

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
3/21/2016

ITEM NO. 2 TEXT AMENDMENT FOR ADOPTING THE *OREAD NEIGHBORHOOD DESIGN GUIDELINES* (JSC)

TA-12-00171: Consider a Text Amendment to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas to include the *Oread Neighborhood Design Guidelines*. *Initiated by City Commission on 8/28/2012.*

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Staff recommends that the Historic Resources Commission forward a recommendation for approval to the Lawrence-Douglas County Metropolitan Planning Commission and the Lawrence City Commission for adoption of the proposed Oread Neighborhood Design Guidelines and establishment of the *Oread Neighborhood Design Overlay*, as outlined in this staff report and the attached *Oread Neighborhood Design Guidelines* document.

PLANNING COMMISSION RECOMMENDATION: Staff recommends adopting the *Oread Neighborhood Design Guidelines* and approval of the revised text for Article 3 and forwarding of the proposed guidelines and text amendment to Chapter 20, Articles 3 to the City Commission with a recommendation for approval and adoption.

Reason for Request: The City Commission initiated this amendment on August 28th, 2012 to begin the process of creating Overlay Districts for the areas initially identified in the adopted *Oread Neighborhood Plan*, and to initiate text amendments to various Land Development Code sections incorporating the design guidelines and ensuring consistency with the code.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of a new regulatory tool to use with the existing Land Development Code is an implementation step in the Oread Neighborhood Plan, which is incorporated into Chapter 14: Specific Plans in *Horizon 2020: The Comprehensive Plan for Lawrence and Unincorporated Douglas County*.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- A summary of written comments regarding the Oread Neighborhood Design Guidelines is attached.

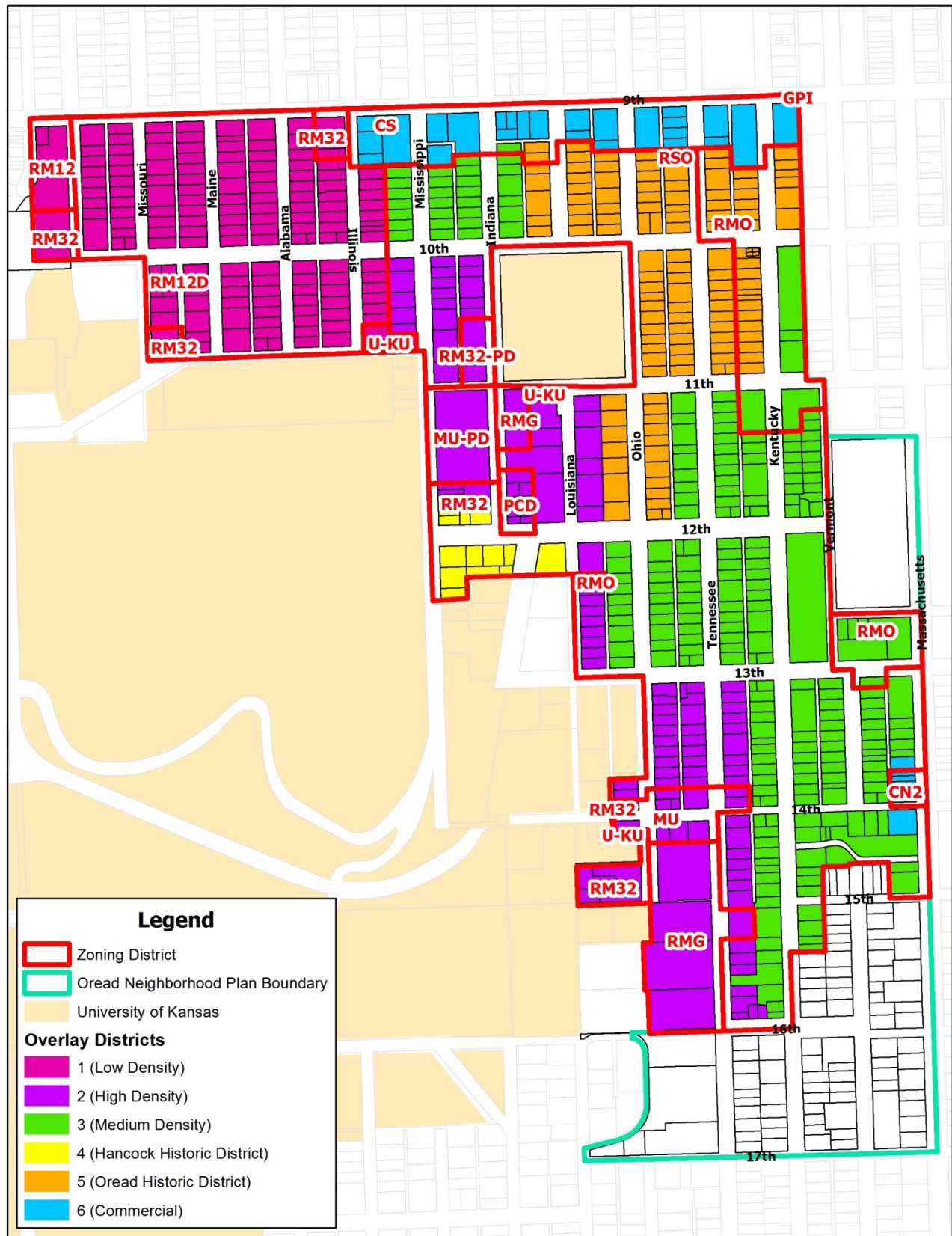


Figure 1: Proposed Overlay Districts with Current Base Zoning

OVERVIEW OF PROPOSED AMENDMENT

The proposed text amendment would incorporate the relevant code language that would assist in implementing and reconciling the differences between the Land Development Code and the *Oread Neighborhood Design Guidelines*. The portion of the neighborhood, including the Overlay Districts, is shown in Figure 1. The properties that are within one of the six districts would have the –UC Overlay applied to them. The properties, as shown in the defined areas of Figure 1, are zoned with a base zoning district that would also include an Urban Conservation Overlay (-UC) District, known as the “Oread Neighborhood Design Guidelines Overlay District.”

The initial recognition of the overlay districts is to create location-specific guidance regarding land use regulations and requirements, such as density and dimensional standards, parking standards, and use standards. The overlay districts are intended to: encourage development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area; reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area; provide building setbacks, lot dimensions and related physical characteristics; foster development that is compatible with the scale and physical character of original buildings in a neighborhood or area through the use of development/design standards and guidelines; and conserve the cultural resources, historic resources and property values within an identified neighborhood or area.

The establishment of the *Oread Neighborhood Design Guidelines* was an action step of the *Oread Neighborhood Plan*, which was adopted by the City Commission in September 2010. In spring 2011, city staff applied for and received a Historic Preservation Fund grant to draft design guidelines for the overlay districts identified in the plan, which was accepted by the City Commission on June 7, 2011. Staff subsequently issued a request for proposals for a consultant for the project which resulted in the selection of Urban Development Services with Ann Benson McGlone. Staff began working with the consultant in January 2012. The first visit by the consultants occurred in February 2012 where they met with staff, design professionals, The Oread Residents Association representatives, and Oread Neighborhood Association representatives.

The first round of public meetings occurred on April 13th and April 14th 2012. Over 400 letters were mailed to property owners, an email was sent to the *Oread Neighborhood Plan* email listserv, newspaper ads were published advertising the meetings, and information was posted on the City of Lawrence website. The April 13th meeting was held at the Lawrence Public Library where approximately 30 people attended where the consultants were introduced, the general concepts of design guidelines were discussed, and a community input activity was completed. This activity was used to identify preferences and what items/issues are important in the neighborhood. The information from this activity was later used as the goals of the guidelines. The April 14th workshop at the Carnegie Building was held for attendees to help identify development patterns within the neighborhood.

The next public meeting was held on May 3rd at the Lawrence Public Library where approximately 20 people attended. The consultants provided a summary and the findings of the April meetings, and showed pictures to understand what type of density and development the attendees would find acceptable in the neighborhood. Over 400 letters were mailed to property owners, an email was sent to the *Oread Neighborhood Plan* email listserv, and information was posted on the City of Lawrence website for this meeting. The 4th public meeting was held on August 2nd, 2012 at the Lawrence Public Library where approximately 15 people attended. The consultants introduced details of the draft design guidelines, though the actual document was not provided.

In January 2013, a joint Planning Commission/Historic Resources Commission subcommittee was established to review the draft of the Oread Design Guidelines, in order to prepare them for public consumption and review. Each commission appointed two members to this subcommittee. The Subcommittee's review process was completed in November 2015, after which a draft will be available for the public in December 2015.

While the adopted neighborhood plan initially called for five districts, through review and consultation in the various drafts of the guideline document, a sixth district was created to provide clarity on commercially zoned properties that are along the edges and could potentially be redeveloped within the Oread Neighborhood as part of potential mixed-use development.

While the *Oread Neighborhood Design Guidelines* contain a significant number of urban design and preservation standards, only a portion would have a direct effect on the Land Development Code.

The following is a summary listing of the proposed changes based on their designation in the *Oread Neighborhood Design Guidelines*:

1. Article 3: Overlay Zoning Districts – to include “Oread Neighborhood Design Guidelines” via Incorporation by Reference.
2. All Districts
 - 2.1. Lot Consolidation
 - 2.2. Front Setback – Article 6: Density & Dimensional Standards
 - 2.3. Side Setback – Article 6: Density & Dimensional Standards
 - 2.4. Open Space Requirements – Article 6: Density & Dimensional Standards
 - 2.5. Parking Configuration – Article 9: Parking, Loading and Access
 - 2.6. Building Orientation – Article 6: Density & Dimensional Standards
 - 2.7. Additions – Article 6: Density & Dimensional Standards
3. District 1 – Low Density
 - 3.1. Lot Dimensions – Article 6: Density & Dimensional Standards
 - 3.2. Lot Consolidation
 - 3.3. Side yard setbacks – Article 6: Density & Dimensional Standards
 - 3.4. Open Space Requirements – Article 6: Density & Dimensional Standards
4. District 2 – High Density
 - 4.1. Lot Consolidation
 - 4.2. Access Standards – Article 9: Parking, Loading and Access
 - 4.3. Parking / Service Standards – Article 9: Parking, Loading and Access
 - 4.4. Frontage Standards – Article 6: Density & Dimensional Standards
 - 4.5. Adjacent Height Stepdowns – Article 6: Density & Dimensional Standards

5. Districts 4 & 5 – Hancock & Oread Historic Districts

5.1. Additions – Article 6

6. District 6 – Commercial District

6.1. Setbacks – Article 6

6.2. Parking Standards – Article 9

Section 20-308(d)(3)(i),a: Description of General Development Pattern

District 1: Located just north of the University of Kansas, this district is predominately comprised of single-family residences with intermittent duplexes, triplexes, and quadraplexes. This district is less dense (6 or less dwelling units per acre) than most parts of Oread neighborhood, with smaller scale homes, larger yards, and houses spaced farther apart. The many one story homes in this area provide it with its unique character. The district is composed of a wide variety of architectural styles constructed over a long period. This was the last area of the neighborhood to develop; therefore, Post-War Minimal Traditional houses are unique to this area. More recent apartments exist on the fringes, mainly on the western side of the district.

District 2: This district is located adjacent to the east side of the University of Kansas Main Campus. It has the highest density (16+ dwelling units per acre) of any Oread district. The proximity to campus has made it a prime location for apartments, multi-dwelling residential, and mixed-use developments. The architectural character of the district is diverse compared to the other districts. There are large Greek houses, Scholarship Halls, and multi-dwelling complexes that are “campus” scale in massing and design. Interspersed are substantial pockets of older homes, some converted to congregate or multi-dwelling uses. The character of this area is distinctly different with larger scale structures, fewer street trees, and hilly terrain. Off-street parking is more visible due to a lack of alleys. Apartment complexes in this district typically were constructed in the 1970s and 1980s, and now are approaching 30 to 40 years in age, offering re-development potential and opportunities for improvements in the neighborhood.

District 3: District 3 is located primarily on the eastern edge of the Oread Neighborhood, and serves as the basis for the design guidelines for all 5 residential districts. The other district guidelines within Chapter 5 of the Guidelines are modifications to this standard tailored to their own distinctive characteristics. Most off-street parking is accessed from alleys, so driveways are rare. The homes sit back from the street. The original single-family homes, constructed between the 1880s and the 1900s, are generally two stories and represent a wide array of styles and sizes. Many have been converted to multi-dwelling uses. Others have been replaced with modern apartments. The density is approximately 7 to 15 dwelling units per acre. Older, commercial buildings and more recent professional buildings can be found towards Massachusetts Street.

District 4: Hancock Historic District is a unique area of the Oread Neighborhood located on a substantial rise that overlooks the University of Kansas. The Hancock Historic District was added to the National Register of Historic Places in 2004. This small district boasts a beautiful and historic public improvement project that adds to the allure of the area: a pair of curved stone steps ascends from Mississippi Street to W. 12th Street in the grand fashion of the City Beautiful Movement. At the top of the stairs on W. 12th Street is a planter of native stone that forms an esplanade in the center of

the street until it intersects with Indiana Street. Most of the lots are larger than those found in the rest of neighborhood, creating a more landscaped setting for most of the homes.

District 5: The Oread Historic District was listed in the National Register of Historic Places in 2007. The Oread Historic District was listed to the Lawrence Register of Historic Places in 1991. It is an area with some of the oldest homes in Lawrence. There are excellent examples of the Italianate, Queen Anne, Craftsman, and 20th Century Revival styles side by side with the more vernacular National Folk and Foursquare homes. They range in size from grand to simple. The streets are lined with tall, deciduous trees. On the west side of the streets, the houses are set back with elevated front yards. Dominant porches and shade-dappled yards add to the appeal of this area. On the east side of the streets, the homes are placed closer to the street with shallow front yards that are relatively flat. Parking is off the alleys; therefore, driveways are rare. Some streets are still paved with the original brick, and hitching posts and stone steps can still be found.

District 6: The guidelines defined commercial district which presently are found fronting W. 9th Street and on the western half of the intersection of 14th Street and Massachusetts Street. The commercial uses were typically scaled to serve the adjacent neighborhoods, providing business opportunities for convenience that would be primarily accessed on foot. These proposed guidelines are intended to be used only if there is commercial on the ground floor. If the first floor is not commercial then the pertinent residential district guidelines would be applicable.

A full copy of listing the proposed changes is attached to this staff report. Text to be deleted is shown with ~~strikeout~~ and proposed text is shown in underlined font.

CRITERIA FOR REVIEW & 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.**

Staff Response: The proposed text amendments address a changing condition. With the adoption of the Oread Neighborhood Plan in 2010, and the subsequent direction from City Commission in 2012, this text amendment would integrate the *Oread Neighborhood Design Guidelines* into the relevant sections of the Land Development Code. Provisions within the *Oread Neighborhood Design Guidelines* would revise certain aspects, such as parking, building envelope, and lot requirements that are integral parts of the guideline document. With the adoption of the guidelines, there would be inconsistencies created between the *Oread Neighborhood Design Guidelines* and the Land Development Code. This text amendment would help reduce these conflicts and inconsistencies.

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

Staff Response: The *Oread Neighborhood Design Guidelines* is a key recommendation of the Oread Neighborhood Plan (Section 4.2), which is incorporated into Chapter 14: Specific Plans within *Horizon 2020*. This is consistent with the language and intent of Section 20-104 of the Land Development

Code.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends adopting the *Oread Neighborhood Design Guidelines* and forwarding a recommendation of approval to the Lawrence City Commission of this text amendment to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas to incorporate the *Oread Neighborhood Design Guidelines*.

ARTICLE 3. OVERLAY ZONING DISTRICTS

- 20-301 The Districts
- 20-302 ASO, Airspace [Overlay District](#)
- 20-303 FP, Floodplain Management Regulations [Overlay District](#)
- 20-304 HD, Historic District Overlay
- 20-305 HL, Historic Landmark Designation
- 20-306 PD, Planned Development [Overlay District](#)
- 20-307 TC, Major Transportation Corridor Overlay
- 20-308 UC, Urban Conservation [Overlay District](#)
- 20-309 Incorporation By Reference of “The Downtown Design Guidelines 2009 Edition”
- 20-310 Incorporation By Reference of “Design Guidelines 8th & Penn Neighborhood Redevelopment Zone” (2006, Revised October 4, 2011)
- 20-311 [Incorporation By Reference of “Oread Neighborhood Design Guidelines 2016 Edition”](#)

20-301 THE DISTRICTS

(a) [Overlay Districts](#)

[Overlay Districts](#) are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, [Overlay Districts](#) are "overlaid" on [Base District](#) classifications to alter the [Base District](#) regulations. [Overlay Districts](#) are shown on the [Official Zoning District Map](#) as suffixes to the applicable [Base District](#) classification. For example, a CD-zoned [Parcel](#) that is included in the Urban Conservation [Overlay Districts](#) would be shown on the map as CD–UC.

(b) **Districts Established**

The following [Overlay Zoning Districts](#) are included in this Development Code:

District Name	Map Symbol
Overlay Districts	
Airspace Overlay	-ASO
Floodplain Overlay	-FP
Historic District Overlay	-HD
Historic Landmark Designation	-HL
Planned Development Overlay	-PD
Major Transportation Corridor Overlay	-TC
Urban Conservation Overlay	-UC

20-302 ASO, AIRSPACE [OVERLAY DISTRICT](#)

(a) **Purpose**

The ASO, Airspace [Overlay District](#), is intended to:

- (1) prevent the creation and establishment of hazards to life and property in the vicinity of any [Airport](#) owned, controlled or operated by the City of Lawrence;
- (2) protect users of the [Airport](#); and

- (3) prevent any unreasonable limitation or impairment on the use and expansion of the [Airport](#) and the public investment therein.

(b) Authority

The regulations of this District are adopted under the authority granted by K.S.A. Sections 3-701 through 3-713.

(c) Applicability

The Airspace [Overlay District](#) regulations apply to all land or water area lying within the established [Airport](#) control Instrument Approach Zones, Non-Instrument Approach Zones, Transition Zones, Horizontal Zones and Conical Zones as shown on the Airspace Control Zones overlay map.

(d) Effect

The Airspace [Overlay District](#) is a zoning classification that establishes additional restrictions and standards on those uses permitted by the [Base District](#). In the event of conflict between the Airspace [Overlay District](#) regulations and the regulations of the [Base District](#), the [Overlay District](#) regulations govern. In all other cases, both the [Overlay](#) and [Base District](#) regulations apply.

(e) Sub-zones Established

In order to carry out the provisions of this District, the following Airspace Zones are established within the Airspace District. The Airspace [Overlay District](#) and the Airspace Zones shall be shown on the [Official Zoning District Map](#).

(1) Instrument Approach Zone

The Instrument Approach Zone is established at each end of all runways used for instrument landings and takeoffs. The Instrument Approach Zones have a width of 1,000 feet at a distance of 200 feet beyond the end of each instrument runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(2) Non-Instrument Approach Zone

The Non-Instrument Approach Zone is established at each end of all runways used for non-instrument landings and takeoffs. The Non-Instrument Approach Zone has a width of 500 feet at a distance of 200 feet beyond the end of each non-instrument runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(3) Transition Zone

The Transition Zone is established adjacent to each instrument and non-instrument runway and approach zone as indicated on the [Official Zoning District Map](#). Transition Zones symmetrically located on either side of runways have variable widths as shown on the [Official Zoning District Map](#). Transition Zones extend outward from a line of 250 feet on either side of the centerline of a non-instrument runway for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of an instrument runway for the length of such runway plus 200 feet on each end; and are parallel and level with such runway centerlines. The Transition Zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the Horizontal Zone. Further, Transition Zones are established adjacent to both Instrument and Non-

Instrument Approach Zones for the entire length of these Approach Zones. These Transition Zones have variable widths, as shown on the [Official Zoning District Map](#). Such transition zones flare symmetrically with either side of the runway Approach Zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the Horizontal and Conical Zones. Additionally, Transition Zones are established adjacent to the Instrument Approach Zone where it projects through and beyond the limits of the Conical Zone, extending a distance of 5,000 feet measured horizontally from the edge of the Instrument Approach Zones at right angles to the continuation of the centerline of the runway.

(4) Horizontal Zone

A Horizontal Zone is that area within a circle with its center at the [Airport Reference Point](#) and having a radius of 7,000 feet. The Horizontal Zone does not include the Instrument and Non-Instrument Approach Zones or the Transition Zones.

(5) Conical Zone

A Conical Zone is the area that commences at the periphery of the Horizontal Zone and extends outward a distance of 5,000 feet. The Conical Zone does not include the Instrument Approach Zone and Transition Zones.

(f) Height Limitations

No [Structure](#) may be erected, altered, or maintained in any Airspace Zone to a [Height](#) in excess of the [Height](#) limit established for such Zone, except as otherwise provided in this section. The following [Height](#) limitations are hereby established for each of the Airspace Zones:

(1) Instrument Approach Zone

One foot in [Height](#) for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one foot in [Height](#) for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

(2) Non-Instrument Approach Zone

One (1) foot in [Height](#) for each 20 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway.

(3) Transition Zone

One (1) foot in [Height](#) for each seven (7) feet in horizontal distance beginning at any point 125 feet normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a [Height](#) of 150 feet above [Airport](#) elevation. In addition to the foregoing there are established [Height](#) limits of one (1) foot vertical [Height](#) for each seven (7) feet horizontal distance measured from the edges of all Approach Zones for the entire length of the Approach Zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the Instrument Approach Zone projects through and beyond the Conical Zone, a [Height](#) limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the Instrument Approach Zone and extending a

distance of 5,000 feet from the edge of the Instrument Approach Zone measured normal to the centerline of the runway extended.

(4) Horizontal Zone

[Height](#) may not exceed 150 feet above the [Airport](#) elevation.

(5) Conical Zone

One (1) foot in [Height](#) for each 20 feet in horizontal distance beginning at the periphery of the Horizontal Zone, extending to a [Height](#) of 400 feet above the [Airport](#) elevation.

(g) Performance Standards

Notwithstanding any other provision of this section, no use or [Development Activity](#) may occur on land within any Airspace [Overlay District](#) that:

- (1) creates electrical interference with radio communications between the [Airport](#) and aircraft, including radio and television transmitting towers or studios and large radiation or X-ray equipment;
- (2) includes aboveground storage of petroleum or any other explosive material.
- (3) emits smoke or odor; emits smoke or odor;
- (4) contains lights or signals that may be confused with [Airport](#) navigational lights;
- (5) results in glare to pilots approaching, leaving or circling the [Airport](#) or that impairs visibility in the District;
- (6) provides private airfields or runways for the use of aircraft other than those used in the principal [Airport](#) in the District; or
- (7) otherwise endangers the landing, taking-off, or maneuvering of aircraft.

(h) Nonconformities

- (1) The regulations set forth in this section do not require the removal, lowering, or other change of any [Structure](#) not conforming to these regulations or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 20-302(h)(2) and 20-302(i)(6).
- (2) The City may require, upon 30-days written notice, any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line upon the roads and highways immediately adjoining the [Airport](#) to remove, lower, change, or alter said nonconforming pole or pole line. Prior to the removal, lowering, or changing of the pole or pole line, the [Owner](#) or [Owner](#) of the [Airport](#), shall pay said person, firm, association or corporation the reasonable and necessary expense of removing, lowering or changing said pole or pole lines; or in lieu thereof shall execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering or changing such pole or pole lines. The reasonable

and necessary expense of removing, lowering or changing said pole or pole lines may include, among other items of expense, the actual cost of:

- (i) constructing underground conduits and the construction of such wires and equipment in such conduits; and
- (ii) rerouting wires together with the poles, cross arms, and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting.

(i) Permits

(1) Future Uses

Except as specifically provided by the exceptions stated in Section 20-302(i)(4), no material change may be made in the use of land and no [Structure](#) may be erected, altered, or otherwise established in any [Airspace Overlay District](#) unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or [Structure](#) would conform to the regulations set forth in this section. If such determination is in the affirmative, the permit shall be granted.

(2) Existing Uses

No permit may be granted that would allow the establishment or creation of an [Airport Hazard](#) or permit a nonconforming use, or [Structure](#) to be made or become higher, or become a greater hazard to air navigation than it was on the [Effective Date](#), or the [Effective Date](#) of any amendments hereto, or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(3) Nonconforming Uses

Before any nonconforming [Structure](#) may be replaced, substantially altered or repaired, rebuilt, or increased in [Height](#), a permit shall be obtained authorizing such replacement, alteration, change or repair.

(4) Exceptions

- (i) In the area lying within the limits of the Horizontal Zone and the Conical Zone, no permit will be required for any [Structure](#) less than 75 feet in vertical [Height](#) above the ground, except where, because of terrain, land contour or topographic features, such [Structure](#) would extend above the [Height](#) limits prescribed for such Zones.
- (ii) In the areas lying within the limits of the Instrument and Non-Instrument Approach Zones but at a horizontal distance of not less than 4,200 feet from each end of the runways no permit will be required for any [Structure](#) less than 75 feet in vertical [Height](#) above the ground, except where, because of terrain, land contour or topographic features, such [Structure](#) would extend above the [Height](#) limits prescribed for the Instrument or Non-Instrument Approach Zone.
- (iii) In the areas lying within the limits of the Transition Zones beyond the perimeter of the Horizontal Zone, no permit will be required for any [Structure](#) less than 75 feet in vertical [Height](#) above the ground except where such [Structure](#), because of terrain, land contour or

topographic features would extend above the [Height](#) limit prescribed for such Transition Zones.

- (iv) Nothing contained in any of the foregoing exceptions will be construed as permitting or intending to permit any construction, or alteration of any [Structure](#) in excess of any of the [Height](#) limits established by this section.

(5) Variances

Any person desiring to erect any [Structure](#) or increase the [Height](#) of any [Structure](#), or otherwise use his property in violation of the [Airspace Overlay District](#) regulations, may apply to the City Commission of the City of Lawrence for a variance from the zoning regulations in question. Such variances will be allowed where a literal application or enforcement of the regulations would result in practical difficulty or Unnecessary Hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this section: Provided, that any variance may be allowed subject to any reasonable conditions that the City Commission may deem necessary to effectuate the purposes of this section.

(6) Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this section and be reasonable in the circumstances, be so conditioned as to require the [Owner](#) of the [Structure](#) in question to permit the City of Lawrence, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an [Airport](#) Hazard.

(j) Administration and Enforcement

For the purposes of this section and pursuant to K.S.A. 3-707, the Lawrence/Douglas County Metropolitan [Planning Commission](#) will be the [Airport](#) Zoning Commission for the City of Lawrence and will have responsibility for administering and enforcing the regulations set forth in this section.

- (1) In particular, the [Airport](#) Zoning Commission shall review all permit applications and determine if such should be granted. If an application is found to conform to all the [Airspace Overlay District](#) regulations, the [Airport](#) Zoning Commission shall grant the permit.
- (2) Applications for permits and variances shall be made to the [Planning Director](#) upon forms furnished by the [Planning Director](#).
 - (i) Applications for permits shall be submitted at least 35 days prior to a regular meeting of the [Planning Commission](#).
 - (ii) Applications for variances shall be submitted at least 35 days prior to a regular meeting of the City Commission.

(k) Conflicting Regulations

In the event of conflict between the [Airspace Overlay District](#) regulations and any other regulations applicable to the same area, whether the conflict be with respect to the [Height](#) of [Structures](#), use of land, or any other matter, and whether such other regulations were adopted by the City of Lawrence or any other unit of local government, the more stringent limitation or requirements as to [Airport](#) Hazards will govern and prevail.

20-303 FP, FLOODPLAIN MANAGEMENT REGULATIONS OVERLAY DISTRICT

The FP, Floodplain Management Regulations are implemented as an [Overlay District](#). The established regulatory provisions affecting land in the FP District are set out in Article 12, Floodplain Management Regulations.

20-304 HD, HISTORIC DISTRICT OVERLAY

Historic Districts designated in accordance with the provisions of Chapter 22 of the City Code shall be submitted to the [Planning Commission](#) as a recommended Zoning Map Amendment and processed in accordance with Section 20-1303. If approved by the City Commission, the HD [Overlay District](#) shall be shown on the [Official Zoning District Map](#) with the map symbol “– HD” and shall be governed by the relevant provisions of Chapter 22.

20-305 HL, HISTORIC LANDMARK DESIGNATION

Historic Landmarks designated in accordance with the provisions of Chapter 22 of the City Code shall be shown on the [Official Zoning District Map](#) with the map symbol “– HL” and shall be governed by the relevant provisions of Chapter 22.

20-306 PD, PLANNED DEVELOPMENT OVERLAY DISTRICT

See Section 20-701 for purposes, standards and procedures for the PD District.

20-307 TC, MAJOR TRANSPORTATION CORRIDOR OVERLAY**(a) Purpose**

The TC, Major Transportation Corridor [Overlay District](#), is intended to protect properties adjacent to the transportation corridors from the noise, activity, light and dust of vehicular traffic by requiring [Building Setbacks](#) and Landscaping along the corridors.

- (1) SLT/K10-TC, South Lawrence Trafficway Corridor [Overlay District](#), is designed to create an aesthetically pleasing corridor along the South Lawrence Trafficway, in keeping with the SLT policy of providing a park-like setting. The SLT Corridor [Overlay District](#) does not affect land use regulations or development standards of the [Base Districts](#) except as specifically specified in this section.
- (2) 23rd/K10-TC, 23rd Street/K10 Corridor [Overlay District](#) (section reserved)
- (3) Iowa/US 59-TC, Iowa Street/US Highway 59 Corridor [Overlay District](#) (section reserved)
- (4) 6th/US 40-TC, 6th Street/ US Highway 40 Corridor [Overlay District](#) (section reserved)
- (5) N. 2nd/US 24,40 & 59 -TC, N. 2nd Street/US Highways 24, 40 & 59 Corridor [Overlay District](#) (section reserved)
- (6) 31st Street Corridor [Overlay District](#) (section reserved)

(b) Boundaries

- (1) SLT/K10-TC: The boundaries of the SLT/K10 [Overlay District](#) are shown on the [Official Zoning District Map](#). The SLT [Overlay District](#) extends 500 feet on either side of the centerline of the SLT/K10 right-of-way within the city limits of Lawrence.
- (2) 23rd Street/K10-TC: The boundaries of the 23rd Street/K10 Corridor [Overlay District](#) are shown on the [Official Zoning District Map](#). (Section reserved for adoption of boundaries based on adopted 23rd Street Corridor Study)
- (3) Iowa/US 59-TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))
- (4) 6th Street/US 40-TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))
- (5) N. 2nd Street/US 24,40 & 59-TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))
- (6) 31st Street TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))

(c) Development Standards

- (1) SLT/K10-TC Development Standards: All [Significant Development Projects](#) within the SLT/K10 [Overlay District](#) shall be required to meet the following minimum standards:
 - (i) All new [Structures](#) and parking Lots shall be set back a minimum of 50 feet from the right-of-way line of the South Lawrence Trafficway/K10;
 - (ii) Improvements to existing [Structures](#) shall be set back a minimum of 50 feet, or the distance of the [Setback](#) of the existing [Structure](#), whichever is less; and
 - (iii) On properties lying directly adjacent to the South Lawrence Trafficway or its service roads, [Structures](#) shall be Screened from the Trafficway by continuous landscape [Screening](#) that meets the following standards:
 - a. Large [Shade Trees](#), a minimum 3-inch [Caliper](#), planted 40 feet on center;
 - b. [Ornamental Trees](#), a minimum 2-inch [Caliper](#), planted 20 feet on center;
 - c. Large [Evergreen Trees](#), a minimum of 6 feet in [Height](#), planted 30 feet on center;
 - d. Landscape [Screening](#) may be mixed in combinations of the above requirements;
 - e. The landscape [Screening](#) shall be placed within 50 feet of the boundary of the property that lies nearest to the Trafficway; and

- f. Required Landscaping shall be installed, maintained and replaced in accordance with Section 20-1010.
- (2) 23rd Street/K10 Highway-TC Development Standards: All **Significant Development Projects** within the 23rd Street/K10 Transportation Corridor **Overlay District** shall be required to meet the following standards:
 - (i) Section held for **Setback** standards for new **Structures**.
 - (ii) Section held for **Setback** standards for existing **Structures**.
 - (iii) Section held for Landscaping standards.
- (3) Iowa/US 59 Highway Development Standards: All **Significant Development Projects** within the Iowa/US 59 Highway **Overlay District** shall be required to meet the following standards:
 - (i) Section held for **Setback** standards for new **Structures**.
 - (ii) Section held for **Setback** standards for existing **Structures**.
 - (iii) Section held for Landscaping standards.
- (4) 6th Street/US 40 Highway Development Standards: All **Significant Development Projects** within the 6th Street/US 40 Highway **Overlay District** shall be required to meet the following standards:
 - (i) Section held for **Setback** standards for new **Structures**.
 - (ii) Section held for **Setback** standards for existing **Structures**.
 - (iii) Section held for Landscaping standards.
- (5) N. 2nd Street/US 24, 40 & 59 Highways: All **Significant Development Projects** within the N. 2nd Street/US 24, 40 & 59 Highways **Overlay District** shall be required to meet the following standards:
 - (i) Section held for **Setback** standards for new **Structures**.
 - (ii) Section held for **Setback** standards for existing **Structures**.
 - (iii) Section held for Landscaping standards.
- (6) 31st Street TC Development Standards: All **Significant Development Projects** within the 31st Street Corridor **Overlay District** shall be required to meet the following standards:
 - (i) Section held for **Setback** standards for new **Structures**.
 - (ii) Section held for **Setback** standards for existing **Structures**.
 - (iii) Section held for Landscaping standards.

(d) Interpretation

- (1) The provisions of this Section shall not be interpreted to deprive the [Owner](#) of any existing property or of its use or maintenance for the purpose to which that property is then legally devoted.
- (2) In the event that a governmental taking or acquisition for right-of-way, [Easement](#) or other governmental use would reduce a [Setback](#) that previously complied with this Section, that reduction in [Setback](#) shall not be deemed to constitute a violation of this Section.

20-308 URBAN CONSERVATION [OVERLAY DISTRICT](#)

(a) Purpose

The UC, Urban Conservation [Overlay District](#), is intended to:

- (1) encourage development that conforms to the size, orientation and setting of existing [Buildings](#) in a neighborhood or area;
- (2) reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing [Buildings](#) in a neighborhood or area;
- (3) provide [Building Setbacks](#), [Lot](#) dimensions and related physical characteristics;
- (4) foster development that is compatible with the [Scale](#) and physical character of original [Buildings](#) in a neighborhood or area through the use of Development/Design Standards and guidelines; and
- (5) conserve the cultural resources, historic resources and property values within an identified neighborhood or area.

(b) Selection Criteria

A UC District shall be a geographically defined area that has a significant concentration, linkage or continuity of sites that are unified by physical development, architecture or historical development patterns. To be eligible for UC zoning, the area shall comply with the following criteria:

- (1) the general pattern of development, including Streets, Lots and [Buildings](#), shall have been established at least 25 years prior to the [Effective Date](#);
- (2) the area shall possess built environmental characteristics that create an identifiable setting, character and association;
- (3) the designated area shall be a contiguous area of at least five (5) acres in size. Areas of less than five (5) acres may be designated as an UC [Overlay District](#) only when they abut an existing five (5) acre or greater UC [Overlay District](#).

(c) Establishment of District

UC [Zoning Districts](#) are established in accordance with the Zoning Map Amendment procedures of Section 20-1303, except as modified by the following provisions:

- (1) an application to establish a UC District may be initiated by the [Historic Resources Commission](#), the [Planning Commission](#) or the City Commission;
- (2) applications may also be initiated by petition when signed either by the [Owner](#) of at least 51% of the area within the proposed UC District or by at least 51% of total number of [Landowners](#) within the proposed District;
- (3) the [Historic Resources Commission](#) and the [Planning Commission](#) shall hold public hearings, and submit written recommendations to the City Commission, regarding each application to establish a UC District;
- (4) the [Historic Resources Commission](#) is responsible for reviewing UC zoning applications for compliance with the selection criteria of Section 20-308(b) and for recommending development/design standards and guidelines for the District;
- (5) the [Planning Commission](#) is responsible for reviewing UC applications for its planning and zoning implications; and
- (6) the City Commission is responsible for making a final decision to approve or deny the [Overlay District Zoning](#).

(d) Procedure

Upon receipt of an application for UC zoning or upon initiation of a UC zoning application by the City Commission, [Planning Commission](#) or [Historic Resources Commission](#), the following procedures apply:

- (1) unless otherwise expressly stated, the zoning map amendment procedures of Section 20-1303 apply;
- (2) public hearings on UC zoning applications shall be held by the [Historic Resources Commission](#) and the [Planning Commission](#) prior to consideration by the City Commission; and
- (3) the [Historic Resources Commission](#) shall make a recommendation that UC District zoning be approved, approved with conditions or denied. The [Historic Resources Commission's](#) recommendation shall be submitted to the [Planning Commission](#) and City Commission. The item shall be placed on the [Planning Commission](#) agenda after receipt of the [Historic Resources Commission's](#) recommendation. The recommendation shall be accompanied by a report containing the following information:
 - (i) an explanation of how the area meets or does not meet the selection criteria contained in Section 20-308(b);
 - (ii) in the case of an area found to meet the criteria in Section 20-308(b):
 - a. a description of the general pattern of development, including Streets, Lots and Buildings in the area; and
 - b. Development/Design Standards to guide development within the District;

- (iii) a map showing the recommended boundaries of the UC District;
and
- (iv) a record of the proceedings before the [Historic Resources Commission](#);

(e) Allowed Uses

UC District Classifications do not affect the use of land, [Buildings](#) or [Structures](#). The use regulations of the [Base District](#) control.

(f) Development/Design Standards

In establishing a UC District, the [Historic Resources Commission](#) or [Planning Commission](#) are authorized to propose, and the City Commission is authorized to adopt, by ordinance, District-Specific Development and Design Standards (referred to herein as “Development/Design Standards”) to guide development and redevelopment within UC Districts:

- (1) when Development/Design Standards have been adopted, all Alterations within the designated UC District shall comply with those standards. For the purposes of this section, “Alteration” means any [Development Activity](#) that changes one or more of the “Exterior Architectural Features” of a [Structure](#), as the latter term is defined in Chapter 22 of the City Code;
- (2) when there are conflicts between the Development/Design Standards of the [Base District](#) and adopted UC District Development/Design standards, the UC Development/Design Standards will govern;
- (3) the Development/Design Standards will be administered by City staff in accordance with adopted administrative policy.

(g) Appeals

- (1) Notwithstanding the procedure set forth in Section 20-1311, a person aggrieved by a decision of the City staff, determining whether the Development/Design Standards have been met, may file a written appeal with the [Historic Resources Commission](#). The appeal shall be filed within ten (10) [Working Days](#) after the decision has been rendered.
- (2) A person aggrieved by a decision of the [Historic Resources Commission](#), determining whether the Development/Design Standards have been met, may file a written appeal with the City Commission. The appeal shall be filed within ten (10) [Working Days](#) after the decision has been rendered.
- (3) the City Commission is the final decision-making authority in determining whether a proposed project meets the adopted Development/Design Standards.
- (4) the Board of Zoning Appeals has no authority to grant interpretations, exceptions or variances from the adopted Development/Design Standards.
- (5) within thirty days after the City Commission’s final decision, in passing upon an appeal pursuant to this Section, any person aggrieved by the decision may file an action in District Court to determine the reasonableness of the decision.

(h) UC Districts Established

The following UC Districts are established:

Conservation District Name	Boundaries
Downtown Urban Conservation Overlay District	See Ord. No. 7395
8 th & Pennsylvania Urban Conservation Overlay District	See Ord. No. 8053
Oread Neighborhood Design Overlay District	See Ord. No. <TBD>

(i) UC District Development/Design Standards Established

The following UC District Development/Design Standards and Administrative Policies are established:

Conservation District Name	Development Standards and Administrative Policies
Downtown Urban Conservation Overlay District	Downtown Design Guidelines 2009
8 th and Pennsylvania Urban Conservation Overlay District	Design Guidelines 8 th and Penn Neighborhood Redevelopment Zone (2006, Revised October 4, 2011)
Oread Neighborhood Design Overlay District	Oread Neighborhood Design Guidelines (March 2016)

20-309 INCORPORATION BY REFERENCE OF “THE DOWNTOWN DESIGN GUIDELINES 2009 EDITION”

The “Downtown Design Guidelines December 16, 2008 Edition” prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the “Downtown Design Guidelines 2009 Edition”. At least one copy of said text amendments shall be marked or stamped as “Official Copy as Adopted by Ordinance No. 8363 and to which shall be attached a copy of this ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such “Downtown Design Guidelines, 2009 Edition” marked as may be deemed expedient.

20-310 INCORPORATION BY REFERENCE OF “DESIGN GUIDELINES 8TH AND PENN NEIGHBORHOOD REDEVELOPMENT ZONE” (2006, REVISED OCTOBER 4, 2011)

The “Design Guidelines 8th and Penn Neighborhood Redevelopment Zone” (2006, Revised October 4, 2011) prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein. At least one copy of “Design Guidelines 8th and Penn Neighborhood Redevelopment Zone” (2006, Revised October 4, 2011) shall be marked or stamped as “Official Copy as Adopted by Ordinance No. 8675” and to which shall be attached a copy of Ordinance No. 8675, and filed with the City Clerk,

to be open to inspection and available to the public at all reasonable business hours. One additional marked and stamped copy of the "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (2006, Revised October 4, 2011) 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.

20-311 INCORPORATION BY REFERENCE OF "OREAD NEIGHBORHOOD DESIGN GUIDELINES 2016 EDITION"

The "Oread Neighborhood Design Guideline, 2016 Edition" prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "Oread Neighborhood Design Guideline, 2016 Edition". At least one copy of said text amendments shall be marked or stamped as "Official Copy as Adopted by Ordinance No. <TBD> and to which shall be attached a copy of this ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. One additional marked and stamped copy of the "Oread Neighborhood Design Guidelines" (2016 Edition) 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.

From: Sheila Stogsdill

Sent: Monday, February 29, 2016 10:12 AM

To: Bruce Liese (bruce@kansascitysailing.com); Bryan Culver (bcculver@gmail.com); David Clay Britton (clay.britton@yahoo.com); Eric Struckhoff (eric.c.struckhoff@gmail.com); Jim Carpenter (jecarpenter15@gmail.com); Jim Denney (denney1@sunflower.com); Julia Butler; Patrick Kelly (Pkelly@usd497.org); Pennie von Achen; Rob Sands

Cc: Scott McCullough; Lynne Zollner; Jeff Crick; Denny Ewert; (djbrown806@gmail.com); Diane Stoddard

Subject: FW: duplex tandem parking in core neighborhoods

Commissioners –

Please see the photos and message below from Dennis Brown.

This property is located in the 900 block of Maine in the proposed Urban Conservation Overlay - Oread Design Guidelines District 1 (Low Density) that is on your agenda March 21st.

Sheila M. Stogsdill, *Planning Administrator* - sstogsdill@lawrenceks.org

Planning & Development Services Department | www.lawrenceks.org/pds

City Hall, 6 E. 6th Street

P.O. Box 708, Lawrence, KS 66044-0708

office (785) 832-3157 | fax (785) 832-3160

From: Dennis Brown [<mailto:djbrown806@gmail.com>]

Sent: Sunday, February 28, 2016 3:51 PM

To: Sheila Stogsdill

Subject: Fwd: duplex tandem parking in core neighborhoods

Sheila, can you or Scott send this to Planning Commissioners?

----- Forwarded message -----

From: **Dennis Brown** <djbrown806@gmail.com>

Date: Sun, Feb 28, 2016 at 1:48 PM

Subject: Fwd: duplex tandem parking in core neighborhoods

To: Lynne Zollner <lzollner@lawrenceks.org>

Lynne, can you send this to HRC Commissioners?

----- Forwarded message -----

From: **Dennis Brown** <djbrown806@gmail.com>

Date: Sun, Feb 28, 2016 at 1:46 PM

Subject: duplex tandem parking in core neighborhoods

To: Diane Stoddard <dstoddard@lawrenceks.org>

Diane, can you send this to City Commissioners? Feel free to post it on the City site.

Commissioners: I am attaching photos of what happens to older housing stock when its area is zoned for duplex up to four bedrooms a side and allows four space wide tandem parking to achieve the eight spaces required. Maximum density and profit is incentivized and preservation of old housing stock is a joke.

At the joint meeting of the HRC and PC a week and a half ago, there was much discussion about approving parking guidelines in the overlay plan that would not allow tandem parking in new duplex applications. This cannot happen fast enough for what is left of the Oread Neighborhood. The pictured property is in the 900 block of Maine.

Dennis J Brown LPA President





The **Design Guidelines and Overlay District** are important tools that can help preserve the historic integrity of the Oread Neighborhood. They should reflect the intention of the **Oread Neighborhood Plan** which specifies areas of varying density. Single dwelling units (houses) make up 80% of the neighborhood. Oread zoning was changed over 40 years ago from low density to the highest density in the city. This has created problems and conflicts among property owners due to the single-family nature of the neighborhood and a high density zoning that has never conformed to existing structures or lot sizes.

Density should increase incrementally from duplex, triplex, fourplex, and higher multi-dwelling units. Problems have arisen because duplex parking codes allow stacked (tandem) parking. The Planning Commission is presently reviewing parking codes. Stacked parking allows an increase in the number of occupants without providing adequate access and regress for vehicles. Additional logistical problems are created when located off of narrow allies versus wide city streets.

Current city parking codes for dwelling units:

Single-family-lowest density zoning (usually houses, family living, can stack cars in driveways).

Duplex –lowest density zoning in multi-family (can stack cars, may not be family-living).

Triplex – one parking space per BR (no stacked parking).

Fourplex- one parking space per BR (no stacked parking).

Larger multi-dwelling units - one parking space per BR plus one space per 10 units for visitors and guests (no stacked parking).

Duplex, triplex, fourplex indicate the number of units on a lot (4 unrelated individuals can live in a unit in multi-zoned areas, 3 unrelated in a unit in single-family zoned areas). The number of BR's is determined by the number of parking spaces that can be provided on each lot. Stacked parking could increase the number of BR's by as much as 50%.

Desirable property development that will increase profits is now the 4 BR duplex that allows stacked parking. Four BR duplexes “game” duplex regulations. The two BR family-oriented units of the past have now become small apartment complexes, appealing to investors, but problems for neighborhoods. Duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and instead use on-street parking spaces.

Duplexes have become higher density, non-family, units in what should be lower density zoned areas. Parking is an effective tool to control density. Why should a duplex be allowed a parking advantage over other multi-zoned units? **Stacked parking leads to an increase in density without providing adequate parking, thus incentivizing building large duplexes in lower density zoned areas.**

The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment.

Sincerely, Candice Davis Oread Neighborhood Resident
Chair, Lawrence Association of Neighborhoods

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Matthew S. Gough
Email: mgough@barberemerson.com

RICHARD A. BARBER
(1911-1998)

*ADMITTED IN KANSAS AND MISSOURI

March 21, 2016

VIA E-MAIL ONLY

Mr. Scott McCullough, Director
Planning and Development Services
City Hall, 6 E. 6th Street
Lawrence, KS 66044

Re: *Draft Oread Neighborhood Design Guidelines (the “Guidelines”)*

Dear Scott:

I have been engaged by multiple rental property owners in the Oread Neighborhood. Each of them have complied with the current Land Development Code (the “Code”) to make improvements to their properties. Much has been written in the Oread Neighborhood Plan (the “Plan”) and in the Guidelines about the need to preserve the aesthetic and feel of the neighborhood’s historic roots. However, nothing has been written about the wholesale creation of legal non-conformities these Guidelines appear to cause overnight because of the Guidelines’ limited parking options for Duplexes. If the Guidelines truly exist to “[e]ncourage quality development which protects investment and helps attract other quality developers,” and “[r]educ[e] tensions related to development/redevelopment within the neighborhood” (Guidelines, p. 4) the Guidelines need to expressly accommodate recently and lawfully updated multi-family structures. The applicability of the Guidelines must also be expressly limited to the scope of the “project” being initiated, must integrate with the Code, and must be fair, particularly regarding parking and repairs necessitated by Acts of God.

The Historic Resources Commission (“HRC”) and the Planning Commission should adopt and insert the following clarifications and revisions to the Guidelines:

- 1. The Guidelines shall be limited in applicability to the scope of the “project” being proposed.**

If an applicant files a building permit to replace a rotted or broken window, the Guidelines should only apply to the review and comment on that window, not all the windows. If an owner desires to replace the siding of a property, the Guidelines should apply only to the siding (and work directly related thereto, such as trim board replacement), not the front porch. The Guidelines must apply to the same extent as the work being proposed, and not more. City

Mr. Scott McCullough, Director
Planning and Development Services
March 21, 2016
Page 2

Staff indicates verbally that this is the intent of the Guidelines, but an express reference is necessary to codify that intent.

2. **The Guidelines' parking requirements should only apply when and to the same extent that the parking regulations of the Code are triggered under Section 20-901, *et seq.*; provided, however, in the case of a structure that was site planned under the Code (i.e., after 2006), that structure's existing parking configuration should be *de facto* permitted if there is no proposed increase in occupancy.**

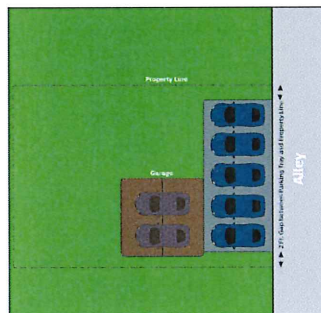
Today, the Code generally permits stacked parking on Duplexes, and owners in the neighborhood have relied upon that configuration to lawfully make significant improvements and obtain occupancy permits greater than what the Guideline's limited parking configurations would allow. *See*, Guidelines, p. 61-62. **Adoption of the Guidelines may create non-conformities on a large scale basis.** There would be no greater disincentive to updating, renovating and repairing properties in the Oread Neighborhood than the prospect of losing available off-street parking and, thus, losing permitted occupancy. Rental properties derive their value from the income they may create, and a reduction in occupancy may significantly reduce fair market value (and the tax base). The trigger for parking compliance under the Guidelines must, *at a minimum*, be identical to those under the Code.

Additional accommodation needs to be expressly made for those structures which have undergone site plan review since the adoption of the Code. If an eight bedroom Duplex has eight site-planned parking spaces, the Guidelines should not punish that property in the future by reducing parking, when a "project" does not increase occupancy. Adopting this accommodation does not increase density or parking in the neighborhood, and helps avoid the undesirable result of non-conforming status for the most recently updated properties. Imagine the potential hardship created by taking parking away from these properties (especially if taken involuntarily because of a fire or tornado) after having undergone the time consuming and expensive task of bringing them into compliance with the Code. Consider also the extreme disincentive to undertake "projects" that reduce parking.

3. Legal non-conforming uses, structures and lots must be afforded the same protections from the implementation of the Guidelines as they are from the implementation of the Code.

Article 15 of the Code acknowledges the existence of legal non-conforming uses, structures and lots, and the limitations and opportunities associated therewith. To the extent they are not protected by paragraph 2, above, owners who find themselves with non-conforming uses, structures, or lots (upon application of the Guidelines) deserve express protections regarding the perpetuation of those legal non-conformities. In this regard, whatever opportunities exist under the Code to renovate, expand, or rebuild those non-conformities should likewise exist under the Guidelines.

4. The parking configuration depicted below should be re-inserted in the Guidelines because it is not “double-stacking.” This design should be an option in appropriate circumstances, determined on a case-by-case basis.



It is unfair to completely eliminate today the possibility of allowing a Duplex more than five parking spaces in the future, especially for those properties that have been redeveloped since the adoption of the Code in 2006. The most recent draft of the Guidelines permit two limited configurations that effectively limit parking to five spaces on any Detached Dwelling or Duplex, and eliminates the only seven-car option.¹ The above configuration, which permits a two car garage and five outside spaces, should be re-inserted because (aesthetically, at least) it's not “double-stacking” if a garage door separates the cars. On a “case-by-case” basis, that configuration may be appropriate in the future.

¹The Guidelines accomplish the wholesale reduction of off-street parking without ever expressly saying that double stacking is prohibited or that no more than five spaces will be approved under the Guidelines. An outcome this significant should be achieved via a base zoning district amendment or by express text amendment to the Code, rather than being buried on pages 61-62 of the Guidelines, where they are unlikely to draw much attention.

5. **When there is no alley behind a Lot, and when a property can accommodate parking on an existing driveway, parking should continue to be permitted in the driveway if a “project” does not increase occupancy.**

It may be practically impossible to provide for parking behind the front facade of a structure. The requirement on page 61 of the Guidelines (Section B4.b.ii) should be revised to “should” instead of “shall” in the case of “projects” that do not increase occupancy. The stricter requirement for rear parking should be limited to “projects” that propose to increase occupancy, and only to the extent of such increased occupancy.

6. **When the “project” commences as a result of a casualty event (e.g., wind, fire, or hail) and when the “project” is financed by insurance proceeds, the implementation of the Guidelines should be reasonably applied to accommodate the availability of such proceeds.**

The Guidelines regularly call for the use of specialty building materials or designs that appear to be more expensive (labor and materials) than what may otherwise be permitted under the Building Code. For example, the Guidelines’ list of six permitted types of roofing material (Guidelines, p. 65) are likely more expensive than the “basic” 3-tab asphalt shingles being used on virtually all new construction (and roof replacements) in Lawrence. Front porch foundations must be supported by 16" x 16" columns and the space between the foundation columns must be infilled with wood siding, lattice, brick or stone. If an owner is unable to secure insurance proceeds to fully comply with the Guidelines, the Staff should have flexibility to accommodate the owner’s budget, at least with respect to properties that are not in a historic district.

7. **The mere replacement of roofing materials should not trigger the Guidelines’ requirements for specialty roofing materials.**

Although the City’s website indicates that the replacement of roofing materials are exempt from the City’s building permit requirements,² the Code section referenced on that web page (*See* Section 5-144) does not appear to contain the same exemption. If, in fact, one needs a building permit to replace roofing materials (thereby triggering the applicability of the Guidelines), the mandatory use of “special” roofing materials in the Oread Neighborhood may create a disincentive to make ordinary and necessary roof repairs and replacements. If no permit is required, the Guidelines would not apply to the roof replacement anyway.

²See: https://www.lawrenceks.org/assets/pds/devservices/bsd/ds_bsd_permit_exemptions.pdf

Mr. Scott McCullough, Director
Planning and Development Services
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Page 5

The Guidelines, as revised and clarified above, help establish predictability for those who voluntarily and deliberately undertake a "project" in the neighborhood (whether large or small), while avoiding unfair or uncertain outcomes for those who find themselves confronted with the Guidelines involuntarily following an insured casualty loss. Express language providing assurances regarding the applicability of new parking guidelines is essential to maintain investor (and lender) confidence, and does not increase density in the neighborhood.

Some proponents of the Guidelines (as currently drafted) may view them as an opportunity to reduce density by eliminating off-street parking. However, taking the stated goals of the Guidelines and the Plan at face value, we must not adopt Guidelines that achieve that end on a wholesale basis. To do so may stifle investment, reinforce the status quo, and lead to the neighborhood's decline over time. I do not believe the majority of owners in the neighborhood truly understand the impact of the Guidelines' parking configurations. Duplex owners would be more vocal if the effect of the Guidelines' were made more obvious. The revisions discussed above help achieve the goal of making the Guidelines understandable, functional, and fair, and they merit your sincere consideration.

Very truly yours,

BARBER EMERSON, L.C.



Matthew S. Gough

MSG:plh

cc: Lawrence-Douglas County Metropolitan Planning Commission (via e-mail only)
Historic Resources Commission (via e-mail only)

The Lawrence Association of Neighborhood (LAN) supports the Oread Guidelines and Overlay District with the exception of any allowed stacked parking.

The **Design Guidelines and Overlay District** are important tools that can help preserve the historic integrity of the Oread Neighborhood. They should reflect the intention of the **Oread Neighborhood Plan**, which specifies areas of varying density. Single-family units (houses) make up 80% of the neighborhood. Oread zoning was changed over 40 years ago from low density to the highest density in the city. This has created problems and conflicts among property owners due to the single-family nature of the neighborhood and high density zoning that does not conform to existing structures or lot sizes.

Density should increase incrementally from duplex, triplex, fourplex, and higher multi-dwelling units. Problems have arisen because duplex parking codes allow stacked (tandem) parking. The Planning Commission is presently reviewing parking codes. Stacked parking allows an increase in the number of occupants without providing adequate access and regress for vehicles. **Additional logistical problems are created when located off of narrow allies versus wide city streets.**

Current city parking codes for dwelling units require:

Single-family-lowest density zoning (usually houses, family living, can stack cars in driveways).

Duplex –lowest density zoning in multi-family (can stack cars, may not be family-living).

Triplex – one parking space per BR (no stacked parking).

Fourplex- one parking space per BR (no stacked parking).

Larger multi-dwelling units - one parking space per BR plus one space per 10 units for visitors and guests (no stacked parking).

Duplex, triplex, fourplex indicate the number of units on a lot (4 unrelated individuals can live in one unit in multi-zoned areas, 3 unrelated in one unit in single-family zoned areas). The number of BR's is determined by the number of parking spaces that can be provided on each lot. Stacked parking could increase the number of BR's by as much as 50%. When stacking vehicles : Today's Duplex=2 units =4 BRs each side =8BRs Past Duplex=2units=2BRs each side=4BRs

Four BR duplexes that allow stacked parking are attractive to developers as they increase profits. Four BR duplexes “game” duplex regulations. These are not family-units but rather small apartment complexes, appealing to investors, but problems for lower density neighborhoods. Without adequate parking, duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and use on-street parking spaces.

The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment. Stacked parking should not be allowed.

Sincerely, Candice Davis

Oread Resident, Lawrence Association of Neighborhoods Chair