

**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
02/23/15

**ITEM NO. 4 TEXT AMENDMENT FOR MAKER SPACE (SLD)**

**TA-14-00535:** Consider a Text Amendment to the City of Lawrence Land Development Code to add a *Use* that provides space for business/entrepreneurial collaboration and prototyping. *Initiated by Planning Commission on 11/17/14.*

**RECOMMENDATION:** Staff recommends approval of the proposed amendment, **TA-14-00535**, to establish a use that provides space for business/entrepreneurial collaboration and prototyping or similar businesses and amending Sections 20-402, 20-403, an Section 20-902, and Article 17 of the Land Development Code and that the Planning Commission forward a recommendation for approval to the City Commission.

**Reason for Request:** To create a specific use category providing space for business/entrepreneurial collaboration and prototyping and other similar businesses also referred to as “makerspaces, hackerlabs, and fablabs”

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received.

**ATTACHMENTS**

Attachment A – Initiation Memo  
Attachment B – Mid Month materials  
Attachment C – Lawrence Center for Entrepreneurship Letter  
Attachment D - Complete Code Sections

**OVERVIEW OF PROPOSED AMENDMENT**

1. Current Code does not define use.
2. Current requests for uses in the community include multiple primary uses that may or may not be permitted in certain base zoning districts.

**Proposed Article Changes**

Changes to the text are shown on the following pages and are noted in **red**. Additions are **underlined**; and deleted text is **struck through**. The entire Sections 20-402, 20-403, 20-547 and 20-1700 are provided at the end of this report as Attachment D for reference.

**Proposed Articles and Sections affected by proposed text amendment.**

1. Amend Article 4 Use Table, to add a use in the Industrial Facility Category to Section 20-402-Residential District Use Table and 20-403 Nonresidential District Use Table.
2. Amend Article 9 Parking, Loading and Access, Section 902 to Establish Off Street Parking Requirements.
3. Amend Article 17 Definitions to add a Section 20-1771 Maker Space.

**CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

**1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;**

The purpose of this proposed text amendment is to provide a clear definition for an emerging use within the community that was not contemplated in earlier versions of the Development Code. The use includes space for collaboration and prototyping new products. Staff's research reflects a range of types of such spaces, many of which involve mental collaboration (art, writing, music, computing) and others that collaborate on more physical consumer products (furniture, consumer goods, etc.) The current zoning regulations must be read to include each primary activity included within the potential Makerspace, Hacklab, or business/entrepreneurial incubator center and place it in a zoning district with the best fit for the most intensive aspect of the use.

This use has a characteristic that is different from industrial uses in that it does not include "production", "manufacturing", or "fabricating" elements for producing multiple units of the same product. The use is not typically intended as a retail outlet for products though small amounts of retail may be present. These uses do fabricate or produce, reproduce, or assemble products that are prototypes or models, used for experimentation, research or as a demonstration product to "take to market". They may also include creation of original works of art. Prototype is defined as *an original or model or pattern from which manufactured, fabricated or assembled products are developed or copied.*

**2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104)**

The proposed amendment will create a separate use classification for "Makerspaces, Hacklabs, and business/entrepreneurial incubator centers". The use as a specific classification can be addressed through a Special Use Permit to address the unique characteristics of each type of makerspace, Hacklab, or business/entrepreneurial incubator centers as needed.

The Comprehensive Plan categorizes uses very broadly. Uses generally defined are independent of one another such as residential, commercial and industrial. Some uses include elements from several groups such as a manufacturing business that produces multiple units of a single product but also include office space and warehousing as critical operational activities. However, "manufacturing" is the main focus of the business.

"Makerspaces, Hacklabs, and business/entrepreneurial incubator centers" are an emerging use in many communities. Often these uses pop up in vacant commercial spaces but can also be found as dedicated spaces in public buildings such as libraries. A common characteristic of these uses are the provision of collaboration space and resources that are easily and immediately accessible to the user, member, client, or entrepreneur. Operational models for these uses and spaces include both non-profit and for-profit examples.

Many of these spaces include equipment found in or used in construction trade shops such as cabinetry and electrical contracting while others include high end computers, printers, dimensional printers and similar electronic equipment. There does not appear to be a one size fits all classification for these types of uses.

The plans includes broad goals including those related to *diversity of employment, housing, cultural, economic and educational opportunities for the community* (Page 1-3). The plan *supports infill development and redevelopment which provides a range of residential, commercial, office, industrial*

*and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding area (Page 3-1).* Commercial goals are further defined in Chapter 6- Commercial Land Use. Industrial goals are defined in Chapter 7 – Industrial and Employment-Related Land Use. These two chapters address non-residential development. They provide recommendations for location criteria, design standards, and transition recommendations for development of each typology.

Commercial uses occur in the Downtown, Neighborhood Commercial Centers, Mixed-Use Redevelopment, Community Commercial Centers, Regional Commercial Centers, Existing Strip Commercial Developments, Auto-Related Commercial Centers. Industrial uses are categorized as Warehouse and Distribution, Industrial, Work-Live campus-type Center, Industrial/Business/Research Park. Makerspaces, Hacklabs, and business/ entrepreneurial incubator centers are not clearly either one or the other but in fact have elements of many types of uses depending on the focus of the specific operating model.

The plan recommends “Consideration of good site planning and design principles that minimize unnecessary impacts to surrounding neighborhoods and promote compatible land use activities are encouraged.” This use is one that is an emerging use that many communities are beginning to define and regulate appropriately to mitigate building code conflicts, use of buildings, and compatibility. Creating a specific use group for the Makerspaces, Hacklabs, and business/ entrepreneurial incubator centers use will allow standards to be developed, if needed, and would result in more compatible development.

The purpose of the Land Development Code, Section 20-104, states:

This Development Code is intended to implement the Lawrence/Douglas County [Comprehensive Land Use Plan](#) and other applicable plans adopted by the City Commission, herein after collectively referred to as the “[Comprehensive Plan](#)” – in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence.

### **Discussion**

This use can have impactful externalities similar to production facilities – noise, vibration, odor, truck deliveries – that will need to be mitigated when present and potentially harmful to an adjacent use.

Staff identified two types of maker spaces – “Limited” in that they are more similar than not to office type uses with office-type equipment; and, “Intensive” that is more similar to light manufacturing/ production/technological processes that involve power tools and other aspects that may have a nuisance component. Maker spaces that are more similar to office type uses meeting the definition of a Maker Space, Limited are proposed to be permitted in most districts subject to a site plan. Maker Spaces that meet the definition of Make Space, Intensive are proposed to be permitted in commercial districts subject to a Special Use Permit and are allowed in Industrial Districts subject to site planning.

Specific design standards are not proposed given the distinction in definition and since potential negative externalities can be addressed as identified through the Special Use Permit review process.

### **Conclusion**

The addition of this new use to the Land Development Code responds to national trends in the establishment of places where innovation, creation, learning, and prototyping come together to provide outlets that have the potential to create jobs and stimulate the economy. This use is not currently defined in the Land Development Code and Staff believes the use of a Special Use Permit process for Intensive Maker Spaces would ensure compatible land uses in certain zoning districts.