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To: File
From: Planning Staff
Date: July 18, 2008
Re: Duplexes in RM12D Districts & Duplexes requiring Site Plan Review in RM Districts
Document: Lawrence Development Code
Sections: 20-204(a)(3); 20-1305(a); 20-1305(c)(1); Article 17 & Section 20-1734

This interpretation serves to clarify when site plan review is necessary for duplex developments and when duplexes shall be restricted to one duplex per lot. The purpose of site plan review, according to Section 20-1305(a) is as follows:

"...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."

The duplex is the only dwelling type to have its own specific zoning district. Section 20-204(a)(3) describes the purpose of the RM12D (Multi-Dwelling Residential/Duplex) District. This section states:

"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 and attached dwellings of two units. Only one principal building per lot is permitted in this district."

This language implies that duplexes constructed where allowed in other RM Districts are not restricted to one principal building per lot. Article 17 of the Development Code defines duplex as follows:

"A single structure that contains two primary dwelling units on one lot. The units may share common walls or common floor/ceilings." (Section 20-1734(4))

Section 20-1305(c)(1) of the Development Code requires site plan review of duplexes if designed to form a complex containing four or more dwelling units. If designed as a complex with four or more dwelling units on one lot this definition shall be interpreted as follows:

A single structure that contains two or more dwelling units. The units within each structure shall share common walls or common floor/ceilings.



Interpretation

1. In all zoning districts which permit duplex uses, with the exception of the RM12D District, the development of two or more duplexes (for a total of 4 or more dwelling units) designed as a complex on one lot shall be permitted and shall require site plan review. Such a design, if approved by site plan, shall not require that each duplex structure be located on its own lot.
2. In the RM12D District, each individual duplex shall be located on its own platted lot, but site plan review shall not be required (regardless of the number of lots or duplexes).