City of Lawrence

PLANNING & DEVELOPMENT SERVICES

Land Development Code

Chapter 20 – Code of the City of Lawrence, Kansas

Effective July 1, 2006

Adopted by the Lawrence City Commission on April 4, 2006 [Ordinance No. 7985]

Ordinance No. 8013, 8014, 8015, 8016, 8017, 8018 and 8019 adopted June 27, 2006

Amendments Following Effective Date

Ordinance No. 8039 & 8040 effective October 20, 2006
Ordinance No. 8061 effective December 29, 2006

Ordinance No. 8098 effective June 29, 2007
Ordinance No. 8154 effective September 25, 2007
Ordinance No. 8207 effective December 1, 2007

Ordinance No. 8244 effective April 5, 2008
Ordinance No. 8249 effective April 13, 2008
Ordinance No. 8277 effective July 4, 2008
Ordinance No. 8278 effective June 13, 2008
Ordinance No. 8318 effective June 27, 2008
Ordinance No. 8297 effective October 24, 2008
Ordinance No. 8344 effective November 21, 2008

Ordinance No. 8363 effective February 28, 2009
Ordinance No. 8376 effective April 3, 2009
Ordinance No. 8375 effective April 11, 2009
Ordinance No. 8388 effective May 7, 2009
Ordinance No. 8406 effective June 5, 2009
Ordinance No. 8419 effective July 12, 2009
Ordinance No. 8428 effective July 31, 2009
Ordinance No. 8429 effective July 31, 2009
Ordinance No. 8453 effective October 14, 2009
Ordinance No. 8455 effective October 14, 2009
Ordinance No. 8454 effective October 20, 2009
Ordinance No. 8465 effective October 20, 2009

Ordinance No. 8483, effective January 23, 2010
Ordinance No. 8484, effective January 30, 2010
Ordinance No. 8512, effective May 10, 2010
Ordinance No. 8530, effective June 25, 2010
Ordinance No. 8533, effective July 15, 2010
Ordinance No. 8535, effective July 15, 2010
Ordinance No. 8541, effective July 16, 2010
Ordinance No. 8304, effective August 20, 2010
Ordinance No. 8588, effective November 29, 2010

Ordinance No. 8606, effective February 11, 2011
Ordinance No. 8631, effective May 23, 2011
Ordinance No. 8638, effective June 25, 2011
Ordinance No. 8641, effective July 22, 2011
Ordinance No. 8663, effective September 17, 2011
Ordinance No. 8675, effective October 22, 2011

Ordinance No. 8689, effective January 21, 2012
Ordinance No. 8693, effective March 10, 2012
Ordinance No. 8718, effective April 28, 2012
Ordinance No. 8726, effective April 28, 2012
Ordinance No. 8744, effective June 15, 2012
Ordinance No. 8785, effective September 15, 2012
Ordinance No. 8816, effective November 27, 2012

Ordinance No. 8853, effective April 5, 2013
Ordinance No. 8861, effective April 23, 2013

Ordinance No. 8741, effective April 27, 2013
Ordinance No. 8882, effective July 26, 2013
Ordinance No. 8937, effective November 22, 2013

Ordinance No. 9085, effective February 27, 2015
Ordinance No. 9091, effective March 27, 2015
Ordinance No. 9143, effective August 15, 2015
Ordinance No. 9183, effective December 11, 2015
Ordinance No. 9182, effective December 29, 2015

Ordinance No. 9206, effective May 25, 2016
Ordinance No. 9248, effective June 18, 2016
Ordinance No. 9291, effective October 11, 2016
Ordinance No. 9296, effective October 16, 2016
Ordinance No.9307, effective December 12, 2016
Ordinance No.9317, effective December 16, 2016

Ordinance No. 9211, effective February 6, 2017
Ordinance No. 9341, effective May 6, 2017
Ordinance No. 9416, effective November 11, 2017

Ordinance No. 9514, effective August 7, 2018
Ordinance No. 9467, effective June 5, 2018
Ordinance No. 9569, effective November 13, 2018
Ordinance No. 9505, effective July 10, 2018
Ordinance No. 9506, effective July 10, 2018
Ordinance No. 9507, effective July 10, 2018
Ordinance No. 9508, effective July 10, 2018
Ordinance No. 9481, effective October 2, 2018
Ordinance No. 9562, effective September 11, 2018
Ordinance No. 9515, effective September 11, 2018

Ordinance No. 9616, effective January 8, 2019
Ordinance No. 9618, effective February 12, 2019
Ordinance No. 9721, effective November 5, 2019
Ordinance No. 9727, effective November 5, 2019
Ordinance No. 9728, effective November 5, 2019
Ordinance No. 9729, effective November 5, 2019
Ordinance No. 9730, effective November 5, 2019

Ordinance No. 9739, effective February 11, 2020
Ordinance No. 9742, effective March 17, 2020

This page intentionally left blank.

TABLE OF CONTENTS

Article 1	**Introductory Provisions**
Article 2	**Base Districts**
Article 3	**Overlay Zoning Districts**
Article 4	**Use Table**
Article 5	**Use Regulations**
Article 6	**Density and Dimensional Standards**
Article 7	**Planned Developments**
Article 8	**Subdivision Design and Improvements**
Article 9	**Parking, Loading and Access**
Article 10	**Landscaping and Screening**
Article 11	**General Development Standards**
Article 12	**Floodplain Management Regulations**
Article 13	**Development Review Procedures**
Article 14	**Boards and Commissions**
Article 15	**Nonconformities**
Article 16	**Violations, Penalties and Enforcement**
Article 17	**Terminology**

This page intentionally left blank.

ARTICLE 1. INTRODUCTORY PROVISIONS

20-101 Official Title
20-102 Authority
20-103 Applicability
20-104 Purpose
20-105 Implementation of the Comprehensive Plan
20-106 Compliance Required
20-107 General Rules for Interpreting the Development Code
20-108 Official Zoning District Map
20-109 Conflicting Provisions
20-110 Transitional Provisions
20-111 Severability

20-101 OFFICIAL TITLE

The official title of this document is the "Development Code of the City of Lawrence, Kansas." For convenience, it is referred to throughout this document as the "Development Code."

20-102 AUTHORITY

This Development Code is adopted under the powers granted by the laws of the State of Kansas, including the statutory authority granted in K.S.A. Chapter 12 and the Home Rule authority of the City as granted by the Kansas Constitution.

20-103 APPLICABILITY

The provisions of this Development Code apply to all Development Activity, public and private, within the corporate limits of the City of Lawrence, to the extent permitted by law.

20-104 PURPOSE

This Development Code is intended to implement the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the City Commission, hereinafter 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.

20-105 IMPLEMENTATION OF THE COMPREHENSIVE PLAN

This Development Code has been prepared in accordance with the Comprehensive Plan. It is intended that decisions made pursuant to the Development Code will implement and be consistent with the Comprehensive Plan and with the stated purpose of this Development Code (See Section 20-104).

20-106 COMPLIANCE REQUIRED

All uses and Development Activity shall comply with the provisions of this Development Code, the City's adopted development policy and with all other applicable City, County, State, and Federal regulations.

20-107 GENERAL RULES FOR INTERPRETING THE DEVELOPMENT CODE

(a) Numbering Style

The first two numerals in a section number correspond to the City Code chapter in which the section is located—Chapter 20, in the case of this Development Code. To the right of the dash, the first number(s) is the article number within Chapter 20. Thus, "20-1XX" indicates this section is in Article 1 of Chapter 20.

(b) Meanings and Intent

(1) The language of the Development Code shall be read literally. Regulations are no more or less strict than stated. Words used in the Development Code have the standard dictionary definition unless they are defined in Article 17. Words defined in Article 17 have the specific meaning assigned, unless the context expressly indicates another meaning.

(2) Words or terms that are specifically defined in this Development Code are distinguished by being in Title Case and in Blue Text in the original code document.

(c) Tenses and Usage

(1) Words used in the singular include the plural. The reverse is also true.

(2) Words used in the present tense include the future tense. The reverse is also true.

(3) The words "shall," "will," “shall not” and "may not" are mandatory.

(4) "May" is permissive.

(5) When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.

(d) Fractions

(1) **Minimum Requirements**
When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot long Bufferyard, the resulting fraction of 1.67 is rounded up to 2 required trees.

(2) **Maximum Limits**
When a regulation is expressed in terms of maximum limits, any fraction shall be disregarded and only the smallest applicable whole number shall be considered. For example, if a maximum limit of one Dwelling Unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction is ignored and the result is the whole number of 2, which will be the maximum number of allowed Dwelling Units.

(e) Conjunctions
Unless the context otherwise clearly indicates, conjunctions have the following meanings:

(1) "And" indicates that all connected items or provisions apply.

(2) "Or" indicates that the connected items or provisions may apply singularly and in combination.

(f) Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Development Code and any heading, drawing, table, figure, or illustration, the text controls.

(g) References to Other Regulations

All references in the Development Code to other City, County, State, or Federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of County, State, or Federal regulations.

(h) Current Versions and Citations

All references to other City, County, State, or Federal regulations in the Development Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, Development Code requirements for compliance are no longer in effect.

(i) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

(j) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Development Code expressly prohibit such a delegation.

(k) Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the City of Lawrence unless otherwise expressly stated.

20-108 OFFICIAL ZONING DISTRICT MAP

(a) Adoption

The boundaries of the Zoning Districts established by this Development Code are shown on a map or series of maps designated the "Official Zoning District Map," [July 1, 2006], and as amended from time to time. The Official Zoning District Map, including all notations, references, data and other information shown on the Official Zoning District Map, is adopted and made a part of this Development Code as fully as if it were included in the pages of this Development Code. The Official Zoning District Map shall be maintained by the Planning Director, in accordance with K.S.A. 12-753. In the case of any dispute regarding the zoning classification of property subject to this Development Code, the original maps maintained by the Planning Director shall govern. The Planning Director is responsible for producing all updates of the Official Zoning District Map.

(b) Floodplain Maps

The Floodplain (FP) Overlay District is established in Article 12. The Floodplain Overlay District will be shown and identified on the Official Zoning District Map of the City of Lawrence. The Floodplain Maps, which are maintained by the Planning Director, shall be read in conjunction with the Official Zoning District Map for areas

lying within Regulatory Floodways and Regulatory Floodway Fringes. The Floodplain management regulations Article 12 apply in addition to the Base District zoning regulations for areas within the Regulatory Floodway. Regulatory Floodway and Regulatory Floodway Fringe boundaries are the same as provided by the Federal Insurance Administration on the Douglas County, Kansas and Incorporated Area Flood Insurance Rate Maps and in the Flood Insurance Study. Actual ground location of Regulatory Floodway and Regulatory Floodway Fringe boundaries shall be verified by the developer by field survey using the reference marks and/or vertical controls provided by the Federal Insurance Administration study.

(c) District Boundaries

Unless otherwise indicated on the Official Zoning District Map, District boundaries follow Lot Lines, the center lines of Streets or Alleys or the specified distance from such features, railroad right-of-way lines, or Lot Lines.

(d) Interpretation of Zoning District and Floodplain Boundaries

(1) Where uncertainty exists about the boundaries of a Zoning District, or when the Street or property existing on the ground is at variance with that shown on the Official Zoning District Map, the Planning Director is authorized to determine the location of such boundaries. The Planning Director's interpretation may be appealed to the Board of Zoning Appeals in accordance with Section 20-1311.

(2) Where interpretation of Regulatory Floodway or Regulatory Floodway Fringe Overlay District boundaries is unclear or disputed, the Planning Director will make the necessary interpretation. The Planning Director may not delegate this authority. The Planning Director's interpretation may be appealed to the Board of Zoning Appeals in accordance with Section 20-1311. The Regulatory Flood elevation for the point in question will be the governing factor in locating the boundary.

(e) Zoning of Newly Annexed Areas

Within two (2) months of the annexation of any territory not classified in a zoning category established pursuant to this Development Code, the City Commission shall initiate consideration of a rezoning of the same annexed territory to a specific zoning category pursuant to this Development Code or to the UR, Urban Reserve, Zoning District.

20-109 CONFLICTING PROVISIONS

(a) Conflict with State or Federal Regulations

If the provisions of this Development Code are inconsistent with those of the State or Federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls. Nothing in the Development Code shall be interpreted as requiring a violation of State or Federal law.

(b) Conflict with Other City Regulations

If the provisions of this Development Code are inconsistent with one another, or if they conflict with other City Regulations, the more restrictive provision will control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls.

(c) Conflict with Private Agreements and Covenants
This Development Code is not intended to abrogate, annul, or otherwise interfere with any Easement, covenant, or other private agreement or legal relationship otherwise in conformance with the Development Code.

20-110 TRANSITIONAL PROVISIONS

(a) Violations Continue
Any violation of the previous zoning regulations of the City will continue to be a violation under this Development Code and will be subject to penalties and enforcement under Article 16 unless the use or Development Activity is consistent with the express terms of this Development Code, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the Effective Date. The adoption of this Development Code does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous City of Lawrence ordinances that occurred prior to the Effective Date.

(b) Applications Submitted Before the Effective Date
Any use or Development Activity for which a complete application was submitted to the City before the Effective Date and pending approval on the Effective Date may, at the applicant's option, be reviewed wholly under the terms of the development code in effect immediately before the Effective Date. If approved, such uses or Development Activities may be carried out in accordance with the standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

(c) Permits Issued Before the Effective Date
Any use or Development Activity for which a permit was duly issued before the Effective Date may be completed in conformance with the issued permit and other applicable permits and conditions, and such regulations that were in effect at the time the permit was issued, even if such use or Development Activity does not fully comply with provisions of this Development Code. If the use or Development Activity is not commenced or completed in accordance with the applicable permit terms, the director of the department responsible may, upon receipt of a written request and payment of the required fee, grant one 6-month time extension. If the use or Development Activity is not commenced or completed within the time allowed under the original permit or any extension granted, then the use or Development Activity may be completed or occupied only in strict compliance with the requirements of this Development Code.

(d) Preliminary Plats Approved Before the Effective Date
Preliminary plats approved before the Effective Date will remain valid until the approval expires even if the approved preliminary plat does not fully comply with the provisions of this Development Code. Preliminary plat approval expires one year after the date of approval unless all applicable conditions have been met and a complete final plat application has been filed. If preliminary plat approval expires, a new preliminary plat application shall be submitted and reviewed in accordance with this Development Code.

(e) Zoning District Names

The Official Zoning District Map designations in effect before the Effective Date are converted as follows:

Previous Map Designation	New Map Designation
RS, Single-DwellingResidential Districts	
RS-A	RS40
RS-E	RS20
RS-1	RS10
RS-2	RS7
None (New)	RS5
None (New)	RS3
RSO Single-DwellingResidential-Office Districts	
RO-1B and RO-2	RSO
RM, Multi-DwellingResidential Districts	
RMD	RM12D
RM-1	RM12
None (New)	RM15
RM-2 and RM-2A	RM24
RM3 and RD	RM32
None (New)	RMG
RMO, Multi-DwellingResidential-Office Districts	
RO-1 and RO-1A	RMO
C, Commercial Districts	
C-1	CN1
O-1	CO
C-2	CN2
C-3	CD
C-4	CS
C-5	CS
C-4A	CD
None (New)	CC200
None (New)	CC400
None (New)	CC600
None (New)	CR
I, Industrial Districts	
M-1	IBP
M-1A	IL
M-2	IG
M-3	IG
M-4	IG

Previous Map Designation	New Map Designation
Special Purpose Base Districts	
None (New)	GPI
None (New)	H
None (New)	OS
None (New)	UR
None (New)	U/U-KU
Planned Unit Development (All: PUD, PRD, PCD, PID, POD)	PUD[name], PRD[name], PCD[name], POD [name] or PID[name]
Overlay Districts	
Airspace Control Overlay	-ASO
Floodplain Overlay District	-FP
None (New)	-PD
South Lawrence Trafficway Overlay	-TC(SLT)
Downtown Urban Conservation Overlay	-UC(Downtown)

20-111 SEVERABILITY

If any portion of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the Development Code, and in no way affects the validity of any other portion of the Development Code.

This page intentionally left blank.

ARTICLE 2. BASE DISTRICTS

20-201 The Districts
20-202 RS, Single-Dwelling Residential Districts
20-203 RSO, Single-Dwelling Residential – Office District
20-204 RM, Multi-Dwelling Residential Districts
20-205 RMG, Multi-Dwelling Residential – Greek Housing District
20-206 RMO, Multi-Dwelling Residential – Office District
20-207 CN1, Inner Neighborhood Commercial District
20-208 CN2, Neighborhood Commercial Center District
20-209 CO, Office Commercial District
20-210 CD, Downtown Commercial District
20-211 CC, Community Commercial Centers District
20-212 CR, Regional Commercial District
20-213 CS, Commercial Strip District
20-214 IBP, Industrial/Business Park District
20-215 IL, Limited Industrial District
20-216 IM, Medium Industrial District
20-217 IG, General Industrial District
20-218 OS, Open Space District
20-219 GPI, General Public and Institutional Use District
20-220 H, Hospital District
20-221 U-, University District
20-222 PUD, PRD, PCD, PID, POD (Planned Development) Districts
20-223 UR, Urban Reserve District
20-224 MU, Mixed Use District
20-225 Lawrence Smart Code Districts

20-201 THE DISTRICTS

(a) Base Districts

The Zoning Districts presented in this chapter are referred to as "Base Districts" because they establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official Zoning District Map as in that Zoning District. All land in the City has a Base District classification. Base District regulations control the types of uses allowed and the way in which uses and Buildings may be developed on a site. The Base District regulations are the default regulations—they always control unless expressly overridden by or pursuant to any applicable Overlay Zoning District regulations.

(b) Districts Established

The following Base Districts are included in this Development Code. The Base Districts established by this Development Code are intended to be applied in accordance with the Comprehensive Plan.

District Name	Map Symbol	Corresponding Comprehensive Plan Designation
RS, Single-Dwelling Residential Districts [square feet per Dwelling Unit]:		
Single-Dwelling Residential–40,000 sq. feet	RS40	Very Low-Density
Single-Dwelling Residential–20,000 sq. feet	RS20	Low-Density
Single-Dwelling Residential–10,000 sq. feet	RS10	Low-Density
Single-Dwelling Residential–7,000 sq. feet	RS7	Low-Density
Single-Dwelling Residential–5,000 sq. feet	RS5	Low- or Medium-Density
Single-Dwelling Residential–3,000 sq. feet	RS3	Medium-Density
RSO, Single-Dwelling Residential-Office District [square feet per Dwelling Unit]:		
Single-Dwelling Residential-Office -- 2,500 sq. feet.	RSO	Low or Medium-Density
RM, Multi-Dwelling Residential Districts [Dwelling Units per acre]:		
Multi-Dwelling Residential– 12 d.u. per acre	RM12/ RM12D	Medium-Density
Multi-Dwelling Residential -- 15 d.u. per acre	RM15	Medium-Density
Multi-Dwelling Residential– 24 d.u. per acre	RM24	High-Density
Multi-Dwelling Residential– 32 d.u. per acre	RM32	High-Density
RMG, Multi-Dwelling Residential-Greek Housing District:		
Multi-Dwelling Residential-Greek Housing	RMG	High-Density
RMO, Multi-Dwelling Residential-Office District [Dwelling Units per acre]:		
Multi-Dwelling Residential-Office–22 d.u. / acre	RMO	High-Density
C, Commercial Districts:		
Inner Neighborhood Commercial	CN1	NA
Office Commercial	CO	Office or Office/Research
Neighborhood Shopping Center	CN2	Neighborhood Commercial Center
Downtown Commercial	CD	Regional Commercial Center
Community Commercial	CC	Community Commercial Centers
Regional Commercial	CR	Regional Commercial Center
Strip Commercial	CS	NA

District Name	Map Symbol	Corresponding Comprehensive Plan Designation
I, Industrial Districts:		
Industrial/Business Park	IBP	Office or Office/Research
Limited Industrial	IL	Warehouse and Distribution or Industrial
Medium Industrial	IM	Warehouse and Distribution or Industrial
General Industrial	IG	Warehouse and Distribution or Industrial
Special Purpose Base Districts:		
Mixed Use	MU	NA
General Public and Institutional	GPI	NA
Hospital	H	NA
Planned Unit Development	PUD[name]	NA
Planned Residential Development	PRD[name]	NA
Planned Commercial Development	PCD[name]	NA
Planned Industrial Development	PID[name]	NA
Planned Office District	POD[name]	NA
Urban Reserve	UR	NA
University/University – Kansas University	U/U-KU	NA
Open Space	OS	NA
Lawrence SmartCode Districts (Chapter 21 of the Code of the City of Lawrence):		
General SmartCode District	SC	NA
T1 – The Natural Zone	T1	NA
T2 – The Rural Zone	T2	NA
T3 – The Sub-Urban Zone	T3	NA
T4 – The General Urban Zone	T4	NA
T5 – The Urban Center Zone	T5	NA
T5.5 – The Special Urban Center Zone	T5.5	NA
CS – Civic Space	CIVIC	NA

20-202 RS, SINGLE-DWELLING RESIDENTIAL DISTRICT

(a) Purpose

(1) The primary purpose of the RS Districts is to accommodate residential neighborhoods. Within RS Districts, the City is committed to promoting housing for all income levels by allowing a variety of lot sizes and housing types. While a primary purpose of the RS Districts is to accommodate Detached Dwelling Units on individual Lots, in certain RS Districts, when **(i)** there is conformance with Section 20-258 of the City Code, as amended, and **(ii)** the Lot is part of a permanently affordable housing development, the City encourages two Detached Dwelling Units on individual Lots.

(2) The RS Districts are primarily differentiated on the basis of required minimum Lot size, as provided below:

(i) RS40, Single-Dwelling Residential District – 40,000 square feet.

(ii) RS20, Single-Dwelling Residential District – 20,000 square feet.

(iii) RS10, Single-Dwelling Residential District – 10,000 square feet.

(iv) RS7, Single-Dwelling Residential District – 7,000 square feet.

(v) RS5, Single-Dwelling Residential District – 5,000 square feet.

(vi) RS3, Single-Dwelling Residential District – 3,000 square feet.

(b) Principal Uses

Principal Uses are allowed in RS Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in RS Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

RS Districts are intended primarily for implementation along Local and Residential Collector Streets.

(f) Other Regulations

There are a number of other development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**

(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-203 RSO, SINGLE-DWELLING RESIDENTIAL – OFFICE DISTRICT

(a) Purpose

The primary purpose of the RSO District is to accommodate low to medium-intensity Administrative and Professional Offices that are compatible with the character of low and medium-Density residential neighborhoods. The District is also intended to be used as a transitional Zoning District between higher intensity commercial areas and residential neighborhoods. The District allows Detached Dwellings, Duplexes, Attached Dwellings and Administrative and Professional Offices uses, which may be combined in the same Structure (e.g., office on the Ground Floor or at the front of the Building with Dwelling Units on upper floors or toward the rear of the Building).

(b) Principal Uses

Principal Uses are allowed in RSO Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in RSO Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

RSO Zoning is generally appropriate along Collector Streets, although primary Access from RSO properties to such Collector Streets should be avoided where practicable.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-204 RM, MULTI-DWELLING RESIDENTIAL DISTRICT

(a) Purpose

(1) The primary purpose of the RM Districts is to accommodate multi-Dwelling housing. The Districts are intended to create, maintain and promote higher Density housing opportunities in areas with good transportation Access.

(2) The RM Districts are primarily differentiated on the basis of maximum allowed Net Density as provided below:

(i) The RM12 and RM12D, Multi-Dwelling Residential Districts – 12 Dwelling Units per acre.

(ii) The RM15, Multi-Dwelling Residential District – 15 Dwelling Units per acre.

(iii) The RM24, Multi-Dwelling Residential District – 24 Dwelling Units per acre.

(iv) The RM32, Multi-Dwelling Residential District – 32 Dwelling Units per acre.

(3) The RM12D District is differentiated from the other RM Districts on the basis of Building Type and the maximum allowed Net Density. In the RM12D district, the Building Type is restricted to Duplexes or Attached Dwellings of 2 units. Only one Principal Building per Lot is permitted in this District.

(b) Principal Uses

Principal Uses are allowed in RM Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in RM Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-205 RMG, MULTI-DWELLING RESIDENTIAL – GREEK HOUSING DISTRICT

(a) Purpose

The primary purpose of the RMG District is to provide areas for Greek Housing in proximity to a university or college that provides higher education to the public, preserves the architectural character and use of these existing Buildings, and protects nearby low-Density residential districts from incompatible uses and developments.

Greek Housing as specified herein shall be:

(1) Occupied primarily by students;

(2) Under the supervision of both a local residence manager and national organization which establishes policies and procedures to ensure good citizenship and the responsible use of the fraternity or sorority's property; and

(3) Certified or seeking certification by the Pan Hellenic Association or Intrafraternity Council at KU.

In furtherance of its primary purpose, the RMG District also provides for adaptive reuse of these existing Buildings for specified uses that also protect nearby low Density residential districts from incompatible developments.

(b) Principal Uses

Principal Uses are allowed in RMG Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in RMG Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

RMG Districts are intended to be located along Residential Collector, Collector and some Arterial Streets.

(f) Local Register of Historic Places

If a Greek Housing unit qualifies for listing to the Local Register of Historic Places, an individual having legal or equitable interest in the Greek Housing unit must initiate the process for listing to this register.

(g) Conversion of Existing Greek Housing

(1) Existing Greek Housing units may be converted to the following specific Adaptive Reuses, subject to the terms and conditions set forth in this subsection:

(i) Offices

(ii) Home for Elderly Persons

(iii) Day Care Center for Children

(iv) Adult Day Care Home

(v) Club or Community Center

(vi) Student Housing Operated by the University or a college

(vii) Elderhostel Operated by or associated with the University or a college

(2) An individual seeking to convert an existing Greek Housing unit, pursuant to this subsection shall be required to obtain Special Use approval in accordance with Section 20-1306 of this Development Code. Conversion of existing Greek Housing units shall be made only after the City Commission finds, in addition to the approval criteria provided in Section 20-1306(i), that the following standards and criteria have been satisfied:

(i) Exterior alterations and additions to the Building or Structure shall be limited so that the impervious coverage shall not be increased by 10% or more. Proposed alterations to existing Greek Housing units shall be subject to review by the Planning Director and Stormwater Engineer. Proposed alterations to existing Greek Housing units that are listed on a historic register shall also be subject to review by the Historic Resources Administrator.

(ii) Repair and maintenance work on the exterior of a Building or Structure subject to this subsection, which does not alter the design or appearance of the Building or Structure, shall not be considered an exterior alteration or addition under this subsection, and shall not be subject to the review by the Planning Director.

(iii) All Parking Areas shall be confined to the Rear Yard and those Parking Areas shall not occupy more than 55% of the total Lot Area; provided, however, Parking Areas lawfully in existence prior to a conversion under this subsection, including Driveways, may be permitted to continue in use, if the Parking Area does not constitute a safety hazard.

(iv) If the applicant for a conversion in conformance with this subsection desires a sign for the converted use, one (1) sign may be allowed, subject to the following conditions:

a. the sign shall not exceed twelve (12) square feet in area, nor shall it exceed six (6) feet in Height;

b. the sign shall only display the name, address and type of business of the Building or Structure; and

c. the sign shall not include commercial advertising of products.

(3) A lawfully existing Greek Housing unit may be demolished and replaced with another Greek Housing unit, or may be enlarged without being subject to this section; provided, that the demolition and replacement or enlargement is executed in accordance with this Development Code.

(h) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-206 RMO, MULTI-DWELLING RESIDENTIAL – OFFICE DISTRICT

(a) Purpose

The primary purpose of the RMO District is to accommodate Mixed Use development of low- and moderate-intensity Administrative and Professional Offices that are compatible with the character of medium- and high-Density residential neighborhoods. The District is also intended to be used as a transitional Zoning District between higher-intensity commercial areas and residential neighborhoods. The District allows residential uses and Administrative and Professional Office uses, which may be combined in the same Structure (e.g., office on the Ground Floor or at the front of the Building with Dwelling Units on upper floors or toward the rear of the Building).

(b) Principal Uses

Principal Uses are allowed in RMO Districts in accordance with the Use Table in Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in RMO Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

RMO zoning is generally appropriate for implementation along Collector or Arterial Streets.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-207 CN1, INNER NEIGHBORHOOD COMMERCIAL DISTRICT

(a) Purpose

The CN1, Inner Neighborhood Commercial District is primarily intended to accommodate pedestrian-oriented, small-scale retail and service businesses that serve nearby residential areas, typically within a developed neighborhood. The District is restricted in use to unique situations where the Center is part of an overall planned neighborhood development or where the Center can easily be integrated into an existing neighborhood and where it can be served by Collector or Arterial Streets pursuant to adopted Access Management standards.

(b) Principal Uses

Principal Uses are allowed in CN1 Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532, et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CN1 Districts shall comply with the City's Comprehensive Land Use Plan and the Density and Dimensional Standards of Article 6.

(1) Site Requirements

Site area of any development within the CN1 District shall not exceed 1 acre. See Article 6.

(2) Lot Requirements

No Additional Standards.

(3) Floor Area Requirements

Floor Area of any Structure for a Principal Use within the CN1 District shall not exceed 3,000 gross square feet.

(e) Street Access

Development in the CN1 District may take Access to local, Collector or Arterial Streets and to public Alleys (if they abut the property being developed).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT

(a) Purpose

The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections. Development is intended on only one corner of the intersection.

(b) Principal Uses

Principal Uses are allowed in CN2 Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CN2 Districts shall comply with the City's Comprehensive Land Use Plan and the Density and Dimensional Standards of Article 6.

(1) Site Requirements

Site area shall not exceed 15 acres for any CN2 development. See Article 6.

(2) Lot Requirements

Lot Area of any development within the CN2 District shall maintain a width-to-depth ratio between 1:1 and 3:2. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space, unless the Center contains a grocery (Food and Beverage Retail Sales) store that has over 60,000 gross square feet. In this case, the Center may contain no more than 125,000 gross square feet of commercial space.

(3) Floor Area Requirements

Floor Area of any Structure for a Principal Use within the CN2 District, other than a grocery (Food and Beverage Retail Sales) store, shall not exceed 40,000 gross square feet. A grocery (Food and Beverage Retail Sales) store shall not exceed 80,000 gross square feet.

(e) Street Access

Development in the CN2 District may take Access to Local, Collector or Arterial Streets and to public Alleys (if they abut the property being developed).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limts**	**See Section 20-601(d).**

20-209 CO, OFFICE COMMERCIAL DISTRICT

(a) Purpose

The CO, Office Commercial Zoning District, is generally intended to function as a medium-intensity office Zoning District. The District is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses and to serve as a land use buffer between Arterial or Collector Streets and residential neighborhoods. The District allows freestanding office Buildings as well as office parks.

(b) Principal Uses

Principal Uses are allowed in CO Districts in accordance with the Use Table Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CO Districts shall comply with the City's Comprehensive Land Use Plan and the Density and Dimensional Standards of Article 6.

(1) Site Requirements

No Additional Standards.

(2) Lot Requirements

No Additional Standards.

(3) Floor Area Requirements

No Additional Standards.

(e) Street Access

Development in CO Districts shall take Access to Collector or Arterial Streets.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-210 CD, DOWNTOWN COMMERCIAL DISTRICT

(a) Purpose

The CD, Downtown Commercial District, is primarily intended to implement the Comprehensive Plan's Downtown Commercial Center policy of providing for a variety of land uses, including governmental, retail, office, public and Community Facilities, institutional, churches, and residential and to accommodate new neighborhood, community and regional retail uses within the downtown area.

(b) Principal Uses

Principal Uses are allowed in CD District in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless expressly stated below, all development in the CD District shall comply with the Density and Dimensional Standards of Article 6. The following additional Density and Dimensional Standards shall apply in the CD District:

(1) Site Requirements

No Additional Standards.

(2) Lot Requirements

No Additional Standards.

(3) Floor Area Requirements

Floor Area of any Building footprint for a Principal Use within the CD District shall not exceed 25,000 gross square feet.

(e) Street Access

No street Access shall be permitted to individual Lots along Massachusetts Street. Lots along numbered side Streets in the Downtown area shall take Access from the public Alley or at the mid-Block point where a public Alley would be. Street Access to New Hampshire and Vermont Streets shall only be approved where it is consistent with the Downtown Design Guidelines and established street patterns.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

.

20-211 CC, COMMUNITY COMMERCIAL DISTRICT

(a) Purpose

(1) The CC, Community Commercial Centers District, is primarily intended to implement the Comprehensive Plan's Community Commercial Centers policy for commercial development at a community scale to serve multiple neighborhoods. Within the Community Commercial Center classification there are three categories of commercial centers; the CC200 Center, the CC400 Center and the CC600 Center. Permitted uses are the same in all three categories.

(2) The Primary Purpose of the CC200 Center is to provide for the redevelopment of existing Community Commercial Centers and to provide an alternative for the existing highway strip commercial areas.

(3) The Primary Purpose of the CC400 and CC600 Centers is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop.

(b) Principal Uses

Principal Uses are allowed in CC Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Additionally, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in CC Districts shall comply with the City's Comprehensive Land Use Plan and Density and Dimensional Standards of Article 6, as modified by the design standards set forth in Section 20-526. The following additional Density and Dimensional Standards shall apply in the CC District:

(1) Site Requirements

(i) Not all corners of a CC200 Commercial Node shall be devoted to commercial uses. For a Center that has Buildings between 40,000 and 100,000 gross square feet in size, the maximum gross square feet of the Center shall not exceed 50% of the allowable commercial square feet for a CC200 Commercial Node.

(ii) A minimum of 95% of the commercial gross square feet of a new CC400 Center shall be located on two (2) or fewer corners of the Commercial Node intersection. If there are remaining allowable square feet at a Node (intersection) after two or fewer corners are developed, one of the remaining corners may have 50% or less of the remaining 400,000 gross square feet of allowable commercial space. Any corner of an intersection where the gross square feet of commercial space is 20,000 or more shall have a minimum site area of 20 acres and a width to depth ratio between 1:1 and 3:2.

(iii) A maximum of 90% of the commercial gross square footage of a new CC600 Center shall be located on two (2) corners of the Commercial Node intersection.

(2) Lot Requirements

Lot Area of any development within the CC Centers District shall maintain a width-to-depth ratio between 1:1 and 3:2. Site Area and Lot Area requirements within the CC Districts are provided in 20-601(b).

(3) Floor Area Requirements

(i) CC200 Centers: CC200 Centers shall contain no more than 200,000 gross square feet of the entire Node's commercial space as provided in Chapter 6 of Horizon 2020. Floor Area of any Structure for a Principal Use within a CC200 Center shall not exceed 100,000 gross square feet. Within a Large Retail Establishment, no more than 15% of the Floor Area may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public Access internally from the larger Retail Establishment. General retail stores (including general merchandise and apparel) shall not exceed 65,000 gross square feet.

(ii) CC400 Centers: CC400 Centers shall contain no more than 400,000 gross square feet of the entire Node's commercial space as provided in Chapter 6 of Horizon 2020. Floor Area of any Structure for a Principal Use within a CC400 Center shall not exceed 175,000 gross square feet. Within a Large Retail Establishment, no more than 15% of the Floor Area may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public Access internally from the larger Retail Establishment.

(iii) CC600 Centers: CC600 Centers shall contain no more than 600,000 gross square feet of the entire Node's commercial space as provided for and defined in Chapter 6 of Horizon 2020 and Article 11 of this Development Code.

a. No more than two commercial buildings containing more than 100,000 gross square feet may be located on a single corner of the node.

(e) Street Access

Development in the CC Centers District shall take Access from a Collector Street, Arterial Street, or designated highway. CC200 Centers shall be located at Collector/Arterial Street intersections or Arterial/Arterial Street intersections. CC400 Centers shall be located at the intersection of two Arterial Streets that have at least a four-lane cross section or at the intersection of a four-lane Arterial Street with a State or Federally designated highway. CC600 Centers shall be located at the intersection of two State or Federally designated highways. Whenever possible, CC Centers development shall share direct or indirect Access through common curb cuts or private Access roads. When the CC Center site abuts a controlled intersection, Access shall be directed to a side street with adequate distance between the intersection and the site Access point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

.

20-212 CR, REGIONAL COMMERCIAL DISTRICT

(a) Purpose

The CR, Regional Commercial District, is primarily intended to implement the Comprehensive Land Use Plan's Regional Commercial Center policy of providing the same services as a Community Commercial Center but for a regional market area, offering a greater variety and number of general merchandise, apparel, furniture stores and other tenants. Regional Commercial Centers shall contain no more than 1.5 million gross square feet of commercial space.

(b) Principal Uses

Principal Uses are allowed in CR Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless expressly stated, all development in CR Districts shall comply with the City's Comprehensive Land Use Plan and the Density and Dimensional Standards Article 6. The following additional Density and Dimensional Standards apply in the CR District:

(1) Site Requirements

Site area of any development within the CR District shall be no less than 40 acres and shall have a minimum primary street Frontage of 1,400 linear feet.

(2) Lot Requirements

Lot Area of any development within the CR District shall maintain a width-to-depth ratio between 1:1 and 3:2 with a maximum Building coverage not to exceed 25%.

(3) Floor Area Requirements

Floor Area of any Structure for a Principal Use within the CR District shall not exceed 175,000 gross square feet. Within a Large Retail Establishment, no more than 15% of the Floor Area may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public Access internally from the larger Retail Establishment.

(e) Street Access

Development in the CR Districts shall be located at the intersection of two State or Federally designated highways or the intersection of a four-lane Arterial Street and a State or Federally designated highway. Whenever possible, such Commercial Development shall share direct or indirect Access through common curb cuts or private Access roads. When the Commercial Development abuts a controlled intersection, Access shall be directed to a side street with adequate distance between the intersection and the site Access point(s).

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-213 CS, COMMERCIAL STRIP DISTRICT

(a) Purpose

The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City's Major Arterial Streets. No new undeveloped Parcel shall be zoned CS, except in the case where an undeveloped Parcel is adjacent to an existing CS, then the adjacent undeveloped Parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent Parcel.

(b) Principal Uses

Principal Uses are allowed in CS Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Section 20-532.

(d) Density and Dimensional Standards

Unless expressly stated, all development in CS Districts shall comply with the City's Comprehensive Land Use Plan and the Density and Dimensional Standards of Article 6.

(1) Unless otherwise expressly stated, all development in CS Districts shall comply with the Density and Dimensional of Article 6.

(2) Expansion of a Development in the CS District to an adjacent Lot may be allowed only to square off the boundaries of an area designated on the official zoning map as a CS District along the rear or Side Setback of the Development; provided, however, this expansion may not exceed twenty-five percent (25%) of the Lot Area of the development and provided, further, the expansion on the adjacent Lot must implement the goals, policies and strategies of the Comprehensive Land Use Plan by providing one of the following:

(i) Shared Access with adjacent Development;

(ii) Perimeter Landscaping between the street and the development;

(iii) A Bufferyard or other landscape Screening between the development and any residential development; or

(iv) A sidewalk or extension of a sidewalk, along the public right-of-way adjacent to the Lot being redeveloped.

(e) Street Access

(1) The creation of shared public Access or consolidation of multiple Access points shall be required where determined by access management policy or adopted corridor plans identify potential changes upon redevelopment of a Major Development Project in the CS District.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-214 IBP, INDUSTRIAL/BUSINESS PARK DISTRICT

(a) Purpose
The IBP, Industrial/Business Park District, is intended to provide space in attractive and appropriate locations for certain low-impact employment and manufacturing uses in a planned industrial/business park setting.

(b) Principal Uses
Principal Uses are allowed in IBP Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures
Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards
Unless otherwise expressly stated, all development in IBP Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access
The IBP District is intended for implementation along Arterial Streets. Lot Access shall be taken from internal roads and not directly from the Arterial Streets, wherever possible.

(f) Other Regulations
There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-215 IL, LIMITED INDUSTRIAL DISTRICT

(a) Purpose
The IL, Limited Industrial District, is primarily intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses.

(b) Principal Uses
Principal Uses are allowed in IL Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures
Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards
Unless otherwise expressly stated, all development in IL Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access
The IL District is intended for implementation along Collector or Arterial Streets. When industrial development abuts Arterial Streets, Access shall be directed to a non-Arterial side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915. Whenever possible, the industrial development shall share direct or indirect Access through common curb cuts and Driveways or private Access roads.

(f) Other Regulations
There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-216 IM, MEDIUM INDUSTRIAL DISTRICT

(a) Purpose

The IM, Medium Industrial District, is intended to accommodate moderate-impact industrial facilities and wholesale, storage and distribution operations.

(b) Principal Uses

Principal Uses are allowed in IM Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in IM Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

The IM District is intended for implementation along Collector or Arterial Streets. When industrial development abuts Arterial Streets, Access shall be directed to a non-Arterial side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915. Whenever possible, the industrial development shall share direct or indirect Access through common curb cuts and Driveways or private Access roads.

(f) Other regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-217 IG, GENERAL INDUSTRIAL DISTRICT

(a) Purpose

The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.

(b) Principal Uses

Principal Uses are allowed in IG Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in IG Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

The IG District is intended for implementation along Arterial Streets. Whenever possible, Access shall be directed to a non-Arterial side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915. Whenever possible, such industrial development shall share direct or indirect Access through common curb cuts and Driveways or private Access roads.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-218 OS, OPEN SPACE DISTRICT

(a) Purpose

The OS, Open Space District, is a Special Purpose Base District intended to preserve and enhance major Open Space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities. The OS District may also be applied to Common Open Space within residential PDs and Cluster Housing Projects.

(b) Principal Uses

Principal Uses are allowed in OS Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in OS Districts shall comply with the Density and Dimensional Standards set forth in Article 6.

(e) Street Access

The OS District is appropriate for implementation along Residential Collector, Collector Streets and Arterial Streets. Where an OS District abuts an Arterial Street, Access shall be directed to a side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-219 GPI, GENERAL PUBLIC AND INSTITUTIONAL USE DISTRICT

(a) Purpose

The GPI District is a Special Purpose Base District primarily intended to accommodate Institutional Uses occupying significant land areas but not appropriate for development in the H District or on property designated on the official zoning map as U. The District regulations are designed to offer the institution maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible with adjoining land uses.

(b) Principal Uses

Principal Uses are those uses that are institutional by definition that are allowed in GPI Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in GPI Districts shall comply with the Density and Dimensional Standards of Article 6. Setbacks for the GPI District are the same as those established in 20-601(b) for the IBP District. The GPI may include a Type 3 Bufferyard, expanded to a width of 75 feet, along the border. The Height standards of Section 20-602(h)(2) shall apply to uses in the GPI District.

(e) Street Access

The GPI District is intended to be implemented along Collector and/or Arterial Streets. Development in the GPI District shall take its primary Access from Collector and/or Arterial Streets, except uses defined as Major Utilities and Services and Minor Utilities which may take primary Access from any street classification deemed suitable due to their unique circumstances. Development in the GPI District may take it's secondary Access from a Local Street or Alley except where the zoning of the property across the Street or Alley is in an RS Zoning District; in those cases, the GPI development shall be allowed only emergency Access to the Local Street or public Alley.

(f) Development Standards Required

Subject to the standards of this Article, the institution responsible for the property within the GPI District shall from time to time prepare and update an Institutional Development Plan for all of the property contained within the GPI District. The procedure for review and action on the Institutional Development Plan is set out in Section 20-1307.

(g) Expansions

The GPI District should generally be expanded in logical increments that preserve an orderly boundary between the Institutional Use and any adjoining residential uses.

(h) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-220 H, HOSPITAL DISTRICT

(a) Purpose
The H District is a Special Purpose Base District primarily intended to accommodate a Hospital and accessory and related uses under common control and planning.

(b) Principal Uses
Principal Uses are allowed in H Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures
Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards
Unless otherwise expressly stated, all development in H Districts shall comply with the Density and Dimensional Standards of Article 6. Setbacks for the H District are the same as those established in 20-601 (b) for the IBP District. Alternatively, the H District can include a Type 3 Bufferyard, expanded to a width of 75 feet, along the border. The Height standards of Section 20-602(h)(2) shall apply to uses in the H District.

(e) Street Access
Development in the H District shall have primary Access onto Collector and/or Arterial Streets. Development in the H District may have Access to a Local Street or Alley except where the zoning of the property across the Street or Alley is in an RS Zoning District; in those cases, the H District development shall be allowed emergency Access only to the Local Street or public Alley.

(f) Development Standards Required
Subject to the standards of this Article, the institution responsible for the property within the H District shall prepare and update an Institutional Development Plan for all of the property contained within the H District when a Significant Development Project is proposed. The procedure for review and action on the Institutional Development Plan is set out in Section 20-1307.

(g) Expansion
The H District should generally be expanded in logical increments that preserve an orderly boundary between the Institutional Use and any adjoining residential uses.

(h) Other Regulations
There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-221 U-, UNIVERSITY DISTRICT

(a) Purpose and Intent

The property governed by the Cooperation Agreement Between the City of Lawrence, Kansas, and the University of Kansas, dated April 7, 2005 shall be designated as "U – Kansas University" on the City's official zoning map. No provision of the Development Code shall govern the use of the "U – Kansas University" property, unless the Cooperation Agreement so provides. The Cooperation Agreement solely shall govern the use and development of the "U – Kansas University" property, as shown on the official zoning map.

The property titled to the United States of America and used by Haskell Indian Nations University shall be designated as "U" on the City's official zoning map. No provisions of the Development Code shall govern the use and development by Haskell Indian Nations University of the property designated "U" on the official zoning map.

20-222 PUD, PRD, PCD, PID, POD (PLANNED DEVELOPMENT) DISTRICTS

(a) Purpose

The Planned Development Districts, PRD, Planned Residential Development District, PUD, Planned Unit Development District, PCD, Planned Commercial Development District, PID, Planned Industrial District, and POD, Planned Office District are all Special Purpose Base Districts intended only to provide a suitable classification for land included in a Planned Development approved prior to the Effective Date. This District is expressly not intended for implementation through application to additional land after the Effective Date. For Planned Developments after that date, see the provisions of Section 20-701.

(b) District Name

The name of this District shall, in each geographic implementation, include the specific Planned Development designation followed by the name of the Development in brackets. For example, the actual District designation for an older Planned Unit Development that was created as an Overlay District would be PUD [Development Name]" and for a Planned Residential Development that was created as a Base District would be "PRD [Development Name]".

(c) Principal Uses

The Principal Uses allowed in a specific Planned Development District shall be those uses – and only those uses – allowed by the terms and conditions of the original approval of the Planned Development, as amended from time to time in accordance with the provisions of this Chapter and its predecessors. Where an issue of interpretation of the terms and conditions of the original approval arises, the procedures of Section 20-1304(g) should be followed. A change or intensification of the approved Principal Uses shall require approval under Article 7.

(d) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532 et seq.

(e) Density and Dimensional Standards

The development or expansion of any Structure in the Planned Development District shall comply with the Density and Dimensional Standards contained or incorporated in the terms and conditions of the original approval of the Planned Development, as amended from time to time in accordance with the provisions of this Chapter and its predecessors. Where an issue of interpretation of the terms and conditions of the original approval arises, the procedures of Section 20-1304(g) should be followed.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following. Where there is a conflict between the Development standards to which reference is made below and the terms and conditions of the approved Planned Development, the terms and conditions of the approved Planned Development shall control. Where an issue of interpretation of the terms and conditions of the original approval arises, the procedures of Section 20-1304(g) should be followed.

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-223 UR, URBAN RESERVE DISTRICT

(a) Purpose

The UR, Urban Reserve District, is a Special Purpose Base District primarily intended to provide a suitable classification for newly annexed land. The District is intended to avoid premature or inappropriate development that is not well served by Infrastructure or community services. It is also intended for implementation in areas where an adopted neighborhood plan or area development plan is not in place. It permits only very low-intensity development until such time that a land use plan and Infrastructure and community services are in place.

(b) Principal Uses

The only Principal Uses allowed in the UR District are Crop Agriculture and any lawful uses(s) in existence immediately prior to annexation with the exception of billboard signs. No billboard signs may be annexed into the city. Communications facilities are allowed in the UR District if approved by a Special Use Permit in accordance with Section 20-1306.

(1) Any use or Development Activity that requires Site Plan Review and approval (see Section 20-1305) will be allowed only after the property is rezoned to the appropriate City zoning classification (in accordance with Section 20-1303).

(2) No increase in the number of Livestock is permitted, nor shall swine be kept in the UR District pursuant to Chapter 3, Article 1 of the City Code.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

The development or expansion of any Structure in the UR District shall comply with the Density and Dimensional Standards of the RS40 District (See Section 20-601).

(e) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	**General Development Standards**	**See Article 11.**
(2)	**Landscaping**	**See Article 10.**
(3)	**Off-Street Parking and Loading**	**See Article 9.**
(4)	**Outdoor Lighting**	**See Section 20-1103.**
(5)	**Overlay Districts**	**See Article 3.**
(6)	**Occupancy Limits**	**See Section 20-601(d).**

20-224 MU, MIXED USE DISTRICT

(a) Purpose

The MU, Mixed Use District, is primarily intended to permit a variety of land uses together in one or more Structures on a site including governmental, retail, office, public and Community Facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. Retail and service uses that attract and generate foot traffic are encouraged to be located at ground level along the Public Frontage. Development in the Mixed Use District shall include both residential and nonresidential uses.

(b) Where Appropriate

The Mixed Use District zoning classification may not be appropriate in all areas of the City of Lawrence. Specific standards apply to Mixed-Use Developments. See Section 20-1108.

(c) Compatibility

Mixed-Use developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Specific standards apply to Mixed-Use Developments. See Section 20-1108.

(d) Principal Uses

Principal Uses are allowed in MU District in accordance with the Use Table of Article 4.

(e) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Article 5.

(f) Density and Dimensional Standards

All development in the MU District shall comply with the Density and Dimensional Standards of Article 6..

(g) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards
Specific standards apply to Mixed-Use Developments. See Article 11.

(2) Landscaping
Specific standards apply to Mixed-Use Developments. See Article 10.

(3) Off-Street Parking and Loading
Specific standards apply to Mixed-Use Developments. See Articles 9 & 11.

(4) Outdoor Lighting
Specific standards apply to Mixed Use Developments. See Section 20-1103.

(5) Overlay Districts See Article 3.

(6) Occupancy Limits **See Section 20-601(d).**

20-225 Lawrence SmartCode Districts

(a) Purpose

(1) The primary purpose of the Lawrence SmartCode Districts is to promote Traditional Neighborhood Design (TND) development for both Greenfield and Infill/Redevelopment. The rezoning of property as part of the Lawrence SmartCode relies on the rezoning process of the Development Code (20-1303). See Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) for additional information.

(2) The Lawrence SmartCode Districts are primarily differentiated on the level of urbanism allowed, as provided below:

(i) T1, The Natural Zone – consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.

(ii) T2, The Rural Zone – consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, and grasslands.

(iii) T3, Sub-Urban Zone – consists of low density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

(iv) T4, The General Urban Zone – consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.

(v) T5, The Urban Center Zone – consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.

(vi) T5.5, The Special Urban Center Zone – consists of the highest density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages. Because of its historic designation and character, it will be protected from competition in intensity.

(vii) CIVIC, Civic Space – an outdoor area dedicated for public use.

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" (June 2016)

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 Unncessary 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; and

(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; and

(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
8th & Pennsylvania Urban Conservation Overlay District	See Ord. No 8053
Oread Neighborhood Design Overlay District	See Ord. No. 9211

(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
8th and Pennsylvania Urban Conservation Overlay District	Design Guidelines 8th and Penn Neighborhood Redevelopment Zone (2006, Revised October 4, 2011, and January 21, 2020)
Oread Neighborhood Design Overlay District	Oread Neighborhood Design Guidelines (June 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, AND JANUARY 21, 2020)

The "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (2006, Revised October 4, 2011, and January 21, 2020) 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, and January 21, 2020) shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 9739" and to which shall be attached a copy of Ordinance No. 9739, 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, and January 21, 2020) 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. One copy of the "Oread Neighborhood Design Guidelines, 2016 Edition" shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 9211," to which shall be attached a copy of this ordinance, shall be filed with the City Clerk, and shall be to be open for inspection and available to the public at all reasonable business hours. One additional marked or stamped official 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.

ARTICLE 4. USE TABLE

20-401 Use Table
20-402 Residential District Use Table
20-403 Nonresidential District Use Table

20-401 USE TABLE

The Use Table of this article lists the Principal Uses allowed within all of the Base Districts except the UR District (See Section 20-223(b) for UR District use regulations). The symbols used in the Use Table are defined in the following paragraphs.

(a) [P] Permitted Uses

A "P" indicates that a use is permitted by right, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(b) [S] Special Uses

An "S" indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Section 20-1306.

(c) [A] Accessory Uses

An "A" indicates that a use is permitted as accessory to a Principal Use, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(d) Uses Not allowed

Cells containing a dash (–) indicate that the listed use is not allowed in the respective Zoning District.

(e) Use-Specific Standards

Many allowed uses, whether permitted by-right or by Special Use, are subject to compliance with use-specific standards and conditions. An Asterisk (*) after the P, S, or A use code identifies the use is subject to use-specific standards and conditions. The sections in which these standards and conditions are located are identified in the far right column titled Use Specific Standard.

(f) Unlisted Uses

If an application is submitted for a use that is not listed in the use table of this section, the Planning Director is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of Section 20-1702(b). If no similar use determination can be made, the Planning Director shall initiate an amendment to the text of this Development Code to clarify where such uses will be allowed.

20-402 RESIDENTIAL DISTRICT USE TABLE

Key:
A = Accessory
P = Permitted
S = Special Use
** = Standard Applies*
- = Use not allowed

		Base Zoning Districts														*Use-Specific Standards (Sec. 20-)*
		RS40	*RS20*	*RS10*	*RS7*	*RS5*	*RS3*	*RSO*	*RM12*	*RM12D*	*RM15*	*RM24*	*RM32*	*RMG*	*RMO*	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling Unit	A*	A*	A*	A*	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	–	–	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	–	P*	503
	Cluster Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	702
	Detached Dwelling	P*	P*	P*	P*	P/S*	P*	P*	S*	S*	S*	S*	S*	–	S*	508
	Duplex	–	–	–	–	–	–	P*	P*	P*	P*	P*	P*	–	P*	503
	Manufactured Home	–	–	–	–	–	–	–	S	S	S	S	S	–	–	
	Manufactured Home, Residential-Design	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	–	S*	513
	Mobile Home	–	–	–	–	–	–	–	–	–	S	S	S	–	–	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	S*	S*	S*	–	–	514
	Multi-Dwelling Structure	–	–	–	–	–	–	–	P*	–	P*	P*	P*	–	P*	517
	Non-Ground Floor Dwelling	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Work/Live Unit	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Zero Lot Line Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	531
	Home Occupation, Type A or B	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	537
Group Living	Assisted Living	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Congregate Living	–	–	–	–	–	–	–	P*	–	P*	P*	P*	–	P*	546
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	–	P	–	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	P	–	
	Group Home, General [11 or more]	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Group Home, Limited [10 or fewer]	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Adult Day Care Home	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	College/University	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	School	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Cultural Center/ Library	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Day Care Center	S*/A	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*/A*	S*	507
	Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	507

Key:
A = Accessory
P = Permitted
S = Special Use
** = Standard Applies*
- = Use not allowed

		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	–	S*	507
	Detention Facilities	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Event Center, Small	S	S	S				S					S		S	
	Event Center, Large	S	S	S				S					S		S	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512
	Postal Service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Active Funeral and Interment	–	–	–	–	–	–	P*	–	–	–	–	–	–	P*	505
	Passive Funeral and Interment	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	505
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522
	Social Service Agency	--	--	--	--	--	--	P	--	--	--	--	--	--	P	
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	–	S	
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
	Extended Care Facility, General	–	–	–	–	–	–	S	P	P	P	P	P	P	P	
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Health Care Office, Health Care Clinic	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Outpatient Care Facility	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	–	S	
	Entertainment & Spectator Sports, General	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Entertainment & Spectator Sports, Limited	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
	Participant Sports & Recreation, Indoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Participant Sports & Recreation, Outdoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		RS40	*RS20*	*RS10*	*RS7*	*RS5*	*RS3*	*RSO*	*RM12*	*RM12D*	*RM15*	*RM24*	*RM32*	*RMG*	*RMO*	
Religious Assembly	Campus or Community Institution	–	–	–	–	–	–	–	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Livestock Sale	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Sales and Grooming	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Veterinary	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
Eating & Drinking Establishments	Accessory Bar	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Bar or Lounge	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Brewpub	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Fast Order Food	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Fast Order Food, Drive-in	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Nightclub	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Private Dining Establishments	S*	S*	S*	S*	S*	–	S*	–	–	–	–	–	–	S*	539
	Restaurant, High-turnover	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Restaurant, Quality	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Office	Administrative and Professional	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	518
	Financial, Insurance & Real Estate	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	510
	Payday Advance, Car Title Loan Business	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	510
	Other	–	–	–	–	–	–	P	–	–	–	–	–	P	P	543
Parking Facilities	Accessory	–	–	–	–	–	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	–	–	–	–	–	–	S	–	–	–	–	–		–	
Retail Sales & Service	Agricultural Sales	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Building Maintenance	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Business Equipment	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Business Support	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

Key:
A = Accessory
P = Permitted
S = Special Use
** = Standard Applies*
- = Use not allowed

		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Construction Sales and Service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Food and Beverage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Mixed Media Store	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Personal Convenience Services	–	–	–	–	–	–	P*	–	–	–	–	–	–	P*	520
	Personal Improvement Services	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	521
	Repair Service, Consumer	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Retail Sales, General	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Retail Establishment, Large	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Retail Establishment, Medium	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Retail Establishment, Specialty	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Sexually Oriented Businesses	Sexually Oriented Media Store	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Sex Shop	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Sexually Oriented Theater	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Transient Accommodation	Short-Term Rental	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	S*/A	–	S*/A	554
	Bed and Breakfast	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	–	P*	504
	Campground	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Elderhostel	–	–	–	–	–	–	–	–	–	–	–	–	S	–	
	Hotel, Motel, Extended Stay	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Vehicle Sales & Service	Cleaning (e.g., car wash)	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Fleet Storage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Gas and Fuel Sales	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Heavy Equipment Repair	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Heavy Equipment Sales	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Inoperable Vehicles Storage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Light Equipment Repair	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Light Equipment Sales/Rental	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		RS40	*RS20*	*RS10*	*RS7*	*RS5*	*RS3*	*RSO*	*RM12*	*RM12D*	*RM15*	*RM24*	*RM32*	*RMG*	*RMO*	
	RV and Boats Storage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
INDUSTRIAL USE GROUP																
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Industrial, General	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Maker Space, Limited	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
	Maker Space, Intensive	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
	Laundry Service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Manufacturing & Production, Limited	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Manufacturing & Production, Technological	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Research Service	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Salvage Operation	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Wholesale, Storage & Distribution	Heavy	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Light	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Mini-Warehouse	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	S*	–	501
Urban Agriculture	Agriculture, Crop	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	533, 548
	Agriculture, Large Animal	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	502
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	533, 547
	Farmers Market	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	549
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	550
	Urban Farm	S*	S*	S*	S*	–	–	–	–	–	–	–	–	–	–	533, 551
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	536
	Broadcasting Tower	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Communications Service Establishment	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
	Wireless Facilities - Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Wireless Support Structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		RS40	*RS20*	*RS10*	*RS7*	*RS5*	*RS3*	*RSO*	*RM12*	*RM12D*	*RM15*	*RM24*	*RM32*	*RMG*	*RMO*	
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Recycling Facilities	Large Collection	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Small Collection	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Processing Center	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key:
A = Accessory
P = Permitted
S = Special Use
** = Standard Applies*
- = Use not allowed

		Base Zoning Districts																*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	P*	–	P*	P*	–	–	–	–	–	–	–	–	–	–	P*	–	503
	Cluster Dwelling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	702
	Detached Dwelling	P*	–	--	P	–	–	–	–	–	–	–	–	–	–	P*	A*	508
	Duplex	P*	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	--	–	–	–	–	–	–	–	–	–	–	P	A	
	Manufactured Home, Residential-Design	P*	–	–	P	–	–	–	–	–	–	–	–	–	–	–	–	513
	Mobile Home	–	–	–	--	–	–	–	–	–	–	P	–	P	–	P	A	
	Mobile Home Park	–	–	–	--	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	P*	–	P*/S*	P*		P*	–	–	–	–	–	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	P*	–	P*	P*	–	P*	–	–	–	–	–	–	–	517/542
	Work/Live Unit	P*	P*	P*	P*	–	P*/S*	P*	–	P*	–	P*	–	–	–	–	–	517/541
	Zero Lot Line Dwelling	P*	–	P	P	–	–	–	–	–	–	–	–	–	–	–	–	531
	Home Occupation, Type A or B	–	–	A*	A*	–	–	–	–	–	–	–	–	–	–	–	–	537
Group Living	Assisted Living	–	–	P	P	–	–	–	–	–	–	–	–	–	–	S	S	
	Congregate Living	–	–	P*	S*	–	–	–	–	–	–	–	–	–	–	–	–	546
	Dormitory	–	–	–	--	–	–	–	–	–	–	–	–	–	–	–	A	
	Fraternity or Sorority House	–	–	–	--	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	S	–	–	–	–	–	S	A	
	Group Home, Limited (10 or less)	P	–	P	P	–	–	–	–	–	–	–	–	–	–	P	–	
	PUBLIC AND CIVIC USE GROUP																	
Community Facilities	College/University	S	P	P	S	P	P	P	P	P	P	P	–	P	–	P	A	
	Cultural Center/ Library	S	P	P	S	S	P	P	–	–	P	–	–	–	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	–	–	–	507
	Day Care Home, Class A	P	P	A*	A*	–	P	P	–	P	–	–	–	–	–	–	–	507
	Day Care Home, Class B	S*/A*	P*	S*	S*	–	P	P	–	P	–	–	–	–	–	–	–	507
	Detention Facilities	–	–	–	--	–	–	–	–	–	–	S	S	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 (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Event Center, Small	S	S	P	S	P	P	P	P	P	P	P				S		
	Event Center, Large			S	--	S	P	P	P	P	P	P				S		
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	–	–	P*	–	512
	Postal & Parcel Service	–	P	P	--	P	P	P	P	P	P	P	P	P	–	P	–	
	Public Safety	S	P	P	S	P	P	P	P	P	P	P	P	P	–	P	–	
	School	P	P	P	S	P	P	P	P	P	–	–	–	–	–	P	–	
	Active Funeral and Interment	–	P*	–	--	P*	P*	P*	P*	P*	P*	P*	–	–	A*	–	–	505
	Passive Funeral and Interment	A*	A*	A*	A*	A*	A*	A*	A*	A*	_	A*	_	_	P*/A*	A*	_	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	–	S*	–	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	–	P	–	P	A	
	Community Meal Program	S/A*	S/A*	S/A*	A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	–	S	–	S	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	–	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	S	P	P	S	P	–	
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
	Extended Care Facility, General	–	S	P	S	S	–	–	–	–	S	–	–	–	–	–	A	
	Extended Care Facility, Limited	P	P	P	P	P	–	–	–	–	–	–	–	–	–	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	P	–	–	–	P	A	
	Hospital	–	–	–	--	–	–	–	–	–	–	–	–	–	–	–	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	-	–	–	–	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	S	P	P	P	P	P	–	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	–	–	–	--	–	P	P	P	P	–	–	–	–	–	S	–	
	Entertainment & Spectator Sports, Limited	–	P	P	--	–	P	P	P	P	–	–	–	–	S	P	–	
	Participant Sports & Recreation, Indoor	–	P	P	--	–	P	P	P	P	P	P	–	–	–	P	A	
	Participant Sports & Recreation, Outdoor	–	–	S	--	–	–	P	P	P	P	P	–	–	–	A*/S*	–	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	P	–	P	P	–	P	–	–	–	–	P	P	A	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*																*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
Religious Assembly	Campus or Community Institution	P*	P*	P*	S*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	522
	Neighborhood Institution	P*	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	S	P	P	P	P	P	–	P	–	P	–	–	–	
	Veterinary	–	P	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*	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	S	P*	P*	P*	P*	P*	P*	–	–	–	–	–	–	539
	Restaurant, Quality	P*	P*	P	S	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	–	524
Office	Administrative and Professional	P*	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	P	–	–	–	–	A	510
	Payday Advance, Car Title Loan Business	P*	P	P	P	P	P	P	P	P	P	P	--	--	--	--	A	510
	Other	P	P	P*	P*	P	P	P	P	P	P	P	A	P	–	–	–	543
Parking Facilities	Accessory	A*	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	

Key:
A = Accessory
P = Permitted
S = Special Use
** = Standard Applies*
- = Use not allowed

		Base Zoning Districts																*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
Retail Sales & Service	Agricultural Sales	–	–	–	--	–	–	P	P	P	–	P	–	P	–	–	–	
	Building Maintenance	–	P	S	--	–	P	P	P	P	–	P	P	P	–	A	A	
	Business Equipment	–	P	P	S	–	P	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	S	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 Services	P*	P	P	P	–	P	P	P	P	–	P	–	–	–	–	A	520
	Personal Improvement Services	P*	P	P	P	–	P	P	P	P	–	P	–	–	–	A	A	521
	Repair Service, Consumer	P*	P*	P*	S*	–	P*	P*	P*	P*	–	P*	–	–	–	–	–	523
	Retail Sales, General	P*	P*	P*	S*	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	Short-Term Rental	S*/A	S*/A	S*/A		–	S*/A	S*/A	–	S*/A	–	S*/A	–	S*/A	–	S*/A	S*/A	554
	Bed and Breakfast	P*	–	P*	S	–	–	–	–	–	–	–	–	–	–	–	–	504
	Campground	–	–	–	--	–	–	P	P	P	–	–	–	–	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 (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	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	–	–	–	
	Heavy Equipment Repair	–	–	–	--	–	–	P	P	P	–	P	P	P	–	–	–	
	Heavy Equipment Sales/Rental	–	–	–	--	–	–	P	P	P	–	P	–	P	–	–	–	
	Inoperable Vehicles Storage	–	–	–	--	–	–	P	P	P	–	P	P	P	–	–	–	
	Light Equipment Repair	–	S	–	--	–	S	P	P	P	–	P	–	P	–	–	–	
	Light Equipment Sales/Rental	–	P*	–	--	–	S	P	P	P	–	P	–	P	–	–	–	545
	RV and Boats Storage	–	–	–	--	–	–	P	P	P	–	P	–	P	–	–	–	
INDUSTRIAL USE GROUP																		
Industrial Facilities	Explosive Storage	–	–	–	--	–	–	–	–	–	–	–	–	P	–	–	–	
	Industrial, General	–	–	–	--	–	–	–	–	–	–	P	P	P	–	–	–	
	Industrial, Intensive	–	–	–	--	–	–	–	–	–	–	–	–	P	–	–	–	
	Laundry Service	–	–	–	--	–	–	P	P	P	–	P	P	P	–	–	–	
	Maker Space, Limited	P	P	P	S	P	P	P	P	P	P	P	P	P	--	A/S	--	
	Maker Space, Intensive	--	S	S	--	S	S	S	S	S	P	P	P	P	--	A/S	--	
	Manufacturing & Production, Ltd.	–	–	P	S	–	S	S	S	S	P	P	P	P	–	–	–	
	Manufacturing & Production, Tech.	–	–	–	--	–	S	P	P	P	P	P	P	P	–	–	–	
	Research Service	–	–	P	S	S	S	P	P	P	P	P	P	P	–	–	–	
	Scrap and Salvage Operation	–	–	–	--	–	–	–	–	–	–	S*	–	S*	–	–	–	527
Wholesale, Storage & Distribution	Exterior Storage	–	–	–	--	–	–	A*	A*	A*	A*	A*	A*	A*	–	A*	A*	538
	Heavy	–	–	–	--	–	–	S	S	S	–	S	–	P	–	–	–	
	Light	–	–	–	--	–	–	P	P	P	P	P	P	P	–	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 (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Mini-Warehouse, Climate Controlled	–	–	–	--	–	–	P	P	P	P	P	P	P	–	–	–	552
	Mini-Warehouse, Exterior	–	–	–	–	–	–	–	–	P	–	P	P	P	–	–	–	552
	Mini-Warehouse, Self-Storage Containers	–	–	–	–	–	–	–	–	P	–	P	P	P	–	–	–	552
	Garage Condos	–	–	–	–	–	–	–	–	–	S	P	P	P	–	–	–	552
OTHER USES GROUP																		
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	--	–	–	–	–	–	–	–	–	–	–	–	–	
Urban Agriculture	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	533, 548
	Agriculture, Large Animal	–	–	–	--	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	533, 547
	Farmers Market	P	P	P	S	P	P	P	P	P	P	P	S	S	S	A	-	549
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	550
	Urban Farm	–	–	–	--	–	–	–	–	–	–	P*	P*	P*	–	–	–	533, 554
Communications Facilities	Amateur & Receive-Only Antennas	A*	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	–	P	A	
	Wireless Facility - Antenna	A*	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Wireless Support Structure	S*	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*	A*	536
Mining	Mining	–	–	–	--	–	–	–	–	–	–	–	–	S*	–	–	–	515
Recycling Facilities	Large Collection	–	–	–	--	–	–	P	P	P	–	P	P	P	–	–	–	540
	Small Collection	P	P	P*	S*	P	P	P	P	P	P	P	–	P	–	A	A	540

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*	*Base Zoning Districts*																*Use-Specific Standards (Sec. 20-)*
	CN1	*CN2*	*MU (PRIMARY / SECONDARY)*	*MU (TERTIARY)*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
Processing Center	–	–	–	--	–	–	–	–	–	–	S	S	S	–	–	–	

ARTICLE 5. USE REGULATIONS

20-501	Adaptive Reuse of Designated Historic Property
20-502	Agriculture, Large Animal
20-503	Attached Dwellings
20-504	Bed and Breakfast Establishment
20-505	Funeral and Interment
20-506	(Reserved)
20-507	Day Care Establishments
20-508	Detached Dwelling
20-509	Eating and Drinking Establishments
20-510	Financial, Insurance and Real Estate (F.I.R.E.) Services, Payday Advance and Car Title Loan Businesses
20-511	Food and Beverage Sales
20-512	Lodge, Fraternal and Civic Assembly
20-513	Manufactured Homes, Residential-Design
20-514	Mobile Home Parks
20-515	Mining
20-516	Mixed Media Stores
20-517	Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units
20-518	Office, Administrative and Professional
20-519	Outpatient Care Facility
20-520	Personal Convenience Services
20-521	Personal Improvement Services
20-522	Religious Assembly
20-523	Repair Service, Consumer
20-524	Restaurant, Quality
20-525	Retail Sales, General
20-526	Retail Establishments
20-527	Scrap and Salvage Operations
20-528	Sexually Oriented Businesses
20-529	Wireless Facilities
20-530	Utility, Minor
20-531	Zero Lot Line Housing
20-532	Accessory Uses and Accessory Structures; Purpose
20-533	General Standards for Accessory Structures
20-534	Accessory Dwelling Units
20-535	Accessory Parking
20-536	Amateur Radio and Receive-Only Antennas
20-537	Home Occupations
20-538	Exterior Storage
20-539	General Standards for Private Dining Establishments
20-540	Small and Large Collection Recycling Facilities
20-541	Work/Live Units
20-542	Non-Ground Floor Dwelling Units
20-543	Office, Other
20-544	Temporary Shelters
20-545	Light Equipment Sales/Rental
20-546	Congregate Living
20-547	Animal Agriculture, Small
20-548	Crop Agriculture
20-549	Farmers Markets
20-550	On-Site Agricultural Sales
20-551	Urban Farm
20-552	Mini-Warehouse
20-553	Short-Term Rental

20-501 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY

(1) Special Use approval may be granted in any Zoning District for an Adaptive Reuse provided the property is listed individually or as a contributing Structure to a historic district in one or more of the following: the Lawrence Register of Historic Places; the Register of Historic Kansas Places; or the National Register of Historic Places.

(2) Only properties that meet criteria (i) or (ii) below and the additional criteria below are eligible to pursue Adaptive Reuse:

(i) When such use can facilitate active renovation or restoration of the property and when the request for the Adaptive Reuse is submitted prior to the renovation or restoration commencing.

(ii) When such use can maintain an otherwise adequate property that has an existing Adaptive Reuse Special Use Permit.

(iii) When the property is located in a nonresidential Zoning District.

(iv) When the property is located in a single-dwelling residential Zoning District and the structure was built primarily for any use other than Detached Dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence and when the property is not being converted from Detached Dwelling to Adaptive Reuse.

(v) When the property is located in a multi-dwelling residential Zoning District and where the Structure on the property was built for any use other than Detached Dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence or where the Structure on the property has a minimum of 4,000 square feet of Gross Floor Area in living space. (Square footage shall include all finished living space excluding porches and garages).

(3) Adaptive Reuse of a property shall not include a reduction in area or dimension of the existing Front Yard or Exterior Side Yard;

(4) Adaptive Reuse of a residentially-designed Structure shall maintain the residential quality and character of the property;

(5) Adaptive Reuse of a Building shall maintain the architectural character of the historic property, as established by the Historic Resources Commission, and the historic context within the neighborhood environs;

(6) Prior to public hearing of an application for a Special Use for Adaptive Reuse by the Planning Commission, the Special Use application shall first be reviewed and a recommendation made by the Lawrence Historic Resources Commission at a regular meeting of the Lawrence Historic Resources Commission and, when applicable, the State Historic Preservation Officer. Mailed notice of the Historic Resources Commission's meeting shall be provided pursuant to Section 20-1301(q)(3).

(7) In addition to the Special Use review procedures of Section 20-1306, the following criteria shall apply:

(i) conformance with the regulations for redevelopment established in Chapter 22 of the City Code, as determined by the Lawrence Historic Resources Commission when the project is on the Lawrence Register of Historic Places;

(ii) compliance with the Secretary of Interior Standards for Rehabilitation, as determined by the Historic Resources Commission and/or State Historic Preservation Officer, when a State or National Register property is involved; and,

(iii) adherence to other criteria established in this Development Code, as appropriate to the use proposed, when so determined by the Planning Director or the Historic Resources Administrator.

(8) After the appropriate recommendation has been made pursuant to Section 20-501(6), the Special Use application shall be scheduled for public hearing before the Planning Commission.

(9) The recommendations of the Historic Resources Commission and the Planning Commission will be forwarded to the City Commission for consideration.

20-502 AGRICULTURE, LARGE ANIMAL

(1) Animal husbandry, dairying, and pasturage, but not including the keeping of swine, shall have a minimum Lot Area of not less than five (5) acres and shall have not less than one (1) acre of Lot Area for each head of Livestock kept on the Premises. No feedlots shall be allowed.

(2) No Large Animal Agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining Lot Line than 100 feet.

(3) Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

20-503 ATTACHED DWELLINGS

(1) General

(i) The common or abutting wall shall be shared for at least 50% of the length of the side of the Dwelling Units and shall have a maintenance agreement for the sharing of a common wall filed at the Register of Deeds.

(ii) Attached Dwellings shall comply with the Density and Dimensional Standards of Article 6, except where such standards are expressly modified by the provisions of this section.

(iii) Attached Dwelling developments in RS Districts are subject to the Site Plan Review procedures of Section 20-1305 and Special Use Permit (SUP) requirements of Section 20-1306.

(iv) Attached Dwelling developments in the MU District are subject only to the Site Plan Review procedures of Section 20-1305.

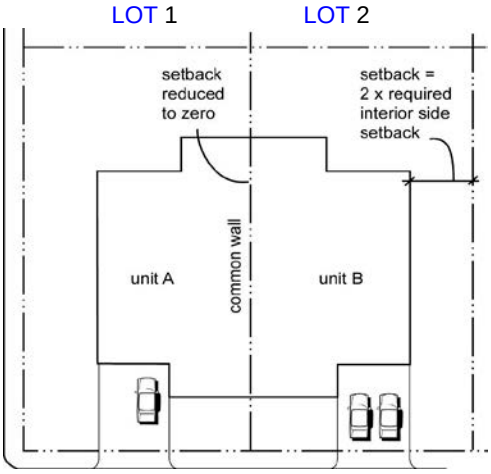
(2) Standards that Apply in RS-10, RS-7 and RS-5 Districts

The following standards apply to Attached Dwellings in the RS-10, RS-7 and RS-5 Districts.

(i) No more than 2 units may be attached by a common wall. Structures containing 3 or more Attached Dwelling Units are prohibited in these Districts.

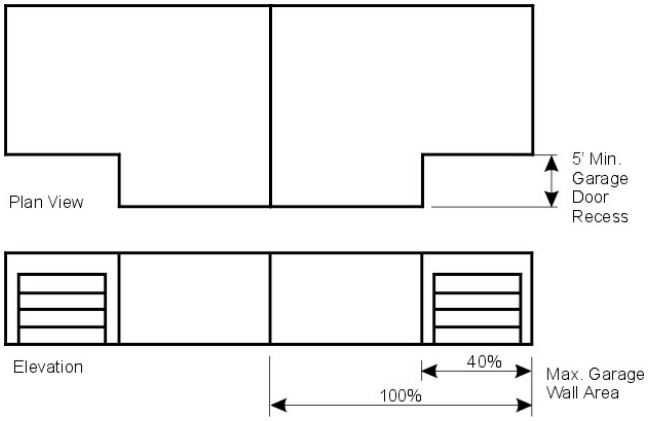
(ii) Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.

(iii) The minimum required Interior Side Setback on the side of the Dwelling Unit containing the common wall is reduced to zero. The minimum required Interior Side Setback on the side of the Dwelling Unit opposite the common wall shall be at least double the Interior Side Setback standard of the Base District.



(iv) On Corner Lots, either the Rear Setback or Interior Side Setback may be reduced to zero. However, the remaining interior Side or Rear Setback shall comply with the interior Side or Rear Setback standards of the Base District.

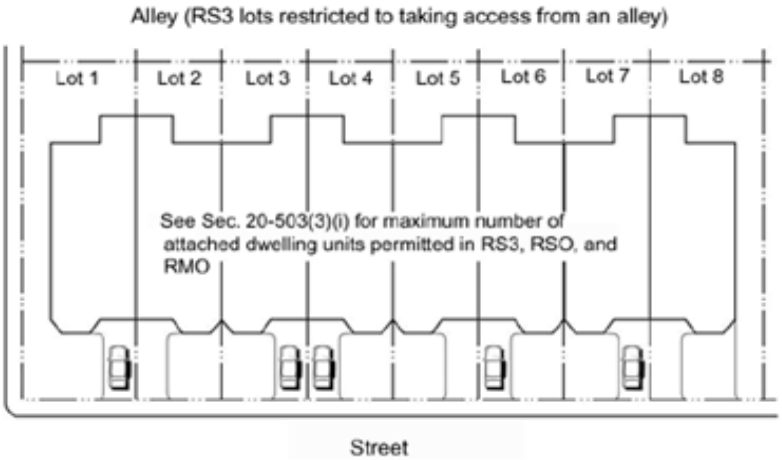
(v) No more than 40% of the width of the front Facade of an Attached Dwelling may be comprised of garage door area, and all garage doors shall be recessed at least 5 feet from the front Building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the Structure.



(3) Standards that Apply in the RS3, RSO, and RMO Districts

The following standards apply to Attached Dwellings in the RS3, RSO and all RMO Districts.

(i) Up to 2 Dwelling Units may be attached (have common walls) in the RS3 District. Structures containing 3 or more Attached Dwelling Units are prohibited in the RS3 District. Up to 8 Dwelling Units may be attached (have common walls) in the RSO District. Structures containing 9 or more Attached Dwelling Units are prohibited in the RSO District. Up to 12 Dwelling Units may be attached (have common walls) in the RMO District. Structures containing 13 or more Attached Dwelling Units are prohibited in the RMO District. Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.



(ii) The Density and Lot size (area and width) requirements of the Base District apply. Commonly owned areas, including Common Open Space, Driveway, or Parking Areas apply toward the overall Density standard.

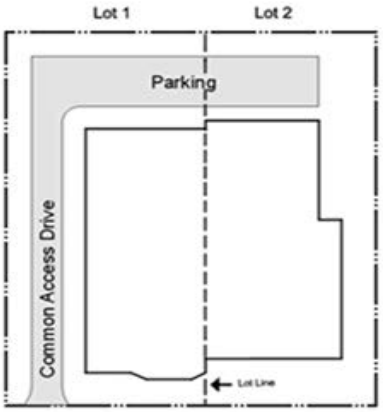
(iii) The front, side, and Rear Setback standards of the Base District apply around the perimeter of the project.

(iv) The Interior Side Setback on the side containing a common wall is reduced to zero.

(v) On Corner Lots, either the Rear Setback or Interior Side Setback may be reduced to zero. However, the remaining interior side or Rear Setback shall comply with the Rear Setback standards of the Base District.

(vi) The roof of each Attached Dwelling shall be distinct from the others through separation of roof pitches or direction, or other variation in roof design.

(vii) A common Access Drive providing Access to the Rear of the Lots for shared or individual Parking is required and shall take the form of a public right-of-way or private Easement. Common Access Drives shall be at least 12 feet wide if designed for one-way traffic and 20 feet wide if designed for two-way traffic.



(viii) All Parking Areas other than the common Access Drives are prohibited in the front and side Street Yards.

(4) Standards that Apply in the MU District

The following standards apply to Attached Dwellings in the MU District.

(i) Up to 12 Dwelling Units may be attached (have common walls) in the MU District. Each Attached Dwelling shall be on a Lot that complies with the Lot Area and width standard for new Lots in the Base District.

(ii) Attached Dwellings shall be constructed in accordance with the form standards of the applicable zone, as per Section 20-1108(j).

(iii) Vehicular Access to lots containing Attached Dwellings shall be from a rear Alley.

20-504 BED AND BREAKFAST ESTABLISHMENT

(1) A Bed and Breakfast with 3 or fewer guest bedrooms shall be operated as an incidental use to the Principal Use of an Owner-occupied Structure.

(2) A Bed and Breakfast establishment with 4 or more guest bedrooms is considered a Bed and Breakfast Inn.

(i) A Bed and Breakfast Inn shall have a full-time resident manager or Owner on the site and be licensed by the State of Kansas to do business.

(ii) A Bed and Breakfast Inn shall only be permitted if it is adjacent to or within ready Access to an Arterial or Collector Street.

(3) Bed and Breakfast establishments operated as part of an adaptive reuse within a Registered Historic Landmark or within a property located within a Registered Historic District shall not be restricted to a number of bedrooms.

20-505 FUNERAL AND INTERMENT

Funeral and Interment Services that are subject to this standard shall have direct Access to an Arterial Street, with ingress and egress so designed as to minimize traffic congestion.

(1) Active Funeral and Interment

(i) Structures used for Cremation services, when located in an OS District, may not be located within 50 feet of any R District.

(2) Passive Funeral and Interment

(i) Cemeteries and Passive Interment improvements are permitted in residential districts when accessory to a permitted Religious Institution, following site plan approval.

(ii) Cemeteries and Passive Interment improvements shall include a wall or fence at least 4 feet in height along the perimeter of the cemetery use.

(iii) Funeral and Interment facilities, such as funeral homes and mortuaries, are only permitted in the OS District when accessory to a Cemetery use.

(iv) Cemeteries shall be managed by a Cemetery Corporation to the extent such is required under K.S.A 17-1301 *et seq.*, as amended.

(v) Cemeteries and Passive Interment improvements shall be accompanied by a management and disposition plan.

20-506 (RESERVED)

20-507 DAY CARE ESTABLISHMENTS

(1) Day Care Homes

(i) Class A Day Care Homes are permitted as an Accessory Use in the MU and R Districts, provided that written notification is given by the operator to all adjacent Landowners before beginning operation of the Day Care home. The notice shall State the proposed use and times of operation.

(ii) Class B Day Care Homes require Special Use approval in all R Districts and in the MU and CN1 Districts.

(2) Day Care Centers

Day Care Centers shall maintain a wall or fence at least 4 feet in Height between any play area and any other property in the CN1 and MU District or any R District. Day Care Centers require Special Use approval in the CN1 and MU District and all R Districts, except when they are an Accessory Use to a permitted School, religious institution, or allowed as a Community Facility (see Section 20-402).

20-508 DETACHED DWELLING

Only one Detached Dwelling shall be permitted on a Lot unless otherwise specified by the City Code, as amended. Accessory Dwelling Units are not Detached Dwellings. Manufactured Home, Residential Design structures defined at Section 20-1734, as amended, and meeting the design standards of Section 20-513, as amended, are Detached Dwellings. Two Detached Dwellings shall be permitted on a Lot only when both Detached Dwellings are permanently restricted to be Affordable Dwelling Units.

(1) Standards that apply to Detached Dwellings in RM Districts

The following standards apply to Detached Dwellings in all RM Districts:

(i) A Detached Dwelling shall only be permitted to be constructed in an RM District or RMO District through approval of a Special Use Permit, except that a Detached Dwelling may be permitted to be constructed without approval of a Special Use Permit, if **(A)** the Detached Dwelling is located on its own platted Lot and **(B)** the majority of the properties on the Block Face are constructed as Detached Dwellings.

(2) Standards that apply to Detached Dwellings in RS7, RS10, and RS20 Districts

(i) Two Detached Dwellings may be located on the same Lot in an RS7, RS10, or RS20 District, with building permit approval, when both Detached Dwellings are, by recorded agreement, permanently restricted to be Affordable Dwelling Units;

(ii) No more than two Detached Dwellings may be constructed on a Lot in an RS7, RS10 or RS20 District;

(iii) All standards of Article 6 of this Chapter, as amended, shall apply, except that the minimum lot area per dwelling unit standard shall not apply;

(iv) All standards of Article 9 of this Chapter, as amended, shall apply to each Detached Dwelling;

(v) Lots that are nonconforming as to minimum lot area shall not be eligible hereunder for two Detached Dwellings;

(vi) Each Detached Dwelling shall have separate utility services, water, sanitary sewer, electric, phone, gas and other private utilities. The City may require the dedication of easements for utility lines, as may be applicable;

(vii) Each Detached Dwelling shall have direct legal access to a public right of way; and

(viii) Prior to the issuance of a building permit for either Detached Dwelling, an agreement between the City and the Owner, to maintain the Detached Dwellings as permanently Affordable Dwelling Units, shall be executed and recorded with the Office of the Register of Deeds for Douglas County, Kansas.

(3) Standards that apply to Detached Dwellings in RS5 Districts

(i) Two Detached Dwellings may be located on the same Lot in an RS5 District when **(A)** both Detached Dwellings are, by recorded agreement, permanently restricted to be Affordable Dwelling Units and **(B)** only with approval of a Special Use Permit pursuant to the procedures established at Section 20-1306 of the City Code, as amended;

(ii) No more than two Detached Dwellings may be constructed on a Lot in an RS5 District;

(iii) All standards of Article 6 of this Chapter, as amended, shall apply, except that the standard that the minimum lot area per dwelling unit shall be 3,000 square feet shall not apply;

(iv) All standards of Article 9 of this Chapter, as amended, shall apply to each Detached Dwelling;

(v) Lots that are nonconforming as to minimum lot area shall not be eligible hereunder for two Detached Dwellings;

(vi) Each Detached Dwelling shall have separate utility services, water, sanitary sewer, electric, phone, gas and other private utilities. The City may require the dedication of easements for utility lines, as may be applicable;

(vii) Each Detached Dwelling shall have direct legal access to a public right of way; and

(viii) Prior to the issuance of a building permit for either Detached Dwelling, an agreement between the City and the Owner, to maintain the Detached Dwellings as permanently Affordable Dwelling Units, shall be executed and recorded with the Office of the Register of Deeds for Douglas County, Kansas.

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

.

(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.

20-510 FINANCIAL, INSURANCE AND REAL ESTATE (F.I.R.E.) SERVICES, PAYDAY ADVANCE AND CAR TITLE LOAN BUSINESSES

(1) Standards that Apply in RSO, RMG and RMO Districts

(i) Uses in this category shall be permitted in the RSO, RMG and RMO Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.

(ii) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted for uses created after July 1, 2006.

(iii) Walk-up ATMs are permitted.

(2) Standards that Apply in CN1 Districts

(i) Uses in this category shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

(ii) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted.

(iii) Walk-up ATMs are permitted.

20-511 FOOD AND BEVERAGE SALES

(1) Standards that Apply in MU, CN1 and CN2 Districts

Food and Beverage Sales establishments shall be permitted in MU, CN1 and CN2 Districts provided the Gross Floor Area shall not exceed 3,000 square feet.

(2) Standards that Apply in CO District

Food and Beverage Sales 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.

20-512 LODGE, FRATERNAL AND CIVIC ASSEMBLY

(1) Where permitted in R Districts, Lodge, Fraternal and Civic Assembly uses shall comply with the Religious Assembly supplemental design standards of Section 20-522.

(2) A Lodge, Fraternal and Civic Assembly use in an R District shall be limited to a seating capacity of no more than 500 persons.

(3) A swimming pool, tennis court, or other recreational facility that is accessory to a Lodge, Fraternal and Civic Assembly use may not be located nearer to other property in an R District than the required Setback for a Principal Building, and wherever this type of facility is located in a Yard abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in Height.

20-513 MANUFACTURED HOMES, RESIDENTIAL-DESIGN

The following standards apply to Residential-Design Manufactured Homes.

(1) Such Structures shall provide all of the accommodations necessary to be aDwelling Unit and shall be connected to all utilities in conformance with applicable City Regulations.

(2) Such Structures shall be on a permanent-type, enclosed perimeter foundation.

(3) The Structure shall have an entrance on the side of the Structure facing the Front Lot Line.

(4) The roof shall be predominantly double-pitched and have a minimum vertical rise of 2.5 inches for every 12 inches of horizontal run, and shall be covered with material that is customarily used on site-built Dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete title, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches, which may include a gutter.

(5) Exterior siding shall be of a non-reflective material customarily used on site-built Dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City-adopted Building codes.

(6) The Structure shall be installed in accordance with the recommended installation procedure of the manufacturer and Chapter 5 of the City Code. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. The Structure shall be permanently mounted on either a Basement or foundation that complies with Chapter 5 of the City Code.

(7) On level sites, the main floor shall be no greater than 24 inches above the finished Grade at the foundation. On sloping or irregular sites, the main floor at the side closest to Grade shall not be greater than 24 inches above the finished Grade at the foundation.

(8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards of Chapter 5 of the City Code and attached permanently to the primary Structure and anchored permanently to the ground.

(9) If 70% or more of the Structures on the Block Face, and the Block Face opposite where the home is to be located, have attached garages, a garage constructed according to the provisions of Chapter 5 of the City Code (Building Code) shall be required to be attached to the Residential-design Manufactured Home.

20-514 MOBILE HOME PARKS

(1) Purpose
The purpose of these standards is to ensure and promote an acceptable living environment for occupants of Mobile Home Parks with Mobile Home spaces offered for rental or lease. No use shall be allowed other than those uses considered as an integral part of the Mobile Home Park as shown on the approved development plan.

(2) Interpretation
Nothing in this subsection shall be interpreted to prohibit a Manufactured Home, Manufactured Homes, Residential Design from being located in a Mobile Home Park.

(3) Size of Park
The minimum size of a Mobile Home Park shall be 5 acres.

(4) Roads
All Mobile Homes shall front upon a private road Easement within the Mobile Home Park.

(5) Gross Density
The Gross Density of a Mobile Home Park (including Streets and sidewalks) may not exceed 12 Mobile Home spaces per acre.

(6) Access
A Mobile Home Park shall have Access to an Arterial or direct Access to a Collector Street.

(7) Mobile Home Park Plan
A site plan on a scale of one inch (1") equaling 30 or 40 feet shall be submitted as part of the Special Use application. The site plan shall show roads, Buildings, land use, zoning, and other features inside and outside the park within 300 feet of the exterior boundaries. The site plan shall comply with the following design requirements:

(i) Natural Features
The design of the park shall preserve natural features.

(ii) Spaces
Each Mobile Home Park shall clearly define the Mobile Home spaces, and each such space shall have a minimum area of at least 3,000 square feet. There shall be a minimum distance of 20 feet between Mobile Homes.

(iii) Private Roadways

a. Internal roadways shall be provided and all Mobile Home spaces shall face or abut a roadway. A roadway shall have at least 22 feet of unencumbered travel way.

b. Such roadways shall be surfaced with 4 inches of Portland cement concrete or 5 inches of rock with 2 inches of asphalt.

c. A minimum 50 foot radius paved turn-around shall be provided at the terminus of Dead-End roadways, sufficient to accommodate emergency vehicles.

(iv) Sidewalks
A minimum sidewalk width of 4 feet shall be provided on both sides of Accessway leading from Mobile Home spaces to service and recreational areas.

(v) Lighting
Both roadways and sidewalks shall be adequately lighted. Roadways shall be lighted with a minimum of one Street light at each roadway intersection and one Street light at the end of each Cul-de-sac that is three hundred feet or more from a roadway intersection. These lights shall meet the code requirements in Section 20-1103.

(vi) Setbacks and Landscaping
Mobile Homes shall be set back a minimum of 50 feet along the Street Frontage of Arterial Streets and a minimum of 25 feet from all other Lot Lines. This Setback shall be planted with a Type 2 Bufferyard that has a mixture of grass, trees, and Shrubs to provide a park-like appearance. The interior of the Mobile Home Park shall have adequate grass, trees, and Shrubs to provide a dust-deterrent and shaded park-like atmosphere.

(vii) Office and Management
An area near the main entrance of the park shall be for office and management use only, with accessory off-Street Parking.

(viii) Facilities
Adequate provision shall be made for public water supply, sanitary sewers, fire protection, refuse collection and other necessary facilities to satisfy State and local codes, ordinances, and specifications.

(ix) Emergency Shelters
One or more Emergency Shelters shall be provided, with fifteen square feet of floor space for each Mobile Home space. An existing Building that complies with these provisions may serve as an Emergency Shelter. An Emergency Shelter shall:

a. be a Building complying with Chapter 5 of the City Code and with the Association Standard for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association;

b. be clearly marked with a sign at or near its entrance; and

c. be accessible at all times, either by being kept unlocked or by a person with Access being present at the Mobile Home Park at all times.

(x) Recreational Space
One or more recreational areas shall be provided and equipped with suitable play equipment and other Recreational Facilities. There shall be at least 200 square feet of developed recreation area per Mobile Home space. Calculations of Recreational Open Space shall not include the minimum Setbacks required in Section 20-514(7)(vi) above.

(xi) Boat and Trailer Storage
Each Mobile Home Park shall provide Screened areas with an aggregate size of at least 100 square feet per Mobile Home space for the storage of boats and trailers (travel, horse, or utility). This requirement shall be waived if the covenants filed for the Mobile Home Park prohibit the storage of boats and trailers.

20-515 MINING

Mining, including extraction of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation, including removal of topsoil; and depositing of construction material, clay, earth, gravel, minerals, rock, sand or stone on the ground, will not be construed to be an allowed use in any District but IG, except as provided below:

(1) A Special Use Permit for a temporary basis.
Mining may be approved as a Special Use that is to be allowed on a temporary basis in accordance with the Special Use procedures of Section 20-1306. Such a Special Use approval is revocable and valid for specified periods of time, to permit Mining or extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or Building or construction materials; and,

(2) The following activities shall not be considered Mining:

(i) Excavations for the foundation or Basement of any Building or for a swimming pool for which a Building Permit has been issued, or deposits on the earth of any Building or construction materials to be used on-site in a Structure for which a Building Permit has been issued.

(ii) Grading of any Parcel of land for a permitted use where no bank of more than 4 feet in vertical Height is left standing and exposed.

(iii) Grading in a subdivision that has been approved by the City in accordance with Article 8, Subdivision Regulations, of this development code and any amendments thereto.

(iv) Temporary crushing of excavated stone on-site for use within the development or hauled off-site for another construction-related use.

(v) Any extractive operation existing and operating as such on the Effective Date shall conform to the provisions set forth herein within one year of the Effective Date.

20-516 MIXED MEDIA STORES

(1) Standards that Apply in CN1 District
In addition to the district standards, a Mixed Media Store shall be permitted in the CN1 District; however, no drive-through windows shall be permitted.

(2) Standards that Apply in CO District
In addition to the district standards, a Mixed Media Store shall be permitted in the CO District provided that the Gross Floor Area shall not exceed 5,000 square feet.

20-517 MULTI-DWELLING STRUCTURE, NON-GROUND FLOOR DWELLING UNITS AND WORK/LIVE UNITS

(1) Standards that Apply in RMO District

A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall only be permitted in the RMO District provided that the residential units are constructed as part of a Mixed-Use project when at least 25% of the Gross Floor Area is developed with nonresidential uses.

(2) Standards that Apply in CN2 District

(i) A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall only be permitted in the CN2 District provided that the residential units are constructed as part of a Mixed-Use project when at least 50% of the Gross Floor Area is developed with nonresidential uses.

(3) Standards that Apply in CD District

(i) A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall be permitted in the CD District provided that the residential units are situated above the Ground Floor when located on Massachusetts Street.

(ii) A Multi-Dwelling Structure and Work/Live Units require a Special Use Permit in the CD District when Ground Floor residential uses are proposed along numbered streets, Vermont or New Hampshire Streets.

(4) Standards that Apply in CC and CS District

A Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units shall only be permitted in the CC and CS Districts provided that the residential units are constructed as part of a Mixed-Use project when at least 50% of the Gross Floor Area is developed with nonresidential uses.

(5) Standards that Apply in the MU District

(i) A Multi-Dwelling Structure shall only be permitted within designated Primary Zone of the MU District if it is a part of a Vertical Mixed Use Structure.

(ii) A Multi-Dwelling Structure shall only be permitted within a designated Tertiary Zone of the MU District if surrounding existing development consists of multi-Dwelling residential uses.

20-518 OFFICE, ADMINISTRATIVE AND PROFESSIONAL

(1) Standards that Apply in RSO and CN1 Districts

(i) An Administrative and Professional Office shall be permitted in the RSO and CN1 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

(ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

(2) Standards that Apply in RMO and RMG Districts

(i) An Administrative and Professional Office shall be permitted in the RMO and RMG Districts.

(ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

(3) Standards that Apply in the MU District

(i) In designated Primary Zones, such offices shall be permitted to be located on the ground level of a Structure only when they do not occupy the Building Frontage.

20-519 OUTPATIENT CARE FACILITY

An Outpatient Care Facility shall be permitted in the MU, RMO, RSO, and CN1 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

20-520 PERSONAL CONVENIENCE SERVICES

(1) Standards that Apply in RSO and RMO Districts

(i) A Personal Convenience Services use shall be permitted in RSO and RMO Districts, provided that the Gross Floor Area shall not exceed 3,000 square feet.

(ii) No external automated teller machines, drive-through windows, or night drop windows shall be permitted.

(2) Standards that Apply in the CN1 District

(i) A Personal Convenience Services use shall be permitted in the CN1 District, provided that the Gross Floor Area shall not exceed 3,000 square feet.

(ii) No external automated teller machines, or drive-through windows shall be permitted.

(iii) Walk-up pick-up/drop-off windows shall be permitted.

20-521 PERSONAL IMPROVEMENT SERVICES

(1) Standards that Apply in RMO, RSO and RMG Districts

(i) No external automated teller machines, drive-through windows, or night drop windows shall be permitted.

(2) Standards that Apply in CN1 District

(i) A Personal Improvement Services use shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

20-522 RELIGIOUS ASSEMBLY

(1) Neighborhood Religious Institutions

(i) Size

a. A Neighborhood Religious Institution in an R District shall be limited to a seating capacity of no more than 500 persons in the sanctuary or other principal place of worship or assembly; and

b. The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the Lot Area (expressed in square feet) divided by 100.

(ii) Supplemental Design Standards

a. In R Districts

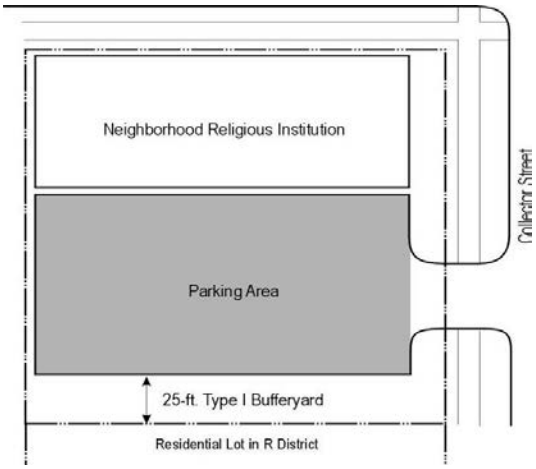
The following supplemental design standards shall apply only to a Neighborhood Religious Institution in an R District:

1. the nearest edge of an on-site Parking Area shall be set back at least 25 feet from the nearest residential Lot in an R District;

2. where practicable, Access to the on-site Parking Area will be to a Collector Street;

3. the on-site Parking Area will be buffered from any adjoining Lot in an R District by a Type 1 Bufferyard, as set forth in Section 20-1005(d); and

4. outdoor lighting shall meet the standards of Section 20-1103(d).



b. In Other Base Districts

A Neighborhood Religious Institution located in any other Base District shall be subject to the Density, dimensional and design standards applicable to other uses in that Base District.

c. A swimming pool, tennis court, or other recreational facility that is accessory to a Neighborhood Religious Institution use may not be located nearer to other property in an R District than the required Setback for a Principal Building, and wherever this type of facility is located in a Yard abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in Height.

(iii) Accessory Uses Permitted by Right

Subject to the Lot Area, Density and Dimensional and Parking standards, the following Accessory Uses shall be permitted by right to a Neighborhood Religious Institution:

a. a Temporary Shelter with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

(iv) Accessory Uses Permitted Only with a Special Use Permit

The following Accessory Uses may only be permitted with a Special Use Permit as an accessory use to any Neighborhood Religious Institution:

a. a Temporary Shelter that exceeds the shelter occupant or calendar day limitations of Section 20-522(1)(iii)(a). Such Temporary Shelter shall meet the requirements of Section 20-544; or

b. a community meal program.

(2) Campus or Community Religious Institution

(i) Size

The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the Lot Area (expressed in square feet) divided by 100. Accessory Uses shall require additional Lot Area to meet the dimensional, intensity, parking and design standards applicable to the use and the Base District.

(ii) Accessory Uses Permitted by Right

a. Subject to the Lot Area, Density and Dimensional and Parking standards, the following Accessory Uses shall be permitted by right to a Campus or Community Religious Institution if they comprise a gross square footage of 25% or less of the Principal Use on the site:

1. all Accessory Uses permitted on a Lot where the Principal Use is a detached residence;

2. any other use permitted as a Principal Use or an Accessory Use in the Base District in which the institution is located, subject to applicable Density, parking and dimensional standards.

3. educational uses incidental to the Religious Assembly;

4. Schools;

5. colleges;

6. day-care centers;

7. Group Living incidental to the religious institution;

8. indoor Recreational Facilities not used for commercial purposes;

9. dormitories incidental to any School, college or other educational use on the property; and

b. Subject to the Lot Area, Density and Dimensional and Parking standards, the following Accessory Uses shall be permitted by right to a Campus or Community Religious Institution:

1. a Temporary Shelter with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

(iii) Accessory Uses Permitted with Special Use Permit

Subject to the Lot Area, Density and Dimensional and Parking standards, the Accessory Uses set forth in Section 20-522(2)(ii)(a)(1-9) shall be permitted by Special Use Permit to a Campus or Community Religious Institution if they comprise a gross square footage of more than 25% of the Principal Use on the site.

(iv) Accessory Uses Permitted Only with a Special Use Permit

Regardless of the proposed size of the following Accessory Uses, they may only be permitted with a Special Use Permit as an accessory use to any Campus or Community Religious Institution:

a. outdoor Recreational Facilities not used for commercial purposes, provided that these facilities shall be buffered from any adjoining property in an R District by a Type 2 Bufferyard, Section 20-1005(e);

b. a Temporary Shelter that exceeds the shelter occupant or calendar day limitations of Section 20-522(2)(ii)(b)(1). Such Temporary Shelter shall meet the requirements of Section 20-544; or

c. a community meal program.

(v) A swimming pool, tennis court, or other recreational facility that is accessory to a Campus or Community Religious Institution may not be located nearer to other property in an R District than the required Setback for a Principal Building, and wherever this type of facility is located in a Yard abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in Height.

20-523 REPAIR SERVICE, CONSUMER

A Consumer Repair Service shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

20-524 RESTAURANT, QUALITY

(1) Standards that Apply in CN1 and IBP Districts

A Quality Restaurant is permitted in the CN1 and IBP Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.

(2) Standards that Apply in CO District

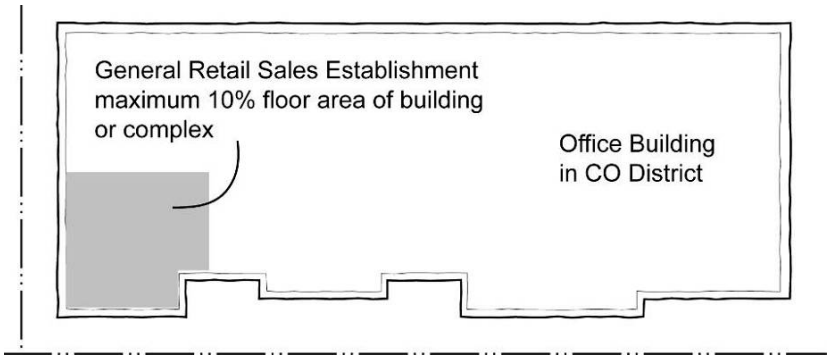
A Quality Restaurant is permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of the office Building or of all Buildings in the office complex in which the use is located.

20-525 RETAIL SALES, GENERAL

(1) Standards that Apply in CN1 District
A General Retail Sales establishment shall be permitted in the CN1 District provided that the Gross Floor Area shall not exceed 3,000 square feet.

(2) Standards that Apply in CC District
A General Retail Sales establishment shall be permitted in the CC District provided that the Gross Floor Area shall not exceed 65,000 square feet.

(3) Standards that Apply in CO District
A General Retail Sales establishment is permitted in the CO District provided that the total Floor Area does not exceed 10 percent (10%) of the total Gross Floor Area of the office Building or of all Buildings in the office complex in which the use is located.



20-526 RETAIL ESTABLISHMENTS

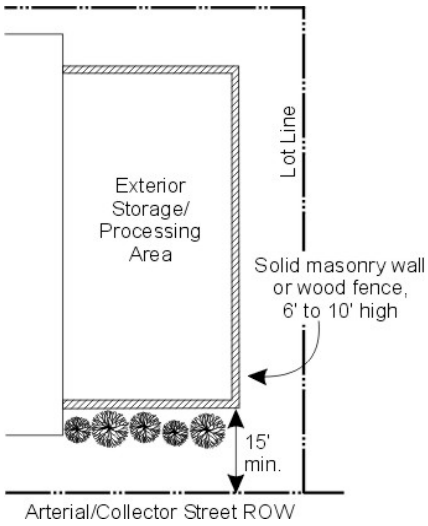
(1) Purpose
These standards are intended to ensure that development of Retail Establishments, including large, medium, and specialty sales establishments, is compatible with its surrounding area and contributes to the unique community character of Lawrence. All development and redevelopment of Retail Establishments shall exhibit uniform design characteristics based on commercial development design standards adopted by the City Commission.

(2) Market Impact Analysis
A Commercial Center proposed for more than 50,000 gross square feet of commercial space is required to have a market impact analysis submitted at the time of application for rezoning in accordance with Section 20-1107.

(3) Standards that Apply in the MU District
Retail Establishments, Medium and Retail Establishments, Specialty shall be permitted in the MU District provided that such establishments are located in a Vertical Mixed Use Structure in a designated Primary Zone.

20-527 SCRAP AND SALVAGE OPERATIONS

(1) All Exterior Storage and processing areas abutting an Arterial or Collector Street shall be screened by a solid masonry wall or solid wood fence at least 6 feet in Height and be designed and located to prevent visibility of stored or stacked material and such fence shall be located no closer than 15 feet to any Street right-of-way. The fence shall have a gate to permit Access for maintenance of property and Landscaping on both sides of the fence. In no case shall the Height of the solid fence exceed 10 feet and no stored or stacked material shall exceed the Height of the fence. Fencing shall be placed along the side and rear of all processing areas and may be of any approved type including live Screening where deemed appropriate.



(2) No open burning of junked, salvaged, or discarded materials is permitted. Incinerators may be used for burning of wastes or the conducting of salvage operations if such incinerators are of a type approved by the Kansas State Department of Health and Environment.

(3) A Special Use Permit is required for the operation of this type of use.

20-528 SEXUALLY-ORIENTED BUSINESSES

(1) Minimum Distance & Location

(i) No Sexually Oriented Business may be located within 1,500 feet of another Sexually Oriented Business, regardless of whether such uses are located in the same facility or separate facilities.

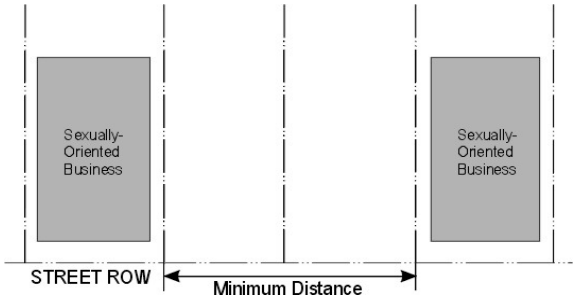
(ii) No Sexually Oriented Business may be located on the same Block as property in an R Zoning District, or a Religious Assembly, School, Day Care, Community Recreation, or Cultural Exhibits and Libraries use, and shall also be at least the following distances from said Zoning Districts and uses:

a. for a Sexually Oriented Media Store, 600 feet;

b. for a Sex Shop, 800 feet; and

c. for a Sexually Oriented Theater, 1,000 feet.

(iii) The distances mandated above shall be measured in a straight line along Street rights-of-way between the Lot Lines of the two relevant properties. For leased spaces in multi-tenant properties, the measurements shall be from the outer boundaries of the leased space, projected to ground level, if applicable. For leased space in single-tenant properties, the measurements shall be from the Lot Lines.



(iv) All Sexually Oriented Businesses, except Mixed Media Stores, shall be located along State highways.

(v) Pursuant to the provisions of K.S.A. 12-770, Sex Shops not located along a State highway shall have until July 30, 2005 (five years from the enactment of Ordinance No. 7226) to comply with the provisions of this Development Code.

(2) Display Standards for Mixed Media Stores

The Owner or operator of a Mixed Media Store shall have the affirmative duty to prevent the display of Sexually Oriented Media at or within the portions of the business open to, or visible by, the general public. A store conforming to these standards shall be considered a Mixed-Media Store and shall not be considered a Sexually Oriented Business. Failure to conform to the standards set forth in this section shall result in classification of the store as a Sexually Oriented Media Store, which is a Sexually Oriented Business. Sexually Oriented Media in a Mixed Media Store shall be kept in a separate room or section of the store, which room or section shall:

(i) not be open to any person under the age of 18;

(ii) be physically and visually separated from the rest of the store by an opaque wall reaching at least eight feet high or to the ceiling, whichever is less;

(iii) be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and

(iv) have Access controlled by electronic or other means to provide assurance that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section.

(3) Additional District Standards for Sexually Oriented Media Stores

(i) Standards that Apply in CC and CR Districts

In addition to the standards above, a Sexually Oriented Media Store shall be permitted in the CC and CR Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.

(ii) Additional District Standards for Sex Shops and Theaters

In addition to the standards above, a Sex Shop or theater shall be permitted in the CC and CR Districts provided that the Gross Floor Area shall not exceed 5,000 square feet.

20-529 WIRELESS FACILITIES

(1) Purpose
The Governing Body recognizes that facilitating the development of wireless service technology benefits both the residents and the economic development of the City of Lawrence. The purpose of these standards is to ensure that residents, businesses, and industry within the City enjoy reliable access to wireless telecommunications networks, while, at the same time, safeguarding the health, safety, welfare, and aesthetics of the community. Accordingly, these standards are intended to ensure that the location, installation, construction, and modification of Wireless Facilities within the City comply with all Federal and State laws and regulations and are consistent with the City's Land Development Code.

(2) Definitions
The following words, terms, and phrases, when used in this Section, shall, except where the context clearly indicates otherwise, have the following meanings:

(A) Accessory Equipment means any equipment serving or being used in conjunction with Wireless Facilities or Wireless Support Structures, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables equipment buildings, cabinets and storage sheds, shelters, or similar structures.

(B) Antenna means telecommunications equipment that transmits or receives radio waves necessary for the provision of Wireless Services.

(C) Co-location means the mounting or installation of Wireless Facilities, including Antennas, on a building, structure, Wireless Support Structure, utility pole, or other existing structure for the purposes of transmitting or receiving radio waves for telecommunications purposes.

(D) Disguised Wireless Facility means any Wireless Facility that is integrated as an architectural feature of a structure so that the existence of the Wireless Facility is not readily apparent to the casual observer, or any Wireless Support Structure that is disguised to resemble a tree, flag pole, steeple, clock tower, or other similar building element.

(E) Major Modification means any improvement that results in a substantial change to a Wireless Facility or to a Wireless Support Structure. Major modifications include, but are not limited to increasing the height of the Wireless Support Structure by more than ten feet or ten percent, whichever is greater, expansion of the area of Accessory Equipment, and any similar improvement. Co-location of new Wireless Facilities, including Antennas, on an existing Wireless Support Structure shall not be deemed a Major Modification.

(F) Minor Modification means any improvement that results in some material change to a Wireless Facility or a Wireless Support Structure, but of a level, quantity, or intensity that is less than a Major Modification.

(G) Monopole means a single, free-standing, pole-type structure supporting Wireless Facilities, including Antennas.

(H) Ordinary Maintenance means maintenance to ensure that Wireless Facilities, Wireless Support Structures, and Accessory Equipment are maintained in safe operating condition. Ordinary Maintenance shall include, but not be limited to inspections, modifications of Wireless Facilities and Wireless Support Structures to ensure structural integrity, exchanging Antennas or Accessory

Equipment on a like-for-like basis, relocating Antennas already in place, or other similar actions that fall short of being a Minor Modification.

(I) Wireless Facility means any equipment at a fixed location that enables wireless telecommunications between user telecommunications devices and telecommunications networks.

(J) Wireless Service Provider means a provider of Wireless Services.

(K) Wireless Service means "personal wireless services," "personal wireless service facilities," and "commercial mobile services" as those terms are defined at 47 U.S.C. § 332(c)(7)(C) and (d), as amended, which are provided to telecommunications devices through the implementation and use of Wireless Facilities.

(L) Wireless Support Structure means any freestanding structure, such as a Monopole, or other self-supporting tower, or other suitable structure designed to support or capable of supporting Wireless Facilities, including Antennas. Wireless Support Structures do not include telephone poles, electrical utility poles, or any towers used for the distribution or transmission of electrical services.

(3) Approvals Required

(A) Special Use Permit. No new Wireless Facility, no new Wireless Support Structure, no Co-location that results in a Major Modification of an existing Wireless Facility or Wireless Support Structure, and no Major Modification of an existing Wireless Facility or Wireless Support Structure shall be allowed in any zoning district of the City absent the issuance, upon application, of a Special Use Permit in accordance with the procedures established at Section 20-1306 of this Chapter, as amended.

(B) Site Plan Approval. No Co-location that is a Minor Modification of an existing Wireless Facility or Wireless Support Structure and no Minor Modification of an existing Wireless Facility or Wireless Support Structure shall be allowed in any zoning district of the City absent approval, upon application, of a Site Plan in accordance with the procedures established at 20-1305 of this Chapter, as amended.

(4) Terms of Approval; Renewal; Limits

(A) Term. Any Special Use Permit or Site Plan Approval issued hereunder, assuming all conditions of approval are met and maintained, shall be valid for a period of ten years. Any renewal thereof, which shall be subject to administrative approval, shall be for a period of five years. At the time of renewal, the Owner/Applicant shall demonstrate to the Planning Director that the Wireless Facility or Wireless Support Structure remains in compliance with the original conditions of approval.

(B) Limits. Commencing on the date of issuance of any Special Use Permit or Site Plan Approval hereunder, the Owner/Applicant shall have a period of one year in which to commence construction or installation of the Wireless Facility or Wireless Support Structure and shall thereafter diligently pursue construction or installation to its completion. Failure to commence construction or installation within one year of receiving a permit or approval or failure to diligently pursue construction or installation to its completion shall cause the Special Use Permit or Site Plan Approval to lapse and to be deemed null and void.

(5) Application

At the time of application for a Special Use Permit or for Site Plan Review for any Wireless Facility or Wireless Support Structure, the Owner/Applicant shall submit the following:

(A) A completed Application, on a form supplied by the Planning Director, signed by the Owner(s) of the subject property or signed by an Applicant if accompanied by written authorization of the Owner(s) granting to the Applicant the authority to submit the Application in behalf of the Owner.

(B) Elevation drawings showing the height of the proposed Wireless Facility including Antennas (and any lightning rod or lightning arrester), and all Accessory Equipment, including any buildings and structures.

(C) A Site Plan, drawn to scale, including: **(i)** the information required by Section 20-1305(f) of the City Code, as amended; **(ii)** the location of existing or proposed Wireless Facilities or Wireless Facility Support Structures; **(iii)** other existing or proposed structures; **(iv)** the location of Accessory Equipment and/or other Accessory Uses; **(v)** the location of access road(s), access road surface materials, and any parking area; **(vi)** the height, location, and construction materials of fences or other barriers; **(vii)** a Landscape Plan, in accordance with Section 20-1001(d) of the City Code, as amended; **(viii)** land elevation contours; and **(ix)** zoning and uses of properties neighboring the subject property.

(D) If the project involves a new Wireless Support Structure, a signed and sealed report from a qualified professional engineer, licensed to practice in the State of Kansas, that includes: **(i)** the height and design of the proposed Wireless Support Structure; **(ii)** the height for all potential mounting positions for Antennas and the minimum separation distances between Antennas; **(iii)** the capacity of the Wireless Support Structure, including the number and types of Antennas that can be accommodated; **(iv)** a statement that the Wireless Support Structure is designed, in accordance with this Section, to collapse upon itself in the event of failure, including the projected fall zone of any such Wireless Support Structure; and **(v)** any other information that may be necessary or requested by the Planning Director to evaluate the Application.

(E) If the project involves a new Wireless Support Structure, the application shall include: **(i)** line-of-sight diagrams or photo simulations showing the proposed Wireless Support Structure against the skyline and viewed from at least three different vantage points within the surrounding area; **(ii)** a statement that the Owner/Applicant considered Co-location, where it considered Co-location, and why Co-location would not meet the Owner/Applicant's needs; and **(iii)** a statement that the proposed Wireless Support Structure will be made available to other Wireless Service Providers for Co-location at commercially reasonable rates, or a statement that the Owner/Applicant is seeking a waiver of the Co-location requirement and why such waiver is being sought.

(F) If the project involves Co-location on an existing structure, a signed and sealed report from a qualified professional engineer, licensed to practice in the State of Kansas, that establishes that the existing building or structure is structurally sound and can safely accommodate the proposed Co-location.

(F) If the project involves a new Wireless Support Structure or a Major Modification of an existing Wireless Support Structure, a fee, not to exceed $2,000, as established by the Governing Body, which amount shall recapture the City's costs of processing the application.

(G) If the project involves a Co-location or anything else that is not a Major Modification, a fee, not to exceed $500, as established by the Governing Body, which amount shall recapture the City's costs of processing the application.

(6) General Standards

(A) Co-location:

(i) Wireless Support Structures shall be designed to accommodate at least three Wireless Service Providers. The compound area supporting the Wireless Support Structure likewise shall be of adequate size to accommodate Accessory Equipment for at least three Wireless Service Providers.

(ii) Whenever it is economically and technically feasible, and it is aesthetically appropriate, as determined by the Governing Body, the Planning Commission, or the Planning Director, Disguised Wireless Facilities shall be designed to accommodate the Co-location of other Wireless Service Providers.

(iii) Upon written request of the Owner/Applicant. the Governing Body, the Planning Commission, or the Planning Director may waive the City's Co-location requirements if it is determined, as demonstrated by technical evidence presented by the Owner/ Applicant, that Co-location at the site is non-essential to the public interest, that construction of a shorter Wireless Support Structure with fewer Wireless Facilities, including Antennas, will promote community compatibility or interests, or that Co-location would cause interference with other existing Wireless Facilities.

(B) Building Permits: All new Wireless Support Structures, all Major Modifications of existing Wireless Facilities, and all Accessary Equipment shall not be installed or constructed without the issuance of a Building Permit in accordance with Chapter V, Article 1 of the City Code.

(C) Replacement of Existing Wireless Facilities: The replacement of any existing Wireless Facility or Wireless Support Structure shall require compliance with the terms of this Section and shall require, as may be pertinent, either approval and issuance of a Special Use Permit in accordance with the procedures established at Section 20-1306 of this Chapter, as amended, or approval of a Site Plan in accordance with the procedures established at Section 20-1305 of this Chapter, as amended.

(D) Setbacks:

(i) Non-residential Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall be set back from all property lines a distance equal to fifty percent of the height of the proposed Wireless Support Structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). In addition, where the Wireless Support Structure is located on property zoned for non-residential use that is adjacent to property zoned for residential use, the Wireless Support Structure must be setback from any such residential property line a distance equal to the height of the Wireless Support Structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). Setbacks for Accessory Equipment and other structures shall be governed by the underlying zoning district.

(ii) Residential and Mixed-use Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall be set back from all property lines a distance equal to the height of the Wireless Support Structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). Setbacks for Accessory Equipment and other structures shall be governed by the underlying zoning district.

(iii) Waiver. The Planning Commission may recommend and the Governing Body may approve a waiver from these setback requirements if it finds that all of the following conditions are met: **(a)** that the waiver will not adversely affect the public health, safety, or general welfare of the community; **(b)** that the waiver will not adversely affect the rights of adjacent property owners or residents; **(c)** that strict application of the provisions of this section would constitute unnecessary hardship on the Owner/Applicant; and **(d)** that waiver is appropriate under the circumstances.

(E) Height:

(i) Non-residential Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall have a maximum height of one hundred fifty feet, measured from the base of the Wireless Support Structure to its highest point (excluding the height of any lightning rod or lightning arrester).

(ii) Residential and Mixed-used Zoning Districts. Unless otherwise provided herein, Wireless Support Structures shall have a maximum height of one hundred twenty feet, measured from the base of the Wireless Support Structure to its highest point (excluding the height of any lightning rod or lightning arrester).

(F) Separation Requirements:

(i) All new Wireless Facilities, except Disguised Wireless Facilities, shall be located a minimum of 1,000 feet from existing Wireless Support Structures. The distance shall be measured from the base of the existing Wireless Support Structure to the base of the proposed Wireless Facility.

(ii) The Planning Commission may recommend and the Governing Body may grant a waiver from the 1,000-foot separation requirement if the Owner/Applicant demonstrates that a waiver will not adversely affect the public health, safety, or general welfare of the community and that strict application of this section would constitute unnecessary hardship.

(7) Design Standards

(A) Access: Paved access shall be provided to all Wireless Facilities, Wireless Support Structures, and Accessory Equipment. The Governing Body, the Planning Commission, or the Planning Director may, upon a finding that it constitutes an unnecessary hardship, waive this requirement. Paved access shall not be required for Co-locations.

(B) Accessory Equipment:

(i) All Accessory Equipment that are buildings, cabinets, storage sheds, and shelters shall be used only to store equipment and other supplies necessary for the operation of the Wireless Facility or Wireless Support Structure. Equipment not used in direct support of such operation shall not be stored on the site.

(ii) All Accessory Equipment that are buildings or structures shall meet all Building design standards, as listed in this Chapter, shall require a Building Permit, and shall conform to Height and Setback restrictions established for the zoning district in which the site is located.

(iii) All Accessory Equipment shall be designed to be compatible with and to blend into its surrounding environment through the use of color, camouflage, screening, landscaping, and architecture.

(iv) Lighting of Accessory Equipment for basic security purposes is permitted. However, such lighting shall be shielded and shall be directed downward. Floodlights are prohibited.

(v) The addition of related equipment to any building or structure that is Accessory Equipment shall not increase the height of said building or structure **(a)** more than 20% of the height of the existing building or structure or **(b)** more than the maximum height allowed in the zoning district in which the site is located, whichever is less.

(C) Antennas:

(i) No Antenna may be attached to any Wireless Support Structure or Co-located on any other structure, unless the Wireless Support Structure or other structure is at least forty feet in height.

(ii) The addition or Co-location of any Antenna on a Wireless Support Structure or any other structure shall not increase the height of said building or structure **(a)** more than 20% or **(b)** more than the maximum height allowed in the zoning district in which the site is located, whichever is less.

(iii) Antennas Co-located on existing structures shall not be subject to Setback requirements.

(iv) No Antenna may be Co-located on any structure designated by the City as an historic structure, or on any structure located within an Historic District Overlay District or an Urban Conservation Overlay District unless the Historic Resources Commission first approves the location and the design.

(v) To the extent that it is feasible and the engineer's report demonstrates that the roof is structurally sound and can safely accommodate it, any Accessory Equipment to an Antenna Co-located on an existing structure shall be located on the roof of the existing building or structure. However, said Accessory Equipment shall not occupy more than 25% of the total roof area. Such Accessory Equipment shall be shielded from view from neighboring properties and rights of way.

(D) Cables/Conduit: All cable runs should be through portals and maintained within the Wireless Support Structure. Where cable or conduit is required to be located on the outside of any Wireless Support Structure, the cable or conduit shall be painted or covered by material to match the color of the Wireless Support Structure.

(E) Color: Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the City, Wireless Support Structures, excluding Disguised Wireless Facilities, shall have a galvanized gray or light blue finish.

(F) Disguised Wireless Facilities:

(i) A Disguised Wireless Facility must be enclosed, camouflaged, screened, obscured, or otherwise not apparent to the casual observer. A Disguised Wireless Facility must be integrated into another structure as an architectural facility or must be designed to resemble an object or structure that does not have the appearance of a monopole or other Wireless Facility.

(ii) The Disguised Wireless Facility must meet the requirements of the underlying zoning district, including, but not limited to height, setback, and use restrictions.

(G) Landscaping: The Wireless Facility shall comply with all landscaping requirements of Article 10 of this Chapter and shall be maintained by the Owner/ Applicant. In cases where the property is not visible from adjacent properties or rights of way or where landscaping is not necessary, appropriate, or feasible, the Governing Body, the Planning Commission, or the Planning Director may waive this requirement.

(H) Lighting and Marking: Wireless Facilities and Wireless Support Structures shall not be lighted or marked unless required by the FCC, the FAA, or the City.

(I) Security and Fencing: Ground-mounted Accessory Equipment and related structures shall be secured and enclosed within fencing not less than six feet in height. Fencing shall be constructed with materials that are designed to be compatible with and to blend in to the surrounding areas. Every Wireless Facility shall be protected from trespass by unauthorized persons to discourage climbing of structures.

(J) Signage: No advertising or other display shall be permitted on any Wireless Facility or Wireless Support Structure, unless such is required by the FCC, the FAA , or the City.

(K) Wireless Support Structures:

(i) All new Wireless Support Structures shall be of monopole design. Guyed and lattice towers are prohibited.

(ii) All new Wireless Support Structures located in districts zoned residential or mixed use, or located within 500 feet of any property or district zoned residential or mixed use, shall be Disguised Wireless Facilities as defined in this Section.

(iii) All Wireless Support Structures shall be designed and constructed such that if a failure does occur, the Wireless Support Structure will collapse on itself and will not collapse on structures at or near the site.

(iv) No Wireless Support Structure shall, except during construction, have a platform, crow's nest, or like structure surrounding it or attached to it.

(v) No Wireless Support Structure may be located in a designated Historic District Overlay District or Urban Conservation Overlay District unless the Historic Resources Commission first approves the location and the design.

(8) Final Decision

(A) Time Limits. Within 150 calendar days of receiving an application for a new Wireless Support Structure or within 90 calendar days of receiving any other application hereunder, the City shall:

(i) review the application in light of the standards of this Section and applicable provisions of the Land Development Code;

(ii) make a final decision to approve or disapprove the application;

(iii) advise the Owner/Applicant by written notice of the City's final decision, which final decision shall be supported by written substantial evidence in the record. Such final decision shall be deemed effective on the date of the written notice.

(B) Commencement of Time. The time limits for final decision shall commence upon the City's acceptance of a complete application. If an application is incomplete, the City shall notify the Owner/Applicant within thirty days of its deficiencies and, in such case, the time limits shall not commence until a complete application has been submitted and accepted by the City. Alternatively, the time limits may commence upon a date agreed upon in writing by the City and the Owner/Applicant.

(C) Effect of Lapse of Time. Unless otherwise agreed upon by the Owner/Applicant and the City, an application shall be deemed approved if **(i)** the City fails to issue a final decision with the time limits established at subsection 7(A) and **(ii)** the Owner/Applicant provides to the City written notice that the applicable time limits have lapsed.

(D) Appeal. Any party aggrieved by the City's final decision approving or disapproving an application or any party aggrieved by the Owner/Applicant's written notice that the time limits have lapsed may appeal said result to the District Court of Douglas County, Kansas, in accordance with K.S.A. 60-2101(d), as amended.

(9) Miscellaneous Provisions

(A) Abandonment and Removal. Any Wireless Facility or Wireless Support Structure that is not operated for a period of one year shall be deemed abandoned. The Owner/Applicant shall remove any abandoned Wireless Facility or Wireless Support Structure at his, her, or its expense within 180 days after abandonment. If the structure is not removed within that time frame, then the City may remove the structure and, to the extent allowed by law, assess the costs of removal against the property.

(B) Interference. All Wireless Facilities shall be constructed, installed, operated, and maintained in accordance with all applicable federal, state, and local laws, ordinances, and regulations so as not to interfere or cause interference with existing telecommunications, including but not limited to radios, televisions, computers, and City and/or County emergency broadcast systems.

(C) Nonconforming Wireless Facilities. Wireless Facilities and Wireless Support Structures that were legally permitted on or before the effective date of this Ordinance shall be considered lawful nonconforming structures. Major Modifications and Minor Modifications to nonconforming structures shall be permitted in accordance with the provisions of this Section. Replacement of any nonconforming structure shall be with a structure that complies with the provisions of this Section. If any nonconforming facility or structure is damaged by more than 60% of its fair market value, it shall only be replaced by a conforming facility or structure if it is legal to do so.

(D) Ordinary Maintenance. Ordinary Maintenance, as defined herein, shall be exempt from the permitting and approval requirements of this Section.

(10) Exemptions

(A) The provisions of this Section shall not apply to the following:

(i) Any Wireless Facility, including Amateur and Receive-only Antennas, that are:

(a) less than 75 feet in height;

(b) located in the Rear Yard of a residentially zoned Parcel; and

(c) Owned and operated by a federally licensed amateur radio operator.

(d) Wireless Facilities that are exempt under this Subsection shall not be considered, be deemed available, or be used for Co-location.

(ii) Broadcast Towers; and

(iii) Satellite Dishes.

20-530 UTILITY, MINOR

A minor utility that serves a specific development is permitted by right. All other Minor Utilities require special use approval.

20-531 ZERO LOT LINE DWELLINGS

(1) General

Zero Lot Line Dwellings shall comply with the Density and Dimensional Standards of Article 6, except where those standards are expressly modified by the provisions of this section.

(2) Approval Procedure

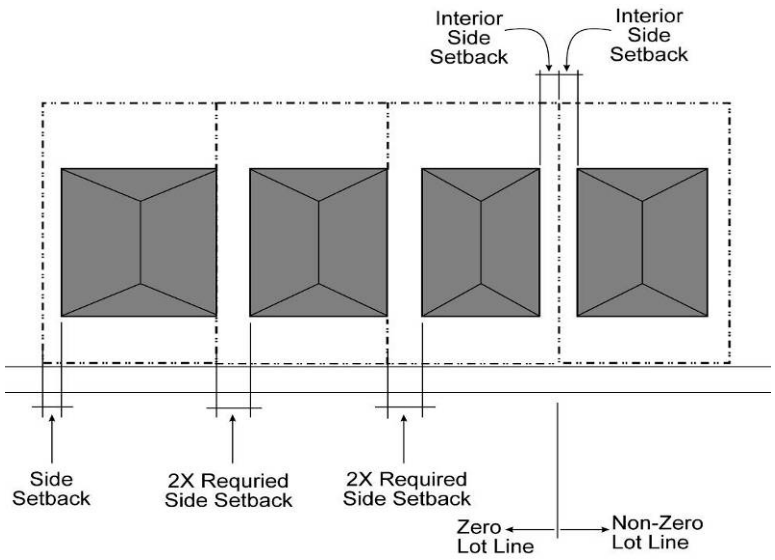
Review for compliance with the standards of this section will occur during the subdivision platting process if platting is required. If platting has already occurred, the Zero Lot Line development will be subject to Site Plan Review in accordance with Section 20-1305. Restrictions that assure the minimum distance between Detached Dwellings and any required Easements shall be noted on the subdivision plat, or in a separate instrument in a form approved by the City, that is recorded with the Register of Deeds. Proof of recording shall be submitted with the Building Permit application.

(3) Standards

(i) The Side Setback on one side of the Detached Dwelling may be reduced to zero. Exterior Side Setbacks or Interior Side Setbacks adjacent to Lots that are not part of the Zero Lot Line project may not be reduced.

(ii) The minimum distance between all Detached Dwellings in the project shall be equal to twice the required Interior Side Setback required by the applicable Base and Overlay Zoning District. A deed restriction shall be recorded with the Register of Deeds to ensure continued compliance with this Setback. [See Section 20-531(2)]

(iii) Eaves and other (e.g., fireplaces, bay windows, Juliet balconies) Building projections on the side of a Detached Dwelling with a reduced Setback may project a maximum of 18 inches over the adjacent Lot Line if they are located at least 9 feet above the ground. In this case, an Easement for the projection shall be noted on the plan and recorded with the Register of Deeds. [See Section 20-531(2)]



(iv) An Easement between the two Landowners to allow for maintenance or repair of the Detached Dwelling is required when the eaves or side wall of the Detached Dwelling are 4 feet or closer to the adjacent Lot Line. The Easement on the adjacent property shall provide at least Five (5) feet of unobstructed space between the furthermost projection of the Structure (including the eave) and the edge of the Easement.

(v) If the side wall of the Detached Dwelling is on the Lot Line, or within three (3) feet of the Lot Line, windows or other openings that allow for visibility into the Side Yard of the adjacent Lot are not allowed. Windows that do not allow visibility into the Side Yard of the adjacent Lot, such as a clerestory window or a translucent window, are allowed.

20-532 ACCESSORY USES AND ACCESSORY STRUCTURES, PURPOSE

This section regulates uses and Structures that are incidental to Principal Uses and Buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary Access around Structures, help maintain privacy to abutting Lots, and maintain open Front Setbacks.

(1) A use which is permitted in the GPI District as an Accessory Use must be accessory to a Principal Use on the site. Two or more institutions may enter into a partnership to utilize the site without affecting the accessory status of the use; further, an institution may partner with a non-institutional entity as long as the Institutional Use remains the Principal Use on the site.

20-533 GENERAL STANDARDS FOR ACCESSORY STRUCTURES

The standards of this subsection apply to all Accessory Uses and Structures.

(1) Time of Construction

Accessory Structures shall be constructed in conjunction with or after the Principal Building. They shall not be built prior to the construction of the Principal Building.

(i) No Principal Building is required for structures that are accessory to a Crop Agriculture or Urban Farm use.

(2) Subordinate Nature

(i) Accessory Uses shall be a subordinate part of a Principal Use and be clearly incidental to a Principal Use.

(ii) Accessory Structures shall be of secondary importance and subordinate in size and Scale to the Principal Building on a site.

(3) Density and Dimensional Standards

Unless otherwise expressly stated, the Setback, Height, and Building coverage standards of the Base District apply to both principal and Accessory Structures (See Density and Dimensional Standards, Article 6). Accessory Structures in residential districts shall be located to the rear of the front Building line and may be located as close as 5' to interior and Rear Lot Lines. Setbacks from interior Side Lot Lines shall not apply to accessory Buildings placed on lots that abut Alleys. An Accessory Structure may be located up to the rear property line when the Lot abuts an Alley and when the doors to the Building do not open directly onto the Alley. There shall be no Setback required between an Accessory Structure and an Alley when Access to the Structure is parallel to the Alley, except that no part of the Structure shall overhang or otherwise encroach onto the Alley.

(i) These setback requirements apply to structures used for a Small Animal Agriculture or Crop Agriculture use, unless a different setback is specified at Sections 20-547 or 20-548.

(4) Building Coverage

(i) A detached Accessory Structure may not have a larger footprint than the Building footprint of the Principal Building.

(ii) The combined footprint of all Accessory Structures may be equal to the footprint of the Principal Building or 20% of the Lot Area, provided the total footprint of all Structures does not exceed the maximum Building coverage as permitted by Sec. 20-601(a) or (b) for the corresponding Zoning District.

(iii) Seasonal Crop Agriculture structures used to extend the growing season, such as cold frames, low tunnels, and hoop houses that are exempt from building permit requirements are exempt from these Building Coverage regulations.

(5) Height of Accessory Structures

Unless otherwise expressly stated, Accessory Structures may not exceed 25 feet in Height, or the Height of the Principal Building on the same Lot, whichever is less.

20-534 ACCESSORY DWELLING UNITS (Permitted only in RS40, RS20, RS10, RS7, MU and CN1)

(1) Purpose

Accessory Dwelling Units are allowed in certain situations to:

(i) create new housing units while preserving the look and Scale of single-Family Detached Dwelling neighborhoods; subject to the procedures established in Section 20-534(2)(xi);

(ii) allow more efficient use of the City's existing housing stock and Infrastructure;

(iii) provide a mix of housing types that responds to changing Family needs and smaller households;

(iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and

(v) provide a broader range of accessible and more affordable housing.

(2) Design Standards

(i) Purpose

These design standards are intended to ensure that Accessory Dwelling Units:

a. are compatible with the desired character and livability of the Zoning Districts;

b. respect the general Building Scale and placement of Structures to allow sharing of common space on the Lot, such as Driveways and Yards; and

c. are 960 square feet or smaller in size.

(ii) Generally

The design standards for Accessory Dwelling Units are stated in this section. If not addressed in this section, the Base District standards apply.

(iii) Methods of Creation

An Accessory Dwelling Unit may only be created through one of the following methods:

a. converting existing living area within a Detached Dwelling, Attached Dwelling (e.g., attic, Basement or attached garage); or

b. adding Floor Area to an existing Detached Dwelling, Attached Dwelling or detached garage; or

c. constructing a new Detached Dwelling, Attached Dwelling or detached garage with an internal Accessory Dwelling Unit.

(iv) Owner Occupancy Required in RS Districts

Either the principal Dwelling Unit or the Accessory Dwelling Unit must be occupied by one or more of the persons who is/are the record Owner of the Premises.

If at any time, neither of the Dwelling Units in a Building that contains an Accessory Dwelling Unit is the principal residence of one of the Owner of the property, then the property shall be considered a Duplex. If a Duplex is not permitted in the Zoning District in which the property is located, the Owner shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the Premises to lawful status, conforming with the uses permitted in the Zoning District.

(v) Number of Residents

The total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person.

(vi) Other Uses

An Accessory Dwelling Unit is prohibited in a house with a Type B Home Occupation.

(vii) Location of Entrances

a. Only one entrance to the Principal Building may be located on the front Facade that faces the Street, unless the Principal Building contained an additional Street-facing entrance before the Accessory Dwelling Unit was created.

b. When the Accessory Dwelling Unit is located behind the rear wall of the Principal Building, the accessory Dwelling entrance shall face the Front Lot Line.

c. An exception to subsection (b), above, is Dwelling Units that do not have Access from the ground such as Dwelling Units with entrances from balconies or elevated decks.

(viii) Parking

The following Parking requirements apply to Accessory Dwelling Units.

a. Lots containing Accessory Dwelling Units shall contain a minimum of two off-Street Parking Spaces.

b. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is at least 27 feet wide, no additional Parking Space is required for the Accessory Dwelling Unit.

c. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is less than 27 feet wide, or if the Accessory Dwelling Unit is created at the same time as the principal Dwelling Unit, one additional Parking Space is required for the Accessory Dwelling Unit.

d. One additional Parking Space is required for the Accessory Dwelling Unit if the Lot containing the Accessory Dwelling Unit abuts only a Collector or Arterial Street.

(ix) Size

The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.

(x) Floor Area Additions

Accessory Dwelling Units created through the addition of habitable Floor Area to an existing Structure shall comply with the following standards:

a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing Structure;

b. the roof pitch shall be the same as the predominant roof pitch of the house or existing Structure;

c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing Structure;

d. windows shall match those in the house in proportion (relationship of width to Height) and orientation (horizontal or vertical);and

e. eaves shall project from the Building walls the same distance as the eaves on the rest of the house or existing Structure.

(xi) Registration; Affidavit

a. Accessory Dwelling Units shall be registered with the Planning Director prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing Accessory Dwelling Units; that the City has all information necessary to evaluate whether the Accessory Dwelling Unit initially meets and continues to meet Development Code requirements; and that the distribution and location of Accessory Dwelling Units is known.

b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the Accessory Dwelling Unit standards of this section. The affidavit shall specify which of the Dwelling Units will be occupied by an Owner of the property; if at any time such Owner moves to the other Dwelling Unit, the Owner shall be responsible for filing an updated affidavit, recording such change.

c. Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements.

20-535 ACCESSORY PARKING

Accessory Parking shall be located in the same Zoning District as the use to which it is accessory. Accessory Parking may be permitted in a different Zoning District by site plan approval, subject to the following limitations:

(1) accessory Parking for a nonresidential use shall in no case be allowed in an RS Zoning District;

(2) accessory Parking for a use permitted in a C Zoning District may be permitted in an RO or RM Zoning District, provided that the total area of such Parking shall not be greater than 10,000 square feet; and

(3) approval of any such accessory Parking in a different Zoning District shall be made subject to appropriate Bufferyard or other Screening requirements to limit the impact of the accessory Parking on the other Zoning District.

20-536 AMATEUR RADIO AND RECEIVE-ONLY ANTENNAS

(1) Amateur Radio and Receive-Only Antennas

Amateur Radio and Receive-Only Antenna may be installed and operated as permitted Accessory Uses, subject to the following conditions:

(i) a single ground or Building mounted Receive-Only Antenna including any mast, for the sole use of the principal occupant(s) of the residential Parcel on which the Receive-Only Antenna is located; with a Receive-Only Antenna Height not exceeding twenty-five feet (25') or the Building Height allowed in the Zoning District, whichever is higher;

(ii) a ground, Building, or tower mounted Amateur Radio Antenna if the Height (post and Antenna) does not exceed thirty-five feet (35'); and

(iii) a ground, Building, or tower-mounted Amateur Radio or Receive-Only Antenna up to 75 feet tall as a Special Use, subject to the following additional standards:

a. the applicant shall provide certification from a civil engineer licensed in Kansas that the tower design is such that it will not fall on adjacent property or on any Building on the property on which it is located;

b. the tower installation shall include a Type 2 BufferYard to Screen it from any adjoining property in an RS zone that is located within 20 feet of the proposed tower site; and

c. the tower may be limited to a Height of less than 75 feet if the Planning Commission finds that it will otherwise protrude above the tree Canopy or otherwise create an unnecessary and unacceptable visual impact.

(2) Satellite Dishes

(i) General

a. No Satellite Dish shall block any entrance or required emergency egress of any Building.

b. Any Satellite Dish in a HL or HD Overlay District shall be subject to Chapter 22 of the City Code, and shall specifically require a Certificate of Appropriateness under Chapter 22.

(ii) Satellite Dishes One Meter or Smaller

Satellite Dishes one meter or less in diameter are a permitted Accessory Structure in all Base Districts.

(iii) Satellite Dishes Two Meters or Smaller

Satellite Dishes more than one meter, up to and including two meters, in diameter are a permitted Accessory Structure in all Commercial and Industrial Zoning Districts and a Special Use (under Section 20-1306) in all Residential Zoning Districts, and are subject to the following:

a. such a Satellite Dish shall not be located in the Front Setback or Front Yard;

b. such a Satellite Dish shall not be located in a Side Setback; and

c. such a Satellite Dish in a Residential or Commercial Zoning District, or the IBP Zoning District, shall be Screened from view off Premises by a fence, wall, Berm, or Landscaping.

(iv) Satellite Dishes Larger Than Two Meters

Satellite Dishes more than two meters in diameter are a permitted Accessory Structure in all Industrial Zoning Districts and all Commercial Zoning Districts except for CN1. Such Satellite Dishes are a Special Use (under Section 20-1306) in any Residential Zoning District or in the CN1 Zoning District. Such Satellite Dishes are subject to the following:

a. Such a Satellite Dish shall not be located in a Front Setback or Front Yard;

b. such a Satellite Dish shall not be located in a Side or Rear Setback; and

c. such a Satellite Dish in a Commercial Zoning District or the IBP Zoning District, or where adjoining property is in a Residential or Commercial Zoning District or the IBP Zoning District, shall be Screened from view off Premises by a fence, wall, Berm, or Landscaping.

20-537 HOME OCCUPATIONS

(1) Purpose

Home Occupations are activities accessory to uses in the Household Living category. Special regulations apply to such activities to ensure that Home Occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the Home Occupation remains subordinate to the residential use, and that the residential viability of the Dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

(2) Applicability

Uses are allowed as Home Occupations only if they comply with all of the requirements of this section.

(3) Exemptions

(i) Day Care Homes

Day Care homes are not regulated as a Home Occupation and are exempt from the Home Occupation regulations of this section.

(ii) Bed and Breakfast and Bed and Breakfast Inns

Bed and Breakfasts and Bed and Breakfast Inns are not regulated as Home Occupations and are exempt from the regulations of this section.

(4) Description of Type A and Type B Home Occupations

There are two types of Home Occupations: Type A Home Occupations and Type B Home Occupations.

(i) Type A

A Type A Home Occupation is one where residents use their home as a place of work, with no employees or customers/clients coming to the site. Examples include artists, crafts people, writers, and consultants.

(ii) Type B

A Type B Home Occupation is one where an employee and/or customers/clients come to the site. Examples are counseling, tutoring, and hair cutting/styling.

(5) Use-Related Regulations

(i) Allowed Uses

The intent of the regulations of this section is to establish performance standards for all Home Occupations rather than to limit uses and activities to a specific list. Home Occupations that comply with the performance standards of this section are allowed by-right unless otherwise expressly stated.

(ii) Prohibited Uses

a. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to vehicles and their parts is prohibited.

b. Home Occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

c. Funeral and Interment Services are not allowed as Home Occupations.

d. Animal Services are not allowed as Home Occupations.

e. Restaurants are not allowed as Home Occupations; catering for off-premise consumption is not prohibited.

f. A Type B Home Occupation is prohibited on a Lot where an Accessory Dwelling Unit exists.

g. More than two garage sales within a calendar year is a prohibited use.

(6) Site-Related Standards

(i) Signs

One non-animated, non-illuminated, accessory identification sign of no more than 2 square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, displayed in a window, or within ten feet (10') of the Building entrance.

(ii) Outdoor Activities

a. All activities shall be in completely enclosed Structures.

b. Exterior Storage or display of goods or equipment is prohibited.

(iii) Appearance

The Dwelling and site shall remain residential in appearance and characteristics. Internal or external changes that will make the Dwelling appear less residential in character or function are prohibited. Examples of such prohibited alterations include construction of Parking Lots, paving of required Setbacks, or the addition of commercial-like exterior lighting.

(7) Impact-Related Standards

(i) Hazardous Substances
Hazardous substances are prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.

(ii) Noise
The maximum noise level associated with a Home Occupation shall not violate the provisions of the City's noise ordinance.

(iii) Trucks and Vehicles
No more than one vehicle advertising or displaying the name of the Home Occupation may be parked at the site. The maximum size of a vehicle that may be parked in association with a Home Occupation is a Light Truck.

(iv) Deliveries
Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the Home Occupation only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

(8) Additional Type B Home Occupation Regulations
The following are additional regulations that apply to Type B Home Occupations. Waivers or variances from this section of the regulations are prohibited.

(i) Hours
Customers or clients may visit the site only during the hours of 7 a.m. to 7 p.m.

(ii) Nonresident Employees
One nonresident employee is allowed with a Type B Home Occupation. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-Owner, or other person affiliated with the Home Occupation who does not live at the site but who regularly visits the site as part of the Home Occupation.

(iii) Customers/Clients
Only 10 customers or clients may visit the site in a day.

(iv) Retail Sales
Retail sales of goods shall be entirely accessory to any services provided on the site (such as hair care products sold to hair cutting clients).

(v) Number
No more than one Type B Home Occupation is permitted per Dwelling Unit.

(9) Type B Home Occupation Permit

(i) Purpose
Permits for Type B Home Occupations shall be obtained, prior to their establishment, from the Planning Director. The permit requirements are intended to ensure:

a. that the applicant is aware of the provisions of this Development Code governing Home Occupations;

b. that the City has all information necessary to evaluate whether the proposal initially meets, and continues to meet, Development Code regulations; and

c. that the distribution and location of Type B Home Occupations is known.

(ii) Procedure and Renewal Process

Type B Home Occupations are required to register with the Planning Director prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation that the proposal is a Type B Home Occupation. A Home Occupation permit for Type B Home Occupations will be issued by the Planning Director for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The permit is tied to the applicant and to the Lot occupied by the Type B Home Occupation. Permits are not transferable to other sites or to other operators. The applicant shall also demonstrate at the time of registration compliance with the following neighborhood notice requirements.

(iii) Neighborhood Notice

a. The purpose of this requirement is to notify the Registered Neighborhood Association and nearby Landowners of the establishment of a Type B Home Occupation, the type of activities that will occur, and the regulations under which the use shall operate.

b. The applicant shall prepare a notice that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis.

c. The applicant shall send notice to all Registered Neighborhood Associations whose boundaries include the site and to all Owner of property within 200 feet of the subject site. At the time of application submittal, the applicant shall submit to the Planning Director a list of the Owner and addresses notified, a copy of the notice that was sent, and a signed Statement verifying that notice requirements have been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

d. The notice shall provide information on the proposed Home Occupation and at least the following additional information:

Notice of Proposed Home Occupation

This letter is being sent to Landowners, or a Registered Neighborhood Association, near the site of a proposed Home Occupation. It is being sent for the purpose of informing the Landowner and other interested parties about the proposed home-based business. This letter does not grant the recipient and/or Landowner any legal rights to challenge the proposed development, instead, it is being provided solely to inform nearby Landowners of the proposed plans of one of your neighbors. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Department at (785) 832-XXXX.

(iv) Revocation

A Type B Home Occupation permit may be revoked for failure to comply with the regulations of this section, through the procedures identified in Section 20-1605(e). When a Type B Home Occupation permit has been revoked, a new Type B Home Occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

20-538 EXTERIOR STORAGE

(1) Purpose

Exterior Storage areas are permitted as an accessory to a Principal Use in specific nonresidential Zoning Districts to provide space for the outdoor storage of materials related to the Principal Use. Outdoor storage of materials not related to the business of the Principal Use is prohibited.

(2) Applicability

Exterior Storage is defined as the outdoor storage of any and all materials related to the Principal Use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Exterior Storage is permitted as an Accessory Use in the CR, CS, CC, IBP, IL, IM, IG, GPI and H Districts to any Principal Use permitted in these districts. The standards for Exterior Storage areas exclude dumpsters and trash receptacles and mechanical equipment, which themselves have Screening requirements in Section 20-1006.

(3) Location of Exterior Storage on a Site

(i) Location in Rear Yard

Exterior Storage areas may be located in the provided Rear Yard of a property but must adhere to the minimum setbacks as required by Article 6 in addition as to what is required by Subsection (iv) below.

(ii) Location in Side Yard

Exterior Storage areas may be located in any Side Yard of a property not adjacent to a street right-of-way, except in the IL and IG Districts where they may be located in any Side Yard, regardless of the presence of adjacent street right-of-way. The location of Exterior Storage areas in any Side Yard must adhere to the minimum setbacks as required by Article 6 in addition to what is required by Subsection (iv) below. When located in a Side Yard, Exterior Storage areas shall be located to the rear of the front Building Facade of the principal Structure, except in the IL, IM and IG Districts where they may encroach into the Front Yard.

(iii) Location in Front Yard

Exterior Storage areas are prohibited from being located in the provided Front Yard of any property in all Zoning Districts, with exception of the IL, IM and IG Zoning Districts where Exterior Storage areas may be located in the Front Yard.

(iv) Minimum Setbacks

Minimum setbacks apply to the location of Exterior Storage areas depending upon adjacent property's zoning classification. To determine the Setback required, first identify the zoning of the site planned for Exterior Storage and the zoning of all adjacent sites. Find where the zoning of the site for Exterior Storage and each adjacent site intersect on the table. This is the required minimum Setback from the property line.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	CN1, CN2	CR, CS, CC	IBP, IL, IM, IG, GPI, H	
CR, CS, CC	15'	15'	--	50'[1]
IBP, IL, IM, IG, GPI, H	15'	--	10'	25'[1]

[1] or behind the front Building façade whichever is the greater distance.

(4) Screening Required

To protect the Public Safety and promote aesthetic quality, all Exterior Storage areas are required to be screened from adjacent properties and the public right-of-way in the form of a landscaped Bufferyard. To determine the type of Bufferyard required, first identify the zoning of the site planned for Exterior Storage and the zoning of all adjacent sites. Find where the zoning of the site for Exterior Storage and each adjacent site intersect on the table. This is the required type of Bufferyard. For detailed provisions on each type of Bufferyard, see Sec. 20-1005.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	CN1, CN2	CR, CS, CC	IBP, IL,, IM, IG, GPI, H	
CR, CS, CC	2	--	1	3
IBP, IL, IM, IG, GPI, H	3	2	--	3

(5) Area

The area of Exterior Storage uses shall be limited to 50% of the Floor Area of the principal Structure. Exterior Storage areas may only exceed 50% of the Floor Area of the associated principal Structure with approval of a Special Use Permit.

(6) Surfacing Required

(i) In CR, CS, and CC Districts

Exterior Storage areas located in these Districts shall be located upon any of the paved surfaces as provided in Sec. 20-913.

(ii) In IBP, IL, IM, IG, GPI, and H Districts

Exterior Storage areas located in these districts may be located on compacted gravel surfaces. Driveways and Driveway Aprons providing Access to these areas shall be paved to City Standards.

(iii) Exterior Storage areas in Floodplains

Exterior Storage areas located in the Floodplain, regardless of the site's zoning, may be surfaced with compacted gravel.

20-539 GENERAL STANDARDS FOR PRIVATE DINING ESTABLISHMENTS

(1) The operation of a Private Dining Establishment in RS, RSO and RMO Districts shall be limited to:

(i) Service to no more than 30 guests per seating.

(ii) One seating per service day.

(iii) 5 service days in a standard 7-day week.

(iv) Service shall be provided to the general public by reservation only.

(v) Shall be located in Mixed-Use neighborhoods.

(vi) No drive-in, drive-through or carry-out facilities are permitted.

(vii) The service of beverages may include alcoholic beverages subject to approval of a City Liquor License.

(viii) The Planning Commission and City Commission have the discretion to place additional restrictions upon the use or the site based upon the Review and Decision-Making Criteria set forth in Sec. 20-1306(i), but shall not be precluded from consideration from other factors which may be relevant to a particular application including but not limited to hours of operation, lighting, and noise.

(2) Off-street Parking

(i) Principal Residential Use
Off-street parking shall be provided in accordance with the applicable provisions of Article 9 of Chapter 20 of the Development Code for the primary use as a residence.

(ii) Accessory Private Dining Use
The Planning Commission and City Commission shall have the discretion to adjust the amount of parking required and/or the permitted location and site design of off-street Parking Facilities dedicated to Private Dining Establishments as a condition of Special Use Permit approval.

(iii) Standards for the Location of Off-Street Parking
Off-street parking shall be provided in such a way as to maintain the residential pattern and character of the neighborhood in which the use is proposed to occur.

(3) Site-Related Standards

(i) Owner-Occupancy Required
A Private Dining Establishment shall be accessory to an Owner-occupied principal residential use.

(ii) Location

a. The use shall be contained in neighborhoods that include Mixed Use Lots, Tracts, Parcels or Buildings or Structures as the term Mixed Use is defined in Sec. 20-1701. Neighborhoods which are predominantly single-Dwelling residential in nature shall not be considered for Private Dining Establishments. The use shall be contained within or adjacent to Blocks with non-residential uses in a neighborhood with Mixed Uses or Zoning Districts.

b. The use shall have direct Access to a Public Street or right-of-way. Private Dining Establishments shall not be permitted on Private Streets.

(iii) Screening

The Planning Commission shall have the discretion to require Landscaping and Screening as deemed necessary given the operational, neighborhood and site characteristics for the use as a condition of Special Use Permit approval.

(iv) Appearance

a. The exterior of the residence shall remain consistent with the primary function as a Dwelling Unit.

b. No exterior signage or advertising material permitted in residential districts.

(v) Operating Characteristics

The Planning Commission and City Commission shall have the discretion to determine if the serving and consumption of any food and/or beverage may occur outdoors.

20-540 SMALL AND LARGE COLLECTION RECYCLING FACILITIES

(1) Purpose

Small and Large Collection Recycling Facilities are centers or facilities for the acceptance by donation, redemption, or purchase, of Recyclable Materials from the public. Special regulations apply to such centers or facilities to ensure public and user safety as well as to ensure adequate and on-going maintenance of such facilities and general aesthetic appeal. Areas designated for such facilities shall obtain site plan approval by the Planning Director.

(2) Applicability

Uses are allowed as Small or Large Collection Recycling Facilities only if they comply with all of the requirements of this section.

(3) Exemptions

Any indoor Small or Large Collection Recycling Facility located within a Building.

(4) Use-Related Regulations

(i) Allowed Uses

The intent of the regulations of this section is to establish performance and use standards for all Small and Large Collection Recycling Facilities. Such Facilities which comply with the performance and use standards of this section are permitted by-right upon site plan review and approval by the Planning Director.

(ii) Allowed collection facilities

a. Mobile collection units such as all-weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;

b. Reverse vending machines or kiosks that may include permanent Structures. Reverse vending machines and kiosks may be located indoors or outdoors adjacent to the main entryway of a Building and are not required to be located within the area designated on the site plan for the Small or Large Collection Recycling Facility.

c. Indoor facilities, ancillary to the primary activity of a business or organization which is exempt from these standards.

(5) Site-Related Standards

(i) Area

One Small or one Large Collection Recycling Facility shall be permitted per property or Parcel(s) or Tract(s) of land under common Ownership. In the case of a commercial/shopping center with multiple tenants and/or multiple property Owners, only one Small or Large Collection Recycling Facility may be permitted. Small and Large Collection Recycling Facilities shall be limited to one area per property, Parcel(s) or Tract(s) of land under common Ownership dedicated to such facilities. Small Collection Facilities are limited to 500 square feet in area whereas Large Collection Facilities may contain a larger area.

Any use meeting the definition of a Small or Large Collection Recycling Facility shall be located within the designated area as shown on the approved site plan or development plan. Kiosks and reverse vending machines may be located outside the designated area when located adjacent to the public entrance of the principal Structure.

(ii) Location and Placement

a. Small or Large Collection Recycling Facilities shall be located on a paved surface.

b. All Density and Dimensional Standards as provided in Article 6, such as Building setbacks, shall apply to the placement and location of areas designated for Small or Large Collection Recycling Facilities.

c. Whenever possible, Small or Large Collection Recycling Facilities should not be located between the public right-of-way and the front façade of a Building.

d. Small or Large Collection Recycling Facilities shall not be located in Parking Lots when its placement in such a location will result in a reduction in available parking below the amount required for the Principal Use of the property or site.

e. Small or Large Collection Recycling Facilities shall not be located in Parking Lots when its placement in such a location will result in impeding safe and orderly pedestrian and vehicular movement.

f. The location and placement of the area designated for Small or Large Collection Recycling Facilities shall be safe for public use. Prior to site plan approval, the applicant shall provide evidence to the Planning Department that the designated site is safely accessed by the general public.

(iii) Appearance

a. Screening

The designated area for Small or Large Collection Recycling Facilities may be screened from public rights-of-way by a landscape Screen or Berm. Such Screening may be required to obtain site plan approval and is encouraged in all instances. Screening, regardless of the method, shall not exceed 4 feet in Height, at any time, for security and Public Safety purposes.

b. Maintenance

The designated area for Small or Large Collection Recycling Facilities shall be kept clean from debris, Recyclable Materials, or garbage at all times. Collection of Recyclable Materials shall occur only within mobile collection units, reverse vending machines and kiosks which include permanent Structures. All facilities, collection units, vending machines, and kiosks shall be properly maintained.

(iv) Site Plan Review

Small and Large Collection Recycling Facilities shall only be permitted upon site plan review and approval by the Planning Director.

20-541 WORK/LIVE UNITS

(1) Purpose

Work/Live Units are distinguished from Home Occupations in that in the case of Home Occupations, the business or commercial use is accessory to the residential use. In the case of Work/Live Units, the residential use is accessory to the business or commercial use. Work/Live Units are permitted in certain Zoning Districts to:

(i) Provide for the appropriate development of units that incorporate both living and working space;

(ii) Encourage the development of new business by allowing a business Owner to live in the same location as the business;

(iii) Provide opportunities for people to live in mixed-use areas;

(iv) Ensure that the exterior design of Work/Live Buildings is compatible with the exterior design of commercial, industrial, and residential Buildings in the area.

(2) Standards

(i) Work/Live Units shall consist of a nonresidential use, permitted in the Base District and a residential Dwelling.

(ii) Work/Live Units shall be designed to accommodate a permitted nonresidential use, such as a business and the residential Dwelling of the business Owner or operator.

(iii) The residential Dwelling shall have direct internal Access to the permitted nonresidential use.

20-542 NON-GROUND FLOOR DWELLING UNITS

(1) Non-Ground Floor Dwellings shall be located in a Vertical Mixed Use Structure, either above ground level or below ground level. Such Dwelling Units shall not have direct internal Access to a nonresidential use within the Structure. For Dwelling Units which are accessory to or have direct internal Access to a nonresidential use, see Work/Live Unit.

(2) Non-Ground Floor Dwelling Units are commonly considered to be apartments, lofts, condominiums or flats located above or below a nonresidential use within the same Structure. Non-Ground Floor Dwelling Units are distinguished from multi-Dwelling Units or Multi-Dwelling Structures, as defined in Section 20-1724, on the basis that Multi-Dwelling Structures must contain at least three (3) Dwelling Units. Structures containing Non-Ground Floor Dwelling Units may contain more or less Dwelling Units based on density, dimensional and parking standards of the particular Zoning District in which they are proposed.

20-543 OFFICE, OTHER

(1) Standards that Apply in the MU District

In designated Primary Zones, such offices shall be permitted to be located on the ground level of a Structure only when they do not occupy the Building Frontage.

20-544 TEMPORARY SHELTERS

(1) Purpose

The purpose of this subsection is to set forth standards for the location and operation of Temporary Shelters.

(2) Exemptions

i. Residential Uses

Any permitted residential use listed in Section 20-402 shall be exempt from the regulations of this subsection.

(3) Standards for Temporary Shelters

i. Use Standards

Temporary Shelters require a Special Use Permit in accordance with the procedures of Section 20-1306. In addition to the standards of Section 20-1306, the following standards shall apply to all Special Use Permits granted for Temporary Shelters:

a. At least once every five (5) years the operator shall make a presentation to the City Commission and the Commission shall review the Special Use Permit for compliance with original conditions of approval and use standards.

b. A minimum of 1 toilet per 15 beds shall be provided.

c. Shall be staffed in compliance with the staffing requirements of the approved management plan.

d. All uses and activities conducted outdoors shall be shown on the site plan.

(4) Management Plan

The operator of a Temporary Shelter shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

i. Narrative description of the nature and characteristics of the use and descriptions of all services provided.

ii. Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.

iii. Rules of conduct for guests.

iv. Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter.

v. Communications plan that establishes how the shelter will regularly communicate with neighbors and police.

vi. Response plan for emergencies that may occur at the site.

vii. Adequate staffing levels given the number of guests served and the nature of the facility and population served.

(5) Design Standards

Temporary Shelter site design shall incorporate design features that contribute to the livability and safety for guests, efficient use of space, ease of emergency access, and compatibility with nearby land uses. In furtherance of this purpose, the following design standards shall apply, to the extent practicable, to Special Use Permits granted for Temporary Shelters:

i. Building entrances shall be clearly defined and visible from the public right-of-way or from an occupied area of the building such as administrative offices or staffed reception areas.

ii. Building entrances, outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.

iii. Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.

iv. Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.

v. The exterior of the building shall be designed to ensure that all outside areas surrounding the building are clearly visible either from public right-of-way or through the use of design features such as windows or video surveillance.

vi. Landscaping shall be designed to not obstruct the view of sidewalks, parking areas or outdoor children/adult recreational areas.

vii. Effort through design to minimize loitering in the vicinity of the shelter through careful site design, building design, or by providing site features or amenities on the property which attract guests to a specific location on the property.

20-545 LIGHT EQUIPMENT SALES/RENTAL

(1) Purpose
The purpose of these use-specific standards are to ensure that Vehicle Sales and Service uses permitted in the CN2 District conform to the intent of the purpose of the CN2 District as set forth in Section 20-208 of this Development Code.

(2) Applicability
The use-specific standards of this section shall apply to any Vehicle Sales and Service uses listed below.

(3) Light Equipment Sales/Rental

(i) Shall be limited to automobile sales and/or rental.

(ii) Shall permit a maximum of 12 vehicles to be stored onsite for sale or rental.

(iii) Accessory vehicle wash bays are permitted but may not be made available for public use and shall be limited to one wash bay.

(iv) Accessory vehicle wash bays shall be located within enclosed Structures.

(v) Automobile Cleaning and detail activity shall be conducted in enclosed Structures.

20-546 CONGREGATE LIVING

(1) Applicability
The use-specific standards of this section shall apply to any Congregate Living use or structure.

(2) Standards

(i) A Congregate Living use shall be permitted only with site plan approval.

(ii) Limitations on Expansion

a. At the time of its conversion to the Congregate Living use and for the life of a Congregate Living use upon its establishment, the building footprint of a Structure containing a Congregate Living use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including covered (roofed) decks, patios, and porches.

b. A site plan for a Congregate Living use is not eligible for approval if the building footprint, measured at grade and including covered (roofed) decks, patios, and porches, of an existing Structure proposed to contain the use has been expanded greater than 20% within three years of submitting the site plan application for the Congregate Living use.

c. This section does not apply to expansions in building footprint occurring prior to February 11, 2011 (the effective date of this section).

(iii) A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.

20-547 ANIMAL AGRICULTURE, SMALL

(1) General

(i) Structures

a. Structures shall comply with the Accessory Structure Standards in Section 20-533, except where expressly stated.

b. Any coop, shelter, or enclosure shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

c. The facilities used to house the animals shall be of adequate design to keep the animals confined and reasonably safe from predators, and provide enough shelter and room to provide humane conditions as defined at Section 3-102 of the City Code.

(ii) Maintenance

The site shall be maintained in accordance with the City's Property Maintenance Code. At a minimum, the property shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

(iii) Excluded Animals

Pigs are not considered *Small Agricultural Animals* and may not be kept within the City pursuant to an Urban Agricultural use. Vietnamese Pot-Bellied Pigs are considered domesticated pets and are subject to regulations established at Chapter 3, Article 1, Section 3-104(D) of the City Code.

(2) Standards that apply in the CO, CD, CS, CC, and CR District

Small Animal Agriculture permitted in these commercial districts is limited to beekeeping, insects, and aquatic organisms. This restriction does not apply to pet stores or similar permitted uses in these districts.

(3) Bees

(i) Africanized honey bees are prohibited.

(ii) Up to 2 Colonies may be located on a lot of ¼ acre or less; 4 Colonies on lots between ¼ and ½ acre; 6 Colonies on lots of ½ to full acre. 8 Colonies are permitted on any property larger than an acre (except that additional Colonies are permitted when they are set back at least 200 feet from all property lines.)

a. For every 2 Colonies permitted on a tract there may be maintained upon the same tract one nucleus Colony in a hive structure not exceeding one standard 9 5/8 inch depth 10-frame hive body with no supers, the part of the beehive that is used to collect honey, attached as required from time to time for swarm management.

b. Each such nucleus Colony shall be moved to another tract or combined with another Colony on the subject tract within 30 days after the date made or acquired.

(iii) Every person owning a hive, stand, box or apiary on property other than their residence shall identify such hive, stand box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name and phone number of the owner of such equipment.

(iv) The following locational requirements apply to all hives:

a. No hive shall exceed 20 cubic feet in volume.

b. Hives are permitted only in the Side and Rear Yards, unless roof-mounted.

c. No hive shall be located closer than 3 feet from any property line.

d. No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a Principal Building on an abutting lot. (Hives must be relocated as needed as abutting lot develops.)

e. If a hive is within 10 feet of a property line and is located less than 10 feet off the ground, a flyway barrier is required.

(v) A flyway barrier, when required, shall be at least 6 feet tall and extend 10 feet beyond the colony location on each side. It can be solid, vegetative, or any combination of the two that forces the bees to cross the property line at a height of at least 6 feet.

(vi) The beekeeper shall promptly re-queen the Colony if the Colony exhibits unusual defensive behavior without due provocation.

(vii) A constant supply of water shall be provided for all hives within 25 feet of each hive between March 1 and October 31 of each year.

(viii) Bee Hotels are not subject to these regulations.

(4) Fowl

(i) Fowl, defined herein as female chickens and ducks, see Section 20-1701, may be kept on a property only as an accessory use to a permitted primary use.

(ii) The maximum number of Fowl is limited to:

a. One Fowl per 500 square feet of lot size, rounded down; and

b. No more than 20 Fowl, regardless of the size of the lot.

(iii) Any person who owns, keeps, or harbors Fowl, *i.e.* chickens and ducks, shall provide a coop or other similar shelter.

a. Any coop or shelter shall be screened or walled in a manner that allows the Permitted Fowl to be reasonably protected from predators.

b. Any coop or shelter shall be a minimum of 3 square feet in size per fowl if the Fowl have an enclosed outdoor run, or 10 square feet in size per fowl if the Fowl do not have an enclosed outdoor run.

c. Any coop or shelter shall be constructed in a manner that is consistent with the requirements of this section. In the event that the coop or shelter qualifies as an *Accessory Structure* then all requirements regarding placement and setbacks for Accessory Structures in Section 20-533 must be met.

d. In no event shall any coop or shelter be located nearer than 5 feet from any neighboring property line.

e. Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

f. A roost shall be provided for each chicken, with a minimum length of 10 inches per chicken and a minimum size of 8 square inches. A roost is not required for ducks.

g. For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be provided. Each laying box shall contain adequate clean bedding material such as hay or other soft material. A laying box is not required for ducks.

(5) Goats and Sheep

(i) Goats and sheep may be kept on a property only as an Accessory Use to a permitted primary use.

(ii) Only small goats and sheep are permitted as *Small Animal Agriculture*. Breeds which would be considered small goats include Pygmy Goats, Nigerian Dwarf Goat, and Miniature Dairy Goats. Breeds which would be considered small sheep include Harlequin Sheep, North American Shetland Sheep, and Cheviot Sheep.

a. Breeds are limited to those that do not exceed 24” at the withers.

(iii) Male goats over the age of four weeks must be neutered.

(iv) The following standards regulate the number of goats or sheep that may be kept on a property.

a. A minimum of 2 goats or 2 sheep may be kept on a property. A single goat or a single sheep is not permitted.

b. 2 goats or 2 sheep may be kept on a property with a minimum of 10,000 square feet of area.

c. Up to 4 goats and sheep may be kept on a property with a Lot Area of 20,000 square feet or more.

d. Nursing offspring of goats and sheep permitted through the provisions of this Code may be kept until weaned, no longer than 12 weeks from birth, without violating the limitations of this sub-section.

e. The maximum number of goats and sheep that can be kept on an *Urban Farm* would be established through the Special Use Permit process.

(v) The following standards apply to any Structure used to house goats and sheep:

a. Goats and sheep shall be housed in a predator-resistant, covered Structure with an open air enclosure.

b. The Structure shall be located a minimum of 50 feet from any off-site Dwelling.

c. The Structure shall be located in the Rear Yard and a minimum of 15 feet from adjacent properties.

d. The Structure shall provide a minimum of 10 square feet of living area per goat or sheep.

e. A fenced open air enclosure shall be provided which has a minimum area of 150 square feet per goat or sheep.

20-548 CROP AGRICULTURE

(1) Crops may be grown within the public right-of-way adjacent to the property without a use of right-of-way permit. However, the use shall be temporary and any such crops shall be subject to removal by the City, at its discretion, when street or infrastructure repairs or improvements are undertaken in the right-of-way.

(2) The following locational requirements apply to all crops:

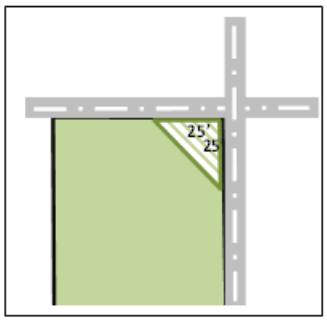
(i) Crops may not exceed 3 feet in height when located within 8 feet of the roadway to avoid interference with visibility for Driveways and other access points.

(ii) If a sidewalk on the property is more than 8 feet from the roadway, crops may not exceed 3 feet in height between the sidewalk and the roadway.

(iii) Crops may not exceed 3 feet in height within 3 feet either side of a sidewalk to allow for visibility.

(iv) Crops may not be planted within 1 foot on either side of the sidewalk and may not be allowed to grow onto the sidewalk.

(v) Crops taller than 3 feet are not permitted within the sight distance triangle (area created by connecting the endpoints of two 25 feet lines, measured along the curb line, from the intersection of two adjacent streets). *See* figure.



(3) The following maintenance requirements apply to all *Crop Agriculture* uses:

(i) The site shall be designed and maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent Lots, properties, Public Streets, sidewalks, or Alleys.

(ii) The site shall be kept free of debris or high grass or weeds, taller than 12 inches, (*Crop Agriculture* plants are not considered weeds as defined in Section 18-302(f) of the City Code and are exempt from the weed provisions in Section 18-304 of the City Code.)

20-549 FARMERS MARKETS

The following standard applies in the RS, RM, and GPI Zoning Districts:

(1) *Farmers Markets* may be permitted, through approval of a site plan, when accessory to one of the following uses: *Schools, Religious Institutions, Cultural Center/Library, Day Care Center, College/University, Lodge, Fraternal & Civic Assembly; Social Service Agency,* and *Adaptive Reuse of a Registered Historic Property,* provided that adequate parking is provided.

20-550 ON-SITE AGRICULTURAL SALES

(1) General Standards

(i) Only unprocessed items: eggs, honey, or whole, uncut (except as necessary for harvesting), fresh produce and/or horticultural products may be donated, sold on-site, or distributed through Community Supported Agriculture (CSA) pick-ups as *On-Site Agricultural Sales.*

a. On-site sales refers to products grown or produced on the Premises or products that are grown or produced on another site within the City that is maintained by the operator of the sales site, but only when sold in conjunction with products grown or produced on the Premises.

(ii) *On-Site Agricultural Sales* may occur between 8:00 AM and 8:00 PM.

(iii) Exterior display of product is permitted during sale hours.

(iv) Any stands used for the display or sale of products shall be located a minimum of 20 feet from the curb or roadway and shall be temporary; being removed and stored when sales are not in progress.

(v) The sales area may include a retail sales area (stand and/or display area) as noted below:

a. Sales area of up to 100 square feet permitted for lots up to 7,000 square feet in area.

b. Sales area of up to 150 square feet permitted for lots up to 10,000 square feet in area.

c. Sales area of up to 300 square feet permitted for lots larger than 10,000 square feet in area.

(vi) One temporary, unilluminated sign advertising only food or horticultural products may be displayed during sales.

a. The sign must be located a minimum of 20 feet from the curb or roadway or it may be placed flat on a wall or door or displayed in a window.

b. The sign face may not exceed 2 square feet in area and the sign may not be more than 3 feet in height.

(2) Urban Farms

(i) *On-Site Agricultural Sales* are permitted on *Urban Farms* in Residential Districts subject to area and locational standards established with the Special Use Permit.

a. *Urban Farms* in residential districts which were in existence prior April 26, 2016, and are operating under an automatic SUP shall comply with the general *On-Site Agricultural Sales* standards in this section.

20-551 URBAN FARM

(1) Special Use Permit for *Urban Farms* in Residential Districts

(i) An Urban Agriculture use is considered an *Urban Farm* when it includes uses permitted as *Crop Agriculture* and/or *Small* or *Large Animal Agriculture* but exceeds the standards set by the Code for these uses. These standards include, but are not limited to, the maximum number of animals per size of Lot, the maximum permitted size of the on-site sales area, hours of on-site sales, and accessory activities on the site such as educational sessions.

(ii) An *Urban Farm* that was in existence in a residential zoning district prior to April 26, 2016, will be deemed to have an automatic Special Use Permit. It will be necessary for owners/operators of *Urban Farms* to register the use with the Planning Office by January 1, 2017, to qualify for the automatic Special Use Permit. Any alteration or expansion of the *Urban Farm* use are subject to the Special Use Amendment procedures of Section 20-1306 with the provisions included in the following subsection.

(iii) Given the nature of an *Urban Farm* use, an aerial photo may be used as the basis of the Special Use Permit plan. The plans are not required to be developed by a design professional, but must clearly show the details/dimensions necessary to insure Setbacks are met, required screening is provided, and that Parking Areas and drive aisles meet the parking standards in Article 9.

(2) Accessory Uses Permitted by Right

(i) Agricultural Processing

a. The primary agricultural product being processed must be grown or produced on the premises.

b. Potentially offensive external effects shall be mitigated to insure compatibility with nearby land uses.

c. Off-Street Parking is required at the same rate as the *Limited Manufacturing and Production* use in Article 9.

(ii) Education/Training/Outreach Programs.

(iii) Employment

a. An *Urban Farm* in a residential district may have employees that exceed the *Home Occupation* limit.

20-552 MINI-WAREHOUSE

(1) Applicability

These standards apply to mini-warehouse buildings in any Base District, except that they do not apply to any mini-warehouse use that is contained entirely within an enclosed Building and that does not include any covered or uncovered Exterior Storage areas for boats, recreational or similar vehicles, or other equipment. Such uses are subject only to the Community Design Manual. Properties that include covered or uncovered Exterior Storage areas or conventional self-storage units, with overhead doors, accessible from access drive aisles, are subject both to these use standards and the Community Design Manual.

(2) Architectural Standards

The Community Design Manual shall be applied to all mini-warehouse uses, as follows:

(i) For any mini-warehouse use located in a commercial zoning district, the building and site shall be subject to the Commercial Design Guidelines.

(ii) For any mini-warehouse use located in an industrial zoning district, the building and site shall be subject to the Industrial Design Guidelines.

(3) Building entrances and openings

(i) No door openings for any mini-warehouse storage unit shall be constructed facing any public right of way or any residentially zoned and/or used property.

(ii) All mini-warehouse sites shall include a prominent public entryway oriented to the public street.

(4) Accessory Exterior Storage

All uncovered or partially covered storage shall not be visible from any public right of way or residentially zoned and/or used property.

(5) Screening Required

(i) When abutting arterial or collector streets, mini-warehouse uses shall be screened by a solid fence in accordance with the Community Design Manual, based on their Zoning District.

(ii) When located adjacent to residential uses or residential zoning, additional screening shall be provided for mini-warehouse uses in the form of a solid 8-foot tall fence.

(6) Surfacing Required

(i) In all Base Districts, required Parking and Loading Area Design Standards shall be paved in compliance with City Standards.

(ii) Exterior Storage areas located in Industrial Base Districts may be located on compacted gravel surfaces. Driveways and Driveway Aprons providing Access to these areas shall be paved in compliance with City Standards.

(7) Parking

(i) Parking shall be provided by parking/driving lanes adjacent to the buildings/units. Such lanes shall be at least twenty-feet (20') wide for one-way access lanes and at least twenty-six-feet (26') wide for two-way access lanes.

(ii) Required customer/user parking spaces may not be rented or used for the storage of boats, recreational or similar vehicles, other vehicles, or similar uses. *See* requirements for accessory uses.

(8) Accessory uses

(i) Residential caretaker/on-site manager.

a. This use is permitted only as an accessory use when permitted as part of a site plan or special use permit when allowed in the base district.

(ii) Uncovered parking of personal recreational vehicles such as boats, recreational vehicles, and similar equipment shall be permitted only in designated storage areas that are shown on approved site plans, when permitted as an approved accessory use, and only when located on paved surfaces.

a. The outdoor storage of boats, recreational vehicles, vehicles, and similar equipment shall, in no case, be displayed or advertised for sale without prior site plan approval. Outdoor storage shall be accessory and subordinate to the site's principal use.

b. Cleaning and washing of boats, recreational vehicles, vehicles, or any other stored material shall be prohibited unless in a designated area meeting all minimum stormwater pollution control/stormwater runoff requirements.

(iii) Accessory/incidental retail sales.

a. Sales and rental of moving and packing supplies, to include small and medium trucks and trailers, may be permitted with site plan approval.

20-553 SHORT-TERM RENTAL

(1) Purpose

These design standards are to ensure that Short-Term Rental uses are compatible with the desired character and livability of the zoning districts in which such uses are permitted.

(2) Residency Requirements

(i) The Short-Term Rental use shall be considered an Accessory Use when the Short-Term Rental is located in the same Dwelling Unit in which the owner resides.

(ii) The Short-Term Rental use shall be considered an Accessory Use when the Short-Term Rental is located on a property with a registered Accessory Dwelling Unit.

(iii) The Short-Term Rental use shall be considered a Special Use when the Short-Term Rental is not located in the same Dwelling Unit in which the owner resides.

(3) Site-Related Standards

(i) All properties containing a Short-Term Rental use shall comply with the Occupancy Limits established at Chapter 20, Section 20-601(d) of the City Code.

(ii) Any structure used for Short-Term Rental shall be initially approved in accordance with the process to establish its Principal Use or Structure.

(iii) The Dwelling Unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the Dwelling Unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of Parking Lots, paving of required Setbacks, or the addition of commercial-like exterior lighting.

(iv) Any Dwelling Unit used for Short-Term Rental shall be a legally established Dwelling Unit, or shall obtain a Registration of Nonconforming Use as required at Chapter 20, Article 15 of the City Code, as amended.

(v) Signs shall comply with the provisions outlined at Chapter 5, Article 18 of the City Code, as amended.

(4) Parking

(i) **Owner Occupied Short-Term Rental**. Parking for an owner occupied Short-Term Rental use shall comply with the parking required for the principal use of the site.

(ii) **Non-Owner Occupied Short-Term Rental**. Parking for a non-owner occupied Short-Term Rental use shall comply with Section 20-902 of this Article.

ARTICLE 6. DENSITY AND DIMENSIONAL STANDARDS

20-601 Density and Dimensional Standards Tables and Occupancy Limits Tables
20-602 Measurement of and Exceptions to Density and Dimensional Standards

20-601 DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.) [7]	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	–
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet
[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.
[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.
[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.
[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.
[7] See Section 20-508 for standards related to two permanently Affordable Dwelling Units in RS5 Districts.

(b) Nonresidential Districts

Unless otherwise expressly stated, all development in the Commercial and Industrial Districts shall comply with the Dimensional Standards of the following table:

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL/IM	IG	OS
Min. Site Area	5,000 sq. ft	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	–
Max. Site Area	1 Ac.	–	15 Ac.	–	–	–	-	–	–	–	–
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	–
Min. Lot Width (ft.) [12]	50	50	100	25	100	150	50/100	200	100	50	–
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]20	[3]15	[1]	[1]	[1]	35
Side (Interior–adj. R) [9]	10	20	20	20	25	45	12	[1]	[1]	[1]	20
Side (Interior–adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear [4] [9]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA
Max. Lot Coverage (%)	65 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	–	50	–	–	–	50 [5][11]	–	–	–	–
Dimensions (ft.)	5	–	5	–	–	–	5 [5][11]	–	–	–	–
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45	75	35

[1] Minimum Setbacks are as follows:

District	Abutting Street Right-of-Way			Abutting Other Lot Lines	
	Across From R District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector		
IBP [10]	40	40	40	40	15
IL/IM	50[14]	50	25	20[15]	15
IG	50 [14]	50	25	50 [15]	15

[2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line
[3] Same as Front Yard of abutting Lot
[4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot
[5] Applies only to Lots platted after the Effective Date.
[6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.
[7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.
[8] Maximum Building coverage in CC and CR districts is 25%.
[9] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
[11] Applies to any Significant Development Project.
[12] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective

Date.
[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
[14[Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.
[15] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.

(c) Mixed Use District

Unless otherwise expressly stated, all new development in a Mixed Use District shall comply with the Density and Dimensional Standards of the following table. The standards are not applicable to existing development rezoned to the district:

Standard	Mixed Use District Development Zones		
	Primary	Secondary	Tertiary
Min. Site Area (sq. ft)	20,000		
Max. Site Area (acres)	20		
Min. Lot Area (sq. ft.)	3,000		
Min. Lot Width (ft.) [12]	25		
Max. Dwelling Units (per acre)	32	15	12
Setback Range: Minimum to Maximum (in feet)			
Front	0-10 [1]	0-20 [1]	0-25 [1]
Side (Exterior)	0-10 [1]	0-20 [1]	0-25 [1]
Side (Interior)	0-5	0-5	0/5 [2]
Rear (when abutting Alley)	0-10 [3]	0-20	10-30 [4]
Rear (no Alley) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]
Max. Building Coverage (% of Lot)	100 [6]	85 [6]	75 [6]
Max. Impervious Coverage (% of Lot)	100 [6]	95 [6]	85 [6]
Max. Height (ft.)	48 [7]	36 [7]	24 [7]
Minimum Outdoor Area (per Dwelling Unit)			
Area (sq. ft.)	50 [8]	50 [8]	50 [8]
Dimensions (ft.)	4 [8]	4 [8]	4 [8]
Min. Dimensions of Ground Level Nonresidential Spaces in Mixed Use Buildings			
Floor to Floor Height (ft.) [9]	12	12	12
Area (sq. ft.) [9]	800 [10]	600 [10]	500 [10]

[1] Corresponding Public Frontages shall be designed for each Development Zone.
[2] First number represents the required Setback for all attached Structures, second number represents the required Setback for detached Structures.
[3] May be up to 25 feet to accommodate service/delivery uses.
[4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units.
[5] First number represents the minimum Rear Setback for a Single Frontage Lot. Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The Rear Yard for double-Frontage lots shall be considered a Public Frontage and shall be designed as such in accordance with Section 20-1108(j).
[6] Applies only to Lots platted after the Effective Date.
[7] Maximum Height may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.
[8] Minimum Outdoor Area is not required for each Dwelling Unit onsite if a public park is located within ¼ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(g).
[9] Minimum dimensions for the floor to floor Height and Gross Floor Area for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.
[10] Or 20% of the Lot Area when located on Lots whose width is less than 50 feet, whichever is greater.

(d) Occupancy Limits

(i) Occupancy means residing or sleeping at a Dwelling Unit the majority of a person's time. Unless otherwise expressly stated herein, all Dwelling Units shall comply with the Occupancy Limits of the following table:

Zoning District	Maximum Number of Unrelated[1] Occupants per Dwelling Unit
RS	3
RSO	3
RM	4
RMG	NA
RMO	4
Commercial	Detached Dwelling – 3 All other housing types – 4
Industrial	Detached Dwelling – 3 All other housing types – 4
MU	4
GPI	3
H	3
PUD[name]	Detached Dwelling – 3 All other housing types – 4
PRD[name]	Detached Dwelling – 3 All other housing types – 4
PCD[name]	Detached Dwelling – 3 All other housing types – 4
PID[name]	Detached Dwelling – 3 All other housing types – 4
POD[name]	Detached Dwelling – 3 All other housing types – 4
UR	Detached Dwelling – 3 All other housing types – 4
U/U-KU	Detached Dwelling – 3 All other housing types – 4
OS	Detached Dwelling – 3 All other housing types – 4
Lawrence SmartCode	Per SmartCode
Overlay	Determined by base zoning district
[1] Persons not related by blood, marriage, or adoption.	

(ii) Occupancy Limits established by this Section shall not apply to the following Uses: Congregate Living, Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay, and Bed and Breakfast.

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

(a) Generally

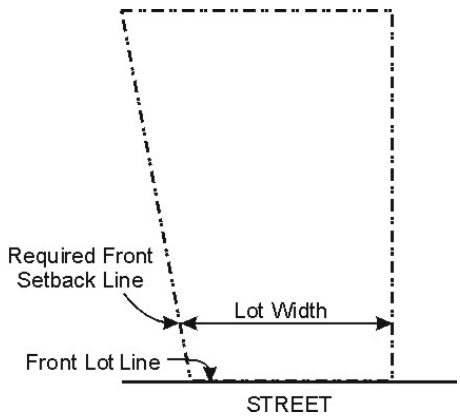
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) Lot Area

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

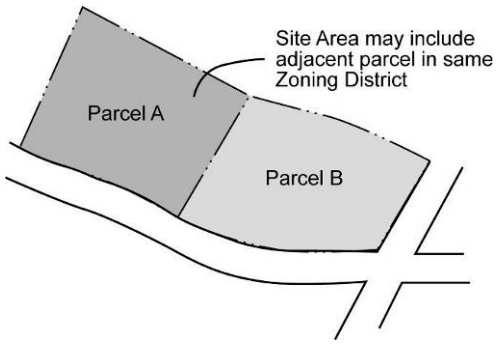
(c) Lot Width

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



(d) Site Area

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



(e) Setbacks and Required Yards

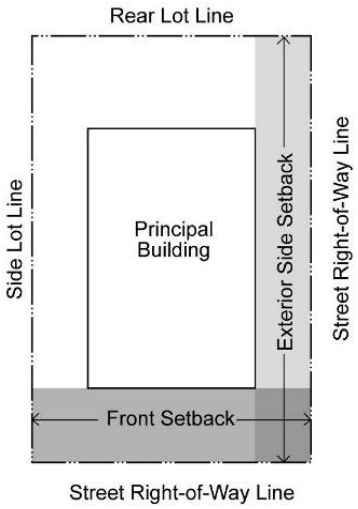
(1) Front and Exterior Side Setbacks

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

(i) In any District where 35% or more of the Frontage on one side of a Street between two intersecting Streets is improved with Buildings whose Front Setbacks do not vary more than 15 feet from the required Front Setbacks of the Base District, any new Building erected may comply with the average Front Setback of the existing Buildings.

(ii) The widths of developed Lots will be used to determine the percentage of Frontage that is developed.

(iii) The actual Setbacks of Buildings fronting on the Street will be used to determine the average Front Setback.



(2) Rule for Through Lots

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

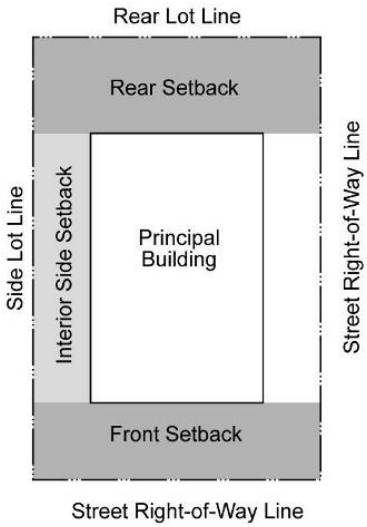
(3) Interior Side Setbacks

(i) Measurement

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

(ii) Exception

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

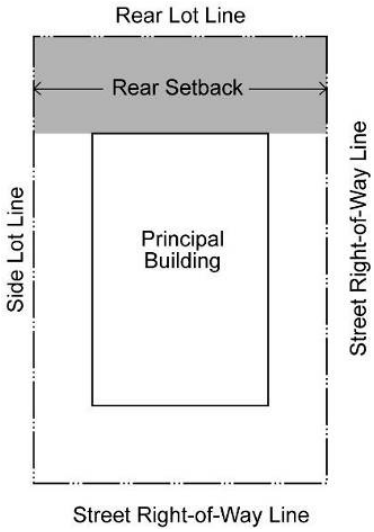


(4) Rear Setbacks

(i) Measurement
Rear Setbacks extend the full width of the Lot and are measured from the Rear Lot Line.

a. In calculating the required depth of a Rear Setback abutting an Alley, the Rear Setback may be measured from the centerline of the abutting Alley.

b. On Corner Lots in RS10 and RS7 Districts, Structures may be located at an angle, with the long axis of the Lot facing the intersecting Street Lines. In such cases, the Front and Side Setback standards of Section 20-601(a) apply, but the minimum Rear Setback is reduced to 20 feet.



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

(i) Screening

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

(6) Permitted Exceptions to Required Yard and Setback Standards
Required Yards and Setbacks shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

(i) Cornices, canopies, eaves or other architectural features may project into Required Yards up to 2.0 feet.

(ii) Unenclosed fire escapes may project into Required Yards and/or Setbacks, provided that they are set back at least 3 feet from all Lot Lines.

(iii) An uncovered stair and necessary landings may project into Required Yards and/or Setbacks, provided that they are set back at least 3 feet from all Lot Lines, and the stair and landing may not extend above the entrance floor of the Building except for a railing not exceeding 4 feet in Height.

(iv) Bay windows, balconies, and chimneys may project into Required Yards and/or Setbacks up to 2 feet, provided that such features do

not occupy, in the aggregate, more than 1/3 the length of the Building wall on which they are located.

(v) Mechanical Structures are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical Structures are not allowed in required Front or Side Yards, but they may be located in required Rear Yards if they are located at least 5 feet from the Rear Lot Line.

(vi) Vertical Structures are items such as flag poles, trellises and other garden Structures, play Structures, radio Antennas, and lamp posts. Vertical Structures are allowed in Required Yards if they are no taller than 30 feet. If they are taller, they are not allowed in required Setbacks, except that flag poles are allowed in any Required Yard.

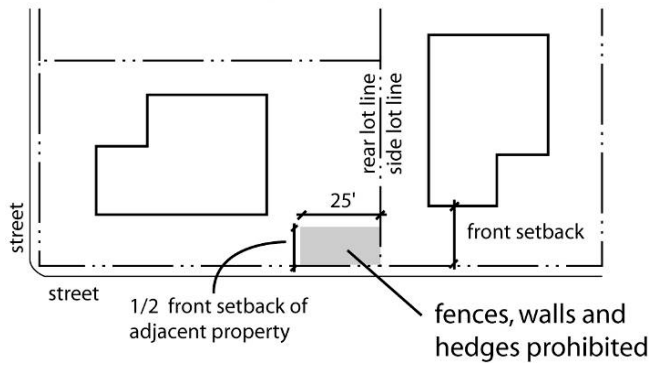
(vii) Uncovered horizontal Structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required Setbacks; such Structures may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.

(viii) Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, coops for fowl or other agricultural structures, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in required Side and Rear Yards, and covered Accessory Structures greater than six feet in Height are allowed in the required Rear Yard where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a required Front Yard.

(ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any Required Yard, except:

a. as otherwise provided in City Code Chapter 16, Article 6; and

b. on Corner Lots with a Rear Lot Line that abuts a Side Lot Line of another Lot in a Residential District, no fence, wall or hedge within 25 feet of the common Lot Line may be closer to the Exterior Side Lot Line than one-half the depth of the actual Front Setback of the Lot that fronts on the side Street.



(7) Setbacks Along Designated Thoroughfares

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

(f) Building Coverage

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

(g) Outdoor Area

(1) Purpose

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

(2) Requirements

(i) The minimum outdoor area for each Dwelling Unit shall be a contiguous area and may be on the ground or above ground.

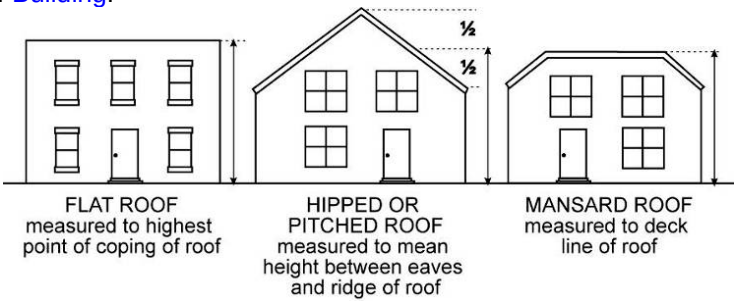
(ii) The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Driveways and Parking Areas may not be counted toward fulfillment of the outdoor area requirement.

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

(h) Height

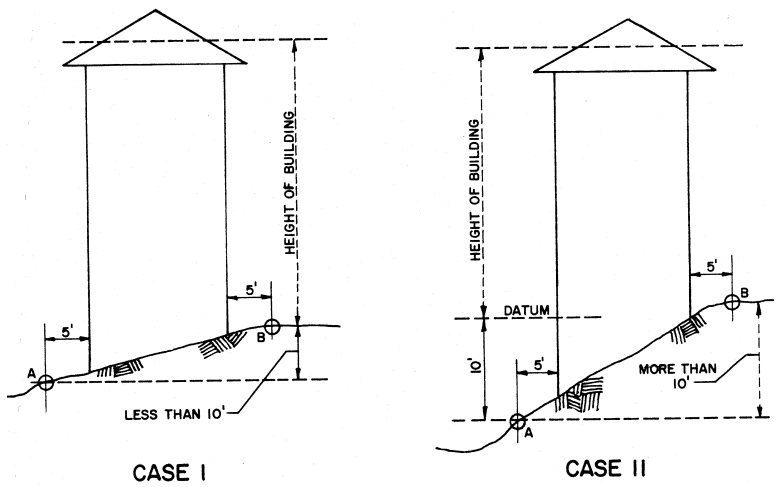
(1) Measurement

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



(i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the Building when such sidewalk or ground surface is not more than 10 feet above lowest Grade. (See "Case I" in accompanying illustration.)

(ii) An elevation 10 feet higher than the lowest Grade when the sidewalk or ground surface described in sub-paragraph Section 20-602(h)(1)(i) above is more than 10 feet above lowest Grade. (See "Case II" in accompanying illustration.)



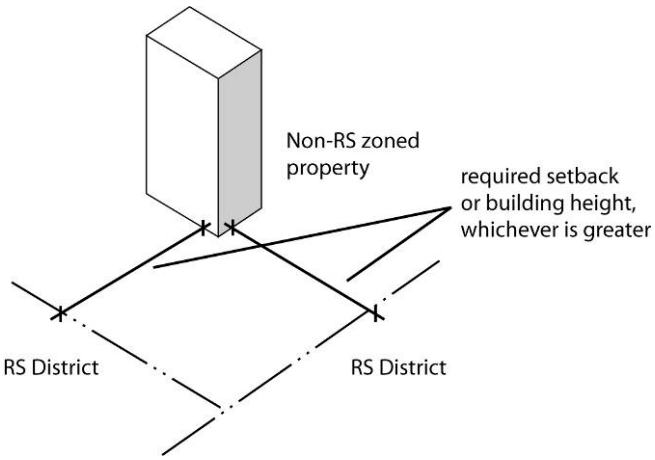
(2) Height Limit on Projects Adjoining Certain Residential Zoning Districts

(i) Applicability

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

(ii) Height Limit Related to Setback

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



(3) Exceptions

(i) Except as specifically provided herein, the Height limits of this Development Code do not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a Building, provided that such Structures do not cover more than 33% of the roof area or extend over ten (10) feet in Height above the maximum Height allowed by the Base Districts.

(ii) Except as specifically provided herein, the Height limitations of this Development Code do not apply to radio Antennas, television Antennas, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable Structures, which may be erected above the Height limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.

(iii) Telecommunication Towers may exceed the Zoning District Height limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

ARTICLE 7. PLANNED DEVELOPMENTS

20-701 PD, Planned Development Overlay District
20-702 Cluster Housing Projects
20-703 Open Space Standards in Cluster and Planned Developments

20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT

(a) Purpose

The PD, Planned Development regulations are intended to:

(1) ensure development that is consistent with the Comprehensive Plan;

(2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;

(3) allow design flexibility that results in greater public benefits than could be achieved using conventional Zoning District regulations;

(4) preserve environmental and historic resources; and

(5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

(b) Procedure

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

(c) Developer's Statement of Intent

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

(d) Effect of Other Development Code Standards

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

(e) Minimum District Size

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

(f) Standards Eligible for Modification

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

(1) Allowed Uses

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

(i) PDs in Single-Dwelling and Multi-Dwelling (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per Dwelling Unit.

(ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units.

(2) Lot Size

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

(3) Residential Density

(i) Density Increase

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

(ii) Density Calculation

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

Example of Actual and Calculated Dwelling Unit Count

Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (sq ft) (Calc du * 50 sf)
20 4-bedroom units	20	20 * 1 = 20	20 * 4 = 80	20 * 50 = 1,000 sf
26 3-bedroom units (.8)	26	26 * .8 = 20	26 * 3 = 78	20 * 50 = 1,000 sf
34 2-bedroom units (.6)	34	34 * .6 = 20	34 * 2 = 68	20 * 50 = 1,000 sf
52 1-bedroom units (.4)	52	52 * .4 = 20	52 * 1 = 52	20 * 50 = 1,000 sf

(4) Setbacks

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

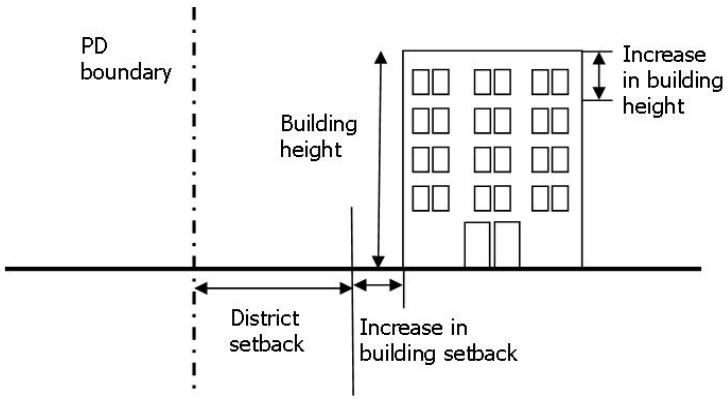
(i) The zoning district adjacent to the PD districts is more intense than the Base District of the PD according to the Lesser Change Table in Section 20-1303; and

(ii) All exterior walls of detached Buildings shall be separated by a minimum distance of 10 feet.

(iii) Balconies shall not be located along peripheral site Setbacks adjacent to RS zoned properties unless privacy Screening and Landscaping is included in the design.

(g) Height

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



(h) Balconies

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

(i) Parking and Loading

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

(j) Common Open Space

(1) Amount Required

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

(2) General Provisions

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

(k) Additional Requirements and Standards

(1) Unified Control

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

(2) Street Access

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

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

(3) Sidewalks

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

(4) Landscaping

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

(5) Preservation of Natural Features

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

(6) Zoning Map

Approved PDs shall be identified on the Official Zoning District Map.

(7) Additional Conditions

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

(I) Additional Standards for PD's with Residential and Nonresidential Uses

In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/Bicycle and automobile Access by way of improved sidewalks or paths and Streets that do not involve leaving the PD or using a major Thoroughfare. "Directly accessible" does not necessarily mean that nonresidential uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.

20-702 CLUSTER HOUSING PROJECTS

(a) Purpose

The cluster housing regulations of this section have several potential public benefits. They:

(1) provide flexible development options where the standard Lot and Block pattern is not practical because of physical constraints;

(2) promote the preservation of open space and natural areas;

(3) allow for grouping of development on a portion of the site while using the entire site area to calculate Density of the Base District.

(4) support reductions in development costs.

(b) General

(1) A Cluster Housing Project is a subdivision containing five (5) or more detached Dwellings each on its own Lot with some or all of the Lots reduced below required minimum Lot Area and width requirements, but where the overall project complies with the maximum Density standard of the Base District. Cluster Housing Projects require that planning for Lots and the locations of houses on the Lots be done at the same time. Because the allowable Building Envelope of each house is predetermined, greater flexibility in development standards is possible while assuring that the single-Dwelling character of the Zoning District is maintained.

(2) Under the cluster housing option, a subdivision can contain no more Lots than would otherwise be allowed for a conventional subdivision in the same Zoning District, but the individual Lots within the development can be smaller than required in a conventional subdivision. Smaller Lot sizes within a Cluster Housing Project are required to be offset by a corresponding increase in Common Open Space.

(c) Where Allowed; Procedure

Cluster Housing Projects are allowed by right in all residential Zoning Districts and in the CN1 District, as provided below.

(1) In RS Districts and the CN1 District, Cluster Housing Projects shall not include more than 35 Dwelling Units. Larger projects in said Districts are subject to the Planned Development regulations of Section 20-701 and shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(2) Cluster Housing Projects allowed by-right will be evaluated for compliance with applicable regulations and reviewed and approved in accordance with the subdivision procedures of Article 8 review process.

(d) Lot Area and Lot Width Requirements
There are no minimum Lot Area or Lot Width requirements for Cluster Housing Projects. Lots shall be adequate to meet all applicable standards of this Development Code.

(e) Housing Types
Detached Dwelling Units on individual Lots are the only type of housing allowed in a Cluster Housing Project. The proposed Building Envelope for all houses shall be shown on the subdivision plat with enough detail so that compliance with required Density and Dimensional Standards can be determined.

(f) Setbacks

(1) A Setback equal to the minimum Front Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is adjacent to any Street or right-of-way.

(2) A Setback equal to the minimum Rear Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is not adjacent to any Street or right-of-way.

(3) Within the project, the distance between houses shall be at least 10 feet (to be measured in accordance with the Setback measurement provisions of Section 20-602(e)).

(g) Building Coverage
The Building coverage standards of the Base District do not apply to each individual Lot, but the total Building coverage of all Lots (in aggregate) may not exceed the maximum Building coverage standard of the Base District.

(h) Outdoor Area
The required minimum outdoor area standard per Dwelling Units of 240 Sq. Ft. shall be on each Lot.

(i) Common Open Space

(1) Amount Required
The Cluster Housing Project shall include at least 10% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 30% of the Common Open Space shall be developed as Recreational Open Space, unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) General Provisions
See Section 20-703 for General Provisions applicable to Open Space in a Planned Development or Cluster Housing Project.

20-703 OPEN SPACE STANDARDS IN CLUSTER AND PLANNED DEVELOPMENTS

(a) Preservation Required

The Open Space land shall be preserved and maintained solely for the purposes specified in this Section and in such a manner as may be acceptable to the City Commission The method for accomplishing such preservation and maintenance of Open Space land shall be limited to one of the following:

(1) establishment of a mandatory-membership homeowner's association to own and maintain the land in common for the Open Space purposes intended; or

(2) transfer of the land to a conservation trust or an institution, person, organization or other conservation-oriented entity together with the requisite requirements for maintenance of the land for the Open Space purposes intended; or

(3) dedication of the land to the City with executed deed restrictions that the City is party to, which ensure the land shall remain as dedicated open space, subject to City Commission acceptance of such dedication.

(b) Execution of Instruments

The City Commission shall require the Developer or Owner of the Open Space land to execute, acknowledge and file at the Register of Deeds office such maps and documents as, in the opinion of the Director of Legal Services, will effectively create a trust, Easement or covenant running with the land, for the benefit of the property owners in the development and of the City, which:

(1) will be binding on all future Owners of the Open Space land;

(2) will not be affected by any subsequent changes in zoning;

(3) may be enforced by property owners in the development or the City by appropriate action in court for damage or equitable relief;

(4) will be perpetual;

(5) will assure appropriate maintenance of the Open Space land to the satisfaction of the City Commission;

(6) shall provide that if maintenance, preservation and/or use of the Open Space land no longer complies with the provisions of the trust, Easement or covenant, the City may take all necessary actions to effect compliance and assess the costs against the Owner in default;

(7) shall provide that such trust, Easement or covenant may not be modified, altered, amended or changed without written approval of the City Commission, and all beneficiary property Owners in the PD or Cluster Housing Project except in the case of City-owned land in which case deed restrictions shall be binding.

ARTICLE 8. SUBDIVISION DESIGN AND IMPROVEMENTS

20-801 General
20-802 General Review and Approval Procedures
20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area
20-804 Cluster Developments in Urban Growth Areas
20-805 (Reserved)
20-806 Property Divisions in the Rural Area (Outside Urban Growth Areas)
20-807 Certificate of Survey, Administrative Review Procedures
20-808 Minor Subdivisions/Replats
20-809 Major Subdivisions
20-810 Subdivision Design Standards
20-811 Public Improvements Standards
20-812 (Reserved)
20-813 Administration and Enforcement
20-814 Building Setbacks, Enforcement and Exceptions
20-815 Interpretations, Rules of Construction and Definitions

See **Subdivision Regulations for Lawrence and Unincorporated Douglas County**.

SUBDIVISION REGULATIONS
for
Lawrence
and
the Unincorporated Areas
of Douglas County, KS

Regulations Governing Land Divisions in the City of Lawrence and the Unincorporated Areas of Douglas County, Kansas

Chapter 20, Article 8 of the Lawrence Development Code

AND

Chapter 11, Article 1 of the Douglas County Code

December 19, 2006 Edition

Amended: 09/11/07; 12/04/07; 03/25/08; 09/10/08; January 6, 2009; December 8, 2010; January 10, 2012; July 10, 2018; March 17, 2020

Approval and Amendment Dates:

Original December 19, 2006 Edition
Ordinance 8064/Resolution 06-41, published December 31, 2006
Approved by Lawrence City Commission on December 19, 2006
Approved by the Board of Douglas County Commissioners on December 20, 2006

Amended September 11, 2007:
Joint Ordinance/Resolution No. 8193, published November 9, 2007
Approved by the Board of Douglas County Commissioners on September 10, 2007
Approved by the Lawrence City Commission on September 11, 2007

Amended December 4, 2007:
Joint Ordinance No. 8230/Resolution 08-03, published January 28, 2008
Approved by the Board of Douglas County Commissioners on November 14, 2007
Approved by the Lawrence City Commission on November 20, 2007 and December 4, 2007

Amended March 25, 2008:
Joint Ordinance No. 8255/Resolution 08-14, published April 25, 2008
Approved by the Board of Douglas County Commissioners on November 14, 2007
Approved by the Lawrence City Commission on March 25, 2008.

Amended September 10, 2008:
Joint Ordinance No. 8301/Resolution 08-41, published September 27, 2008
Approved by the Board of Douglas County Commissioners on September 3, 2008
Approved by the Lawrence City Commission on September 9, 2008.

Amended January 6, 2009:
Joint Ordinance No. 8364/Resolution 09-06, published February 28, 2009
Approved by the Board of Douglas County Commissioners on February 11, 2009
Approved by the Lawrence City Commission on February 10, 2009.

Amended December 8, 2010
Joint Ordinance No. 8317/Resolution 10-30, published December 28, 2010
Approved by the Board of Douglas County Commissioners on December 8, 2010.
Approved by the Lawrence City Commission on December 7, 2010.

Amended January 10, 2012
Joint Ordinance No. 8690/Resolution 12-01, published January 16, 2012
Approved by the Board of Douglas County Commissioners on January 4, 2012.
Approved by the Lawrence City Commission on January 3, 2012.

Amended July 10, 2018
Ordinance No. 9505 published July 16, 2018
Resolution 18-27 published December 6, 2018
Approved by the Board of Douglas County Commissioners on October 17, 2018.
Approved by the Lawrence City Commission on July 10, 2018.

Amended September 11, 2018
Ordinance No. 9515 published September 15, 2018
Resolution 18-26 published October 8, 2018
Approved by the Board of Douglas County Commissioners on October 3, 2018.
Approved by the Lawrence City Commission on September 11, 2018.

Amended March 17, 2020
Ordinance No. 9742 published March 22, 2020
Resolution 20-07 published March 22, 2020
Approved by the Board of Douglas County Commissioners on March 18, 2020.
Approved by the Lawrence City Commission on March 17, 2020.

Official Copy as Adopted by Ordinance and Resolutions listed above.

_____

/s/ Sherri Riedemann, City Clerk

_____

/s/Jameson D. Shew, County Clerk

Article 8. Subdivision Design and Improvements

Contents of Article

Article 8. Subdivision Design and Improvements 1

20-801 General 5

(a) Purpose and Intent 5

(b) Jurisdiction 6

(c) Applicability 6

(d) Exemptions 7

(e) Vested Rights 10

(f) Combination of Unplatted Lands in Unincorporated Douglas County 12

20-802 General Review and Approval Procedures 13

(a) Authority to File Applications 13

(b) Form of Application 13

(c) Pre-application Meetings 13

(d) Notices 13

(e) Application Processing Cycles 15

(f) Application Review and Recording Fees 15

(g) Application Completeness, Accuracy and Sufficiency 15

(h) Applications Containing Technical Deficiencies 16

(i) Applicability 16

20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area . 17

(a) Prerequisite to Development 17

(b) Procedure Required 17

20-804 Cluster Developments in the Urban Growth Areas 18

(a) Purpose 18

(b) Applicability 18

(c) Immediate Development Acreage and Future Development Acreage 19

(d) Restrictive Covenant 24

(e) Cluster Developments – After Annexation 24

(f) Application 24

(g) Administrative Review and Consideration Procedures 25

20-805 (RESERVED) 25

20-806 Property Divisions in the Rural Area (Outside the UGAs) 27

(a) Purpose 27

(b) Definitions 27

(c) Applicability 27
(d) Rural Development Parcel (RDP) 28
20-807 Certificate of Survey, Administrative Review Procedures 31
(a) Purpose 31
(b) Authority 31
(c) Applicability 31
(d) Application 32
(e) Requirements and Material to be Included 33
(f) Criteria for Review 35
(g) Review and Action by the Planning Director 35
(h) Amending an Approved Certificate of Survey 36
(i) Appeals Process for Sections 20-804 and 20-806 ..... **Error! Bookmark not defined.**
(j) Certificate of Survey Expiration 37
20-808 Minor Subdivisions/Replats 38
(a) Purpose 38
(b) Authority 38
(c) Applicability 38
(d) Criteria for Review 40
(e) Application 42
(f) Contents 42
(g) Review and Action by the Planning Director 43
(h) Review and Action by the Governing Body 44
(i) Signatures on Minor Subdivision/Replat following Action by the Governing Body 44
(j) Processing after Approval of Minor Subdivision/Replat 44
(k) Minor Subdivision/Replat Expiration 44
20-809 Major Subdivisions 45
(a) Purpose 45
(b) Applicability 45
(c) Applications and Procedures 45
(d) Criteria for Review 46
(e) Preliminary Plat – Application 46
(f) Preliminary Plat Contents 47
(g) Review and Action by the Planning Commission 54
(h) Phasing for Final Plats 55
(i) Effects of Approval by the Planning Commission 55
(j) Preliminary Plat Expiration 55
(k) Final Plat – Application 56
(l) Final Plat Contents 57

(m) Final Plat – Review and Action by Planning Director 60
(n) Final Plat – Review and Action by Governing Body 61
(o) Signatures on Final Plat 62
(p) Processing after Approval of Final Plat 62
(q) Final Plat Expiration 63
20-810 Subdivision Design Standards 64
(a) General 64
(b) Frontage 64
(c) Access 65
(d) Blocks.. 66
(e) Streets. 67
(f) Street and Road Names and Lot and Block Numbering 73
(g) Lot and Block Numbering 74
(h) Easements 74
(i) Parks, Open Space Schools and Other Public Facilities 75
(j) Land In Floodplain Overlay Districts 75
(k) Protection of Environmentally Sensitive Lands 76
(l) Soils and Soil Testing – City of Lawrence 78
(m) Soils and Soil Testing – Unincorporated Area of the County 78
20-811 Public Improvements Standards 79
(a) General Public Improvement Construction Standards 79
(b) Streets or Roads 80
(c) Sidewalks and Pedestrian Ways 80
(d) Wastewater Disposal Systems 82
(e) Water Supply 84
(f) Telephone, Cable Television Electrical Lines 85
(g) Street Trees 85
(h) Completion of Public Improvements 91
(i) Escrow Deposit 92
(j) Irrevocable Letter of Credit 92
(k) Lot Pinning 93
20-812 (Reserved) 94
20-813 Administration and Enforcement 95
(a) Planning Director Powers and Duties 95
(b) Planning Commission Powers and Duties 95
(c) Dedications or Vacations 95
(d) Building Permits in the Unincorporated Area of Douglas County 96
(e) Building Permits in the City of Lawrence 97

(f) Appeals 97
(g) Variances 98
(h) Design Variances for Planned Development 98
(i) Enforcement and Penalties 99
(j) Violations 99
(k) Penalties; Remedies 99
20-814 Building Setbacks, Enforcement, Exceptions 101
(a) Building or Setback Lines On Major Streets or Highways 101
(b) Exceptions 101
(c) Appeal – Setback 101
(d) Enforcement 102
(e) Interpretation 102
20-815 Interpretations, Rules of Construction and Definitions 103
(a) Interpretation and Rules of Construction 103
(b) Definitions 103

20-801 General

(a) Purpose and Intent

(1) The purpose of the Subdivision Regulations of this Article is to ensure that the division of land, which, in many instances, is an initial step in Urbanization, will serve the public interest and general welfare. Since the allocation and arrangement of Parcels of land for both private uses and public uses helps to influence the health, safety, economy, livability, and amenities of an area, these regulations are intended to:

(i) Provide for the harmonious and orderly development of land within the City and the Unincorporated Area of Douglas County by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related Easements, light and air, and other public needs;

(ii) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and

(iii) Provide for the conservation and protection of human and natural resources.

(2) The Subdivision Regulations of this Article are designed, intended and should be administered to:

(i) Ensure that in the City and in the Unincorporated Area of Douglas County is in accordance with the Comprehensive Plan; any adopted watershed/sub-basin plans, sector or Neighborhood Plans covering the subject Subdivision; the applicable Zoning Regulations enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan;

(ii) Provide for the conservation of existing neighborhoods and facilitate the development of new neighborhoods;

(iii) Prevent the development of substandard Subdivisions and blighted areas that will be a detriment to the community;

(iv) Coordinate the development of each Parcel of land with the existing community and facilitate the proper of adjoining land;

(v) Provide adequate and accurate records of all land Divisions;

(vi) Ensure that the cost of Improvements, which benefit primarily the Tract of land being developed, be borne primarily by the Owners or Developers of the subject Tract, and that the cost of Improvements that provide benefits to the subject Tract and the community as a whole be shared by the Developer and the community;

(vii) Ensure that Subdivisions are designed and developed in a manner that is consistent with all applicable flood protection and storm water management regulations and other applicable land use and development regulations of Lawrence and Douglas County;

(viii) Provide for the efficient arrangement and orderly location of Street/Roads;

(ix) Encourage the reduction of vehicular congestion and support multi-modal transportation design standards in a manner that supports multi-modal transportation;

(x) Provide for the reservation or Dedication of lands for open space and other community facilities;

(xi) Require the provisions of off-site and On-Site Public Improvements that are necessary to serve land being developed;

(xii) Provide for any other services, facilities and Improvements deemed necessary to serve land being developed; and

(xiii) Establish Building Envelope lines.

(b) Jurisdiction

(1) The Subdivision Regulations of this Article shall apply to all lands within the City of Lawrence and the Unincorporated Area of Douglas County.

(2) In some cases, different standards are established for lands within the City, the Urban Growth Areas and the Rural Area. Unless otherwise expressly stated, however, all regulations and standards of this Article shall apply with equal force to land located in incorporated and Unincorporated Areas.

(c) Applicability

(1) Unless expressly addressed as an exemption in Section 20-801(d) below, no Lot, Tract or Parcel of land shall be divided into two or more parts for the purpose of sale, transfer or Development, whether immediate or future, except through the procedures and in accordance with the standards set forth in this Article.

(2) For property within the incorporated city limits of Lawrence, no building permit shall be issued unless the property is Platted as a Lot of Record.

(3) If Subdivision or Platting of a property is required within the City of Lawrence in order to receive a building permit prior to development, the Subdivider shall preliminarily Plat all of their contiguously owned lands that are not Platted.

(d) Exemptions

(1) The purpose of this sub-section is to list specifically those divisions and transfers of land that are entirely exempt from regulation under this Article. This sub-section shall be strictly construed, so that any transaction failing in any way to meet one, or more, of the requirements for exemption shall be subject to the full effect of this Article.

(2) The following divisions and transfers of land are exempt from the requirement that divisions occur only in accordance with the standards and procedures set forth in this Article and may be accomplished by deed or other instrument of transfer without any reference to this Article:

(i) A division created exclusively for Agricultural Purposes, when that division does not involve the creation of any new Public Streets, public Roads, or public Easements or residential development;

(ii) A division occurring through the sale or transfer of any Lot that has been legally Platted in accordance with Subdivision Regulations in effect at the time of the Platting;

(iii) A division used exclusively for cemetery purposes and Accessory uses associated therewith;

(iv) A division occurring through the transfer of land for use as a Right-of-Way for widening a Road or railroad or as an Easement for public purposes or public utilities, when no new Street/Road or Easement of Access is involved;

(v) A division of unplatted land in the Unincorporated Area of the County [commonly utilized with Section 20-801(f)] for the purpose of combination with an existing Parcel so long as the remaining portion of the unplatted land retains the minimum dimensional requirements for a Certificate of Survey;

(vi) A division of 5 acres or greater within the Unincorporated Area of the County that occurred on or before June 1, 2005 and that was not lawfully created through the Exemptions section of the Subdivision Regulations in effect at the time of the division, provided said division meets the minimum Frontage requirements in the County's Access Management Standards or provided said division has a minimum Frontage of 250' on a Local or Minor Collector classified Road;

(vii) An Agricultural Subdivision Boundary Survey division of property in the Ag-1 District within the Unincorporated Area of the County is permitted without review under these Subdivision Regulations provided the following standards are met:

a. Each new Parcel shall have direct take Access to a Full Maintenance Road and meet the road Frontage required in the Access Management Standards;

b. Each new Parcel shall be a minimum of 20 acres in area;

1. For purposes of determining compliance with the 20 acre minimum Parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Parcel.

2. In calculating the size of a Parcel, the Parcel size shall be deemed to include ½ of the adjoining Right(s)-of-Way if this inclusion is necessary for the Parcel to conform to the applicable minimum Parcel size.

3. Parcels in an Agricultural Subdivision Boundary Survey may be reduced to the minimum area permitted by the Douglas County Sanitary Code, provided the development on the remainder of the Parcel is prohibited with the recording of an executed Agricultural/Natural Resource Protection Agreement.

c. The Right-of-Way provided on the adjacent roads meets the minimum width standards of Section 20-810(e)(5).

1. If the property within the survey is located adjacent to public Right(s)-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), one-half the required Right-of-Way width based on the Road's classification established in the County's Access Management Standards shall be dedicated prior to the recording of the survey.

2. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

d. Agricultural Subdivision Boundary Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to determine compliance with these standards.

e. The Parcels created through the Agricultural Subdivision Boundary Survey are eligible for building permits for uses permitted in the district provided the requirements of the Douglas County Sanitary Code are met for uses which require on-site sewage management systems.

(viii) A correction of a description in a prior conveyance provided that the correcting instrument (commonly called a Correction Survey used to make a Boundary Line Adjustment between two existing Parcels) contains a reference to the original instrument of conveyance by date, book and page and other description. Within a reasonable time after receiving a correction instrument, the Register of Deeds shall deliver a copy of the correction instrument to the Planning Director.

(ix) Within the City of Lawrence, the division of land to allow for the sale of individual attached or detached residential Dwellings in a townhouse development; provided that, the following conditions are met:

a. The land has been developed with and is occupied by an attached or detached Dwelling;

b. The land being divided or transferred under this exemption is covered by a recorded declaration of covenants subjecting the land and Improvements thereon to procedures and conditions regulating the manner in which Improvements may be expanded, reconstructed and maintained;

c. Prior to recording of the first division for a townhouse development, a development plan, or similar document, shall be recorded at the Register of Deeds showing at a minimum:

1. The entire townhouse development,
2. A legal description of the boundaries of the entire development,
3. Any Tracts for common Ownership, maintenance or use, ponds or drainage areas, and
4. The intended Tracts, Parcels or general building locations (along with building numbers or proposed addresses) for division into townhouse units.

d. If the declaration allows additional land to be submitted to the townhouse development, the location and description of the additional land shall also be shown.

(x) Within the Unincorporated Area of the County, a division of property within the AG-2 Zoning District (commonly called a Homestead Exemption Survey) created to divide off a residential building that existed On-Site on December 31, 2006, and grounds, from a larger Parcel provided that the following conditions are met:

a. The minimum size of the new Parcel upon which the residential building is located meets both the County's Sanitary Code requirements for Access to a Potable Water supply and the Height, Area and Bulk Requirements in of the Douglas County Zoning Regulations;

b. The On-Site Sewage Management System is located entirely on the new Parcel upon which the residential building it serves is located and is in compliance with the County's Sanitary Code requirements;

c. The new Parcel on which the residential building is located meets the minimum Frontage and entrance spacing

requirements established in the County's Access Management Standards.

d. The remaining undevelopable Parcel must have access to the adjacent roadway, either through an easement or physical connection to the Road that is a minimum of 30 feet in width.

e. The Right-of-Way provided on the adjacent roads meets the minimum width standards of Section 20-810(e)(5).

1. If the property within the survey is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), one-half the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards shall be dedicated prior to the recording of the survey.

2. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

f. Homestead Exemption Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to insure compliance with these standards prior to being recorded at the Register of Deeds.

g. Such legally created Parcel of land on which the residential building is located shall not be subject to further review under this Article, unless or until this Parcel is further divided.

(e) **Vested Rights**

(1) A division of land created in conformance with this Article, or created in conformance with the Exemption section of the previously adopted Subdivision Regulations that were in effect prior to December 20, 2006, and said division of land was filed and recorded as a Plat of survey, deed, or affidavit of equitable interest identifying the division as a separate Tract of real estate at the Register of Deeds office:

(i) On or before June 1, 2005; or

(ii) After June 1, 2005, and as of December 31, 2006, provided a division of land made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No. 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the Governing Body.

Such legally created Parcel shall not be subject to further review under this Article; unless or until it is further divided.

(2) Lot of Record or Non-Conforming Lots/Parcels

(i) In the City of Lawrence, a Lot of Record or Parcel created before the Effective Date of this Article that has been maintained in individual Ownership, may be used for residential purposes for a detached Dwelling or for another use that is allowed in the UR (Urban Reserve) District without further review under this Article, until such Lot of Record or Parcel is further Subdivided.

(ii) In the City of Lawrence, Nonconforming Lots/Parcels that meet the requirements of Section 20-1504 of the Land Development Code may be used in accordance with Article 15 without further review under this Article, until such Lot/Parcel is further Subdivided.

(iii) In the City of Lawrence, properties which include partial Lot descriptions or multiple Lot descriptions which were created prior to December 19, 2006, are not subject to review under this Article if the property meets the standards of either the zoning district that it was governed by when the property was created or the current zoning district in which it is located unless the development pattern of the property is altered.

(iv) For property in the Unincorporated Areas of Douglas County, a Lot of Record or a Parcel lawfully created within the A (Agricultural) District, A-1 (Suburban-Home Residential) District, or R-1 (Single-Family Residential) District in the Unincorporated Area of Douglas County on or before December 31, 2006, that has been maintained in individual Ownership, may be used for residential purposes for a single-family home or for another use allowed within the District the property is located in, without further review under this Article, until such Lot of Record or Parcel is further Subdivided.

(3) Upon the recording of a Final Plat, development rights in land covered by that Plat shall vest in accordance with K.S.A. 12-764. This vesting shall be effective only so long as the same general category of residential uses is continued; any significant change of use shall subject the property to additional review and the applicability of additional regulations, which may affect some rights that are vested as to the particular use and the particular pattern of development. The development rights for a single-family residential Subdivision shall expire in accordance with K.S.A. 12-764.

(f) Combination of Unplatted Lands in Unincorporated Douglas County

(1) A vested Parcel may be combined with another unplatted Parcel and retain the right to a building permit for one principal building for residential purposes on the newly created Land Combination provided:

(i) A survey of the Land Combination is filed at the Register of Deeds; and

(ii) All land covered by the survey is owned by the same person or persons; and

(iii) The Owner requests in writing that the County Clerk combines the constituent Parcels for tax parcel purposes.

(2) A Land Combination does not increase the number of building permits a Parcel of land has a vested right to receive.

20-802 General Review and Approval Procedures

(a) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this Article may be initiated by all the Owners of the property that is the subject of the application; or the Owners' authorized Agent.

(b) Form of Application

(1) Applications required under these Subdivision Regulations shall be submitted in a form and in the numbers of copies required by the Planning Director. All application materials must be submitted in both print and electronic format.

(2) The Planning Director shall develop checklists of application submittal requirements and make those checklists available to the public. The application also shall contain all materials required by:

(i) Section 20-807(d)&(e) for Certificate of Survey applications;

(ii) Section 20-808(e) for Minor Subdivision/Replat applications;

(iii) Section 20-809(f) for Preliminary Plat applications; or

(iv) Section 20-809(l) for Final Plat applications, whichever is applicable.

(c) Pre-application Meetings

All applicants submitting applications for approvals must attend a pre-application meeting with Planning Staff. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 working days before submitting an application.

(d) Notices

The notice provisions of this section apply to the Major Subdivision process except as otherwise expressly stated.

(1) Content

(i) Newspaper and Mailed Notice

All newspaper and Mailed notice shall:

a. Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

b. Describe the property involved in the application by Street or Road address or by general description;

c. Describe the nature, scope and purpose of the application or proposal; and

d. Indicate where additional information on the matter can be obtained.

(2) Newspaper Notice

When the provisions of these Subdivision Regulations require that "Newspaper Notice" be provided, the Planning Director is responsible for ensuring notice is published in the official newspaper of the City of Lawrence or Douglas County. The notices shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) Mailed Notice

When the provisions of these Subdivision Regulations require that "Mailed Notice" be provided:

(i) Owner Notice; Radius

The official responsible for accepting the application shall mail notice to the record Owner of the subject property and all Owners of property located within 200 feet of the subject property if in the City of Lawrence and within 1,000 feet of the subject property if located in the Unincorporated Areas of Douglas County. If the subject property Abuts a City limits, the area of notification shall be extended to at least 200 feet inside the City or 1,000 feet into the Unincorporated Area.

(ii) Notice to Registered Neighborhood Associations

The official responsible for accepting the application shall mail or e-mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) Administrative Processes

(i) Minor Subdivision/Replats and Final Plats

Subdivision or consolidation of property through the Minor Subdivision/Replat and Final Plat processes are administrative processes and do not require individual newspaper or mailed notice.

(ii) Certificates of Survey

Division of property through the Certificate of Survey process is an administrative process and does not require individual newspaper or mailed notice.

(e) Application Processing Cycles

Officials responsible for accepting applications may, after consulting with review and decision-making bodies, publish processing cycles for applications. Processing cycles may establish:

(1) The official date upon which a completed application was submitted;

(2) Deadlines before consideration;

(3) Dates of regular meetings;

(4) The scheduling of staff reviews and staff reports on complete applications; and,

(5) Any required time frames for action by review and decision-making bodies.

(f) Application Review and Recording Fees

Applications shall be accompanied by the review has been established by the applicable Governing Body. Fees are not required for applications initiated by review or decision-making bodies. Application review fees are nonrefundable. Additional recording fees are required prior to recording approved documents at the Register of Deeds and will be collected at that time.

(g) Application Completeness, Accuracy and Sufficiency

(1) An application will be considered complete and ready for processing only if it is: submitted in the required number and form; includes all required information; and, is accompanied by the required fees.

(2) Within 5 working days of application filing, the Planning Director shall determine whether the application includes all information required by these Subdivision Regulations. If an application does not include all of the required information, it will be deemed incomplete. If an application includes all of the required information, it will be deemed complete. Written notice of the incompleteness and the specific information lacking shall be provided to the applicant or the applicant's Agent.

(3) No processing of incomplete applications shall occur and incomplete applications will be removed from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the

application will be considered withdrawn. No refund of a review fee shall be made for applications that are withdrawn.

(4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Planning Staff and other review and decision-making bodies in accordance with the procedures of these Subdivision Regulations.

(h) Applications Containing Technical Deficiencies

(1) The Planning Director may require that applications be revised before being placed on the agenda of the Planning Commission or Governing Body, if the Planning Director determines that:

(i) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

(ii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

(iii) The application cannot be approved without a Variance or some other change or modification that the decision-making body for that application does not have the authority to grant or approve. This determination shall be made in written form to the applicant. If the determination is based on this sub-section (iii), it shall include an explanation of what Variance, change or modification would be required to allow approval of the application.

(2) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with this Article shall be revised before they will be placed on an agenda of the Planning Commission or Governing Body.

(3) Action or inaction by the Planning Director under this section may be appealed to the appropriate Governing Body in accordance with Section 20-807(h) or Section 20-813(f), whichever is applicable.

(i) Applicability

Unless expressly exempted under Section 20-801(d), no Subdivision or Rural Development Parcel may be created and no Certificate of Survey may be recorded with the Register of Deeds until the division has been approved in accordance with the applicable Review and Approval Procedures of this Article.

20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area

(a) Prerequisite to Development

No division of land in Service Area 1 of the Lawrence Urban Growth Area shall be approved until the land proposed for division has been annexed into the City.

(b) Procedure Required

Upon annexation of land originally located in Service Area 1 into the City of Lawrence, a proposed division of Platted or unplatted land shall be processed and considered in accordance with the Minor Subdivision/Replat or Major Subdivision provisions of this Article, whichever is applicable.

20-804 Cluster Developments in the Urban Growth Areas

(a) Purpose

The purpose of this Section is to allow an administrative approval procedure for smaller divisions of land (up to 4 Rural Development Parcels) to accommodate rural development on land Parcels that are located within the Urban Growth Areas of cities in Douglas County. Cluster Development land Divisions are possible only on properties within the CP (Cluster Preservation) Zoning District. The procedure contemplates that forethought and design considerations will be employed to identify the future Urban Density development of the land Parcel prior to any division occurring, and that based on these considerations, 3 acre or larger Rural Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the Rural Development Parcels, at some future time, to create Urban Blocks and connective Street networks in accordance with the Design Standards in the Subdivision Regulations for the city associated with the Urban Growth Area. These regulations will result in Rural Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to Urban Density development as subsequent circumstances dictate. The clustering of development Parcels within the Urban Growth Areas on Parcels that contain at least 20 acres is intended to mitigate the strain on Infrastructure and public services and to anticipate future development patterns for the remainder of the property after annexation.

(b) Applicability

(1) The division of a Parcel of land that contains at least 20 acres in area, and that is located in Service Areas 2-4, of Lawrence's Urban Growth Area or in another City's Urban Growth Area, may be approved according to the Cluster Development provisions of this Section.

(i) For purposes of determining compliance with the 20 acre minimum Parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Parcel.

(ii) In calculating the size of a Parcel, the Parcel size shall be deemed to include ½ of the adjoining Road Right(s)-of-Way if this inclusion is necessary for the Parcel to conform to the applicable minimum Parcel size.

(c) Immediate Development Acreage and Future Development Acreage

Lands divided pursuant to this Section shall be developed as a Cluster Development and shall be identified as either the Immediate Development Area or the Future Development Area in accordance with the following requirements.

(1) Immediate Development Area.

The Immediate Development Area of a Cluster Development shall not exceed 60% of the total acreage of the proposed development included in the Certificate of Survey. The Immediate Development Area may further be divided into no more than 4, Rural Development Parcels (RDPs) subject to the requirements of this Section. Rural Development Parcels shall be located only in the Immediate Development Area. Individual Rural Development Parcels shall only take Access from a Cross Access Easement and shall be laid out in a manner that minimizes adverse impacts to the Future Development Area. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

(i) Minimum Parcel Acreage and dimensional standards

Rural Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. The minimum Rural Development Parcel size shall be 3 acres.

(ii) Location of Rural Development Parcels

The Cluster Development, shall be designed and developed in accordance with the requirements in this sub-section:

a. Clustered to take Access from Cross Access Easements to minimize Access points to the adjacent public Right(s)-of-Way.

1. Cross Access Easements shall be established by a separate legal instrument, acceptable to the legal counsel of the nearby city and the Easement shall be filed recorded at the Register of Deeds as a Restrictive Covenant of the Cluster Development that prohibits development of the Future Development Area until, upon annexation, the Cross Access Easement is dedicated to the annexing city as public Road Right-of-Way.

2. The Cross Access Easements shall be written so that, upon annexation by a city, the Cross Access Easement shall be in acceptable form and dimensions to be dedicated to the City as public Road Right(s)-of-Way, to allow for construction of Streets within the Cross Access Easements to meet the then current city Street standards.

b. Planned and laid out to allow for future Subdivision of the Rural Development Parcels into Platted Lots at an Urban Density commensurate with the zoning and Subdivision Regulations of the annexing city.

(iii) Utility – Water

All Rural Development Parcels shall obtain Publicly Treated Water delivered through a water meter.

(iv) Utility – Wastewater

All Rural Development Parcels shall have an On-Site Sewage Management System approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.

a. County Health Code Restriction in Floodplain

On-Site Sewage Management Systems shall be located outside the FEMA designated regulatory Floodplain.

(v) Building Envelopes

The buildable area for each Rural Development Parcel within the Immediate Development Area shall be defined by Building Envelopes and structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.

a. Rural Development Parcels shall be planned and arranged to allow for the future Subdivision of these Parcels into Urban Streets and Blocks that conform to the development regulations of the city associated with the Urban Growth Area.

b. The buildable area for each Rural Development Parcel shall be defined by Building Envelopes which accommodate the future Block layout and exclude lands which have been identified for protection as Environmentally Sensitive Lands.

c. The Building Envelopes for each Rural Development Parcel shall be shown on the Certificate of Survey.

(vi) Access

a. When the Cluster Development is located within the Lawrence Urban Growth Area or in the Urban Growth Area of another city, the development shall have direct Access to a Road that meets or exceeds the County's Rock Road Standard.

b. When established as part of a Cluster Development in Lawrence's UGA, the service drive constructed within the Cross Access Easement shall be constructed, at a minimum, to meet the County's Rock Road Standard, and the minimum width of traveled-way plus shoulder shall be 20 feet.

1. As an alternative, when a Cross Access Easement provides Access to only one or two Rural Development Parcels in the Immediate Development Area, a waiver from this construction standard may be permitted if approved by the County Engineer and when provisions for future improvement to Road standards are included in the Restrictive Covenants.

c. Only one Access point shall be allowed for the entire development unless a separate Access point is necessary to allow Access to prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected.

(vii) Steep Slopes

The Building Envelopes of Rural Development Parcels shall not contain any slopes greater than 15%.

(viii) Minimum Road Right(s)-of-Way

a. If the Cluster Development is located adjacent to public Road Right-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), approval of the application for division pursuant to this Section 20-804 shall be subject to a condition that the Subdivider dedicate, by separate instrument to the County, ½ the additional land necessary to bring the Road(s) adjoining the Cluster Development to the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards.

b. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded with the Register of Deeds.

c. No final action may be taken on the Certificate of Survey until this additional Road Right-of-Way has been dedicated.

(ix) Minimum Frontage and Entrance Spacing Requirements

a. The Cluster Development must meet the minimum Frontage and Entrance Spacing Requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the Road upon which the Cross Access Easement is proposed to take Access.

b. Minimum RDP Frontage on the Cross Access Easement is not subject to the Frontage requirements in Section 12-318 of the Douglas County Zoning Regulations.

(x) Drainage Easements

If any portion of the Rural Development Parcel lies in a FEMA designated regulatory Floodplain, or if drainage Channels or Swales exist on the Rural Development Parcel that carry runoff from adjacent property or Public Street/Roads, the FEMA designated regulatory Floodplain or drainage Channel or Swale shall be protected by grant of an Easement, or other similar device, evidenced by separate legal instrument, as may be required by the Planning Director and acceptable to the County Counselor.

(xi) Restrictive Covenants

Property in the Immediate Development Area shall be subject to a Restrictive Covenant as set forth in Section 20-804(d).

(2) Future Development Area

The Future Development Area shall meet the requirements set forth in this sub-section:

(i) Minimum Requirement.

A minimum of 40% of the total Cluster Development shall be designated as Future Development Area. To the extent practical, the Future Development Area should be one contiguous area of land for future planning purposes.

(3) Conservation of Natural Resources

No matter where located within the boundaries of the Certificate of Survey, land that is or contains Environmentally Sensitive Lands identified in Section 20-810(k), to the greatest extent reasonably practicable, shall be conserved and protected through the recording with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement.

(i) Temporary Set Aside Agreement

a. A Temporary Set Aside Agreement shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources.

b. The Temporary Set Aside Agreement shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official.

c. The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City.

d. Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.

(ii) Conservation Easement

a. A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810(k), or similar sensitive lands.

b. A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.

c. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.

d. A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

(4) Restriction on Subsequent Divisions

Any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed recorded with the Register of Deeds.

(5) Restrictive Covenant

The Immediate and Future Development Areas shall be subject to a Restrictive Covenant as set forth in Section 20-804(d).

(d) Restrictive Covenant

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:

(1) Incorporate by reference and have attached as an exhibit the Build Out Plan;

(2) Require future division of the Rural Development Parcels to conform to the Build Out Plan or the Subdivision Regulations in place at that time;

(3) For the Immediate Development Area, limit each Rural Development Parcel to one principal Dwelling and accessory buildings until annexation into a city and municipal water and Sanitary Sewer service are extended to the property;

(4) For the Future Development Area, any further division for development purposes is prohibited until annexation or until an amended Certificate of Survey is approved and recorded with the Register of Deeds;

(5) Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future Subdivision of the Immediate Development Area into Blocks of an Urban Density that avoids interference with planned future Street/Roads, Easements and setbacks;

(6) Be binding upon the Owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and

(7) Be in a recordable form and be recorded with the Register of Deeds.

(e) Cluster Developments – After Annexation

(1) Upon Annexation, development shall occur in accordance with the Build Out Plan or an approved plan meeting the Subdivision Regulations in place at the time. If, however, the appropriate city's plans or regulations for the area covered by the Build Out Plan recommend a different type of land use or scale of development, the property shall be Platted to conform to the city's current plans and regulations.

(2) Upon Annexation, all future divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the City of Lawrence, or in accordance with the applicable procedures set forth in the annexing city's Subdivision Regulations.

(f) Application

Any person having legal or equitable interest in property that meets the criteria required by this Section may file, with the Planning Director, an application for a division of land in conformance with this Section. The completed application must:

(1) Satisfy the requirements of Section 20-802;

(2) Be submitted with an approved application form supplied by the Planning Department;

(3) Be submitted in both print and electronic format; and,

(4) Shall be accompanied by the application materials listed in 20-807(d).

(g) Administrative Review and Consideration Procedures

The Planning Director shall review all applications for Cluster Developments pursuant to this Section in accordance with the Certificate of Survey administrative review procedures set forth in Section 20-807.

20-805 (RESERVED)

20-806 Property Divisions in the Rural Area (Outside the UGAs)

(a) Purpose

Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential and other development be located in the Lawrence Urban Growth Area or within the Urban Growth Areas of the other incorporated cities in the County. Horizon 2020 also recognizes the need for suitable residential and other development in the Rural Area of Douglas County while minimizing the loss of agricultural lands.

(b) Definitions

When used in this Section 20-806, the following terms have the following meanings:

(1) Original Tract – shall be composed of a Parcel or a combination of all adjacent Parcels under a single Ownership [not separated by public Right(s)-of-Way] that share common boundary lines or two separate Ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.

(2) Parent Parcel – an area of 20 acres or more surveyed solely for the purpose of creating one or more Rural Development Parcels.

(3) Rural Development Parcel – a Parcel created from the Parent Parcel through the administrative Certificate of Survey process to make the new land division eligible for a building permit.

(4) Rural Area – the area of Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

(c) Applicability

Rural Certificates of Survey are permitted only on land within the Ag-2, Transitional Agriculture District, outside the urban growth area. Rural Development Parcels and tracts may be created within the Rural Area according to the following requirements:

(1) The Owner of the land must identify a Tract of land, which shall be a minimum of 20 acres and take Access to a Full Maintenance Road, in accordance with this Section. The Tract containing the area for the proposed Rural Development Parcel(s) shall be known as the "Parent Parcel". The land from which the Parent Parcel is identified shall be known as the "Original Tract".

(i) For purposes of determining compliance with the 20 acre minimum Tract area, entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Tract.

(ii) In calculating the size of a Tract, the Tract size shall be deemed to include ½ of the adjoining Road Right(s)-of-Way or Easements if such inclusion is necessary for the Tract to conform to the applicable minimum Tract size.

(d) Rural Development Parcel (RDP)

(1) Up to 2 Rural Development Parcels (RDP) may be created by dividing a Parent Parcel.

(2) Rural Development Parcels can be created through the Certificate of Survey process only when the Planning Director finds that the division does not involve or result in the creation of any minimum maintenance or Full Maintenance new Roads or Road Rights-of-Way or Easements; and, the division is made in accordance with the following requirements:

(i) Minimum Rural Development Parcel Area and dimensional standards

a. Rural Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. Each Rural Development Parcel shall have the minimum area required in Section 12-303-2 in the County Zoning Regulations. The minimum Parcel area shall also meet the County Sanitary Code minimum requirements for On-Site Sewage Management System;

b. The area of Rural Development Parcels may be reduced to the minimum permitted by the Douglas County Sanitary Code; provided development on the remaining tract/parcel is prohibited with the recording of an executed Agricultural/Natural Resource Protection Agreement.

1. This agreement will remain in effect until the property is annexed into a city or the property is rezoned to a district which permits greater density.

(ii) Development Access

Each Rural Development Parcel shall have direct Access to a Full Maintenance Road;

(iii) County Health Code Requirements

a. The applicant has provided evidence that each Rural Development Parcel will satisfy all applicable health and sanitation requirements of the Lawrence/Douglas County Health Department;

b. On-Site Sewage Management Systems shall have a minimum of 3 acres located outside the FEMA designated regulatory Floodplain.

(iv) Grouping Divisions

When a Parent Parcel has previously been identified and filed of record from an Original Tract, any subsequent Parent Parcel identified from that Original Tract shall, where practicable, be located with one boundary line adjacent to the previously created Parent Parcel to

encourage the grouping of Rural Development Parcels to facilitate the efficient provision of Infrastructure and other public services.

(v) Minimum Frontage and Entrance Spacing Requirements.

Each Rural Development Parcel must meet the minimum Frontage and Entrance Spacing Requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the Road upon which the Rural Development Parcel is proposed to take Access.

(vi) Minimum Road Right(s)-of-Way

a. If the Original Tract/Parent Parcel Division is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-810(e)(5), approval of the application for division of land pursuant to this Section 20-806 will be subject to the condition that the Owner dedicate, by separate instrument to the County, ½ the additional land necessary to bring the Road(s) adjoining Original Tract/Parent Parcel to the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards.

b. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

c. No final action may be taken on the Certificate of Survey until this additional Road Right-of-Way has been dedicated.

(vii) Building Envelope

a. When a Rural Development Parcel includes lands identified for Protection of Environmentally Sensitive Lands in Section 20-810(k), a Building Envelope is required to be shown on the Parcel and it shall not include the areas and sites identified for resource preservation.

b. A Building Envelope is not required on a Rural Development Parcel that does not include lands within the categories identified for resource preservation in Section 20-810(k); however, structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.

(viii) Conservation Easement

a. A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810(k), or similar sensitive lands.

b. A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.

c. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.

d. A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

(3) With respect to any division made according to this Section, the subsequent Rural Development Parcels shall be considered Parcels but shall not be considered Platted Lots created through a Major or Minor Subdivision/Replat process. Each Rural Development Parcel shall be eligible for the issuance of building permits for permitted and accessory uses, buildings and structures.

20-807 Certificate of Survey, Administrative Review Procedures

(a) Purpose

The purpose of the Certificate of Survey review procedure is to provide an administrative process for creating an accurate record of the description and location of Rural Development Parcel divisions created in conformance with Sections 20-804 or 20-806, whichever is applicable, without requiring full compliance with the regulations of Section 20-809, Major Subdivisions.

(b) Authority

The Planning Director is authorized to review and approve applications for land divisions made in conformance with Sections 20-804 and 20-806, subject to the requirements of this Section. This review procedure allows for an administrative approval process with final action by the Planning Director.

(c) Applicability

An application for a division of land submitted with a complete Certificate of Survey shall be considered for approval in the following circumstances:

(1) The proposed division meets the criteria of one of the types of division authorized by Sections 20-804 or 20-806, for review in conformance with this Section.

(2) Rural Development Parcels are eligible for Certificate of Survey approval only one time; however, an amended Certificate of Survey may be recorded when it:

(i) Includes the same land area as the original Certificate of Survey; (or more) and,

(ii) When it meets the applicable requirements in Sections 20-804 or 20-806.

(3) For the purpose of interpreting the applicability of the Certificate of Survey administrative review procedure, any proposed development or division of land, which the Planning Director determines is intended to evade the Major Subdivision procedures of Section 20-809 because it would result in a de facto Major Subdivision through the combination of previous contiguous Certificates of Survey, is not eligible to use the Certificate of Survey review procedure.

(d) Application

Applications for a Certificate of Survey shall be submitted to the Planning Director in conformance with the general requirements of Section 20-802; be submitted in both print and electronic format; and be accompanied by:

(1) The applicable review and recording fees;

(2) Proof of legal or equitable interest in the property;

(3) Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and

(4) One paper and one electronic copy of a Certificate of Survey that complies with the requirements of Section 20-807(e).

(5) In addition, for Cluster Developments in an Urban Growth Area:

(i) A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:

a. A realistic future Urban Block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards and Public Improvement Standards set forth in Sections 20-810 and 20-811 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;

b. The layout of future Streets/Roads; provided that, Local Streets/Roads shall be planned to provide Street/Road connections to adjoining Parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State Roads or highways for local trips;

c. Block level Easement locations for utilities and storm water drainage;

d. Locations of Building Envelopes for each Rural Development Parcel that are respective of the future Urban Street and Block layout; and,

e. Supplemental written information that demonstrates how public utilities may be extended to the Subdivision to accommodate future Urban Density development.

(ii) For applications within Urban Growth Areas, an executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city, when the city requires such an agreement.

(iii) For properties with Environmentally Sensitive Lands identified in Section 20-810(k) and designated for protection, a proposed

Temporary Set Aside Agreement or permanent Conservation Easement and a copy of proposed Restrictive Covenants as identified in Section 20-804(c)(3).

(e) Requirements and Material to be Included

A Certificate of Survey shall comply with the following requirements:

(1) The Certificate of Survey shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be a minimum size of 11 inches by 17 inches;

(2) The Certificate of Survey shall show or contain on its face the following information; provided, however, that the licensed Land Surveyor may, at his or her discretion, provide additional information regarding the survey:

(i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A Certificate of Survey shall not bear the title "Plat," "Subdivision" or any title other than "Certificate of Survey;"

(ii) A note stating "This Certificate of Survey was not prepared for the purpose of the Platting of land. No further divisions of the Parcels created by this survey shall occur until the property is Subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed or until an Amended Certificate of Survey is approved and recorded with the Register of Deeds.";

(iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining Platted Subdivisions;

(iv) The date the survey was completed;

(v) A north arrow;

(vi) A written and graphic scale.

(vii) A narrative legal description of the property surveyed, including a Benchmark or other vertical reference point tied to the United States Geological Survey;

(viii) A location map showing the property surveyed in relation to property Ownership lines within the same section and the nearest existing public Right(s)-of-Way;

(ix) The dimensions and locations of all of the Parcels indicated on the survey, including dashed lines to depict the future Urban Street and Block layout in the Build Out Plan. This requirement is not applicable to a Certificate of Survey prepared in accordance with Section 20-806;

(x) A numbering system or other clear and simple method of identifying each Parcel within the Certificate of Survey;

(xi) The location and width of public Right(s)-of-Way, existing and proposed;

(xii) The location of any Easements, existing and proposed;

(xiii) The dimensions of all existing structures in relation to existing and proposed Parcel lines, and based on the future Urban Street and Block layout shown in the Build Out Plan, if applicable;

(xiv) Building Envelopes, when required, shall be shown for every Rural Development Parcel and shall not include Environmentally Sensitive Lands as identified in Section 20-810(k) that have been designated for protection;

(xv) Except for divisions made in conformance with Section 20-806, Building Envelopes shall be designed to allow for the placement of principal structures on Parcels that will facilitate future further Subdivision of the Rural Development Parcel into Urban Streets and Blocks;

(xvi) A note stating the specific Section [20-804 or 20-806] pursuant to which the division is being made;

(xvii) For Cluster Certificates of Survey, Restrictive Covenants, Temporary Set Aside Agreements, or Conservation Easements required by the proposed division shall be noted with book and page number in which the covenants, Temporary Set Aside Agreements, or Conservation Easement are recorded;

(xviii) The signature of the Owner, properly acknowledged;

(xix) The dated signature and seal of the Kansas licensed Land Surveyor responsible for the survey along with a note stating: “This survey complies with the Kansas Minimum Standards for Boundary Surveys”;

(xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: “Reviewed in compliance with K.S.A. 58-2005”;

(xxi) A line for the approval date and signature of the Planning Director under a note stating: “Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County”; or the Subdivision Regulations of the appropriate City; and

(xxii) A line for identification of book and page of the Register of Deeds recording information.

(3) Before approval of a Certificate of Survey in the Lawrence Urban Growth Area that will not be served by City of Lawrence utilities, the property Owner shall provide written documentation to the Lawrence-Douglas County Health Officer and the Lawrence-Douglas County Planning Director that Publicly Treated Water, delivered through a water meter, is available to and will be provided for all Rural Development Parcels.

(f) Criteria for Review

An application for a division requiring an approved Certificate of Survey shall be approved if, and only if, it meets all of the following criteria:

(1) The proposed division meets the requirements for a division of land under Sections 20-804 or 20-806, as applicable;

(2) The Certificate of Survey meets all of the requirements of Section 20-807;

(3) The proposed Rural Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the Comprehensive Plan of another city in Douglas County;

(4) The Certificate of Survey conforms to the County's Access Management Standards and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Certificate of Survey.

(5) If additional Right-of-Way is needed to meet the minimum required for the classification of Road Accessed by the development in the Certificate of Survey, the Certificate of Survey review process shall be suspended for up to 90 days to allow for Dedication by separate instrument of the necessary Right-of-Way. If the criteria for review are not met by the end of the suspension period, this shall be sufficient cause for rejecting an application for a Certificate of Survey;

(6) The Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land;

(7) The proposed Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.

(g) Review and Action by the Planning Director

(1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.

(2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.

(3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Certificate of Survey conforms to all of the standards set forth in this

Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County" with the date of approval.

(4) If the Planning Director finds that the Certificate of Survey fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this Section, the Planning Director shall refuse to approve the proposed Certificate of Survey and shall notify the applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and Certificate of Survey within 45 days after receipt of the letter and shall not be required to pay an additional fee.

(5) If approved, the Certificate of Survey shall be recorded by the Planning Director with the Douglas County Register of Deeds. A copy shall be kept by the Planning Director, and a copy shall be furnished to the applicant and to the County Zoning & Codes office.

(h) Amending an Approved Certificate of Survey

An approved Certificate of Survey may be amended for a Parent Parcel created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Section 20-804 for Lawrence's or another city's Urban Growth Area. The amendment may occur when there is an application to revise an area designated as a Rural Development Parcel, Immediate Development Area, Future Development Area, or the layout of Rural Development Parcels and future Streets or Blocks on the Build Out Plan. The Future Development Area cannot be revised for those portions that include Environmentally Sensitive Lands identified in Section 20-810(k), permanent Conservation Easement(s), or Temporary Set Aside Agreement(s). A revision to approved Access to the development (location of Cross Access Easement or individual Driveway Access) from public Road Right-of-Way shall be permitted only upon written recommendation from the County Engineer that revising the point of Access to the public Road is desirable for public safety.

(1) An amendment to an approved Certificate of Survey shall:

(i) Include the entire land area of the original Certificate of Survey (may include additional land) and be signed by all of the current Owners of land within the entire land area of the original Certificate of Survey;

(ii) Be submitted in the same form as an original Certificate of Survey and meet the requirements in Section 20-807(d) through (g);

(iii) Comply with the Subdivision Regulations in effect at the time the amended Certificate of Survey application is submitted for review; and

(iv) For each amended Certificate of Survey, the creation of new Rural Development Parcels in addition to those created originally shall only be permitted if an additional Rural Development Parcel is permitted

according to Sections 20-804 and 20-806 and/or by the County's Access Management Standards.

(2) An amendment of a Certificate of Survey shall not alter future Street layouts that would conflict with a Build Out Plan approved for an adjacent property.

(i) Certificate of Survey Expiration

(1) If an approved Certificate of Survey has not been recorded at the Register of Deeds office, the approval of a Certificate of Survey shall be effective for no more than 24 months from the date of approval unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.

(2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

20-808 Minor Subdivisions/Replats

(a) Purpose

The purpose of this administrative process is to provide an economical and efficient procedure for the adjustment of Platted Lot Lines in developed areas through a Resubdivision or Replat procedure, where an adjustment involves little or no expansion of the public Infrastructure. The Minor Subdivision/Replat process allows for a one-step Resubdivision approval process with final action by the Planning Director.

(b) Authority

The Planning Director is hereby authorized to review and approve Minor Subdivisions/Replats in accordance with the procedures of this Section.

(c) Applicability

(1) Within the City of Lawrence, a Platted Lot may be divided into 4 or fewer Platted Lots by using the Minor Subdivision/Replat procedures of this section; provided, that:

(i) No new Street or extension of an existing Street is created, or

(ii) A Vacation of Streets, Alleys, Setback Lines, Access Control or Easements is required or proposed.

(iii) As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for approval of the subject Vacation or acceptance of additional Dedications after mailed notice to surrounding property Owners and prior to final administrative approval of the Minor Subdivision/Replat.

(2) Within the Unincorporated Area of the County, a Platted Lot may be divided into 2 Platted Lots by using the Minor Subdivision/Replat procedures of this section, provided that:

(i) Each resulting Lot has a minimum Lot area that conforms to the County Sanitation Requirements for minimum Lot area;

(ii) The Platted Lot takes Access from a Hard Surfaced Road or from a Road that meets or exceeds the County's Rock Road Standard;

(iii) No new Road or extension of an existing improved Road is created, or

(iv) A Vacation of Roads, Setback Lines, Access Control or Easements is required or proposed; and,

(v) The Minor Subdivision/Replat is not prohibited by any other Section of this Article.

(vi) As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, the Minor Subdivision/Replat shall first be placed on the Governing Body's agenda for approval of the subject Vacation or acceptance of additional Dedications after mailed notice to surrounding property Owners and prior to final administrative approval of the Minor Subdivision/Replat.

(3) The merger or consolidation of full Lots or full Lots with portions of Platted Lots into a fewer number of Lots shall be processed as a Minor Subdivision/Replat;

(4) For the purpose of interpreting the Minor Subdivision/Replat eligibility criteria of this sub-section, any proposed Subdivision that the Planning Director determines is designed, intended, or by proximity to a previous Minor Subdivision or Replat would evade the Major Subdivision procedures of this section by resulting in a de facto Major Subdivision, shall not be eligible for the Minor Subdivision/Replat process;

(5) Lots are eligible only one time for approval of a division or consolidation through the Minor Subdivision/Replat process and any further divisions or consolidations of the originally Platted or newly created Lots shall be processed as Major Subdivisions; however,

(i) Lot Line adjustments or mergers that do not increase the total number of Lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Replat.

(d) Criteria for Review

A Lot or group of Lots submitted as a Minor Subdivision/Replat shall be approved if all of the following criteria are met:

(1) The proposed division(s) or consolidation(s) meets the criteria of one of the types of divisions or consolidations eligible for review through the Minor Subdivision/Replat process under Section 20-808(c);

(2) All Lots created through the Minor Subdivision/Replat process conform to the Lot size requirements of the underlying zoning district;

(3) Each Lot resulting from the division or consolidation will have direct Access to an existing Public Street/Road that meets current adopted Access and Public Improvement Standards or will meet such standards as a result of Improvements required as a condition of approval of the Minor Subdivision/ Replat;

(4) If the property is located adjacent to a Public Street/Road Right-of-Way that does not meet the minimum Right-of-Way standard of Section 20-810(e)(5), approval of the Minor Subdivision/Replat will be subject to the condition that the Subdivider dedicate to the City or County, as applicable, one-half the additional land necessary to bring the Road(s) adjoining the land to be divided to the required minimum Right-of-Way standards.

(i) All necessary off-site Dedications shall be recorded by separate instrument with the Register of Deeds and proof of these Dedications shall be provided to the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this additional Right-of-Way Dedication has been recorded.

(ii) All necessary On-Site Dedications may be recorded by separate instrument with the Register of Deeds office or may be provided on the Minor Subdivision/Replat; however, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance of the additional Right-of-Way after mailed notice and prior to final approval of the Minor Subdivision/Replat.

(5) Any additional public Easements necessary to serve the property shall be Dedicated prior to final approval of the Minor Subdivision/Replat, either by:

(i) Separate instrument, or

(ii) The Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Easements after mailed notice and prior to final approval of the Minor Subdivision/Replat.

(6) If any portion of the property within the Minor Subdivision/Replat lies in a FEMA designated regulatory Floodplain, or if drainage Channels or Swales exist on the property that carry runoff from adjacent property or Public Street/Roads, the FEMA designated regulatory Floodplain or drainage Channel or Swale shall be protected by grant of Easement, Dedication or other similar device as may be required by the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this Dedication has been recorded, either by:

(i) Separate instrument, or

(ii) The Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Right-of-Way or Easements after mailed notice and prior to final approval of the Minor Subdivision/Replat.

(7) The Owner shall provide written documentation for divisions or combination of Lots in the Unincorporated Area of the County to the Planning Director providing proof that the proposed Lots will have:

(i) Access to Publicly Treated Water delivered through a water meter; and,

(ii) Test holes for an On-Site Sewage Management System have been reviewed and approved by the Director of Lawrence/Douglas County Health Department.

(8) The proposed Lots and all other aspects of the proposed Minor Subdivision/Replat conforms with the current Comprehensive Plan of Lawrence and Douglas County;

(9) The Minor Subdivision/Replat conforms with the adopted Major Thoroughfares Map referenced in the Comprehensive Plan and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Minor Subdivision/Replat or the original Platted Subdivision;

(10) The proposed Minor Subdivision/Replat is consistent with any conditions imposed on the original Platted Subdivision from which the Lots being divided or consolidated were originally Platted; and,

(11) The Minor Subdivision/Replat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Application

(1) Requests for Minor Subdivision/Replat approval shall be submitted to the Planning Director.

(2) Each application shall be submitted on a form provided by the Planning Director; be submitted in both print and electronic format; and shall be accompanied by:

(i) The applicable review and recording fees;

(ii) Copies of scaled drawings of a Minor Subdivision/Replat as required by the Planning Director, certified by a licensed Land Surveyor; and

(iii) A certificate that all taxes and special assessments due and payable have been paid.

a. Any unpaid special assessments shall be noted with the application submittal and a proposed redistribution plan for these unpaid special assessments, which meets the City Clerk and City Engineer requirements for Lots within the City of Lawrence or with the County Clerk and County Engineer requirements for Lots within the Unincorporated Area of Douglas County, also shall be submitted with the application.

(iv) If Dedication or Vacation of Easements or Rights-of-Way is proposed, a certified copy of a property Ownership list to provide mailed notice in accordance with 20-802(d)(3).

(f) Contents

(1) The Minor Subdivision/Replat shall contain the following information:

(i) A title that includes the original Lot numbers and Subdivision name and an indication that this is a Minor Subdivision/Replat of said Lots in the Subdivision;

(ii) Legal description of the property, including a Benchmark or other vertical reference point tied to the United States Geological Survey;

(iii) Location map identifying community features and the nearest existing public Right(s)-of Way within a one mile radius of the site;

(iv) Location and dimensions of existing and/or proposed Easements and utilities;

(v) Dimensions and locations of the new Lots to be created through the division or consolidation;

(vi) Location and width of Driveways, existing and proposed;

(vii) Dimensions of all existing structures in relation to existing and proposed Lot Lines;

(viii) Signature of the Owner, properly attested;

(ix) A signature and date line for approval by the Planning Director, stating "Approved as a Minor Subdivision/Replat under the Subdivision Regulations of the City of Lawrence and the Unincorporated Area of Douglas County";

(x) A signature and date line for the appropriate Governing Body Chair indicating acceptance or approval, if the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Right-of-Way;

(xi) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";

(xii) A dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys."; and,

(xiii) A note on the face of the Minor Subdivision/Replat which states: "Further division or consolidation of any Lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i)."

(g) Review and Action by the Planning Director

(1) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.

(2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/Replat.

(3) If the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Rights-of-Way, the Planning Director shall:

(i) Provide mailed notice to surrounding property Owners as established in Section 20-802(d); and

(ii) Place the Minor Subdivison/Replat on the Governing Body's agenda for either acceptance of Dedications or approval of proposed Vacations.

(4) If the Planning Director finds that the Minor Subdivision/Replat fails in any way to conform to the standards set forth in this Section or that the proposed division or consolidation is not eligible for consideration as an Minor Subdivision/Replat, the Planning Director shall refuse to approve the proposed Minor Subdivision/Replat and shall notify the applicant by letter of the reason(s) for such refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised

application and map within 45 days after receipt of such letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division or consolidation is not eligible for consideration as a Minor Subdivision/Replat because the Replat does not meet all of the criteria in Section 20-808(d), the Subdivider may submit an application for Major Subdivision approval at any time.

(5) The Planning Director shall forward a signed, original Mylar copy of the Minor Subdivision/Replat to the Register of Deeds for recording.

(6) Appeals of the Planning Director's decision on a Minor Subdivision/Replat shall be subject to Section 20-813(f)(1).

(h) Review and Action by the Governing Body

If the Planning Director determines that the Minor Subdivision/Replat includes a proposal to dedicate or vacate Easements and/or Rights-of-Way, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance or Vacation of Easements and/or Rights-of-Way following the appropriate review process, mailed notice and prior to the Planning Director's final approval of the application.

(i) Signatures on Minor Subdivision/Replat following Action by the Governing Body

If the Minor Subdivision/Replat includes the Dedication or Vacation of Easements and/or Rights-of-Way and the Governing Body has accepted the Dedication or approved the Vacation, the Planning Director shall submit the Minor Subdivision/Replat to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures.

(j) Processing after Approval of Minor Subdivision/Replat

(1) Prior to the Minor Subdivision/Replat being recorded with the Register of Deeds, a digital version of the Minor Subdivision/Replat shall be submitted to the Planning Director in a format approved by the Planning Director as identified in the application packet.

(2) Errors found in closure or internal dimensions shall be corrected prior to filing recording the Minor Subdivision/Replat.

(k) Minor Subdivision/Replat Expiration

(1) Approval of a Minor Subdivision/Replat by the Planning Director and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.

(2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

20-809 Major Subdivisions

(a) Purpose

The Major Subdivision procedures of this Section are intended to provide a standardized review process for Preliminary and Final Plats. The Major Subdivision process requires a two-step review process with Preliminary Plat approval by the Planning Commission, and Final Plat approval by the Planning Director. In addition, Final Plats that include Dedication or Vacation of Easements and/or Rights-of-Way, require action by the appropriate Governing Body.

(b) Applicability

(1) The Major Subdivision procedures of this section apply to all land divisions or consolidations that are not eligible for review in conformance with the Certificate of Survey Administrative Review Procedures or the Minor Subdivision/Replat process.

(2) Major Subdivisions are permitted in an Urban Growth Area in the Unincorporated Area of Douglas County only within the CP (Cluster Preservation) Zoning District, and on property zoned A-1 or R-1 prior to January 1, 2007.

(3) Major Subdivisions are permitted outside the Urban Growth Area in the Unincorporated Area of Douglas County only within the Commercial or Industrial Zoning Districts and on property zoned AG-2.

(c) Applications and Procedures

(1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.

(2) Specific application and Preliminary Plat contents are provided in Section 20-809(e) & (f).

(3) Specific application and Final Plat contents are provided in Section 20-809(l) & (m).

(d) Criteria for Review

Approval or disapproval of Major Subdivisions shall be based on the following criteria:

(1) Each Lot resulting from the division will have direct Access to a Public Street/Road that has been accepted by the county or city or a Private Street that has been approved as part of a Planned Development;

(2) Each Lot resulting from the division will conform with the minimum Lot size and other dimensional requirements applicable to the property through the Zoning District regulations;

(3) The proposed Major Subdivision and all **Lots** within it conform fully with the standards set forth in Section 20-810;

(4) The proposed Lots and all other aspects of the proposed Major Subdivision conforms with the current Comprehensive Plan of Lawrence and Douglas County; and watershed/sub-basin plans, sector or Neighborhood Plans;

(5) The proposed Major Subdivision conforms with any adopted Major Thoroughfares Map and provides for the logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Major Subdivision;

(6) The proposed Major Subdivision shall provide for a logical connection of Streets between adjacent Subdivisions taking into consideration constraints from steep Topography and other natural features that may limit Street connectivity but allow for pedestrian connectivity, shall conform with adopted watershed/sub-basin plans, sector or Neighborhood Plans for Street layout;

(7) The proposed Major Subdivision conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan; and

(8) The Major Subdivision Plat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Preliminary Plat – Application

A Subdivider shall apply for Preliminary Plat approval by submitting an application to the Planning Director.

(1) Each application shall be accompanied by:

(i) The applicable filing fee;

(ii) A completed Major Subdivision-Preliminary Plat application form;

(iii) The required number of paper copies and an electronic copy of a complete submission of a Preliminary Plat;

(iv) A certified copy of a property Ownership list to provide Mailed Notice in accordance with 20-802(d)(3); and

(v) A drainage plan.

(f) Preliminary Plat Contents

The Preliminary Plat shall be drawn to a scale where all features presented are readable.

(1) Materials to be Included

The Preliminary Plat shall:

(i) State the name of the proposed Subdivision;

(ii) List names and addresses of the Subdivider, the land planner or Subdivision designer (if any) and the licensed Land Surveyor;

(iii) Show date of preparation, north arrow and graphic scale;

(iv) Identify the Plat as a Preliminary Plat;

(v) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

(vi) A Replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject Replat is tied to at least one of these corner monuments;

(vii) Include location, description and elevation of all Benchmarks established or source used for vertical control. There must be at least one established vertical control point as the basis for the topographic survey included with the application;

(viii) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

(ix) Show Topography (contour interval not greater than 2 feet) of the site. Topography shall be consistent with City of Lawrence and/or Douglas County aerial Topography. Where Land Disturbance, Grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence and/or Douglas County, whichever is applicable, obtained aerial Topography, an actual field survey shall be required for the topographic data in the vicinity of the disturbed area;

(x) Show on the face of the Plat or on a separate sheet, a general location of the proposed Subdivision. The general location map shall be drawn to an appropriate scale and shall show the relationship of the proposed Subdivision to the following:

a. The nearest Intersection of Public Streets;

b. If not in the City, any state highway located within one-half mile of the property;

c. If in the City, any public school or park located within one-quarter mile of the property. If in the County, any public school located within one mile of the property;

d. If in the Urban Growth Area, the nearest City Limits, and the nearest boundary of the Urban Growth Area;

e. The zoning of the property and any other Zoning Districts located within one-quarter mile (if in the City or within the Urban Growth Area) or within one-half mile (if in the Rural Area).

(2) Additional materials for subdivisions within the Urban Growth Area of a city in the unincorporated portion of the county:

(i) Build Out Plan.

A Build-Out Plan as described in Section 20-804, shall be required with the plat.

a. Lots shall be planned and arranged to allow for the future Subdivision into Urban Streets and Blocks that conform to the development regulations of the city associated with the Urban Growth Area.

b. The buildable area for each Lot shall be defined by Building Envelopes which accommodate the future Block layout and exclude lands which have been identified for protection as Environmentally Sensitive Lands.

c. The Building Envelope for each Lot shall be shown on the plat.

(ii) Future Development Area

a. A minimum of 40% of the total Subdivision shall be designated as Future Development Area. To the extent practical, the Future Development Area should be one contiguous area of land for future planning purposes.

b. The Future Development Area may not be developed until the property has been annexed into the associated city.

c. To the greatest extent possible, protected Environmentally Sensitive Lands should be located within the Future Development Area.

(iii) Conservation of Natural Resources

No matter where located within the boundaries of the Subdivision, Environmentally Sensitive Lands identified in Section 20-810(k), to the greatest extent reasonably practicable, shall be conserved and protected through the recording with the Register of Deeds of either a

Temporary Set Aside Agreement or a permanent Conservation Easement with the provisions noted in Section 20-810(k)(4)(vi)

a. Temporary Set Aside Agreement

1. A Temporary Set Aside Agreement shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources.

2. The Temporary Set Aside Agreement shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official.

3. The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City.

4. Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.

b. Conservation Easement

1. A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810(k), or similar sensitive lands.

2. A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.

3. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.

4. A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

(3) Existing Conditions

The Preliminary Plat shall also show the following existing conditions:

(i) Location of any area designated as Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the regulatory flood.

(ii) Location of any area in the Floodplain Overlay District, location and direction of flow of all water courses; and base flood elevation at water course entrances to and exits from the proposed Subdivision;

(iii) Location of section lines, private or Public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;

(iv) Location of natural features such as unique topographic features, lakes, Stream Corridors, and insofar as can reasonably be shown, natural features to be removed;

(v) Boundaries of Stands of Mature Trees, Jurisdictional Wetlands, historic sites and archaeological sites on the property proposed for Subdivision as identified on the GIS Baseline Environmentally Sensitive Lands Map maintained by the Planning Director;

(vi) Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the Final Plat is recorded;

(vii) Horizontal location and vertical elevation (if available) of existing Sanitary Sewers, storm water sewers, and Culverts within and adjacent to the proposed Subdivision, and the location of existing water mains, underground wiring, pipelines, and gas lines;

(viii) Zoning of all land within and adjacent to the Tract;

(ix) Location, description and elevation of all Benchmarks established or source used for vertical control;

(x) Types of soil, with the soil types generally indicated on the Preliminary Plat or a supplemental sheet; and,

(xi) For a Subdivision that will rely on the use of On-Site Sewage Management Systems, a summary of available information on the subsurface Water Table, including the depth of the Water Table at the highest, lowest and typical locations within the Subdivision.

(4) Proposed Improvements

The Preliminary Plat shall further show the following:

(i) Proposed Streets (including location, width, names, approximate grades), and their relation to Platted Streets or to proposed Streets as shown on any Watershed/Sub-basin Plan, sector or Neighborhood Plan of adjacent property;

(ii) Easements, showing width and general purpose;

(iii) Layout of all new municipal utilities proposed to serve the Subdivision;

(iv) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;

(v) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, Sector or Neighborhood Plan. (Such plan shall be referenced on the face of the Plat);

(vi) Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(vii) Sites proposed by the applicant for land uses not in conformance with adopted comprehensive or Neighborhood Plans accompanied by a note on the face of the Plat stating that approval of the Preliminary Plat does not certify approval of these proposed land uses.

(viii) If requested by Planning Staff, the Building Envelope for proposed Lots.

a. Lots that are not rectangular or that have a single dimension of less than 55 feet shall include the Building Envelope permitted under the current Zoning District regulations. A typical Building Envelope diagram may be provided where the majority of Lots are the same size.

b. A note referring to such Building Envelope shall be included on the face of the Preliminary Plat regarding the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.

(ix) For properties within the Urban Growth Area of a city within the unincorporated portion of the county, the plat shall also show the following:

a. The boundaries of the Future Development Area, and

b. Building envelopes based on the Build Out Plan.

(5) Supplemental Data

The following supplementary data and information shall be submitted with the Preliminary Plat or be included thereon:

(i) A table, shown on the face of the Plat, including this data:

a. Gross acreage of the Subdivision;

b. Acreage within each Zoning District;

c. Acreage to be dedicated for Streets or Roads, if any;

d. Acreage to be dedicated for public uses other than Roads, if any;

e. Total number of building Lots;

f. Maximum, minimum, and average Lot size; and

g. Phasing schedule if proposing phasing of Final Platting.

(ii) A statement on the face of the Plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading saying "Provision and Financing of Roads, Sewer, Water and Other Public Services". At a minimum such statement shall indicate:

a. Whether the Subdivision will have Public Streets and Roads, Private Streets and Roads or a combination thereof;

b. Whether the Subdivision will provide connections to a public water source (naming the source);

c. Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on On-Site Sewage Management Systems or other On-Site wastewater treatment systems;

d. Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of Streets, Roads, water lines and treatment, and/or wastewater lines and treatment; and

e. Whether the provision of improved Roads, water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.

(iii) A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.

(iv) Notation on the face of the Plat that all new telephone, cable television and electrical lines (except high voltage lines) must be located underground when in the City of Lawrence or in Lawrence Urban Growth Area.

(v) Notation on the face of the Plat that the Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed Subdivision.

(6) Stormwater Drainage – City of Lawrence

(i) Supplemental Data

The Preliminary Plat shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the Planning Director or the Planning Commission. The Planning Director or the Planning Commission may request additional data, information and supplemental maps from the applicant regarding storm water drainage, as appropriate.

(ii) Minimum Floor Elevations

On Lots adjacent to all drainage Easements and on drainageways that are designated by the Director of the Municipal Services and Operations or his or her designee, the Preliminary Plat shall indicate:

a. The required minimum habitable floor elevations for structures on Lots; or,

b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed Land Surveyor or Engineer.

c. A note that states: If a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.

(g) Review and Action by the Planning Commission

(1) The Planning Commission shall conduct the review of the application at the meeting at which it is scheduled by the Planning Director, unless the Subdivider requests deferral to a future meeting. The Planning Commission shall determine if the Preliminary Plat conforms to the requirements of the Subdivision Regulations and such determination shall be made within 60 days after the first meeting the Planning Director has placed the submitted Plat on a Planning Commission agenda for action.

(2) If the Planning Commission finds that the proposed Preliminary Plat conforms to all of the criteria set forth in Section 20-809(d) the Planning Commission shall approve the Preliminary Plat.

(3) If the Planning Commission finds that the proposed Preliminary Plat fails in any way to conform to the standards set forth in Section 20-809(d), the Planning Commission shall, by motion, deny approval to the proposed Preliminary Plat and shall state in the motion the reason(s) for that denial.

(4) The Planning Director shall give written notice to the Subdivider of the action of the Planning Commission. If the Preliminary Plat has been disapproved, or conditionally approved, the notice shall specifically state the ways in which the Preliminary Plat fails to conform to these Subdivision Regulations.

(5) If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and Preliminary Plat within 60 days after receipt of the written notice and shall not be required to pay a further fee. In case of a resubmission, the Planning Commission shall consider the resubmitted application at the next meeting occurring at least 21 days after receipt of the complete resubmission by the Subdivider.

(6) If the Planning Commission fails to act on the Preliminary Plat within 60 days of the date of their first meeting occurring after the receipt of a Preliminary Plat on their agenda, the Subdivider may, by letter, apply to the Planning Director for a “Certificate of Deemed Approval”. If the Planning Director finds that a complete application was received at least 60 days before the date of the letter and placed on a Planning Commission agenda, and that no action has been taken by the Planning Commission, the Planning Director shall issue a “Certificate of Deemed Approval” indicating that “this Preliminary Plat shall be deemed approved due to a failure of the Planning Commission to take timely action in accordance with K.S.A. 2016 Supp. 12-752(b).”

(h) Phasing for Final Plats

(1) A Preliminary Plat may, at the option of the applicant, contain a proposed schedule for submitting Final Plat applications in phases. The Planning Commission may approve the proposed phasing plan if it finds that:

(i) The area represented by each proposed phase is of sufficient size to permit the economical installation of Public Improvements;

(ii) All parts of the necessary public and private Improvements Plans to serve the Subdivision will be provided concurrently with the phase which will first be served by those Improvements or part thereof, or with an earlier phase; and

(iii) All perimeter Rights-of-Way shall be dedicated for the entire Preliminary Plat with the first Final Plat phase of the approved Preliminary Plat.

(i) Effects of Approval by the Planning Commission

(1) Approval of the Preliminary Plat by the Planning Commission shall constitute approval of "the Plat" for purposes of K.S.A. 12-752, subject only to the following:

(i) Submission of a Final Plat, in the form and containing all of the information required by Section 20-809(k). The Final Plat shall be in substantial compliance with the Planning Commission's approval of the Preliminary Plat, including satisfying any conditions imposed on that approval; and

(ii) Completion of Street/Roads, Roads and Public Improvements required by the terms of the approval of the Preliminary Plat, or provision of satisfactory Guarantees of Completion of Improvements, in accordance with Section 20-811(h)(2).

(j) Preliminary Plat Expiration

(1) Approval of a Preliminary Plat by the Planning Commission shall expire:

(i) Twenty four months from the date approval was granted, unless a complete application for Final Plat is submitted by that approval date.

(2) Upon application by the Subdivider, the Planning Commission may, if the cause of failure of the Subdivider to submit a Final Plat is beyond the Subdivider's control, grant an extension of the time beyond this period, for a 24 month period for good cause shown. Such request for extension must be submitted to the Planning Director prior to the expiration of the 24 month approval period.

(i) The Planning Director shall place such request, with any recommendation, on the next available Planning Commission agenda based on the adopted submittal schedule.

(ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the Planning Commission. Mailed notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-802(d). On that date, the Planning Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(3) If a Final Plat has not been submitted, approved, and recorded within this 24 month period, or within an extension period, a Preliminary Plat must be resubmitted to the Planning Commission, reviewed and considered by the Planning Commission in accordance with the procedures set forth herein.

(k) Final Plat – Application

The Subdivider may initiate review of the Final Plat at any time after approval of the Preliminary Plat by the Planning Commission, including satisfaction of all conditions of Preliminary Plat approval. The Final Plat shall be processed in accordance with the provisions of Section 20-809(m).

(1) Each application shall be accompanied by:

(i) The applicable filing fee;

(ii) A completed Major Subdivision-Final Plat application form;

(iii) The required number of paper copies and an electronic copy of a complete submission of a Final Plat; and

(iv) All of the materials required by Section 20-809(l), as well as any additional materials required by the application form provided by the Planning Director.

(2) The Final Plat application shall be accompanied by all required fees; however, the fees necessary for recording the Final Plat at the Register of Deeds office may be submitted after approval;

(3) The Final Plat shall be in the format and contain the information required by Section 20-809(l), except that the Subdivider, at the Subdivider's discretion, may delay submission of the final recording and electronic copies of the Final Plat until final action on the Final Plat by the Planning Director and, if applicable, by the Governing Body; and

(4) For Final Plats which represent only a phase of an approved Preliminary Plat and include minor revisions from the approved Preliminary Plat, as reflected in 20-809(m)(2)(i), a revised Preliminary Plat that includes the proposed revisions shall be submitted with the Final Plat application for record keeping purposes.

(5) For properties in the Urban Growth Area of a city in the unincorporated portion of the county, the Final Plat shall show Building Envelopes based on the Build-Out plan, as defined in Section 20-804, to insure buildings are not located within the setbacks or future rights-of-way.

(l) Final Plat Contents

(1) Format

The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches.

(2) Material to be Included

The Final Plat shall show:

(i) Descriptive information, which shall:

a. State the name of the proposed Subdivision;

b. Show date of preparation, north arrow and graphic scale;

c. Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

d. A Replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject Replat is tied to at least one of these corner monuments;

e. Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

f. Easements, showing width and general purpose;

g. Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(ii) In addition, the following information is required which is similarly required on the Preliminary Plat:

a. Location of any area within a Floodplain Overlay District zoning district;

b. Boundaries of significant Stands of Mature Trees, Jurisdictional Wetlands, historic sites and archaeological sites on the property proposed for Subdivision; protected environmentally sensitive lands as shown on the Preliminary Plat.

c. For properties within the City, the environmentally sensitive lands shall be located within a Tract or Easement and the Plat shall contain information regarding Ownership and maintenance of the Tract or Easement as well as the protection measures for the environmentally sensitive lands.

d. For properties within the Urban Growth Area of a city in the unincorporated portion of the county, the following items are also required on the Final Plat:

The Future Development Area, as defined in Section 20-804, shall be shown with a note prohibiting development of this site until the property is annexed into a city.

Building Envelopes based on the Build-Out plan, as defined in Section 20-804, to insure structures are not located within the setbacks or future Rights-of-Way.

Environmentally Sensitive Lands which have been designated for protection including the recording information for the Temporary Set-Aside Agreement or Conservation Easement.

e. For properties within the unincorporated portions of the County, outside the Urban Growth Area, the Plat shall include a Building Envelope which excludes the environmentally sensitive lands and notes the maintenance responsibility and protection measures of the protected lands.

f. Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general development plan of adjacent property; and,

g. Block and Lot numbers and dimensions of Blocks and Lots.

(iii) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets, Easements and areas to be reserved for public

use. Data for all curves shall include radius, arc length, chord length, and central angle;

(iv) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County, the following:

a. The total area of each Lot located in the designated Floodplain;

b. The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 of the City Code or Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.

(v) On Lots adjacent to all drainage Easements and on drainageways that are designated by the Director of the Municipal Services and Operations or his or her designee, the Final Plat shall indicate:

a. The required minimum habitable floor elevations for structures on Lots; or,

b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed Land Surveyor or Engineer.

c. A note that states: If a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.

(vi) For any Lot including or adjacent to a Lot including environmentally sensitive lands as defined in Section 20-810(k) [County Code Section 11-110(k)] designation of a Building Envelope within which a building may be built after compliance with all applicable setback, Floodplain and sensitive land standards;

(vii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: “This survey conforms to the Kansas Minimum Standards for Boundary Surveys”;

(viii) Acknowledged certifications on the face of the Final Plat as listed below (may be combined where appropriate):

a. A certificate signed by all parties having any record, title or interest of record in the land Subdivided, showing their consent to the preparation and recording of the Plat;

b. A certificate, signed by the Owner or Owners, dedicating all Parcels of land which are intended for public use;

(ix) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;

(x) Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;

(xi) As a separate document, a certificate that all taxes and special assessments due and payable have been paid.

a. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County Public Works Director or City's Municipal Services and Operations Director.

(xii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.

(xiii) A line shall be provided on the Plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".

(xiv) A reference line shall be provided on the Plat indicating the book and page where the Master Street Tree Plan is recorded at the Register of Deeds.

(xv) A note shall be placed on the Final Plat designating any Lots Abutting a Half-Street and that take sole Access from that Public Right-of-Way as non-buildable in accordance with Section 20-810(e)(9)(ii).

(xvi) Evidence shall be submitted with the Final Plat providing one or more of the means of ensuring completion of required Public Improvements identified in Section 20-811(h).

(m) **Final Plat – Review and Action by Planning Director**

(1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission and prior to final approval of Public Improvement Plans, the Subdivider shall have prepared for recording a Final Plat, which is consistent with the action of the Planning Commission and with the formatting and content requirements of Section 20-809(l).

(2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-809(l) and in substantial compliance with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the Final Plat and attach to it a formal certification that the submitted Final Plat:

(i) Is in substantial compliance with the Preliminary Plat approved by the Planning Commission. The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:

a. No change.

b. Increase or reduction, less than or equal to ten percent, of the number of approved Lots, Parcels or Tracts shown within the approved phase of the Preliminary Plat.

c. Minor adjustments to Rights-of-Way lines, Easement lines and/or property lines to account for technical changes related to the proposed Public Improvement Plans.

d. Modifications to Easements and Rights-of-Way when the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors is maintained.

(ii) Satisfies any conditions of approval imposed by the Planning Commission;

(iii) Includes the same proposed Dedications subject to minor technical adjustments as described in Section 20-809(m)(2)(i)(a) through (d), above;

(iv) Represents a Plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided as identified in Section 20-811(h); and

(v) Is otherwise consistent with the requirements of this Article for a Final Plat.

(3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.

(4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the proposed Dedications shown on the Preliminary Plat, subject to Section 20-809(m)(2)(i)(a) through (d), the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting following the notice provisions of Section 20-802(d), for further consideration in accordance with the Preliminary Plat review and action provisions of Section 20-809(g).

(5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and substantial compliance with the approved Preliminary Plat shall constitute Planning Commission approval of the Final Plat. No further action by the Planning Commission shall be necessary or required.

(n) Final Plat – Review and Action by Governing Body

(1) A Final Plat that has been approved by the Planning Director shall be submitted to the Governing Body, as applicable, for its consideration of acceptance of the

Dedication of Street/Roads and other public Rights-of-Ways, service, and utility Easements and any land dedicated for public purposes.

(2) The Governing Body shall accept or refuse the Dedication of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the Final Plat's submission to the Clerk of the appropriate Governing Body. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional review and recording fees shall be assessed during that period.

(3) If the Governing Body defers or refuses these Dedications, it shall advise the Planning Director of the reasons thereof.

(4) Failure of the Governing Body of the city or of the county to accept affirmatively a Dedication shown on the Final Plat shall be deemed to be a refusal of the proposed Dedication.

(5) The respective Governing Bodies maintain full legislative discretion to reject any proposed Dedication, regardless of the approval of the Final Plat. If the Governing Body rejects part or all of a proposed Dedication, the Subdivider may amend the Final Plat and resubmit it for consideration by the Planning Director without the rejected Dedication; if the Subdivider takes no action within 60 days of the rejection of any proposed Dedication, it shall constitute failure of a material condition of the approval of the Final Plat and the Final Plat shall be deemed to have been rejected.

(o) Signatures on Final Plat

If the Planning Director has approved and certified the Final Plat in accordance with Section 20-809(m), the Planning Director within 5 working days of receipt of the recordable copies of the Final Plat, shall submit the Final Plat to the Chair of the Planning Commission and to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures. Each of these persons shall, if he or she accepts the certification of the Planning Director, sign the Final Plat, including the "Acceptance of Dedications" certificate; if any of these persons refuse to sign the Final Plat, he or she shall refer the Final Plat to the Planning Commission for consideration at its next meeting in accordance with the requirements of Section 20-809(g), together with a memorandum explaining the reasons why such person refused to sign it.

(p) Processing after Approval of Final Plat

(1) After all signatures have been obtained and all other requirements of this Article have been completed, the Planning Director shall forward the recordable copy of the Final Plat to the Register of Deeds for recording. The recorded version of the Plat shall bear the endorsements provided in Section

20-809(l) including the endorsement by the Governing Body accepting the Dedications.

(2) Upon approval and acceptance of all Final Plats that create new Street/Roads or other Public Improvements, detailed Street/Road and/or utility plans shall be submitted to and approved by either the County Engineer or City Engineer, as applicable, prior to recording of the Final Plat, and these plans shall include the following:

(i) Plan, profile, ditch grades, and cross-sections of all Street/Roads, Alleys and other public ways; and,

(ii) Drainage areas and size and length of cross-Road drainage structures.

(3) Prior to the Final Plat being recorded with the Register of Deeds, a digital version of the Plat shall be submitted to the Planning Director in a format approved by the Planning Director. The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county.

(4) Errors found in closure or internal dimensions shall be corrected prior to recording the Final Plat at the Register of Deeds.

(q) Final Plat Expiration

(1) Approval of a Final Plat by the Planning Director and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed, unless an extension has been granted by the Planning Director for good cause.

(2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

20-810 Subdivision Design Standards

(a) General

(1) Applicability

All Subdivisions shall comply with the Design Standards of this Section and the Public Improvement Standards of Section 20-811.

(2) Design of Lots

(i) Lots shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each Lot in a Subdivision shall also take into consideration Topography (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent Lots.

(ii) Lots for commercial and industrial use shall be of size and arrangement to allow for off-Street/Road parking and loading facilities.

(iii) Double-Frontage and Reverse-Frontage Lots shall be avoided except where they are necessary to provide for the separation of residential development from Collector and Arterial Street/Roads or to overcome challenges of steep Topography and orientation.

(iv) A planting screen Easement of a minimum 20 feet, with or without a berm, shall be provided along the portion of the Lots Abutting such an Arterial Street/Road if required by the Planning Commission.

(v) Corner Lots shall be a minimum of 20% wider than the minimum Lot Width required in the applicable zoning district to allow for appropriate building setbacks and sufficient yard space.

(3) Plans for Resubdivision

(i) Whenever an area is divided into residential Lots with a Lot area of one acre or greater, and there is a possibility that such Lots may eventually be re-subdivided into smaller Lots, consideration shall be given to the Street, and Lot arrangement of the original Subdivision so that additional Streets can be opened later to permit a logical arrangement of smaller Lots.

(ii) Provision of Easements or Right-of-Way for the future opening and extension of such Streets and for gravity sewers and stormwater drainage shall be made a condition of Preliminary Plat approval.

(b) Frontage

All Lots shall have Frontage on a Public Street unless Lot Frontage is approved on a Private Street as part of a Planned Development.

(c) Access

(1) City of Lawrence

For Lots located within the City, Access shall be provided directly from a Street or as follows:

(i) An Alley may provide the primary vehicular Access to one or more Lots in a Subdivision, provided that each such Lot shall have Street Frontage on a Public Street unless designed as part of a Planned Development.

(ii) Alley Access is particularly appropriate where the Street Frontage for the Lot is on a Collector or Arterial Street.

(iii) Residential shared Driveways are permitted when a recorded Access Easement is provided.

(iv) Joint-Use Driveways in Lawrence with a minimum paved width of 24 feet may be approved as part of the Subdivision approval process for non-residential developments (e.g., shopping centers, industrial/business parks), if there is a city approved Easement of record ensuring perpetual Access to the Joint-Use Driveway by all Lots with Frontage and providing for the perpetual Ownership, continuance and maintenance of the Joint-Use Driveway.

(v) Joint-Use Driveways shall not be considered as parking or loading space or as an aisle for Access to individual parking spaces in computing conformance with the parking requirements of the Development Code.

(vi) Joint use Access points may be approved within Lawrence when located wholly within the dedicated Public Street Right-of-Way.

(2) Unincorporated Area of the County

For Lots located within the Unincorporated Areas of the County, Access shall be directly from a Road or as follows:

(i) Joint-Use Drivewaysare not permitted in the Unincorporated Area of the County.

(ii) Shared Driveway Approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the Driveway Approach area and only when individual Driveways are separately maintained beyond the Road Easement or Right-of-Way line.

(iii) Joint use Access points may be approved when located wholly within the dedicated or public Road Easement.

(d) Blocks

(1) General

The lengths, widths, and shapes of Blocks shall be determined with due regard to:

(i) Limitations and opportunities of Topography and other physical features such as utilities, Floodplains, Jurisdictional Wetlands and natural storm drainage patterns;

(ii) Provision of building sites adequate for the uses contemplated;

(iii) Zoning requirements as to Lot sizes and dimensions; and

(iv) Need for convenient Access, circulation, and control of Street traffic for safety.

(2) Length

(i) City of Lawrence

Block length for Local Streets within the City of Lawrence shall not exceed 800 feet in length (centerline to centerline of Streets) unless the Subdivider demonstrates to the satisfaction of the Planning Commission that:

a. There are Pedestrian Ways at intervals of 700 feet or less, replacing the connection that would exist as a Sidewalk along the Street; and

b. The proposed Block must be greater than 800 feet in length because physical conditions preclude a Block length of less than 800 feet. Such conditions may include, but are not be limited to, Topography or the existence of natural resource areas such as Jurisdictional Wetlands, Floodplains, wildlife habitat areas, steep slopes or Woodlands.

(ii) Unincorporated Area of the County [Reserved]

(3) Width

A residential Block shall have sufficient width to allow for two tiers of Lots of appropriate depth unless it adjoins a limited-Access, Collector, or Arterial Street, railroad or other nonresidential use, in which case it may have a single tier of Lots that exceed the minimum Lot area required in the zoning district.

(4) Shape

Blocks may be irregular in shape, provided their design meets the requirements of Lot standards, traffic flow and control considerations and any adopted watershed/ sub-basin plans, Sector or Neighborhood Plan.

(e) Streets

(1) General

(i) Local Streets within the City of Lawrence should be less than 1,320 feet in length.

a. Local Streets exceeding 800 feet in length shall include Traffic Calming Devices, shown in an adopted City of Lawrence Traffic Calming Policy document as maintained by the Municipal Services and Operations Director.

(ii) All Streets within Subdivisions shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, Sector or Neighborhood Plan or, in the absence of such a plan, with all applicable standards of this Article.

(iii) Arterial and Collector Streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares Map or corridor plan.

(iv) Subdivisions shall provide a logical Street layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such Streets.

(v) At time of Preliminary Plat approval, the full Right-of-Way for all boundary line and Full Maintenance Roads under the applicant's Ownership control shall be annexed to the City.

(2) Connections

(i) Street connections shall provide Access to adjoining lands, existing and proposed Streets.

(ii) Every Subdivision shall provide for at least one Street connection to each adjacent Subdivision or future adjacent Subdivision.

a. Any existing or Platted Street that terminates at the boundary line of a proposed Subdivision shall be continued into the proposed Subdivision in such a manner as to provide Street connections to adjoining lands and Streets within the proposed Subdivision or,

b. Local Streets may terminate in a Cul-de-sac if an existing environmental feature dictates the design.

(iii) Streets shall provide connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Map.

(iv) Proposed Subdivisions that have Access to the public Road system via a Single Outlet must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of Lots or residential Dwelling units permitted; total amount of square feet constructed; or the type of construction allowed.

(v) Residential Collector Streets shall provide connections to nonresidential uses within the neighborhood and shall not typically intersect with Arterial Streets.

a. Bicycle & pedestrian facilities are strongly recommended for Residential Collectors.

b. Various traffic-calming treatments may be used to reduce travel speeds.

c. Residential Collector Streets with adjacent residential land uses should, in most cases, be limited to two lanes.

d. Residential Collector Streets that connect neighborhoods to shopping areas shall be designed to have indirect connections to Arterial Streets.

(vi) Streets longer than one Lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary Turn-around.

(3) Intersecting Streets

(i) Local Streets generally should not intersect Arterial Streets. The Planning Commission, with the City Engineer's recommendation, may approve a new connection of a Local Street to an Arterial Street:

a. Where it finds that such connection is part of the best traffic solution for the new Subdivision; and

b. Where the Subdivider will add turn lanes or other Improvements recommended by the City Engineer to the Arterial Street to minimize the impact of the connection on the functioning of the Arterial Street.

(ii) Local Streets intersecting opposite sides of another Local or Collector Street when offset shall be offset 300 feet or more.

(iii) Streets shall intersect as nearly as possible at right angles.

(iv) Not more than two Streets shall intersect at any one point.

(4) Requirements When Access Barriers Exist

Wherever a proposed Subdivision contains or is adjacent to a Marginal Access Street or Road; an Arterial Street or a railroad Right-of-Way; the Planning Commission, as part of the Preliminary Plat approval, shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the Marginal Access, Arterial, or railroad Right-of-Way:

(i) Dedication of a Local Street or Road to provide ingress and egress to and from such Blocks or Lots;

(ii) A Street or Road approximately parallel to and on each side (where applicable) of such Marginal Access Street or Road, Arterial Street or railroad Right-of-Way at a distance suitable for the appropriate use of the land between such Streets or Roads;

(iii) Reverse Frontage Lots with Access Control provisions along the rear property line; or

(iv) Adequate distance between such parallel Streets or Roads and the Arterial, Marginal Access Street or Road, or railroad so as to provide for proper approach grades and future grade separation.

(5) Cross-Sections

(i) City of Lawrence

All Platted Subdivisions lying within the City of Lawrence shall comply with the following cross-section standards:

Street Type	Right-of-Way Min. Width (feet)
Principal Arterial	150
Minor Arterial (3 lane)	100
Collector	80
Residential Collector	60
Local	60
Limited Local	50
Cul-de-sac	60
Marginal Access (Frontage Road)	60

a. Pavement width constructed according to City standards.
b. Additional r-o-w may be necessary at Intersections.
c. Paved bulb with 50' radius is required/60' minimum r-o-w radii required.

(ii) Unincorporated Area of the County

All residential developments and nonresidential Subdivisions within the Unincorporated Area shall comply with the following minimum cross-section standards:

Street Type	Right-of-Way Min. Width (feet)
Principal Arterial (w/ median)	150
Principal Arterial (w/o median)	120
Minor Arterial	100
Major Collector	80
Minor Collector	70
Local	70

a. Right-of-Way shall be sufficient to include top of ditch back slopes; may be variable
b. Road design shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.

(6) Grades

The finished grade for all Streets and Roads shall be at or above the base flood elevation. The grades of Streets and Roads shall comply with the following standards:

Street Type	Maximum Grade (%)	Minimum Grade (%)
Arterials (Principal and Minor):		
City or Urban Growth Area	5	1.0
Rural Area	5	1.0
Collector (Major or Minor)	8	1.0
Marginal Access	10	1.0
Local	10	1.0

(i) The City or County Engineer, as applicable, shall be authorized to approve minor deviations for short distances from these grade standards when it is determined that compliance with these standards is impracticable.

(ii) Within the City of Lawrence, maximum grade of Streets serving industrial areas shall be 5% regardless of Street classification.

(7) Radii of Curvature

The minimum radius of curvature of the centerline of Arterial and Collector Street shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.

(8) Cul-de-sacs

(i) Cul-de-sac lengths shall not exceed 10 times the required minimum Lot Width of the base zoning district or 1,000 feet (1,320 feet in Unincorporated Area), whichever is less.

a. A Cul-de-sac's length shall be measured from the center point of the Cul-de-sac bulb or Turn-around to the centerline of the Right-of-Way of the nearest intersecting through Street.

(ii) Maximum Cul-de-sac length may be increased by up to 25% above the maximum allowed by Section 20-810(e)(8)(i) during the Preliminary Plat approval process if the Planning Commission determines that the proposal meets all of the following criteria:

a. It is impracticable to connect the Street to another Street or to provide a looped Street or other means of Access that would avoid the Cul-de-sac or allow the Cul-de-sac to meet the length limit because:

1. The area is separated from other parts of the Subdivision or a possible Street connection by Floodplains, Jurisdictional Wetlands, or steep slopes greater than 10% or other natural resource areas; and

2. Other properties adjoining the area have already been Subdivided or developed in a manner that precludes connecting the Cul-de-sac to an existing or proposed Street.

b. Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the Cul-de-sac length limit of Section 20-810(e)(8) and realization of at least 75% of the maximum Lot density allowed by the site's base zoning; and

c. The degree of increase in allowable Cul-de-sac length is the minimum necessary to allow the above findings.

d. The Subdivider bears the burden of demonstrating that all criteria have been met.

(iii) In Subdivisions with Cul-de-sacs, Easements may be required to ensure that the water supply system is looped.

(iv) If a Cul-de-sac is longer than 600 feet, the Subdivision shall include Pedestrian Easements at the terminus of the Cul-de-sac to provide pedestrian connections to and from the Cul-de-sac, in accordance with 20-810(h)(4)(iii).

(9) Half-Streets

(i) Whenever Right-of-Way for one-half of a Street has been dedicated to bring that Street to then-current standards, regardless of whether that half of the Street has been improved, and a Subdivision of land adjoining the other half of the Street is proposed, the remainder of the Right-of-Way shall be dedicated and improved by the Subdivider.

(ii) No building permits shall be issued for Lots with Access only to a Half-Street until the entire remainder of the Street Right-of-Way between the two nearest intersecting Streets and passing in front of the subject Lot(s) is dedicated and improved.

(10) Private Streets and Roads

(i) Unincorporated Area of the County

a. Private Roads are prohibited in the Unincorporated Area of Douglas County, except for those that were approved prior to December 15, 1998.

b. Before Douglas County will consider a request to assume maintenance of any existing Private Road, by Dedication or otherwise, the Road must be brought into compliance with all applicable Road and Right-of-Way standards.

(ii) City of Lawrence

a. New Private Streets in the City are permitted only in Planned Developments approved by the Planning Commission and City Commission.

b. Private Streets shall be built to City Street construction standards and maintained by the Landowner.

(11) Alleys

(i) Alleys shall be provided in commercial and industrial districts, except that the Planning Director may waive this requirement where other definite or assured provisions are made for service Access, off-Street loading and unloading and parking spaces consistent with and adequate for the uses proposed.

(ii) Alleys shall have a minimum unobstructed Right-of-Way width of 20 feet.

(iii) Alleys shall comply with the construction standards of the city and/or county, as determined by the City or County Engineer.

(iv) Intersecting Alleys shall be prohibited except when no feasible alternative exists. When Alley Intersections are unavoidable, a turning radius shall be provided to permit safe vehicular movement.

(v) Alleys that serve dock areas shall be designed with adequate Turn-around facilities.

(f) Street and Road Names and Lot and Block Numbering

(1) City of Lawrence

(i) Street names shall be proposed by the Subdivider, reviewed by the Municipal Services and Operations Director, and approved by the City Commission. The approval of Street names shall be within the legislative discretion of City Commission, subject to the following standards:

a. Compass directions shall not be used as part of Street names;

b. The identifiers “Court and “Circle” shall be used as follows:

1. A Court identifies a Dead-End or Cul-de-sac; and
2. A Circle identifies a Street where both ends terminate at the same Roadway.

c. Streets that run in an east – west direction shall be named as numbered Streets;

(ii) Existing Street names shall be used where the Street to be named is, or would be, a logical extension of an existing Street even though separated by undeveloped land, natural physical barriers or man-made obstructions; and

(iii) Where a proposed Street is shown on an adopted Major Thoroughfares Map and such map indicates a name for that Street, that name shall be used.

(2) Unincorporated Area of the County

Road names in the unincorporated County shall be named in accordance with the E911 Emergency Management System.

(g) Lot and Block Numbering

Lot numbers shall be assigned by starting in the northeast corner of each Block and proceeding in a counterclockwise direction. When a Street or Road separates a group of Lots, a new Block shall be identified, and the Lots within the new Block shall be numbered as herein specified.

(h) Easements

(1) Permanent Utility Easements

Permanent utility Easements shall be provided where necessary to accommodate utilities that will serve the Subdivision. Permanent utility Easements shall be provided where necessary to allow for utility service in and through the proposed Subdivision. Where such an Easement is necessary, it shall be centered on rear or side Lot Lines, as applicable, and shall be at least 30 feet and 15 feet wide respectively, except that Easements for Street lighting purposes only need not exceed 10 feet in width.

(2) Temporary Utility Easements

Temporary utility Easements shall be provided where necessary to accommodate the installation of utilities that will serve the Subdivision. Temporary utility Easements shall be centered on rear or side Lot Lines and shall be at least 30 feet and 25 feet wide respectively. The temporary utility Easement shall expire after the initial installation of the required utilities. After the expiration of a temporary utility Easement, the permanent utility Easement will govern.

(3) Drainage Easements

Drainage Easements for water courses, drainage Swales or streams which traverse a Subdivision may be required. Drainage Easements shall be exclusively for that use and separate from the Dedication of other utility Easements. Upon the request of the Planning Director, the City or County Engineer, as applicable, shall make recommendation to the Planning Commission regarding the desired width of the Drainage Easement. Such study and report shall be based on the 100-year flood depth (if known), or the regulatory flood elevation when provided by the Federal Insurance Administration.

(4) Pedestrian Easements

(i) Pedestrian Easements shall be required when Block lengths for Local Streets exceed 800 feet in length. Such Easements shall extend entirely across the width of the Block at approximately the midpoint of the Block.

(ii) Additional Pedestrian Easements should be required within the City and Urban Growth Area to provide pedestrian connections from a Subdivision to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent Subdivisions or neighborhoods, including a pedestrian connection at the terminus of each Cul-de-sac.

(iii) Easements for Pedestrian Ways shall have a minimum width of 12 feet.

(iv) The Planning Commission may waive this requirement where, due to Topography or physical barriers, the Pedestrian Easement would not form a logical part of the larger pedestrian circulation system through the approval of the Preliminary Plat.

(i) Parks, Open Space Schools and Other Public Facilities

The Planning Commission shall encourage the donation, reservation, or Dedication of sites for parks, open space, schools and other public facilities in accordance with the Lawrence Parks and Recreation Comprehensive Master Plan.

(j) Land In Floodplain Overlay Districts

Land within a Floodplain Overlay District shall be subject to the Flood Protection Standards of Article 12, Chapter 20, City Code and to the Flood Protection Standards of Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.

(k) Protection of Environmentally Sensitive Lands

(1) Definition of Environmentally Sensitive Lands

Certificates of Survey land divisions and Platted Subdivisions shall be designed to protect environmentally sensitive lands which contain natural resources and environmentally sensitive areas. Environmentally sensitive lands are listed below in a priority order for protection:

(i) Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(ii) Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(iii) Jurisdictional Wetlands, as determined by the Army Corps of Engineers;

(iv) Stream Corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(v) Native Prairie and Restored Prairie which have been voluntarily listed for protection;

(vi) Prime Farmland as defined by the Natural Resource Conservation Service

(vii) Stands of Mature Trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map with priority to Heritage Woodlands (old growth forests); and

(viii) Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.

(2) Determination of environmentally sensitive lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

(i) FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;

(ii) US Fish and Wildlife Service National Wetland Inventory Maps;

(iii) GIS Baseline Environmentally Sensitive Lands Map;

(iv) Kansas State Historical Society Archeological and Historic Resources Inventory; and

(v) Douglas County Heritage Conservation Council Resources Inventory; and

(vi) Other resources which may be appropriate.

(3) Protection Standards for Environmentally Sensitive Lands – City of Lawrence

(i) Section 20-1101(d)(2)(i) of the Land Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area of residentially zoned property.

(ii) Section 20-1101(d)(2(ii)(b) requires that when Platting, environmentally sensitive lands to be protected shall be placed within Tracts or Easements and information regarding Ownership and maintenance responsibility of the Tract or Easement, as well as protection measures, shall be included on the Preliminary and Final Plat.

(iii) Section 20-1101(e) contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.

(iv) Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all Subdivision applications for properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).

(4) Protection Standards for Environmentally Sensitive Lands – Unincorporated Area of the County

(i) Per Sections 20-804(c)(3) [County Code Sections 11-104(c)(3)], Certificates of Survey land divisions within the UGA shall protect environmentally sensitive lands through the filing of a Temporary Set Aside Agreement or a permanent Conservation Easement with the Register of Deeds.

(ii) Per Section 20-806(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] Certificates of Survey outside the UGA for properties which contain environmentally sensitive lands shall designate Building Envelopes which exclude the protected environmentally sensitive lands.

(iii) All Plats which include environmentally sensitive lands shall protect them through one of the following methods:

a. The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.

b. Placement of the environmentally sensitive lands within Tracts or Easements. Information regarding Ownership and maintenance responsibility of the Tract or Easement, as well as protection measures shall be included on the Preliminary and Final Plat.

(iv) Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40%

of the site included in the Certificate of Survey and 20% of the total site for Platted properties.

(l) Soils and Soil Testing – City of Lawrence

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test shall be obtained to verify sub-surface soil characteristics for rocky or unstable soil types, when requested by the City Engineer, for areas proposed to be dedicated for City of Lawrence public Rights-of-Way and public Easements.

(m) Soils and Soil Testing – Unincorporated Area of the County

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test holes shall be conducted in accordance with the Douglas County Sanitary Code.

20-811 Public Improvements Standards

(a) General Public Improvement Construction Standards

(1) Standards

All Public Improvements, including but not limited to water, sanitary sewer, Streets, curbs, gutters, storm sewers and storm drainage, roundabouts, pedestrian facilities, Traffic Calming Devices or traffic control devices shall comply with the construction standards established by the City Engineer or County Engineer, as applicable. Such standards are incorporated herein by reference.

(2) Administration and Fees

(i) Compliance with the items listed in Section 20-811(a)(1) and use of appropriate construction methods shall be determined by the County or City Engineer, as applicable.

(ii) A permit shall be issued by the County or City Engineer, as applicable for the construction of a future Public Improvement prior to commencement of any work activity associated with the improvement.

(iii) A fee in an amount determined by resolution of the Governing Body shall be charged for the permit.

(3) Pre-Pinning in the Unincorporated Area of the County

In the Unincorporated Area of Douglas County, at or before the time of construction of Public Improvements, sufficient grade and alignment stakes shall be set by a licensed Land Surveyor, engaged by the Subdivider to assure compliance with plan, profile and drainage of Streets and such other Public Improvements as are proposed and submitted with the Final Plat and approved by the County Engineer.

(i) Compliance with the items listed above and use of appropriate construction methods shall be determined by the County Engineer.

(ii) A permit shall be issued by the County Engineer for the construction of a future Public Improvement prior to commencement of any work activity associated with the improvement.

(iii) A fee in an amount set by Resolution of the County Commission shall be charged for the permit.

(iv) This sub-section shall apply only to Subdivisions in which the complete Lot pinning required by Section 20-811(k) has not been completed at the time that the first Public Improvements are installed.

(b) Streets or Roads

(1) City of Lawrence

Subdivision Streets located within the incorporated city limits shall be constructed to comply with standards adopted by the City of Lawrence.

(2) Urban Growth Areas

Subdivision Streets and Roads located within the Urban Growth Areas shall be constructed to the Street and Road standards of the City that established the Urban Growth Area.

(3) Rural Area

Subdivision Roads located within the Rural Area shall be constructed to the higher of the following standards:

(i) Road standards adopted by the Township(s) in which the Road is located;

(ii) Standards for the Road classification specified on Exhibit 9-506 of the County's Access Management Regulations, Chapter IX of the County Code.

(iii) Other adopted County standards applicable to a Road of the classification and/or location of the proposed Road; or

(iv) At a minimum, adopted Douglas County Rock Roadway Standard.

(c) Sidewalks and Pedestrian Ways

(1) City of Lawrence and Urban Growth Areas

Sidewalks and Pedestrian Ways shall be provided in the City of Lawrence in accordance with the standards of this sub-section:

(i) Public Sidewalks shall be installed on both sides of all Streets, as follows:

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' Sidewalk on the other side

(ii) Sidewalks shall be constructed in accordance with standards and specifications adopted by the applicable Governing Body.

(iii) Variances

a. The applicant for a Subdivision may request a Variance for the requirement to construct part of or all of the Sidewalks in the Subdivision as part of the Preliminary Plat review in accordance with the Variance procedures outlined in Section 20-813(g).

b. If the Planning Commission takes no specific action on a proposed Variance for part or all of a Sidewalk requirement, the Variance shall be deemed to be denied. In reviewing Variance requests from the standard Sidewalk width, special consideration shall be given to walks adjacent to Collector or Arterial Streets located in historic districts and areas with severe site Topography which would make it impractical or difficult to build a Sidewalk in accordance with the above standards.

(iv) Sidewalks required to be constructed within the same Right-of-Way as the Street being paved shall be constructed concurrently with the paving of the adjacent Roadway or with the first phase of development of a multiple-lot Subdivision, adjacent to any improved Street.

(v) Pedestrian Ways

a. Where an approved Preliminary Plat shows a Pedestrian Way other than a Sidewalk, an improved Pedestrian Way not less than five feet wide in the Easement space dedicated for that purpose shall be provided by the Subdivider.

b. Pedestrian Way Easements shall be improved in accordance with adopted City construction standards for Sidewalks and shall conform to all accessibility requirements of the Americans with Disabilities Act.

c. Completion of such Improvements shall be guaranteed in accordance with Section 20-811(h)(2) or subject to site plan review or non-residential development standards.

d. The responsibility for paving the Pedestrian Way shall be the Developer's, and these Pedestrian Ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the Planning Director in acting on the Final Plat.

e. The responsibility for maintenance of the Pedestrian Way shall be that of adjacent property Owners or the Home Owners Association for the Subdivision.

(vi) Public Improvement Petitions shall include the construction of Sidewalks or Pedestrian Ways, except where the Planning Commission has specifically waived the installation as provided in Section 20-811(c)(1)(iii) above. The total cost of all Sidewalks or Pedestrian Way Improvements shall be borne by the property benefited in the improvement district.

(2) Urban Growth Areas

An Agreement Not to Protest the Formation of a Future Benefit District for the construction of Sidewalks may be required as a condition of approval for Platted Subdivisions in the Urban Growth Areas in accordance with the standards of Section 20-811(c)(1) for the Lawrence UGA or the standards of the applicable city's UGA.

(3) Rural Area

The Planning Commission may recommend and the Board of County Commissioners shall be authorized to require Sidewalks in other Major Subdivisions when deemed necessary to provide for safe pedestrian connections to nearby schools, parks, shopping, employment or other uses or activities.

(d) Wastewater Disposal Systems

(1) City of Lawrence and Urban Growth Areas

(i) The approval of any Subdivision requiring connection to the City of Lawrence wastewater system is contingent upon the availability and adequacy of the City to provide wastewater services to the area being Subdivided.

a. It is the applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for wastewater services, including submission of a Downstream Sanitary Sewer Study in accordance with Administrative Policy No. 76.

b. Failure to conform to these provisions warrant denial of the Subdivision Plat.

(ii) On-Site Sewage Management Systems are prohibited on any land which is Platted under these regulations and is located in the City of Lawrence or in Service Area 1 of the Urban Growth Area of Lawrence.

(2) Urban Growth Area and Rural Area

(i) On-Site Sewage Management Systems may be permitted in Subdivisions in Service Areas 2-4 of Lawrence's Urban Growth Area, other City's Urban Growth Areas, or in Subdivisions in the Rural Area, subject to the following minimum Lot area standards:

a. For Lots that use well water as the primary Potable Water source, the minimum Lot area for an On-Site Sewage Management System is 5 acres. Any land located within the Floodplain shall not be counted in calculating Lot area for the purpose of meeting minimum Lot area requirements for On-Site Sewage Management System use;

b. For all other Lots, the minimum Lot area requirement for an On-Site Sewage Management System is 3 acres. Any land located within the Floodplain shall not be counted in calculating Lot area for the purpose of meeting minimum Lot area requirements On-Site Sewage Management System;

c. No portion of an On-Site Sewage Management System shall be located within the FEMA designated Floodplain; and,

d. Calculation shall not include land dedicated for Rights-of-Way or exclusive Easements.

(ii) Community Sewage collection and treatment facilities (including lagoons) may be provided for Subdivided or newly created Lots in the Urban Growth Areas or for any other newly created Lots not suitable for an On-Site Sewage Management System.

a. Such systems shall be subject to approval by the Kansas Department of Health and Environment and shall be designed to allow for future connection to a public sewer system.

b. Maintenance of such facilities shall be provided by a Home or Property Owners Association, benefit district (if then permitted under Kansas law), or other appropriate entity. Evidence shall be submitted at the time of Subdivision approval showing the establishment of such an entity to be responsible for maintenance and management of the system.

(iii) In situations in which an On-Site Sewage Management System has been proposed, no Subdivision shall receive final approval until the Subdivider has presented evidence that the On-Site Sewage Management System, as a method of Sewage disposal for the Subdivision, has been approved by the Director of the Lawrence-Douglas County Health Department.

(3) On-Site Sewage Management Systems shall be constructed in accordance with the Douglas County Sanitary Code, Resolution 09-44, as amended.

(e) **Water Supply**

(1) City of Lawrence and Urban Growth Areas

(i) The approval of any Subdivision requiring connection to the City of Lawrence municipal water system is contingent upon the availability and adequacy of the City to provide water services to the area being Subdivided.

a. It is the applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for water services in accordance with Administrative Policy No. 52.

b. Failure to conform to these provisions warrant denial of the Subdivision Plat.

(ii) Before approval of a Final Plat within Lawrence's Urban Growth Area that will not be served by the City of Lawrence utilities, the Subdivider shall provide written documentation to the Lawrence-Douglas County Health Department Director and the Lawrence-Douglas County Metropolitan Planning Director that Publicly Treated Water, delivered through a water meter is available to and will be provided for all Lots.

(iii) Before approval of a Final Plat for land located within the City of Lawrence or Lawrence's Urban Growth Area, the Subdivider must sign an agreement to connect to a municipal water system when public water lines are within 1,000 feet of any planned development on the property and such connection is feasible.

(2) Urban Growth Area and Rural Area

(i) In the Unincorporated County, Subdividers are required to consult with the applicable Fire Department and Rural Water District to determine if the provision of fire hydrants as part of the Public Water Supply system is feasible.

(ii) Where determined by the Fire Department and Rural Water District to be feasible, fire hydrants must be provided.

(iii) Where existing water pressure is insufficient for fire hydrants as part of the Public Water Supply, or where there is no Publicly Treated Water supply, the Subdivider must install dry hydrants adjacent to a pond or other water storage device with sufficient capacity, and in an appropriate location, to support firefighting needs as determined by the applicable Fire Department.

(f) Telephone, Cable Television Electrical Lines

(1) Telephone, cable television and electrical lines must be located underground when located in the City of Lawrence or Subdivisions in Lawrence's Urban Growth Area. This provision shall not apply to high voltage electrical lines.

(2) The Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed Subdivision.

(g) Street Trees

All Subdivisions within the City of Lawrence or Lawrence's Urban Growth Area shall be required to provide a Master Street Tree Plan that meets the standards of this sub-section.

(1) Minimum Tree Requirements

Street trees shall consist of canopy shade and/or ornamental trees, as defined below and meeting the following minimum requirements:

(i) Size

Medium or large trees, as defined by Section 18-103(e) of the Code of the City of Lawrence, Kansas, and amendments thereto, which can reach a mature height of 45 feet or greater are required except that ornamental trees planted pursuant to Section 20-811(g)(2)(iv) are not subject to the 45 feet height requirement. The minimum trunk Caliper of Street trees, at the time of planting, measured six inches above the ground in accordance with the American Nurseryman Standards shall be as follows:

Street Tree Type	Minimum Trunk Caliper (inches)	Mature Height (feet)
Canopy Shade	2 (ball and burlap or equivalent)	At least 45
Ornamental	2 (ball and burlap or equivalent)	No more than 20

(ii) Number

One tree shall be provided for every 40 feet of Street Frontage. The Planning Director may approve a Master Street Tree Plan that varies from this requirement to allow for Driveways, utilities, and Intersection visibility requirements.

(iii) Minimum Species Diversity

The following minimum requirements shall apply to all Master Street Tree Plans. To prevent uniform insect or disease susceptibility, a mix of species shall be provided. The City Parks and Recreation Director shall, upon request, provide a list of trees that are acceptable to satisfy

the requirements for Master Street Tree Plans. To promote diversity in the Urban forest, the number of trees required to be planted shall be in accordance with the following requirements:

Number of Trees per Plat	Minimum Number of Species
1–10	1
11–20	2
21–30	3
31–40	4
41+	6

(2) Planting Location and Spacing

(i) Location in RS and RM12D Zoning Districts

a. Street trees shall be located in the front yard, building setback and/or adjacent to the Right-of-Way at a distance not greater than 10 feet from the boundary line of the Right-of-Way; where practical.

b. Street trees shall be planted after planned utilities have been installed.

c. Trees shall be planted no closer than 8 feet from existing underground utility lines, where practical and approved by the Planning Director.

d. On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets.

e. No tree shall be planted between the curb and the Sidewalk if the clear space is less than 3 feet wide.

(ii) Location in all Other Zoning Districts

a. Street trees shall be located either within the Street Right-of-Way or within the required front yard building setback, PROVIDED,

b. No tree is located farther than 30 feet from the back of the curb, with the exception of Lots on the radius of a Cul-de-sac which shall be located not greater than 45 feet from the back of the curb, where practical.

c. Street trees shall be planted after planned utilities have been installed.

d. Trees shall be planted no closer than 8 feet from existing utility lines, where practical and approved by the Planning Director.

e. On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets.

f. No tree shall be planted between the curb and the Sidewalk if the clear space is less than 3 feet wide.

(iii) Spacing

a. Street trees shall be evenly spaced along the Street Frontage.

b. As alternative, Street trees may be clustered, if based on Planning Director evaluation, conditions exist which dictate building location and Driveway placement which interrupts the even spacing of Street trees. Such conditions include:

1. The Lot is on a corner;
2. The presence of existing trees, which qualify for credit under Section 20-811(g)(5);and/or
3. Topographic conditions (i.e. steep gradient, rock outcroppings).

(iv) Overhead Lines and Fixtures

If the planting site will prevent the growth of canopy shade trees due to overhead utility lines, ornamental trees shall be permitted as a substitution for the canopy shade trees in accordance with the Location and Spacing requirements of this Section and shall be subject to the following requirements:

a. The canopy of the ornamental tree(s) shall be no closer than 10 feet from the overhead lines and its mature height shall not exceed 20 feet; and

b. The ornamental tree(s) shall be planted at least 15 feet away from any Street light.

(v) Cul-de-sac Lots

Lots on Cul-de-sacs that have a Street Frontage of 45’ or less shall be required to provide only one Street tree per Lot.

(3) Master Street Tree Plan

(i) A proposed written and graphic Master Street Tree Plan shall be submitted at the time a Final Plat is submitted to the Planning Department for review.

(ii) Prior to recording the Final Plat with the Register of Deeds, the applicant shall provide a Master Street Tree Plan that is signed and properly acknowledged by the property Owner(s). The Master Street Tree Plan shall be written to be binding on present and future property Owners. A reference line shall be provided on the Final Plat indicating the book and page where the Master Street Tree Plan is filed which shall be completed at the time the Final Plat is recorded at the Register of Deeds.

(iii) The Master Street Tree Plan shall be prepared in a format established by the Planning Director and shall include the following information:

a. A list of acceptable Street tree types;

b. The number of trees to be provided for each Lot;

c. The number, location and size of existing trees proposed to be saved and applied to the fulfillment of this requirement;

d. The provisions to be taken pursuant to Section 18-107 of the Code of the City of Lawrence, Kansas during construction for the protection of existing trees to be saved (if any);

e. If trees are proposed in Street medians, provisions for maintenance (including how water line extensions will be paid); and

f. The identification of power line locations.

(4) Provision of Right of Entry

(i) Each Final Plat for detached or attached single Dwelling residential structures to be built on individual Platted Lots in a City residential Subdivision in RS and RM12D zoning districts shall contain the following note on the face of the Final Plat: "The City is hereby granted a temporary right of entry to plant the required Street trees pursuant to Section 20-811(g) of the City Subdivision Regulations."

(ii) For Final Plats filed before January 1, 2002, for detached or attached single Dwelling residential structures to be built on individual Platted Lots in a City residential Subdivision in RS and RM12D zoning districts, the property Owner of undeveloped Lots for which a city building permit has not been issued shall sign a consent form and submit it with the building permit application granting the City of Lawrence temporary right of entry to plant the required Street trees pursuant Section 20-811(g) of the City Subdivision Regulations.

(5) Credits for Existing Trees

Existing trees may be applied toward the fulfillment of this Street tree requirement when:

(i) All of the following conditions exist:

a. The tree is healthy and of a species the Director of the Parks and Recreation Department or his/her designee determines to be desirable as a Street tree;

b. The existing tree is within the Street Right-of-Way or within 30 feet of the back of the curb or proposed curb line;

c. The tree(s) Caliper of a canopy shade tree is at least four inches measured six inches from the ground, or in the case of an ornamental tree, the tree Caliper is at least two inches, measured six inches from the ground, in accordance with the American Nurseryman Standards;

d. The applicant has submitted a tree protection plan that conforms with the requirements of Section 18-107 of the Code of the City of Lawrence, Kansas, and amendments thereto, and

e. The existing or proposed location of overhead utility lines along the Street Right(s)-of-Way will not prevent the full growth of the Street tree.

(6) Timing of Landscape Placement

(i) The timing of, and manner in which the Street trees shall be planted for detached or attached single Dwelling residential structures to be built on individual Platted Lots in city residential Subdivisions in RS and RM12D Zoning Districts shall be in accordance with City Administrative Policy No. 83.

(ii) For all other required Street trees not covered by (i) above, and/or developments requiring a site plan or development plan:

a. Trees shall be installed, after other Public Improvements, if water is available for their care and maintenance. The property Owner or his designee shall be required to guarantee planting of the tree at the time a building permit application is submitted.

b. Street trees shall be planted prior to final building inspection or the issuance of an occupancy permit. Consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of tree planting PROVIDED, the guarantee for planting is extended to the date of completion of tree planting.

c. Guarantee shall be provided in the following form:

1. A cash escrow deposit in a financial institution authorized to do business in Kansas in an amount set forth in the City of Lawrence Administrative Policy No. 83. This escrow deposit shall be invested and reinvested by such bank or savings and loan, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as determined by Section 20-811(i). Money will be withdrawn to pay the Developer or a designated nursery after the installation of said trees and prior to the issuance of a final certificate of inspection; or
2. The appropriate Governing Body, at its discretion, may accept an irrevocable letter of credit from a financial institution or a corporate surety performance bond in lieu of a cash escrow deposit to insure the planting of the required Street trees.

(7) Continuing Maintenance

(i) Continuing maintenance of trees planted by the City shall be in accordance with the maintenance provisions set forth in City of Lawrence Administrative Policy No. 83.

(ii) For all other required Street trees not covered by Section 20-811(g) and/or developments requiring a site plan or development plan, the on-going maintenance of trees, once planted, shall be the responsibility of the property Owner adjacent to the public Right-of-Way or Private Street. If a Street tree dies or fails to be planted within one calendar year of issuance of an occupancy permit, the City shall notify the property Owner of the need to plant or replace the tree(s) as applicable. Should the property Owner fail to plant or replace the tree within 30 days of notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property Owner.

(h) Completion of Public Improvements

Before a Final Plat or Minor Subdivision/Replat may be recorded, the Subdivider shall:

(1) Provide written certification from the City or County Engineer, as applicable, that all required Public Improvements in that portion of a Subdivision authorized for development have been completed in accordance with applicable Design and Public Improvement Standards of this Article; or

(2) Provide for one or more of the following means of ensuring completion of required Public Improvements:

(i) A Public Improvement Petition for construction and installation of all or a portion of the required Public Improvements.

(ii) A cash escrow deposit in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate Governing Body of the construction and installation of the uncompleted portion of the required Public Improvements in accordance with applicable improvement standards;

(iii) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the appropriate Governing Body, in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate Governing Body of the construction and installation of required Public Improvements in accordance with applicable improvement standards; or

(iv) Approval subject to conditions:

a. The Planning Director may approve the Final Plat subject to the condition that it not be recorded until the City Engineer or County Engineer, as applicable, has determined that all required Public Improvements have been completed in accordance with the standards of this Article and related design standards of the applicable local government.

b. If the required Improvements are not timely completed, the City Engineer or County Engineer with the Planning Director may submit the Final Plat to the appropriate Governing Body for further consideration; after giving the Subdivider an opportunity to be heard, the appropriate Governing Body may:

c. Authorize the Planning Director to rescind the approval of the Plat, require additional assurance for completion of the Public Improvements,

d. Authorize the recording of the Final Plat without further Improvements, or

e. Extend the timeline for completion of the Public Improvements.

(v) The appropriate Governing Body may, at its discretion, determine which of such methods for ensuring completion of required Public Improvements shall be required.

(i) Escrow Deposit

(1) The amount of the cash escrow deposit determined in accordance with Section 20-811(h)(2)(ii) shall be deposited by the appropriate Governing Body in a special escrow account in the commercial bank in which the funds of such appropriate Governing Body are then deposited.

(2) This escrow deposit shall be invested and reinvested by such bank in short-term government securities, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as hereinafter provided.

(3) Upon written certification from the City or County Engineer, as applicable, that the required Improvements have been 30% completed, the appropriate Governing Body shall release 30% of such escrow deposit to the Subdivider.

(4) Upon a like certification that the required Public Improvements have been 50% and thereafter, 75% completed, the appropriate Governing Body shall release 20% and 25% respectively, of the original escrow deposit to the Subdivider.

(5) Upon written certification from the appropriate Engineer that the required Public Improvements have been completed in accordance with applicable improvement standards, the balance of such escrow deposit, together with all earnings accrued thereon, shall be released to the Subdivider.

(j) Irrevocable Letter of Credit

(1) The amount of an irrevocable letter of credit determined in accordance with Section 20-811(h)(2)(iii) shall be submitted by the Subdivider to the City or County Engineer, County Public Works Director or City Municipal Services and Operations Director, or other designated representative.

(2) By the 10th of each month, the City or County Engineer or other designated representative shall certify to an Agent of the financial institution, estimates of the amount of work completed by the contractor.

(3) The financial institution may submit a new letter of credit, which would reflect the balance of work remaining to be completed as determined by the City or County Engineer to replace the previous letter of credit.

(4) Ten percent of the total project cost shall be retained until the City Engineer or County Engineer, whichever is appropriate, has accepted all of the Public Improvements in that phase of the Subdivision.

(k) Lot Pinning

(1) Pins for all corners of the Subdivision and for all Lot corners shall be set and the completion of the setting certified by the responsible Land Surveyor before a Final Plat or Replat is recorded.

(2) As an alternative to Section 20-811(k)(1), before the recording of a Final Plat or Minor Subdivision/Replat with the Register of Deeds, the Developer or Owner shall provide certification to the Planning Director that the Subdivision's boundaries are pinned and there is a contract with a licensed Land Surveyor to pin the Lots after completion of Street and Public Improvements.

(3) A Major Subdivision can be pinned or staked in phases that are coincident with:

(i) The Street construction and development phase;

(ii) The placement of utilities within the designated utility Easements phase; and

(iii) The pouring of building foundations for slabs for building construction (issuance of a building permit phase).

(4) At the time the Public Improvement Plans are submitted to the Municipal Services and Operations Director for approval, the center lines of Right(s)-of-Way shall be identified by establishing the following control points:

(i) Points of Intersection (PI);

(ii) Points of Tangency (PT); and,

(iii) Points of Curvature (PC).

(5) Simultaneously with the construction of Public Improvements, staking or pinning of the Subdivision boundary corners and key points along the Easement(s) shall be completed to provide the following information:

(i) The Intersection of four or more Lots;

(ii) Points of curvature; and

(iii) Points of Intersection with other Easements.

(6) At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed Land Surveyor) to the Building Safety Manager to assure Lot corners are pinned and pins are found or set.

20-812 (Reserved)

20-813 Administration and Enforcement

(a) Planning Director Powers and Duties

The Planning Director shall have the following powers and duties under this Article:

(1) Maintain permanent and current records with respect to these regulations, including amendments thereto;

(2) Receive all pre-applications together with other necessary information;

(3) Distribute copies of applications and other necessary information to other appropriate governmental agencies and departments for their review and recommendations;

(4) Review applications of land division for compliance with these regulations;

(5) Present reports and recommendations to the Planning Commission and Governing Bodies;

(6) File approved Final Plats, Minor Subdivision/Replats, and Certificates of Surveys with the Register of Deeds;

(7) Make such other determinations and decisions as may be required by these regulations or by the Planning Commission.

(b) Planning Commission Powers and Duties

The Planning Commission shall have the following powers and duties under this Article:

(1) Review and approve, conditionally approve, or disapprove Preliminary Plats;

(2) Grant or deny Variances to the Design Standards of this Article as per Section 20-813(g);

(3) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable state law.

(c) Dedications or Vacations

The applicable Governing Bodies shall be responsible for accepting the Dedication or approving the Vacation of Rights-of-Way for Public Streets, Roads and public Easements.

(d) Building Permits in the Unincorporated Area of Douglas County

No building permit shall be issued for any building or structure in the Unincorporated Area of the County unless the Douglas County Zoning & Codes Director finds that:

(1) The proposed building or structure shall be located:

(i) On a Platted Lot shown on an approved and recorded Final Plat for a Subdivision or on a Rural Development Parcel shown on an approved and recorded Certificate of Survey;

(ii) On a Platted Lot or land division in existence on the Effective Date of these regulations that has a vested right under these requirements pursuant to Section 20-801(e);

(iii) On a Platted Lot or land division, created through a valid Exemption to these regulations or to the Subdivision Regulations that were in effect at the time when the Lot or land division was created as identified in Section 20-801(d); or

(iv) On a recorded Land Combination, created pursuant to Section 20-801(f).

(v) On an Agricultural Subdivision Boundary Survey pursuant to 20-801(d(2)(vii), with or without an Agricultural/Natural Resource Protection Agreement

(2) A building permit may be issued for improvement of an existing residential building in the Unincorporated Area of the County if the Douglas County Zoning & Codes Director finds that the existing residential building:

(i) Was built on the site prior to the Effective Date of these regulations; and,

(ii) Is located on a land Parcel of sufficient size to meet the County's Sanitary Code requirements.

(3) All Public Improvements required as a condition of approval of the Final Plat on which the Lot is shown have been completed or the Subdivider has provided security for the completion of such Improvements, in accordance with Section 20-811(h)(2);

(4) A certification, signed by a licensed Land Surveyor, has been presented as proof of pinning for each of the Lots for which building permits are requested; and,

(5) There has been compliance with any conditions of Final Plat or Certificate of Survey approval.

(e) Building Permits in the City of Lawrence

No building permit shall be issued for any building or structure in the City of Lawrence unless the Planning Director finds that:

(1) All Public Improvements required as a condition of approval of the Final Plat on which the Lot is shown have been completed or the Subdivider has provided security for the completion of such Improvements, in accordance with Section 20-811(h)(2);

(2) A certification, signed by a licensed Land Surveyor, has been presented as proof of pinning for each of the Lots for which building permits are requested; and

(3) There has been compliance with:

(i) All applicable Design Standards and Public Improvement requirements of this Article;

(ii) All applicable Review and Approval Procedures of Section 20-802; and

(iii) Any conditions of Final Plat approval.; or

(4) The property is determined by the Planning Director to be a Lot of Record or a nonconforming Lot as defined in Section 20-1504 of the Land Development Code.

(f) Appeals

(1) From Decision of the Planning Director

Unless otherwise provided, a person aggrieved by a decision of the Planning Director under these Subdivision Regulations may appeal the decision to the Lawrence Board of Zoning Appeals in accordance with Section 20-1311 of the City Code or the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the County Code, as applicable. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the Planning Director which was reasonably available to the person aggrieved. An appeal not timely filed is barred.

(2) From Decision of the Douglas County Zoning and Codes Director

Unless otherwise provided, a person aggrieved by a decision of the Douglas County Zoning & Codes Director under these Subdivision Regulations may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the Douglas County Zoning Regulations. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the Zoning and Codes Director which was reasonably available to the person aggrieved. An appeal not timely filed is barred.

(3) From Decision of Planning Commission

A person aggrieved by a decision of the Planning Commission under these Subdivision Regulations may appeal the decision to the City Commission (in the case of a matter involving land in the City) or to the Board of County Commissioners (in the case of a matter involving land in an unincorporated part of the County). Such appeal shall be filed within 30 days of the date of the meeting of the Planning Commission at which the action appealed from was taken. An appeal not timely filed is barred.

(4) From Decision of Governing Body

A person aggrieved by a decision of the Board of County Commissioners or the Lawrence City Commission under these Subdivision Regulations may pursue any available cause of action in a court of competent jurisdiction, subject to the rules of civil procedure then in effect and subject to any limitations imposed by Kansas law.

(g) Variances

In cases where there is hardship in carrying out the literal provisions of the Design Standards of these regulations (such as Design Standards for Lot Width, Lot area, Block depth, etc.) or Public Improvement Standards of these regulations, the Planning Commission may grant a Variance from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) regarding wastewater disposal systems, the appropriate Governing Body may grant a Variance from such provisions.

(1) An application for a Variance shall be made to the Planning Director. The Planning Commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a Variance from the provisions of the regulations.

(2) A Variance shall not be granted unless all of the following apply:

(i) Strict application of these regulations will create an unnecessary hardship upon the Subdivider;

(ii) The proposed Variance is in harmony with the intended purpose of these regulations; and,

(iii) The public health, safety and welfare will be protected.

(h) Design Variances for Planned Development

When a Plat is presented which includes land for which a Planned Development plan has been approved, the Planning Commission may vary the Design Standards in these regulations as necessary to conform to such approved Preliminary and Final Development Plans.

(i) Enforcement and Penalties

It shall be the duty of the Douglas County Zoning & Codes Director, the City Codes Enforcement Manager, and the Planning Director to enforce the Subdivision Regulations of this Article.

(j) Violations

The following shall constitute violations of these Subdivision Regulations:

(1) To submit for recording, any Subdivision Plat, land division or other Development Plan that has not been approved in accordance with the procedures of these Subdivision Regulations or that does not qualify for an exemption under these Subdivision Regulations;

(2) To engage in the construction of a building or development or division of land, requiring one or more approvals under these Subdivision Regulations without obtaining all such required approvals;

(3) To engage in the construction of a building or development or division of land, requiring one or more approvals under these Subdivision Regulations in any way inconsistent with any such approval or any conditions imposed thereon;

(4) To violate the terms of any approval granted under these Subdivision Regulations or any condition imposed on such approval; or

(5) To violate any lawful order issued by any person or entity under these Subdivision Regulations.

(k) Penalties; Remedies

The following penalties and remedies shall be available to the City and County in enforcing these Subdivision Regulations:

(1) The City or County may seek an injunction or other equitable relief in the District Court to stop any violation of these Subdivision Regulations or of a permit, certificate or other form of authorization granted hereunder.

(2) The City or County may seek a Court order from the District Court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to restore otherwise the premises in question to the condition in which they existed prior to the violation.

(3) The City or County may seek such criminal or civil penalties as are provided by Kansas law, City or County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.

(4) The City's Building Safety Manager or the Douglas County Zoning & Codes Director may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or Improvements thereon:

(i) Which has been divided or Subdivided other than in accordance with the requirements of these Subdivision Regulations; or

(ii) On which there is an uncorrected violation of these Subdivision Regulations.

(5) Any permit or other form of authorization required under these Subdivision Regulations may be revoked by the City's Building Safety Manager, the Douglas County Zoning & Codes Director, the Planning Director, or by any City or County official with authority to issue such permit when the official determines:

(i) That there is departure from the plans, specifications, or conditions as required under terms of the Subdivision approval;

(ii) That the Subdivision approval was procured by false representation or was issued by mistake; or

(iii) That any of the provisions of these Subdivision Regulations are being violated.

(6) Written notice of revocation shall be served upon the Owner, the Owner's Agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.

(7) Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of these Subdivision Regulations, the City's Building Safety Manager or the Douglas County Zoning & Codes Director may order the work to be immediately stopped.

(i) The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(ii) Violation of a stop-work order constitutes a misdemeanor.

(8) Where a violation of these Subdivision Regulations involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the Planning Commission may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):

(i) Revoke the plan or other approval or

(ii) Condition its continuance on:

a. Strict compliance with these Subdivision Regulations,

b. The provision of financial security to ensure that construction is completed in compliance with approved plans, or

c. Such other conditions as the city may reasonably impose.

(iii) Any required financial security shall be in a form approved by the City or County, as applicable.

20-814 Building Setbacks, Enforcement, Exceptions

(a) Building or Setback Lines On Major Streets or Highways

(1) Purpose

As part of the Comprehensive Plan, the City and County have identified major entrances or gateways to the City and the Urban Growth Area around it. To enhance the appearance of those gateways, it is the intent of the City and the County to create a greenway effect along the major corridors through those gateways.

(2) Building and parking Setback Lines are hereby established on certain major Streets or highways as follows:

(i) West Sixth Street from K10 (South Lawrence Trafficway) to Wakarusa Drive and West Sixth Street from Monterey Way to Folks Road: a Setback Line of 50 feet.

(3) Building and parking setback limits on West Sixth Street from Wakarusa Drive to Folks Road shall be based on the approved zoning for each Tract of land.

(b) Exceptions

(1) 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.

(2) Any non-conforming residential building or structure located within the 50 foot building and parking setback, which is damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, may be restored or reconstructed provided; said restoration or reconstruction occurs on the original foundation. The building or structure may not be rebuilt to a greater density or intensity than existed before the damage.

(c) Appeal – Setback

Notwithstanding Section 20-813, any appeal of the building and parking Setback Line established for major Streets or highways shall be to the Board of Zoning Appeals of the applicable jurisdiction, provided that no appeal shall be required in the instance of the reduction in a setback resulting from a governmental taking or acquisition for Right-of-Way, Easement, or other governmental use, as provided in Section 20-814(b) (1). The Board of Zoning Appeals shall have the power to modify or vary the building and parking Setback Line in specific cases in order that unwarranted hardship, which constitutes a complete deprivation of use as distinguished from merely granting a privilege, may be avoided. In the absence of such a hardship, the intended purpose of the building and parking Setback Line shall be strictly observed.

(d) Enforcement

No building or occupancy permit shall be issued for any new building within the Plat approval jurisdiction of the City of Lawrence, or the Unincorporated Area of Douglas County, which fails to comply with the requirements of Section 20-814.

(e) Interpretation

The provisions of Section 20-814 shall not be interpreted to deprive the Owner of any existing property or of its use or maintenance for the purpose to which such property is then lawfully devoted.

20-815 Interpretations, Rules of Construction and Definitions

(a) Interpretation and Rules of Construction

(1) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(2) The provisions of these regulations are not intended to abrogate any Easement, covenant, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such Easement, covenant, or other private agreement, the requirements of these regulations shall govern.

(3) A division of land, which was not lawful at the time of the adoption of these regulations on December 31, 2006, shall not become or be made lawful solely by reason of adoption of these regulations.

(4) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

(b) Definitions

(1) Words used in this Article have the standard dictionary definition unless they are defined in this section. Words defined in this section shall have the specific meaning assigned, unless the context expressly indicates another meaning.

(2) Words or terms that are specifically defined in the Subdivision Regulations, and specifically used in the context of these regulations, are distinguished by being in Title Case and in Blue Text in the original code document.

(3) The words “shall”, “will”, “shall not”, and “may not” are mandatory.

(4) The word “may” is permissive.

(5) The word “and” indicates that all connected items or provisions apply.

(6) The word “or” indicates that the connected items or provisions may apply singularly and in combination.

(7) Floodplain terms referenced in this Article are defined in Section 20-1205 of the Land Development Code of the City of Lawrence and Section 12-303 of the Zoning Regulations for Douglas County.

Term	Definition
Abut	To physically touch or border upon; or to share a common property line.
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access Control	Access Control is the limitation of public Access rights to and from properties Abutting Streets or highways. Access Control is used on Arterial Streets and higher functional classes of Streets to preserve traffic service levels and safety.
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the LandOwner or applicant.
Agricultural Purposes	A purpose that is directly related to the agricultural activity on the land which shall include: (a) the cultivation and tillage of the soil; (b) dairying; (c) the production, cultivation, growing or harvesting of any agricultural or horticultural commodity; (d) the raising or training of livestock, bees, fur-bearing animals, or poultry; or (e) any practices performed by a farmer or on a farm, incident to or in connection with such farming operations. The term "agriculture purpose" does not mean the processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. In all cases, an agricultural purpose does not include a structure used as a residential Dwelling or an On-Site Sewage Management System.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to Abutting property.
Benchmark	Surveying mark made in some object which is permanently fixed in the ground, showing the height of that point in relation to National Geodetic Vertical Datum (NGVD) and City or County Datum.
Block	A Parcel of land entirely surrounded by Public Streets, highways, railRoad rights-of-way, public walks, parks or green strips, or drainage Channels or a combination thereof.

Term	Definition
Bore Hole or Soil Boring	Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of Groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the applicable local health department.
Boundary Line Adjustment	A change in the boundary between adjoining lands that does not create an additional building site and that, when completed, will result in Tracts/Parcels of land that meet minimum Road Frontage requirements OR Lots that comply with the Lot Design Standards of Section 20-810(a)(2) and with the Zoning District regulations that apply to the subject property.
Boundary Line Street (or Road)	A Street or Road that forms a part of the boundary line of a City.
Build Out Plan	A future Subdivision layout that has been planned and designed to the Urban Street and Block level based on existing Topography and the Design Standards in the Subdivision Regulations of the city associated with the Urban Growth Area. The Build Out Plan identifies an internal Street network that has connectivity to existing and planned Collector and/or Arterial Streets, including Blocks for future Urban development, and the general location of utility and drainage Easements.
Buildable Lot	A Lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a Buildable Lot, unless the Tract is identified for specific uses, such as signs, area markers or public utilities, as part of the Subdivision process.
Building Envelope	The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and excluding lands identified to be protected per Section 20-810(k) [County Code Section 11-110(k)].
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.
Certificate of Survey	A legal instrument approved pursuant to Section 20-807; this is a narrowly used term and this instrument is not considered a "Plat" or a 'Subdivision" as defined herein.

Term	Definition
Channel	A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.
Cluster Development	A form of residential development permitted in the Urban Growth Areas that requires Residential Development Parcel s to take Access from a common Cross Access Easement and to set aside common areas and to plan for the conservation of natural resources.
Comprehensive Plan	The Comprehensive Plan for the city or county, officially approved or adopted to provide long-range Development policies, and which may include, among other things, the plan for land use, land Subdivision, circulation, and community facilities.
County's Access Management Standards	Access and minimum Frontage standards in the Douglas County Code, Chapter IX, Article 5.
County's Rock Road Standard	Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.
Cul-de-sac	A Street that has one outlet and is permanently terminated by a vehicle Turn-around at the other end. This is a sub-category of Streets with a Single Outlet.
Culvert	A drain, ditch or conduit not incorporated in a closed system, which carries drainage water under a Driveway, Roadway, railRoad, pedestrian walk or public way.
Curb Cut	The opening along the curb line at which point vehicles may enter or leave a Roadway.
Datum, City	A reference point from which heights or depths are calculated within the City of Lawrence. All reference marks using City Datum are required to also denote NGVD elevation.
Dedication	Gift or donation of property by the Owner to a governmental unit. The transfer is conveyed by a Plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.
Design Standards, Subdivision	All requirements and regulations relating to design and layout of Subdivisions contained in Section 20-810.

Term	Definition
Detention Pond	A facility for the temporary storage of stormwater runoff. The stormwater may be released to downstream facilities at a designed rate of flow.
Developer	The legal or beneficial Owner or Owners of a Lot or of land proposed to be Subdivided including the holder of an option or conTract to purchase, or other person having enforceable proprietary interests in the land.
Double Frontage Lot (or Through Lot)	A Lot with two opposite Lot Lines Abutting upon Streets or Roads which are substantially parallel.
Douglas County Zoning & Codes Director	The director of the Douglas County Zoning and Codes Department or such Person's designee with primary responsibility for enforcement and administration of the Zoning and Building Code Regulations of Douglas County.
Drainage System	Pipes, waterways, natural features and man-made Improvements designed to carry stormwater drainage.
Driveway	A privately owned means of providing direct vehicle Access to Streets.
Driveway Apron or Driveway Approach	For property within the City of Lawrence: The Driveway area located between the Sidewalk and the curb. When there is no Sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line. For property in the Unincorporated Areas: The improved surface located between existing edge of Road surface and the existing Right-of-Way line and installed in accordance with Douglas County Public Works Department standards.
Driveway, Joint-Use	A privately owned Driveway that provides Access to 2 or more Lots in a non-residential Development, such as in a shopping center (with outLots) or a business or industrial park.
Dwelling	A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or recreational vehicle.

Term	Definition
Easement	A grant by a property Owner to the public, a corporation, or persons for the use of land for specific purposes.
Easement, Access	An Easement created for the purpose of providing vehicular or pedestrian Access to a property.
Easement, Conservation	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. 58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of these regulations.
Easement, Cross Access	An Easement between two or more adjacent Parcels creating rights to utilize a service drive providing vehicular Access among those Parcels so the driver need not enter the Public Street system, except at a limited Access point.
Effective Date	December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 adopting this Article 8, Chapter 20, Code of the City of Lawrence and Chapter 11, of the Douglas County Code took effect.
Floodplain	The land area inundated by a flood of a given magnitude as determined by the Flood Insurance Study or based on an approved Hydrologic and Hydraulic Study.
Force Main	A sanitary sewer line through which wastewater is pumped rather than carried by gravity flow.
Frontage Road	A “Street, Marginal Access” located in front of the properties that it Abuts.
Frontage	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road Right-of-Way.
Full Maintenance Road	A Road in the Unincorporated Area of the County that receives maintenance on a regular basis in accordance with its Road classification and traffic counts.

Term	Definition
Governing Body	The respective City Commission or City Council within the incorporated limits of the City of Lawrence, Baldwin City, Eudora, or Lecompton and the Board of County Commissioners within the Unincorporated Area of Douglas County.
Grading	The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.
Groundwater	Any subsurface water in the zone of saturation, including but not limited to spring water, perched Water Tables, seasonal Water Tables and aquifers.
Half-Street	The Right-of-Way for a Street bordering one or more property lines of a Subdivision to which the Subdivider has allocated only a portion of the required Street Right-of-Way width.
Hard Surfaced Road	A properly constructed and maintained Road surface with asphaltic concrete, Portland cement concrete or with chip sealed aggregate base.
Home Owners Association	A community association, other than a condominium association, which is organized in a Development in which individual Owners share common interests in open space or facilities. The Home Owners Association usually holds title to reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from Home Owners Associations in that condominium associations do not have title to the common property.
Homestead Exemption Survey	A boundary survey creating a new Parcel from the division of a vested Parcel, for a residence that existed on the vested Parcel on 12/31/2006, which was made in accordance with Section 20-801(d)(2)(ix). The vested rights from the original Parcel remain with the existing residence, transferring to the new residential Parcel when the survey is recorded at the Register of Deeds.
Improvements	All facilities constructed or erected by a Subdivider to permit and facilitate the use of Lots and Blocks for residential, institutional, business or manufacturing purpose. Improvements include all facilities listed in Section 20-811.

Term	Definition
Infrastructure	Facilities and services under the control of a governmental agency needed to sustain all land uses or activities in a community. Infrastructure includes water lines, sewer lines, and other utilities, Streets and Roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.
Intersection	Where two or more Streets cross at-grade.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Land Combination	The combination of a vested division of land in the Unincorporated Area with additional acreage to increase the overall acreage of an individual residential Parcel.
Land DistUrbance	Any activity involving the clearing, cutting, excavating, filling, or Grading of land or any other activity that alters land Topography or vegetative cover.
Land Surveyor	One who is licensed by the State of Kansas as a Land Surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.
Lot	A designated area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit.
Lot, Reverse Frontage	A Through Lot that is not Accessible from one of the parallel or non-intersecting Streets upon which it fronts.
Lot Depth	The distance between the midpoint of the front Lot Line and the mid-point of the rear Lot Line.
Lot Line, "or Residential Development Parcel Line"	The perimeter of a Lot or a Residential Development Parcel.
Lot Width, "or Residential Development Parcel Width"	The distance between the side Lot Lines of a Lot, or the side lines of a Residential Development Parcel measured at the required front Setback Line.

Term	Definition
Lot of Record	A legally created Lot recorded at the Register of Deeds as part of a Plat or Subdivision.
Major Thoroughfares Map(s)	A plan adopted by the Metropolitan Planning Organization, the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and Roads in the community.
Metes and Bounds	A method of describing the boundaries of land by directions and distances from a known point of reference.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a building located in the Floodplain may have a door, window, or other opening.
Minor Subdivision	See "Subdivision, Minor/Replat"
Neighborhood Plan	See "Sector Plan"
Off-Site Improvements	Improvements located on property outside the perimeter of the Subdivision that are determined by the Planning Commission to be necessary because of the proposed Subdivision, e.g., construction of Streets, signalization of Intersections, drainage Channels, extension of public utilities, etc.
On-Site Sewage Management System	A conventional, alternative, experimental, or innovative Sewage disposal system which serves a single family residential building or a single non-residential building.
On-Site	Located within the perimeter of the property that is subject to an application for Subdivision or a Certificate of Survey approval.
Open Space, Common	Land within a Subdivision, which is designed and intended for the common use or enjoyment of the residents of the Development and may include such complementary structures and Improvements as are necessary and appropriate. Common Open Space may be Platted as a Tract which is owned and maintained by a Home Owners Association or a property Owners association.
Original Townsite Area	The original Townsite of the City of Lawrence, as shown on the "Original Townsite Map" available for public inspection from the Planning Director.

Term	Definition
Original Tract	A Parcel or a combination of all adjacent Parcels under a single Ownership [not separated by public Right(s)-of-Way] that share common boundary lines or two separate Ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.
Outlet, Single	A single connection between the Street or Road system in a particular Subdivision or other development and the Street system shown on the Major Thoroughfare Map; a Cul-de-sac is a sub-category of Streets with Single Outlets, but a loop Road or more complex system within a development may also have Access to the Street system through a Single Outlet.
Overlay District	A special zoning district that has been "overlaid" on a base zoning classification to alter some or all the base district Zoning Regulations.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Package Plant	A prefabricated or pre-built wastewater treatment plant.
Parcel	A Lot or contiguous Tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parent Parcel	An area of 20 acres or more surveyed solely for the purpose of creating one or more Residential Development Parcel s.
Pedestrian Easement	A strip of land dedicated for public use which is dedicated across a Block for the purpose of providing pedestrian Access to adjacent areas.
Pedestrian Way	A public walk dedicated entirely through a Block, from Street to Street, or providing Access to a school, park, recreation area, employment or shopping center.
Percolation Test	A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

Term	Definition
Percolation	Downward flow or infiltration of water through the pores or spaces of rock or soil.
Planning Area	The area considered in the development of a Comprehensive Plan for cities in Douglas County.
Planning Commission	The Lawrence/Douglas County Metropolitan Planning Commission.
Planning Director	The Lawrence/Douglas County Metropolitan Planning Director.
Plat (or Subdivision Plat)	A complete and exact map representing a Tract of land, showing the boundaries and location of individual Lots, Easements, and Streets which has been approved by the Planning Commission and recorded in the office of the County Register of Deeds. The term includes a Replat. (To Plat as an action) – To Subdivide a property in accordance with these regulations.
Plat, Preliminary	A map of proposed land Subdivision showing the character and proposed layout of the Parcel in sufficient detail to indicate its' its suitability for the proposed Subdivision.
Plat, Final	A map of a land Subdivision prepared in a form suitable for filing of record with necessary affidavits, Dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining Lots and Blocks, Streets, Alleys, Easements, public areas and other dimensions of land.
Potable Water	Water suitable for drinking or cooking purposes.
Public Improvement Petition	A legal instrument which serves as the basis for initiation of a Public Improvement project by the Governing Body. A Public Improvement Petition is frequently used during the Subdivision Platting process to guarantee the construction of certain Improvements that are required as conditions of Plat approval, such as Street paving, Sidewalks, water and sewer lines, and stormwater and drainage Improvements.
Public Improvements	Any Infrastructure constructed for which a municipality may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which a municipality is responsible.

Term	Definition
Public Improvement Plans	The engineering plans and specifications necessary to construct all Infrastructure Improvements needed to serve a proposed Subdivision or development.
Public Utility Facilities	Telephone, electric and cable television lines, poles, equipment and structures; water lines, holding towers or gas pipes, mains, valves or structures; sewer pipes, valves or structures; Pumping Stations; telephone exchanges and repeater stations; and all other facilities, equipment and Structures necessary for conducting a service by a government, public or private utility provider.
Public Water Supply	A system outside of incorporated cities for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.
Publicly Treated Water	Water supplied for domestic purposes by a municipality or by a Rural Water District and approved by the Kansas State Department of Health.
Pumping Station	A pumping facility that transports wastewater between two gravity flow sewer lines. A Pumping Station is used when topographic conditions do not allow a continuous gravity flow system.
Replat (or Resubdivision)	The further division of a Tract of land which has previously been lawfully Subdivided and for which a Plat of such prior Subdivision has been duly recorded. A Replat is processed as an administrative review in accordance with the Minor Subdivision/Replat procedures in Section 20-808.
Residential Development Parcel	A Parcel created from the Parent Parcel through the administrative Certificate of Survey process to make the new land division eligible for a residential building permit.
Restrictive Covenant	A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including Home Owners Association agreements. The Restrictive Covenant usually runs with the land.
Right-of-Way	An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.
Road or Roads	Same as “Street” or “Streets”.

Term	Definition
Road, Stub	A short section of public Road or Road Easement dedicated to provide future Access to an adjacent unPlatted Tract of property.
Roadway	The paved or improved area of a Street Right-of-Way, exclusive of Sidewalks, Driveways, or related uses.
Rural Area	The area of Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.
Sanitary Sewers	Pipes that carry only domestic, industrial or commercial Sewage and into which storm, surface and ground waters are not intentionally admitted.
Sector Plans	Plans that encompass one or more sections of land with the purpose being to use geographic and demographic information to develop a detailed land use vision of future development or redevelopment of a study area.
Setback Line	The line that is the required minimum distance from the Street right- of-way line or any other Lot Line that establishes the area within which the principal Structure must be erected or placed.
Sewage Lagoon	An artificial pond designed to exclude surface water and receive raw Sewage through a submerged sewer for biological decomposition.
Sewage	The total of organic waste and waste water generated by residential, industrial and commercial establishments.
Sidewalk	A paved, surfaced, or leveled area, paralleling and usually separated from the Street, used as a pedestrian walkway.
Stand of Mature Trees	An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
Stormwater Detention	Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.

Term	Definition
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined Channel, similar to a drainage way.
Street or Streets (or Roads)	Any vehicular way(s) which: (1) is an existing state, county or municipal Roadway; or (2) is shown upon a Plat approved pursuant to law; or (3) is approved by other official action.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the Urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressways to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turn-around at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turn-around at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at-grade Access from other Public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and grade separated interchanges with all other Public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-family residential Lots.

Term	Definition
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street is typically discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
Street, Private (City)	Any Tract of land or Access Easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a Private Street may choose to gate Access to this type of Street from the general public.
Street, Private (County)	Private Roads in the Unincorporated County are Roads not dedicated for public use that were approved by the County Commission prior to December 15, 1998.
Street, Public	A way for vehicular traffic, whether designated as a Local, Collector, Arterial, Freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include Alleys.
Street, Residential	Same as "Local Street".
Street, Residential Collector	Residential collector is a special category of Collector Street characterized by lower speeds & the residential nature of land uses along the corridor. These Streets are designed to connect residential areas in neighborhoods to non-residential uses but do not connect to Arterial Streets.
Street, Stub	A short section of Street Right-of-Way Platted to provide future Access to an adjacent unPlatted Tract of property.
Subdivide	The act or process of creating a Subdivision.
Subdivider	The Owner, or any other person, firm or corporation, authorized by the Owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing and Platting land.
Subdivision	Any land, vacant or improved, which is divided or proposed to be divided into two or more Lots, Parcels, or Tracts for the purpose,

Term	Definition
	whether immediate or future, of sale or building development, including ReSubdivision, but not including property described through the "Certificate of Survey" Administrative Procedure as is separately defined.
Subdivision, Major	A two-step review process including Planning Commission approval of a Preliminary Plat and administrative approval of a Final Plat to create a Subdivision in accordance with Section 20-809.
Subdivision, Minor	A one-step administrative review process that provides for ReSubdivision of previously Platted property where little or no expansion of Public Infrastructure is involved. The Minor Subdivision/Replat is completed in accordance with Section 20-808.
Subdivision Regulations	For the City of Lawrence, Article 8 in Chapter 20 of the City Code, as adopted and amended from time to time by Ordinance adopted by the City Commission. For Douglas County, Chapter XI in the County Code, as adopted and amended from time to time by Resolution adopted by the Board of County Commissioners.
Swale	A shallow ditch lined with grass or other vegetation for the purpose of carrying stormwater from one location to another and filtering sediments and other pollutants from stormwater runoff.
Temporary Set Aside Agreement	An agreement relating to land located within the Urban Growth Area that contains the resources identified in Section 20-810(k) that, as reasonably practicable, requires the retention of the environmental, geographical, or historical characteristics of the land and prohibits any use or activity that will significantly impair, interfere with, or destroy these characteristics.
Topography	The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).
Tract	When part of a Platted Subdivision, a Tract is a Parcel reserved for open space, storm drainage, Easement purposes or an otherwise specific and restricted use.
Traffic Calming Device	Physical traffic control or intervention measures designed to reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized Street users.
Turn-around	An area at the closed end of a Street with a single common ingress and egress within which vehicles may reverse their direction.

Term	Definition
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property Ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
Unincorporated Area	That portion of Douglas County lying outside any incorporated municipality.
Urban	An area generally characterized by residential, commercial and industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer system, an extensive network of Streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered non-Urban or rural.
Urban Density	A residential density that resembles the built and developed density of the city for which an Urban Growth Area was projected and adopted.
Urban Growth Area – Lawrence	The area that is defined in the City and County Comprehensive Land Use Plan as the Urban Growth Area (UGA) surrounding the City of Lawrence.
Urban Growth Area – [other cities in the County]	The area defined by a city's master plan as land that will be annexed into the city within the land use planning period to accommodate the future growth and development of neighborhoods, businesses and industries by the extension of city Infrastructure and services.
Vacation	The termination of, or termination of an interest in, an Easement, Right-of-Way or public Dedication of land.
Variance	Permission to depart from the Design Standards (20-810) or Public Improvement Standards (20-811) of the regulations when the application of a specific standard is so unreasonable that it would prevent the logical Subdivision of the property.
Water Table	The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.

Term	Definition
Woodlands	Natural hardwood forests, whether or not actively forested.
Zoning Regulations	The remainder of Chapter 20 of the City Code or Chapter 12 of the Douglas County Code.

ARTICLE 9. PARKING, LOADING AND ACCESS

20-901 General
20-902 Off-Street Parking Schedule A
20-903 Off-Street Parking Schedule B
20-904 Off-Street Parking Schedule C
20-905 Off-Street Parking Schedule D
20-906 Off-Street Loading
20-907 Rules for Calculating Requirements
20-908 Location
20-909 Shared and Off-Site Parking
20-910 Use of Off-Street Parking and Loading Areas
20-911 Vehicle Stacking Areas
20-912 Accessible Parking for Physically Disabled Persons
20-913 Parking and Loading Area Design Standards
20-914 Landscaping
20-915 Driveways and Access
20-916 Traffic Impact Study

20-901 GENERAL

(a) Purpose

The regulations of this article are intended to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading, and Access demand.

(b) Applicability

(1) New Development

Unless otherwise expressly stated, the parking and loading standards of this article apply to all new structures built and all new uses established in all zoning districts.

(2) Enlargements and Expansions

(i) Unless otherwise expressly stated, the parking and loading standards of this article apply whenever an existing Building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measure used for establishing off-street parking and loading requirements.

(ii) In the case of enlargements or expansions of Buildings or uses triggering requirements for additional parking or loading, additional off-street parking and loading spaces are required only to serve the enlarged or expanded area or use, not the entire existing Building or use. There is no requirement to address lawfully created non-conforming existing parking or loading deficits.

(3) Change of Use or Occupancy
Unless otherwise expressly stated, when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the Building, based on the standards of this development code.

(c) Parking in Excess of Required Standard

(i) Developments that provide parking in excess of the required standards must mitigate the impacts of the increased Impervious Surface through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual. [Mid-America Regional Council and American Public Works Association Manual for Best Management Practices for Stormwater Quality – Sept. 2003 and subsequent updates].

(ii) Detached Dwellings, Attached Dwellings and Duplex residential uses shall be exempt from the requirements of 20-901(c)(i).

(d) Reductions Below Minimums
The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this Section, except:

(i) When waived by the Planning Director on sites where a property owner creates a shared access point or where multiple access points on a property are consolidated consistent with adopted access management policies;

(ii) For good cause shown, when waived by the Planning Director as part of Site Plan approval in accordance with 20-1305 and based upon a parking study submitted in accordance with 20-905; or

(iii) When a variance from the parking requirements is granted by the Board of Zoning Appeals based upon the specific circumstances of the property.

(e) Issuance of Building Permits or Certificates of Occupancy
No Building permits or certificates of occupancy shall be issued unless the minimum parking standards are being complied with or those standards have been waived in accordance with 20-901(d).

(f) Exemption for CD District
Due to the unique characteristics of the Downtown Commercial District, allowed uses in the CD Zoning District are exempt from the requirement to provide off-street parking and off-street loading spaces.

(g) Parking Requirements in PRDs, PCDs and PIDs established before July 1, 2006
Parking standards for uses listed in 20-902, 20-903 or 20-904 of this Development Code shall be applied when establishing minimum requirements for New Developments, Expansions or Enlargements, or Change of Use or Occupancy in these established Planned Unit Developments.

20-902 OFF-STREET PARKING SCHEDULE A

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

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL USE GROUPS		
HOUSEHOLD LIVING		
Accessory Dwelling Unit	See 20-534 for standards	None
Attached Dwelling	2 per Dwelling Unit	
Cluster Dwelling		
Detached Dwelling		
Duplex	1 per bedroom	
Manufactured Home	2 per Dwelling Unit	
Manufactured Home, Residential-Design		
Mobile Home	2 per Dwelling Unit (1 may be located in common area)	
Mobile Home Park		
Multi-Dwelling Structure	1 per bedroom, + 1 per 10 units (visitors and guests) [1]	1 per 4 auto spaces
Non-Ground Floor Dwelling	1 per bedroom	None
Work/Live Unit	1 per Dwelling Unit	
Zero Lot Line Dwelling	2 per Dwelling Unit	
Home Occupation, Type A or B	See 20-537 for standards	
GROUP LIVING		
Assisted Living	1 per independent living unit; 0.5 per Assisted Living unit	None
Congregate Living	1 per bedroom [1]	1 per 4 auto spaces
Dormitory and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
Group Homes, General	1 + 1 per employee	None
Group Homes, Limited	2 per Dwelling Unit	
PUBLIC AND CIVIC USE GROUPS		
COMMUNITY FACILITIES		
Adult Day Care	1 per 1.5 employees	None
Cemetery	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
Cultural Center / Library	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Day Care Center	1 per 1.5 employees + 4 spaces	None
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
Event Center, Small	1 per 3 Occupants at maximum occupancy	6 spaces, or 1 per 10 maximum occupancy, whichever is greater
Event Center, Large	1 per 4 Occupants at maximum occupancy	1 per 10 maximum occupancy
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9 Grades 10+	1 per 1.5 teachers and employees 1 per 1.5 teachers and employees + 1 per 3 students	1 per 5 students 5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces

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

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

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
VEHICLE SALES AND SERVICE		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	
INDUSTRIAL USE GROUPS		
INDUSTRIAL FACILITIES		
Explosive Storage	per Schedule C (Section 20-904)	None
Industrial, General		
Industrial, Intensive		
Laundry Service		
Maker Space, Limited	Per Schedule B (Section 20-904)	1 per 10 auto spaces
Maker Space, Intensive	Per Schedule C (Per Section 20-904)	1 per 10 auto spaces
Manufacturing and Production, Limited	per Schedule C (Section 20-904)	
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
WHOLESALE, STORAGE AND DISTRIBUTION		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse	4 + 1 per 25 rental spaces	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
OTHER USE GROUPS		
ADAPTIVE REUSE		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
AGRICULTURE		
Agriculture, Crop	None	None
Agriculture, Large Animal	None	None
Agriculture, Small Animal	None	None
Farmers Market	Schedule D	5 or 1 per 5 auto spaces, whichever is greater
On-Site Agricultural Sales	None	None
Urban Farm	1 per employee on largest shift	1 per 5 auto spaces
COMMUNICATIONS FACILITIES		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None
Communications Service Establishment	1 per 400 square feet	1 per 10 auto spaces
Telecommunications Antenna	None	None
Telecommunications Tower	1 space	None
Satellite Dish	None	None
MINING		
Mining	per Schedule D (Section 20-905)	None
RECYCLING FACILITIES		
Large Collection	per Schedule C (Section 20-904)	None
Small Collection		
Processing Center	per Schedule C (Section 20-904)	None
Footnotes:		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces

[1] Whenever a structure 4,500 gross square feet or larger as of April 28, 2012 on a property 8,775 square feet in size or less is renovated as a Multi-Dwelling Structure or Congregate Living use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:

1. Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following:
    a. Attic space when it is accessed by a permanent stairway.
    b. Basement space.
    c. Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system.

20-903 OFF-STREET PARKING SCHEDULE B

(a) Off-street Parking Spaces for Schedule B uses shall be provided in accordance with the following standards. These standards shall be minimum standards for the provision of off-street Parking Spaces.

Gross Floor Area (Sq. Ft.)	Off-Street Parking Spaces Required
1–45,000	1 per 300 square feet
45,001–100,000	150 + 1 per 400 square feet of Gross Floor Area between 45,001 and 100,000 square feet
100,001+	288 + 1 per 500 square feet of Gross Floor Area above 100,000 square feet

(b) The maximum number of off-street Parking Spaces for a Schedule B use shall not exceed 120% of the minimum required number of Parking Spaces for such a use.

20-904 OFF-STREET PARKING SCHEDULE C

Off-street Parking Spaces for Schedule C uses shall be provided in accordance with the following standards:

Gross Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing Floor Area Manufacturing or Other Floor Area	Outdoor Storage Area
1–20,000	1 per vehicle used in the business +	1 per 1,000 square feet +	1 per acre
20,001 – 120,000		1 per 5,000 square feet +	1 per acre
120,001 +		1 per 10,000 square feet +	1 per acre
If business is employee intensive, parking may be based on ratio of employees	1 per vehicle used in the business +	1 per 1.5 employees on largest shift	1 per acre

20-905 OFF-STREET PARKING SCHEDULE D

Schedule "D" uses have widely varying Parking demand characteristics, making it difficult to specify a single off-street parking standard.

(a) Standards

Upon receiving a development application for a use subject to "Schedule D" standards, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements.

(b) Parking Study

The decision of the Planning Director shall be based upon a Parking study prepared by the applicant.

(1) The study shall include estimates of Parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning Director, and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.

(2) Comparability will be determined by Density, Scale, bulk, area, type of activity, and location.

(3) The study shall document the source of data used to develop the recommendations.

20-906 OFF-STREET LOADING

(a) General

Goods may not be loaded or unloaded from the right-of-way of a Collector or Arterial Street and no part of any vehicle may extend into the right-of-way of a Collector or Arterial Street while being loaded or unloaded; provided that, routine deliveries, such as U.S. Mail, Federal Express, Parcel Post and similar services, for reasonable durations, are not hereby prohibited.

(b) Loading Schedule

Off-Street loading spaces shall be provided in accordance with the minimum ratios shown in the following table:

Use	Building Floor Area (gross sq. ft.)	Required Loading Spaces	Space Size (feet)
Public and Civic	1–9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Commercial (except Retail Sales, General)	1–9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Retail Sales, General	1–4,999	None	N/A
	5,000+	[1]	[1]
Industrial	1–4,999	None	N/A
	5,000+	1 up to 40,000 sq. ft. + 1 addl up to 100,000 sq. ft. + 1 per 100,000 sq. ft. above 100,000	10 × 25; 10 × 50 for bldgs. over 20,000 sq. ft.

[1] The following standards apply:

Building Floor Area (square feet)	Required Loading Spaces	Space Size (feet)
5,000 to 10,000	1	10 × 25
10,001 to 25,000	2	10 × 25
25,001 to 40,000	2	10 × 50
40,001 to 100,000	3	10 × 50
100,001 to 250,000	4	10 × 50
+250,000	1 per 200,000 above 250,000	10 × 50

20-907 RULES FOR CALCULATING REQUIREMENTS

The following rules apply when calculating off-street parking and loading requirements.

(a) Multiple Uses

Unless otherwise approved, Lots containing more than one use shall provide Parking and loading in an amount equal to the total of the requirements for all uses. (See the Shared Parking provisions of Section 20-909 for possible exceptions.)

(b) Fractions

When measurements of the number of required spaces result in a fractional number, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of 1 space per 200 square feet is applied to a 900 square foot Building, 5 spaces are required, since the fraction of 4.25 is rounded up to 5 spaces.

(c) Area Measurements

(1) Unless otherwise specifically noted, all Parking and loading standards given in square feet shall be computed on the basis of Gross Floor Area, which is to be measured using all of the Floor Area on each floor of the Building, whether or not such area is enclosed by walls. Interior areas used for off-street parking or off-Street loading facilities are not counted in calculating the number of Parking Spaces required.

(2) For outdoor areas, calculations will be based on the portion of the Lot actually being used for the specified purpose.

(d) Occupancy- or Capacity-Based Standards

For the purpose of calculating Parking requirements based on employees, students, residents or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(e) Bench Seating

When seating consists of benches, pews or other similar seating facilities, each 24 linear inches of seating space counts as 1 seat.

(f) Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that the Planning Director deems most similar to the proposed use or the requirements of off-street parking schedule D, Section 20-905.

20-908 LOCATION

(a) General

Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same Lot as the Principal Use (See Section 20-909 for possible exceptions).

(b) Residential Districts

No part of a Parking Area, other than a Driveway, may be located within 25 feet of a Street right-of-way in any residential Zoning District.

(1) No more than 4 vehicles may be parked on Driveways or turnarounds within the required Front or Side Setback of any Lot in a residential Zoning District. Single or double Driveways and turnarounds may not be used to provide required off-street parking within the required Front or Exterior Side Setback with the exception of when they are serving a Duplex or Detached House.

(2) Driveway widths may not exceed 26 feet in residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.

(3) In RS3 and RS5 Districts, residential Driveways may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.

(c) Nonresidential Districts

The location of off-street Parking Areas in Commercial and Industrial Zoning Districts shall comply with the adopted city design standards and the following standards:

District	Allowed Location	Minimum Setback (feet)	
		From Right-of-Way	From Residential Lot Lines
CN1	Not allowed between the Facade of the Building with the main entrance and the Street.	15	10
CO			
CN2			
CD	Prohibited between a Building and any Street		
CC	No restriction except as specified in Article 5.		
CR			
CS			
IBP			
IL			
IM			
IG			
H			
GPI			
OS			
MU	Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone. No restriction in a Tertiary Development Zone.		

20-909 SHARED AND OFF SITE PARKING

(a) Purpose
The shared and off-site off-street parking provisions of this section are intended to encourage efficient use of land and resources by allowing users to share off-street parking facilities in situations where a mix of uses creates staggered peak periods of parking demand and to locate off-street parking facilities on a different site than the uses served by the Parking.

(b) Approval Procedure
Shared or off-site off-street parking arrangements require review and approval in accordance with the Site Plan Review procedures of Section 20-1305.

(c) Location
All shared or off-site off-street Parking Spaces shall be located no further than 600 feet from the main entrance of the Buildings or uses they are intended to serve, measured along the shortest legal, practical walking route. This distance limitation may be waived as part of the Site Plan Review process if sufficient assurances are offered that adequate van or shuttle service will be operated between the shared or off-site Lot and the Principal Use or uses.

(d) Zoning Classification
Shared and off-site Parking Areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared or off-site Parking Area, except as permitted in Section 20-535. Shared and off-site Parking Areas are to be considered Accessory Uses to the Principal Uses that the Parking Spaces serve.

(e) Required Shared Parking Study and Analysis
For proposed Shared Parking Areas, the applicant shall submit a Shared Parking analysis to the Planning Director that clearly demonstrates the feasibility of shared or off-site Parking. The study shall be provided in a form established by the Planning Director and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants and customers, the anticipated rate of Parking turnover and the anticipated peak Parking and traffic loads for all uses that will be sharing off-street Parking Spaces.

(f) Parking Agreement
The sharing or off-site location of required Parking shall be guaranteed by a legally binding agreement, duly executed and acknowledged, between the Owner of the Parking Area and the Owner of all uses that are located on a different Lot and served by the Parking Area.

(1) The agreement shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Director of Legal Services. Approved shared or off-site Parking agreements shall be recorded with the Register of Deeds.

(2) The applicant for a Building Permit or certificate of occupancy for the use that is served by Parking Spaces on the other Lot shall submit a copy of such agreement along with the application for the permit or certificate.

(3) Any violation of the agreement required under this subsection constitutes a violation of this Development Code.

20-910 USE OF OFF-STREET PARKING AND LOADING AREAS

(a) Parking for Motor Vehicles Only

Required off-street parking and loading areas are to be used solely for loading, unloading, and the Parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, truck trailers, motor homes, campers, Mobile Homes, Manufactured Homes, or components thereof, or Building materials.

(b) Weight Limit

In residential Zoning Districts, required off-street Parking Areas may only be used by vehicles of up to one ton manufacturer's rated capacity.

20-911 VEHICLE STACKING AREAS

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the City Engineer.

(a) Minimum Number of Spaces

Off-Street stacking spaces shall be provided as follows:

Activity Type	Minimum Number of Stacking Spaces
Bank teller lane	4 per teller or window
Automated teller machine	2 per machine
Restaurant drive-through	4 at each order box and 4 at each pick-up window
Car wash stall, automatic	4 at each entrance
Car wash stall, self-service	4 at each entrance
Gasoline pump island	1 at end of each pump island
Schools	10 on each elementary and junior high school Driveway 5 on each senior high school Driveway
Other	As determined by the City Traffic Engineer based on a traffic impact analysis

(b) Design and Layout

Required stacking spaces are subject to the following design and layout standards.

(1) Size

Each stacking space shall be a minimum of 8 feet by 20 feet in size.

(2) Location

Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street Parking Spaces.

(3) Design

Stacking spaces shall be separated from other internal Driveways by raised medians if deemed necessary by the City Engineer for traffic movement and safety.

20-912 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

A portion of the total number of required off-street Parking Spaces in each off-street Parking Area shall be specifically designated, located and reserved for use by persons with physical disabilities.

(a) Spaces Required

The following table shows the minimum number of accessible spaces that shall be provided. Parking Spaces designed for persons with disabilities are counted toward fulfilling off-street parking standards. These standards may not be varied or waived.

Total Parking Spaces Provided	Required Number of Accessible Spaces		
	Auto	Van	Total
1 – 25	0	1	1
26 – 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	6	1	7
301 – 400	7	1	8
401 – 500	7	2	9
501 – 1,000	7 per 8 accessible spaces	1 per 8 accessible spaces	2% of total spaces
1,001+	7 per 8 accessible spaces	1 per 8 accessible spaces	20, plus 1 per 100 spaces over 1,000

(b) Special Requirements for Medical Care Facilities

Facilities providing medical care and other services for persons with mobility impairments shall provide accessible Parking Spaces as follows:

(1) All outpatient facilities shall provide at least one accessible Parking Space, or spaces equal to ten percent (10%) of the total number of Parking Spaces provided, whichever is greater.

(2) Facilities that specialize in treatment or services for persons with mobility impairments shall provide at least one accessible Parking Space, or spaces equal to 20% of the total number of Parking Spaces provided, whichever is greater.

(c) Special Requirements for Congregate Living and Multiple-unit Residential

New construction, additions to, or alterations of Congregate Living residences containing 4 or more sleeping units shall comply with the accessibility requirements of both the Fair Housing Act and the International Building Code as adopted by the City of Lawrence. Multiple-unit residential Buildings containing 4 or more Dwelling Units shall provide accessible Parking Spaces as follows:

(1) Designated accessible Parking Spaces shall be provided for at least two percent (2%) of the Dwelling Units.

(2) Designated accessible Parking Spaces shall be provided at facilities that serve accessible Buildings, such as swimming pools and clubhouses.

(3) Additional designated accessible Parking shall be provided at the request of residents with disabilities, on the same terms and with the full range of choices that are provided for other residents of the project.

(4) Designated accessible Parking Spaces shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(d) Exemptions

Detached Dwellings, Attached Dwellings and Duplexes are exempt from the requirements to provide accessible Parking Spaces. However, accessible Parking shall be provided at the request of residents with disabilities.

(e) Minimum Dimensions

All Parking Spaces reserved for persons with disabilities shall comply with the Parking Space dimension standards of this section, provided that Access aisles shall be provided immediately abutting such spaces, as follows:

(1) Car-Accessible Spaces

Car-accessible spaces shall have at least a 5-foot wide Access aisle abutting the designated Parking Space.

(2) Van-Accessible Spaces

Van-accessible spaces shall have at least an 8-foot wide Access aisle abutting the passenger Access side of the designated Parking Space.

(f) Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to Building entrances and be designed to permit occupants of vehicles to reach the Building entrance on an unobstructed path. Curb ramps shall be provided whenever an accessible route crosses a curb in the parking lot. Curb ramps may not be located within required Access aisle.

(g) Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the Parking Space at heights that will be visible to the types of vehicles for which they are designed, specifically 60 to 82 inches. Signs shall comply with the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration.

20-913 PARKING AND LOADING AREA DESIGN STANDARDS

The design standards of this section apply to all Parking Areas, including commercial parking lots and "non-required" Parking Areas.

(a) General Layout Principles

There shall be safe, adequate, well-lit, and convenient arrangement of pedestrian pathways, bikeways, roads, Driveways, and off-street parking and loading spaces within off-street Parking Areas. Streets, pedestrian walks, and Parking Areas shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed Buildings, adjacent uses and landscaped areas. There shall be defined pedestrian ways connecting all public entrances of Buildings to all modules of the Parking Area, to the required Bicycle Parking Area, to any adjacent bus stop and to the nearest public sidewalks. Such pedestrian ways shall, to the maximum extent practicable, be separated from driving lanes with curbs or other devices. At locations where walkways cross Driveways or travel lanes, the crossings shall be clearly marked with both signage and pavement markings.

(b) Approval

The layout and design of all off-street Parking Areas shall be approved by the City Engineer prior to the issuance of a Building Permit. Before approving any off-street parking plan, the City Engineer shall find that the spaces provided are useable and that they comply with the City's standard design criteria.

(c) Appearance

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be easily maintained and designed to be indicative of their function.

(d) Maintenance

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards. Striping and other pavement markings shall be maintained in an easily readable condition.

(e) Surfacing

(1) All off-street Parking Areas and Driveways, including those serving Attached Dwellings, Detached Dwellings and Duplexes, shall be surfaced with a minimum of one of the following:

(i) 4 inches of reinforced Portland cement concrete;

(ii) 5 inches of granular rock base with 2 inches of asphalt;

(iii) 7 inches of granular rock with a double asphaltic prime and seal;

(iv) 5 inches of full depth asphalt; or

(v) 4 inches of compacted gravel for residential Driveways constructed in Floodplains areas with a paved Driveway Apron constructed to city residential Driveway standards.

(2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed by right within residential Districts or areas of low off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow Parking Areas), may be surfaced with the following alternative methods of paving. The surfacing shall be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.

(i) Grid unit pavers with grass; or

(ii) Concrete, brick, or clay interlocking paver units.

(3) Private Streets shall be built to City Street standards and maintained by the Landowner.

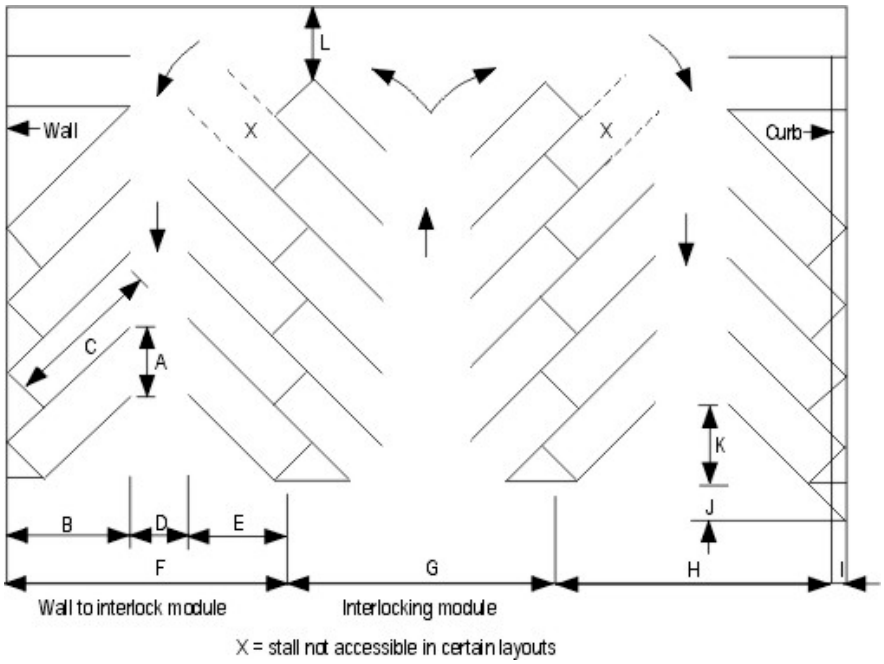
(4) Driveway approaches (aprons) shall be built to City standards, including, where applicable, the Residential Driveway Requirements adopted by the City Commission on July 10, 1996 as amended, and maintained by the Landowner.

(f) Dimensions

(1) Automobile Parking

All off-street Parking Areas shall comply with the following dimensional standards:

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle				
		0	45	60	75	90
Stall width (parallel to aisle)	A	8.5	12.2	9.9	8.8	8.5
Stall length	B	24.0	24.5	21.4	19.5	18.0
Stall length of line	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0
Setback	K	24.0	11.0	8.3	5.0	0.0
Cross-aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross-aisle, two-way	—	24.0	24.0	24.0	24.0	24.0
Where natural and/or man-made obstacles, obstructions or other features such as but not limited to Landscaping, support columns or Grade difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle Access shall be considered and incorporated into the Parking lot design.						



(2) Loading
Required loading spaces shall have a minimum vertical clearance of 15.5 feet. See Section 20-906 for other dimensional standards.

(g) Bicycle Parking
Every Bicycle Parking Space, whether used publicly or privately and including a commercial Bicycle Parking Space, shall be designed, built and maintained in accordance with the following specifications:

(1) Surfacing
A Bicycle Parking Space shall be surfaced with a minimum of:

(i) 4 inches of concrete, or

(ii) 4 inches of asphalt, or

(iii) 2 inches of concrete with a 2-inch brick overlay, or similar material for overlay.

(2) Lighting
Bicycle Parking Space shall be located within a lighted area and within clear view of passersby.

(3) Barriers
If Bicycle and automobile Parking Areas or Accessways abut each other, there shall be provided a physical barrier between the Bicycle and automobile areas to prevent a Bicycle or its operator from being hit by a motor vehicle.

(4) Structure
Each Bicycle Parking Space shall provide for a secure method of locking a Bicycle and be located to accommodate Bicycle Parking in a manner that is convenient to use and does not interfere with other uses of the property.

(h) Striping
To facilitate movement and to help maintain an orderly parking arrangement, all Parking Spaces shall be clearly striped, with a minimum width of 4 inches. The width of each Parking Space shall be computed from the centers of the striping.

(i) Curbs
The perimeter of the parking lot shall have a curb and gutter in accordance with City standards for concrete curbs.

(j) Large Parking Lots

(1) Parking lots of 220 Parking Spaces or more shall be divided into smaller Parking modules containing no more than 72 spaces. Landscape strips, Peninsulas, or Grade separations shall be used to reduce the adverse visual impacts of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. Protected pedestrian walkways, leading to Building entrances, shall be provided within such parking lots.

(2) Parking lots of 450 Parking Spaces or more shall place Landscaping and trees on both sides of entrance drives to create tree-lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicle stacking at exits onto perimeter roadways.

(k) Pedestrian Connections
Parking lots shall be designed to provide designated walkways for pedestrians. Walkways shall connect Building entrances with Parking Areas and with public sidewalks along adjacent streets.

(l) Valet Parking
Valet Parking does not require individual striping and may take into account the tandem or mass storage of vehicles. Use of Valet Parking is permitted in the following instances:

(1) When proposed as part of a development project and in conformance with the design standards of Section 20-913(f)(1) without variances or exceptions may be permitted administratively as part of a site plan.

(2) When proposed as part of a development project and not in full compliance with the design standards of Section 20-913(f)(1) use of Valet Parking shall require the submission of a Valet Parking plan and shall require City Commission approval.

(i) Valet Parking Plan shall include the following:

a. Layout and dimensions of the parking spaces and drive aisles showing sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks,

b. On-site drop-off for vehicles using the parking services with sufficient queuing for vehicles that do not block the public right-of-way.

c. If Valet Parking Plan includes parking spaces that are required for a specific use, Valet Parking services must be provided for those parking spaces during all operating hours of the use.

(ii) Changes to a Valet Parking lot or facility to a Self-Parking lot or facility:

a. Changes to a parking lot or facility with Valet Parking that are changed to be self-parking shall require a revised site plan per Section 20-1305 to show compliance with the parking lot design standards of Section 20-913(f)(1).

20-914 LANDSCAPING

Parking lot Landscaping shall be provided in accordance with Article 10.

20-915 DRIVEWAYS AND ACCESS

The standards of this section apply to all Driveways providing Access to multi-Family or nonresidential uses.

(a) General Standards

(1) Access to property is allowed only by way of Driveways. No other portion of the Lot Frontage may be used for vehicle ingress or egress, nor may any Parking Area or Access Drive be arranged so that any vehicle may back directly onto a Street. All Driveway cuts into the Street shall require a permit from the Municipal Services and Operations department unless approved through site or development plan approval.

(2) Driveway designs shall allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through Street traffic. Radii of Driveway shall be sufficient to achieve this standard for the types of vehicles that the Driveway is intended to serve.

(3) There shall be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with Street traffic.

(4) Provisions for circulation between adjacent Parcel should be provided through coordinated planning or Cross Access Agreements.

(5) Driveways shall be placed and designed so that loading and unloading activities will not hinder vehicle ingress or egress, and that vehicles entering the Driveway from the Street will not encroach upon the exit lane of a two-way Driveway. Also, a right-turning exiting vehicle shall be able to use only the first through-traffic lane available without encroaching into the adjacent through-lane.

(6) No Lot that is less than 51 feet in width and that was created (by subdivision or re-subdivision) after the Effective Date, shall have a Driveway Access to a Public Street. Driveway Access to such a Lot shall be from an Alley or by a Shared Driveway.

(7) Driveways shall intersect the Street at right angles.

(b) Turn Lanes and Tapers

Turn lanes and tapers are required, unless determined to be unnecessary by the City Engineer, when:

(1) Driveways intersect Arterial Streets. Turn lanes shall be a minimum of 150 feet in length plus the taper;

(2) Driveways serving non-residential uses intersect Collector Streets. Left-turn lanes shall be a minimum of 100 feet in length plus the taper. Right-turn lanes shall be required when the projected or existing right-turning volume equals or exceeds 100 vehicles per hour;

(3) The City Engineer determines, based on a traffic impact analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the Public Street.

(c) Driveway Grade
The Grade of a two-way, one-way or divided Driveway shall not exceed four percent (4%) for a minimum distance of 25 feet from the edge of the Street pavement.

(d) Sight Distance
Direct-Access Driveways shall be located to allow the following minimum sight distance based on the intersection type (full or partial Access) and the Street type. Sight distances shall be determined by a professional engineer licensed by the State of Kansas and shall be based on the design speed of the Street or on the 85th percentile speed, whichever is higher.

Street Type	Speed		Minimum Sight Distance (in Feet)		
	miles per hour	feet per second	8 seconds	9 seconds	10 seconds
Arterial	45	66	529	594	660
	40	59	472	531	590
Collector	35	51	408	459	510
	30	44	352	396	440
Residential	25	37	296	333	370

(e) Driveway Spacing
All Direct Access to any Public Street shall be in accordance with the City's adopted Access Management Policy.

(1) Arterial Streets
Direct Access to an Arterial Street is prohibited except in redevelopment or infill situations where the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access onto the Arterial Street, based on the Street's Ultimate Design, can be safely accommodated.

When direct Access to an Arterial Street is approved by the City Engineer pursuant to the requirements of this section, the following standards apply. In the event that such standards cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing between cuts as long as the reduction does not result in an unsafe traffic condition. A Driveway Access allowed under this section shall be used only to serve a Detached Dwelling on the property or an existing business and will be reevaluated when the use or Lot size changes.

(i) Spacing from Signalized Intersections
All Driveways providing Access to Arterial Streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of the intersecting Street.

(ii) Spacing from Other (Non-signalized) Access Points
All Driveways providing Access to Arterial Streets shall be constructed so that the point of tangency of the curb return radius closest to all non-signalized Street or Driveway intersections is at least 300 feet from the perpendicular curb face of the intersecting Street or Driveway.

(2) Collector Streets

Direct Access to Collector Streets shall be regulated in accordance with the following standards. In the event that such standard cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition.

(i) Attached Dwelling, Detached Dwelling and Duplex Lots

Direct Access to Collector Streets from Attached Dwellings, Detached Dwellings and Duplex Lots is prohibited except when the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access can be safely accommodated.

(ii) Spacing from Signalized Intersections

All Driveways providing Access to Collector Streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of an intersecting Arterial Street or 250 feet from the perpendicular curb face of an intersecting Collector or Local Street.

(iii) Spacing from Other (Non-signalized) Access Points

All Driveways providing Access to Collector Streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized Street or Driveway intersection is at least 250 feet from the perpendicular curb face of the intersecting Street or Driveway.

(3) Waivers

(i) Waivers from these Access standards may be approved by the City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.

(ii) The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section (g)(1) if it is determined that such an analysis is necessary in order to render a competent decision on the requested waiver.

(iii) A Driveway Access allowed with a waiver shall be used only to serve an existing Detached Dwelling or business on the property and for no other purpose.

(iv) The action of the City Engineer in granting or denying a waiver under this section shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days appeal period or, in case of an appeal, until the City Commission has acted on the appeal.

(v) A Landowner granted an Access waiver shall submit a letter to the City Engineer acknowledging the waiver and the fact that if circumstances change such that the property can meet the city's Access standards, the Access shall be immediately revised to comply with the city's Access standards.

(f) Driveways per Parcel along Local and Residential Collector Streets

(1) Unless otherwise specifically restricted, one Driveway opening shall be allowed per 200 feet of continuous Street Frontage. At least one Driveway shall be permitted for any Lot.

(2) Parcel with 200 feet of Frontage or less may apply for a second Driveway if it is to be shared with an adjoining Parcel, provided that the required minimum spacing is maintained. In such cases, only one Joint-Use Driveway will be permitted.

(3) Alleys are permitted and preferred Access alternatives.

(g) Use of Joint-Use Driveways

(1) Joint-Use Driveways shall not be used as aisles for Access to Parking Spaces.

20-916 TRAFFIC IMPACT STUDY

The City requires that a Traffic Impact Study (TIS) be prepared and submitted to the City for development or redevelopment, based on thresholds established in the adopted administrative policy. Preparation of a TIS, as part of an application for a permit or plan approval, shall be based upon adopted standards that have been established by Administrative Policy for a TIS adopted by the City Commission from time to time. A list of Engineering Consultants that are approved by the City to prepare a TIS is available from the City Engineer. Only engineers on this approved list meet the criteria established in the Administrative Policy to prepare a Traffic Impact Study.

(a) Purpose

The purpose of requiring a Traffic Impact Study is to provide the City with the information necessary to evaluate and make a determination about the impact of a proposed land use change or development project on adjacent land uses, on the existing and Ultimate Street Design, and on the entire transportation network.

(b) When Required

(1) Applicants are required to follow the Traffic Impact Study (TIS) analysis set forth in Ordinance No. 7650, unless waived with respect to the development because:

(i) the development is covered by a modified site plan, pursuant to Section 20-1305(n)(2), that has been determined not to constitute a material change; or

(ii) the development is covered by a modified final development plan, pursuant to Section 20-1304(n)(4), that has been determined not to constitute a major change; or

(iii) the development involves the reuse of existing Structures or modification of existing Structures, but does not involve a change in existing use or intensity of use;

(iv) the development is a residential development with ten (10) or fewer Lots or Dwelling Units; or

(v) the development has been determined by the City Engineer not to generate traffic impacts sufficient to justify the preparation of a TIS.

(2) The applicant for a development that generates 100 or more trips in a Peak Hour shall be responsible for the preparation and submittal of a TIS. TIS submittals shall be in accordance with the most recent version of the Traffic Impact Study Standards adopted by the City Commission.

(3) The extent of the analysis required for a TIS shall conform to the following:

(i) the study shall be confined to the Street or Streets from which Access is taken or is proposed and to the first major intersection in each direction, for developments that generate 100 to 499 vehicle trips in a Peak Hour;

(ii) the study area shall be extended to the next major Street intersection beyond the Streets onto which direct development Access is taken and may extend beyond the Streets onto which Access is taken or is proposed, for developments that generate 500 or more trips in a Peak Hour.

(4) Land use applications that deviate from the recommended land uses in the Comprehensive Land Use Plan or adopted area or neighborhood plan shall be required to provide a comparative analysis of the traffic that would be generated from the site, based on the adopted plan(s) land uses and the traffic that would be generated by the proposed development.

(c) Additional Analysis

When Access points are not defined or a site plan is not available at the time the Traffic Impact Study is prepared, additional analysis shall be conducted or required when a site plan becomes available or the Access points are defined.

(d) Expense

(1) Applications by Review or Decision-Making Bodies

The Owner or developer shall not be obligated to pay for a Traffic Impact Study where not required, pursuant to Section 20-1301(f), to pay an application filing fee;

(2) Notice if at Owner's or Developer's Expense

If the City determines that it is appropriate to engage an engineer or engineering firm to conduct a Traffic Impact Study, the City shall give the Owner or developer written notice of that determination, ten (10) Business Days before work on the TIS begins. This study shall be conducted for the City at the Owner or developer's expense.

(3) Payment as Permit Condition

In such instance, payment of a Traffic Impact Study shall be a condition of the issuance of any required permit or approval, pursuant to this Development Code, unless exempted in Section 20-916(d)(1).

This page intentionally left blank.

ARTICLE 10. LANDSCAPING AND SCREENING

20-1001 General
20-1002 Street Trees
20-1003 Interior Parking Lot Landscaping
20-1004 Parking Lot Perimeter Landscaping
20-1005 Bufferyards
20-1006 Additional Screening Requirements
20-1007 Alternative Compliance
20-1008 Existing Trees and Vegetation
20-1009 Landscape Material Standards
20-1010 Installation, Maintenance and Replacement

20-1001 GENERAL

(a) Purpose

The regulations of this article are intended to:

(1) maintain the City's quality, heritage and character by enhancing its visual appearance through the use of Landscaping;

(2) enhance environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, filtering of stormwater runoff, abatement of noise, glare and heat;

(3) replenish the local stock of native trees by encouraging the use of plant materials that are native to or generally suitable for planting in the region;

(4) Screen large off-street Parking Areas and other unsightly equipment and materials from view of persons on Streets or adjoining properties;

(5) buffer incompatible uses;

(6) help prevent light spillover; and

(7) preserve and protect mature stands of existing trees, where the trees have a minimum Caliper of 12" or larger from destruction and removal.

(b) Applicability

Unless otherwise expressly stated, the Landscaping and Screening standards of this article apply to any Development Activity that requires Site Plan Review in accordance with Section 20-1305 of this Development Code.

(c) Exemptions

The following are expressly exempt from compliance with the Landscaping and Screening standards of this article:

(1) the construction or expansion of a single Detached Dwelling;

(2) the construction or expansion of a Duplex; and

(3) agricultural uses.

(d) Contents of a Landscape Plan

All Landscaping plans shall include at least the following information:

(1) the location, size, planting type and quantity of all proposed Landscape Materials along with common and botanical names of all species. The size, grading and condition shall be specified according to American Association of Nurseryman Standards;

(2) the location, size and common name of all existing plant material to be retained on the site and a copy of the Tree Protection plan for implementation during construction;

(3) mature sizes of plant material shall be drawn to Scale and identified on the plan by a name or appropriate key;

(4) the location of hose connection, spigots and other watering sources;

(5) the location of all trees, 12 inch Caliper or larger, that are proposed for removal; and

(6) the location, dimensions, and design of all Screening required by this chapter.

20-1002 STREET TREES

Street trees shall be provided at a rate of at least one Shade Tree per 40 feet of public or Private Street Frontage, or portion thereof. Street trees may be clustered when circumstances prevent 40-foot spacing, such as Corner Lots where trees would conflict with the sight triangle of motorists on the Streets, overhead utility lines, utility Easements, existing mature trees or topographic features. Street Trees may also be clustered in groups of 3, 5 or 7 where such clustering is combined with Berming, trees and Shrubs in a planned manner and shown on the approved site or development plan. If possible, it is encouraged that Street trees be planted between the back of curb and the sidewalk. In cases where Street trees may be planted between the back of curb and sidewalk, the planting strip shall be a minimum of 8 feet in width.

(a) In RS and RM12D Zoning Districts

(1) Street trees shall be located a maximum of 10' from the boundary line of the right-of-way when no utility Easement is present. If a utility Easement is present, Street trees shall be located a maximum of 18' from the boundary line of the right-of-way.

(2) In the case of Lots which are located on the radius of a Cul-de-sac, Street trees shall be located a maximum of 25' from the boundary line of the right-of-way when no utility Easement is present. If a utility Easement is present, Street trees shall be located a maximum of 33' from the boundary line of the right-of-way.

(b) In Other Zoning Districts

Street trees shall be located a maximum of 30' from back of curb, with the exception of Lots on the radius of a Cul-de-sac which shall be located no greater than 45' from the back of curb.

20-1003 INTERIOR PARKING LOT LANDSCAPING

(a) Purpose

The parking lot Landscaping standards of this section require interior Landscaping within parking lots to break up large expanses of pavement; to provide relief from the heat island effect associated with paved areas; and to safely direct traffic flows within the lot.

(b) Applicability

The interior parking lot Landscaping standards of this section apply to all off-street parking lots containing 11 or more off-street Parking Spaces; provided, however, that for Lots that are less than one hundred fifty (150) feet deep, the interior Landscaping requirements may be waived in conformance with the Alternative Compliance procedure provided in Section 20-1007 with all Landscaping being concentrated in the Setback from public rights of way or from residentially zoned property.

(c) Landscape Area

(1) Parking lots shall contain at least 40 square feet of Landscaping area per Parking Space.

(2) Required minimum parking lot perimeter Landscaping and required Bufferyards may not be used to satisfy minimum interior parking lot Landscaping requirements.

(3) Landscape areas within the Parking Area shall be constructed with concrete curbing to minimize damage to plant material, except that concrete curbing may be reduced or eliminated to account for landscape areas that are used as bio-swales or other alternative systems of storm water management where curbing would impede the flow of water.

(4) Landscape areas to be credited toward meeting these standards shall have minimum dimensions of 8.5 feet in all directions and the landscape areas shall be contained within the parking lot. The parking lot shall be established by the perimeter parking lot curb, excluding landscape area peninsulas that meet the minimum dimensions.

(5) Landscape medians in parking lots shall be planted with a mixture of two or more plant materials: Ground Cover, trees or Shrub. The landscape median may contain a pedestrian walk that separates the total area into mowable strips of three or more feet on either side of the walk.

(6) Interior rows of Parking Spaces located in the Parking Area shall terminate with landscape areas.

(d) Trees and Shrubs

At least one Shade Tree and three Shrubs shall be provided per ten Parking Spaces within off-street Parking Areas. One Shade Tree or Ornamental Tree may be substituted for three Shrubs, but Shrubs may not be substituted for Shade Trees.

(e) Other Landscaping

In addition to required Shade Trees and Shrubs, landscape areas within the interior of off-street Parking Areas shall be planted with turf, Ground Cover, Ornamental Trees, or Shrubs.

(f) Location and Arrangement of Landscaping

Landscaping and planting areas shall be reasonably dispersed throughout parking lots to break up long rows of Parking Spaces. Landscape areas and plantings shall be located and arranged to provide shade to parked vehicles, to safely direct traffic flows within the lot, to allow the Principal Building to be seen from the Street and for the Street to be seen from the Principal Building and/or to provide Landscaping and shade along protected pedestrian walkways within the interior of the parking lots. Landscaping location and arrangement of plant materials shall be designed with consideration given to the adjacent zonings, plantings and land uses.

20-1004 PARKING LOT PERIMETER LANDSCAPING

(a) Purpose

The parking lot perimeter Landscaping standards of this section are intended to Screen views of parking lots from streets and roads.

(b) Applicability

(1) The parking lot perimeter Landscaping standards of this section apply to all off-street parking lots containing 5 or more off-street Parking Spaces.

(2) The parking lot perimeter Landscaping standards of this section shall apply to all new development and to redevelopment of existing parking lots which result in an increase of 20% or greater of the number of spaces in the existing parking lot.

(c) Landscape/Screening Material

Parking lots shall be landscaped and screened from view of street rights-of-way with a minimum of one Shade Tree or Ornamental Tree per 25 linear feet of parking lot Frontage (required Street trees may be counted toward satisfying this requirement) and at least one of the following:

(1) a solid masonry wall with a minimum Height of three feet (3') and a maximum Height of four feet (4'); or

(2) a Berm with a minimum height of two feet (2'), a maximum height of three feet (3') and a maximum 3:1 slope. The Berm shall be located entirely on the property with the parking lot. Where Parking is allowed on a site and it is impracticable to provide a 15-foot wide buffer on a side adjoining residential uses or across an Alley from residential uses, with the approval of the Planning Director as part of the Site Plan Review process, a solid fence or wall at least six (6) feet in Height may be substituted for the buffer on the side adjoining or across the Alley from the residential uses; or

(3) a continuous row of evergreen Shrubs with a minimum height of three feet (3').

(4) Provided that, the Planning Director may waive this parking lot perimeter Landscaping and Screening requirement if the Director determines that the purpose of this requirement is otherwise met or that the overall spirit and intent of this Development Code is not undermined by granting the waiver.

(d) Landscape Area

Required landscape/Screening material shall be located between the street right-of-way and the parking lot. This landscape area shall have a minimum width of ten feet (10'), although a buffer width of five feet (5') is permitted if it is provided in conjunction with a solid masonry wall of a minimum height of three feet (3').

20-1005 BUFFERYARDS

(a) Purpose

The standards of this section are intended to mitigate the impacts associated with incompatible land uses on adjacent properties. The standards require landscape Bufferyards between such uses to minimize the harmful impacts of noise, dust/debris, glare and other objectionable activities.

(b) Applicability

The Bufferyard standards of this section apply to all development or redevelopment requiring site plan review.

(c) Table of Required Bufferyards

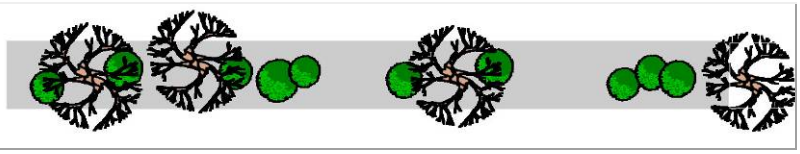
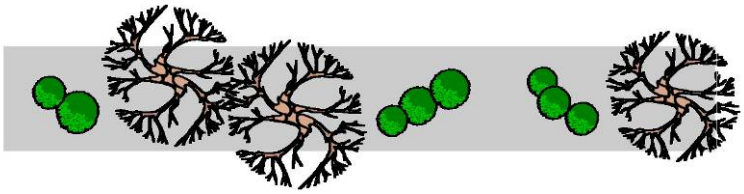
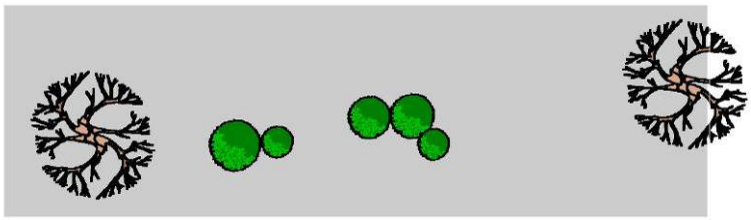
Bufferyards are required in accordance with the following table. To determine the type of Bufferyard required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site and each adjacent site intersect on the table. If a Bufferyard is required, a numeral at the intersection will indicate the type of Bufferyard required. Width and landscape planting options for Bufferyards are explained in Section (d) through (f). Where the required Bufferyard is wider than the Side Setback required at that location, the Side Setback shall be expanded to accommodate the Bufferyard.

Developing Site's Zoning	Adjacent Site's Zoning						
	RS	RM	CN1, CO, CN2	MU, CD	CC, CR, CS	IBP, IL, IM, IG	GPI, H
RS Districts (Residential uses)	–	1	1	2	2	3	3
RS Districts (Nonresidential uses)	1	1	1	1	2	3	2
RM Districts	1	–	1	–	2	3	2
CN1, CO and CN2 Districts	1	1	–	–	1	2	1
MU and CD Districts	2	–	–	–	–	–	–
CC, CR and CS Districts	2	2	1	–	–	1	1
GPI and H Districts	3	2	2	–	–	1	–
IBP, IL, IM and IG Districts	3	3	2	–	1	–	1

(d) Type 1 Bufferyards

(1) Options

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 1 Bufferyard requirements.

Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
10 feet		4	10
15 feet		3	8
20 feet		3	7
25 feet		2	5

(2) Trees and Shrubs

At least 50% of required trees and Shrubs shall be Evergreen Trees.

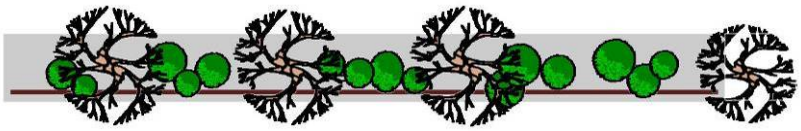
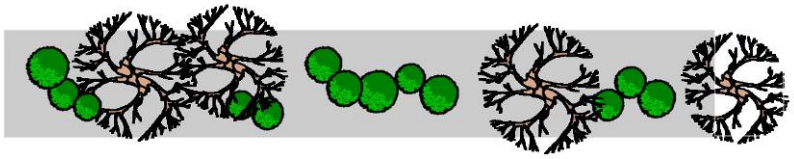
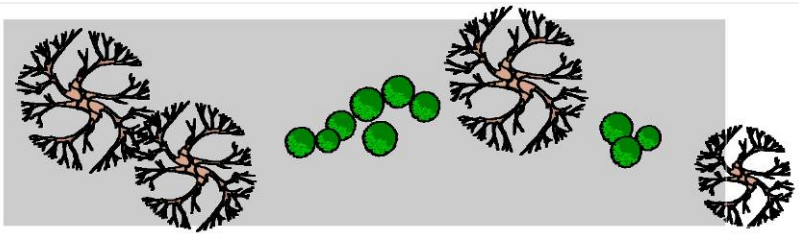
(3) Fences, Walls and Berms

A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(e) Type 2 Bufferyards

(1) Options

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 2 Bufferyard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required 	4	15
20 feet		4	13
25 feet		4	10

(2) Trees and Shrubs

At least 50% of required trees and Shrubs shall be Evergreen Trees.

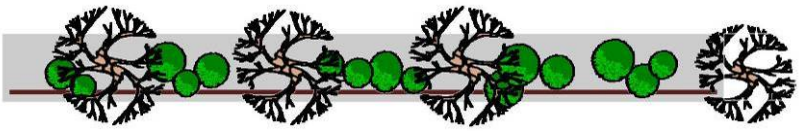
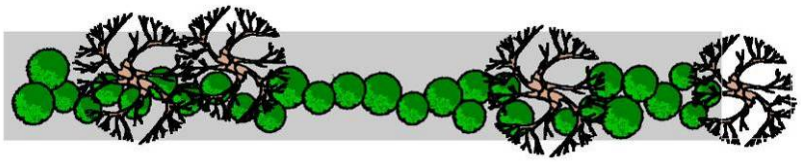
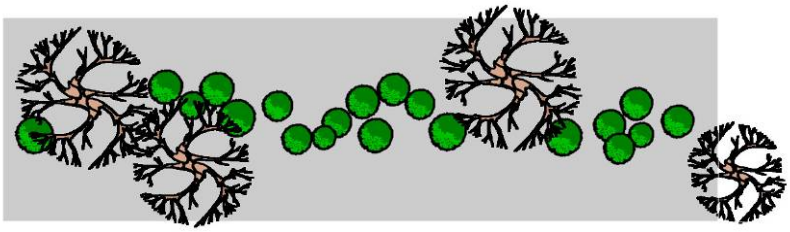
(3) Fences, Walls and Berms

If the proposed Bufferyard 2 is less than 20 feet in width, it shall include a wall at least three feet in Height. A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed Bufferyard from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(f) Type 3 Bufferyards

(1) Options

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 3 Bufferyard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required. 	4	15
20 feet		4	30
25 feet		4	20

(2) Trees and Shrubs

At least 50% of required trees and Shrubs shall be Evergreen Trees.

(3) Fences, Walls and Berms

If the proposed Bufferyard 3 is less than 20 feet in width, it shall include a wall at least three feet in height. A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed Bufferyard from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(g) Responsibility for Bufferyard Installation

The developing property is responsible for providing required Bufferyards.

(1) Location

The Bufferyard, including any required Berm, shall be located entirely on the property on which the development which requires the Bufferyard is occurring.

(2) Existing Bufferyards

In those cases where a Bufferyard that complies with the standards of this section is already in place on the site of the developing property, the developer is not required to install another Bufferyard. The developer is only responsible for ensuring that the existing Bufferyard complies with the standards of this section.

(3) Residential Bufferyards

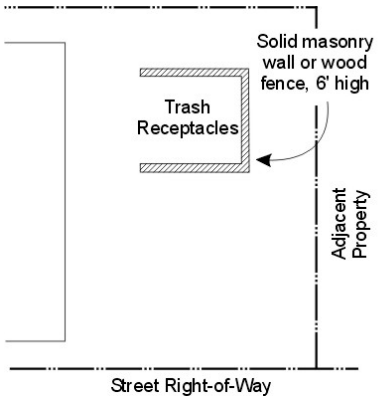
Bufferyards required for residential subdivisions shall be placed in landscape Easements.

20-1006 ADDITIONAL SCREENING REQUIREMENTS

All multi-Dwelling residential, and nonresidential, developments shall provide additional Screening as follows:

(a) Dumpsters and Trash Receptacles

Dumpsters and trash receptacles shall be screened from view of adjacent properties and street rights-of-way on at least three sides with a 6-foot solid fence constructed of cedar, redwood, masonry or other compatible Building material.



(b) Mechanical Equipment

Exterior ground-mounted or Building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 feet above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the Principal Building.

20-1007 ALTERNATIVE COMPLIANCE

(a) Applicability

Alternative methods of compliance with the standards of this article may be used when one or more of the following conditions exist:

(1) Topography, soil, vegetation, space constraints or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from the alternative compliance.

(2) Safety considerations make alternative compliance necessary.

(b) Approval Criteria

To be approved, an alternative compliance landscape plan shall be equal to or exceed traditional compliance in terms of quality of materials and visual effect, effectiveness in meeting the purpose established in Section 20-1001, and material durability and hardiness. Alternative compliance is limited to the specific site under consideration and does not establish precedent for acceptance of alternative compliance plans on other sites.

(c) Procedure

(1) A request for alternative compliance shall be accompanied by a landscape plan with sufficient explanation and justification (written, graphic, or both) to allow appropriate evaluation and decision.

(2) A request for alternative compliance shall be submitted to the Planning Director at the time the landscape plan is submitted. The Planning Director is authorized to approve the alternative compliance plan if the Director determines that one or more of the conditions of Subsection (a) hereof exist, the approval criteria of Subsection (c) hereof are satisfied and the purposes and overall standards of this Article will be met by implementation of the plan.

(3) Appeals of the decisions of the Planning Director may be filed with the Board of Zoning Appeals.

20-1008 EXISTING TREES AND VEGETATION

(a) Generally

Vegetation and plant material that exists on a site prior to its development may be used to satisfy the Landscaping standards of this section provided that they meet the size, variety and locational requirements of this Article.

(b) Tree Size

Existing trees saved on the site during construction will be credited toward satisfying the tree planting requirements of this Article, provided that such trees are a minimum of 2-inch Caliper for Shade Trees or 1.5-inch Caliper for Ornamental Trees or five feet (5') in height for Evergreen Trees. The Planning Director is authorized to grant additional credit for the preservation of trees that are 12 inches or more in diameter at a ratio of 3:1 to encourage the preservation of existing mature trees.

(c) Standards

The following standards shall be met to receive credit for preserved trees:

(1) Preserved trees shall be healthy and free of mechanical injury, and may not be damaged by skinning, barking, bumping or similar induced wounds.

(2) A protection area of ten feet (10') outside the entire area within the Drip Line of the tree shall be naturally preserved or provided with pervious Landscape Material and shall be maintained at its original Grade with no trenching or cutting of roots in this area. Within this area, there may be no storage of fill or compaction of the soil, as from heavy construction equipment, or any evidence of concrete, paint, chemicals, or other similar foreign substances in the soil.

(3) Soil may not be removed from within the Drip Line of any tree that is to remain at its original location.

(4) There shall be no evidence of active insect infestation or disease.

(5) Impervious Surfaces and changes in Grade are not allowed within 10 feet of the trunk.

(6) Cutting and ditching for underground utility lines shall be done in such a way as to preserve and protect the root system of the tree.

(d) Damaged or Destroyed Trees

If trees identified for preservation and credit are destroyed or damaged, they shall be replaced by other trees on a 1:1 basis. Replacement trees shall be a minimum of 4-inch Caliper Deciduous trees or 8 feet in height for Ornamental Trees and Evergreen Trees.

20-1009 LANDSCAPE MATERIAL STANDARDS

The following standards are the minimum required planting standards for all trees and Landscape Material.

(a) Plant Quality

Plants installed to satisfy the requirements of this Article shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.

(b) Artificial Plants

No artificial plants or vegetation may be used to meet any standards of this section, with the exception of synthetic turf, provided that the use of synthetic turf is approved by the Planning Director in accordance with Chapter 18, Article 4, Section 18-402(b) of the City Code, as amended. Any person aggrieved by the decision of the Planning Director hereunder may appeal that decision to the Board of Zoning Appeals in accordance with Sections 20-1311 and 20-1402 of the City Code, as amended.

(c) Trees

(1) Types

(i) Required

Where required or permitted, trees shall be of Ornamental Trees, Evergreen Trees, or large Deciduous types, such as oak, maple, ash, hickory, or thornless honey locust. Use of the following trees is discouraged and may not be used to satisfy the standards of this Article: box elder, soft maple, hackberry, American elm, poplar, ailanthus (tree of heaven), willow or mimosa.

(ii) Species Mix

When more than ten (10) trees are required to be planted to meet the standards of this Article, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted varies according to the overall number of trees required to be planted in accordance with the following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	6

(2) Sizes

(i) Shade Trees

Shade Trees planted to satisfy the standards of this Article shall have a minimum Caliper size of two and one-half (2½) inches.

(ii) Ornamental Trees

Ornamental Trees planted to satisfy the standards of this Article shall have a minimum Caliper size of one and three-fourths (1¾) inches.

(iii) Upright Evergreens and Conifers
Upright Evergreen Trees planted to satisfy the standards of this article shall have a minimum planted height of six (6) feet above Grade.

(d) Shrubs (Deciduous, Broadleaf and Evergreen)
Shrubs shall have a minimum planted height of 24 inches above Grade. Deciduous and Broadleaf Shrubs shall be a minimum container size of 2 gallons. Evergreens shall be a minimum 5-gallon container size or balled and burlapped.

(e) Ground Treatment
The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards apply to the design of ground treatment:

(1) Ground Cover
Ground Cover appropriate for the area may be planted in lieu of turf grass. Ground Cover shall be of a size and spacing to provide a minimum of 50% coverage after the first full Growing Season and complete coverage at maturity. Edging material shall be provided for all Ground Cover.

(2) Mulch
Mulch shall be installed and maintained at a minimum depth of 2 inches and a maximum depth of 4 inches on all planted areas except where Ground Cover plants are fully established. Mulch may be used as a permanent ground treatment in those landscape designs where Ground Cover or grass is inappropriate.

(3) Grass Seed and Sod
Turf areas shall be planted with species suitable as permanent lawns in Lawrence. Turf areas may be sodded or seeded.

(i) In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full Growing Season.

(ii) Erosion control methods shall be installed in drainage swales and areas with a gradient of 5 percent (5%) or greater. The method of erosion control shall be approved by the City Engineer prior to obtaining a Building Permit.

(f) Fences and Walls
Fences and walls used to meet the standards of this Article shall be of uniform appearance and design throughout the subject development.

20-1010 INSTALLATION, MAINTENANCE AND REPLACEMENT

(a) Installation

(1) All Landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth.

(i) At a minimum all trees shall have root balls sized to meet American Nurseryman's Association's guidelines. All trees shall be Mulched and staked.

(ii) Landscape plant material suitable for planting shall be balled and burlapped or container grown. In both cases, a planting area that is at least twice the diameter of the root system or the container shall be prepared.

(iii) All required Landscape Materials shall be installed using planting soil of a type appropriate to the individual plant material and the soil conditions in which the planting is occurring.

(iv) A minimum of 2 inches of organic Mulch shall be placed over all newly installed tree and Shrub planting areas.

(v) Soil amendments for landscape planting beds shall be provided on the landscape plan.

(2) All Landscape Material, including trees, plant material and structural elements, shall be in place and healthy prior to issuance of a final Certificate of Occupancy. The Planning Director may authorize issuance of a temporary Certificate of Occupancy prior to installation of required Landscaping, when seasonal conditions render installation impractical based on the following criteria:

(i) To be eligible for a temporary Certificate of Occupancy the applicant shall provide the Planning Director with a bona fide executed contract with a landscape contractor or nursery.

(ii) The contract shall authorize the City to request completion of the installation work.

(iii) Funds to cover the cost of the contract shall be placed in escrow or provided as a letter of credit that runs to the City.

(iv) In no case shall installation be delayed more than 120 days after occupancy.

(b) Maintenance, Replacement and Enforcement

Trees, Shrubs and other Landscape Materials depicted on plans approved by the City are considered elements of the project in the same manner as Parking, Building materials and other details are elements of the plan. Regulations for enforcement of the landscape requirements are as follows:

(1) When, in the opinion of the Planning Director, Landscaping has not been installed, maintained, or replaced to comply with the approved final plan or landscape plan, then the Planning Director shall issue a written order to the alleged violator. The order shall specify the sections of the Development Code of which the individual is in violation.

(2) All Landscaping on public and private property will be subject to periodic inspection by the Planning Director, to detect diseased, dead, or hazardous Shrubs, trees, or plants.

(3) Plant material that exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced with healthy plant material, of the same or other approved species, within the next Planting Season.

(4) Should Landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the Owner will be considered in violation of the terms of the approved landscape plan. Violations of the terms and conditions of the approved landscape plan will be considered a violation of this Development Code subject to the penalties established in this Development Code.

ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

20-1101 Protection Standards for Residential Districts
20-1102 Intersection Visibility
20-1103 Outdoor Lighting
20-1104 Performance Agreements; Guarantees
20-1105 Sidewalks
20-1106 Agreement Not to Protest Formation of a Benefit District
20-1107 Retail Market Impact Analysis
20-1108 General Development Standards for Mixed Use (MU) Districts

20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-Family use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

(1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;

(2) placement and buffering of trash receptacles;

(3) location of loading and delivery areas;

(4) lighting location, intensity, and hours of illumination;

(5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;

(6) additional Landscaping and buffering;

(7) Height restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;

(8) preservation of natural lighting and solar Access;

(9) ventilation and control of odors and fumes; and

(10) paving or other surface treatment for dust control.

(b) Height Limit on Projects Adjoining Certain Residential Zoning Districts

See Section 20-701(g) for Height limits in the PD district.

(c) Balconies of a multi-Dwelling Unit Building

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

(d) Standards for Environmentally Sensitive Lands

(1) Applicability

The provisions of this Article regarding environmental protection for sensitive lands shall apply to all construction and development in all RS and RM Districts, with the exception of individually platted lots for single or duplex dwellings which were platted prior to (the effective date of this Text Amendment).

(2) Environmentally Sensitive Lands

(i) Protected Areas.

If 500 sq ft or more of a proposed development consists of lands falling in the following categories, any proposed development may proceed only in accordance with the processes allowed by this section. The lands affected by this section are listed below in a priority order for protection:

Regulatory Floodways, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the City GIS Baseline Environmentally Sensitive Areas Map;

a. Regulatory Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on 100 year storm and identified on the City GIS Baseline Environmentally Sensitive Areas Map;

b. Jurisdictional Wetlands, as determined by the Army Corps of Engineers;

c. Stream Corridors as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map;

d. Stands of Mature Trees as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map; and

f. Archaeological and Historic Sites listed on local, state, or federal registers.

(ii) Determination of Development Land Area

In determining whether a portion of a proposed development consists of sensitive lands, all contiguous lands under the same Ownership or control shall be considered. Lands owned or controlled by a partnership, trust or corporation under the same effective control shall be considered, along with lands owned directly by the applicant and lands under option to the applicant or a partnership, trust or corporation under the effective control of the applicant.

(2) Procedures to be Followed

(i) Platted Lots -- Amount Required

For all types of developments, required protection of environmentally sensitive lands shall be limited to a maximum protection area of 20% of the total land area. The protected environmentally sensitive lands shall be set aside as private Common Open Space or dedicated to the City as parkland or open space. Incentives for protection of environmentally sensitive lands in amounts above 20% of the total land area are included in Section 20-1101(f).

(ii) Development Process

Development on land which contains more than 500 square feet of sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], and may proceed through one of the following processes:

a. Site Planning. Development on properties containing more than 500 square feet of environmentally sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], which may be consolidated with any other required site plan submitted, but will be, in any event, required prior to approval of a development proposal. The plan shall clearly delineate the environmentally sensitive lands to be protected and shall include information regarding protection measures and maintenance.

b. Platting. Environmentally sensitive lands to be protected shall be located within tracts and/or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures, shall be included on the preliminary and final plat.

c. Planned Development. Development standards in Section 20-701 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.

d. Cluster Housing Project. Development standards in Section 20-702 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.

(4) Effect on Development Density

Where the types of lands listed in Section 201101(d)(2)(i) are included in a proposed development, that land may be included in determining the allowable Density or intensity of development and the allowable density, calculated on the total land area, may be transferred to other developable portions of the property

(e) Density Bonus Incentives for Protection of Additional Lands

Density bonuses are available to encourage the protection of environmentally sensitive lands in a greater amount than required.

(1) Applicability

A development shall qualify for a density bonus if environmentally sensitive lands noted in this Section are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(3)(a) with the following exceptions or additions:

(i) The density bonus incentives do not apply to the protection of regulatory floodway above the amount required in this Section.

(ii) Slopes of 25% or greater may be included in the environmentally sensitive lands for the density bonus incentives, provided the required area being protected with features listed in Section 20-1101(d)(2)(i) equals or exceeds 20% of the total developable area.

(iii) Native prairie remnants may be included in the environmentally sensitive lands for the purpose of these incentives. The protection of any amount of native prairie remnant qualifies for the density bonus incentives, regardless of what amounts of other environmentally sensitive lands have been protected. If native prairie remnants are protected, the density bonus is calculated per Table 1 and 2 in Section 20-1101(e) as if the 20% of developable area has been protected.

(2) Approval Criteria

(i) In addition to these regulations, development on properties with certain environmentally sensitive lands, such as jurisdictional wetlands, may be restricted by state or federal regulations.

(ii) In order for a density bonus to be approved, City planning staff must determine that utilities and infrastructure are available to serve the additional density proposed and the design of the development does not negatively impact adjacent properties.

(iii) Land offered for dedication shall be subject to approval by the Governing Body.

(3) Density Bonus -- Increase in Number of Dwelling Units

(i) Determination of Base Density

The Base Density, the number of dwelling units which can be developed on a property, will be determined from a ‘concept plat’ or sketch plan provided by the applicant which shows the basic street layout and rights-of-way, the areas necessary for stormwater detention (based on an approved conceptual drainage study), the 20% of the site which is being protected with environmentally sensitive lands, and proposed lot layout in conformance with density and dimensional standards in Section 20-601.

(ii) Determination of Density Bonus

If the density bonus meets the criteria noted in Section 20-1101(e)(1), the density bonus to be applied to the base density shall be calculated using the proportions in Table 1.

a. The density may exceed the Density Cap in multi-dwelling districts.

b. The density may equal but may not exceed the Density Cap for single-family and duplex districts.

c. Density Caps set by the Comprehensive Plan are noted in Table 2.

20-1101(e) TABLE 1 Density Bonus—Increase in number of dwelling units				
% of property that is protected	**% increase in Dwelling Units**		**% of property that is protected**	**% increase in Dwelling Units**
21	1		31	11
22	2		32	12
23	3		33	13
24	4		34	14
25	5		35	15
26	6		36	16
27	7		37	17
28	8		38	18
29	9		39	19
30	10		40	20

20-1101(e) TABLE 2 Density Cap per Zoning District			
Comprehensive Plan Designation	**Density Cap Horizon 2020 (du/acre)**	**Zoning District**	**Max. Density per Code (du/acre)**
Very-low density: single dwelling	1	RS40	1.09
Low-density: single dwelling	2-6	RS20	2.18
		RS10	4.26
		RS7	6.22
Medium density: single dwelling	7-15	RS5	8.7
		RS3	14.52
		RSO	14.52
Medium density: multi dwelling	7-15	RM12,	12
		RM12D,	12
		RM15	15
High-density: multi-dwelling	16-21 du / acre	RM24,	24 du / acre
		RM32	32 du / acre

(iii) Standards Adjustment

a. In single-dwelling and duplex-dwelling zoning districts, it may be necessary to reduce the lot area and/or lot width requirements to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

b. In multi-dwelling districts, it may be necessary to increase the height limitation, in addition to adjustments to the lot area and/or lot width requirements, to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

(4) Density Bonus -- Increase in Developable Square Footage

This bonus permits the construction of larger structures, and/or the addition of more impervious surface on a lot, rather than an increase in the number of dwelling units. The proportions listed in Table 3 apply to the increase in developable square footage. Each 1% of protected environmentally sensitive lands protected above that required by Code results in a 1% increase in the building or impervious surface coverage up to a maximum of 40%. (In no case shall the building coverage or impervious surface coverage exceed 90% of the lot).

20-1101(e)-TABLE 3
Density Bonus — Increase in Developable Area

Zoning District	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Min Outdoor Area per Dwelling (sq ft)	Int Side Setback (ft)	Front Setback (ft)	Rear setback (ft) Single frontage / double frontage
RS40	15	25	--	20	25	30/35
RS20	30	50	--	20	25	30/35
RS10	40	70	--	10	25	30/25
RS7	45	70	--	5	25	30/25
RS5	50	75	240	5	20	20/25
RS3	50	75	150	5	15	20/25
RSO	50	75	--	5	25	20/25
RM12D	50	75	50	5	25	20/25
RM12	50	75	50	5	25	20/25
RMO	50	75	50	5	25	20/25
RM15	50	75	50	5	25	25/25
RM24	50	75	50	5	25	20/25
RM32	60	80	50	5	25	20/25
*	1% increase	1% increase	1% decrease	Adjusted as needed -- not less than 5	Adjust as needed—not less than 15	Adjust as needed—not less than 15

*for each 1% protection above the required 20% (to maximum of 40%)

(i) Standards Adjustment

In some cases the minimum outdoor area or setbacks may need to be reduced to accommodate the additional building or impervious surface coverage. This reduction may be made to the minimum degree necessary to accommodate the additional building or impervious surface coverage.

(f) Sensitive Areas Site Plan Required

Prior to development on land containing more than 500 square feet of environmentally sensitive lands listed in Section 20-1101(d)(2)(i) a Sensitive Areas Site Plan shall first be submitted to and approved by the City in accordance with the requirements of Site Plan Review, Section 20-1305 including the public notice procedures of Section 20-1305(g).

(1) Sensitive Areas Site Plan Contents

The Sensitive Areas Site Plan must be prepared in accordance with the requirements in Section 20-1305(f) with the exception that a Sensitive Areas Site Plan is not required to be completed by an engineer, architect or other qualified professional. In addition to the contents noted in Section 20-1305(f), the site plan shall:

(i) Clearly delineate the property boundaries.

(ii) Clearly delineate the boundaries of the environmentally sensitive lands listed in Section 20-1101(d)(2)(i).

(iii) Designate protected lands per the priority order in Section 20-1101(d)(2)(i).

(iv) Provide information on the ownership and maintenance responsibility for the protected lands.

(v) Provide information on the methods to be used to protect environmentally sensitive lands, both during construction and after.

(g) Drainage Easements

All express drainage Easements dedicated, purchased or otherwise granted to the City in writing are governed by the standards of this section. No person may construct, maintain, or allow any natural or non-natural Structures or vegetative barriers (including but not limited to trees, Shrubbery, Berms, fences, and walls) upon drainage Easements that the Director of the Municipal Services and Operations Department finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.

(h) Administration and Enforcement of Drainage Easements

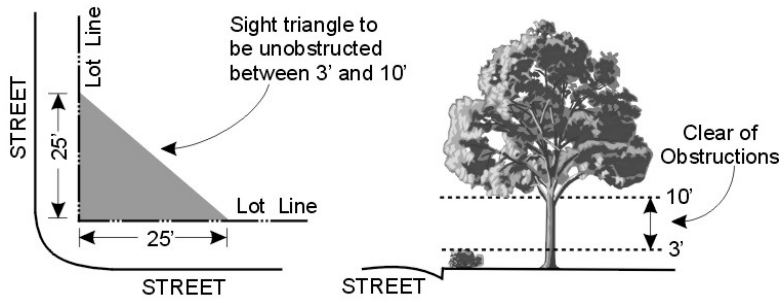
The Director of the Municipal Services and Operations Department may enter upon the drainage Easement, at any time and without notice, to inspect the drainage Easement.

(1) If the Director of the Municipal Services and Operations Department finds that any natural or non-natural Structure or vegetative barrier impedes, detains, retains, or otherwise interferes with the drainage of stormwater, the Director of the Municipal Services and Operations Department shall issue a notice to the Landowner to abate that condition within 30 days or such longer time period as the Director of the Municipal Services and Operations Department deems appropriate. Within 14 days of the mailing of the notice to abate, the Landowner may request a hearing before the City Commission. If the Landowner requests a hearing, the City Commission shall determine the appropriateness of the order to abate, make findings as are appropriate, and order any necessary action as appropriate. The time period set by the Director of the Municipal Services and Operations Department to abate the nuisance shall be stayed from the date the notice is filed until the City Commission has acted on the appeal. If the abatement is not completed within the time frame allowed by the notice to abate, including the period of time a stay is in effect, if any, or by the direction of the City Commission, the Director of the Municipal Services and Operations Department will proceed with the abatement action. Pursuant to K.S.A. 12-6a17, the Director of the Municipal Services and Operations Department shall order collection of the cost of this abatement upon the Landowner.

(2) This section does not create liability upon the City or its employees regarding the creation, dedication, inspection and maintenance of drainage Easements.

20-1102 INTERSECTION VISIBILITY

No fence, wall, hedge, Landscaping, sign or other material or Structure that will obstruct vision between a height of 3 feet and 10 feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of Corner Lot Lines and extending 25 feet from their point of intersection. Visibility triangle requirements may be increased by the City Traffic Engineer when deemed necessary for traffic safety.



20-1103 OUTDOOR LIGHTING

(a) Purpose

The outdoor lighting standards of this section are intended to eliminate spillover light and light glare on motor vehicle operators, pedestrians, and land uses near light sources. Safety considerations are a primary basis for the regulations, especially pedestrian, motor vehicle and traffic safety. In other cases, the regulations are intended to protect property values and the general welfare by controlling the nuisance aspects of glare or spillover light.

(b) Applicability

The regulations of this section apply to all uses except:

(1) Public Street lights, which are exempt from the standards of this section but are subject to all applicable standards of the Kansas Department of Transportation and the City of Lawrence Municipal Services and Operations Department;

(2) residential uses, which are exempt from the outdoor lighting standards of this section except that spot lights or flood lights that create a glare on neighboring property are prohibited. Off-Street Parking Lots associated with residential uses are not exempt from the outdoor lighting standards of this section;

(3) holiday lighting;

(4) outdoor recreation uses, which are subject only to the standards of Section 20-1103(e); and

(5) Telecommunication Towers and Antennas.

(c) Exterior Lighting (Photometric) Plan

(1) When Required

An outdoor lighting plan shall be submitted to the Planning Director whenever outdoor lighting is to be installed or whenever Site Plan Review is required. The lighting plan shall be reviewed to determine whether the proposed outdoor lighting complies with the standards of this section.

(2) Information Required

Outdoor lighting plans shall include a photometric plan and data on the types of lighting fixtures to be used. The photometric plan includes all of the following unless the Planning Director determines that a thorough review and determination is possible without such information:

(i) Scaled drawing of the site with all outdoor lighting fixture locations identified;

(ii) Fixture specifications, such as catalog cut-sheets. The lighting fixture data shall be based on the photometric plan and shall indicate type of fixture, Height, shielding, luminare type and wattage.

(iii) Lamp type and size.

(iv) A point-by-point illumination array for the major Parking Area or areas. The point-by-point array shall indicate site illumination along

the Lot Line at 10-foot intervals and on the interior of the site at 20-foot intervals.

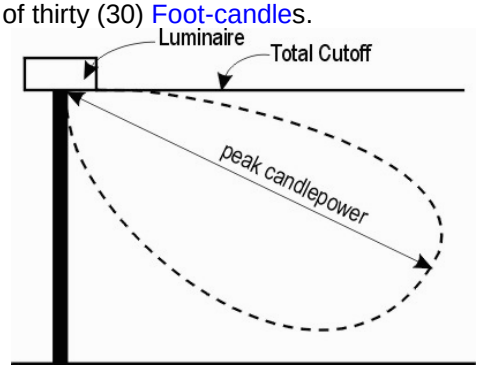
(d) Lighting Standards

(1) Light Confinement

(i) All outdoor lights shall, to the maximum extent feasible, confine emitted light to the property on which the light is located and not be directed upwards toward the sky.

(ii) All fixtures shall be cut-off fixtures that confine lighting to the subject site and shield the light source from view. Cut-off fixtures are not required when the luminaries are less than 150 watt incandescent.

(iii) Under-Canopy or downcast, roof-mounted lights shall be recessed from the lowest point of the ceiling plane and shall not exceed a maximum of thirty (30) Foot-candles.



(2) Visible Light Sources

Outdoor light sources that are visible within the normal range of vision from any R-zoned property are prohibited, unless the luminaries are less than 150 watt incandescent.

(3) Spillover Light

Spillover light is measured at Grade and is regulated as follows:

(i) Spillover light onto R-zoned property may not exceed 0.2 Foot-candles, measured at the residential Lot Line.

(ii) Spillover light onto Public Street rights-of-way or properties in a nonresidential Zoning District may not exceed 3 Foot-candles, measured at the Lot Line of the illuminated site.

(iii) When outdoor lighting is used on property that is across the Street from R-zoned property, the maximum illumination at the Lot Line (abutting the Street right-of-way) of the illuminated site may not exceed one Foot-candle.

(e) Special Standards for Outdoor Recreation Uses

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreation uses are exempt from the preceding outdoor lighting

standards of this section. Instead, outdoor recreation uses are subject to the following standards:

(1) Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.

(2) No flickering or flashing lights are permitted.

(3) Lights may not be illuminated after 11:30 p.m.

(4) As-built lighting and photometric plans are required.

(5) Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra Landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.

20-1104 PERFORMANCE AGREEMENTS; GUARANTEES

(a) Generally

Performance Agreements are required to guarantee compliance and completion of required improvements as provided on approved applications and plans. If a site plan is to be developed in phases allowing temporary occupancy of a portion of the site, or if review and decision-making bodies determine that other aspects of a proposed or approved plan require alternate performance assurance, supplemental forms of performance assurance may also be required, including performance bonds, escrow accounts and other forms of surety acceptable to the Director of Legal Services. Financing required improvements shall be in accordance with the City's adopted development policy.

(b) Performance Before Occupancy

In general, no temporary occupancy of industrial, commercial, office or residential property may take place before all of the conditions of the site plan and other provisions of this Development Code have been satisfied unless some form of financial assurance is provided, except that:

(1) In Planned Developments, approved for phased development by the City Commission, such activity may commence as each phase or portion is completed if the conditions of the plan relating to the particular phase or portions of the total project have been completed. (Such conditions shall be considered to mean off-street parking and loading areas, Screening, drainage, stormwater detention, lighting and trash storage facilities.)

(2) Consideration will be given to seasons of the year and adverse weather conditions in requiring completion of Landscaping plans before initiation of such activity, provided that Landscaping shall be completed within 120 days following commencing of such activity. Such conduct of an activity on a Parcel of ground or occupancy of a property having an approved site plan without completion of site plan conditions, except as noted above, and/or Development Code provisions, shall be considered a violation of this Development Code.

20-1105 SIDEWALKS

(a) Applicability

Sidewalks shall be installed for any Significant Development Project, provided, that if sidewalks currently exist at the site, the Landowner will not be required to install new sidewalks at the site unless the existing sidewalk is recommended for condemnation by the Public Works Department pursuant to K.S.A. 12-1808. Financing of sidewalks shall be in accordance with the City's adopted development policy.

(b) Design and Construction Standards

(1) Sidewalks shall be installed according to specifications adopted by the City Commission.

(2) Minimum widths are as follows:

Street Type	Minimum Sidewalk Width (in feet)
Local	5; Minimum width of 4 feet allowed in Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' sidewalk on the other side

(3) The City Engineer is authorized to vary minimum sidewalk width and construction standards when the standards would be:

(i) impractical because of topography or site conditions;

(ii) inconsistent with the width of sidewalks on abutting sites; or

(iii) inconsistent with the pattern or material of sidewalks in older neighborhoods or historic districts.

(c) Relationship to Standards under Americans with Disabilities Act

Where compliance with design standards established in accordance with the Americans with Disabilities Act conflict with design standards set forth in this Article, the standards under the Americans with Disabilities Act will control. Where it is possible to comply with both the design standards under this Article and design standards established under the Americans with Disabilities Act by providing additional facilities or by otherwise modifying the design, then compliance with both sets of standards shall be required.

20-1106 AGREEMENT NOT TO PROTEST FORMATION OF A BENEFIT DISTRICT

As an alternative to the construction of a public improvement pursuant to a site plan or other requirement of an approval, the City may accept from the applicant an executed "Agreement Not to Protest Formation of a benefit district" for improvements including, but not limited to, streets, sidewalks, and utilities. An executed "Agreement Not to Protest Formation of a benefit district" shall contain provisions whereby the applicant and all successors in title to the applicant are bound not to protest inclusion of the legally described property in a properly constituted benefit district pursuant to K.S.A. 12-6a01 et seq., as amended, for the required improvement. An executed "Agreement Not to Protest Formation of a benefit district" shall be recorded at the Register of Deeds. The requirement for the execution of an "Agreement Not to Protest" the formation of the District shall not affect the maker's political or legal rights to challenge the amounts of assessments by such a district or to exercise other legal rights regarding the district. In any case, the establishment of benefit districts shall be in accordance with the City's adopted development policy.

20-1107 RETAIL MARKET ANALYSIS

(a) Definitions

(1) A retail business shall be defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:

(i) Sector 44-45: Retail Trade;

(ii) Subsector 722: Food Services and Drinking Places;

(iii) Subsector 811: Repair and Maintenance; and

(iv) Subsector 812: Personal and Laundry Services.

(2) Retail space shall be defined as enclosed Floor Area that is principally intended for occupancy by any of the above kinds of retail businesses regardless of whether that space is vacant or occupied by other types of business.

(b) Responsibilities of the City

(1) The Lawrence/Douglas County Planning Office will maintain a database of retail space and retail businesses in the City and produce a city-wide retail market report biennially that includes an analysis of both the supply and demand sides of the retail market.

20-1108 GENERAL DEVELOPMENT STANDARDS FOR MIXED USE (MU) DISTRICTS

(a) Where Appropriate
The Mixed Use District zoning classification may not be appropriate in all areas of the City of Lawrence. To be eligible for rezoning to the Mixed Use District, a site proposed for Mixed-Use development shall be:

(1) Within one-quarter of a mile of Designated Transit Route at the time the rezoning is initiated; and

(2) Near or adjacent to the intersection of Arterial Streets as per the adopted Major Thoroughfares Map; or

(3) Within one-quarter of a mile of university campuses; or

(4) Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or

(5) Immediately adjacent to public parks or open space; or

(6) An existing nonresidential development proposed for redevelopment.

(b) Alterations to Designated Transit Routes
The provisions of Section 20-1108(a)(1) shall apply to Mixed Use development in the MU Zoning District. If the Designated Transit Route is altered such that it is no longer within one-quarter of a mile of a Mixed-Use development, then an approved Mixed Use development shall not be made a nonconforming use.

(c) Compatibility
Mixed Use developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Compatibility is best achieved through a transition in Building form, Scale and intensity, as well as through uses, peripheral buffers or Landscaping. In furtherance of this purpose, development zones shall be designated on the property proposed for the Mixed Use development. Such zones shall be designated to govern the permitted Density, Building Height and Building Scale and to assure compatibility between the proposed development and surrounding existing development.

(d) Applicability
The provisions of this section shall apply to all construction and development in the Mixed Use District, except as expressly exempted in this section.

(1) Any Structure(s) which existed prior to being rezoned to the Mixed Use District may become nonconforming with regard to the Development standards of Section 20-1108. Such Structures, if involuntarily damaged or destroyed may be reconstructed as they existed if and only if a building permit for the restoration is obtained within 12 months of the date of the occurrence of the damage and once issued, construction shall be diligently pursued.

(2) Structures which existed prior to being rezoned to the Mixed Use District shall be allowed to remain as developed until such Structure is proposed to be demolished and redeveloped, improved or modified as a Major Development Project. Improvements or modifications proposed and approved as a Minor or Standard Development Project are required to be compliant with the standards of this section, the Development Code and/or the Commercial Design Standards, unless otherwise determined by the Planning Director.

(3) The intensification of the use in Structures which existed prior to being rezoned to the MU District that increases the off-street parking requirements shall not constitute a Major Development Project.

(4) If a use exists at the time of a zoning map amendment to the MU district, but is regulated as a Special Use upon adoption of the zoning map amendment to the MU District, the use will be considered an approved Special Use and will be allowed to continue without a separate public hearing for the Special Use. Any alterations or expansions of the use are subject to the Special Use amendment procedures of Section 20-1306.

(e) Mixed Use Development

Development in the Mixed Use District shall include a mixture of residential and nonresidential uses together in one Structure or in separate Structures, designed to form a pedestrian-Scale environment.

(f) Development Zones

Development zones govern permitted Density on the site as well as Building Height, Scale and form. The three development zones are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. In cases where a rezoning to the MU District is proposed for a site which has adjacent RS zoning, a Tertiary Development Zone shall be required to be designated adjacent to such zoning in order to ensure compatibility of Height, Scale, use and form.

(1) Primary Development Zone

The Primary Development Zone is that area of land within a Mixed Use development which is designated for the most intense development allowed by the District. Primary Development Zones shall contain Vertical Mixed Use Structures with a mixture of both residential and nonresidential uses and no interruption of Building Frontage along the Public Frontage. Where a Primary Development Zone fronts upon a Public Frontage, such area shall be designated as Primary Public Frontage. A Primary Public Frontage shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of Structures in the Primary Development Zone.

(2) Secondary Development Zone

The Secondary Development Zone is that area of land within a Mixed Use development which is designated for less-intense development, relative to that permitted by a Primary Development Zone. Secondary Development Zones may contain Vertical Mixed Use Structures, Horizontal Mixed Use Structures or single-use Structures with interruption of Building Frontage along the Public

Frontage allowed only for Access to Parking Areas, for Alleys or service lanes. Where a Secondary Development Zone fronts a Public Frontage such area shall be designated as Secondary Public Frontage. A Secondary Public Frontage shall be designed to accommodate moderate amounts of pedestrian traffic, and if planned, vehicular Access to Parking Areas and service lanes in a manner that minimizes pedestrian-vehicular conflict. Secondary Development Zones may contain both nonresidential ground-level uses as well as ground level residential uses.

(3) Tertiary Development Zone

The Tertiary Development Zone is that area of land within a Mixed Use development which is designated for the least-intense development, relative to that permitted in the other zones per the Density and Dimensional standards of Article 6.

(g) Designation of Development Zones

The applicant for any rezoning to the MU District shall propose development zones for the entire site proposed to be rezoned. The proposed designation shall be included with the application for rezoning. No application for rezoning to the MU District shall be considered complete and sufficient without this information. The proposed designation shall include, at a minimum, the following information:

(1) A plan or graphic representation depicting the location and arrangement of each proposed development zone for the entire site proposed to be rezoned. The plan or graphic shall include the following:

(i) A general location map showing the subject property's location;

(ii) Existing and proposed Lot lines on the subject property;

(iii) Existing and proposed rights-of-ways of the subject property;

(iv) The existing zoning and land use of the subject property;

(v) The existing zoning and land use of surrounding properties;

(vi) The Height and Floor Area footprint of individual Structures in surrounding existing development;

(vii) The Building form (i.e. Vertical Mixed Use Structure, Horizontal Mixed Use Structure, Attached Structure or Detached Structure) of surrounding existing development;

(viii) A written narrative describing how each development zone proposed is compatible with surrounding existing development in terms of Building Height, Building form, and land use.

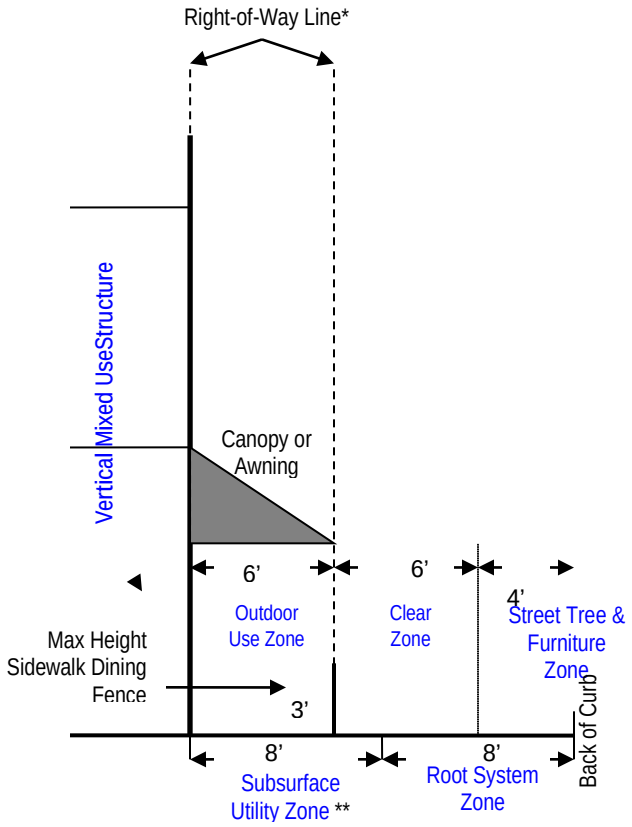
(h) Public Frontage Form Standards

In order to ensure the design of pedestrian-oriented Mixed Usedevelopments, each development proposed shall comply with the following standards based upon the applicable Public Frontage. The site plan proposed shall clearly demonstrate that the following Public Frontage form standards are satisfied.

(1) Primary Public Frontages

A Primary Public Frontage shall be planned and designed for all Public Frontages in association with any designated Primary Development Zone. The site plan shall demonstrate that each Primary Public Frontage is planned and designed in accordance with the standards shown below.

Primary Public Frontage



*When an Outdoor Use Zone is designated within the ROW a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

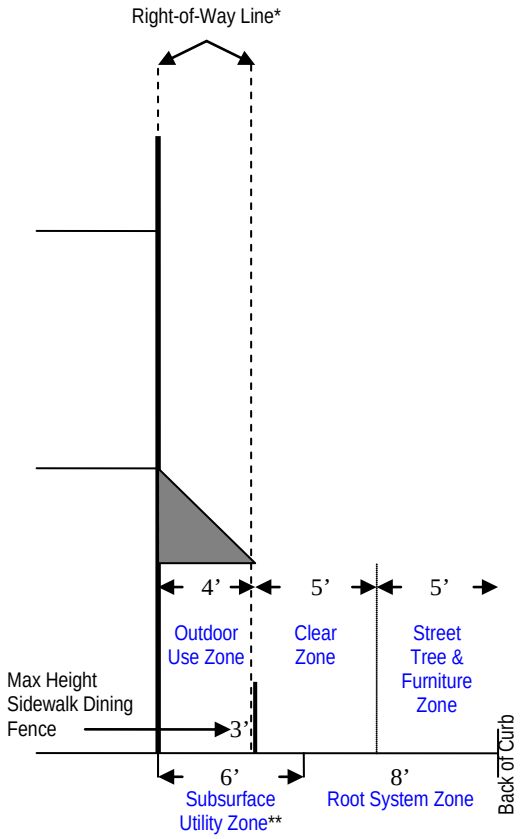
** When a Subsurface Utility Zone is located on private property or behind the ROW line, a Utility Easement shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(2) Secondary Public Frontages

A Secondary Public Frontage shall be planned and designed for all Public Frontages in association with any designated Secondary Development Zone. The site plan shall demonstrate that each Secondary Public Frontage is planned and designed in accordance with the standards shown below.

Secondary Public Frontage

With ground-level building frontage designated for Nonresidential Uses.

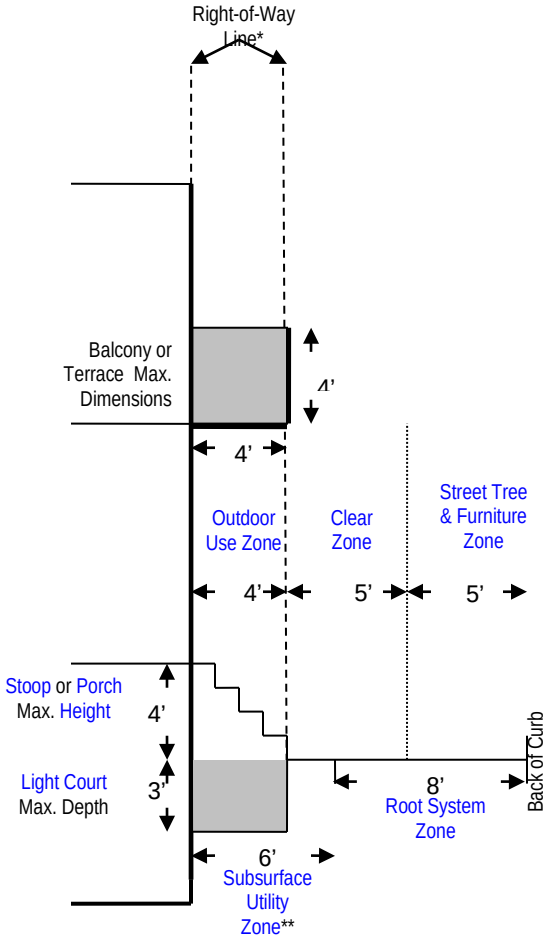


*When an Outdoor Use Zone is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

**When a Subsurface Utility Zone is located on private property or behind the ROW line, a Utility Easement shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

Secondary Public Frontage

With ground-level Building Frontage designated for Residential Uses.



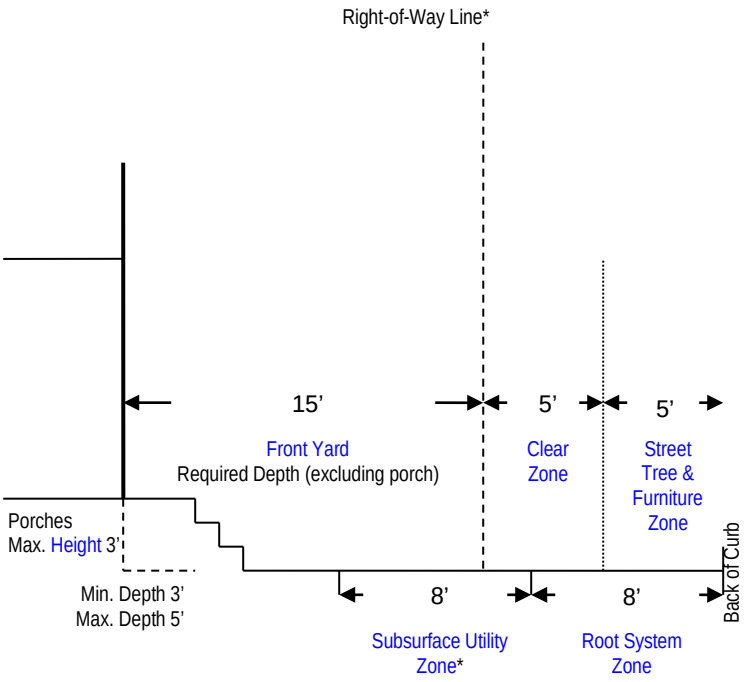
*When an Outdoor Use Zone is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

**When a Subsurface Utility Zone is located on private property, or behind the ROW line, a Utility Easement shall be filed with the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(3) Tertiary Public Frontages

A Tertiary Public Frontage shall be planned and designed for all Public Frontages in association with any designated Tertiary Development Zone. The site plan shall demonstrate that each Tertiary Public Frontage is planned and designed in accordance with the standards shown below.

Tertiary Public Frontage



*When a Subsurface Utility Zone is located on private property or behind the ROW line, a Utility Easement shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(4) Deviations

Deviations from these Public Frontage form standards may be granted by the Planning Director during site plan review in the following circumstances:

(i) The width of the Subsurface Utility Zone and Root System Zone may be altered based upon a recommendation by the City Municipal Services and Operations Department and/or Parks and Recreation Department staff in order to resolve a conflict between placement of trees, Landscaping and utilities;

(ii) The width of the any above-surface zone may be altered by the Planning Director if he/she determines that such alteration promotes pedestrian safety.

(i) Pedestrian and Vehicular Access

In areas designated as the Primary Public Frontage, vehicular Access to individual Lots may be permitted only from a public Alley. In areas designated as Secondary Public Frontage or Tertiary Public Frontage, vehicular Access may be permitted from the Alley or Street. Pedestrian Access shall be permitted from the Street, public Alley or pathway.

(j) Building Form & Use Standards

The following Building forms shall be permitted in the Mixed UseDistrict:

(1) Vertical Mixed Use Structures

Such Structures shall be a minimum of two stories in Height above Grade and shall contain both nonresidential uses and residential uses distributed vertically throughout the Structure.

(i) Where Permitted

New construction of Vertical Mixed Use Structures shall only be permitted in the Primary Development Zone and Secondary Development Zone. Development of existing multi-story buildings as Vertical Mixed Use Structures is permitted in the Tertiary Development Zone. The Density and dimensional standards of Article 6 for each development zone shall apply.

(ii) Nonresidential Uses

Any permitted nonresidential use may be located in a Vertical Mixed Use Structure.

(iii) Location of Nonresidential Uses

The ground-level or street-level of Vertical Mixed Use Structures shall be designed, constructed, and reserved for occupation by nonresidential uses.

(iv) Residential Uses

Non-Ground Floor Dwelling(s) shall be permitted in Vertical Mixed Use Structures. Work/Live Units are permitted when the nonresidential component of the unit occupies the Building Frontage.

(2) Horizontal Mixed Use Structures

Such Structures shall contain a mixture of nonresidential uses and residential uses distributed horizontally throughout the Structure. The location of the uses within as Horizontal Mixed UseStructure shall be as follows.

(i) Where Permitted

Horizontal Mixed Use Structures shall only be permitted in the Secondary Development Zone and the Tertiary Development Zone. The Density and dimensional standards of Article 6 for each development zone shall apply.

(ii) Nonresidential Uses

Any permitted nonresidential use may be located in a Horizontal Mixed UseStructure.

(iii) Location of Nonresidential Uses
The Building Frontage of a Horizontal Mixed Use Structure shall be designed, constructed, and reserved for occupation by nonresidential uses.

(iv) Residential Uses
Attached Dwellings shall be permitted in Horizontal Mixed Use Structures. Live/Work Unit(s) are permitted in Horizontal Mixed Use Structures with direct internal Access between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the Building Frontage with the residential component of the unit located behind the nonresidential component.

(3) Attached Structures
Such Structures are designed to contain either nonresidential or residential use(s). Such Structures are not designed to contain both residential and nonresidential uses and therefore are not considered to be Mixed Use Structures. Attached Structures may contain a variety of nonresidential uses (such as retail and office) or a variety of residential uses (such as townhomes or rowhomes, i.e. Attached Dwellings).

(i) Where Permitted
Attached Structures shall only be permitted in the Secondary Development Zone and the Tertiary Development Zone. The Density and dimensional standards of Article 6 for each development zone shall apply.

(4) Detached Structures
Such Structures are designed to contain either a single nonresidential or a single residential use. Such Structures are designed to contain a single use.

(i) Where Permitted
Detached Structures shall only be permitted in the Tertiary Development Zone.

(k) Parking Area Standards
The following Automobile and Bicycle Parking provisions apply to all development in the MU District in addition to the provisions of Article 9 not described below. If the provisions of Article 9 conflict or are inconsistent with any of the provisions within this Section, the regulations of this Section shall apply.

(1) Required Automobile Parking

(i) Provision of On-Street Parking
On-Street parking shall be counted toward the minimum off-Street parking requirements for a given use as per Section 20-902. On-Street Parking may be provided on all Streets forming the perimeter boundary of or within a Mixed Usedevelopment with the exception of Streets classified as Principal Arterial Streets according to the adopted Major Thoroughfares Map of the City of Lawrence. When a Principal Arterial Street forms the perimeter boundary of, or is contained within a Mixed

Usedevelopment parking may be designed in the form of a Slip Road as approved by the City Engineer.

(ii) Shared Off-Street Parking
The applicant may elect to use the Shared Parking provisions of Section 20-909 to calculate the required parking for the Mixed Use development. All uses within Mixed Use development, except Detached Dwellings on individual Lots are encouraged to share parking rather than provide parking on a use by use basis on individual properties.

(iii) Location of Off-Street Parking Areas
Parking Areas shall not be permitted in a designated Primary Development Zone. All Parking Areas shall be located within the site area of the Mixed Use development and within 1,320 feet of any use for which it is designated to provide parking. Parking Areas shall be located in accordance with the provisions of Section 20-908(c).

(iv) Access to Off-Street Parking Areas
Access to a Parking Area shall not be permitted through a designated Primary Public Frontage.

(2) Bicycle Parking Areas
The provisions of Article 9 shall apply.

(l) Development Bonuses

A development bonus is an incentive-based tool that permits an increase in the allowable development potential of a property in exchange for helping the community achieve goals as stated in the Lawrence/Douglas County Comprehensive Land Use Plan. Mixed Use developments in the MU District which contain features it identified as public goals in the table below may be eligible to increase development potential based upon the number of points earned. The applicant shall make a request for development bonus(es) in writing with the site plan application. The request shall state the goal(s) provided, points earned and development bonus redeemed for the points earned. Such information shall also be stated on the approved site plan.

Public Goal	Points Earned
Goal I: Provision of Moderately-Priced Dwelling Units	
Percentage of all Dwelling Units which are considered to be Moderately-Priced Dwelling Units	100 points for the first 10%; PLUS 10 points for each 1% provided in addition to 10%
Goal II: Provision of a variety of housing types	
At least two (2) of the following five (5) housing types must be provided in order to redeem points.	
Non-Ground Floor Dwellings	25 if two (2) of the types are provided; 50 if three (3) of the types are provided; 75 if four (4) of the types are provided; 100 if five (5) of the types are provided;
Attached Dwellings	
Live/Work Units	
Assisted Living or Independent Living	
Zero-Lot Line Dwellings	
*The points earned for provision of the above-mentioned goals may be combined	
Goal III: Provision of transit-supportive development	
Location adjacent to Designated Transit Stop	100 points if located directly adjacent to a transit stop and if stop is integrated into the Mixed UseDevelopment and transit stop/pedestrian amenities are provided.
Goal IV: Ensuring availability of adequate public facilities	
Location within ½ mile of a fire station	10 points
Location within 1 mile of a police station	10 points
Location within ¼ mile of a public park or open space	25 points
Location within ¼ mile of a school or cultural center	25 points
Redevelopment of an existing commercial or nonresidential center with adequate utility and transportation InfraStructure to support redevelopment	75 points
Location adjacent to the intersection of two streets classified as either Minor Arterial or Principal Arterial according to the adopted Major Thoroughfares Map	15 points
Goal V: Ensuring Protection of Environmental Quality	
Provision of a green roof or rooftop garden to control stormwater runoff (determination of materials used to constitute a green roof or rooftop garden shall be made by the City Stormwater Engineer)	75 points
Provision of a stormwater best management practice as per the adopted BMP Manual	25 to 50 points (as determined by the City's Stormwater Engineer)
Construction of a Structure with LEED (Leadership in Energy Efficient Design) Certification	100 points per mixed-use Structure certified;
Construction of a residential Structure with ENERGY STAR Certification	25 points per attached or detached Dwelling certified;

Public Goal	Points Earned
Protection of Sensitive Land Features as per Section 20-1101(d)(4) otherwise not required to be protected or preserved	25 points per feature preserved

(m) Redemption of Development Bonus

(1) Increase in Residential Density
In a designated Primary Development Zone, the maximum residential Density permitted as stated in Section 20-601(c) may be increased at the rate of 1 additional Dwelling Unit per acre for every 10 points earned. For instance, if a development proposal earns 20 points an additional 2 Dwelling Units per acre may be constructed (for a total of 34) in the Primary Development Zone. Points earned in any development zone may be transferred to the Primary Development Zone for redemption.

(2) Increase in Building Height
In a designated Primary Development Zone, Building Height may be increased above the permitted maximum Height as stated in Section 20-601(c) at the rate of 12 feet for every 100 points earned. Points earned in any development zone may be transferred to the Primary Development Zone for redemption.

(3) Increase in Building Coverage Above Maximum
In the Secondary Development Zone, Building coverage may be increased above the maximum permitted as per Section 20-601(c) up to 100% coverage for 75 points earned. Only those points earned through provision of features of Goal V may be redeemed for an increase in Building coverage.

(4) Reduction in Minimum Parking Requirement
The minimum number of Parking Spaces required may be reduced at a rate of 1 Parking Space for every 5 points earned. Only those points earned through provision of features of Goal III may be redeemed for a reduction in the minimum parking requirement.

(5) Increase in Impervious Surface Coverage Above Maximum
In the Secondary Development Zone, Impervious Surface coverage may be increased above the maximum permitted as per Section 20-601(c) up to 100% coverage for 75 points earned. Only those points earned through provision of a feature of Goal V may be redeemed for an increase in Building coverage.

(n) Terms Defined
The following terminology is used frequently in this Section and is provided below for reference.

Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above Grade.
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the Mixed Use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.

Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the Mixed Use development.
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure.
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mixed Use Structure, Horizontal	A Building or Structure containing two or more different uses distributed horizontally throughout the Structure.
Mixed Use Structure, Vertical	A Building or Structure, a minimum of two stories in Height, containing two or more different uses distributed vertically throughout the Structure.
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Non-Ground Floor Dwelling(s)	Residential Dwelling(s) permitted in any Vertical Mixed Use Structure which are located above the ground level or first level of the Structure or below the ground level or first level of a Structure and do not have direct internal Access to a nonresidential use.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use Accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The Public Frontage may include sidewalks, street planters, trees and other vegetated Landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are Accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and Landscaping planted in the Street Tree & Furniture Zone.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Slip Road	A road which provides Access to and runs a course parallel to an Arterial Street or other limited Access street or highway. Slip Roads are commonly used along boulevards to provide Access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip Roads may also be known as Access roads.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other Landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Work/Live Unit	A space within a Building that consists of a Non-Ground Floor Dwelling which is Accessory to a nonresidential use and has direct internal Access to the nonresidential use.

(o) Other Regulations

There are a number of other development standards that may apply to Mixed Use development, including but not limited to the following:

(1) Use Standards

For standards applicable to uses in the Mixed Use District see Article 5.

(2) Density and Dimensional Standards

For Density and Dimensional Standards of the Mixed Use District see Article 6.

(3) Off-Street Parking and Loading

For parking standards not provided in this Section see Article 9.

(4) Landscaping & Screening

For Landscaping & Screening requirements see Article 10.

(5) Outdoor Lighting

See Section 20-1103.

This page intentionally left blank.

ARTICLE 12. FLOODPLAIN MANAGEMENT REGULATIONS

20-1201 General
20-1202 Application
20-1203 Administration
20-1204 Provisions for Flood Hazard Reduction
20-1205 Definitions

20-1201 GENERAL

(a) Findings of Fact

(1) The Areas of Special Flood Hazard of Lawrence, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare.

(2) These Flood losses are caused by:

(i) the cumulative effect of Development in any delineated Floodplain causing increases in Flood Heights and velocities;

(ii) urbanization of upstream areas, resulting in increased Impervious Surface and increased stormwater runoff;

(iii) the occupancy of Flood hazard areas by uses vulnerable to Floods, hazardous to others, inadequately elevated, or otherwise unprotected from Flood damages; and

(iv) the modification of the Floodplain by grading or filling.

(3) The Flood Insurance Study (FIS) that is the basis of the National Flood Insurance Program uses a standard engineering method of analyzing Flood hazards, which consists of a series of interrelated steps:

(i) Selection of a Base Flood that is based upon engineering calculations, which permit a consideration of such Flood factors at its expected frequency of occurrence, the area inundated, and the depth of inundation. The Base Flood selected for this Article is representative of large Floods, which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is in the general order of a Flood which could be expected to have a one percent (1%) chance of occurrence in any one year as delineated in the Federal Insurance Administrator's FIS, and illustrative materials dated September 2, 2015, as amended, and any future revisions thereto;

(ii) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the Regulatory Flood;

(iii) Computation of a Floodway required to convey this Flood without increasing Flood Heights more than one (1) foot at any point;

(iv) Delineation of Floodway Encroachment Lines within which no Development is permitted that would cause any increase in Flood Height; and

(v) Delineation of Floodway Fringe, i.e., that area outside the Floodway Encroachment Lines, but still subject to inundation by the Base Flood.

(b) Floodplain Overlay District – Property within the City Limits on 03/01/03

(1) The Floodplain Overlay District boundaries for properties within the city's corporate limits as of March 1, 2003 shall be consistent with the Base Flood Elevations and Floodplain widths identified by the FIS and Flood Insurance Rate Map (FIRM) for "Douglas County Kansas and Incorporated Areas dated September 2, 2015".

(c) Floodplain Overlay District – Property Annexed into the City after 03/01/03

(1) The Base Flood Elevations and Floodplain widths identified by the FIS and Flood Insurance Rate Map (FIRM) for "Douglas County, Kansas, and Incorporated Areas dated September 2, 2015," may increase over time as a result of additional watershed Development; therefore the City has identified the Floodplain (FP) Overlay District for property annexed into the city's corporate limits after March 1, 2003, as the area that includes:

(i) All Zones A on the current FIRM;

(ii) All Zones AE and AH on the current FIRM and all adjacent areas inundated by a Flood having an elevation of the FIS Base Flood Elevation plus an additional two feet of Freeboard. If an approved Hydrologic and Hydraulic Study has been completed, the boundary information provided in that study will be utilized to amend the Floodplain Overlay District boundaries;

(iii) All Zones AO on the current FIRM and all adjacent areas inundated by a Flood having an elevation of the FIS average depth of Flooding plus an additional two feet of Freeboard. If an approved Hydrologic and Hydraulic Study has been completed, the boundary information provided in that study will be utilized to amend the Floodplain Overlay District boundaries; and

(iv) All stream tributaries having a drainage area of 240 acres or more regardless of the limits of the FIS. Upstream of the limits of the FIS, the width of the Floodplain Overlay District shall be determined by the City using recognized engineering practices.

(2) The Floodplain Overlay District will be shown and identified on the Official Zoning Map of the City of Lawrence.

(d) Floodway

Floodways are located within the Floodplain Overlay District established in Section 20-1201 and Section 20-1201(e) as designated on the FIRM. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the City hereby adopts a Regulatory Floodway based on the principle that the area identified for the Regulatory Floodway must be designed to carry the waters of the Base Flood without increasing the Water Surface Elevation of that Flood more than one (1) foot at any point.

(1) The Regulatory Floodway includes:

(i) Floodway areas shown within Zone AE on the current FIRM or as modified by a Letter of Map Revision (LOMR); and

(ii) Floodway areas outside Zone AE as defined by an approved Hydrologic and Hydraulic Study.

(e) Statement of Purpose

It is the purpose of this Article to promote the public health, safety, and general welfare; to minimize those losses described in Section 20-1201(a)(2); to establish or maintain the Community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 512.22 (a) (3); and to meet the requirements of 44 CFR 60.3(d), K.S.A. 12-741, K.S.A. 12-766 and K.A.R. 5-44-4 by applying the provisions of this Article to:

(1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of Flooding or cause undue increases in Flood Heights or velocities;

(2) Ensure that development is reasonably safe from flooding;

(3) Require uses vulnerable to Floods, including public facilities that serve such uses, to be provided with Flood protection at the time of initial construction;

(4) Protect individuals from unknowingly buying land that is unsuited for the intended Development purposes due to the potential Flood hazard;

(5) Protect individuals from unknowingly buying or leasing property that is prone to Flooding;

(6) With the exception of certain previously platted properties, allow Development in the Floodplain only when the Development will not increase the Base Flood Elevation or Flood velocities; and

(7) Promote conservation and restoration of natural vegetation in riparian areas;

(8) Maintain the carrying capacity of altered or relocated watercourses.

20-1202 APPLICATION

(a) Lands to Which the Ordinance Applies

This Article shall apply to all lands within the Floodplain Overlay District.

(b) Compliance

No Development shall be located, extended, converted, or structurally altered within the Floodplain Overlay District without full compliance with the terms of this Article and all other applicable regulations.

(c) Abrogation and Greater Restrictions

It is not intended by this Article to repeal, abrogate, or impair any existing Easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other Articles inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

(d) Interpretation

In their interpretation and application, the provisions of this Article shall be held to be minimum requirements, shall be liberally construed in favor of the City Commission, and shall not be deemed a limitation or repeal of any other powers granted by Kansas Statutes.

(e) Warning and Disclaimer of Liability

The degree of Flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger Floods may occur on rare occasions or the Flood Heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Floodplain Overlay District, Floodway and Floodway Fringe or land uses permitted within such areas will be free from Flooding or Flood damage. This ordinance shall not create a liability on the part of the City of Lawrence, Kansas, or any officer or employee thereof, for any Flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.

(f) Severability

If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Article shall not be affected thereby.

20-1203 ADMINISTRATION

(a) Floodplain Development Permit

A Floodplain Development permit shall be required for all proposed construction or other Development, including the placement of Mobile Homes, in the Floodplain Overlay District. No Person, FIRM, corporation, or unit of government shall initiate any Development or Substantial Improvement or Cumulative Improvement or cause the same to be done without first obtaining a separate Floodplain Development permit for each Structure or other Development.

(b) Designation of Floodplain Administrator

The Director of Planning is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this article.

(c) Duties and Responsibilities of Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to:

(1) Review of all applications for Floodplain Development permits to assure that the requirements of this Article have been satisfied;

(2) When an application for a Floodplain Development permit requires the submittal of a Hydrologic and Hydraulic Study, coordinate the review and approval of the study by the City Stormwater Engineer to assure that the requirements of this Article have been satisfied;

(3) Issue Floodplain Development permits for all approved applications;

(4) Notify adjacent communities, impacted Drainage Districts, and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

(5) Verify through an “Elevation Certificate” and maintain a record of the actual elevation (in relation to Mean Sea Level) of the Lowest Floor, of all new, substantially improved or cumulatively improved residential Structures;

(6) Verify through an “Elevation Certificate” the actual elevation (in relation to Mean Sea Level) that the new, substantially improved or cumulatively improved non-residential Structures have been Floodproofed;

(7) Maintain a record of the actual elevation (in relation to Mean Sea Level) that the new, substantially improved or cumulatively improved non-residential Structures have been Flood-proofed; and

(8) When Floodproofing techniques are utilized for a particular non-residential Structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

(d) Floodplain Development Permit

(1) To obtain a Floodplain Development permit, the applicant shall first file an application in writing, on a form furnished for that purpose, with the Floodplain Administrator. Every Floodplain Development permit application shall:

(i) When required pursuant to Section 20-1204, provide two copies of the Hydrologic and Hydraulic Study for the proposed Development;

(ii) Identify the Base Flood Elevation;

a. When required pursuant to Section 20-1204 identify the Water Surface Elevation of the Base Flood as determined by both the Flood Insurance Study and the Hydrologic and Hydraulic Study. The higher of these elevations shall be the Base Flood Elevation for compliance with the provisions of this article; or,

b. When a Hydrologic and Hydraulic Study is not required, identify the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study.

c. When the Water Surface Elevation of the Base Flood is not provided by the Flood Insurance Study or an approved Hydrologic and Hydraulic Study, the applicant shall provide a signed study by a registered, professional engineer that states the Water Surface Elevation of the Base Flood for the property. Until a regulatory floodway is designated no encroachments may increase the base flood more than one foot.

(iii) Provide a legal description of the land on which the proposed work is to be done by Lot, Block and Tract, Street address, and description of Structures or provide a similar description that will readily identify and specifically locate the proposed Structure or work;

(iv) Identify and describe the work to be covered by the Floodplain Development permit;

(v) Provide verification that all necessary permits from Federal, State, and local government agencies have been obtained;

(vi) Indicate the use or occupancy for which the proposed work is intended;

(vii) Indicate the county appraiser's assessed value of the existing Structure(s) and the Market Value of the improvement;

(viii) Specify whether Development is located in designated Floodway Fringe, Floodway, or an Unmapped Floodplain Area;

(ix) Show existing contours lines and proposed contours;

(x) Give such other information as reasonably may be required by the Floodplain Administrator;

(xi) Be accompanied by scaled plans and engineering specifications for proposed construction; and

(xii) Be signed by the permittee or his authorized Agent who may be required to submit evidence to indicate such authority.

(2) Before a final inspection, the Floodplain Administrator must be provided with a completed FEMA "Elevation Certificate" stating the finished construction elevation of the Lowest Floor in relation to Mean Sea Level signed by a land surveyor or professional engineer licensed by the State of Kansas.

(e) Expiration of Floodplain Development Permits

Floodplain Development permits expire 18 months from the date of issuance if a certificate of elevation has not been received. If requested, and for good cause shown, the Floodplain Administrator may grant a 6-month extension.

20-1204 PROVISIONS FOR FLOOD HAZARD REDUCTION

(a) Development of Property in the Floodplain Overlay District

(1) Development of land or subdivision of property (including Lot splits) into a Buildable Lot(s) within the Floodplain Overlay District shall be permitted only where an approved Hydrologic and Hydraulic Study demonstrates that there will be no rise in the Base Flood Elevation and no increase in Flood velocities at any point resulting from the proposed Development.

(2) Property platted prior to December 31, 2003, may Develop and/or replat or subdivide (including Lot splits) for non-residential uses without conducting a Hydrologic and Hydraulic Study. Such Development is still subject to the remaining sections of this Article [Article 12].

(3) Development of undeveloped residential property that was platted prior to December 31, 2003, may occur without conducting a Hydrologic and Hydraulic Study until December 31, 2008. Such Development is still subject to the remaining sections of this Article [Article 12]. After December 31, 2008, Development of the property is subject to all sections contained within this Article [Article 12].

(b) Floodway Restrictions

Any encroachment, including fill, New Construction, substantial improvements, or cumulative improvements or other Development is prohibited within the Regulatory Floodway, except for the following Structures:

(1) Flood control and stormwater management Structures;

(2) Road improvements and repair;

(3) Utility Easements/Rights-of-Way; and

(4) Public improvements or public Structures for bridging the Floodway.

(c) Hydrologic and Hydraulic Study

(1) Hydrologic and Hydraulic Studies shall comply with the following standards:

(i) The study shall be signed and sealed by a professional engineer, licensed by the State of Kansas;

(ii) The study shall be submitted for approval by the City Stormwater Engineer concurrent with the initial submittal of a Floodplain Development permit application, preliminary plat, Development plan or site plan;

(iii) Hydrologic and hydraulic methods of analysis shall be consistent with those used in the current Flood Insurance Study for Douglas County, and shall comply with the City “Stormwater Management Criteria”;

(iv) The study shall extend an adequate distance upstream and downstream of the proposed Development to encompass the hydraulic effects of the proposed Development;

(v) The study shall assume full Development of the watershed based on the current Comprehensive Land Use Plan or other reasonable assumptions of impervious cover. Full Development of the watershed shall be assumed in all calculations, for either existing conditions or proposed modifications;

(vi) The study shall determine the Water Surface Elevations of the Base Flood for the existing stream and for any proposed Development. Based on the assumption of full watershed Development and other factors, the findings of the Hydrologic and Hydraulic Study may differ from the Flood Insurance Study. At a given location, the higher Water Surface Elevation shall be the Base Flood Elevation for compliance with the provisions of this Article;

(vii) The study shall identify the velocities of the Base Flood for the existing stream and for any proposed Development;

(viii) The study shall determine the areas of inundation of the Base Flood for the existing stream and for any proposed Development. The area of inundation shall be dimensioned to the property corners for use in revising the Floodplain Overlay District on all property within the extent of the study; and

(ix) In areas outside Zone AE, the study shall also identify the Floodway for the proposed Development.

(2) Once a study is approved, the City shall initiate the rezoning of any property in and around the Floodplain Overlay District to reflect the limits of Flooding determined by the study based on full Development of the watershed.

(3) For a Hydrologic and Hydraulic Study that proposes an alteration of FEMA's designated Floodplain or Floodway, a letter of map revision (LOMR) must be obtained from FEMA before a Building permit will be issued for any Lot containing a Zone A, AE, AH or AO of the current FIRM.

(d) Land Disturbance

Land disturbance or removal of vegetation within the Floodplain Overlay District shall be minimized to the extent possible. When excavation, grading, removal of vegetation or other modifications to the cross-sectional geometry of the Floodplain are proposed in order to meet the requirements set forth in Section 20-1204 those modifications shall comply with the following:

(1) Construction plans shall be prepared for the proposed modifications and shall be submitted for review and approval by the City Engineer. Design and plan preparation shall comply with the "City of Lawrence Design Guidelines and Standard Specifications" and the City "Stormwater Management Criteria".

(2) As approved by the City Engineer, pursuant to the "Stormwater Management Criteria":

(i) Channel lining materials shall be limited to native vegetation, stabilized as necessary to prevent erosion. The use of concrete lining, pipe or other structural materials shall be minimized;

(ii) Within the area of inundation, all disturbed areas above the channel lining shall be restored with native vegetation, including trees, to promote wildlife habitat; and

(iii) Channel designs shall preserve existing low-flow channels to the extent possible.

(e) General Development Standards

The following standards apply to any and all Development that is proposed within the Floodplain Overlay District.

(1) All Development shall comply with the following standards:

(i) Fill shall not be placed in the Setback areas except at approved Access points unless a grading plan has been approved by the Stormwater Engineer;

(ii) Structures must be designed and constructed with adequate anchorage to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(iii) Structures must be designed and constructed with materials resistant to Flood damage using methods and practices that minimize Flood damages;

(iv) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and/or located to prevent water from entering or accumulating within the mechanical components during conditions of Flooding;

(v) New or replacement water supply systems and/or sanitary sewage systems must be designed to eliminate infiltration of Flood waters into the systems and discharges from the systems into Flood waters, and on-site waste disposal systems must be located so as to avoid impairment or contamination;

(vi) All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to eliminate Flood damage;

(vii) Fully enclosed areas below the Lowest Floor that are used solely for Parking of vehicles, Building Access, or storage in an area other than a Basement and that are subject to Flooding must be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided; and,

b. The bottom of all openings shall be no higher than one foot above Grade. Openings may be equipped with Screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(viii) Storage of Material and Equipment;

a. The storage or processing of materials within the Floodplain Overlay District area that are in time of Flooding buoyant, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited; and

b. Storage of other material or equipment may be allowed if not subject to major damage by Floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a Flood warning.

(2) Additional Standards for Residential Construction

(i) Proposed New Construction, Substantial-Improvement or Cumulative Improvement of any residential Structures, including Mobile Homes or Manufactured Homes, shall comply with the following:

a. The Lowest Floor, including all HVAC and mechanical equipment, shall be elevated a minimum of two (2) feet above the Base Flood Elevation. A licensed land surveyor or licensed professional engineer shall provide written certification of the Lowest Floor elevation to the Floodplain Administrator as set out in Section 20-1203(c)(7).

b. For the portion of a property within the Floodplain Overlay District, the maximum impervious surface coverage shall not exceed 30%.

(ii) Fill on individual Lots shall meet the following requirements, unless a grading plan has been approved by the Stormwater Engineer:

a. No fill dirt shall be placed closer than five (5) feet to perimeter Lot Line(s) of the property;

b. No fill dirt shall be placed greater than 20 feet from the Structure;

c. Fill dirt shall be placed on a Lot so that it does not exceed a 3:1 slope; and

d. Where additional elevation over the Height that can be achieved from a 3:1 slope is needed to meet the requirements of this Article, the additional elevation shall be met through the use of vertical walls and the construction of non-residential areas, such as garages, crawl spaces with gravel floors, or similar structurally sound designs, as part of the residential Structure.

(3) Additional Standards for Non-Residential Construction

(i) Any proposed New Construction, Substantial-Improvement or Cumulative Improvement of any non-residential Structures shall meet the following standards:

a. Either of the following:

1. The Lowest Floor, including Basement, HVAC, and mechanical equipment, shall be elevated a minimum of one (1) foot above the Base Flood Elevation. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 20-1203(c)(7); or

2. Together with attendant utility and sanitary facilities, the Structure shall be Floodproofed to at least one foot above the Base Flood Elevation. The portion of the Structure below this level is to be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

b. For the portion of a property within the Floodplain Overlay District, the maximum impervious surface coverage shall not exceed 60%.

(f) Duties of a Landlord

A landlord, or any Person authorized to enter a rental agreement on the landlord's behalf, of rental property that is located within the Floodplain Overlay District shall, before the signing of a lease agreement, provide the prospective tenant(s) the following information in writing:

(1) The property is within the City's Floodplain Overlay District;

(2) There is the possibility that Structures within the Floodplain Overlay District may be inundated with water during a Flood;

(3) There is the possibility of the loss of life and/or the loss of Personal property as a result of a Flood;

(4) Insurance against the loss of Personal property due to a Flood may be available and is typically the responsibility of the tenant to obtain; and

(5) Such notice shall be in 12-point bold type, signed by all parties to the rental agreement, and retained by the landlord as long as the rental agreement is in full force and effect.

(g) Duties of a Seller

A seller, or any Person authorized to represent the seller in the sales transaction of property that is located within the Floodplain Overlay District shall, before the sale of the property, provide the prospective buyer(s) the following information in writing:

(1) The property is within the City's Floodplain Overlay District;

(2) There is the possibility that Structures within the Floodplain Overlay District may be inundated by water during a Flood;

(3) There is the possibility of the loss of life and/or the loss of Personal property as a result of a Flood;

(4) Insurance against the loss of Personal property or structural damage due to a Flood may be available and is typically the responsibility of the property Owner to obtain; and

(5) Such notice shall be in 12-point bold type, signed by all buyers, and retained by the seller for five years following the closing of the sale.

(h) Mobile Homes or Manufactured Homes

(1) All Mobile Homes or Manufactured Homes to be placed within the Floodplain Overlay District shall be required to be installed using methods and practices that minimize Flood damage. For the purposes of this requirement, Mobile Homes or Manufactured Homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(2) Mobile Homes or Manufactured Homes to be placed, substantially improved or cumulatively improved on sites in an Existing Mobile Home Park or Subdivision within the Floodplain Overlay District must be elevated so that either:

(i) The Lowest Floor of the Mobile Home or Manufactured Home shall be a minimum of two (2) feet above the Base Flood Elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor; or

(ii) The Mobile Home or Manufactured Home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in Height above Grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor.

(i) Areas of Shallow Flooding (Zones AO and AH)

The following provisions apply to areas designated as Zone AO and Zone AH:

(1) Zone AO

(i) All Development and Substantial-Improvements or Cumulative Improvements of residential Structures, including Mobile Homes and Manufactured Homes, shall have the Lowest Floor, including Basement, elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the Community's FIRM (at least two feet if no depth number is specified);

(ii) All Development and Substantial-Improvements or Cumulative Improvements of any commercial, industrial, or other non-residential Structures shall have the Lowest Floor, including Basement, elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the Community FIRM (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely Floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Drainage paths must be provided to adequately guide floodwaters around Structures.

(2) Zone AH

(i) The Development standards for all Areas of Special Flood Hazard where Base Flood Elevation has been provided shall be required as set forth in Section 20-1204; and

(ii) Drainage paths must be provided to adequately guide floodwaters around Structures.

(j) Recreational Vehicles

Recreational Vehicles placed on sites in the Floodplain Overlay District shall either:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use; or

(3) Meet the permitting, elevation, and anchoring requirements For Mobile Homes or Manufactured Homes of this Article [Article 12].

20-1205 DEFINITIONS

The following definitions are applicable to only the terms found in this article.

Term	Definition
100-year Flood	see "Base Flood"
Agency	means the Federal Emergency Management Agency (FEMA)
Appeal	means a request for review of the Floodplain Administrator's interpretation of any provision of this Article [Article 12] or a request for a variance
Areas of Special Flood Hazard	is the land in the Floodplain within a Community subject to a one percent (1%) or greater chance of Flooding in any given year
Base Flood	means the Flood having a one percent (1%) chance of being equaled or exceeded in any given year
Base Flood Elevation	means the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study, whichever is higher
Basement	means any area of the Structure having its floor sub-Grade (below ground level) on all sides
Buildable Lot	a Lot for which a Building permit can be obtained. Property that is designated as a "Tract" of land is not a Buildable Lot.
Community	means any State or area or political subdivision thereof, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction
Cumulative Improvement	Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds fifty-percent (50%) of the of the Market Value of the Structure over the course of the last five calendar years. This includes Structures, which have incurred "Substantial-Damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a Structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "Historic Structure," provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure"
Development	means any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.
"Eligible Community" or "Participating Community"	means a Community for which the Administrator has authorized the sale of Flood insurance under the National Flood Insurance Program (NFIP)
Existing Construction	means for the purposes of determining rates, Structures for which the "Start of Construction" commenced before the Effective Date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing Construction" may also be referred to as "existing Structures"
Existing Mobile Home Park or Subdivision	means a Mobile Home Park or subdivision for which the construction of facilities for servicing the Lots on which the Mobile Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the Effective Date of the Floodplain Management Regulations adopted by a Community
Expansion to an Existing Mobile Home Park or Subdivision	means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile or manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
"Flood" or "Flooding"	means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash Flood, or by some similarly unusual and unforeseeable event which results in Flooding as defined above in item (1)
Flood Insurance Rate Map (FIRM)	means an official map of a Community, on which the Administrator has delineated both the Special Flood Hazard Areas and the risk premium Zones Applicable to the Community
Flood Insurance Study (FIS)	means an examination, evaluation and determination of Flood hazards and, if appropriate, corresponding Water Surface Elevations

Term	Definition
Floodplain or Regulatory Floodplain	means the land inundated by a Flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study
Floodplain Management	means the operation of an overall program of corrective and preventive measures for reducing Flood damage, including but not limited to emergency preparedness plans, Flood control works, and Floodplain Management Regulations
Floodplain Management Regulations	means zoning ordinances, subdivision regulations, Building codes, health regulations, special purpose ordinances (such as Floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of Flood damage prevention and reduction
Floodplain Variance	means a grant of relief by the community from the terms of a floodplain management regulation. Flood Insurance requirements remain in place for a ny varied use or structure and cannot be varied by the community.
Floodproofing	means any combination of structural and nonstructural additions, changes, or adjustments to Structures that reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, or Structures and their contents
"Floodway" or "Regulatory Floodway"	means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than one foot
Floodway Encroachment Lines	means the lines marking the limits of floodways on Federal, State and local Floodplain maps
Floodway Fringe or Regulatory Floodway Fringe	means the area outside the Floodway Encroachment Lines, but still subject to inundation by the Regulatory Flood
Freeboard	means a factor of safety usually expressed in feet above a Flood level for purposes of Floodplain Management. "Freeboard" tends to compensate for the many unknown factors that could contribute to Flood Heights greater than the Height calculated for a selected size Flood and Floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed
Highest Adjacent Grade	means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure
Historic Structure	means any Structure that is:(a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places / communities with historic preservation programs that have been certified with (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.
Hydrologic and Hydraulic Study	means an engineering study that is done in accordance with 20-1204(c).
Lowest Floor	means the Lowest Floor of the lowest enclosed area, including a Basement; an unfinished or Flood-resistant enclosure, usable solely for Parking of vehicles, Building Access, or storage, in an area other than a Basement area, is not considered a Building's Lowest Floor, provided that such enclosure is not built so as to render the Structure in violation of the applicable Floodproofing design requirements of this Article.
Manufactured Home or Mobile Home	means a Structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "Mobile Home" or "Manufactured Home" does not include a "Recreational Vehicle".
Manufactured Home Park or Mobile Home Park	means a Parcel (or contiguous Parcel) of land divided into two or more Manufactured Home or Mobile Home Lots for rent or sale.
Market Value	means an estimate of what is fair, economic, just and equitable value under normal local market conditions.
Mean Sea Level	means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a Community's Flood Insurance Rate Map (FIRM) are referenced

Term	Definition
New Construction	means, for the purposes of determining insurance rates, Structures for which the "start of construction" commenced on or after the Effective Date of an initial FIRM (March 2, 1981) or after December 31, 1974. whichever is later, and includes any subsequent improvements to such Structures. For Floodplain Management purposes, "New Construction" means Structures for which the "Start of Construction" commenced on or after the Effective Date of the Floodplain Management Regulations adopted by a Community and includes any subsequent improvements to such Structures
New Mobile Home Park or Subdivision	means a mobile home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured or mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.
Overlay District	means a special Zoning District that has been "overlaid" on a base zoning classification to alter some or all the Base District zoning regulations
Participating Community	also known as an "Eligible Community," means a Community in which the Administrator has authorized the sale of Flood insurance
Person	includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies
Principally above Ground	means that at least 51% of the actual cash value of the Structure, less land value, is above ground
Recreational Vehicle	means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
Regulatory Flood	see "Base Flood"
Special Flood Hazard Area (SPFA)	see "Area of Special Flood Hazard"
Start of Construction	Includes Substantial-Improvements or Cumulative Improvements, and means the date the Building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a Mobile Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of Streets and/or walkways, excavation for a Basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of Accessory Structures, such as garages or sheds not occupied as Dwelling Units or not part of the main Structure. For a Substantial-Improvement or Cumulative Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building
State Coordinating Agency	means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the State or by State statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State
Structure	means, for Floodplain Management purposes, a walled and roofed Building, including a gas or liquid storage tank, that is Principally above Ground, as well as a Mobile Home. "Structure" for insurance purposes, means a walled and roofed Building, other than a gas or liquid storage tank that is Principally above Ground and affixed to a permanent site, as well as a Mobile Home on a permanent foundation. For the latter purpose, the term includes a Building while in the course of construction, alteration or repair, but does not include Building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed Building on the Premises
Substantial-Damage	means, for Floodplain Management purposes, damage of any origin sustained by a Structure whereby the cost of restoring the Structure to pre-damaged condition would equal or exceed fifty percent (50%) of the Market Value of the Structure before the damage occurred

Term	Definition
Substantial-Improvement	means any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds fifty percent (50%) of the Market Value of the Structure before "Start of Construction" of the improvement. This term includes Structures, which have incurred "Substantial-Damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a Structure to correct existing violations of State or local health, sanitary, or code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "Historic Structure," provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure"
Unmapped Floodplain Area	means all stream tributaries having a drainage area of 240 acres or more regardless of the limits of the FIS
Water Surface Elevation	means the Height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the Floodplain
Zone A	means Special Flood Hazard Areas inundated by 100-year Flood where no Base Flood Elevations have been determined
Zone AE	means Special Flood Hazard Areas inundated by 100-year Flood where Base Flood Elevations have been determined
Zone AH	means Special Flood Hazard Areas inundated by 100-year Flood with Flood depths of one (1) to three (3) feet (usually areas of ponding), where Base Flood Elevations have been determined
Zone AO	means Special Flood Hazard Areas inundated by 100-year Flood with Flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain), where average depths have been determined. For areas of alluvial fan Flooding velocities have also been determined

ARTICLE 13 DEVELOPMENT REVIEW PROCEDURES

20-1301 General
20-1302 Text Amendments
20-1303 Zoning Map Amendments (Rezonings)
20-1304 Planned Developments
20-1305 Site Plan Review
20-1306 Special Uses
20-1307 Institutional Development Plan
20-1308 Floodplain Development Permit
20-1309 Zoning Variances
20-1310 Written Interpretations
20-1311 Appeals of Administrative Orders, Requirements, Decisions, or Determinations

20-1301 GENERAL

(a) Summary of Procedures

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies				Notice
	Staff	PC	BZA	CC	[2]
Text Amendments (§0)	R	<R>		DM	N
Zoning Map Amendments (§0) [3]	R	<R>		DM	N/P/M
Planned Developments (§ 20-1303(l)(2)(v))					
Preliminary Development Plan	R	<R>		DM	N/P/M
Final Development Plan	DM			<A>	M
Site Plan Review (§0)	DM			<A> [4]	P/M
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM	N/P/M
Zoning Variances (§0)	R		<DM>		N/M
Written Interpretations (§0)	DM		<A> [5]		
Appeals of Administrative Decisions (§0)			<DM>		N/M

PC = Planning Commission BZA = Board of Zoning Appeals CC = City Commission <>= Public Hearing Required

[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (q)(3) of this section)
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.
[4] City Commission is authorized to hear and decide appeals of Planning Director's decision on Site Plans.
[5] Appeals processed as "Appeals of Administrative Decisions."

(b) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the Owner of the property that is the subject of the application; (2) the Landowners' authorized Agent; or (3) any review or decision-making body.

(c) Form of Application

Applications required under this Development Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the office of the Planning Director.

(d) Pre-application Meetings

(1) All applicants for matters that require a public hearing are required to attend a pre-application meeting with staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 Working Days before submitting an application.

(2) All other applicants are encouraged to arrange a pre-application meeting with City staff. The Planning Director will provide assistance to applicants and ensure that appropriate City staff members are involved in pre-application meetings.

(e) Application Processing Cycles

The Planning Director may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

(1) deadlines for receipt of complete applications;

(2) dates of regular meetings;

(3) the scheduling of staff reviews and staff reports on complete applications; and

(4) any required time-frames for action by review and decision-making bodies.

(f) Application Filing Fees

Applications shall be accompanied by the fee amount that has been established by the City Commission. Fees are not required with applications initiated by review or decision-making bodies. Application fees are nonrefundable.

(g) Application Completeness, Accuracy and Sufficiency

(1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.

(2) Within 5 Working Days of application filing, the Planning Director shall determine whether the application includes all information required for processing (See Section 20-1301(c)). If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If the application is deemed incomplete, written notice shall be provided to the applicant and the applicant's Agent. The notice shall include an explanation of the application's deficiencies.

(3) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant and the applicant's Agent.

(4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this Article and the processing cycles established under Section 20-1301(e).

(5) The Planning Director may require that applications or plans be revised before being placed on the agenda of the Planning Commission or City Commission if the Planning Director determines that:

(i) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;

(ii) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;

(iii) the application or plan cannot be approved without a variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.

(6) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with Development Code standards shall be revised before they will be placed on agenda of the Planning Commission or City Commission.

(7) Action or inaction by the Planning Director under this section may be appealed to the Board of Zoning Appeals.

(h) Continuation of Public Hearings

(1) A public hearing for which proper notice was given may be continued by the Board of Zoning Appeals or Planning Commission to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.

(2) If a public hearing is tabled or deferred by the Board of Zoning Appeals or Planning Commission for an indefinite period of time or postponed more than three (3) months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.

(3) The applicant or Landowner who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

(i) Action by Review Bodies

(1) Review bodies may take any action that is consistent with:

(i) the regulations of this Article;

(ii) the City's adopted Development Policy;

(iii) any by-laws that may apply to the review body; and

(iv) the notice that was given.

(2) The review body's action may include:

(i) recommending approval of the application,

(ii) recommending approval with modifications or conditions, or

(iii) recommending disapproval of the application.

(3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment:

(i) allows a less intensive use or Zoning District than indicated in the application per Section 20-1301 (k) Lesser Change Table,

(ii) reduces the impact of the development as a means to mitigate potential adverse impacts that could be expected to occur without such conditions and may include restricting or limiting uses,

(iii) limits or restricts uses permitted in a base zoning district; or

(iv) reduces the amount of land area included in the application.

(4) The review body may recommend that the application be approved conditionally:

(i) upon the execution of a development agreement acceptable to the City Attorney and/or,

(ii) compliance with the Access Management Standards and/or;

(iii) the Community Design Manual adopted by the City Commission from time to time.

(5) Review bodies may not:

(i) recommend a greater Density of development; or

(ii) a more intensive use or a more intensive Zoning District than was indicated in the public notice.

(6) Review bodies are not required to recommend approval of the maximum Density or intensity of use allowed.

(j) Action by Decision-Making Bodies

(1) Decision-making bodies may take any action that is consistent with:

(i) the regulations of this Article;

(ii) the City's adopted development policy;

(iii) any by-laws that may apply to the decision-making body; and

(iv) the notice that was given.

(2) The decision-making body's action may include:

(i) approving the application,

(ii) approving the application with modifications or conditions, or

(iii) denying the application.

(iv) remanding to the review body, if any, for further consideration.

(3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment:

(i) is to allow a less intensive use or Zoning District than indicated in the application per Section 20-1301 (k) Lesser Change Table; or

(ii) to reduce the impact of the development as a means to mitigate potential adverse impacts that could be expected to occur without such conditions and may include restricting or limiting uses;

(iii) limit or restrict uses permitted in a base zoning district; or

(iv) is to reduce the amount of land area included in the application.

(4) The decision-making body may approve the application upon the condition that:

(i) the applicant executes a development agreement acceptable to the City Attorney; and/or

(ii) the application is in compliance with the Access Management Standards; and/or

(iii) the application is in compliance with the Community Design Manual adopted by the City Commission from time to time.

(5) Decision-making bodies may not:

(i) approve a greater Density of development;

(ii) a more intensive use; or

(iii) a more intensive Zoning District than was specified in the public notice.

(6) Decision-making bodies are not required to approve the maximum Density or intensity of use allowed.

(k) Lesser Change Table

Pursuant to K.S.A. 12-757, the Planning Commission may adopt a "Lesser Change Table." The Lesser Change Table is for the use of the Planning Commission in determining the hierarchy of Zoning Districts and for determining when public notification or re-notification is required. Such a table lists zoning classifications, by category, in ascending order from the least intense to the most intense. The Planning Commission's Lesser Change Table shall identify only the hierarchy of Zoning Districts within each of the three categories of Base Districts—Residential, Commercial and Industrial. It is not intended to identify hierarchical arrangements among Districts in different categories. For example, the Lesser Change Table may classify the RS40 District as less intense than the RS20 District, but it may not classify (R) Residential Districts as less intense than (C) Commercial Districts, or vice-versa. The Lesser Change Table shall be filed with the Planning Director.

(l) Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

(m) Conditions of Approval

When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

(n) Deferred Items

Once a staff report is included in a posted agenda packet, Planning Commission action is required to defer an item. If an application is requested for deferral from the next Planning Commission agenda prior to inclusion of a staff report in a posted agenda packet, the applicant may defer an item by submitting a written request to the Planning Director. For Deferred Items, the Landowner or applicant shall provide an updated property Ownership list from the County Clerk's office for items that have been deferred from an agenda for 3 or more months. If deferred at the applicant or Landowner's request, the cost of republication of legal notice in the newspaper shall be paid by the applicant or Landowner. If an item is deferred by the Planning Commission, no republication fee will be charged.

(o) Inactive Files

For Inactive Files, the Planning Director may notify the applicant and applicant's Agent in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

(p) Inaction by Review/Decision-Making Bodies

(1) When a review or decision-making body fails to take action on an application within any time limit that is specified in or under this Article (as with an application processing cycle), that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively. The Effective Date of such a "non-action" approval or recommendation of approval will be the date that action was required to have occurred under the required time limit.

(2) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.

(3) When a review body fails to take action on an application within any time limit that is specified in this Article, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

(q) Notices

The notice provisions of this section apply except as otherwise expressly stated.

(1) Content

(i) Newspaper and Mailed Notice

All Newspaper and Mailed Notices shall:

a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

b. describe the property involved in the application by Street address or by general description;

c. describe the nature, scope and purpose of the application or proposal; and

d. indicate where additional information on the matter can be obtained.

(ii) Posted Notice

All Posted Notices shall:

a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

b. state the language "Development Activity Proposed", and

c. indicate where additional information on the matter can be obtained.

(2) Newspaper Notice

When the provisions of this Development Code require that "Newspaper Notice" be provided, the City is responsible for ensuring that notice is published in the official newspaper of the City of Lawrence. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) Mailed Notice

When the provisions of this Development Code require that "Mailed Notice" be provided:

(i) Owner Notice; Radius
The official responsible for accepting the application shall mail notice to the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

(ii) Notice to Registered Neighborhood Associations
The official responsible for accepting the application shall mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) Ownership Information
The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice
Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(v) Mailing Fee Established
From time to time, in order to recover mailing and notification costs incurred by the City hereunder, the Governing Body may establish a reasonable mailing fee, which fee shall be paid by the applicant.

(4) Posted Notice

(i) When the provisions of this Development Code require that "Posted Notice" be provided, the applicant shall ensure that notice is posted on the subject property.

(ii) Posted notice shall be in the form of official signs provided by the City.

(iii) Posted notice shall be clearly visible to neighboring residents and passers-by from each Public Street bordering the subject property. At least one sign shall be posted on each Street Frontage. The Planning Director is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street Frontage may be required.

(iv) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.

(v) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer

legible for any reason, whether through Act of God, vandalism, defect in installation or vegetative growth.

(vi) For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven (7) days prior to the scheduled public hearing, meeting, or date of action that is the subject of the notice. Failure to make timely delivery of such affidavit to the Planning Director shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the Planning Commission.

(vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn. Failure to properly post or maintain such signs is grounds for deferral or denial of the application.

(viii) For applications that do not abut Public Streets, the Planning Director is authorized to approve an alternative form of posted notice that will be visible to passers-by.

(ix) The public may submit written statements regarding a specific development proposal that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the official record in the planning department.

(x) Parties affected by the actions of a decision making body have the right to appeal the action taken in accordance with the procedures set out in Article 13 of this Chapter.

(r) Written Findings

Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application. Provided, however, that any decision may be expressly made subject to the subsequent adoption of written findings and, in such cases, the decision shall not be considered final until such findings are adopted. Provided further, that where an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d) in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and thereafter shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

(s) Where Ordinance Required

Adoption of an ordinance is required in the case of a zoning text amendment, rezoning and special use permit. In such instances, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper.

(t) Planning Director as Administrative Official

Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

20-1302 TEXT AMENDMENTS

(a) Initiation

An amendment to the text of the Development Code may be initiated by the City Commission, the Planning Commission, or, as to provisions affecting Urban Conservation Districts, by the Historic Resources Commission; and adopted in accordance with the rules of that body. Applications for text amendments may also be initiated by private parties and shall be filed with the Planning Director. The application shall be in writing and shall include the proposed text and the reasons for proposing the amendment. The Planning Director shall forward the application to the City Commission for review and consideration of initiating the amendment taking into consideration the need for the amendment. Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Public Hearing Notice

Newspaper notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(c) Staff Review/Report

The Planning Director will review each proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the proposed amendment to the Planning Commission and City Commission.

(d) Planning Commission's Review/Recommendation

The Planning Commission shall hold a public hearing on the proposed text amendment, review the proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and recommend in writing that the City Commission approve, approve with modifications or deny the proposed amendment. The Planning Commission is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(e) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed text amendment:

(1) approve, approve with modifications, or deny; or

(2) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.

(i) The Planning Commission, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.

(ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed text amendment, approve it with modifications, or deny it.

(iii) If the Planning Commission fails to deliver its recommendations to the City Commission following the Planning Commission's next

regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

(3) The City Commission may act by a simple majority vote, except for action pursuant to Section 20-1302(e)(1) that is contrary to the Planning Commission's recommendations, in which case the action shall be by a 2/3 majority vote of the full membership of the City Commission.

(f) Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning text amendments, 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; and

(2) whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (See Section 20-104).

(g) Date of Effect

The Development Code text amendment will become effective upon publication of the adopting ordinance.

20-1303 ZONING MAP AMENDMENTS (REZONINGS)

(a) Initiation

An amendment to the zoning map may be initiated by the City Commission, the Planning Commission, or, as to Urban Conservation district, by the Historic Resource Commission; and adopted in accordance with the rules of that body. Applications for zoning map amendments initiated by the Landowner shall be filed with the Planning Director. Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Application Contents

(1) An application for amendment shall be accompanied by a conceptual plan and data necessary to demonstrate that the proposed amendment is in general conformance with the Comprehensive Plan and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.

(2) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as Collector or Arterial Streets on the City's Major Thoroughfares Map of the Comprehensive Plan.

(3) Each application for an amendment to the Zoning Districts map shall be accompanied by a certified list of all property Owner within the notification area. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to a published notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all Owners of record of lands located within at least 400 feet of the area proposed to be altered for regulations of the city. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

(c) Public Hearing Notice

(1) Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(q), except as noted in subsection (c)(2) of this Section. For purposes of K.S.A. §12-757, any Zoning District listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the Zoning District listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" Zoning District to the land, rather than the Zoning District advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any Zoning District other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the Planning Commission or the City

Commission shall be construed as an instruction to the Planning Director to set a new hearing and to give notice of the proposed hearing, including the new Zoning District in the notice.

Table of Lesser Changes	
Advertised/Proposed Zoning District	Districts to be Considered a "Lesser Change"
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
CC600	CC400, CC200 or CN2
CR	CC600, CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IM	IBP or IL
IG	IL, IM, IBP, or CN2
Other Zoning Districts	Not Applicable

(2) Applications for Urban Conservation Overlay District zoning amendments shall only require newspaper notice and mailed notice of the Planning Commission's public hearing in accordance with Section 20-1301(q)(2) and (q)(3). Any posted notice under Section 20-1301(q)(4) shall be at the discretion of the Planning Director.

(d) Staff Review/Report

The Planning Director will review each proposed zoning map amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the proposed amendment to the Planning Commission and City Commission. The report will include documentation proof of posting and other required notice.

(e) Planning Commission's Review/Recommendation

The Planning Commission shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and shall recommend on one of the following actions on the proposed zoning map amendment:

(1) approve,

(2) approve with conditions or modifications, or

(3) deny the proposed amendment.

The Planning Commission is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(f) Conditional Zoning

Conditional zoning may be considered when a clear and specific goal, policy, or recommendation of an approved area, neighborhood, nodal plan, or the Comprehensive Plan is identified, or when a clear harm or aggravation of a negative externality to the surrounding area can be mitigated by a condition.

Conditional Zoning: *The attachment of special conditions or restrictions to a rezoning. Conditions can include restrictions as to use, size, design, density or intensity, and development timing as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions.*

Conditions imposed on a rezoning are intended to mitigate adverse impacts that can be reasonably expected to occur without imposing such conditions on an otherwise appropriate land use development project. Conditions must be reasonable and further the public health, safety, and welfare of the community and consistent with the community's comprehensive plan, or furthers an articulated community or neighborhood goal or policy expressed in an adopted area, neighborhood or nodal plan or the Comprehensive Plan.

(1) When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development.

(2) Types of conditions

Conditions must meet and/or exceed established minimum design standards.

(i) Restrict or prohibit uses permitted by right or allowed by a Special Use Permit in a Base District.

(ii) Enhance written notice requirements of proposed changes to surrounding property owners for future development, or to require governing body approval of a development application that would otherwise be subject to administrative approal.

(iii) Limit or restrict density when permitted by right in the Base District, but shall not permit residential uses in any district that otherwise prohibits residential uses.

(iv) Restrict intensity of development to include, but not limited to, Article 6 Density and Dimensional Standards and Article 5 Use Regulations.

(g) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

(1) approve, approve with conditions or modifications, or deny; or

(2) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.

(i) The Planning Commission, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.

(ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.

(iii) If the Planning Commission fails to deliver its recommendations to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

(3) The City Commission may act by a simple majority vote, except for the following cases:

(i) action that is contrary to the Planning Commission's recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or

(ii) approval, or approval with modifications, when a valid protest petition has been submitted in accordance with subsection (h) of this Section, in which case a decision approving the application shall be effective only if supported by the votes of at least 3/4 of the members of the entire City Commission.

(4) The City Commission shall:

(i) State the reasons for its decision on the minutes or official record; and

(ii) notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(h) Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies shall consider at least the following factors:

(1) conformance with the Comprehensive Plan;

(2) zoning and use of nearby property, including any overlay zoning;

(3) character of the neighborhood;

(4) plans for the area or neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property;

(5) suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

(6) length of time the subject property has remained vacant as zoned;

(7) the extent to which approving the rezoning will detrimentally affect nearby properties;

(8) the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the Landowner, if any, as a result of denial of the application; and

(9) the recommendation of the City's professional staff.

(10) For proposals that will create more than 100,000 square feet of retail space within the city: the impact of the proposed project on the retail market. Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report.

(11) The reasonableness of conditions as determined by the following criteria:

(i) Conditions shall facilitate a clear and specific goal, policy, or recommendation of an approved area, neighborhood, nodal plan, or the Comprehensive Plan.

(ii) Conditions may be applied when a clear harm to the surrounding area or a negative externality aggravated or created by the use.

(iii) The Lesser Change Table cannot be employed to achieve the same result as a proposed conditional zoning.

(iv) Conditions may not allow an increase in intensity when otherwise restricted by the Base District.

(i) Protest Petitions

A valid protest petition opposing a zoning map amendment may be submitted to the City Clerk within 14 days of the conclusion of the Planning Commission's public hearing.

(1) A protest petition will be considered "valid" if it is signed by the Owner of 20% or more of:

(i) any real property included in the proposed amendment; or

(ii) the total area of real property located within 200 feet of any real property included in the proposed amendment (or 1,000 feet into

the unincorporated area when the real property included in the proposed amendment abuts the city limits), excluding streets and public ways.

(2) In the case of joint Ownership, all Owners shall sign the petition.

(3) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the Owner of the specific property subject to the rezoning, or the Owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property shall be excluded when calculating the total real property within the area required to be notified.

(j) Date of Effect

The zoning map amendment will become effective upon publication of the adopting ordinance.

(k) Limitation on Successive Applications

(1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;

(2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;

(3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:

a. A different Zoning District category has been applied for;

b. The same Zoning District category has been applied for and the Density of use is at least 25% greater or less that then original petition;

c. The same Zoning District category has been applied for and the intensity of use is at least 25% greater or less than the original petition; or

d. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the Planning Director, addressed in the resubmission.

(4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.

(l) Appeals

Within 30 days of the City Commission's decision on the zoning map amendment, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

(m) Plans

(1) A plan shall be prepared and adopted prior to review of a petition for map amendment when:

(i) No water or sanitary sewer mains exist or are planned to serve the proposed site;

(ii) The request is not consistent with adopted plans; or,

(iii) In-fill development is proposed and, at the discretion of the Planning Commission, additional information is needed specific to unanswered questions or concerns related to transportation, compatibility of land use(s), or adequacy of transitions between established and proposed land uses.

(2) Depending on the size or type of request, the plans to be prepared include:

(i) Watershed or Sub-basin Plan. This Plan will encompass an entire watershed or sub-basin.

(ii) Sector Plan. This Plan includes approximately one square mile.

(iii) Neighborhood Plan. This Plan encompasses a specific neighborhood.

(iv) Special Area Plan. This includes a Nodal Plan which plans for an area immediately surrounding an intersection. A Corridor Plan is a type of linear area plan that generally encompasses a roadway or specific feature.

(v) Specific Issue/District Plan. Deals with a specific issue or project that does not fall into any of the above listed categories.

20-1304 PLANNED DEVELOPMENTS

(a) Description

PD, Planned Development Overlay Districts are established through the approval of zoning map amendments, in accordance with the hearing and notice requirements of Section 20-1303. PD zoning map amendments shall only be processed concurrently with a Preliminary Development Plan application. Final Development Plan approval is required after approval of the zoning map amendment and Preliminary Development Plan. This section sets forth the required review and approval procedures for PD Preliminary and Final Development Plans.

Development Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Design Standards included in the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593 and any subsequent amendments thereto. Sections of the Community Design Manual pertaining to site layout will be reviewed with the Preliminary Development Plan and sections pertaining to building detail will be reviewed with the Final Development Plan.

(b) Concurrent Processing

Concurrent submission and processing of Preliminary and Final Development Plans is allowed for a single-use Structure as long as individual plans are submitted that meet the Preliminary and Final Development Plan standards and criteria. All other developments (those that involve multiple Structures or multiple uses) require review and approval of a Preliminary Development Plan before submittal of a Final Development Plan.

(c) Prerequisite to Building Permit

Approval of PD Preliminary and Final Development Plans, and recording with the Register of Deeds, shall occur before any Building Permit is issued and before any Development Activity takes place in a PD Overlay District.

(d) Preliminary Development Plans

(1) Application Filing

Preliminary Development Plan applications shall be filed with the Planning Director at the same time as a PD zoning map amendment application. The application shall be accompanied by required fees.

(2) Neighborhood Input

(i) During the design process for the Preliminary Development Plan, the applicant shall make a reasonable effort to meet with individuals, required to be mailed notice under Section 20-1301(q)(3), to present their project in conceptual fashion and to solicit input on the proposed design.

(ii) A statement describing the reasonable effort(s) made to meet with and receive input from individuals required to receive notice shall be submitted with the Preliminary Development Plan application when it is filed for review at the Planning Department.

(3) Application Contents

(i) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as Collector or Arterial Streets on the City's Major Thoroughfares Map of the Comprehensive Plan.

(ii) The application shall include a statement by the Landowner setting forth the reasons why, in his or her opinion, a Planned Development would be in the public interest and would be consistent with the Developer's Statement of Intent for Planned Development.

(iii) The Preliminary Development Plan submitted by the Landowner as part of his or her application for tentative approval shall be prepared at a scale no smaller than one inch to 50 feet and shall include all of the area proposed to comprise the Planned Development. The plan and supporting documents shall include the following information:

a. A legal description of the site;

b. The dimensions of all property boundaries;

c. The Owner of record and any other parties having an interest in the proposed development;

d. A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Municipal Services and Operations Department;

e. The location of all existing Structures, Easements, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;

f. The existing public and Private Street system, platted or unplatted ownership, type and location of Structures, curb cuts on adjacent properties and along the opposite side of the Street and topography extending 100 feet beyond the outside boundaries of the proposed development;

g. The width, Grade, location and ownership of all proposed public and Private Streets and sidewalks in the area to be developed;

h. The use, Height, Floor Area, and approximate location of all proposed Buildings and other Structures;

i. The number of Dwelling Units to be contained in each Building proposed for residential use;

j. The location, dimension and capacity of all proposed off-Street Parking Areas in the area to be developed;

k. The location, dimension, acreage, and Ownership of all proposed public and private recreation areas, Open Space and Non-encroachable Areas;

l. Dimensions and notes as deemed necessary to show compliance with the development standards of this Article;

m. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the Planned Development are intended to be filed. The Planning Commission may either approve or modify the submitted development time schedule. The development phases as shown on the time schedule shall also be indicated on the plan;

n. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number ofDwelling Units, the acreage devoted to residential, non-residential, commercial, recreation, Open Space, Non-encroachable Area, streets (both public and private), off-street parking, and other major land uses, Density, public lands (existing and proposed), and the total number of acres contained in each development phase;

o. A summary of the total number of units of each type of use, number ofDwelling Units, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public Ownership, the acreage of the total area proposed to be developed, and the overall Net Density of the development;

p. A statement as to the feasibility of proposals for the disposition of sanitary waste and storm water, and how all utilities are to be provided including sewerage, water, storm drainage, gas and electricity, and how completion of all improvements is to be guaranteed;

q. A statement as to the form of Ownership proposed to own and maintain the Common Open Space, recreation facilities, Non-encroachable Area and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessee and Owner of the Planned Development;

r. A statement as to the substance of the covenants, grants of Easements or other restrictions to be imposed upon the use of the land; Buildings and Structures, including proposed Easements or grants for public utilities;

s. The Landowner shall also submit a tentative dedication clause including dedication of public utility and drainage Easements, street rights-of-way and the following statement: "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as Common Open Space, open air recreation area, and Non-encroachable Area and to prohibit any construction within

said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and Owner of the Planned Development;"

t. A statement specifying those variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the Landowner, such should be allowed;

u. At least one north-south and one east-west elevation across the site to show typical site layout, Grade, etc.; and

v. Submission of a landscape plan in conformance with Section 20-1001(d).

(iv) The plan shall be submitted so as to conform with the requirements for the submission of a Preliminary Plat in the Subdivision Regulations, except where such requirements conflict with the requirements of this Article.

(v) Approval of the Preliminary Development Plan shall constitute approval of a Preliminary Plat. A preliminary plat review fee shall not be required.

(vi) Provide the supplemental stormwater information required by City Regulations, and provide on the development plan a site summary table which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a Building(s); development as a paved surface; undeveloped and planted with grass, Ground Cover, or similar vegetative surface. When a development is proposed to be phased, the entire detention basin shall be provided during phase one of the project unless otherwise approved.

(4) Phased Development Schedule

If the applicant proposes to develop a PD in phases, the application shall contain a proposed phasing schedule. In a phased development, Open Space and site amenities shall be apportioned among the phases in proportion to the amount of development occurring in each phase, so that, for example, when the development is 40% complete, 40% of the Open Space and amenities will be complete, transferred to the association or other permanent Owner, and properly restricted as required by this Code.

(5) Public Hearing Notice

Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(6) Staff Review/Report

The Planning Director shall review each proposed PD zoning map amendment and Preliminary Development Plan in accordance with the review and decision-making criteria of subsection (9) and distribute the proposed plan to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the proposed amendment/plan to the Planning Commission and City Commission.

(7) Planning Commission's Review/Recommendation

(i) The Planning Commission shall hold a public hearing on the proposed amendment/plan, review the proposed amendment/plan in accordance with the review and decision-making criteria of subsection (9) of this Section and recommend that the City Commission approve, approve with conditions or deny the proposed amendment/plan. The Planning Commission is also authorized to forward the proposed amendment/plan to the City Commission with no recommendation.

(ii) The recommendation on the Preliminary Development Plan shall include findings of fact and set forth reasons for the recommendation, including but not limited to findings of fact on the review and approval criteria of subsection (9).

(iii) The Planning Director shall give written notice of the Planning Commission's recommendation to the applicant and the applicant's Agent.

(8) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed amendment/plan:

(i) approve, approve with conditions or modifications, or deny; or

(ii) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.

a. The Planning Commission, after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new and amended recommendation.

b. Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed amendment/plan, approve it with conditions or modifications, or deny it.

c. If the Planning Commission fails to deliver its recommendations to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

(iii) The City Commission may act by a simple majority vote, except for the following cases:

a. action that is contrary to the Planning Commission's recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or

b. approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.

(iv) The City Commission shall:

a. State the reasons for its decision in writing; and

b. notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(9) Review and Decision-Making Criteria

In reviewing and making decisions on proposed Preliminary Development Plans, review and decision-making bodies shall consider at least the following factors:

(i) the Preliminary Development Plan's consistency with the Comprehensive Plan;

(ii) the Preliminary Development Plan's consistency with the PD standards of Section 20-701 including the statement of purpose;

(iii) the nature and extent of Common Open Space in the PD;

(iv) the reliability of the proposals for maintenance and conservation of Common Open Space;

(v) the adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and Dwelling types proposed in the plan;

(vi) whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;

(vii) whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:

a. doubling or more the traffic generated by the neighborhood;

b. proposing housing types, Building Heights or Building Massing(s) that are incompatible with the established neighborhood pattern; or

c. increasing the residential Density 34% or more above the Density of adjacent residential properties.

(viii) whether potential adverse impacts have been mitigated to the maximum practical extent; and,

(ix) the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PD in the case of a plan that proposes development over a period of years.

(10) Effect of Preliminary Development Plan Approval

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

(11) Status of Preliminary Development Plan after Approval

(i) The applicant and the applicant's Agent shall be given written notice of the action of the City Commission.

(ii) Approval of a Preliminary Development Plan does not qualify as a plat of the Planned Development for Building and permitting purposes.

(iii) An unexpired approved Preliminary Development Plan, including one that has been approved subject to conditions provided that the Landowner has not defaulted on or violated any of the conditions, may not be modified or revoked by the City without the consent of the Landowner.

(iv) If a Landowner chooses to abandon a plan that has been given preliminary approval, he or she may do so prior to Final Development Plan approval, provided that he or she notifies the Planning Commission in writing.

(v) Major Changes in the Planned Development (see Section 20-1304(e)(2)(iv)) may be made only after rehearing and reapproval of the entire Preliminary Development Plan under the terms and procedures specified in this section. All Landowners within the entire Preliminary Development Plan boundary shall be notified in writing of any proposed Major Change at the time of submittal of the revised Preliminary Development Plan to the Planning Director.

(vi) An approved Preliminary Development Plan with multiple Parcel and multiple Landowners may only be altered or modified if all Landowners of Parcel within the Preliminary Development Plan consent to the proposed alterations or modifications.

(vii) A Preliminary Development Plan may be explicitly conditioned with a provision on the face of the Preliminary Development Plan that all Landowners of all properties waive their right to approve or disapprove any alterations or modifications to the Preliminary Development Plan.

(viii) In the absence of the explicit condition contained in subsection (11)(vii), the provision of subsection (11)(vi) will govern Preliminary Development Plan alterations or modifications.

(12) Expiration of Approval

In the event the Landowner fails to file an application for Final Development Plan approval within 24 months after final approval of the Preliminary Development Plan has been granted or within 6 months after the date shown on an approved development schedule, in accordance with Section 20-1304(d)(4), then such approval shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months, or the proposed phasing schedule may be modified to extend all dates by a period not to exceed one-half the original period allowed for development of that phase. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the approval. The Planning Director shall forward such request, with any recommendation of the Planning Director, to the City Clerk for scheduling on the agenda of the City Commission. The Planning Director shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(ii) If the approval of the Preliminary Development Plan for a phased development expires after the completion of one or more phases, the Preliminary Development Plan will remain in full effect as to those portions of the development that are subject to Final Development Plans in which the developer has acquired vested rights, in accordance with Section 20-1304(e)(2)(vii), but the remaining portions of the Preliminary Development Plan shall expire.

(iii) No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for Final Development Plan or for other Development Activity on the site shall be considered as though the Preliminary Development Plan had not been granted.

(iv) After expiration of a Preliminary Development Plan, or any portion thereof, the PD Overlay zoning shall remain in effect for the affected property, but further development on the property shall require the approval of a new Preliminary Development Plan, in accordance with the procedures and standards in effect at the time of the new application. If a Preliminary Development Plan has expired for any part of a phased development, consistency with the developed parts of the Preliminary Development Plan shall be an additional criterion for consideration of a new proposed Preliminary Development Plan.

(v) Approval of a Preliminary Development Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764.

(e) Final Development Plan

(1) Application Filing

Final Development Plan applications shall be filed with the Planning Director after approval of and before the expiration of a Preliminary Development Plan. A Final Development Plan may be submitted for a portion of the area in the approved Preliminary Development Plan.

(2) Application Contents

(i) Final Development Plan, in its entirety or in phases, drawn at a scale of one inch to 40 feet and supportive documents shall show or contain at least the following:

a. all information required of the Preliminary Development Plan;

b. the placement of all principal and Accessory Structures;

c. the entrances to all Structures;

d. the location and dimensions of all existing and proposed curb cuts, Driveways and aisles, public and Private Streets, off-street parking and loading space areas, sidewalks and pedestrianways, sanitary sewers, storm sewers and drainageways, power lines, gas lines, and fire hydrants;

e. the location, height and material of Screening walls and fences;

f. the type of surfacing and base course proposed for all Private Streets, Driveways, off-street parking and loading space areas, and sidewalks and pedestrianways;

g. the location of all utilities in and adjacent to the property. (No overhead lines, with the exception of high voltage power lines, shall be permitted in Planned Developments);

h. a location map of one inch equals 200 feet or less showing the site of the proposed development in relationship with major Thoroughfares in the city;

i. a landscape plan in accordance with Section 20-1001(d);

j. the proposed topography or grading of the area at a contour interval of not more than two feet;

k. the location of each outdoor trash storage facility;

l. proof of the establishment of an agency or entity to own, manage and maintain the Common Open Space, open air recreation areas, recreation facilities, Non-encroachable Areas, Private Streets and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and Owner;

m. copies of all restrictions or covenants that are to be applied to the development area;

n. proof that no Lot, Parcel, Tract or other portion of the development area has been conveyed or leased prior to the recording of any restrictive covenants, Final Development Plan, or final plat;

o. such other drawings, specifications, covenants, Easements, conditions, and performance bonds as set forth in the granting of preliminary approval; and

p. at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.

(ii) A plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval. Modification by the Landowner of the plan as preliminarily approved may not:

a. Increase the proposed gross residential Density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for Common Open Space, open air recreation area or Non-encroachable Area, nor the substantial relocation of such areas; nor,

b. Increase by more than 10 percent (10%) the total Floor Area proposed for non-residential or commercial uses; nor,

c. Increase by more than 5 percent (5%) the total ground area covered by Buildings nor involve a substantial change in the Height of Buildings.

(iii) Consistency with Preliminary Development Plan; Major Changes

A Final Development Plan will not be considered complete and ready for processing if all approved conditions have not been met or if the Final Development Plan constitutes a Major Change from the approved Preliminary Development Plan. Major Changes may be made only after rehearing and reapproval of the Preliminary Development Plan, and the Planning Director shall notify the applicant of the provisions of this section.

(iv) Major Changes

A Major Change is one that:

a. increases the proposed gross residential Density or intensity of use by more than five percent (5%)

b. involves a reduction in the area set aside for Common Open Space in general, or Recreational Open Space or Natural

Open Space in particular, or the substantial relocation of such areas;

c. increases by more than 10 percent (10%) the total Floor Area proposed for nonresidential uses;

d. increases by more than 5 percent (5%) the total ground area covered by Buildings;

e. changes a residential use or Building Type;

f. increases the Height of Buildings by more than 5 feet; or

g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding Landowners.

h. changes a residential Building Type or a non-residential Structure by more than 10% in size.

(v) Review and Action by Planning Director; Appeals

a. Within 45 days of the filing of a complete Final Development Plan application, the Planning Director shall review and take action on the Final Development Plan. The Planning Director shall approve the Final Development Plan if it complies with the approved Preliminary Development Plan, all conditions of Preliminary Development Plan approval and all applicable standards of this Development Code. If the submitted Final Development Plan does not so comply, the Planning Director shall disapprove the Final Development Plan and advise the Landowner in writing of the specific reasons for disapproval.

b. In the event that the Planning Director does not approve the Final Development Plan, the Landowner may either: (1) resubmit the Final Development Plan to correct the plan's inconsistencies and deficiencies, or (2) within 45 days of the date of notice of refusal, appeal the decision of the Planning Director to the City Commission. In the event such an appeal is filed, a public hearing before the City Commission shall be scheduled with such notice as is required for the Preliminary Development Plan/Zoning Map Amendment.

c. Notice shall be given of the Planning Directors' action to adjacent property Owner or Neighborhood Associations if such request for notice has been made in writing from the adjacent property Owner or Neighborhood Associations.

(vi) Effect of Approval

a. A Final Development Plan or any part thereof that has received final approval shall be so certified by the Planning Director, and shall be filed by the Planning Director with the Register of Deeds immediately upon compliance with all conditions of approval. If the Landowner chooses to abandon a Final Development Plan or portion thereof after it has been

given final approval, he or she shall notify the Planning Director in writing.

b. The filing of a Final Development Plan for a Planned Development with the Register of Deeds does not constitute the effective dedication of Easements, rights-of-way or Access control, nor will the filed plan be the equivalent of, nor an acceptable alternative for, the final platting of land prior to the issuance of Building Permits in the Planned Development.

c. The Planning Director shall file the final plats and all supportive documents concerning the Planned Development with the Register of Deeds. The Landowner is responsible for all costs incurred in filing such documents and the Final Development Plan.

(vii) Expiration of Approval

In the event the Landowner fails to obtain a building permit for development shown on the Final Development Plan within 24 months after final approval of the Final Development Plan has been granted, the approval shall expire in accordance with the following provisions:

a. For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the approval. The Planning Director shall forward such request, with any recommendation of the Planning Director, to the City Clerk for scheduling on the agenda of the City Commission. The Planning Director shall notify the applicant by first class mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

b. No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for subdivision review, for a Building Permit or for other Development Activity on the site shall be considered as though the Final Development Plan had not been granted.

c. After expiration of a Final Development Plan and related portions of the Preliminary Development Plan, the PD Overlay zoning shall remain in effect, but further development on the property shall require the approval of a new Preliminary Development Plan and Final Development Plan, in accordance with the procedures and standards in effect at the time of the new application.

d. Rights to the development pattern shown in a Final Development Plan shall vest in accordance with K.S.A. 12-764 upon approval of a final subdivision plat. If such

subdivision plat expires in accordance with K.S.A. 12-764 and amendments thereto, then the related portions of the Final Development Plan shall also expire at the same time.

(f) Enforcement and Modifications of Final Development Plan

(1) Enforcement by the City

The provisions of a Final Development Plan relating to: (1) the use of land and the use, bulk and location of Buildings and Structures; (2) the quality and location of Common Open Space; and, (3) the intensity of use or the Density of residential units, run in favor of the municipality and are enforceable in law or in equity by the City, without limitation on any powers or regulations otherwise granted the City by law.

(2) Enforcement by Residents and Landowners

All provisions of the Final Development Plan run in favor of the residents and Landowners of the Planned Development, but only to the extent expressly provided in, and in accordance with, the Final Development Plan. To that extent, the Final Development Plan provisions, whether recorded by plat, covenant, Easement or otherwise, may be enforced at law or equity by said residents and Landowners, acting individually, jointly, or through an organization designated in the Final Development Plan to act on their behalf. No provisions of the Final Development Plan will be implied to exist in favor of residents and Landowners of the Planned Development except those portions of the Final Development Plan that have been finally approved and have been recorded.

(3) Modifications of the Final Development Plan by the City

All those provisions of the Final Development Plan authorized to be enforced by the City may be modified, removed or released by the City (except grants or Easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

(i) no such modification, removal or release of the provisions of the Final Development Plan by the City may affect the rights of the residents and Landowners of the Planned Development to maintain and enforce provisions, at law or equity; and

(ii) no modification, removal or release of the provisions of the Final Development Plan by the City may be permitted, except upon a finding by the City, following a public hearing, that the same is consistent with the efficient development and preservation of the entire Planned Development, does not adversely affect either the enjoyment of land abutting upon or across a Street from the Planned Development or the public interest, and is not granted solely to confer a special benefit upon any person.

(4) Modifications by the Residents

Residents and Landowners of the Planned Development may, to the extent and in the manner expressly authorized by the provisions of the Final Development Plan, modify, remove or release their rights to enforce the provisions of the Final Development Plan, but no such action will affect the right of the City to enforce the provisions of the Final Development Plan.

(5) Modification Procedures

Modification of approved Planned Development plans may be initiated as follows:

(i) By the Landowners or residents of the property within the Planned Development, provided that the right to initiate modification has been expressly granted to or retained by the Landowners or residents under the provisions of the plan;

(ii) By the City Commission upon its own motion, duly made and carried by a two-thirds majority vote of the City Commission, when modification appears strictly necessary to implement the purpose of this article and such modification would not impair the reasonable reliance interests of the Landowners and residents of the Planned Development.

(iii) Modifications of the provisions of the Final Development Plan that constitute Major Changes may be approved by an affirmative vote of a majority of all members of the City Commission upon a finding, after a public hearing, that the modification complies with Section 20-1304(f)(3). Newspaper, posted, and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(iv) Modifications to the Final Development Plan that do not constitute Major Changes as defined in Section 20-1304(e)(2)(iv) may be approved by the Planning Director.

(6) Modifications to Final Development Plans Approved Prior to the Effective Date

Final Development Plans, which were approved prior to the Effective Date of this Development Code, shall be modified only in accordance with this Development Code, as amended.

(g) Interpretations

(1) Purpose

Because the very specific nature of the Development Plans approved for Planned Developments may result in unforeseen circumstances, particularly through the passage of time, the purpose of this sub-section is to provide a formal method for interpreting Final Development Plans and related provisions of Preliminary Development Plans.

(2) Applicability and Authority

This sub-section shall apply to any application or request to interpret a Development Plan. The Planning Commission shall have the authority to make such interpretations, subject to appeal as set forth herein. This procedure shall apply only when the effect of the Development Plan is unclear because of the passage of time or as applied to particular circumstances. In most cases, this procedure will be initiated by referral from the Planning Director, when, upon receipt of an application for a permit or interpretation, such official determines that the Development Plan is unclear or otherwise requires interpretation.

(3) Initiation

The interpretation process may be initiated by:

(i) Any Owner of real property included within the land area of the original Development Plan to be interpreted;

(ii) The Planning Director, by referral, or upon the Director's initiative;

(iii) The City Commission; or

(iv) The Planning Commission.

(4) Procedure

(i) Public Hearing to be Scheduled
At the next meeting following the initiation of the process for interpretation of a Development Plan (or, if initiated by the Planning Commission, at the same meeting), the Planning Commission shall schedule a public hearing on the matter, which hearing shall occur within 45 days of the date of the meeting at which the hearing date is set.

(ii) Notice
The Planning Director shall cause written notice of the hearing to be given to the Owner(s) of each Parcel within the Development Plan area and to property Owners within 400 feet of the Preliminary Development Plan boundary.

(iii) Public Hearing
At the scheduled time and place, the Planning Commission shall hold a public hearing on the interpretation of the Final Development Plan. The Planning Commission may at that time consider all evidence reasonably brought before it, including but not limited to:

a. Copies of the original plans, as approved;

b. Copies of documents recorded in the chain of title of the Planned Development;

c. Minutes of the meeting(s) of the City Commission and Planning Commission at which the original plans were approved;

d. Copies of pertinent sections of the zoning or development ordinance in effect at the time that the original plans were approved;

e. The Comprehensive Plan in effect on the date of interpretation and, if different, relevant provisions of the Comprehensive Plan in effect at the time of approval of the original plans;

f. Explanation of the applicant (if any), the Planning Director and others regarding the reasons why the Preliminary and/or Final Development Plan or comparable documents are unclear or inadequate to address the issue raised in the request for interpretation;

g. Testimony of persons owning property within the area affected by the Preliminary Development Plan;

h. Testimony of other interested persons;

i. Recommendation of the Planning Director; and/or

j. Such other evidences as the Planning Commission may find relevant to the interpretation of the Plan.

(iv) Criteria for Decision

The criteria for the decision of the Planning Commission in interpreting the Development Plan shall be, in priority order:

a. Consistency with the literal provisions of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;

b. Consistency with the stated purpose of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;

c. Where the original plans referred to or depended upon provisions of the Zoning Ordinance then in effect, consistency with those provisions; and

d. Interpretation of the original plans as reflected in the development of the project and reliance on it by property Owner within it.

(v) Decision

At the same meeting at which the hearing is held, or at its next meeting, the Planning Commission shall render a decision. If it is unable to render an interpretation that resolves the issue placed before it, it shall recommend that the interested parties file an application to amend the Development Plan, in accordance with (f)(5) of this section.

(5) Appeal

An appeal of an interpretation by the Planning Commission under this sub-section shall be to the City Commission. The action, if any, by the City Commission shall be final. Any person aggrieved may file an application for a permit to undertake the proposed action and may follow the appeal process for any action on that, or any person aggrieved may file an application to modify the development plan, in accordance with (f)(5) of this section.

20-1305 SITE PLAN REVIEW

(a) Purpose

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of Development Activity and to encourage the compatible arrangement of Buildings, off-street parking, lighting, Landscaping, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593.

For the purposes of this section:

(1) A change to a less intensive use shall be defined as:

(i) a change in use of a site or Structure in which the Development Code requires less parking for the proposed new or modified use; or

(ii) that the operational characteristics of the proposed new or modified use are such that they generate less activity on the site, or result in a decrease in the number of days or hours of operation of the site.

(2) A change to a more intensive use shall be defined as:

(i) change in use of a site or Structure in which the Development Code requires more parking for the proposed new or modified use; or

(ii) that the operational characteristics are such that they generate more activity on the site, or result in an increase in the number of days or hours of operation of the site.

(b) Applicability

In any Zoning District, except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(1) Minor Development Projects

Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.

(i) Requirements of Site Plan Review

a. Amendments to an approved site plan depicting the proposed modification or improvements; and

b. Verification that the use is permitted by zoning; and

c. Verification that adequate parking is available.

(ii) Public Notice

The public notice procedures of Section 20-1305(g) are not applicable.

(iii) Compliance with City Codes

a. Only those improvements or modifications proposed and approved as a Minor Development Project review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

b. Existing conditions of the site are not required to become compliant with all standards of this Development Code and/or the Community Design Manual other than those standards which are deemed necessary, by the Planning Director, to ensure the health, safety and welfare of the public and/or user of the site.

(2) Standard Development Projects

(i) For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

a. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or

b. a change in use to a more intensive use regardless of whether physical modifications to the site are proposed; or

c. the substantial modification of a site, defined as:

1. The construction of any new Building(s) on the site; or

2. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or

3. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or

4. The addition of Impervious Surface coverage that exceeds 10% of what exists; or

5. Any modification determined by the Planning Director to be substantial.

(ii) For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

a. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or

b. any modification of a site which meets the following criteria or proposes the following:

1. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or

2. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or

3. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or

4. In the IM or IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or

5. In any zoning district other than IM or IG, the construction of one or more new Buildings or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or

6. In the IM or IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or

7. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or

8. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.

(iii) Requirements of Site Plan Review

a. For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.

b. For sites with an approved site plan on file at the Planning Office, the existing plan if determined appropriate by the Planning Director, may be amended.

(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes

a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the Community Design Manual as determined by the Planning Director in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) Major Development Projects

Any development proposing the following:

(i) Any Development Activity on a site that is vacant or otherwise undeveloped; or

(ii) Any Significant Development Project on a site that contains existing development, defined as:

a. Any modification to a site that alters Parking Area(s), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns~~,~~ that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or

b. In the IM or IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or

c. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more~~,~~ of the Gross Floor Area of existing Building(s); or

d. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a

period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or

e. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.

(iii) Requirements of Site Plan Review
Submitted site plans shall meet all the specifications of Section 20-1305(f).

(iv) Public Notice
The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes
Full compliance with all City Codes, including this Development Code and the Community Design Manual, is required for the entire site, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

(c) Exemptions
The following are expressly exempt from the Site Plan Review procedures of this section:

(1) changes to Detached Dwelling(s) or Duplex(es), as well as site improvements on Lots containing Detached Dwelling(s) and Duplex(es). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a Parking Area or private recreational area, and such complex contains a combined total of four (4) Dwelling Units or more, Site Plan Review is required.

(2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or Planned Development procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures.

(3) changes expressly exempted from Site Plan Review process by the underlying Zoning District.

(4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type.

(5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior Building modifications, are proposed and where an approved site plan is not on file with the Planning Office.

(6) any change of use or physical improvements on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:

(i) The construction of any Building addition that contains less than ten percent (10%) of the current Building's Gross Floor Area; or

(ii) Separate incremental Building additions below 10% of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 10% threshold; or

(iii) The addition of Impervious Surface coverage that does not exceed 10% of what exists.

(7) any change in use, regardless of whether it is less or more intense than the current use, or any Development Activity in the CD district of an existing developed site where the effect of the change in use or Development Activity does not increase a Building's footprint or the number of Building stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than fifty (50) square feet in area, and similar appurtenances, as determined by the Planning Director, shall not be considered as increasing the Building's footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the Historic Resources Commission. Outdoor dining uses and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.

(8) changes otherwise exempted from Site Plan Review by state or federal law.

(d) Pre-application Meetings

A pre-application meeting with the Planning Director is required at least 7 Working Days prior to the formal submission of a Site Plan application. See Section 20-1301(d).

(e) Initiation and Application Filing

Site Plan Review applications shall be filed with the Planning Director. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting.

(f) Application Contents

(1) A site plan shall:

(i) For any Standard or Major Development Project be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;

(ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres or at a scale determined to be appropriate by the Planning Director;

(iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;

(iv) Show boundaries and dimensions graphically;

(v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;

(vi) Show existing conditions of the site:
- **a.** Show existing public and Private Street system,
- **b.** platted or unplatted Ownership,
- **c.** type and location of Structures,
- **d.** curb cuts on adjacent properties and along the opposite side of the street.

(vii) Show topography extending 50 feet beyond the outside boundaries of the proposed site plan;

(viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;

(ix) Show the location of existing utilities and Easements on and adjacent to the site including

- **a.** Show the location of power lines, telephone lines, & gas lines.
- **b.** Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.

(x) Show the location of ground mounted transformers and air conditioning units and how such units shall be screened if visible from the Street or when adjacent to a Structure on an adjoining Lot(s). In any instance, the location of such units shall occur behind the Front and Side Setback lines as set forth in Section 20-601 in the Density and Dimensional Standards Tables;

(xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by City Regulations, and provide on the site plan a site summary table, in the format noted below, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a Building(s); development as a paved surface; undeveloped and planted with grass, Ground Cover, or similar vegetative surface.

PROPERTY SURFACE SUMMARY			
Summary of Existing Conditions		***Summary after project completion***	
Total Buildings	***# ft.²***	***Total Buildings***	***# ft.²***
Total Pavement	***# ft.²***	***Total Pavement***	***# ft.²***
Total Impervious	***# ft.²***	***Total Impervious***	***# ft.²***
Total Pervious	***# ft.²***	***Total Pervious***	***# ft.²***
Total Property Area	***# ft.²***	***Total Property Area***	***# ft.²***

(xii) Show the location of existing and proposed Structures and indicate the number of stories, Floor Area, and entrances to all Structures;

(xiii) Show the location and dimensions of existing and proposed curb cuts, Access aisles, off-street parking, loading zones and walkways;

(xiv) Indicate location, height, and material for Screening walls and fences;

(xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;

(xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior Landscaping including grass, Ground Cover, trees and Shrubs;

(xvii) The proposed use, the required number of off-street Parking Spaces, and the number of off-street Parking Spaces provided shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;

(xviii) Designate a trash storage site on each site plan appropriate for the number of occupants proposed. The size of the trash storage receptacle, its location and an elevation of the enclosure shall be approved by the Director of the Municipal Services and Operations Department prior to approval of the site plan. If a modification to the location of the trash storage area is required during the construction phase or thereafter, both the Planning and Municipal Services and Operations Directors must approve the modification before a revised site plan can be approved.

(xix) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that Zoning District under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be developed in which order and showing in which phases the Easements, Driveways, Parking Areas and Landscaping will be included. The Planning Director may require adjustments in the provision of Easements, Driveways, Parking Areas and Landscaping among the various phases as a condition of approval;

(xx) Provide at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.

a. Photographs of the property may be submitted when no physical changes to the building facades are proposed.

(xxi) Show the intersection visibility triangle required in Section 20-1102.

(xxii) Show the location and height of any sign structures that would not be located on a building.

(2) A note shall be provided on the site plan for a public or governmental Building(s) and facility(ies) indicating that it has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and facilities, appendix A to 28 CFR Part 36.

(3) If the site plan is for a multiple-Dwelling residential Structure containing at least four (4) Dwelling Units, a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.

(4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on Screening proposed for the lighting and steps taken to prevent glare.

(g) Public Notice

(1) Notice of the proposed site plan shall be posted on the property covered by the site plan, in accordance with Section 20-1301(q)(4). In addition, written notice of the proposed site plan shall be mailed to the Owner of record of all property within 400 feet of the subject property, and to all Registered Neighborhood Associations whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the Site Plan application. An application for Site Plan Review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:

(i) a brief description of the proposed Development Activity;

(ii) the projected date for construction of the proposed use;

(iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;

(iv) the date the site plan application will be submitted to the Planning Director for review; and a Statement with substantially the following information:

Notice of Site Plan Review pending before the Lawrence Douglas County Planning Office

This letter is being sent to the Owner of property within 400 feet of, or a Registered Neighborhood Association encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise nearby Landowners of the pending proposed development. This letter does not grant the recipient and/or Landowners any additional rights to challenge this proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Office at (785) 832-3150.

(2) The failure to receive notice of Site Plan Review by an adjoining Landowner or Registered Neighborhood Association will not affect the validity of Site Plan approval or review.

(h) Staff Review/Action

The Planning Director will review each Site Plan application and, within 30 days, the Planning Director shall take one of the following actions:

(1) approve the Site Plan application;

(2) identify those modifications that would allow approval of the Site Plan application;

(3) approve the Site Plan application with conditions; or

(4) disapprove the Site Plan application.

(i) Notice of Decision

Notice of the decision, including the Planning Director's findings and basis for decision in light of the criteria of Section 20-1305(j), shall be mailed to the applicant and all other parties who have made a written request for notification.

(j) Approval Criteria

In order to be approved, a Site Plan shall comply with all of the following criteria:

(1) the site plan shall contain only platted land;

(2) the site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;

(3) the proposed use shall be allowed in the District in which it is located or be an allowed nonconforming use;

(4) vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or Access Management policies; and,

(5) the site plan shall provide for the safe movement of pedestrians on the subject site.

(k) Appeals

Appeals of the Planning Director's decision on a Site Plan application may be taken to the City Commission by filing a notice of appeal with the Planning Director. Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(l) Right to Appeal

The following persons and entities have standing to appeal the action of the Planning Director on applications for Site Plan approval:

(1) the applicant;

(2) the City Commission;

(3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or

(4) record Owners of all property within 400 feet of the subject property.

(m) Action on Appeal

(1) The City Commission shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the City Commission's meeting shall be provided to the appealing party and the applicant a minimum of 14 days prior to the Commission's meeting.

(2) After considering the matter, the City Commission shall act on the original Site Plan application, applying the criteria of Section (j), taking action as provided in Section (h) and giving notice of its decision as provided in Section 20-1305(i).

(n) Modifications to Approved Site Plans

(1) An applicant who wishes to alter or revise an approved Site Plan shall contact the Planning Director.

(2) The Planning Director is authorized to approve, without public notice, any modification that complies with the approval criteria of Section (j) as long as the Planning Director determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding Landowners.

(3) Any other modification may be approved only after submittal of a new Site Plan application in accordance with the provisions of Section 20-1305.

(o) Expiration; Vesting of Rights

(1) In the event the Landowner fails to obtain a Building Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension or modification may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Site Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.

The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(ii) No action by the City shall be necessary to cause the Site Plan to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a Building Permit or for other Development Activity on the site shall be considered as though the Site Plan had not been granted.

(2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. 12-764 and amendments thereto. Rights vest only after the related Building Permit is issued and substantial construction is begun in reliance on that permit.

(3) Rights in an entire Site Plan shall vest under K.S.A. 12-764 and amendments thereto upon timely issuance of an initial Building Permit and completion of construction in accordance with that Building Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

20-1306 SPECIAL USES

(a) Purpose
The Special Use review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at-large.

(b) Automatic Special Use Status
If an existing use was allowed by-right at the time it was established, but is now regulated as a Special Use, the use will be considered an approved Special Use and will be allowed to continue without a public hearing. Any alterations or expansions of the use are subject to the Special Use amendment procedures of Section 20-1306.

(c) Application and Site Plan Filing
Special Use applications shall be filed with the Planning Director. An application for a Special Use shall include the submittal of a site plan that meets the requirements of Section 20-1305(f).

(d) Public Hearing Notice
Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(e) Staff Review/Report
The Planning Director will review each proposed Special Use application in accordance with the review and decision-making criteria of Section (i), below. Based on the results of that review, the Planning Director will provide a report on the Special Use application to the Planning Commission and City Commission.

(f) Planning Commission's Review/Recommendation
The Planning Commission shall hold a public hearing on the proposed Special Use, review the proposed Special Use in accordance with the review and decision-making criteria of Section (i) and recommend that the City Commission approve, approve with conditions or deny the Special Use application.

(g) Protest Petitions
A valid protest petition opposing a Special Use may be submitted to the City Clerk within 14 days of the conclusion of the Planning Commission's public hearing.

(1) A protest petition will be considered "valid" if it is signed by the Owner of 20% or more of:

(i) any real property included in the proposed plan; or

(ii) the total area of real property within 200 feet of any real property included in the proposed amendment (or 1,000 feet into the unincorporated area when the real property included in the proposed amendment abuts the city limits), excluding streets and public ways.

(2) In the case of joint Ownership, all Owners shall sign the petition.

(3) For the purpose of determining the sufficiency of a protest petition, if the proposed Special Use was requested by the Owner of the specific property, that property shall be excluded when calculating the total real property within the area required to be notified.

(h) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed Special Use:

(1) Approve, approve with conditions or modifications, or deny; or

(2) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.

(i) The Planning Commission, after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit new and amended recommendations.

(ii) Upon the receipt of such recommendations, the City Commission may, by a simple majority vote, approve the proposed Special Use, approve it with conditions or modifications, or deny it.

(iii) If the Planning Commission fails to deliver its recommendations to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

(3) The City Commission may act by a simple majority vote, except for the following cases:

(i) action that is contrary to the Planning Commission's recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or

(ii) approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.

(i) Review and Decision-Making Criteria

In reviewing and making decisions on proposed Special Uses, review and decision-making bodies shall consider at least the following factors:

(1) whether the proposed use complies with all applicable provisions of this Development Code;

(2) whether the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics, including hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts;

(3) whether the proposed use will cause substantial diminution in value of other property in the neighborhood in which it is to be located;

(4) whether public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

(5) whether adequate assurances of continuing maintenance have been provided; and

(6) whether the use will cause significant adverse impacts on the natural environment; and

(7) whether it is appropriate to place a time limit on the period of time the proposed use is to be allowed by special use permit and, if so, what that time period should be.

(j) Date of Effect

Decisions on Special Uses become effective on the date of the publication of the adopting ordinance; provided that, if findings and conclusions are prepared pursuant to Section 20-1301(r), the Effective Date shall be the date the City Commission adopts the findings and conclusions. No Certificate of Occupancy may be issued by Development Services until all conditions of approval have been met.

(k) Expiration of Approval

(1) In the event the Landowner fails to obtain a Building Permit within 24 months of the Effective Date the decision on Special Use became effective, the approval will be deemed to have expired and the Special Use approval will be deemed null and void.

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Special Use Permit Site Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.

(ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(2) The Special Use approval shall expire at the conclusion of any specific period of time stated in the permit. A Special Use approval may be renewed upon application to the City, subject to the same procedures, standards and conditions as an original application.

(l) Amendment, Suspension and Revocation

The City Commission is authorized to amend, suspend or revoke an approved Special Use in accordance with this subsection.

(1) Upon its own initiative, or upon the recommendation of City staff or the Planning Commission, the City Commission may establish a public hearing date to consider a proposed amendment, suspension or revocation of an approved Special Use. Newspaper, posted and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).

(2) At the public hearing, the City Commission shall accept and consider all relevant information and evidence concerning the Special Use.

(3) After the conclusion of the public hearing, the City Commission will consider all relevant evidence and information. The City Commission may amend, suspend or revoke the Special Use if it finds, based upon a preponderance of the information and evidence, that such action is supportable in fact.

(4) Any motion for the amendment, suspension or revocation of a Special Use shall clearly State the grounds, which may include incorporation of findings presented by City staff. Any motion for the amendment of a Special Use shall clearly State the terms and conditions of suspension and at what time further review is appropriate. Any motion for the amendment of a Special Use shall clearly State the terms and conditions of the amendment to the Special Use.

(5) The City Commission shall make one or more of the following findings if it seeks to amend, suspend, or revoke the Special Use:

(i) a condition of the Special Use has been violated;

(ii) there has been a violation of the Land Development Code (Chapter 20); the Building and Construction Code (Chapter 5); the Residential Rental Property Code (Chapter 6, Article 13); or the Property Maintenance Code (Chapter 9, Article 6);and/or

(iii) violation of any other applicable City Code provisions or any State or Federal law or regulation by the Landowner or Agents thereof, provided that such violations relate to the conduct or activity authorized by the Special Use or the qualifications of the Landowner or Agents thereof to engage in such conduct or activity.

(6) As a complete alternative to the amendment procedures and requirements of this subsection and with the written consent of the Landowner, the Planning Director may approve minor changes to an approved Special Use plan. Minor changes are those that (1) will not alter the basic relationship of the proposed development to surrounding properties; (2) will not violate any of the standards and requirements of this Development Code; and (3) will not circumvent any conditions placed on the original approval. The following are changes that will always be considered minor changes:

(i) replacement of a detached Dwelling destroyed by more than 60% when Setbacks and parking requirements are met;

(ii) a reduction in the area of any Building;

(iii) an increase in the Floor Area of a Building by no more than 5 percent (5%) or 500 square feet, whichever is less;

(iv) replacement of plantings approved as part of the landscape plan by similar types of Landscaping on a one-to-one or greater basis;

(v) rearrangement of parking layout that does not affect the number of required Parking Spaces or alter Access locations or design; and

(vi) changes required by the City to address public safety concerns.

(m) Limitation on Successive Applications

(1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;

(2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;

(3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:

a. The same special use has been applied for and the Density of use is at least 25% greater or less that then original application;

b. The same special use has been applied for and the intensity of use is at least 25% greater or less than the original application;

c. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the Planning Director, addressed in the resubmission; or

d. The special use operators or location has changed substantially from the original application. Substantial change shall be determined by the Planning Director using the findings adopted by the City Commission for denial of the original application as the gauge for measurement.

(4) A new Special Use application may be submitted after at least twelve (12) months from the date of City Commission denial.

(5) Appeals

Within 30 days of the Effective Date of the Special Use decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

20-1307 INSTITUTIONAL DEVELOPMENT PLAN

(a) Purpose

The purpose is to provide a community vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. Providing this community vision for institutional Buildings and sites also allows adjacent and nearby property Owner to anticipate future non-residential development patterns and plan for the use and enjoyment of their property accordingly.

(b) Phasing of Development

For multiple uses or multiple Building developments, sites may be phased based on needs established through capital improvements programming. The phasing sequence shall be submitted with the site plan or special use permit development application.

(c) Development Standards

Standards for institutional site development are established to ensure long-term compatibility of use, consistency with the character of the area, and to minimize negative impacts from institutional development on surrounding neighborhoods.

(1) Sites of ten (10) acres or smaller shall be required to submit a site plan application with supporting material for administrative review and approval. Criteria to be included on the site plan shall include:

(i) if traffic generation exceeds 100 vehicles per day, Access shall be taken from a Residential Collector, Collector or Arterial Street;

(ii) separate Access points shall be provided for pedestrians/bikes and vehicular traffic generated to and from the site;

(iii) development of the site shall occur in one phase; and

(iv) exterior lighting shall occur only where needed for safe Access to and from the Parking Area to a Building entrance.

(2) Sites over ten (10) acres shall be required to submit an application for a Special Use Permit, which includes a site plan, and supporting material necessary to meet the following criteria:

(i) Landscape Bufferyards shall be required on all sides of the site based on the most intense use proposed.

a. For utility and large plant development sites a type 3 landscape Bufferyard shall be required.

b. For office and educational development sites a type 2 landscape Bufferyard shall be required.

c. For park and recreational development sites a type 1 landscape Bufferyard shall be required.

(ii) Access shall be planned for the entire site based on the traffic anticipated to be generated from the site. Access may be taken from Collector or Arterial Streets for utility and large plant development sites. At least two Access points shall be provided for office and educational development sites and park sites, one of which is from a Residential Collector Street.

(iii) Sidewalks shall be provided along all street frontages as part of the first phase of a multi-phase development project or, if the project is not phased, at the time of development of the site.

(iv) Bicycle lanes or recreational paths shall be planned and provided as part of the institutional master plan for sites that include public facilities such as schools, parks, recreation centers and public offices where customers are anticipated to come to the site. Comprehensive Plans for Bicycle and pedestrians shall be followed in providing and planning for these Infrastructure improvements.

(v) Sports fields and other large traffic generation activities shall be located on the site furthest from RS zoned areas and designed to reduce noise or light pollution from creating negative impacts on the adjacent neighborhood(s).

(vi) Exterior lighting, if provided, may be prohibited between the hours of 10 PM and 7AM.

(vii) Parking facilities shall be designed to be shared between multiple users and, where environmentally sensitive lands are involved or may be impacted, alternatives to paving Parking Areas may be approved.

(viii) Bus stops shall be included in the planning and development of the site.

(d) Revisions to Phasing Sequence and Institutional Development Plan

Revisions to the phasing sequence may be administratively approved by the Planning Director based on the review and approval of revisions to the Capital Improvements Programming for Infrastructure and site development by the governing body or administrative board responsible for funding institutional development of the site. Revisions to the Institutional Development Plan may be reviewed and approved administratively when revisions are consistent with the original development plan's approval and evidence has been submitted to the Planning Director that the revision will not increase traffic, noise or light pollution or runoff from the site.

(e) Filing of Institutional Development Plan

Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, an original copy of the Institutional Development Plan shall be recorded at the Office of the Register of Deeds. The drawing shall be prepared using any media that will reproduce a clear image for scanning and microfilming, meeting the standards established by the Register of Deeds. Any supplemental covenants, restrictions, Conservation Easements or public Access Easements shall be on file at the time of recordation of the Institutional Development Plan.

(f) Date of Effect

Approval of an Institutional Development Plan shall be valid from the date all conditions are met and the Institutional Development Plan is filed at the Register of Deeds office. Approved revisions to the Institutional Development Plan shall also be filed at the Register of Deeds office.

(g) Expiration of Approval

(1) In the event the Landowner fails to obtain a building permit for the development shown on the Institutional Development Plan within 24 months after final approval of the Institutional Development Plan has been granted, the approval shall expire and the Landowner shall seek approval of the proposed development in accordance with the procedures and standards in effect at the time of the new application.

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Institutional Development Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.

(ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3).

20-1308 FLOODPLAIN DEVELOPMENT PERMIT

(a) Initiation

A Floodplain development permit shall be initiated by any person, firm, corporation or unit of government proposing any construction, Substantial Improvement or other development in the Floodplain Overlay District by the filing of an application in writing on a form furnished for that purpose with the Floodplain Administrator.

(b) Application Contents

An application for a Floodplain development permit shall be accompanied by and contain the information set forth in Section 20-1202.

(c) Floodplain Administrator Review Action

The Floodplain Administrator shall review and take action on all Floodplain development permit applications and, where required, coordinate the review and approval of a Hydrologic and Hydraulic Study with the City Stormwater Engineer.

(d) Approval Criteria

The Floodplain Administrator shall approve the application for a Floodplain development Permit if the application satisfies all the requirements of Article 12 and its spirit and intent are met.

(e) Expiration of Permit

Floodplain development permits expire 18 months from the date of issuance if a certificate of elevation has not been received. If requested, and good cause is shown, the Floodplain Administrator may grant a 6-month extension.

20-1309 ZONING VARIANCES

(a) Authority and Applicability

The zoning variance procedures of this section authorize the Board of Zoning Appeals to approve, in specific cases, variances from specific zoning standards of this Development Code or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in Unnecessary Hardship.

(b) Prohibited Zoning Variances

(1) The Board of Zoning Appeals is not authorized to approve a variance that would allow a use that is not allowed in the Base District.

(2) The Board of Zoning Appeals is not authorized to approve a variance from the standards of Article 7.

(3) The Board of Zoning Appeals is not authorized to approve a variance from the standards specifically identified in what is listed in Chapter 21, Article 100.5.

(c) Application Filing

Zoning variance applications shall be filed with the Planning Director.

(d) Public Hearing Notice

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with Section 20-1301(q).

(e) Staff Review/Report

The Planning Director will review each proposed variance application in accordance with the review and decision-making criteria of Section 20-1309(g) and, if deemed necessary, distribute the variance application to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the variance application to the Board of Zoning Appeals.

(f) Board of Zoning Appeals' Hearing and Decision

The Board of Zoning Appeals shall hold a public hearing on the proposed variance and review the application in accordance with the applicable review and decision-making criteria of subsection (g). Following the public hearing, the Board of Zoning Appeals shall take one of the following actions:

(1) approve the variance;

(2) approve the variance with conditions;

(3) deny the variance.

(g) Review and Decision-Making Criteria

(1) Outside the Regulatory Floodway (Unnecessary Hardships)

The Board of Zoning Appeals may approve a zoning variance, but not a variance from the Floodplain management regulations of Article 12 upon the finding of the Board that all of the following conditions have been met:

(i) That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property Owner or applicant;

(ii) That granting the variance would not adversely affect the rights of adjacent property Owner or residents;

(iii) That strict application of the provisions of this chapter for which the variance is requested would constitute Unnecessary Hardship upon the property Owner represented in the application;

(iv) That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

(v) That granting the variance desired would not be opposed to the general spirit and intent of this chapter.

(2) Floodplain Management Regulations

(i) The Board of Zoning Appeals may approve a variance from the floodplain management regulations of Article 12 only after finding that the requested variance meets all of the following criteria:

a. a determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;

b. a showing of good and sufficient cause;

c. a determination by the Board of Zoning Appeals that failure to grant the variance would result in an Unnecessary Hardship to the applicant, as that term is defined in Section 20-1309(g)(1); and

d. a determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.

(ii) The Board of Zoning Appeals may approve a zoning variance from the floodplain management regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12. In addition, the following factors shall be considered:

a. the danger of injury from materials swept onto other lands;

b. the danger of life and property due to flooding or erosion damage;

c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual Owner or occupant;

d. the importance of the services provided by the proposed facility to the community;

e. the necessity to the facility of a waterfront location, where applicable;

f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. the compatibility of the proposed use with existing and anticipated development;

h. the relationship of the proposed use to the Comprehensive Plan and Floodplain management program for that area;

i. the safety of Access to the property in times of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(iii) Generally, variances from floodplain management standards may be issued for a Significant Development Project to be erected on a Lot of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the Regulatory Flood level, providing items Section 20-1309(g)(2)(ii)(a) through Section 20-1309(g)(2)(ii)(k) have been fully considered. As the Lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(iv) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(v) The Planning Director shall maintain the records of all variances and report any variances to the Federal Insurance Administration upon request.

(h) Findings of Fact

All decisions on zoning variances shall be supported by an affirmative finding of fact on each of the applicable approval criteria of subsection (g). Each finding shall be supported by substantial evidence in the record of proceedings.

(i) Filing and Mailing of Decision

Every decision or determination by the Board of Zoning Appeals shall be:

(1) filed in the office of the City Clerk by the Planning Director not more than seven (7) Working Days following the date of hearing; and

(2) mailed to the applicant and all other parties who have made a written request for notification.

(j) Date of Effect

Decisions on variances become effective on the date the Board of Zoning Appeals makes its decision.

(k) Expiration of Approval

(1) Failure to Obtain a Building Permit

In the event the Landowner fails to obtain a Building Permit or fails to commence the Development Activity within 24 months after final approval of the variance has been granted, then such variance shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the Board of Zoning Appeals for a period not to exceed 24 months. The application for extension or modification may be made by letter to the Planning Director and will be considered only if received before the expiration date of the variance. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the Board of Zoning Appeals. The Planning Director shall notify the applicant by first class mail of the date of the proposed consideration by the Board. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the Board shall hear from the applicant and the Planning Director and may hear from other interested parties.

(ii) No action by the City shall be necessary to cause the variance to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a Building Permit or for other Development Activity on the site shall be considered as though the variance had not been granted.

(iii) Approval of a variance does not, in itself, vest any rights under K.S.A. Sec. 12-764. Rights vest only after the related Building Permit is issued and substantial construction is begun in reliance on that permit.

(iv) A variance will also expire upon expiration of a Building Permit.

(l) Appeals

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

20-1310 WRITTEN INTERPRETATIONS

(a) Application Filing

Applications for written interpretations of this Development Code shall be submitted to the Planning Director.

(b) Planning Director's Review and Decision

Following receipt of a complete application for a written interpretation, the Planning Director shall: (1) review and evaluate the application for compliance with this Development Code and consistency with the Comprehensive Plan and any other relevant documents; (2) consult with other staff, as necessary; (3) request additional information or documentation, as necessary, and (4) render a written interpretation within 30 calendar days following receipt of a complete application.

(c) Form

The interpretation shall be provided to the applicant in writing and be filed in the official record of interpretations.

(d) Official Record of Interpretations

An official record of interpretations shall be kept on file by the Planning Director. The record of interpretations shall be available for public inspection from the Planning Director during normal business hours.

(e) Appeals

Appeals of the Planning Director's written interpretation may be taken to the Board of Zoning Appeals in accordance with procedures of Section 20-1311. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations maintained by the Planning Director. Staff review/reports required by the Development Code shall not be considered a written interpretation of the Development Code and are not appealable to the Board of Zoning Appeals.

20-1311 APPEALS OF ADMINISTRATIVE ORDERS, REQUIREMENTS, DECISIONS, OR DETERMINATIONS

(a) Authority and Applicability

Unless specifically provided for otherwise in this Development Code, the Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of the provisions of this Development Code. Staff review/reports required by the Development Code and considered by the Planning Commission at a public hearing shall not be considered an order, requirement, decision or determination and shall not be appealable to the Board of Zoning Appeals. The Planning Commission is not an "administrative official" for purposes of this Development Code and the Board of Zoning Appeals shall have no jurisdiction to consider an appeal from any action, determination or failure to act by the Planning Commission. Development Review Procedures of Article 13 of the Development Code are not administrative orders, requirements, decisions or determinations and the Board of Zoning Appeals shall have no jurisdiction to consider an appeal from any of the development review procedures.

(b) Application Filing

Appeals of administrative decisions shall be filed with the Planning Director. The appeal shall be filed within 10 Working Days after the administrative official's order, requirement, decision, or determination. Appeals may be filed by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of an administrative official.

(c) Effect of Filing

The filing of an application for an appeal of administrative order, requirement, decision, or determination stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that, because of facts stated in the certification that (a) a stay would cause immediate peril to life or property or (b) the situation appealed from is transitory in nature, and therefore, an appeal would seriously interfere with enforcement of this Development Code. In each instance, the official whose decision is being appealed shall place in the certificate facts to support the conclusion. In such case, proceedings will not be stayed other than by a restraining order, which may be granted by a court of record.

(d) Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all documents constituting the record upon which the action appealed is taken.

(e) Public Hearing Notice

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing on the appeal shall be provided in accordance with Section 20-1301(q). A copy of the notice shall also be mailed to each party to the appeal at least 20 days before the date of the hearing.

(f) Review and Decision

(1) The Board of Zoning Appeals shall hold a public hearing on the appeal and, following the close of the public hearing, take final action based on the procedures and requirements of this section.

(2) In exercising the appeal power, the Board of Zoning Appeals has all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm wholly or in part or may modify the decision being appealed.

(3) If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain the needed evidence and to reconsider the decision in light of that evidence.

(g) Approval Criteria; Findings of Fact

The Board of Zoning Appeals may reverse an order, requirement, decision, or determination of any administrative official only when the Board of Zoning Appeals finds substantial, factual evidence in the official record of the application that the administrative official erred. The decision of the Board of Zoning Appeals shall be supported by written findings of fact prepared by the Board of Zoning Appeals.

(h) Filing and Mailing of Decision

Every decision or determination by the Board of Zoning Appeals shall be:

(1) filed in the office of the City Clerk not more than seven (7) Working Days following the date of hearing; and

(2) mailed to the applicant and all other parties who have made a written request for notification not more than seven (7) Working Days following the date of the hearing.

(i) Date of Effect

Decisions on appeals become effective on the date the Board of Zoning Appeals makes its decision.

(j) Appeals

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

ARTICLE 14 BOARDS AND COMMISSIONS

20-1401 Planning Commission
20-1402 Board of Zoning Appeals

20-1401 PLANNING COMMISSION

(a) Joint Commission Created

The creation of the Lawrence-Douglas County Metropolitan Planning Commission as authorized by K.S.A. 12-744 through 747, as amended, is hereby reaffirmed.

(1) The term "Planning Commission" as it appears throughout this Development Code means the Lawrence-Douglas County Metropolitan Planning Commission.

(2) Nothing in this section shall be construed to abolish or to affect the authority of the County Board of Zoning Appeals or the Lawrence City Board of Zoning Appeals.

(b) Membership

(1) The Planning Commission shall consist of ten members, five of whom shall be appointed by the mayor of the City of Lawrence and five by the chairman of the Douglas County Board of Commissioners. In each case, appointments shall be made by and with the consent of their respective governing bodies.

(2) All appointments shall be for terms of three years, except that appointments made to fill a vacancy that occurs before the expiration of a member's term shall be for the remainder of that unexpired term only. The term of a member of the Planning Commission shall commence on the 1st day of June in the year in which he or she is appointed.

(3) Every member of the Planning Commission shall be a resident of Douglas County and shall hold no salaried or elected office with either the City or County government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties.

(c) Meetings; Officers

(1) The Planning Commission shall elect officers and determine times and places of future meetings. The Planning Commission shall meet at least once a month.

(2) The Planning Commission shall elect one member as chairperson and one member as vice-chairperson.

(3) The terms of the chairperson and vice-chairperson shall be for one year or until a successor shall have been elected and qualified.

(4) Special meetings of the Planning Commission may be called by the chairperson, or in the chairperson's absence, by the vice chairperson.

(5) The Planning Director shall serve as secretary of the Planning Commission.

(6) A quorum of the Lawrence-Douglas County Metropolitan Planning Commission shall consist of six members.

(d) Powers; Duties

(1) The Planning Commission shall have such powers and duties as are authorized by State law, and provided for herein. As a primary function the Planning Commission shall be responsible for the preparation, adoption, and maintenance of long-range Comprehensive Plans and other plans to guide the future development of the Lawrence-Douglas County land area.

(2) The Planning Commission shall see that the comprehensive and other plans are altered as necessary to serve as a continuous guide to future long range planning. At least once each year, the Planning Commission shall review or reconsider the plans or any part thereof and may propose amendments to the same. The procedure for adoption of any such amendment shall be the same as required for the adoption of the original plan.

(3) The City Commissioners of the City of Lawrence, Kansas, shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City; and the Board of County Commissioners shall exercise similar authority over the unincorporated area of Douglas County, Kansas. However, the Planning Commission shall inform both governing bodies of recommendations made to either of them, and it may recommend that they meet in joint session to consider matters that appear to call for parallel legislation.

(4) The comprehensive and other plans, and any amendments thereto, shall become effective upon publication of the respective adopting ordinance by the City Commission. An attested copy of the comprehensive and other plans and amendments thereto shall be sent to all other taxing subdivisions in the planning area that request a copy of such plans.

(5) The Planning Commission shall have authority to negotiate and enter into agreements with other incorporated areas in Douglas County or with other planning agencies outside Douglas County to provide or receive planning services; provided, that any such agreement shall become effective upon approval of the Lawrence City Commission and Douglas County Board of Commissioners, and of the governing authority of the other governments concerned.

(e) Annual Budget

(1) The Board of County Commissioners and the City of Lawrence shall, by agreement, provide for an annual budget, and pursuant to said agreement shall appropriate funds for the expenses and costs of staff services, office space and equipment, contractual services, and other relevant expenses required to carry out the purposes and functions of the Planning Commission.

(2) The City of Lawrence shall employ the necessary staff personnel and shall provide office space; and except as otherwise agreed upon for any Fiscal year the Board of County Commissioners shall direct the County Treasurer to pay semiannually to the City Finance Director one-sixth of

the agreed budget; provided, that either the City or the County may authorize, on its own initiative or in conjunction with the other, expenditures for special purposes in addition to the amounts specified in the agreed budget.

(f) Prior Actions Ratified

All planning and zoning actions of every kind or character heretofore taken by the Lawrence City Planning Commission and by the Douglas County Planning Commission shall be continued in full force and effect and shall in no way be affected by this joint resolution and ordinance.

(g) Joint Agreement

This joint resolution and ordinance shall constitute an agreement between the City of Lawrence and Douglas County as contemplated in K.S.A. 12-2901 et seq. and shall also constitute a resolution of the Board of County Commissioners and an ordinance of the City of Lawrence, Kansas. A fully executed and attested copy has been filed with the County Clerk of Douglas County, Kansas, and with the City Clerk of Lawrence, Kansas.

(h) Severability

If this joint resolution and ordinance, or any part thereof shall be held or determined to be unconstitutional, illegal, ultra vires, or void, the same shall not be held or construed to change or annul any provisions hereof that may be legal or lawful; and in the event this joint resolution and ordinance or any part thereof, shall be held unconstitutional, illegal, ultra vires, or void, the same shall not affect any action heretofore taken by the City Planning Commission or the Douglas County Planning Commission as heretofore established and constituted.

20-1402 BOARD OF ZONING APPEALS

(a) Appointment

A Board of Zoning Appeals is hereby created.

(1) The Board of Zoning Appeals shall consist of seven members to be appointed by the Mayor with the approval of the City Commission. All of the members of the Board of Zoning Appeals shall be residents of the City. None of the members shall hold any other public office of the City except that one member may be a member of the Lawrence Planning Commission. A member shall be appointed for a term of three years.

(2) It is specifically provided that on the Effective Date such Board of Zoning Appeals, as was legally in existence immediately prior to such date, shall be constituted as the Board of Zoning Appeals hereby created, and the terms of the then members of the Board of Zoning Appeals shall expire on the same dates as were established at the time of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three years.

(3) One member of the Planning Commission may be appointed to the Board of Zoning Appeals in the same manner as other members of the Board of Zoning Appeals. In the event such member's term on the Planning Commission shall expire prior to the expiration of the term on the Board of Zoning Appeals, and in the event such member is not re-appointed on the Planning Commission, his position on the Board of

Zoning Appeals shall become vacant simultaneously with the expiration of his appointment to the Planning Commission.

(b) Replacement of Board of Zoning Appeals Members

A member of the Board of Zoning Appeals, once qualified, can thereafter be removed during his term of office only for cause and after public hearing. In the event of the death, resignation, or removal of any such member before the expiration of his term, a successor shall be appointed by the mayor and confirmed by the City Commission to serve his unexpired term.

(c) Officers

The Board of Zoning Appeals shall annually elect a chairperson, a vice-chairperson, and secretary. The secretary may be an officer or employee of the City.

(d) Duties of Officers

The chairperson, or in the chairperson's absence, the vice-chairperson, shall preside at all meetings, shall decide all points of order or procedure, and as necessary, shall administer oaths and compel the attendance of witnesses.

(e) Rules and Meetings

(1) The Board of Zoning Appeals may adopt rules to govern its proceedings in accordance with the provisions of this article.

(2) Meetings of the Board of Zoning Appeals shall be held at least once a month but may be held at any time at the call of the chairperson and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be held at such place or places within the City as the Board of Zoning Appeals may designate and shall be open to the public.

(3) The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board of Zoning Appeals, decisions of the Board of Zoning Appeals, and the vote upon each question. Records of all official actions of the Board of Zoning Appeals shall be filed with the Planning Director.

(f) Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall administer the details of appeals from the provisions of this chapter (except for the provisions of Articles 7 and 8), or other matters referred to it regarding the application of this chapter or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence)as hereinafter provided. In exercising these powers, the Board of Zoning Appeals, in conformity with the provisions of this chapter or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence), may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and attach appropriate conditions, and may issue or direct the issuance of a permit.

(g) Powers Specified Elsewhere in this Development Code

The Board of Zoning Appeals shall also have those powers and duties specifically set forth in other parts of this Development Code and of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence).

(h) Quorum of the Board of Zoning Appeals

A quorum of the Board of Zoning Appeals is four members of the seven member Board. If a meeting is called and a quorum is not present at the specified meeting time, the chairperson of the Board or his designee shall immediately declare a lack of quorum and schedule a new meeting date and time for continuance of the published meeting and public hearings.

(i) Tie Vote of the Board of Zoning Appeals

A tie vote of the Board of Zoning Appeals on a variance request, or the lack of approval of a motion by a majority of members present and voting shall be considered a denial of the appeal request.

This page intentionally left blank.

ARTICLE 15 NONCONFORMITIES

20-1501 General
20-1502 Nonconforming Uses
20-1503 Nonconforming Structures
20-1504 Nonconforming Lots
20-1505 Registration of Nonconforming Uses

20-1501 GENERAL

(a) Scope

The regulations of this article govern uses, Structures, Lots and other situations that came into existence legally, but that do not conform to one or more requirements of this Development Code. These are referred to in this Development Code as "nonconformities." Nonconformities are legal situations and have legal status under this Development Code.

(b) General Policy

To encourage development consistent with this Development Code and provide Landowners with reasonable use of their land, it is the general policy of the City to allow uses, Structures, Lots and other situations that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of these situations into compliance with existing regulations over time as is reasonably possible. Provided, however, that where previously complying property no longer complies with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, Easement or other governmental use, the failure to comply created by the taking or acquisition shall not constitute a nonconformity.

(c) Intent

The regulations of this article are intended to:

(1) recognize the interests of Landowners in continuing to use their property;

(2) promote reuse and rehabilitation of existing Buildings; and

(3) place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

(d) Authority to Continue

Any nonconformity that existed on the Effective Date, or that becomes nonconforming upon the adoption of any amendment to this Development Code, may be continued in accordance with the provisions of this article.

(e) Determination of Nonconformity Status

The burden of proving, by clear and convincing evidence, that a nonconformity exists rests with the subject Landowner.

(f) Repairs and Maintenance

(1) Incidental repairs and normal maintenance necessary to keep a nonconforming Structure in sound condition are permitted, unless those repairs are otherwise expressly prohibited by this Development Code.

(2) Nothing in this article will be construed to prevent Structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

(3) Change of Tenancy or Ownership
Nonconformity status runs with the land and is not affected by changes of tenancy, Ownership, or management.

20-1502 NONCONFORMING USES

(a) Definition
A nonconforming use is a land use that was legally established, but that is no longer allowed by the use regulations of the Zoning District in which it is located.

(b) Expansion

(1) When and How Allowed
A nonconforming use may not be expanded except as follows:

(i) expansions that eliminate or reduce the nonconforming aspects of the situation are allowed;

(ii) expansions into a part of a Building or other Structure that was lawfully and manifestly designed or arranged for this use may be approved by the City Commission, if reviewed and approved in accordance with the Special Use procedures of Sec. 20-1306; and

(iii) expansions that are necessary and incidental to the existing nonconforming use may be approved by the City Commission if reviewed and approved in accordance with the Special Use procedures of Section 20-1306.

(2) Standards and Limitations
Nonconforming use expansions are subject to the following limitations.

(i) Nonconforming use expansion in residential Districts may be allowed only when the expansion:

a. does not increase the number of Dwelling Units;

b. does not exceed 50% of the Floor Area of the original use;

c. complies with all Setback and Height standards of the Base District; and

d. complies with all off-street parking and loading requirements.

(ii) Nonconforming use expansion in nonresidential Districts may be allowed only when the expansion:

a. does not exceed 25% of the Floor Area of the original use;

b. does not encroach into a residential Zoning District;

c. complies with all applicable Setback aend Height standards of the Base District; and

d. complies with all off-street parking and loading requirements.

(iii) With the approval of the Board of Zoning Appeals, an expansion under this section may exceed 25% of the Floor Area of the original use but may not exceed 50% of the Floor Area of the original use. In reviewing and making decisions on a proposed expansion of a nonconforming use that will exceed 25% of the Floor Area of the original use, the Board of Zoning Appeals shall consider at least the following factors:

a. that the expansion request arises from conditions that are unique to the property in question and not ordinarily found in the same Zoning District and are not created by action(s) of the property Owner or applicant;

b. that granting the expansion request would not adversely affect the rights of adjacent property Owners or residents;

c. that strict application of the provisions of this chapter would constitute Unnecessary Hardship upon the property Owner requesting the expansion;

d. that the expansion request desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

e. that granting the request would not be opposed to the general spirit and intent of this chapter; and

f. the recommendation of the City's professional staff.

(3) Change of Use

(i) A nonconforming use may not be changed to any use other than a use allowed in the Zoning District in which it is located, except as provided in paragraph (ii), below.

(ii) A nonconforming use may be changed to another similar or less intensive use if reviewed and approved by the Planning Director upon a finding that the new use is no more intensive in character than the original nonconforming use. The following additional rules apply:

a. A nonconforming residential use may not be changed to another nonconforming residential use that would increase the number of Dwelling Units on the site.

b. A nonconforming nonresidential use being changed to a residential use shall comply with the minimum Lot Area and Density standards of the Base District.

(4) Moving

A nonconforming use may not be moved in whole or in part to another location on the Lot or Parcel unless the movement or relocation eliminates or decreases the extent of nonconformity.

(c) Loss of Nonconformity Status

(1) Once a nonconforming use is abandoned, the use's nonconforming status is lost and any subsequent use of the property shall comply with the regulations of the Zoning District in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:

(i) the intent of the Owner to discontinue the use is apparent;

(ii) with respect to any use other than a Detached single-Dwelling residential use, the use has been discontinued for a period of 12 months or more and no concerted effort has been undertaken by the Owner to continue the use;

(iii) a demolition permit has been applied for;

(iv) the characteristic equipment and furnishings associated with the nonconforming use have been removed from the Premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;

(v) the nonconforming use has been replaced by a conforming use;

(vi) the nonconforming use has been changed to another use in accordance with Section (b)(3); or

(vii) a Building Permit to reconstruct a damaged nonconforming use in accordance with Section 20-1502(c)(4) has not been secured within 12 months of the date of occurrence of that damage or construction has not been diligently pursued.

(2) When a Building or Structure, the use of which does not conform to the provisions of this Development Code, is damaged to the extent of more than 60% of its fair market value, the use may not be restored, except in conformity with the regulations of the Base District and any applicable Overlay District.

(3) The exception to the above paragraph is that a detached Detached Dwelling Structure, when registered as a nonconforming use, is permitted to be rebuilt, unless it is located within the Floodway or Regulatory Floodway. Nonconforming Detached Dwelling Structures cannot be rebuilt to a greater Density than existed before the damage. Rebuilding shall only be allowed if off-street parking and Setback requirements of the current Zoning District are met. Reconstruction must be commenced within 12 months of the time the damage occurred.

(4) A Building Permit to reconstruct a damaged Structure pursuant to (2) shall be obtained within 12 months of the date of occurrence of the

damage or demolition, and once issued, construction shall be diligently pursued.

(d) Discontinuance of Nonconforming Open Uses of Land
A nonconforming commercial or industrial Open Use of Land shall be discontinued, including the removal of all above-surface improvements and Structures accessory to the Open Use of Land, but not to the permitted uses, by November 1, 2008. Any Open Use of Land that becomes nonconforming because of subsequent amendments to this Development Code shall also be discontinued on the same basis within 3 years of the Effective Date of the amendment that renders the use nonconforming.

(e) Accessory Uses and Structures
A use or Structure, accessory to a principal nonconforming use or Structure, may not be continued after the Principal Use or Structure has been abandoned, unless the use or Structure is also an Accessory Use or Structure to the Principal Uses permitted in the Base District and any applicable Overlay District.

20-1503 NONCONFORMING STRUCTURES

(a) Definition
A nonconforming Structure is any Building or Structure that was legally established, but no longer complies with the Density and Dimensional Standards of this Development Code; provided, however, that where a previously conforming Structure no longer conforms with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, Easement or other governmental use, the failure to conform created by the taking or acquisition shall not constitute a nonconformity. Nonconforming Structures may remain, subject to the regulations of this section.

(b) Structural Alterations
Structural Alterations, including enlargements, are permitted if the Structural Alteration does not increase the extent of nonconformity.

(1) When a Structure is nonconforming because it encroaches into a required side or Rear Setback, this provision will be interpreted as allowing other portions of the Structure to be expanded out to the extent of the existing encroachment, as long as there is no greater encroachment into a required Setback.

(2) When a Structure is nonconforming because it encroaches into a required Front Setback, this provision will be interpreted as prohibiting other portions of the Structure from being expanded out to the extent of the existing encroachment.

(c) Use
A nonconforming Structure may be used for any use allowed in the Base District and any applicable Overlay District.

(d) Moving
A nonconforming Structure may be moved in whole or in part to another location on the subject Parcel only if the movement or relocation decreases or eliminates the noncompliance.

(e) Loss of Nonconforming Status; Damage or Destruction

(1) Once a nonconforming Structure is abandoned, its nonconforming status is lost and the Structure, or any replacement, shall comply with the regulations of the Zoning District in which it is located, even if the compliance means that the Structure shall not remain and no replacement Structure may be constructed. A nonconforming Structure will be considered abandoned when any of the following occurs:

(i) the intent of the Owner to discontinue all uses in the Structure is apparent;

(ii) no use has been maintained in the Structure for a period of 12 months or more and no concerted effort has been undertaken by the Owner to maintain the use;

(iii) a demolition permit has been applied for;

(iv) all equipment and furnishings have been removed from the Premises and have not been replaced by similar or other equipment and furnishings within 90 days, unless other facts show intention to resume use of the Structure; or

(v) a Building Permit to reconstruct a damaged nonconforming Structure in accordance with Sec. (3) has not been secured within 12 months of the date of occurrence of the damage, or construction under that permit has not been diligently pursued.

(2) When a nonconforming Structure (other than a Detached Dwelling located in an RS Base District or a Congregate Living Structure in an RM Base District which has an approved site plan on file with the city) is damaged to the extent of more than 60% of its fair market value, the Structure may not be restored except in conformity with the regulations of the Base District and any applicable Overlay District. When a Detached Dwelling located in an RS Base District or a Congregate Living Structure located in an RM Base District which has an approved site plan on file with the city is damaged to any extent, it may be restored at its former location without first being required to obtain a variance, provided that, a Building Permit for the restoration is obtained within 12 months of the date of occurrence of the damage, in accordance with Section (3).

(3) A Building Permit to reconstruct a damaged Structure pursuant to Section (2) shall be obtained within 12 months of the date of occurrence of the damage, and once issued, construction shall be diligently pursued.

20-1504 NONCONFORMING LOTS

(a) Definition

A nonconforming Lot is a Tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means, that was established prior to adoption of the City's first zoning ordinance or Development Code, or that complied with all applicable Lot Area, Lot Width and Lot Depth standards of the Zoning District in which it was located at the time of its creation, but which does not comply with the minimum Lot Area, Lot Width or Lot Depth requirements of the Zoning District in which it is now located. Provided, however, that where a previously complying Lot no longer complies with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, Easement or other governmental use, the failure to comply created by the taking or acquisition shall not constitute a nonconforming Lot.

(b) Use of Nonconforming Lots

(1) In residential Zoning Districts, a nonconforming Lot may be used for Detached Dwellings and related Accessory Structures.

(2) In nonresidential Zoning Districts, a nonconforming Lot may be used for uses allowed within the Base District and any applicable Overlay District.

(3) Nonconforming Lots that have Access only to a Street that is shown on a plat, but that has not been improved, shall not be protected by this article. Owner of these Lots shall replat the Lots in conformity with the subdivision regulations and the applicable zoning regulations of this Code before seeking a Building Permit or otherwise seeking to use one or more of these Lots.

(c) Dimensional Standards

Development on nonconforming Lots shall comply with the Dimensional Standards of the Base District, except as expressly stated in this section. This provision will not be interpreted as requiring a greater Setback than specified for the Base District and any applicable Overlay District.

(1) Standards Applicable in All Zoning Districts

The following standards shall apply to development on nonconforming Lots in all Zoning Districts.

(i) Minimum Lot Area

a. Development Permitted

A Lot that is nonconforming as to the required minimum Lot Area for the Base District may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Section.

b. Reduction not Permitted

The Owner of a nonconforming Lot shall not take any voluntary action that will further reduce the Lot Area. Any such action by the Owner may be prosecuted as a violation of this Code and shall deprive the Owner and any subsequent Owner of the protection afforded by this Section.

c. Choice of Uses
Where the Lot Area of a nonconforming Lot or Parcel is conforming for some use in the applicable Base District, but not for others, that Lot shall be used for a use for which it is conforming. If a Lot fails to conform to the applicable requirements of the Base District, then the Lot may be used only for those permitted uses in that Zoning District requiring the smallest minimum Lot Area, which, in most cases, will be a Detached single-Dwelling residential use.

(ii) Lot Width

a. Development Permitted
A Lot that is nonconforming as to the required minimum Lot Width for the Base District may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Section.

b. Improved Street Access Required
If the actual Lot Width is inadequate to provide for Driveway Access to the Lot from an improved Street, the protection of this Section shall not apply.

c. Reduction not Permitted
The Owner of a non-conforming Lot shall not take any voluntary action that will further reduce the Lot Width. For purposes of this Section, the Owner's involvement in a governmental taking or acquisition of property for right-of-way, Easement or other governmental use shall not be deemed a voluntary action. An Owner's voluntary action to further reduce the Lot Width may be prosecuted as a violation of this Code and shall deprive the Owner and any subsequent Owner of the protection afforded by this Section.

d. Choice of Uses
Where a nonconforming Lot or Parcel is conforming for some uses in the applicable Base District, but not for others, that Lot shall be used for a uses for which it is conforming. If a Lot fails to conform to the applicable requirements of the Base District, then that Lot may be used only for those permitted uses in that Base District requiring the smallest minimum Lot Width, which, in most cases, will be a Detached single-Dwelling residential use.

(2) Residential Zoning Districts
The following dimensional standards apply to development on non-conforming Lots located in RS and RM Districts.

(i) Front Setbacks
The minimum Front Setback shall be at least 20% of the Lot Depth or the applicable Zoning District Setback, whichever is less. Double-Frontage (through) Lots shall maintain a Front Setback from both streets.

(ii) Interior Side and Rear Setbacks
The minimum Interior Side and Rear Setback for Principal Buildings is 5 feet or 10 percent (10%) of the Lot Width, whichever is greater. This provision will not be interpreted as requiring a greater Setback than specified for the Base District and any applicable Overlay District.

(iii) Street Side Setbacks
The minimum Exterior Side street Setback on non-conforming Lots is 5 feet, plus ½ foot for each foot of Lot Width above 28 feet.

(iv) Height and Building Coverage
Non-conforming Lots shall comply with the Height and Building coverage requirements of the Base District and any applicable Overlay District.

(3) Nonresidential Zoning Districts
The following dimensional standards apply to development on non-conforming Lots located in all Zoning Districts, except the RS and RM Districts. This provision will not be interpreted as requiring a greater Setback than specified for the Base District and any applicable Overlay District.

(i) Front Setbacks
The minimum Front Setback is 20% of the Lot Depth or the applicable Zoning District Setback, whichever is less. Double-Frontage (through) Lots shall maintain a Front Setback from both streets.

(ii) Interior Side Setbacks
The minimum Side Setback is 5 feet unless a smaller Side Setback is allowed by the Base District and any applicable Overlay District.

(iii) Rear Setback
Non-conforming Lots shall comply with the Rear Setback requirements of the Base District and any applicable Overlay District.

(iv) Street Side Setback
The minimum Exterior Side street Setback is 5 feet, plus ½ foot of additional Setback for each foot of Lot Width above 28 feet.

(v) Height and Building Coverage
Development on non-conforming Lots shall comply with the Height and Building coverage standards of the Base District and any applicable Overlay District.

20-1505 REGISTRATION OF NONCONFORMING USES

(a) Rights Conditional
The rights given to those using or owning property involving a nonconforming use to expand or alter that nonconforming use are specifically conditioned on the registration of the nonconforming use with the Planning Director.

(b) Registration Process
The Planning Director shall establish a process for the registration of nonconforming uses and publish notice of the registration requirements and when they apply to existing nonconforming uses.

(c) Registration Database
For nonconforming uses that are known to the Planning Office to be in existence on the Effective Date, the Planning Director shall develop a database of these uses for the tracking of nonconformities.

(1) Landowners of nonconforming uses arising because of an amendment to this Development Code or because of a change in jurisdictional boundaries, will be required to register their nonconforming use before altering or expanding that use.

(2) Subject to the verification procedures established by the Planning Director, nonconforming uses so registered will be deemed to be nonconforming uses, to the extent documented on the registration form. All rights to continuance, maintenance, or repair of the nonconforming use shall be allowed regardless of registration as a nonconforming use.

(d) Effect of Not Registering; Appeals
The Planning Director, and all other designated City officials, shall not permit the expansion or alteration of a nonconforming use not registered in accordance with this section. An aggrieved party may appeal this denial to the Board of Zoning Appeals. The Board of Zoning Appeals may grant late registration status to the nonconforming use, in which case the Owner is entitled to all of the rights accorded to the nonconforming use as though it were registered in accordance with the requirements of this article, if it finds that:

(1) the failure to register the nonconforming use occurred because the Owner was unaware that the situation was nonconforming or from excusable neglect; or

(2) the nonconforming use was lawful on the date that the provisions of this Development Code first became applicable to it or is otherwise entitled to protection under this article.

ARTICLE 16 VIOLATIONS PENALTIES AND ENFORCEMENT

20-1601 Responsibility of Enforcement
20-1602 Violations
20-1603 Continuing Violations
20-1604 Liability
20-1605 Remedies and Enforcement Powers
20-1606 Enforcement by Others
20-1607 Continuation of Previous Enforcement Actions
20-1608 Remedies Cumulative
20-1609 Procedure for Failure to Construct or Install Improvements in the Public Right-of-Way.

20-1601 RESPONSIBILITY FOR ENFORCEMENT

The Planning Director is responsible for enforcing this Development Code, except as otherwise expressly stated.

20-1602 VIOLATIONS

(a) Compliance Required

All Buildings and land used and all Buildings and Structures erected, converted, enlarged, reconstructed, moved or structurally altered shall comply with all applicable provisions of this Development Code.

(b) Types of Violations

Unless otherwise expressly stated by this Development Code or State law, any violation of this Development Code, including but not limited to the following, will be subject to the remedies and penalties provided for in this article:

(1) to use land or Buildings in any way not consistent with the requirements of this Development Code;

(2) to engage in Development Activity in any way not consistent with the requirements of this Development Code;

(3) to transfer title to any Lots or parts of a development unless the subdivision has received all approvals required under this Development Code and an approved plan or plat, if required, has been filed in the appropriate office;

(4) to submit for recording, any subdivision plat, land division or other development plan that has not been approved in accordance with the procedures of this Development Code or that does not qualify for an exemption under the Subdivision regulations of this Development Code;

(5) to engage in the use of a Building or land, the use, or Development Activity requiring one or more permits or approvals under this Development Code without obtaining all such required permits or approvals;

(6) to engage in the use of a Building or land, the use, or Development Activity requiring one or more permits under this Development Code in any way inconsistent with any such permit or approval or any conditions imposed thereon;

(7) to violate the terms of any permit or approval granted under this Development Code or any condition imposed on such permit or approval;

(8) to obscure, obstruct or destroy any notice required to be posted or otherwise given under this Development Code; or

(9) to violate any lawful order issued by any person or entity under this Development Code.

20-1603 CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this Development Code for purposes of calculating cumulative penalties.

20-1604 LIABILITY

The Owner, tenant or occupant of any land or Structure, shall be presumed to know of activity occurring on the Premises and thus may be charged with a violation of this Code for any violation found on any Premises subject to this Code. Where an architect, contractor, builder, Agent or other person appears to have participated directly in a violation of this Code, the Codes Enforcement Manager may also charge such person with a violation of this Code. Any person charged with a violation of this Code shall be entitled to personal notice of the violation, in accordance with Section 20-1605, and to a hearing before the Board of Zoning Appeals, in accordance with Section 20-1311. All persons found to be responsible for the actions or inactions leading to a violation may be charged jointly and severally with violations as a result of the same incident or circumstances.

20-1605 REMEDIES AND ENFORCEMENT POWERS

The Planning Director may use any of the following remedies and enforcement powers:

(a) Withhold Permits & Approvals

The Planning Director may deny or withhold all permits, certificates or other forms of authorization on any land, or Structure or improvements thereon:

(1) upon which there is an uncorrected violation of a provision of this Development Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City; and

(2) owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this Development Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City.

(b) Approval of Permits & Approvals with Conditions

Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization only if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety or general welfare.

(c) Revoke Permits & Approvals

Any permit or other form of authorization required under this Development Code may be revoked by the Planning Director or by any City official with authority to issue such permit when the Planning Director or other City official determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was

issued by mistake, or (3) that any of the provisions of this Development Code are being violated.

(1) Where permits are mistakenly issued, an applicant will be entitled to appeal the permit revocation to the Board of Zoning Appeals.

(2) Written notice of revocation shall be served upon the Owner, the Owner's Agent or contractor, or upon any person employed on the Building or Structure for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.

(d) Stop Work

Whenever a Building or part thereof is being constructed, reconstructed, altered or repaired in violation of this Development Code, the Planning Director may order the work to be immediately stopped.

(1) The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall State the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(2) Violation of a stop-work order constitutes a misdemeanor.

(e) Revoke Plans or Related Approvals

Where a violation of this Development Code involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the City may, upon notice to the applicant and other known parties in interest (including any holders of Building Permits affected), revoke the plan or other approval or condition its continuance on strict compliance with this Development Code, the provision of financial security to ensure that construction is completed in compliance with approved plans, or such other conditions as the City may reasonably impose. Any required financial security shall be in a form approved by the City.

(f) Legal Relief

Pursuant to K.S.A. 12-761(b), the City may commence a civil action or proceeding in District Court to stop any violation of this Development Code or of a permit, certificate or other form of authorization granted hereunder, to remove a violation, or to restore the Premises in question to the condition in which they existed prior to violation. The relief sought may include:

(1) an injunction or other equitable relief;

(2) an order in the nature of mandamus or abatement;

(3) a judgment or order enforcing any requirement of, or under, this Development Code to pay a fee or reimburse or compensate the City, including when the City is required or authorized to take specified action at the expense of the Landowner; or

(4) any other judgment or order available under Kansas law.

(g) Criminal Penalties

Pursuant to K.S.A. 12-761(a), any person, firm, or corporation who shall violate any of the provisions of this Development Code, or fail to comply with any order or regulation thereunder, or who shall engage in Development Activity in violation of any specifications or plans submitted and approved thereunder, or any certificate or

permit issued thereunder, shall, for each and every violation and non-compliance respectively be deemed guilty of a misdemeanor, and upon conviction therefore shall be, for each offense:

(1) fined in a sum not less than $10 nor more than $500;

(2) imprisoned for not more than six months; or

(3) both fined and imprisoned.

(h) Other Penalties and Remedies
The City may seek such other penalties and remedies, and employ such other enforcement powers, as are provided by Kansas law for violations of zoning, subdivision, sign, or related provisions.

20-1606 ENFORCEMENT BY OTHERS

(a) Citizens
Pursuant to K.S.A. 12-761(b), any person, the value or use of whose property is or may be affected by a violation of this Development Code, is authorized to maintain a suit or action in any court of competent jurisdiction to enforce the provisions of this Development Code and to abate nuisances maintained in violation thereof.

(b) State Officials
Pursuant to K.S.A. 12-761(c) and in the case of violations to the Floodplain management regulations of Article 12 of this Development Code, the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas Board of Agriculture are authorized, in addition to other remedies, to institute injunction, mandamus, or other appropriate action or proceeding to prevent, correct or abate the violation.

20-1607 CONTINUATION OF PREVIOUS ENFORCEMENT ACTIONS

Nothing in this Development Code prohibits the City's continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid ordinances and laws.

20-1608 REMEDIES CUMULATIVE

The remedies and enforcement powers established in this Development Code are cumulative, and the City may exercise them in any order.

20-1609 PROCEDURE FOR FAILURE TO CONSTRUCT OR INSTALL IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY

The failure to construct or install a required improvement located in the public right-of-way as established in an approved Site Plan, Preliminary or Final Development Plan or Special Use permit, within one year of issuance of a Building permit, or failure to construct or install a required improvement located in the public right-of-way as otherwise required in this Development Code, constitutes a failure to perform a lawfully required duty pursuant to K.S.A. 12-6a17.

(1) Prior to the City Commission making a finding for a particular property or properties, the City Commission will provide written notice of an opportunity for a hearing to the Landowner of record.

(2) After written notice to the Landowner, the City Commission may determine, at a public hearing, that the failure to construct or install a required improvement located in the public right-of-way requires that the City Commission construct or install the improvement, or contract for the construction or installation of the improvement.

(3) The construction or installation shall be performed pursuant to all lawfully required procedures.

(4) The cost of the construction or installation shall be assessed pursuant to K.S.A. 12-6a17, provided that the City Commission may only use the authority of this section for the following improvements: installation of sidewalks or Bicycle or pedestrian paths or trails on public right-of-way; installation or removal, or both, of curbing and pavement adjacent to a Public Street and within the public right-of-way; and installation of required Landscaping improvements in the public right-of-way.

This page left intentionally blank.

ARTICLE 17. TERMINOLOGY

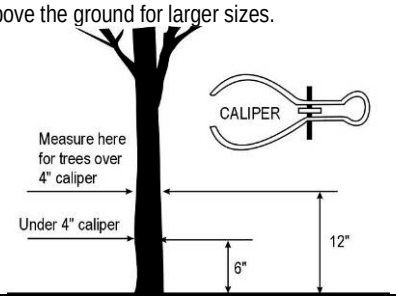
20-1701	**General Terms**
20-1702	**Use Categories in General**
20-1703	**Adaptive Reuse of Designated Historic Property**
20-1704	**Adaptive Reuse of Greek Housing**
20-1705	**(Reserved)**
20-1706	**(Reserved)**
20-1707	**(Reserved)**
20-1708	**(Reserved)**
20-1709	**(Reserved)**
20-1710	**Animal Services**
20-1711	**Big Box**
20-1712	**Building Maintenance Services**
20-1713	**Business Equipment Sales and Services**
20-1714	**Business Support Services**
20-1715	**Commercial Node**
20-1716	**Communication Service Establishments**
20-1717	**Community Facilities**
20-1718	**Construction Sales and Services**
20-1719	**Cultural Exhibits and Libraries**
20-1720	**Day Care**
20-1721	**Detention Facilities**
20-1722	**Dwelling, Attached**
20-1723	**Dwelling, Detached**
20-1724	**Eating and Drinking Establishments**
20-1725	**Entertainment and Spectator Sports**
20-1726	**Explosive Storage**
20-1727	**Financial, Insurance and Real Estate (F.I.R.E.) Services**
20-1728	**Food and Beverage Retail Sales**
20-1729	**Funeral and Interment Services**
20-1730	**Reserved**
20-1731	**Group Living**
20-1732	**Health Care Office; Health Care Clinic**
20-1733	**Hospital**
20-1734	**Household Living**
20-1735	**Industrial, General**
20-1736	**Industrial, Intensive**
20-1737	**Laundry Service**
20-1738	**Lodge, Fraternal and Civic Assembly**
20-1739	**Manufacturing and Production, Limited**
20-1740	**Manufacturing and Production, Technological**
20-1741	**Medical Facilities, (Health Center, Clinic, Hospital)**
20-1742	**Mining**
20-1743	**Mobile Home Park**
20-1744	**Office, Administrative and Professional**
20-1745	**Outpatient Care Facilities**
20-1746	**Parking Facilities**
20-1747	**Parking Lot**
20-1748	**Personal Convenience Services**
20-1749	**Personal Improvement Services**
20-1750	**Postal & Parcel Services**
20-1751	**Public Safety**
20-1752	**Recycling Facilities**
20-1753	**Religious Assembly**
20-1754	**Repair Services, Consumer**
20-1755	**Recreational Facilities**

20-1756	**Research Services**
20-1757	**Retail Sales and Service**
20-1758	**Retail Sales, General**
20-1759	**School**
20-1760	**Scrap and Salvage Operations**
20-1761	**Sexually Oriented Businesses**
20-1762	**Sports and Recreation, Participant**
20-1763	**Transient Habitation**
20-1764	**Utilities and Services, Major**
20-1765	**Utilities, Minor**
20-1766	**Vehicle Sales and Service**
20-1767	**Wholesale, Storage, and Distribution**
20-1768	**Wireless Facilities**
20-1769	**Institutional Use**
20-1770	**Community Mental Health Facilities**
20-1771	**Maker Space**
20-1772	**Event Center**
20-1773	**Agricultural Processing**
20-1774	**Agricultural Sales**
20-1775	**Agriculture, Animal**
20-1776	**Agriculture, Crop**
20-1777	**Farmers Market**
20-1778	**On Site Agricultural Sales**
20-1779	**Urban Agriculture**
20-1780	**Urban Farm**
20-1781	**Short-Term Rental**

20-1701 GENERAL TERMS

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling.
Accessory Structure	A subordinate Structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off-Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway, Street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Affordable Dwelling Unit	A Dwelling Unit is affordable when a household spends no more than 30% of their monthly household income on rent/mortgage plus utilities. For rental units – A Dwelling Unit with monthly rent and utilities not exceeding 110% of the HUD defined Fair Market Rent, as determined yearly by the Lawrence Douglas County Housing Authority. For owner-occupied units – A Dwelling Unit where the monthly mortgage cost and utilities are affordable for those owners earning up to 80% of Median Family Income, as established yearly by HUD for Lawrence, KS Metropolitan Statistical Area.
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure.
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes.
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna.
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building, except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.

Term	Definition
Base Density	The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings, or use of land, and other regulations relating to the development or maintenance of existing uses or Structures, are uniform; but not including Overlay Zoning Districts.
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Bee Hotel	Places for solitary pollinator bees to make their nests. These bees live alone, not in hives, and typically do not make honey. A bee hotel is similar to a birdhouse.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment, Large.
Block	A Parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms, fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building, except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District, any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.

Term	Definition
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes. 
Cemetery Corporation	Any individual or entity required to maintain permanent maintenance funds pursuant to K.S.A 17-1312f, as amended.
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements, licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets.
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets.
Colony	An aggregate of worker bees, drones, and a queen living together in a hive or other dwelling as one social unit. When used in this article, the term 'colony' refers to bees that live in a beehive.
Common Open Space	Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space, except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.
Community Garden	An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as tool storage sheds) maintained and used by the group.
Community Supported Agriculture	A member organization in which individuals or households become members by purchasing a share or agreeing to volunteer work for a share of the agricultural producer's output. The share is committed to in advance and the member then receives, in return, food items from the producer on a regular schedule throughout the season and sometimes all year.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.
Congregate Living	A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home or similar group living use.

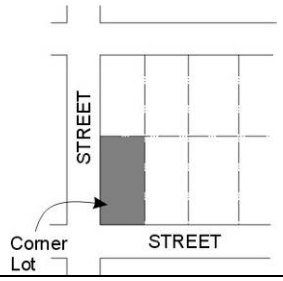
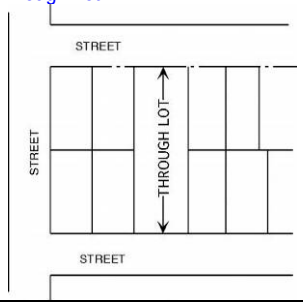
Term	Definition
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director, Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus	An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.
Density Cap	Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets.
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets.
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.
Development Project, Major (Ord. 8465)	Any development proposing the following: a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IM or IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.

Term	Definition
Development Project, Minor (Ord. 8465)	Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.
Development Project, Standard (Ord. 8465)	a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IM or IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IM or IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IM or IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.

Term	Definition
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (with out lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots.
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line.
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home.
Dwelling Unit	One room, or a suite of two or more rooms, designed for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access, and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Evergreen (Coniferous) Tree	An Evergreen Tree, usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

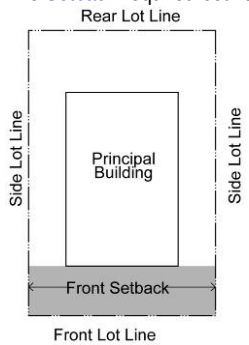
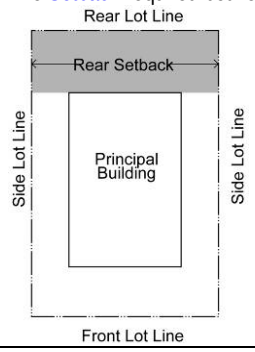
Term	Definition
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building, including a single-Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single-Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings.
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls *(excluding basements)* of a Building or a portion thereof divided by the Lot Area.
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Fowl	For the purposes of these regulations, 'Fowl' shall mean only ducks and female chickens.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building, between the Building and a line five feet from the Building.
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade.

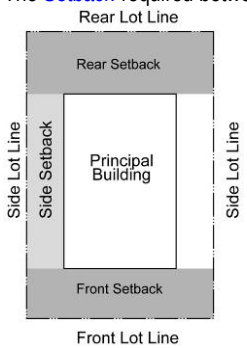
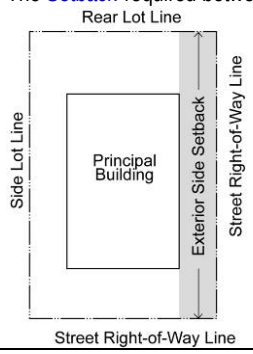
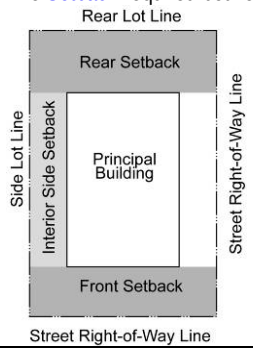
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade, or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs, Ground Cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs, plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations.
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure.
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.

Term	Definition
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot.
Lot Frontage	See Frontage
Lot, Corner	A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot. 
Lot, Through	A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot. 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.
Lot Line	A boundary of a Lot.
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley.
Lot Line, Front	The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street Frontage as the Front Lot Line.
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line. A triangular Lot has no Rear Lot Line.
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line.
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mature Trees, Stand of	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Term	Definition
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure.
Mixed Use Structure, Vertical	A Building or Structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park.
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie Remnants	Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands.
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node.
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity, excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed-Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed-Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure, designed and used for parking motor vehicles including parking Lots, garages, private Driveways and legally designated areas of public Streets.

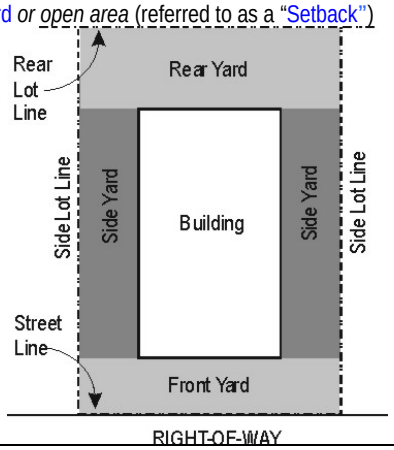
Term	Definition
Parking Area	An area devoted to off-Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area. Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street, outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Personal Garden	A garden that is maintained by the property owner(s) or other person(s) with an interest in the property, typically on the same property as a dwelling unit. Food and non-food items are raised primarily for personal or family consumption and enjoyment.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District, for a number of Dwelling Units, office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot, together with all Buildings and Structures thereon.
Principal Building	See Building, Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director.
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential

Term	Definition
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building.
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area.
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building. A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna, with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms, or densely planted vegetation, or other means approved by the Planning Director.
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))
Setback, Front	The Setback required between a Building and the Front Lot Line. 
Setback, Rear	The Setback required between a Building and the Rear Lot Line. 

Term	Definition
Setback, Side	The Setback required between a Building and the Side Lot Line. 
Setback, Side (Exterior)	The Setback required between a Building and the Exterior Side Lot Line. 
Setback, Side (Interior)	The Setback required between a Building and the Interior Side Lot Line. 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen; planted primarily for its high crown of foliage or overhead Canopy.
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.
Shrub	A Deciduous, Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover, consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.

Term	Definition
Significant Development Project	1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IM or IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District, Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at-Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-Family residential Lots.
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.

Term	Definition
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed-Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel, site, piece of land or property that is the subject of a development application or restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
Valet Parking	An operational system in which attendants (aka Valets) park and retrieves automobiles. Valet parking allows more automobiles to be parked in an area and may be used to resolve parking shortages or improve customer service where parking might only be available at long walking distances. Valet Parking may employ tandem and/or stacked parking layouts.
Valet Parking Plan	A document, submitted concurrently with a development application proposing the use of Valet Parking that includes, but is not limited to the summarizing the layout and dimensions of the on-site parking area, on-site drop-off, operations of the service including hours of operation and maximum and minimum staffing level.
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays

Term	Definition
Yard	Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard *or open area* (referred to as a "Setback") 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line.
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line.
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard, or in the absence of either of such front or Rear Yards, to the front or Rear Lot Lines. Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot.
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

20-1702 USE CATEGORIES IN GENERAL

(1) Purpose

This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of present and future uses to Zoning Districts.

(2) Classification Considerations

(1) Uses are assigned to the use category that most closely describes the nature of the Principal Use, based on the "Characteristics" description of each use category. Developments may have more than one Principal Use (see paragraph (3), below).

(2) The following factors are considered to determine what use category the use is in, and whether the activities constitute Principal Uses or Accessory Uses:

a. The description of each activity in relationship to the characteristics of each use category;

b. The relative amount of site or floor space and equipment devoted to each activity;

c. Relative amounts of sales from each activity;

d. The customer type for each activity;

e. The relative number of employees in each activity;

f. Hours of operation;

g. Classification of the use in the North American Industry Classification System (NAICS);

h. Building and site arrangement;

i. Number and type of vehicles used with each activity;

j. The relative number of vehicle trips generated by each activity;

k. Signs;

l. How the use advertises itself; and

m. Whether each individual activity would be likely to be found independent of the other activities on the site.

(3) Developments with Multiple Principal Uses

When all Principal Uses of a development fall within one use category, then the development is assigned to that use category. When the Principal Uses of a development fall within different use categories, each Principal Use is classified in the applicable category and is subject to the regulations for that category.

20-1703 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY

Conversion of a Structure listed individually or as a contributing Structure to a historic district in the National, State or local register to another specified use~~,~~ with the intent of preserving the listed Structure.

20-1704 ADAPTIVE REUSE OF GREEK HOUSING

Conversion of a Greek Housing unit to another specified use, with the intent of preserving its architectural character and protecting nearby low-Density residential districts from incompatible developments.

20-1705 RESERVED

20-1706 RESERVED

20-1707 RESERVED

20-1708 RESERVED

20-1709 RESERVED

20-1710 ANIMAL SERVICES

The following are Animal Services use types:

(1) Sales and Grooming

Sales, grooming and day time care of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.

(2) Kennels/Day Care

Kennel services for dogs, cats, and small animals, including day care and overnight care. Typical uses include boarding kennels and dog training centers.

(3) Veterinary

Typical uses include veterinary offices, pet clinics, and animal hospitals.

(4) Livestock Sales

Typical uses include Livestock auction sales.

20-1711 BIG BOX

Refer to Retail Establishments.

20-1712 BUILDING MAINTENANCE SERVICES

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

20-1713 BUSINESS EQUIPMENT SALES AND SERVICES

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, computer repair shops and hotel equipment and supply firms.

20-1714 BUSINESS SUPPORT SERVICES

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trade schools that do involve outdoor storage or manufacturing processes are classified as “Limited Manufacturing and Production.”

20-1715 COMMERCIAL NODE

A node, which is located at the intersections of streets set forth in Chapter 6 of Horizon 2020, and which is designed to integrate commercial uses with the surrounding neighborhoods through Mixed-Use development.

20-1716 COMMUNICATIONS SERVICE ESTABLISHMENTS

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "Major Utilities and Services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

20-1717 COMMUNITY FACILITIES

Community Facilities are uses of a public, publicly funded, nonprofit, or charitable nature, not including recreational uses, which provide a variety of services to the general public on a regular basis including but not limited to educational, technical or vocational training, day care, cultural, civic or social services, or utility services.

1) Temporary Shelter

A building operated by a public, publicly funded, nonprofit, charitable organization, or religious institution that provides day and/or overnight shelter to one or more persons who lack a fixed, regular, and adequate nighttime residence. The Temporary Shelter may provide accessory food services, social services, counseling, medical services, personal hygiene, life skills training, employment training and assistance, educational assistance, mail or delivery services, telephone or computer services, storage of personal belongings, and a workplace for shelter occupants that may consist of any use permitted by the zoning district in which it is located.

(2) Social Service Agency

A service operated by a, public, publicly funded, nonprofit, or charitable organization providing services undertaken to advance the welfare of citizens in need which typically includes supporting office uses. Typical uses include employment counseling, life skills training, counseling, food banks, and blood banks. Social Service Agencies shall not include Temporary Shelters, Group Homes, commercial uses such as medical, professional, financial, real estate offices, or religious institutions providing these services as accessory to their religious assembly use.

(3) Community Meal Program

A program operated and staffed by a public, publicly funded, nonprofit, or charitable or religious organization that provides prepared meals onsite on a regularly scheduled basis for the welfare of citizens in need.

20-1718 CONSTRUCTION SALES AND SERVICES

Construction activities and incidental storage on Lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail or wholesale sale, from the Premises, of materials used in the construction of Buildings or other Structures including the retail sale of paint, fixtures, and hardware, but excludes those uses classified as "Automotive" and/or "Heavy Equipment" use types. Typical uses include Home Improvement or Building materials stores, tool and equipment rental or sales, Building contracting/construction offices with shops and/or outside storage yards and landscape maintenance/contractor offices with shops and/or outside storage yards.

20-1719 CULTURAL EXHIBITS AND LIBRARIES

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, live performances, art centers, or library collection of books, manuscripts, etc., for reading, studying and research.

20-1720 DAY CARE

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are 3 types of Day Care uses:

(1) Day Care Home, Class A

The care of 12 or fewer individuals as an Accessory Use to an occupied residence in which the occupant is the primary provider of the care, not including the care of members of the provider's own Family. "Primary provider" means an individual who has the ongoing responsibility for the health, safety and well-being of individuals in care.

(2) Day Care Home, Class B

The care of 12 or fewer individuals as an Accessory Use to an occupied residence in which the occupant is not the primary provider of the care, not including the care of members of the provider's own Family. "Provider" means an individual who has the ongoing responsibility for the health, safety and well-being of individuals in care.

(3) Day Care Center

The care of 13 or more individuals. Typical uses include: Day Care Centers for children or adults, preschools, play groups, kindergartens not operated by public schools, and other establishments offering care to groups of children or adults for part or all of the day or night, with specific exclusion of temporary or seasonal religious instructional schools, including summer Bible school and church school classes.

20-1721 DETENTION FACILITIES

A detention facility is a facility for the housing of persons in the custody of a government agency awaiting trial or serving a sentence after being found guilty of a criminal offense.

20-1722 RESERVED

20-1723 RESERVED

20-1724 EATING AND DRINKING ESTABLISHMENTS

Sale of prepared food and beverages for on- and off-Premises consumption. The following are eating and drinking establishment use types:

(1) Accessory Restaurant

An accessory restaurant is not required to be separated by a permanent wall from the Principal Use to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. No sales of alcoholic beverages shall be permitted. Accessory restaurants include, but are not limited to, snack bars, school cafeterias, and supermarket delicatessens.

(2) Accessory Bar

An accessory bar is a part of a quality restaurant or high turnover restaurant offering alcoholic beverages. An accessory bar is not separated by a permanent wall from the restaurant to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. An establishment with an accessory bar will generally characterize itself in its signs, advertising and other promotions as a restaurant or food-service establishment rather than as a bar.

(3) Bar or Lounge

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the Premises. Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

(4) Brewpub

A bar or accessory bar in a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on Premises for either consumption on Premises in hand-capped or sealed containers in quantities up to one-half barrel or 15 and one-half gallons sold directly to the consumer.

(5) Nightclub

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

(6) Fast Order Food

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the Premises where it is sold. This use category includes both establishments that have seating areas for consumption of prepared food on the Premises and those that provide food only for consumption off the Premises; this category does not include drive-in fast order food establishments.

(7) Fast Order Food, Drive-In

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long Driveway that provides adequate room for vehicle stacking at a drive-up service window or on a Parking Area near a walk-up service window. This use category includes uses commonly called "drive-ins" or "drive-in restaurants," "drive-up restaurants," "drive-through food or beverage stands," and restaurants with "drive-through" facilities. If a fast-food establishment has both seating areas inside the establishment and drive-up or drive-through facilities, it shall be considered Fast Order Food, Drive-In for use purposes; parking standards, however, shall consider the inside dining area.

(8) Restaurant, Quality
An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage at tables, not including bars, brewpubs or nightclubs. Table service by food & beverage servers is available at "quality restaurants".

(9) Private Dining Establishment
A dining establishment where the principal business is the dispensing and consumption of prepared food and/or beverage at tables, not including Bars or Lounges, Brewpubs or Nightclubs. A Private Dining Establishment is differentiated from other eating and drinking establishments on the basis that it is open to guests by invitation only and/or to the general public by reservation only and seats no more than 30 guests at once. Typically table service is provided by food and beverage servers.

20-1725 ENTERTAINMENT AND SPECTATOR SPORTS

Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. For participant sports, see Section 20-1762. The following are spectator sports and entertainment use types:

(1) Limited
Those uses conducted within an enclosed Building with a capacity of 500 or less people. Typical uses include small theaters and meeting halls.

(2) General
Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes.

20-1726 EXPLOSIVE STORAGE

Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives, or in the course of blasting operations.

20-1727 FINANCIAL, INSURANCE AND REAL ESTATE [F.I.R.E.] SERVICES

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

(1) Financial Institutions

Banks, savings & loan banks, credit unions, and other similar facilities open to the public and engaged in deposit banking and related functions such as making loans and fiduciary activities.

(2) Other

All Financial, Insurance, and Real Estate Services that are not a Financial Institution.

20-1728 FOOD AND BEVERAGE RETAIL SALES

Retail sale of food and beverages for home consumption. Typical uses include grocery stores, convenience stores, butcher shops, and package liquor stores.

20-1729 FUNERAL AND INTERMENT SERVICES

Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services use types:

(1) Active Funeral and Interment

(i) Cremating

Crematory services involving the purification and reduction of the bodies by fire. Typical uses include crematoriums.

(ii) Undertaking

Undertaking services, such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

(2) Passive Funeral and Interment Services

(i) Cemeteries

Land used for burial of the dead.

(**(ii) Interring**

Interring services involving the keeping of human bodies or ashes, other than in cemeteries. Typical uses include columbariums and mausoleums.

20-1730 RESERVED

20-1731 GROUP LIVING

Residential occupancy of a Dwelling Unit by other than a “Household” and providing communal kitchen/dining facilities. Typical uses include occupancy of fraternity and sorority houses, Assisted Living, and Congregate Living.

20-1732 HEALTH CARE OFFICE; HEALTH CARE CLINIC

Medical facilities containing space for waiting rooms, patient rooms, laboratory space, or other necessary accommodations for use by physicians, dentists, therapists, and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these facilities are typically rendered and completed in three (3) hours or less.

20-1733 HOSPITAL

Hospital means an institution that: (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

20-1734 HOUSEHOLD LIVING

Residential occupancy of a Dwelling Unit by a household with tenancy arranged on a month-to-month or longer basis.

(1) Accessory Dwelling

A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use -- when the Principal Building or use is a Dwelling -- and that Dwelling Unit complies with the standards and provisions of Section 20-534.

(2) Attached Dwelling

A Dwelling Unit, located on its own Lot, that shares one or more common or abutting walls with one or more Dwelling Units. An Attached Dwelling does not share common floor/ceilings with other Dwelling Units. An Attached Dwelling is also called a townhouse or a row house.

(3) Cluster Dwelling

A subdivision or development project containing Detached Dwellings where some or all Lots are smaller than the required minimum Lot Area and width requirements but the overall project complies with the maximum Density requirements of the applicable Base and Overlay Zoning Districts.

(4) Detached Dwelling

A Dwelling Unit that is not attached to any other Dwelling Unit and does not meet the definition of an Accessory Dwelling or a Manufactured Home. A Residential Design Manufactured Home is also a Detached Dwelling.

(5) Duplex

A single Structure that contains two (2) primary Dwelling Units on one (1) Lot. The units may share common walls or common floor/ceilings.

(6) Manufactured Home

Any Structure that is manufactured to the standards established in the National Manufactured Home Construction and Safety Standards Act of 1974, codified as amended at 42 U.S.C. § 5401 *et seq.*, and federal regulations promulgated thereunder, but does not comply with the standards and provisions of Section 20-513 of the City Code, as amended, and is not a Mobile Home, as defined in this Article.

(7) Manufactured Home, Residential Design

Any Structure that is manufactured to the standards established in the National Manufactured Home Construction and Safety Standards Act of 1974, codified as amended at 42 U.S.C. § 5401 *et seq.*, and federal regulations promulgated thereunder, and complies with the standards and provisions of Section 20-513 of the City Code, as amended.

(8) Multi-Dwelling (Structure)
A Structure that contains three (3) or more Dwelling Units that share common walls or floor/ceilings with one (1) or more units. The land underneath the Structure is not divided into separate Lots. A Multi-Dwelling includes Structures commonly called garden apartments, apartments and condominiums.

(9) Zero Lot Line Dwelling
Detached Dwellings that are located to one side of Lot on which they are located, in accordance with the standards of Section 20-531.

(10) Non-Ground Floor Dwelling
Residential Dwelling(s) permitted in any Vertical Mixed Use Structure which are located above the ground level or first level of the Structure or below the ground level or first level of a Structure and do not have direct internal access to a nonresidential use.

(11) Work/Live Unit
A space within a Building that consists of a Dwelling Unit which is accessory to a nonresidential use and has direct internal access to the nonresidential use.

20-1735 INDUSTRIAL, GENERAL

Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require Federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

(i) continuous, frequent, or repetitive noises or vibrations;

(ii) noxious or toxic fumes, odors, or emissions;

(iii) electrical disturbances; or

(iv) night illumination into residential areas.

(1) Exceptions

Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

20-1736 INDUSTRIAL, INTENSIVE

Manufacturing, processing, or assembling of materials (for uses described above in the "General Industrial" use type classification) in a manner that would create any of the commonly recognized nuisance conditions or characteristics.

20-1737 LAUNDRY SERVICE

Laundering, dry cleaning, or dyeing services other than those classified as "Personal Convenience Services." Typical uses include laundry or dry cleaning agencies, diaper services and linen supply services.

20-1738 LODGE, FRATERNAL AND CIVIC ASSEMBLY

Meetings and activities primarily conducted for members of these groups. Excludes "Group Living" and "Transient Habitation" use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. Lodge, Fraternal and Civic Assembly uses are small-scale, and shall not exceed a capacity of 500 people.

20-1739 MANUFACTURING AND PRODUCTION, LIMITED

Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require Federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

(1) On-site production of goods by hand manufacturing involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on-site, but if so, this is a subordinate part of total sales. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or

(2) Manufacturing or assembling of electronic components, medical and dental supplies, computers, computer components, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on-site, but if so, this is a subordinate part of total sales.

(3) Manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations.

20-1740 MANUFACTURING AND PRODUCTION, TECHNOLOGICAL

Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require Federal air quality discharge permits.

20-1741 MEDICAL FACILITIES (HEALTH CENTER, CLINIC, HOSPITAL)

Uses providing medical, physical rehabilitation or surgical care to patients. Some uses may offer overnight care.

20-1742 MINING

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

20-1743 MOBILE HOME PARK

Any Lot upon which are located one or more Manufactured Homes or Mobile Homes, occupied for Dwelling purposes, regardless of whether or not a charge is made for each accommodation.

20-1744 OFFICE, ADMINISTRATIVE AND PROFESSIONAL

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural, engineering or other professional consulting firms.

(1) Administrative and Professional

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms.

(2) Financial, Insurance and Real Estate Services

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

(3) Payday Advance and Car Title Loan Businesses

(i) Payday Advance Businesses are short term loan businesses that make small consumer loans, usually backed by a postdated personal check or authorization to make an electronic debit against an existing financial account, where the check or electronic debit is held for an agreed-upon term, or until the loan recipient's next payday, and then cashed or electronically debited unless the loan recipient repays the loan and reclaims the check or the electronic debit authorization.

(ii) Car Title Loan Businesses are businesses that make small consumer loans that leverage the equity value of an automobile or other vehicle as collateral, where the title to such automobile or other vehicle is unencumbered and owned free and clear by the loan recipient and where failure by the loan recipient to repay the loan or to make interest payments thereon grants to the establishment the right to take possession of the automobile or other vehicle.

(4) Other

Office uses for businesses that primarily provide administrative, consulting or other professional services that do not include construction space or equipment/storage yards.

20-1745 OUTPATIENT CARE FACILITIES

Medical facilities containing space for waiting rooms, patient rooms, operating rooms, recovery rooms, sleep clinics, laboratory space or other necessary accommodations for use by physicians, dentists, therapists, nurses, technicians and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these medical facilities are typically more intense than those provided in a Health Care Office; Health Care Clinic, but are less intense than those available in a hospital. Services provided in these medical facilities are typically rendered and completed in more than three (3) hours, but in twelve (12) or less hours, and may include one (1) night of overnight care.

20-1746 PARKING FACILITIES

Commercial parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory Parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial parking use.

20-1747 PARKING LOT

An area used for or intended to be used for the off-street parking of operable motor vehicles on a temporary basis.

20-1748 PERSONAL CONVENIENCE SERVICES

Provision of small personal items or consumer-oriented, personal services in a small scale setting. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood convenience stores, drugstores, hookah/retail smoke shops, laundromats/ dry cleaners, shoe repair and alteration/tailor shops, beauty salons and barbershops, tanning salons, nail salons, tattoo/body piercing shops, and massage therapy services.

20-1749 PERSONAL IMPROVEMENT SERVICES

Informational, instructional, personal improvement, and similar services of a nonprofessional nature typically provided in a group setting such as classes or meetings. It excludes services classified as "Spectator Sports and Entertainment", "Sports and Recreation, Participant" or "Transient Habitation." Typical uses include fine arts studios, martial arts centers, yoga or meditation studios, or diet centers.

20-1750 POSTAL & PARCEL SERVICES

Mailing services and processing as traditionally operated or leased by postal and Parcel service companies.

20-1751 PUBLIC SAFETY

Services that provide protection to a district or entity according to Fire, Life, and Safety Code Sections, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

20-1752 RECYCLING FACILITIES

A facility for the collection and/or processing of Recyclable Materials. A recycling facility does not include storage containers or processing activity located on the Premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

(1) Collection Facilities

A center or facility for the acceptance by donation, redemption, or purchase of Recyclable Materials from the public. A Small Collection Facility may occupy a maximum area of 500 square feet. Large Collection Facilities may occupy greater land area. Both facilities may include:

(i) Attended or unattended mobile collection units such as all weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;

(ii) Reverse vending machines or kiosks that may include permanent Structures;

(iii) Indoor facilities, ancillary to the primary activity of a business or organization.

(2) Processing Center

A Building or enclosed space used for the collection and processing of Recyclable Materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

20-1753 RELIGIOUS ASSEMBLY

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques and churches.

(1) Neighborhood Religious Institution

A Neighborhood Religious Institution is an institution of which the primary use is holy day worship services, with incidental educational programs, some weekday services and accessory uses identified in Section 20-522. It is a small-scale use, seating 500 or fewer people. Accessory Uses are limited. The small scale of the institution and the limitation on extensive non-worship uses make the institutional use generally compatible with residential neighborhoods.

(2) Campus or Community Religious Institution

A Campus or Community Religious Institution is a religious institution of larger scale than a Neighborhood Religious Institution. Campus or Community Religious Institution uses shall have a minimum capacity of 501 persons, but may include a larger worship or assembly space, possibly seating several thousand people. It may include accessory uses identified in Section 20-522 including, but not limited to, extensive facilities for educational and recreational programming that is separate from or only loosely related to religious worship; on-site group living for students or for groups of religious leaders; and storage space for buses used to transport persons to and from programming at the institution.

20-1754 REPAIR SERVICES, CONSUMER

Provision of repair services to individuals and households but not to firms. Excludes "Automotive and Equipment" use types. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

20-1755 RECREATIONAL FACILITIES

Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation Buildings.

(1) Active Recreation

Areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with such facilities. Such areas include but are not limited to:

(i) athletic fields and courts, playgrounds and play apparatus;

(ii) skating rinks and swimming pools;

(iii) boat docks and launches;

(iv) zoos;

(v) community recreation Buildings, including but not limited to meeting rooms, class or lecture rooms, band shelters or gazebos, and gymnasiums; and

(vi) Structures accessory to community recreation uses, such as public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.

(2) Passive Recreation

Areas used or designed for passive and individual sports and recreational activities. Such areas include but are not limited to:

(i) greens and commons;

(ii) gardens, arboretums, and conservatories;

(iii) pedestrian, Bicycle, and equestrian paths, trails and walkways;

(iv) benches, plaza or seating areas, and picnic areas; and

(v) golf courses.

(3) Nature Preserve/Undeveloped

Areas generally or predominantly remaining in a natural or undeveloped state, including natural wildlife and plant habitat areas. Such areas may include:

(i) hiking, bicycling, and equestrian trails; and

(ii) sitting and picnic areas.

(4) Private Recreational Area

Areas provided or set aside as open or recreational uses as part of a residential development, including but not limited to Common Open Space.

20-1756 RESEARCH SERVICES

Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

20-1757 RETAIL SALES AND SERVICE

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.

20-1758 RETAIL SALES, GENERAL

Businesses, not exceeding 65,000 gross square feet of Floor Area, involved in the sale, lease or rent of new or used products to the general public. Excludes "Agricultural Sales," "Animal Services," "Automotive and Equipment," "Business Equipment Sales and Services," "Construction Sales and Services", "Food and Beverage Retail Sales", "Gasoline and Fuel Sales" and "Swap Meets". Typical uses include general merchandise, apparel stores and furniture stores.

20-1759 SCHOOL

A public, private or parochial educational institution offering instruction in the branches of learning and study required to be taught in the public schools at the elementary, middle and senior high school levels.

20-1760 SCRAP AND SALVAGE OPERATIONS

Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yards, but not including “Recycling Facilities.”

20-1761 SEXUALLY ORIENTED BUSINESSES

Physical Sexually Oriented Business, Sexually Oriented Theater, Sex Shop, Sexually Oriented Media Store, and Mixed Media Store.

(1) Physical Sexually Oriented Business

(i) Massage Parlor

An establishment or business with a fixed place of business having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, Lotion, ointment or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity, provided that this term shall not include any establishment operated by a medical practitioner, professional physical therapist licensed by the State of Kansas, or a certified massage therapist.

(ii) Modeling Studio

An establishment or business that provides the services of modeling for the purposes of reproducing the human body, wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. These uses do not include fine arts studios where models are hired to meet program goals. Any other modeling establishment is not permitted by the zoning regulations in any district.

(iii) Motion Picture Arcade

An establishment or business containing one or more booths, cubicles, stalls or compartments that are designed, constructed or used to hold or seat patrons and used for presenting Sexually Oriented Media for observation by patrons therein.

(2) Sexually Oriented Theater

An establishment or business featuring primarily:

(i) Sexually Oriented Cabaret

Dancing or other live entertainment distinguished or characterized by an emphasis on exhibiting Specific Sexual Activities or Specified Anatomical Areas for observation by patrons therein; or

(ii) Sexually Oriented Motion Picture Theater

The display to an audience of films, tapes or motion pictures that are rated X by the Motion Picture Association of America (MPAA) and depict Specific Sexual Activities or Specified Anatomical Areas.

(iii) "Primarily"

Primarily refers to the entertainment that characterizes a particular establishment or business, and may be determined from a pattern of advertising as well as from actual performances or displays.

(3) Sex Shop
An establishment or business offering goods for sale or rent where:

(i) it offers for sale items from any two of the following categories: Sexually Oriented Media, lingerie, or leather goods marketed or presented in a context to suggest their use for Sadomasochistic Practices; and the combination of such items constitute more than 10 percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its gross public Floor Area;

(ii) more than five percent (5%) of its stock in trade consists of Sexually Oriented Novelties; or

(iii) more than five percent (5%) of its gross public Floor Area is devoted to the display of Sexually Oriented Novelties.

(4) Sexually Oriented Media Store
An establishment or business offering goods for sale or rent where:

(i) more than 40% of the gross public Floor Area is devoted to Sexually Oriented Media;

(ii) more than 40% of the stock in trade consists of Sexually Oriented Media; or

(iii) it advertises or holds itself out in any forum as "XXX," "sexually oriented," "sex" or otherwise as a Sexually Oriented Business.

(5) Mixed Media Store
An establishment or business offering goods for sale or rent that is not a Sex Shop or Sexually Oriented Media Store but where:

(i) more than 10 percent (10%) of the gross public Floor Area is devoted to Sexually Oriented Media; or

(ii) more than 10 percent (10%) of the stock in trade consists of Sexually Oriented Media.

20-1762 SPORTS AND RECREATION, PARTICIPANT

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

(1) Indoor
Those uses conducted within an enclosed Building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

(2) Outdoor
Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

20-1763 TRANSIENT HABITATION

Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are transient habitation use types:

(1) Campground
Transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreation vehicle parks.

(2) Bed and Breakfast
An establishment located within a Detached Dwelling that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

(3) Lodging
Provision of room or room and board. Typical uses include hotels and motels.

20-1764 UTILITIES AND SERVICES, MAJOR

Services and utilities that have substantial impacts. Such uses may be permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and community-wide interest. Typical uses include: water and wastewater treatment facilities, major water storage facilities, airports, and power generation plants.

20-1765 UTILITIES, MINOR

Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, and water towers. Excludes "Wireless Telecommunication Facilities" use types.

20-1766 VEHICLE SALES AND SERVICE

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

(1) Cleaning

Washing and polishing of automobiles. Typical uses include car washes.

(2) Fleet Storage

Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

(3) Gas and Fuel Sales

Retail sale from the Premises of vehicular fuels with incidental sale of tires, batteries and replacement items, lubricating services, minor repair services and Food and Beverage Sales. Typical uses include vehicle service stations and gas stations with or without convenience stores.

(4) Truck Stop

A fuel dispensing facility designed to primarily accommodate the trucking industry. Accessory uses common to a truck stop may include a convenience store, restaurant, shower facilities, overnight parking areas for semis and other commercial vehicles and scale facilities.

(5) Heavy Equipment Repairs

Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

(6) Light Equipment Repairs

Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include tire repair and alignment, muffler shops, auto or motorcycle repair garages and auto glass shops.

(7) Heavy Equipment Sales/Rentals

Sale, retail or wholesale, and/or rental from the Premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

(8) Light Equipment Sales/Rentals (including automobiles)

Sale, retail, wholesale, or rental from the Premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies with accessory wash bays and vehicle storage and recreational vehicles sales and rental agencies.

(9) Storage of Non-operating Vehicles

Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

(10) Storage of Recreational Vehicles and Boats

Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

20-1767 WHOLESALE, STORAGE, AND DISTRIBUTION

Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

(1) Climate-Controlled Mini-Warehouses

A Building or group of buildings containing varying sizes of individual, compartmentalized, and controlled-access stalls, lockers, or units designed for the individual access of storage units from within an access-controlled area, accessed by individuals for the storage of household and personal property within an enclosed building that is climate-controlled with central heating or air conditioning. Storage units shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.

Storage units are not permitted for human occupancy and shall not be used for commercial activities or for personal and/or commercial transactions. Storage units shall be accessed from interior hallways and shall not be accessed from individual exterior overhead doors. Buildings may or may not be multi-story.

(2) Exterior Mini-Warehouses

A Building, or group of buildings containing varying sizes of individual, compartmentalized, and controlled-access stalls, lockers, or units designed for the individual access of storage units from within an access-controlled area, accessed by individuals for the storage of household and personal property. Storage units are not climate-controlled and exclude power and other utility connections. Storage units shall be single story and shall only be accessible from ground-level. Storage units shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.

(3) Self-Storage Containers

Containers or a collection of containers placed on a site for more than 30 days as permeant structures intended to be used and accessed by individuals for the storage of household and personal property. Containers are typically shipping containers placed or organized on site to create an appearance of a single building or multiple buildings on a site. Access to individual storage units is accommodated by doors or overhead doors. Storage units shall be single story and only accessible from ground-level.

(4) Garage Condos

Enclosed storage facility located in a building that is compartmentalized into units intended for individual ownership and used for the storage of personal property with limited ability for personal, residential/hobby type shop tools such as automotive, carpentry, and artist studio. Individual units are not intended to be residentially occupied and do not have sanitary sewer capacity, but may be provided with individual power. Associated site accessory uses may include office support services and other gathering spaces, such as a private clubhouse, for use by the facility's members.

(5) Light

Wholesaling, storage, and warehousing services within enclosed Structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms. Customer access to stored materials is not generally provided**.**

(6) Heavy

Open-air storage, distribution, the handling of materials and equipment or bulk storage of fuel. Typical uses include monument or stone yards, train yards, grain elevators and large-scale fuel storage.

20-1768 WIRELESS FACILITIES

Any equipment at a fixed location that enables wireless telecommunications between user telecommunications devices and telecommunications networks. Wireless Facilities include, but are not limited to Accessory Equipment, Antennas, Co-locations, Disguised Wireless Facilities, and Wireless Support Structures:

(1) Accessory Equipment means any equipment serving or being used in conjunction with Wireless Facilities or Wireless Support Structures, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables equipment buildings, cabinets and storage sheds, shelters, or similar structures.

(2) Antenna means telecommunications equipment that transmits or receives radio waves necessary for the provision of Wireless Services.

(3) Co-location means the mounting or installation of Wireless Facilities, including Antennas, on a building, structure, Wireless Support Structure, utility pole, or other existing structure for the purposes of transmitting or receiving radio waves for telecommunications purposes.

(4) Disguised Wireless Facility means any Wireless Facility that is integrated as an architectural feature of a structure so that the existence of the Wireless Facility is not readily apparent to the casual observer, or any Wireless Support Structure that is disguised to resemble a tree, flag pole, steeple, clock tower, or other similar building element.

(5) Wireless Support Structure means any freestanding structure, such as a Monopole, or other self-supporting tower, or other suitable structure designed to support or capable of supporting Wireless Facilities, including Antennas. Wireless Support Structures do not include telephone poles, electrical utility poles, or any towers used for the distribution or transmission of electrical services.

(i) **Monopole** means a single, free-standing, pole-type structure supporting Wireless Facilities, including Antennas.

20-1769 INSTITUTIONAL USE

A use, typically not for profit, of a governmental, educational, or cultural nature. An institution is typically operated by a government, utility, school, public agency, or tax-exempt organization.

20-1770 COMMUNITY MENTAL HEALTH FACILITY

A Community Mental Health Facility is a facility containing space for care and programs specializing in services for individuals seeking mental health services for themselves or for their families. A Community Mental Health Facility may contain space for waiting rooms, patient rooms, and accommodations for licensed health care providers providing case management services. A Community Mental Health Facility may provide care services for individuals seeking mental health services, either on an in-patient or out-patient basis, or both, and may include care services under medical supervision for more than twenty-four consecutive hours, but shall not include surgery and obstetrical care as may be found in a Hospital.

A Community Mental Health Facilities shall, as may be required by State law, be licensed by the appropriate State Agency. A Community Mental Health Facility may also include office space, outpatient medication services (limited pharmaceutical services), education, consultation, treatment and rehabilitation services, employment and housing services, medical and dental care in a coordinated manner with mental health care services, and general community wellness programs as accessory uses.

A Community Mental Health Facility shall not include Hospitals, Group Homes, Extended Care Facilities, or Temporary Shelters, as defined in the Land Development Code.

20-1771 MAKER SPACE

A use consisting of multiple primary activities that include a public assembly component, retail or fabrication activities. These uses include collaborative groups organized around one or more common interest such as arts, electronics, crafting, or design of software, hardware, furniture, and rapid prototyping of three dimensional models.

Use also includes components commonly associated with gallery and display space, instructional space, collaborative meeting space, workshops and fabrication laboratories and studios that provide access to tools and equipment including but not limited to:

> Computer Numerical Control (CNC), Computer Aided Design (CAD)- Computer Aided Manufacturing (CAM); hand tools; power tools found in cabinetry/woodworking, tools for glass work and metal work, including kilns and welding equipment.

Use provides space for development of innovative, original and prototypical products and works of art. These uses differ from manufacturing uses that produce, reproduce, fabricate or assemble multiple units of the same product other than prototypes or models, used for experimentation, research or as a demonstration product to "take to market". Prototype is defined as an original, model or pattern from which manufactured, fabricated or assembled products are developed or copied.

(1) Maker Space, Limited

An establishment within an enclosed Structure(s) that does not contain the following nuisance producing elements: frequent and heavy truck delivery, exterior storage, use of power tools found in workshops.

(2) Maker Space Intensive

An establishment that provides space similar to a Maker Space, Limited and engaged in collaborative, innovative meeting spaces but includes: one or more of the following elements: power tools, exterior storage of raw materials, exterior work spaces, and heavy truck access for deliveries.

Typical uses include Makerspaces, Hacklabs, Innovation Centers, Tech Shops, Fab Labs or Inventors Clubs and similarly named business operations. Within these uses, space is specifically provided for collaboration, access to basic tool and equipment and workshop, studio space with an emphasis on peers and mentors within the organization of the operation and creating with technology.

20-1772 EVENT CENTER

A structure and/or grounds that accommodates a variety of social events such as, but not limited to, banquets, weddings, receptions, parties, corporate events, community events, meetings, or any other gathering (formal or informal) that are intermittent and temporary in nature, that may or may not serve food, beverages, and alcoholic beverages for on-Premises consumption. This definition does not include religious institutions and similar congregations where a wedding or funeral is an ancillary use.

(1) Event Center, Small

Maximum occupancy less than or equal to 300, including staff.

(2) Event Center, Large

Maximum occupancy more than 301, including staff.

20-1773 AGRICULTURAL PROCESSING
A manufacturing process that increases the value of primary agricultural commodities. (This term does not include commercial slaughtering.)

20-1774 AGRICULTURAL SALES
The sale of feed, plants, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

20-1775 AGRICULTURE, ANIMAL
Activities that primarily involve raising, producing, or keeping of animals to provide food, wool, and other products. Also referred to as Animal Husbandry.

(1) *Small Animal Agriculture* is limited to small animals, which are more appropriate in a denser urban setting, such as bees, crickets, worms, rabbits, small goats, small sheep, fowl, and aquatic animals/organism, such as crayfish and fish. Domesticated animals such as cats and dogs are not considered *Small Animal Agriculture.* Cats and dogs are regulated through Article 2 of Chapter 3 of the City Code.

(2) *Large Animal Agriculture* is limited to larger animals that are more commonly considered livestock and require more area such as cattle, horses, and goats/sheep that are taller than 24" at the withers (shoulders).

20-1776 AGRICULTURE, CROP
The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. *Crop Agriculture* uses include, but are not limited to, personal gardens, community gardens, market gardens, rooftop gardens, tree farms, and hay meadows. Standard structures used for *Crop Agriculture* include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

20-1777 FARMERS MARKET
A temporary food market at which local farmers and producers sell products such as fruit and vegetables, meat, cheese, and bakery products directly to consumers.

20-1778 ON SITE AGRICULTURAL SALES
The sale of unprocessed agricultural products, such as plants, produce, eggs, or honey, grown or produced on the premises. This term also applies to agricultural products grown or produced off-site within the City that are sold in conjunction with products produced on the premises, if such are produced on a site within the City that is maintained by the operator of the sales site.

20-1779 URBAN AGRICULTURE

The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban Agriculture includes, but is not limited to: aquaculture, horticulture, permaculture, hydroculture, agroforestry, beekeeping, gardening, and animal husbandry. Complementary activities associated with Urban Agriculture include the distribution of food, the collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. Urban Agriculture does not include such commercial activities as commercial dog kennels, dog breeding facilities, or livestock sales.

20-1780 URBAN FARM

An Urban Agricultural use which is operated primarily for commercial purposes. An *Urban Farm* is distinguished from other Urban Agriculture uses by scale.

(1) An *Urban Farm* may have a larger retail sales area and/or more agricultural animals than permitted for *Crop Agriculture* and/or *Small* and *Large Animal Agriculture.*

(2) An *Urban Farm* can include other uses such as an educational/training component and/or Agricultural Processing.

20-1781 SHORT-TERM RENTAL

A use where all or part of a Dwelling Unit may, in exchange for consideration, accommodate transient guests for a period of time less than thirty (30) consecutive days. The use may be considered an accessory use when the Dwelling Unit is concurrently owner-occupied. For the purposes of this definition, a Dwelling Unit shall include all legally established dwelling units, but shall exclude Dormitory, Fraternity or Sorority House, Group Home (General or Limited), Motel, Hotel, Extended Stay, and Bed and Breakfast uses.

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
Article 1- Introductory Procedures				
107(b)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
108(a)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
110(e)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
110(e)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
110(e)	8741	April 2, 2013	TA-4-3-12	April 27, 2013
	Added CC600 District			
Article 2 – Base Districts				
201(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
201(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
201(b)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
201(b)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
201(b)	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	Added reference to MU District			
201(b)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Created IM District			
202(a)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
202(a)	9721	November 5, 2019	TA-18-00467	November 10, 2019
	Affordable housing development options & including permitting two detached dwellings on one platted lot			
202(g)	8249	April 8, 2008	TA-12-25-07	Apr 13, 2008
202(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
202(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
203(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
203(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
203(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
203(f) (g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
204(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
204(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
204(f)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
204(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
204(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
205(a)	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
205(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
205(g)(2)	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
205(g)(3)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
205(g)(4) (deleted)	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
205(h)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
206(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
206(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
206(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
207(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
207(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards			
207(d)(1)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
207(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
207(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
208(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
208(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
208(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
208(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards			
208(e)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
208(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
208(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
209(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
209(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
209(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards			
209(f)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
210(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
210(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
210(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
211(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
211(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards			
211(d)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
211(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
211(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
211(a),(d)&(e)	8741	April 2, 2013	TA-4-3-12	April 27, 2013
	Added CC600 District			
212(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
212(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
212(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards			
212(f)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
213(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
213(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
213(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
213(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards			
213(d)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
213(d) & (e)	8453	October 6, 2009	TA-4-4-09	October 14, 2009
	Eliminated parking standards that were repeated in Article 9			
213(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
213(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
214(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
214(e)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
214(f)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
215(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
215(e)	8098	Jun 26, 2007	TA-09-09A-06	Jun 29, 2007
215(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
215(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
216(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
216(e)	8098	Jun 26, 2007	TA-09-09A-06	Jun 29, 2007
216(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
216	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Created IM District			
216(f)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
217(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
217(e)	8098	Jun 26, 2007	TA-09-09A-06	Jun 29, 2007
217	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
217(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
218(b)	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
218(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
218(d)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
218(e)	8154	Sep 20, 2007	TA-06-12-08	Sep 25, 2007
218(i)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
218	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
218(f)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
219(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
219(d)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
219(f)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
219(i)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
219	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
219(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
220	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
220(h)&(i)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
221(g)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
221	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
222(b)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
222(f)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
222	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
222(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
223 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
223	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	Relocated standards to 20-1108			
223(h)	8689	January 17, 2012	TA-10-15-11	January 21, 2012
223	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
223(f)&(g)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
224 (added)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
224	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
224(g)&(h)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
225	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered as a result of new IM District			
Article 3 – Overlay Zoning Districts				
301(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
302(i)(6)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
302(k)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
304	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
307(a)(6) (added)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
307(b)(6) (added)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
307(c)(6) (added)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
308(a) and 310	9739	February 11, 2020	TA-19-00470	February 18, 2020
308(c)(1)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
308(g)	8363	Feb 24, 2009	TA-10-18-08	Feb 28, 2009
	Revise Appeals section to be consistent with adopted guidelines.			
308(h) and (i) 309 (added) 310 (added)	8363	Feb 24, 2009	TA-10-19-08	Feb 28, 2009
	Add Ordinance No. & reference 8th & Penn Guidelines.			
308(i) 310	8675	Oct 18, 2011	TA-08-13-11	Oct 22, 2011
	Referenced revised Design Guidelines for 8th & Penn			
308(h) and (i) 311 (added)	9211	Dec 6, 2016	TA-12-00171	Feb 6, 2017
	Added Ord. No. & reference to Oread Neighborhood Design Guidelines.			
Article 4 – Use Tables				
401	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Renumbered reference to UR District as a result of new IM District			
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Detached Dwellings; Manufactured Home; Manufactured Home, Residential Design; Fraternity or Sorority House			
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add RM12D district column			
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add reference to use standards for *Funeral & Interment*			
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Hospital			
402	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
	Add reference to use standards for adaptive reuse of *Greek Housing Unit*			
402	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
	Add *Boarding Houses and Cooperatives* as permitted uses in RM12, RM15, RM24, RM32 and RMO			
402	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Replace *Soup Kitchen* with *Community Meal Program*			
402	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Delete *Repair Service, Consumer* and *Retail Sales, General* from RSO District as permitted uses			
402	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Corrected spelling of "interment" in *Funeral and Interment*			
402	8061	Dec 26, 2006	TA-10-12-06	Dec 29, 2006
	Add *Private Dining Establishment* as a special use permit in RS40, RS20, RS10, RS7, RS5, RSO, and RMO			
402	8388	April 28, 2009	TA-04-03-08	May 7, 2009
	Replace *Transient or Homeless Shelter* with *Temporary Shelter* & add 544 std. Add *Social Service Agency* as permitted use in RSO and RMO			
	8406	June 2, 2009	TA-04-03-08	June 5, 2009
	Allow Temporary Shelter as accessory use & add 522 standards			
402	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	Delete term *Husbandry* from the *Agriculture, Animal use*			
402	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Added Non-Ground Floor & Work/Live to RSO, RMO and added reference to 20-517			

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
402	8483	January 19, 2010	TA10-21-09	January 23, 2010
	Deleted *Communications* from Retail Sales & Services and standard (506) for *Communications Services* in Communications Facilities			
402	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Replace *Boarding Houses & Cooperatives* with *Congregate Living* and add 546 standards			
402	8744	June 12, 2012	TA-04-02-12	June 15, 2012
	Added Community Mental Health Facility as new use.			
402	9085	February 24, 2015	TA-14-00534	February 27, 2015
	Added Payday Advance and Car Title Loan Businesses as a use In Office and corrected standard for Other [543]			
402	9091	March 24, 2015	TA-14-00535	March 27, 2015
	Added Makerspace, Limited & Intensive as uses to Industrial Facilities			
402	9183	December 8, 2015	TA-15-00391	December 11, 2015
	Permitted Personal Convenience Services in RSO & RMO with standards			
402	9182	December 8, 2015	TA-15-00443	December 29, 2015
	Added Event Centers, Small & Large.			
402	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Moved Ag Sales to Retail Sales & Services and Added/modified uses related to Urban Agriculture.			
402	9296	Oct 11, 2016	TA-16-00335	Oct 16, 2016
	Replaced Telecommunications Antenna & Towers with Wireless Facilities.			
402	9431	May 2, 2017	TA-16-00388	May 6, 2017
	Removed cemeteries and added Active/Passive Funeral & Interment.			
402	9481	October 2, 2018	TA-18-00079	October 7, 2018
	Short-Term Rental			
402	9727	November 5, 2019	TA-18-00467	November 10, 2019
	Affordable housing development options & including permitting two detached dwellings on one platted lot			
403	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add reference to use standards for *Funeral & Interment*			
403	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add *Funeral and Interment Services* to CN2 and CD as a permitted use			
403	8015	June 27, 2006	TA-03-02C-06	July 1, 2006
	Retail Establishment, Large			
403	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
403	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
	Amend Sexually Oriented Media Store so they are not permitted in CD district			
403	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Replace Transient Shelter with Homeless or Transient Shelter			
403	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Replace Soup Kitchen with Community Meal Program			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Corrected spelling of "interment" in Funeral and Interment			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
	Add Cultural Center/Library as a permitted use in IBP District			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Eliminate Outpatient Care Facility, Fast Order Food, Fast Order Food With Drive-in, Building Maintenance, Construction Sales and Service, Food and Beverage, Mixed Media Store, Personal Convenience, Repair Service, Consumer, Retail Sales General, Cleaning (car wash), Fleet Storage, Gas and Fuel Sales, Heavy Equipment Repair, Heavy Equipment Sales/Rental, Inoperable Vehicle Storage, Light Equipment Repair, Light Equipment Sales/Rental, RV and Boats Storage, Industrial General, Laundry Service, Heavy Warehousing, Mini Warehousing, and Large Collection Recycling Facilities as permitted uses from the IBP District			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Add Accessory Bar and Accessory Restaurant as permitted accessory uses in the IBP District			
403	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Add Agriculture, Crop as a permitted use in GPI District			
403	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
	Add Nightclub as a permitted use in CS District			
403	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
	Small Collection Recycling Facilities			
403 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Add MU District column to use table with various uses permitted and add Non-Ground Floor Dwelling and Work/Live Unit as new uses in use table permitted in MU, CN1, CN2, and CD			
403	8154	Sep 20, 2007	TA-06-11-08	Sep 25, 2007
	Make Accessory Bar as a permitted accessory use in CO and IL. Make Quality Restaurant a permitted use in IL			
403	8207	Nov 27, 2007	TA-08-16-07	Dec 1, 2007
	Add Veterinary Clinic as a permitted use in IBP			
403	8278	Jun 10, 2008	TA-04-02-08	Jun 13, 2008
	Add Extended Care Facilities General as a use permitted by special use permit in the IBP District			
403	8318	Sep 23, 2008	TA-07-14-08	Sep 27, 2008
	Correct error created by Ord No. 8277 where Retail Establishments Large were permitted while Retail Establishments Medium were not permitted. The table was corrected to show that Large establishments are not permitted but Medium establishments are permitted			
403	8344	Nov 18, 2008	TA-08-15-08	Nov 21, 2008
	Add Light Equipment Sales/Rental as a permitted use with use standards in the CN2 District (and reference to new use standards Section 20-545)			
403	8388	April 28, 2009	TA-04-03-08	May 7, 2009
	Replace Transient or Homeless Shelter with Temporary Shelter, allow with SUP in most non-res districts & add 544 std. Add Social Service Agency as permitted use in most non-res districts			
403	8406	June 2, 2009	TA-04-03-08	June 5, 2009
	Allow Temporary Shelter as accessory use & add 522 standards			
403	8428	July 28, 2009	TA-4-3-09	July 31, 2009

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
	Delete term Husbandry from the Agriculture, Animal use			
403	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Added Non-Ground Floor & Work/Live to CD, CC, CS & IL; added reference to 20-517; and deleted Multi-Dwelling Structures from CN1 & CN2 Districts. Also deleted Manufactured Home IL & IG			
403	8483	January 19, 2010	TA-10-21-09	January 23, 2010
	Deleted *Communications* from Retail Sales & Services and standard (506) for *Communications Services* in Communications Facilities			
403	8512	May 4, 2010	TA-1-2-10	May 10, 2010
	Added Hotel, Motel, Extended Stay to the IL District			
403	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	*Added Bar or Lounge to MU District; removed * from Fast Order Food & Quality Restaurant in MU District*			
	Corrected error made in previous update – removed an erroneous S shown in Fast Order Food, with Drive-in which was never permitted in MU and removed * from Fast Order Food that should have been removed with previous TA. Correction made January 3, 2011.*			
403	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Replace Boarding Houses & Cooperatives with Congregate Living and add 546 standards			
403	8631	May 17, 2011	TA-2-2-11	May 23, 2011
	Add Active Recreation as a Special Use in the IG District			
403	8638	June 21, 2011	TA-3-5-11	June 25, 2011
	Change Detention from a Permitted Use to a Special Use in the IG District			
403	8663	Sept 13, 2011	TA-6-9-11	Sept 17, 2011
	Add Detention Facilities as a Special Use in the GPI District & housekeeping changes to terms Utility to Utilities, Facilities in both 402 & 403			
403	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Created new IM District and added Truck Stop as separate use			
403	8744	June 12, 2012	TA-04-02-12	June 15, 2012
	Added Community Mental Health Facility as new use.			
403	8785	Sept 11, 2012	TA12-00023	Sept 15, 2012
	Changed uses from P to A in Hospital District			
403	8816	Nov 13, 2012	TA-12-00182	Nov 27, 2012
	Changed Truck Stop use from P to S in the IG District.			
403	8816	Nov 13, 2012	TA-12-00183	Nov 27, 2012
	Changed Recycle Processing Center from P to S in IL District.			
403	8937	November 19, 2013	TA-13-00336	November 22, 2013
	Added Bar or Lounge to the CN2 District with standards.			
403	9085	February 24, 2015	TA-14-00534	February 27, 2015
	Added Payday Advance and Car Title Loan Businesses as a use In Office and corrected standard for Other [543]			
403	9091	March 24, 2015	TA-14-00535	March 27, 2015
	Added Makerspace, Limited & Intensive as uses to Industrial Facilities			

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
403	9083	December 8, 2015	TA-15-00391	December 11, 2015
	Permitted Personal Convenience Services in RSO & RMO with standards.			
403	9082	December 8, 2015	TA-15-00443	December 29, 2015
	Added Event Center, Small & Large.			
403	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Moved Ag Sales to Retail Sales & Services and Added/modified uses related to Urban Agriculture.			
403	9296	Oct 11, 2016	TA-16-00335	Oct 16, 2016
	Replaced Telecommunications Antenna & Towers with Wireless Facilities.			
403	9431	May 2, 2017	TA-16-00388	May 6, 2017
	Removed cemeteries and added Active/Passive Funeral & Interment			
403	9416	November 7, 2017	TA-17-00495	November 11, 2017
	Revisions to MU District related to uses in the Tertiary Development Zone. Use Table changes to split MU into two columns.			
403	9514	August 7, 2019	TA-18-00150	August 11, 2018
	Mini-Warehouse			
403	9467	June 5, 2018	TA-18-00121	June 11, 2018
	To permit Group Home Use in GPI and Institutional Districts			
403	9481	October 2, 2018	TA-18-00079	October 7, 2018
	Short-Term Rental			
Article 5 – Use Regulations				
501	8533	July 6, 2010	TA-7-20-09	July 15, 2010
	Revisions to Adaptive Reuse			
502	9291	Oct 4, 2016	RE: TA-15-00346	Oct 11, 2016
	Added 'Large' to title and subsection (2) to align with definitions created in Section 20-1775 related to Urban Ag.			
503(1)(iii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
503(1)(iv) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
503(2)(iii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
503(4) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
505(3)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
505	9431	May 2, 2017	TA-16-00388	May 6, 2017
	Modified standards for Active & Passive Funeral and Interment uses.			
506 (deleted)	8483	January 19, 2010	TA10-21-09	January 23, 2010
507(1)(i)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
507(1)(ii)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
507(2)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
508	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
508	9728	November 5, 2019	TA-18-00467	November 10, 2019
509(3)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
509((3)	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	Remove MU District from standard for square footage limitation			
509(3)	8937	November 19, 2013	TA-13-00336	November 22, 2013
	Add standards for Bar or Lounge use in CN2 District.			
510	9085	February 24, 2015	TA-14-00534	February 27, 2015

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
	Added Payday Loan and Car Title Loan Businesses to title			
510	9183	December 8, 2015	TA-15-00391	December 11, 2015
	Modified format.			
511(1)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
515(2)(iv)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
517(4)(ii)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
517(6) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
517	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Added Non-Ground Floor Dwellings and Work/Live Units and modified standards in subsections 1, 2, 3 & 4			
518(3) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
519	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
519	8277	July 1, 2008	TA-04-05-07	July 4, 2008
520	9183	December 8, 2015	TA-15-00391	December 11, 2015
	Added standards for Personal Convenience Services in RSO, RMO & CN1.			
521	9183	December 8, 2015	TA-15-00391	December 11, 2015
	Modified format.			
522(2)(iv)(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
522(2)(iv)(c)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
522	8406	June 2, 2009	TA-04-03-08	June 5, 2009
524(1)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
525(4) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
525(4) (deleted)	8318	Sep 23, 2008	TA-07-14-08	Sep 27, 2008
526(3) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
526(3)	8318	Sep 23, 2008	TA-07-14-08	Sep 27, 2008
528(3)(i)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
528(3)(ii)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
529(3)(i)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
529(7)(iv)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
529(9)(iv)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
529(8) & (9)				02/27/2015
	Housekeeping correction deterMining to determining			
529	9296	Oct 11, 2016	TA-16-00335	Oct 16, 2016
	Replaced Telecommunications Antenna & Towers with Wireless Facilities and updated standards to align with federal statutes			
532(1) (added)	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
533(3)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
533(4)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
533(1)(i), 533(3)(i) & 533(4)(iii) (added)	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Urban Agriculture amendments.			
534	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
534(1)(i)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
534(2)(i)(a)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
534(2)(iii)(a)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
534(2)(iii)(b)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
534(2)(iii)(c)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
534(2)(v)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
537(5)(ii)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
538(2), (3), (4) & (6)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Added references to new IM District			
539 (added)	8061	Dec 26, 2006	TA-10-12-06	Dec 29, 2006
541 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
542 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
542 (2)	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Modified standards for Non-Ground Floor Units so that they are not only two units or less			
543 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
544 (added)	8388	April 28, 2009	TA-04-03-08	May 7, 2009
545 (added)	8344	Nov 18, 2008	TA-08-15-08	Nov 21, 2008
546 (added)	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Added standards for Congregate Living uses.			
547 – 551 (added)	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Urban Agriculture amendments.			
552	9514	August 7, 2019	TA-18-00150	August 11, 2018
	Mini-Warehouse			
553 (added)	9481	October 2, 2018	TA-18-00079	October 7, 2018
	Short-Term Rental			
Article 6 – Density and Dimensional Standards				
601 (added title)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			
601(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
601(a)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
601(a)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
601(a)	8098	Jun 26, 2007	TA-01-01-07	Jun 29, 2007
601(a)	8098	Jun 26, 2007	TA-05-07-07	Jun 29, 2007
601(a)	9729	November 5, 2019	TA-18-00467	November 10, 2019
601(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
601(b)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
601(b)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
601(b)	8098	Jun 26, 2007	TA-05-07-07	Jun 29, 2007
601(b)	8244	April 1, 2008	TA-07-14-07	April 5, 2008
601(b)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
601(b)	8512	May 4, 2010	TA-1-2-10	May 10, 2010
	Modified max height and setbacks in IL District			
601(b)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Created new IM District			
601(c) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
601(d) (added)	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits			

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
602(e)(4)(i)b	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Corrected reference (to 601(a))			
602(e)(6)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
602(e)(6)(vii)	8098	Jun 26, 2007	TA-05-07-07	Jun 29, 2007
602(e)(6)(viii)	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	Modifications for keeping of fowl.			
602(e)(6)(viii)	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Added 'other ag structures' and deleted reference to Chapter 3 of City Code – related to keeping of fowl.			
Article 7 – Planned Developments				
701(f)	8039	Oct 17, 2006	TA-05-03A-06	Oct 21, 2006
701(f)(1)(ii)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
701(j)(1)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
701(l)(2)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
701(k) & (l)	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	Changes related to Environmentally Sensitive Lands & Common Open Space			
701(e), (f), (g), (i), (j), (k), (l), (m)	8641	July 19, 2011	TA-3-4-11	July 22, 2011
	Modified minimum PD District size, Residential Density Calculations, Setbacks, Height & Parking and Loading requirements. Deleted setback-height diagram and deleted Buffer Areas.			
702(c)(1)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
702(c)(2)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
702(i)	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	Changes related to Environmentally Sensitive Lands & Common Open Space			
703(b)	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	Clarifications related to Environmentally Sensitive Lands & Open Space			
Article 8 – Subdivision Regulations				
801 802 804 806 807	City Ord 9742 County Resolution 20-07	March 17, 2020	TA-19-00538	
	Subdivision Regulations			
807	9515	September 11, 2018	TA-18-00199	September 15, 2018
808	9515	September 11, 2018	TA-18-00199	
	Update requirements for recording subdivision documents with the Douglas County Register of Deeds Office.			
809	9505	July 10, 2018		July 16, 2018
809	9742	March 17, 2020	TA-19-00538	
810	9505	July 10, 2018		July 16, 2018
810	9742	March 17, 2020	TA-19-00538	

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
811	9505	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
813	9742	March 17, 2020	TA-19-00538	
Article 9 – Parking, Loading and Access				
901(b)(1)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
901(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
901 (b), (c), (d), (e) modified & (g) added	8453	October 6, 2009	TA-4-4-09	October 14, 2009
	Modified parking standards			
902(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
902, 903 & 904	8453	October 6, 2009	TA-4-4-09	October 14, 2009
	Modified non-residential parking standards and reconfigured table to include all uses as indicated in 20-402 & 20-403			
902	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Modified parking standards for Congregate Living and added Footnote [1] to both Multi-Dwelling Structures and Congregate Living uses. Changed display of parking for dorms & Greek houses from 1.5 per 2 occupants to 0.75 per occupant (does not change standard) [also did general term cleanup to be consistent with other terminology changes made such as Detention Facilities, Utility to Utilities]			
902	8726	April 24, 2012	TA-2-1-12	April 28, 2012
	Modified the size of structure provided a parking exception in Footnote [1] at end of table.			
902	9091	March 24, 2015	TA-14-00535	March 27, 2015
	Added Makerspace, Limited & Intensive as uses to Industrial Facilities			
902	9182	December 8, 2015	TA-15-00443	December 29, 2015
	Added Event Center, Small & Large.			
902	9206	May 3, 2016	TA-15-00461	May 25, 2016
	Modified and/or Added parking for Urban Ag uses (Agricultural Sales, Agriculture, Large & Small Animal, Farmers Market, On-site Ag Sales and Urban Farm)			
902	9481	October 2, 2018	TA-18-00079	October 7, 2018
	Short-Term Rental			
908(b)(2)	8017	June 27, 2006	TA-03-02F-06	July 1, 2006
908(b)(3)	8017	June 27, 2006	TA-03-02F-06	July 1, 2006
908(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Revise the name of the table to say Nonresidential Districts			
908(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Add the H, GPI and OS Districts to the Nonresidential Districts off-street parking area setback table			
908(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Correct reference to Section "o" in table (corrected to read Article 5)			
908(c)	8277	July 1, 2008	TA-04-05-07	July 4, 2008

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
	Add MU District to Nonresidential Districts off-street parking area setback table			
908(c)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Created new IM District			
913(l)	9248	June 14, 2016	TA-16-00128	June 18, 2016
	Added standards for Valet Parking			
912(c)	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Added requirement for Congregate Living uses			
915(f)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
915	9506	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
Article 10 – Landscaping and Screening				
1001 (b) & (d)	8455	October 6, 2009	TA-6-15-09	October 14, 2009
	Cross-referenced requirements in 20-1305 and removed requirement for landscape plan to be prepared by licensed landscape architect.			
1002	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
1003(a),(b),(c)&(f)	8429	July 28, 2009	TA-5-5-09	July 31, 2009
	Modified interior parking lot landscaping requirements			
1004(c)	8861	April 16, 2013	TA-12-00207	April 23, 2013
	Added shrubs as screening option.			
1005(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Add H and GPI Districts to table of Bufferyards			
1005(c)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Add MU District to table of Bufferyards			
1005(c)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	References related to creation new IM District			
1009(b)	8693	March 6, 2012	TA-4-6-11	March 10, 2012
	Added reference to synthetic turf and Chapter 18 of city code.			
1009	9616	January 8, 2019	TA-18-00466	January 11, 2019
	Synthetic Turf			
Article 11 – General Development Standards				
1101(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1101(d)(2)(i)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1101(d)(4)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1101	8304	August 17, 2010	TA-12-27-07	August 20, 2010

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
	Changes related to Environmentally Sensitive Lands			
1101	9507	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
1103	9507	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
1105	9507	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
1105(b)(2)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1105(b)(3)(iii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1107	8882	July 23, 2013	TA-12-00205	July 26, 2013
	Deleted Applicability, Criteria for Independent Analysis, Relationship to Project Approval and modified Responsibilities of the City.			
1108 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
1108	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	Revised Applicability section, reordered much of section and added MU standards that had been in 20-223			
1108 (c); (f); (f)(3); (j)(1)(i); & (j)(4)(i)	9416	November 7, 2017	TA-17-00495	November 11, 2017
	Revisions to MU District related to uses in the Tertiary Development Zone.			
Article 12 – Floodplain Management Regulations				
1201	8541	July 13, 2010	TA-4-6-10	July 16, 2010
	Referenced new map date of August 5, 2010			
1203 (d)(2) and 1203 (h)(2)(i) & (ii)	8484	January 26, 2010	TA-11-23-09	January 30, 2010
	Added '*or licensed professional engineer*' to qualified individual who can certify elevations			
1201 (a)(3)(i), (b)(1) & (c)(1)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Referenced new map date September 2, 2015			
1201 (e)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Minor modifications to comply with NFIP and DWR regulations.			
1203 (a), (c)(5), (c)(6) & (c)(7)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Addition of Cumulative Improvement.			
1203 (d)(1)(ii)(c)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Minor modifications to comply with NFIP and DWR regulations.			
1204(e)(2)(i) & (3)(i)	8484	January 26, 2010	TA-11-23-09	January 30, 2010
	Clarified when additional standards are triggered			
1204 (b)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Addition of Cumulative Improvement.			
1204 (e)(1)(i) &	9143	August 11, 2015	TA-15-00253	August 15, 2015

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
(e)(2)(ii)	*Addition of alternative compliance for fill in the setbacks.*			
1204 (e)(2)(i), (e)(2)(i)(a), (e)(3)(i) & (e)(3)(i)(a)(1)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Addition of Cumulative Improvement and minor modifications to comply with NFIP and DWR regulations.			
1204 (h)(2)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Addition of Cumulative Improvement.			
1204 (i)(1)(i & ii)	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Addition of Cumulative Improvement.			
1205	9143	August 11, 2015	TA-15-00253	August 15, 2015
	Added definitions for Cumulative Improvement, Expansion to an Existing Mobile Home Park or Subdivision, Floodplain Variance & New Mobile Home Park or Subdivision. Modified definitions of Start of Construction & Substantial Improvement.			
Article 13 – Development Review Procedures				
1301(a), (g)(4), (i)(4), (j)(4), (n), (q)(3)(i) & added (q)(3)(v)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
1301(i)(4) &(j)(4)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1301(n)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1301(q)(1)(i)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1301(q)(1)(ii)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1301(q)(3)(i)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1301(q)(3)(iii)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
1301((t) (added)	8376	March 31, 2009	TA-1-2-09	April 3, 2009
1301	9618	February 12, 2019	TA-18-00430	February 15, 2019
	Conditional Zoning			
1302 (various subsections)	8465	October 13, 2009	TA-7-18-09	October 20, 2009
	Modified development review process and added exemptions for downtown development projects.			
1303 (b)(3), (c)(1) & added (c)(2), (f)(3)(ii), (h)(1)(ii) & (h)(2)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
1303(c)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1303(c)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Added reference to new IM District			
1303(c)	8741	April 2, 2013	TA-4-3-12	April 27, 2013
	Added CC600 District			
1303(g)(10)	8882	July 23, 2013	TA-12-00205	July 26, 2013
	Added Retail Market Analysis to Review and Decision-Making Criteria.			
1303	9618	February 12, 2019	TA-18-00430	February 15, 2019
	Conditional Zoning			
1304 (a), (d)(7),	9307	December 6, 2016	TA-16-00180	December 12, 2016

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
(d)(11)(viii), (g)(3) & (g)(4)(ii)	*Reference corrections, procedures and changes to notice distance.*			
1304(a)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Added reference to Community Design Manual for Commercial & Industrial Uses			
1304(d)(9)(vii)(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1304(d)(11)(v)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
1304(d)(12)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1304(e)(2)(iv)(h)	8018	June 27, 2006	TA-03-02H-06	July 1, 2006
1304(e)(2)(vii)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1304(e)(2)(i)p	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Added requirement for elevations and reference to Community Design Manual			
1304(q)(4)(vi)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1304	9508	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
1305	9508	July 10, 2018		July 16, 2018
	Repealing City Code references to department of Public Works and Utilities and respective department director positions and replacing with Municipal Services and Operations Department and Municipal Services and Operations Department Director			
1305(a)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1305(a)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(a)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1305(b)(1) (added)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(b)(1)(iii)a.& b.	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1305(b)(1)(ii)	--	--	--	02/27/2015
	Housekeeping correction error ref to Section 21-1305, instead of 20-1305			
1305(b)(2) (added)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(2)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Renumbered section per outline format [(i) for a., a. for 1.]			
1305(2)(ii)(b)(2)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1305(2)(v)a.& b.	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1305(b)(2)&(3)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Added reference to new IM District			
1305(b)(3) (added)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(b)(3)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Renumbered section per outline format [(i) for a., a. for 1.]			
1305(b)(3)(v)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1305(c)(1)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
1305(c)(3) (delete)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(c)(4)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1305 (c)(6), (g)(1), (l)(4) & (n)(3)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
1305(f)(1)(vii)	8154	Sep 20, 2007	TA-06-13-07	Sep 25, 2007
1305(f)(1)(xx)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual			
1305(g)(1)	8419	July 7, 2009	TA-5-7-09	July 12, 2009
1305(m)(1)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(m)(2)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
1305(m)(2)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(o)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1305 (various subsections)	8465	October 13, 2009	TA-7-18-09	October 20, 2009
	Modified development review process and added exemptions for downtown development projects			
1306(g)(ii), (l)(5)(ii) & (m)(4)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
1306(h)(3)(ii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1306(k)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1307(c)(2)(ii)	8154	Sep 20, 2007	TA-06-12-07	Sep 25, 2007
1307(c)(2)(vi)	8154	Sep 20, 2007	TA-06-12-07	Sep 25, 2007
1307(g)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1307 (f) & (g)(1) & (g)(1)(i)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
1307	9562	September 11, 2018	TA-18-00199	
	Update requirements for recording subdivision documents with the Douglas County Register of Deeds Office.			
1308(d)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1309(a)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1309(b)(3) (added)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1309 (f), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (h) & (k)(1)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
1309(k)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1310(b) & (e)	8535	July 6, 2010	TA-7-20-09	July 15, 2010
	Clarified Written Interpretation procedures			
1311(a),(b),(c) & (h)	8535	July 6, 2010	TA-7-20-09	July 15, 2010
	Clarified applicability & process issues related to Appeals			
1311 (e)	9307	December 6, 2016	TA-16-00180	December 12, 2016
	Reference corrections, procedures and changes to notice distance.			
Article 14 – Boards and Commissions				
1402(f)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1402(f)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1402(g)	8375	April 7, 2009	TA-1-1-09	April 11, 2009

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
Article 15 – Nonconformities				
1502(c)(3)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
1503(e)(2)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1503(e)(2)	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Added Congregate Living Structures with site plan on file to section regarding rebuilding			
1504(c)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1504(c)(3)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
Article 16 – Violations, Penalties and Enforcement				
1606(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
Article 17- Terminology				
1701	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Access Management; Alley; Building Type (added)*; Collector Street, Residential; Common Open Space; Emergency or Temporary Shelter* (changed to *Transient or Temporary Shelter*)*; Natural Drainageway; Planned Development; Setback; Street* (deleted)*; Street, Private* (added)*; Street, Public* (added)*; Yard, Required.*			
1701	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Manufactured Home			
1701	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Hydrologic and Hydraulic Study			
1701	8098	Jun 26, 2007	TA-12-14-06	Jun 29, 2007
	Extended Care Facility General, Extended Care Facility Limited, Group Home General, Group Home Limited			
1701	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
	Define Exterior Storage			
1701	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Define *Building Frontage, Clear Zone, Designated Transit Route, Development Zone Primary, Development Zone Secondary, Development Zone Tertiary, Light Court, Massing, Mixed Use Structure Horizontal, Mixed Use Structure Vertical, Moderately Priced Dwelling Unit, Non-Ground Floor Dwelling, Outdoor Use Zone, Public Frontage, Public Frontage Primary, Public Frontage Secondary, Public Frontage Tertiary, Root System Zone, Scale, Slip Road, Street Tree and Furniture Zone, Subsurface Utility Zone, Work/Live Unit*			
1701	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Modify definition of Floor Area Ratio			
1701	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
	Modify definition of Mobile Home.			
1701	8388	April 28, 2009	TA-04-03-08	May 7, 2009
	Deleted definition of Temporary Shelter and Transient Shelter			
1701	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Deleted definitions of Non-Ground Floor Units and Work/Live Units			
1701	8465	October 13, 2009	TA-7-18-09	October 20, 2009
	Revised definitions of Development Projects based on changes made in 20-1305			
1701	8304	August 17, 2010	TA-12-27-07	August 20, 2010

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
	Changes related to Environmentally Sensitive Lands including Base Density, Common Open Space, Density Bonus, Density Cap, Jurisdictional Wetlands, Stand of Mature Trees, Native Prairie Remnants, Stream Corridor and deletion of 'Rocky Outcroppings'			
1701	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to Commercial Design Standards & added Community Design Manual in definition of Development Project, Standard			
1701	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Added definition of Congregate Living, deleted Boarding Houses, modified definition of Family			
1701	8689	January 17, 2012	TA-10-15-11	January 21, 2012
	Modified definitions of Dwelling Unit and Family (clarifying occupancy) and deleted definition of Housekeeping Unit.			
1701	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Added reference to new IM District in Development Project, Major & Significant Development Project definitions.			
1701	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits (removed reference to 'family' in Dwelling Unit)			
1701	8853	April 2, 2013	TA-13-00001	April 5, 2013
	Clarified Occupancy Limits (deleted 'family')			
1701	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Add definitions related to Urban Ag – Bee Hotel, Colony, Community Garden, CSA, Fowl & Personal Garden.			
1701	9248	June 14, 2016	TA-16-00128	June 18, 2016
	Add definitions for Valet Parking & Valet Parking Plan.			
1701	9431	May 2, 2017	TA-16-00388	May 6, 2017
	Add Cemetery Corporation to terms – related to Active & Passive Funeral and Interment uses.			
1701	9569	November 13, 2018	TA-18-00121	November 16, 2018
	Modified definition of Group Home			
1701	9730	November 5, 2019	TA-18-00467	November 10, 2019
1703	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
1703	8533	July 6, 2010	TA-7-20-09	July 15, 2010
	Modified definition of Adaptive Reuse			
1704	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
1705 – 1709 (repealed & reserved)	9317	Dec 13, 2016	------	Dec 16, 2016
	Delete definitions now included in Urban Ag sections 20-1773 through 20-1780.			
1708	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	Modified for keeping of fowl			
1717(1) & (2)(added)	8388	April 28, 2009	TA-04-03-08	May 7, 2009
1717(3)	8406	June 2, 2009	TA-04-03-08	June 5, 2009
1718	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1721	8663	September 13, 2011	TA-6-9-11	September 17, 2011
	Modified term Detention to Detention Facilities			
1724(9) (added)	8061	Dec 26, 2006	TA-10-12-06	Dec 29, 2006
1725	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1729	9431	May 2, 2017	TA-16-00388	May 6, 2017
	Modifications to Active & Passive Funeral and Interment uses.			

Appendix of Amendments to Development Code				
Section Amended	**Ordinance**		**File Number**	**Effective Date**
	No.	**2nd Reading**		
1730	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Strike definition of Gasoline and Fuel Sales (moved to Vehicle Sales & Service) and Reserve section (so as not to renumber remaining sections.)			
1731	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Modified definition of Group Living to replace Boarding Houses and Cooperatives with Congregate Living			
1734(1)	9730	November 5, 2019	TA-18-00467	November 10, 2019
1734(7) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
1734(8) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
1739	8019	June 27, 2006	TA-03-02B-06	July 1, 2006
1744	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
1744(3)	8388	April 28, 2009	TA-04-03-08	May 7, 2009
1744 (3) & (4)	9085	February 24, 2015	TA-14-00534	February 27, 2015
	Added Payday Advance and Car Title Loan Businesses as a use In Office and renumbered Other			
1748	9183	December 8, 2015	TA-15-00391	December 11, 2015
	Modified definition of Personal Convenience Services.			
1749	9183	December 8, 2015	TA-15-00391	December 11, 2015
	Modified definition of Personal Improvement Services.			
1752(2)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1753(1) & (2)	8406	June 2, 2009	TA-04-03-08	June 5, 2009
1764	8663	September 13, 2011	TA-6-9-11	September 17, 2011
	Modify definition of Utilities and Service, Major to delete Detention and Correctional Institutions [and to change terms from Utility to Utilities]			
1766	8344	Nov 18, 2008	TA-08-15-08	Nov 21, 2008
1766(3) thru (10)	8718	April 24, 2012	TA-10-16-11	April 28, 2012
	Added definitions of Gas and Fuel Sales & Truck Stop. Renumbered remaining uses in category as a result of creating new IM District.			
1767	9514	August 7, 2019	TA-18-00150	August 11, 2018
	Added definition for Climate-Controlled Mini-Warehouses			
1768	9296	Oct 11, 2016	TA-16-00335	Oct 16, 2016
	Replaced Telecommunications Antenna & Towers with Wireless Facilities and updated standards to align with federal statutes			
1769 (added)	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
	Added definition for Institutional Use.			
1770 (added)	8744	June 12, 2012	TA-04-02-12	June 15, 2012
	Added definition for Community Mental Health Facilities.			
1771 (added)	9091	March 24, 2015	TA-14-00535	March 27, 2015
	Added definitions for Makerspace, Limited & Intensive			
1772 (added)	9182	December 8, 2015	TA-15-00443	December 29, 2015
	Added definitions for Event Center, Small & Large			
1773 – 1780 (added)	9206	May 3, 2016	TA-15-00346	May 25, 2016
	Added definitions for Urban Ag uses – Ag Processing, Ag Sales, Animal Ag, Crop Ag, Farmers Market, On-site Sales, Urban Ag & Urban Farm.			
1781 (added)	9481	October 2, 2018	TA-18-00079	October 7, 2018
	Short-Term Rental			