMERCIAL) DISTRICT, BY ADOPTING AND INCORPORATING HEREIN BY REFERENCE "LAND DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS, TEXT AMENDMENTS, NOVEMBER 19, 2013 EDITION," AS PREPARED AND PUBLISHED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE OF THE CITY OF LAWRENCE, KANSAS, AND REPEALING EXISTING SECTION 403 AND SECTION 509.

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

SECTION 1. Chapter 20, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2013 Edition, and amendments thereto, is hereby amended and shall read as follows:

There is hereby adopted and incorporated herein by reference, as if fully set forth herein, for the purpose of amending Chapter 20, Article 4, Section 403, and Article 5, Section 509, Code of the City of Lawrence, Kansas, 2013 Edition, and amendments thereto, "Land Development Code of the City of Lawrence, Kansas, Text Amendments, November 19, 2013 Edition," as prepared and published by the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas.

SECTION 2. One copy of "Land Development Code of the City of Lawrence, Kansas, Text Amendments, November 19, 2013 Edition" shall be marked "Official Copy as Adopted by Ordinance No. 8937" and shall be filed, together with one copy of this ordinance, with the City Clerk. The City Clerk shall make the "Official Copy as Adopted by Ordinance No. 8937" open to the public and available for inspection at all reasonable office hours. One additional copy of the "Official Copy as Adopted by Ordinance No. 8937" shall, at the cost of the City of Lawrence, Kansas, be made available to the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas.

SECTION 3. Existing section 20-403 and section 20-509, Code of the City of Lawrence, Kansas, 2013 Edition, and amendments thereto, is hereby repealed, it being the intent of the Governing Body that this ordinance, adopting and incorporating herein by reference "Land Development Code of the City of Lawrence, Kansas, Text Amendments, November 19, 2013 Edition," supersede the repealed code provisions.

SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This ordinance shall take effect and be in force after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 19th day of November, 2013.

APPROVED:

Mike Amyx
Vice-Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
COMMERCIAL USE GROUP																	
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	P/S*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	P*	P	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	S	S	P	P	P	P	P	P	P	-	P	A	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Business Support	-	P	P	P	P	P	P	P	P	P	P	-	-	A		
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	-	P	-	-	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
Retail Establishment, Specialty	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526	
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	S	-	-		
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	P	P	P	-	P	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	S	-	-	-	-	S	-	-	-	

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

SECTION 2: Chapter 20, Article 5, Section 20-509, of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto is hereby amended and shall read as follows:

20-509 EATING AND DRINKING ESTABLISHMENTS

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

(1) Accessory Uses to Hotels

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

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

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

(2) Accessory Bars

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

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

(3) Standards that Apply in CN1 and CN2 Districts

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

- (i) **Fast Order Food establishments shall be permitted in CN1 and CN2 Districts provided the Gross Floor Area shall not exceed 3,000 square feet.**
- (ii) **Bar or Lounge establishments shall be permitted by right in the CN2 District provided the Gross Floor Area, including any outdoor area, does not exceed 3,000 gross square feet.**
- (iii) **Bar or Lounge establishments may be permitted with a Special Use Permit in the CN2 District if the Gross Floor Area, including any outdoor area, exceeds 3,000 gross square feet.**

(4) Standards that Apply in CO District

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

(5) Standards that Apply in CD District

The following restrictions apply to [Licensed Premises](#) in the CD district:

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

(6) Standards that Apply in the MU District

A [Bar or Lounge](#) use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A [Bar or Lounge](#) use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.