

CHAPTER XX. ZONING AND PLANNING

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ARTICLE 1. LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION

20-101. JOINT COMMISSION CREATED.

There is hereby created the Lawrence-Douglas County Metropolitan Planning Commission as authorized by K.S.A. 12-744 through 747, as amended. The term "Planning Commission" as it appears in the following sections shall mean the Lawrence-Douglas County Metropolitan Planning Commission. (Ord. 6287)

20-102. MEMBERSHIP.

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 County Board of Commissioners. In each case, appointments shall be made by and with the consent of their respective governing bodies. Initially, the city shall name in the manner provided above, two appointees whose terms shall be for one year; two appointees whose terms shall be for two years; and one appointee whose term shall be for three years. The county shall name, in the manner provided above, one appointee whose term shall be for one year; two appointees whose terms shall be for two years; and two appointees whose terms shall be for three years. Thereafter 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 terms of the original members of the planning commission shall commence on the 1st day of June, 1969, and shall expire on the 1st day of June of the year for which the term of office is completed.

Every member of the planning commission shall be a resident of Douglas County and shall hold no salaried or elected office with either city or county government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties. (Code 1979, 20-102)

20-103. MEETINGS; OFFICERS.

The planning commission shall elect officers and determine times and places of future meetings, which said meetings shall be not less frequent than once a month. Said planning commission shall elect one member as chairperson and one member as vice-chairperson. The terms of the chairperson and vice-chairperson shall be for one year or until a successor shall have been elected and qualified. Special meetings of the planning commission may be called by the chairperson, or in the chairperson's absence, by the vice-chairperson. A secretary also shall be elected who may or may not be a member of the planning commission. A quorum of the Lawrence-Douglas County Metropolitan Planning Commission shall consist of six members. (Ord. 6287)

20-104. POWERS; DUTIES.

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 to guide the future development of the Lawrence-Douglas County land area.)

The planning commission shall see that the comprehensive 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 plan 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.

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 said 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.

The comprehensive plan and any amendments thereto shall become effective upon publication of the respective adopting ordinance by the City Commission. An attested copy of the comprehensive plan and amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan. (Ord. 6287)

20-105. ANNUAL BUDGET.

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. 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. (Code 1979, 20-105)

20-106. 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, except that the advisory functions of the City of Lawrence and the Douglas County Planning Commission as related to planning and zoning activities shall be transferred as of June 1, 1969, to the planning commission. All petitions for zoning change, petitions for vacation of streets, alleys and other public ways, request for changes in street names, requests for approval of plats and dedications and all other matters pending before either of the above mentioned planning commissions upon the effective date of this ordinance shall continue to be processed by such commissions until such matters are concluded or until August 1, 1969, whichever event may be sooner. Any uncompleted and unclosed matter shall on August 1, 1969, be transferred to and become the responsibility of the Lawrence-Douglas County Planning Commission and its planning staff. All records, files, minutes, maps, plats, and other property of the Lawrence City Planning Commission shall be made available to the Lawrence-Douglas County Planning Commission on August 1, 1969, subject only to the annual renewal of the budget agreement.

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.

Nothing in this resolution 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. (Code 1979, 20-106)

20-107. JOINT AGREEMENT.

This joint resolution and ordinance shall constitute an agreement between the City of Lawrence and Douglas County as contemplated in Section 101, Session Laws of 1957 and shall also constitute a resolution of the Board of County Commissioners and an ordinance of the City of Lawrence, Kansas, and shall be effective upon its passage and adoption by the Board of County Commissioners of Douglas County, Kansas, and the Board of Commissioners of the City of Lawrence, acting separately, and after its publication as provided by law in the Lawrence Daily Journal World. A fully executed and attested copy shall be filed with the county clerk of Douglas County, Kansas, and with the city clerk of Lawrence, Kansas. (Code 1979, 20-107)

20-108. SEPARABILITY.

If this joint resolution and ordinance, or any part thereof shall be held or determined to be unconstitutional, illegal, ultravires, or void, the same shall not be held or construed to change or annul any provisions hereof which may be legal or lawful; and in the event this joint resolution and ordinance or any part thereof, shall be held unconstitutional, illegal, ultravires, 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. (Code 1979, 20-108)

20-109. PREVIOUS COMMISSION ABOLISHED.

The City Planning Commission of the City of Lawrence and the Douglas County Planning Commission be and the same is hereby abolished in the manner and at the time hereinabove provided for. (Code 1979, 20-109)

ARTICLE 2. RESERVED

ARTICLE 3. ZONING REGULATIONS

20-301. TITLE.

This chapter, including the zoning district maps made a part hereof, by reference, may be known and cited as the zoning ordinance of the City of Lawrence. (Code 1981)

20-302. PURPOSE.

The zoning regulations set forth in this chapter are enacted to:

- (a) Implement the land use portion of the comprehensive plan for the City of Lawrence;
- (b) Promote the health, safety, morals, and the general welfare of the City of Lawrence and its citizens;
- (c) Lessen congestion in the streets;
- (d) Secure safety from fire, panic, and other dangers;
- (e) Provide adequate light and air;
- (f) Prevent the overcrowding of land;
- (g) Avoid undue concentration of population; and
- (h) Facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. (Code 1979, 20-301)

20-303. JURISDICTION.

The jurisdiction of this chapter shall apply to all land located within the corporate limits of the City of Lawrence, Kansas. (Code 1979, 20-301)

Ref.: See K.S.A. 12-704 to 12-715, as amended.

ARTICLE 4. ZONING DISTRICTS

20-401

ZONING DISTRICTS ESTABLISHED.

Zoning districts are hereby established for the City of Lawrence. These districts are designated as follows:

- (a) Residential Districts:
 - (1) RS-A Single-Family Residence Agriculture District - (1 acre minimum lot area per dwelling unit)
 - (2) RS-E Single-Family Residence Estate District - (20,000 sq. ft. minimum lot area per dwelling unit)
 - (3) RS-1 Single-Family Residence District - (10,000 sq. ft. minimum lot area per dwelling unit)
 - (4) RS-2 Single-Family Residence District - (7,000 sq. ft. minimum lot area per dwelling unit)
 - (5) RM-D Duplex Residential Districts - (3,500 sq. ft. minimum lot area per dwelling unit)
 - (6) RM-1 Multiple-Family Residence District - (3,500 sq. ft. minimum lot area per dwelling unit)
 - (7) RM-2 Multiple-Family Residence District - (2,000 sq. ft. minimum lot area per dwelling unit)
 - (8) RM-2A Multiple-Family Residence District - (1,500 sq. ft. minimum lot area per dwelling unit)
 - (9) RM-3 Multiple-Family Residence District - (1,000 sq. ft. minimum lot area per dwelling unit)
 - (10) RD Residence-Dormitory District - (800 sq. ft. minimum lot area per dwelling unit)
- (b) Residence-Office Districts:
 - (1) RO-1 Residence-Office District - (1,000 sq. ft. minimum lot area per dwelling unit)
 - (2) RO-1A Residence-Office District - (2,000 sq. ft. minimum lot area per dwelling unit)
 - (3) RO-1B Residence-Office District - (3,500 sq. ft. minimum lot area per dwelling unit)
 - (4) RO-2 Residence-Office District - (3,500 sq. ft. minimum lot area per dwelling unit)
- (c) Office Districts:
 - (1) O-1 Office District
- (d) Commercial Districts:
 - (1) CP Off-Street Parking District
 - (2) C-1 Inner-Neighborhood Commercial District
 - (3) C-2 Neighborhood Shopping District
 - (4) C-3 Central Commercial District
 - (5) C-4 General Commercial District
 - (6) C-4A General Commercial Overlay District
 - (7) C-5 Limited Commercial District
- (e) Industrial Districts:
 - (1) M-1 Research Industrial District
 - (2) M-1A Light Industrial District
 - (3) M-2 General Industrial District
 - (4) M-3 Intensive Industrial District
 - (5) M-4 Limited Intensive Industrial District

- (f) Planned Unit Development Districts:
 - (1) PRD-Estate Planned Residential District - (2.0 dwelling units maximum per net residential acre)
 - (2) PRD-1 Planned Residential District - (7.0 dwelling units maximum per net residential acre)
 - (3) PRD-2 Planned Residential District - (15.0 dwelling units maximum per net residential acre)
 - (4) PRD-3 Planned Residential District - (25.0 dwelling units maximum per net residential acre)
 - (5) PCD-1 Planned Commercial District
 - (6) PCD-2 Planned Commercial District
 - (7) PID-1 Planned Industrial District
 - (8) PID-2 Planned Industrial District
 - (9) POD-1 Planned Office District
 - (10) POD-2 Planned Office District
- (g) Air Space Control Area District.
- (h) Floodplain Overlay Districts:
 - (1) FW Floodway Overlay Districts
 - (2) FF Floodway Fringe Overlay Districts
- (i) South Lawrence Trafficway Overlay District. (Ord. 6592)
- (j) Urban Conservation Overlay Districts
 - (1) (DUCD) Downtown Urban Conservation District

20-402

COMBINED ZONING DISTRICTS.

Elsewhere in this ordinance, including the table showing permitted uses by districts and district regulations, certain districts are grouped and represented as a single district. The combined districts and the component districts of which they are composed are as follows:

<u>Combined Districts</u>	<u>Component Districts</u>
RS Single-Family Residential	RS-A RS-E RS-1 RS-2
RM Multiple-Family Residential	RMD RM-1 RM-2 RM-2A RM-3
PRD Planned Residential	PRD-Estate PRD-1 PRD-2 PRD-3
PCD Planned Commercial	PCD-1 PCD-2
PID Planned Industrial	PID-1 PID-2
POD Planned Office	POD-1 POD-2
RO Residence-Office	RO-1 RO-1A RO-1B RO-2

Wherever in this chapter there is a reference to any of the districts described above as a "combined district," the reference is to all the component districts, which together constitute the combined district. (Ord. 6346)

ARTICLE 5. ZONING DISTRICTS MAP, BOUNDARIES, ANNEXED AREAS

20-501 ZONING DISTRICTS MAP.

The boundaries of the zoning districts are hereby established as shown on the map entitled: "official copy of zoning district map incorporated into zoning regulations by adoption of an ordinance by the city commission of the City of Lawrence on the ____ day of _____, _____." This map is part of this chapter and is on file in the Lawrence-Douglas County Metropolitan Planning Office. The map and all notations, references, data and other information shown thereon shall be and are hereby adopted and made a part of this chapter. The Floodplain Overlay Districts Map shall be read in conjunction with the zoning map for areas lying within the regulatory floodplain. The standards and regulations in Article 9A of this chapter shall be imposed in addition to the underlying zoning restrictions when an area is within the regulatory floodplain. (Ord. 6287)

20-502. ZONING DISTRICTS BOUNDARIES.

Unless otherwise indicated on the zoning map, the zoning district boundaries are lot lines, the centerlines of the streets or alleys or specified distance therefrom, railroad right-of-way lines, or property lines as they existed at the time of the enactment of this ordinance. Floodway and floodway fringe overlay district boundaries shall be the same as provided by the Federal Insurance Administration on the Flood Insurance Rate Maps, Zones A1-30, and in the Flood Insurance Study. Actual ground location of floodway and floodway fringe boundaries shall be determined by the developer by field survey using the reference marks and/or vertical controls provided by the F.I.A. study. (Ord. 5256, Sec. 3)

20-503. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of the zoning districts or when the street or property existing on the ground is at variance with that shown on the zoning districts map, the board of zoning appeals, upon written application or upon its own motion, shall determine the location of such boundaries.

Where interpretation of floodway or floodway fringe overlay district boundaries are disputed, the director of planning shall make the necessary interpretation. In cases where the interpretation is contested, the board of zoning appeals upon written application shall resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. (Ord. 5256, Sec. 3)

20-504. ZONING OF NEWLY ANNEXED AREAS.

All territory which may hereafter be included within the zoning jurisdiction of the City of Lawrence shall retain its county zoning district designation upon annexation into the city and shall be subject to the provisions set forth in the Zoning Regulations for Unincorporated Territory in Douglas County, Kansas. A rezoning request shall be initiated immediately by the property owner or city. (Ord. 5709)

ARTICLE 6. RESIDENTIAL DISTRICTS

20-601. GENERAL PURPOSES.

The regulations for the Residential Districts are designed to:

- (a) Protect the residential character of the included areas by excluding commercial and industrial activities;
- (b) Encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools, and playgrounds;
- (c) Permit certain appropriate institutions to be located in residential neighborhoods;
- (d) Preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site areas, and;
- (e) Make available a variety of dwelling types and densities in a variety of locations to serve a wide range of individual requirements. (Code 1979, 20-501)

20-602. RS SINGLE-FAMILY RESIDENCE DISTRICTS.

(a) Purpose. RS Districts are designed for those areas where the land is presently being used, or where development appears desirable, for single-family dwellings. In addition to the general purposes applying to residential districts, the regulations for the RS Districts are designed to encourage the provision of single-family, detached residences in districts of four permitted densities. In RS zoning districts only, single-family detached dwellings shall be permitted and such dwelling shall be occupied only by families which meet a definition of family as defined in this code.

Exceptions:

- 1) In the RS districts, a person who is a bona fide caretaker, as defined in Section 20-2002.2 (2.5), shall not be included in the calculation of unrelated persons permitted in a dwelling unit in the RS districts.
- 2) For those governed by Use Group 7, the definition of Family as defined in Section 20-2002.5(1)(b) shall apply.
- 3) Group Homes, as defined in Section 20-2002.6(3), are permitted in all RS districts.

(Ord. 7323)

(b) RS District Regulations. Zoning district regulations for the RS Districts are set forth under Section 20-607.

(c) Permitted Uses. Uses permitted in the RS Districts are set forth under Section 20-610 et seq.

(d) The RS/A district is designed to provide for single-family residential development of a suburban or rural residential character; to protect existing residential areas with a rural character; and, to protect residential areas that have become surrounded by urban uses, not yet ready to be more intensively developed. (Ord. 6094; Ord. 6743)

20-603. RM MULTIPLE-FAMILY RESIDENCE DISTRICTS.

(a) Purpose. RM Districts are designed to provide areas for medium and high population density. RM districts will consist mainly of (1) areas containing multi-family dwellings (including two-family dwellings) with some single-family dwellings, (2) areas which contain single-family and two-family dwellings, are centrally located, and are appropriate to ultimate multi-family development, and (3) open areas where future multi-family development appears desirable. In addition to the general purposes applying to the RM and RS districts, the regulations for the RM Districts are designed to encourage the provision of multiple-family accommodations in districts of four permitted densities.

(b) RM District Regulations. Zoning district regulations for RM Districts are set forth under section 20-607.

(c) Permitted Uses. Uses permitted in the RM Districts are set forth in section 20-610 et seq. (Code 1979, 20-503)

20-604. RMD DUPLEX RESIDENTIAL DISTRICT.

(a) Purpose. The RMD District is designed to provide for duplexes only. Such district is encouraged to be used as a buffer between RM districts and RS districts.

(b) RMD Regulations. Zoning district regulations for RMD districts are set forth in section 20-607.

(c) Permitted Uses. Uses permitted in the RMD districts are set forth in section 20-610 et seq. (Code 1979, 20-503A)

20-605. RD RESIDENCE-DORMITORY DISTRICT.

(a) Purpose. The RD District is designed to provide areas for high population density. The District is intended to permit the development of land for multiple-family dwellings and dormitory-type residence halls in properly planned and centrally located areas in a residential environment.

(b) RD District Regulations. Zoning district regulations for the RD District are set forth in section 20-607.

(c) Permitted Uses. Uses permitted in the RD District are set forth in section 20-610 et seq. (Code 1979, 20-504)

20-606. RO RESIDENCE-OFFICE DISTRICT.

(a) Purpose. For uses on properties zoned RO before February 13, 1996, the RO district is designed to provide areas for the professional offices, medical and dental clinics and similar types of uses that are compatible with and can be located adjacent to or in combination with single, duplex, or multiple-family residential uses without undue harmful effects to the residential uses.

For uses on properties zoned RO on and after February 13, 1996, the RO District is designed to primarily provide mixed use areas for professional offices, medical and dental clinics and similar types of uses that are compatible with and can be located adjacent to or in combination with single, duplex, or multiple-family residential uses without undue harmful effects to the residential uses.

Three residential densities are permitted in four zoning districts to provide flexibility and allow the location of: 1) high density apartment/office combinations in and near the downtown area, and high density areas lying adjacent thereto; 2) medium density residential and/or office developments in areas that are in conformance with the Comprehensive Plan and compatible with surrounding land uses; 3) a lower density district to be located adjacent to or near single-family and restrictive commercial areas and (4) a lower density district, where residential units are restricted to single-family or duplex structures, to be located adjacent to or near single-family and restrictive commercial areas.

(b) RO District Regulations. Zoning district regulations for the RO District are set forth in Section 20-607 and Table I.

(c) Permitted Uses. Uses permitted in the RO District are set forth in Section 20-610 et seq. (Ord. 6287; Ord. 6740)

20-607. RESIDENTIAL DISTRICTS REGULATIONS.

No lot or yard shall be created in any residential district that does not meet the minimum requirements set forth in the following table (Section 20-608). No building or structure shall be erected or enlarged in any residential district that will cause the maximum lot coverage or the maximum height regulations to be exceeded for such district as set forth in the table. No lot or yard shall be reduced in dimension or area below the following requirements.

NOTE: In Table I - building or structure may exceed the district maximum height regulations up to a maximum of seventy-five feet (75') in the RM-2, RM-2A and RM-3 districts and one hundred feet (100') in the RD, RO-1 and RO-1A districts: Provided, That each front, side and rear yard is increased by the greater of the following quantities: 1) one foot for each additional one foot of height, or 2) eight feet for each additional story. (Ord. 6247)

TABLE I

ZONING DISTRICTS	LOT AREA MINIMUM (square feet)		LOT WIDTH AT FRONT BUILDING LINE; MINIMUM (feet)	LOT DEPTH MINIMUM (feet)	YARDS, MINIMUM (feet)						HEIGHT, MAXIMUM	
	Per Lot	Per Dwelling Unit			FRONT	REAR		SIDE			STORIES	FEET
						Single Frontage Lot	Double Frontage Lot	Interior	Exterior (Corner Lot)			
									Backing up to abutting side yard	Backing up to abutting rear yard		
RESIDENCE - Single-Family												
RS-A	1 ac	1ac	150	150	25	30	45	30	25	25	3	35
RS-E	20,000	20,000	100	100	25	30	35	20	25	20	3	35
RS-1	10,000	10,000	70	100	25	30	25	10	25	15	3	35
RS-2	7,000	7,000	60	100	25	30	25	5	25	10	3	35
RMD (Duplex-Residential)	7,000	3,500	60	100	25	30	25	5	25	10	2	35
RESIDENCE - Multiple-Family												
RM-1	7,000	3,500	60	100	25	25	25	5	25	10	3	35
RM-2	6,000	2,000	60	100	25	20	25	5	25	10	4	45
RM-2A	6,000	1,500	50	100	25	20	25	5	25	10	4	45
RM-3	6,000	1,000	50	100	25	20	25	5	25	10	4	45
RD (Residence-Dormitory)	6,000	800	50	100	25	20	25	5	25	10	4	45
RO - (Residence-Office)												
RO-1	6,000	1,000	50	100	25	20	25	5	25	10	4	45
RO-1A	6,000	2,000	50	100	25	20	25	5	25	10	4	45
RO-1B	7,000	3,500	60	100	25	30	25	5	25	10	4	35
RO-2	7,000	3,500	60	100	25	30	25	5	25	10	4	35

(Ord 6287; Ord 6743)

PERMITTED USES IN RESIDENTIAL DISTRICTS.

General. Uses permitted in the Residential Districts are shown by means of "Use Groups" established on the basis of similarity of function as well as compatibility with one another and with adjacent districts. The permitted "Use Groups" in each zoning district are shown by means of symbols in the permitted use tables. The letter "P" means the use is permitted as a use of right subject to (a) the providing of off-street parking in the amounts required by reference to the "Parking Group" column, and (b) the providing of off-street loading in accordance with section 20-1201. The letter "S" means that the use is permitted subject to the conditions specified in the section or sections whose number appears in the "Special Conditions" column opposite the permitted use, in addition to the off-street parking and loading requirements. No use shall be permitted in any district other than a use shown in the following tables, and no use shall be permitted in any such district unless the letter "P" or letter "S" appears opposite the "Use Group" within which the named use is listed and in the column headed by the designation of the district and all other requirements set forth herein have been met.

TABLE II

20-610

	ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
	RO-1, 1A, 1B	RO-2	RS	RM	RD			
20-610.1	S	S	S	S	S	USE GROUP 1. AGRICULTURAL-ANIMAL HUSBANDRY. Agricultural uses and nearby residential uses: 1. Agricultural Uses Animal and poultry husbandry, dairying and pasturage, but not including the keeping of swine, the feeding of offal or garbage or retail sales on the premises; all other agricultural uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses; and (2) are not included in any other use group. 2. Accessory Uses		1403
20-610.2	P	P	P	P	P	USE GROUP 2. AGRICULTURAL-FIELD CROPS. Agricultural uses and accessory uses that are compatible with nearby residential uses: 1. Agricultural Uses Field crops, floriculture, greenhouse, horticulture, nursery, truck gardening or viticulture, but not including retail sales on the premises; all other agricultural uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group. 2. Accessory Uses		
20-610.3	S	S	P	S	S	USE GROUP 3. RESIDENTIAL SINGLE-FAMILY DETACHED Low density single-family detached residential uses, and accessory uses. 1. Residential Uses Single-family detached dwelling 2. Group homes of 10 or fewer individuals 3. Residential design manufactured homes 4. Accessory Uses	1 1 1	1428 1449
20-610.4	S	S		S	S	USE GROUP 3A. RESIDENTIAL-DUPLEX 1. Residential Uses. Single family dwelling or duplex 2. Accessory Uses (Ord. 4247, Sec. 3)	1	1428
20-610.5	S			S	S	USE GROUP 4. RESIDENTIAL - MULTI-FAMILY. Medium and high-density multi-family residences. 1. Residential Uses Multi-family dwelling, including duplex Rooming and/or boarding house Single-family attached dwelling (row house or Townhouse) Bed & Breakfast establishment, <i>except in the RM districts it is not permitted in RM-D and RM-1</i> 2. Accessory Uses (Ord. 6048, Sec. 1; Ord. 6382)	2 2 2 4	1428 1452
20-610.6					S	USE GROUP 5. RESIDENTIAL-DORMITORY. High-density residential uses other than those multi-family uses permitted in Use Group 4. 1. Residential Uses Apartment hotel Dormitory-type residence hall Fraternity Sorority 2. Accessory Uses	3 2 2 2	1404/1428
20-610.7	S	S	S	S	S	USE GROUP 6. RESIDENTIAL - MOBILE HOME PARK 1. Residential Uses Mobile homes park 2. Accessory Uses (Ord. 6048, Sec. VII)	1	1420/1608 1423

20-610.8

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
RO-1, 1A, 1B	RO-2	RS	RM	RD			
S	S	S	S	S	<p>USE GROUP 7. COMMUNITY FACILITIES - PUBLIC UTILITIES (a) may appropriately be located in residential areas to provide education, recreation, health, and other essential services and, (b) do not create significant objectionable influences in residential areas.</p> <p>1. Community Facilities</p> <p>Adaptive reuse of properties listed as a landmark on the Lawrence, State or National Registers of Historic Places or included in the Lawrence or National Register of Historic Districts</p> <p>Art gallery or museum</p> <p>Cemetery, columbarium, or mausoleum</p> <p>Child care center</p> <p>Child care home - occupant primary provider</p> <p>Child care home - non-occupant primary provider</p> <p>Church or other place of worship, including student center</p> <p>Club or lodge, private, except those whose chief activity is carried on as a business</p> <p>Communication Towers</p> <p>Community building, public</p> <p>Golf course, but not including commercially operated driving range, pitch and putt course or miniature golf course</p> <p>Halfway house or service-oriented rehabilitation center or residence</p> <p>Health center, government operated</p> <p>Hospital, general, not including animal</p> <p>Institution for children and aged, nonprofit</p> <p>Library or museum: public or private, open to public without charge</p> <p>Monastery, convent or similar institution of religious training</p> <p>Mortuary, funeral parlor, or undertaking establishment</p> <p>Nursing home or rest home</p> <p>Parish house, nunnery, rectory, etc.</p> <p>Park, playground, or playfield, public</p> <p>Private recreation facility (exclusive of family swimming pools and swimming pools that are accessory uses to hotels, motels and apartments)</p> <p>Rehabilitation center for persons with disabilities</p> <p>Sanitarium</p> <p>School, public, parochial, or private, non-profit:</p> <p>(a) Grades nine and below including kindergarten</p> <p>(b) Grades ten and above</p> <p>Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.</p> <p>Swimming pool, accessory</p> <p>Theatre, live (if indoors)</p> <p>Public Utilities</p> <p>Electrical substation</p> <p>Gas regulator station</p> <p>Radio or television transmitter or tower</p> <p>Sewage disposal plant, private</p> <p>Telephone exchange, but not including garage, shop, or service</p> <p>Water filtration plant, pumping station, elevated storage or reservoir</p> <p>Similar Uses</p> <p>All other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.</p> <p>4. Accessory Uses</p> <p>(Ord. 6359; Ord. 6382; Ord. 6489)</p>	<p>1428</p> <p>25 1608/1451</p> <p>12 1427</p> <p>1408</p> <p>22 1424/1608</p> <p>22 1424</p> <p>22 1424/1608</p> <p>8 1409</p> <p>15 1608/1410/1448</p> <p>14B02/1608</p> <p>15 1427</p> <p>23 1416</p> <p>6 1608/1448</p> <p>14 1608/1448</p> <p>6 1608</p> <p>22 1608</p> <p>13 1427</p> <p>6 1409</p> <p>7</p> <p>6 1608</p> <p>1</p> <p>1441/1608/1448</p> <p>22 1608/1448</p> <p>6 1608</p> <p>22</p> <p>16</p> <p>13 1608/1457</p> <p>1437</p> <p>7 1608/1448</p> <p>22 1608</p> <p>14B02/1608</p> <p>1608</p> <p>22 1608</p> <p>22 1608</p>	

ARTICLE 7. COMMERCIAL DISTRICTS

20-701. COMMERCIAL OFF-STREET PARKING DISTRICT

(a) Purpose. This district is designed to consist of (1) areas developed for off-street parking purposes in former residential districts to serve adjacent business establishments and (2) open areas which are appropriate for off-street parking development intended to serve non-residential districts located adjacent to residential districts. This district is intended to facilitate the providing of off-street parking facilities adjacent to residential areas and to act as a buffer between these residential areas and nearby commercial and industrial areas.

(b) CP District Regulations. Zoning district regulations for the CP District are set forth in section 20-707(a) of this article.

(c) Permitted Uses. Uses permitted in the CP District are set forth in section 20-709 et seq. (Code 1979, 20-601; Ord. 5556, Sec. II)

20-702. C-1 INNER NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose. This district is designed to serve the day-to-day needs of residents in established, inner residential neighborhoods. The district is limited in land uses and development intensity to encourage the compatible and harmonious integration of commercial and residential uses on a small, neighborhood scale. Development standards are a requirement for commercial uses in this district to encourage the compatible and harmonious integration of commercial uses with the established neighborhood's character.

(b) C-1 District Regulations. Zoning district regulations for the C-1 district are set forth in section 20-707(a) of this article. Development standards are set forth in section 20-1446.

(c) Permitted Uses. Uses permitted in the C-1 district are set forth in section 20-709 et seq. (Ord. 5556, Sec. III)

20-703. C-2 NEIGHBORHOOD SHOPPING DISTRICT.

(a) Purpose. This district is designed to provide locations for the conduct of retail trade and personal service enterprises to meet the regular needs of, and for the convenience of, adjacent residential areas. The types of uses authorized in this district are limited to those that serve the everyday needs of the household. Because these facilities are an integral part of the neighborhood, more restrictive requirements for open space and land area are made than in other commercial districts.

(b) C-2 District Regulations. Zoning district regulations for the C-2 district are set forth in section 20-707(a) of this article.

(c) Permitted Uses. Uses permitted in the C-2 district are set forth in section 20-709 et seq. (Ord. 5556, Sec. III)

20-704. C-3 CENTRAL COMMERCIAL DISTRICT.

(a) Purpose. This district is designed to be the central business district or the downtown shopping and employment center for the community and surrounding trade area. This district is intended to provide space for retailing of all kinds, professional offices, financial institutions, amusement facilities, transient residential facilities, and limited wholesaling and warehousing.

Off-street parking or loading requirements for commercial use do not apply to the C-3 district.

(b) District Regulations. Zoning district regulations for the C-3 district are set forth in section 20-707(a) of this article.

(c) Permitted Uses. Uses permitted in the C-3 district are set forth in section 20-709 et seq. (Ord. 5556, Sec. III)

20-705. C-4 GENERAL COMMERCIAL DISTRICT.

(a) Purpose. The C-4 General Commercial district is designed to accommodate miscellaneous retail and wholesale commercial enterprises serving the consumer public, business, industry and agriculture. This district will provide for commercial uses that do not need to be in neighborhood shopping centers or limited commercial districts, or which are undesirable in such areas.

(b) District Regulations. Zoning district regulations for the C-4 district are set forth in section 20-707(a) of this article.

(c) Permitted Uses. Uses permitted in the C-4 district are set forth in section 20-709 et seq.

(d) C-4A General Commercial Overlay District Established. In addition to the uses permitted and the district regulations, that portion of the C-4 district described below is overlaid with C4-A general commercial overlay district which shall supersede the uses permitted and the district regulations of the C-4 district as provided in this Chapter, only upon compliance with the provisions of 20-705.1, 20-705.2, 20-705.3, 20-705.4, and 20-705.5, including but not limited to the requirements for bonuses. The C-4A General Commercial Overlay District is hereby described to-wit:

C-4A Overlay District Boundary. New Hampshire Street; Lots 22-44, Original Township, (inclusive, even only) and Lots 45-116, Original Township, (all inclusive). Rhode Island Street; Lots 21-75, Original Township, (inclusive, odd only). This area may be referred to as the overlay district boundary. (Ord. 6592)

20-705.1 C-4A GENERAL COMMERCIAL OVERLAY DISTRICT.

(a) Purpose. The intent of the C-4A General Commercial Overlay District is to provide an incentive through the application of land use bonuses to achieve certain desirable public purposes appropriate for the overlay district boundary area. Such desirable land uses include, but are not limited to: a greater mixture of land uses and intensity than might otherwise occur absent such bonuses; enhanced housing opportunities where such opportunities might not otherwise be provided; and the continued viability of the City's downtown.

(b) Findings. The governing body finds that the C-4A overlay district boundary area is of special and substantial interest because of: the area's proximity to the C-3 Central Commercial zoning district; the East Lawrence neighborhood; and, the need to provide supporting and complementary high density residential and office developments adjacent to downtown retail shopping activities. The governing body further finds that multi-family residential occupancy and ground level retail, service, cultural and entertainment uses should be encouraged individually or collectively as part of a mixed-use residential, office and retail development through an incentives bonus system.

(c) District Regulations. Zoning district regulations for the C-4A Overlay District are those set forth for the C-4 district, provided, that upon approval of a site plan for the property in the overlay district boundary, and compliance with the requirements of 20-705.3, 20-705.4, and 20-705.5, the district regulations shall be those applicable to the approved site plan, including any applicable bonus regulations.

(d) Permitted Uses. Uses permitted in the C-4A Overlay District are set forth for the C-4 district, provided, that upon approval of a site plan for the property, and compliance with the requirements of 20-705.3, 20-705.4, and 20-705.5, the permitted uses shall be those applicable to the approved site plan as listed in 20-705.3.

(e) Site Plan Required. Prior to the development, construction, or alteration of any use in the overlay district boundary for which the owner or applicant elects to claim the bonuses of the overlay district, the owner or applicant shall comply with the provisions of this Chapter requiring a site plan, 20-1428 et seq. Any uses in the overlay district shall be governed and restricted by an approved site plan. The site plan requirements shall include compliance with architectural review requirements pursuant to 20-705.5. (Ord. 6592)

20-705.2 MIXED USE DEVELOPMENT REQUIREMENTS FOR BONUSES.

(a) Purpose. A purpose of the C-4A General Commercial Overlay District is the maintenance and establishment of mixed-use developments within the downtown C-4A General Commercial Overlay District which offer a diversity of activity or use types within a limited development area and promote a healthy and vibrant downtown.

(b) Mixed Use Developments Defined. An applicant seeking a bonus incentive shall submit a site plan that contains a minimum of three (3) use types as set forth in 20-705.3. To obtain the bonus provisions of 20-705.4, retail or office development must be included as one of the uses in the site plan. The other two uses shall be selected from the eligible use category in Section 20-705.3. Bonuses for mixed use development shall be awarded based on the eligible use categories in Section 20-705.4. (Ord. 6592)

20-705.3 ELIGIBLE USE CATEGORIES.

To be awarded the bonus available for mixed use development as provided in 20-705.4, the development shall include uses from the following list of categories. In order to obtain the bonuses listed in Section 20-705.4, retail or office development must be included as one of the components of the mixed-use development. Newly constructed or substantially renovated multi-family dwellings may be provided off-site (not contiguous with a proposed site plan), provided that the units are located within the overlay district boundary and comply with all applicable site plan requirements. The uses from each category must total at a minimum the percentage of the net floor area of the entire development as shown below the use as listed below, to be considered an eligible use:

- (a) Use Group 4. Multi-family dwellings
10.0% of the net floor area of the entire development
- (b) Use Group 9. Professional Offices
10.0% of the net floor area of the entire development
- (c) Retail/Personal Services
5.0% of the net floor area of the entire development from one or more of the following retail/personal services:
 - Book store, new or used
 - Dry cleaning outlet store
 - Food store, not including 24 hr. convenience store
 - Hair care establishment
 - Retail bakery
 - Studio for professional work or for teaching of any form of fine arts
i.e. photography, music, dancing, drama, etc.
 - Altering, pressing, repairing of wearing apparel
 - Antique sales
 - Appliance, furniture, home furnishings, sales, rental repair
 - Art supply sales
 - Bank, savings & loan and trust company
 - Barber or beauty shop
 - Bicycle sales, rental, repair
 - Camera or photographic supply sales
 - Clothing sales
 - Computer store; sales, service and equipment
 - Confectionery store
 - Department store
 - Drug store
 - Dry cleaning
 - Florist shop
 - Food store, including retail bakery
 - Furrier shop, including storage of furs
 - Garden supply sales
 - Gift, novelty, souvenir sales

Hardware store and small tool rental, but not including sales of
lumber or industrial hardware
Hat blocking and repair
Hobby supply sales
Interior decorating shop
Jewelry sales and repair
Laundry, self-service only
Loan office
Locksmith, key shop
Mail order agency
Music, musical instrument and phonographic record sales
Newsstand
Optical goods, sales
Orthopedic or medical appliance sales
Paint and wall paper sales
Photographic processing
Photographic studio
Post Office
Quick copy or duplicating center
Radio and television studio
Reading room
Sewing machine sales and repair
Shoe repair and sales
Office equipment and supplies, sales and service, rental and repair
Pet shop
Photostatting
Recording studio
Shoe repair and sales
Surgical and dental supply sales
Theater, indoor commercial
Variety store
Video store, sale or rental of video equipment, movies and games
parlor

- (d) Eating & Drinking Establishments
1.0% of the net floor area of the entire development
- (e) Hotel
10.0% of the net floor area of the entire development
- (f) Indoor Recreation
1.0% of the net floor area of the entire development
- (g) Use Group 7. Community Facilities
2.5% of the net floor area of the entire development
- (h) Day Care Facility (See Sections 20-1424 & 20-1608)
1.0% of the net floor area of the entire development

Provided, that 100% of the net floor area of the entire development shall be uses as provided in this Section. (Ord. 6592)

20-705.4 BONUSES AVAILABLE UPON COMPLIANCE WITH LAND USE REQUIREMENTS.

(a) Off-Street Parking and Loading. Upon the finding and approval of the City Commission that the site plan for development in the Overlay District Boundary meets all applicable requirements, including the mixed use requirements and the architectural review requirements, the following special off-street parking limitations and requirements shall apply to the development:

- (1) For an overlay development with dwelling units in addition to retail and office uses, for the dwelling unit use there shall be a minimum of one-quarter

(.25) parking space for every bedroom in a dwelling unit.

(2) For an overlay development with dwelling units in addition to only retail uses, for the dwelling unit use there shall be a minimum of one-half (0.5) parking space for every bedroom in a dwelling unit.

(3) For an overlay development with dwelling units in addition to only office uses, for the dwelling unit use there shall be a minimum of three-quarter (.75) parking space for every bedroom in a dwelling unit.

(4) For an overlay development with dwelling units as an exclusive use, for the dwelling unit use there shall be a minimum of one (1.0) parking spaces for every bedroom in a dwelling unit.

(5) For an overlay development with only professional office uses (Use Group 9), including medical clinics, there shall be a minimum of (1) parking space per eight hundred square feet (800) square feet of net floor area for those uses.

(6) For an overlay development with only retail and personal service uses, there should be a minimum of one (1) parking space per seven hundred (700) square feet of net floor area for those uses.

(7) For an overlay development with retail; personal services and professional office uses (Use Group 9), including medical clinics, there should be a minimum of one (1) parking space per eight hundred and fifty (850) square feet of net floor area.

(8) For an overlay development with retail; personal services and professional office uses (Use Group 9), including medical clinics, and dwelling units, there should be a minimum of one (1) parking space per one thousand (1000) square feet of net office or retail floor area.

(9) For licensed premises which derive from the sales of food for consumption on the licensed premises less than fifty-five percent (55%) of all the licensed premises' gross receipts for a calendar year from sales of food and beverages on such premises, there will be no parking bonus, however, these uses are considered eligible as one of the mixed uses.

(10) For eating establishments and licensed premises which derive from the sales of food for consumption on the licensed premises fifty-five percent (55%) or more of said establishments' gross receipts for a calendar year from sales of food and beverages on such premises, there shall be a minimum of one (1) parking space per two hundred and fifty (250) square feet of floor area.

(11) For theater uses, there shall be a minimum of one (1) parking space per (10.0) seats.

(12) Provided, that parking requirements established in this Section shall be increased by twenty-five percent (25%) if the use is adjacent to residentially zoned property and is one or more of the following uses: food store, drug store, newsstand, laundry, quick copy or duplicating center, theater (indoor commercial), or video store, sale or rental of video equipment, movies and games parlor.

(13) Required parking spaces for a development may be constructed and provided in two options: (1) by electing to furnish the required parking for the development on-site or (2) by providing the City, with City Commission approval and pursuant to applicable law, with an "in-lieu-of" amount in cash equal to the property acquisition, design, construction cost, of required parking facilities for the development.

(b) Minimum yards, setbacks and open space. Upon the finding and approval of the City Commission that the site plan for development in the Overlay District Boundary meets all applicable requirements, including the mixed use requirements and the architectural review requirements, the setback and greenspace requirements and limitations for the development are as follows; provided that all setback and greenspace requirements and limitations for the C-4 (General Commercial) district apply except as modified.

(1) For an overlay development with two uses from Use Group 9,

Professional Offices and uses in Retail/Personal Services as those uses as set forth in 20-705.3 on the first floor, all setback requirements shall be waived unless abutting a residential zoning district.

(2) When the development abuts a residential zoning district:

(a) Adjacent front yard setbacks shall be a minimum 20 feet, provided the development meets the mixed use development standards.

(b) Adjacent front yard setbacks shall be a minimum 15 feet, provided the development consists of residential use only.

(3) When abutting a residential district; for every ten percent (10%) of the lot area dedicated to street frontage greenspace the requirement for one (1) parking space shall be waived; provided that street frontage greenspace for this provision does not include required setbacks and parking lot islands.

(4) For an overlay development with two uses from Use Group 9, Professional Offices and uses in Retail/Personal Services as those uses as set forth in 20-705.3 on the first floor, all greenspace requirements shall be waived unless the development abuts property in a residential zoning district. [See Section 20-1216(a)]

(5) All required yards, setbacks and sidewalk area within the public right-of-way adjacent to streets shall be a continuous pedestrian space, suitably landscaped and developed with appropriate street furniture according to the following design standards; provided that approval of the use of public right-of-way shall be obtained from the City:

(a) Street trees shall be provided in the sidewalk area at a maximum spacing of twenty-five (25) feet. Such trees shall be a minimum of fifteen (15) feet in height, three-inch caliper, and seven (7) feet of clear height.

(b) Paving materials and patterns shall be aesthetically harmonious and consistent with adjacent or nearby properties and shall meet established sidewalk grades.

(c) Street furniture shall be provided which may include but are not limited to: benches, trash receptacles, pedestrian walkway lighting and sculpture. These may be located in the pedestrian areas (right-of-way) as long as pedestrian flow patterns are continuous and sight distances are not obscured.

(d) Trees, shrubs, ground cover, grass and other living landscape plants shall be provided in required or provided yard areas in accord with an approved overall landscape plan for the development.

(6) In general, principal pedestrian entrances to buildings shall be along street frontages with major vehicular volumes, and vehicular entrances shall be along streets less intensively used for through traffic, both to separate pedestrian and vehicular circulation and to minimize marginal vehicular friction along major streets. (Ord. 6592)

20-705.5 ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS.

In order to meet the purposes and intent of the overlay district, including the purpose of maintaining downtown as an aesthetically unique commercial center, the governing body finds that development, redevelopment, and construction in the overlay district boundary requires the submission, review and compliance with a site plan that contains architectural review standards. The applicant shall submit a site plan that contains elevations, architectural features, and such other additional information to determine compliance with this Section. The following architectural review standards shall apply to the review of site plans for development, redevelopment, and construction of property within the overlay district boundary:

(a) Any proposed project affecting a property, or its environs, listed on the National Register of Historic Places, the State Register of Historic Places or the Local Historic

Register must comply with the procedures for obtaining the required project review, (design criteria and standards for rehabilitation), K. S. A. 75-2724. Chapter 22 of the City Code requires a Certificate of Appropriateness for buildings within 250 feet of Lawrence-Register properties.

(b) The site plan shall comply with design criteria as established in Section 22-506 of the Code.

(c) The architectural features of the site shall recognize and compliment Downtown's unique design characteristics, including encouraging historic preservation: recognize good design elements from the past, maintain the built environment's unique characteristics and encourage suitable design, for both new construction and modifications of existing buildings, that is compatible with the Downtown character.

(d) The development shall avoid physical features that will appear gimmicky and unnatural, detracting from Downtown's special design qualities.

(e) The development shall introduce compatible facade patterns that maintain the rhythm of openings established in surrounding structures.

(f) The development shall duplicate existing or traditional roof shapes, pitches and materials or new construction traditionally used in the area.

(g) The development shall maintain facade lines of streetscapes by locating front walls of new buildings in the same planes as the facades of adjacent buildings.

(h) The development shall relate the size and proportion of new structures to the scale of adjacent buildings to maintain the scale and rhythm of existing buildings.

(i) The development and site plan shall present complete streetscape and public space improvement projects in combination with development activities. (Ord. 6592)

20-706. C-5 LIMITED COMMERCIAL DISTRICT.

(a) Purpose. This district is designed to permit and encourage the grouping, in defined areas along highways, of certain retail activities and services intended primarily to serve, and be dependent upon, the motoring public.

(b) District Regulations. Zoning district regulations for the C-5 district are set forth in section 20-707(a) of this article.

(c) Permitted Uses. Uses permitted in the C-5 district are set forth in section 20-709 et seq. (Ord. 5556, Sec. III)

20-707(a). COMMERCIAL DISTRICT REGULATIONS.

No lot or yard shall be created in any commercial district that does not meet the minimum requirements set forth in Table III (section 20-707b). In C-1 districts no lot or yard shall be created that does not comply with the minimum and the maximum requirements set forth in Table III (section 20-707b). No building or structure shall be erected or enlarged in any commercial district that will cause the maximum height regulations to be exceeded for such district as set forth in the following table. No lot or yard shall be reduced in dimension or area below the following requirements.

NOTE: (a) A building or structure may exceed the district maximum height regulations in C-2, C-3, C-4, and C-5 up to a maximum of 150 feet: provided, that each front, side and rear yard is increased by the greater of the following quantity:

- (1) One foot for each additional two feet of height; or,
- (2) Five feet for each additional story, and provided further that the increased yard area is subject to all the minimum setback requirements of the ordinance.

(b) Off-street parking requirements do not apply to commercial development in the C-3 district. (Ord. 5556, Sec. III)

TABLE III

20-707 (b)

ZONING DISTRICTS	LOT AREA MINIMUM (square feet)		LOT WIDTH AT FRONT BUILDING LINE; MINIMUM (feet)	LOT DEPTH MINIMUM (feet)	YARDS, MINIMUM (feet)							HEIGHT, MAXIMUM (b)	
					FRONT	REAR		SIDE				STORIES	FEET
	Single Frontage Lot	Double Frontage Lot				Interior		Exterior					
						When abutting property in a residential district	When abutting property in a non-residential district	Backing up to abutting side yard	Backing up to abutting rear yard				
CP (Parking)	5,000	Not Permitted	50	100	25	10	25	5	none	Same as required front yard on lot abutting rear lot line of subject lot	10	3	35
C-1 (*Inner Neighborhood)	5,000 (*18,000)	5,000	50	100	25	20	20	5	none		25	3	35
C-2 ^(a) (Neighborhood Shopping)	87,120 (2 acres) 5,000**	1,000	100	200	25	20	25	12	none		25	3	35
C-3 ^(a) (Central)	2,500	50	25	100	none	none	none	12	none		none	7	75
C-4 ^(a) (General)	5,000	Not Permitted	50	100	25	12	25	12	none		10	4	45
C-5 ^(a) (Limited)	15,000	1,000	100	150	25	12	25	12	none		15	3	35

(a) Exterior storage as an accessory use in C-2, C-3, C-4 and C-5 shall meet the requirements of Section 20-1443 and 20-2002.4(4).

(b) See Section 20-706.

* A maximum aggregate lot area is applicable to the C-1 district. Refer to 20-702. (Ord. 5583, Sec. VI)

** Minimum lot area 5,000 square feet when the lot is an integral part of a unified shopping center at least two acres in aggregate size. (Ord. 6006)

20-708.**PERMITTED USES IN COMMERCIAL DISTRICTS; GENERAL.**

Uses permitted in the commercial districts are shown by means of "Use Groups" established on the basis of similarity of function as well as compatibility with one another and with adjacent districts. The permitted "Use Groups" in each zoning district are shown by means of symbols in the permitted use tables. The letter "P" means the use is permitted as a use of right subject to (a) the providing of off-street parking in the amounts required by reference to the "Parking Group" column and (b) the providing of off-street loading in accordance with section 20-1201. The letter "S" means that the use is permitted subject to the conditions specified in the section or sections whose number appears in the "Special Conditions" column opposite the permitted use, in addition to the off-street parking and loading requirements. No use shall be permitted in any district other than a use shown in the following tables, and no use shall be permitted in any such district unless the letter "P" or "S" appears opposite the "Use Group" within which the named use is listed and in the column headed by the designation of said district and all other requirements set forth herein have been met.

TABLE IV

20-709.

	ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
	CP	C1	C2	C3	C4	C5			
20-709.1	S	S	S		S	S	USE GROUP 1. AGRICULTURE - ANIMAL HUSBANDRY as set forth in Section 20-610.1, subject to "Special Conditions" reference set forth therein.		
20-709.2	P	P	P	P	P	P	USE GROUP 2. AGRICULTURE - FIELD CROPS as set forth in Section 20-610.2.		
20-709.21		P					USE GROUP 3. RESIDENTIAL - SINGLE-FAMILY DETACHED as set forth in Section 20-610.3.	1	
20-709.3		S	S	S		S	USE GROUP 4. RESIDENTIAL - MULTI-FAMILY as set forth in Section 20-610.5.	2	1428/ 1446/ 1447
20-709.4			S	S		S	USE GROUP 5. RESIDENTIAL - DORMITORY as set forth in Section 20-610.6.	2	1428/ 1446/ 1447
20-709.5			S	S	S	S	USE GROUP 7. COMMUNITY FACILITIES & UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-709.6	S	S	S	S	S	S	USE GROUP 8. TEMPORARY USES as set forth in Section 20-610.9, subject to "Special Conditions" reference set forth therein.		
20-709.7			S	S	S	S	USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to "Special Conditions" reference set forth therein.		
20-709.8	S	S	S	S	S	S	USE GROUP 10. OFF-STREET PARKING. Off-street parking areas and accessory uses for customer parking or parking for a fee. 1. Off-Street Parking Off-street parking lot, fee or customer (Ord. 6702)		1213/1428 1213/1428
20-709.9		S	S	S	S	S	USE GROUP 11. INNER NEIGHBORHOOD COMMERCIAL USES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods. 1. Bicycle sales, rental or repair Book store, new or used Dry cleaning outlet store Food store, not including 24 hr. convenience store Hair care establishment Laundry, self-serve Professional Offices (excluding medical and veterinarian offices and clinics) Quick copy center Restaurant, not including one with drive-up facilities or service to automobiles Retail bakery Reverse vending machines (recycling) Shoe repair service Small collection facilities (recycling) Studio for professional work or for teaching of any form of fine arts i.e. photography, music, dancing, drama, etc. 2. Accessory Uses (Ord. 6578; Ord. 6777)	13 12 12 11 11 11 13 11 26 11 12 13	1428/1446 1453 1450 1450

20-709.10

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
		S	S	S	S	<p>USE GROUP 12. RETAIL STORES - PERSONAL SERVICES. Certain types of retail stores and service establishments which:</p> <p>(a) Provide for a wide variety of local consumer and transient needs, and</p> <p>(b) Have a small service area and are, therefore, not distributed widely throughout the city.</p> <p>(1) Retail Stores and Service Establishments</p> <p>Altering, pressing, repairing of wearing apparel 12</p> <p>Antique sales 13</p> <p>Appliance, furniture, home furnishings, sales, rental repair 13</p> <p>Art supply sales 12</p> <p>Automobile service stations 24</p> <p>Bank, savings & loan and trust company 12</p> <p>Barber or beauty shop 11</p> <p>Bicycle sales, rental, repair 13</p> <p>Book sales 12</p> <p>Bowling alley 10</p> <p>Camera or photographic supply sales 12</p> <p>Clothing sales 15</p> <p>Club or lodge, whose chief activity is carried on as a business 26</p> <p>Computer store; sales, service and equipment 12</p> <p>Confectionery store 12</p> <p>Department store 12</p> <p>Drug store 11</p> <p>Dry cleaning 12</p> <p>Eating place, enclosed, without dancing or entertainment and not providing service in automobiles 26</p> <p>Florist shop and greenhouse 12</p> <p>Food convenience store, including gasoline sales and single-bay auto wash (Ord. 6205) 12</p> <p>Food store, including retail bakery 11</p> <p>Furrier shop, including storage of furs 13</p> <p>Garden supply sales 13</p> <p>Gift, novelty, souvenir sales 12</p> <p>Hardware store and small tool rental, but not including sales of lumber or industrial hardware 12</p> <p>Hat blocking and repair 13</p> <p>Hobby supply sales 12</p> <p>Ice vending machine 13</p> <p>Interior decorating shop 12</p> <p>Jewelry sales and repair 12</p> <p>Laundry pick-up station 12</p> <p>Laundry, self-service only 11</p> <p>Licensed premises 11</p> <p>Liquor, wine and beer sales, for consumption off the premises 12</p> <p>Loan office 13</p> <p>Locksmith, key shop 12</p> <p>Mail order agency 12</p> <p>Music, musical instrument and phonographic record sales 13</p> <p>Newsstand 11</p> <p>Nursery stock sales 13</p> <p>Optical goods, sales 13</p> <p>Orthopedic or medical appliance sales 12</p> <p>Paint and wall paper sales 13</p> <p>Pawnshop (Ord. 5033) 12</p> <p>Photographic processing 15</p> <p>Photographic studio 12</p> <p>Post Office 12</p> <p>Quick copy or duplicating center 11</p> <p>Radio and television studio 12</p> <p>Reading room 12</p> <p>Sewing machine sales and repair 12</p> <p>Shoe repair and sales 12</p> <p>Sporting goods sales 12</p> <p>Surgical and dental supply sales 12</p> <p>Theatre, indoor commercial 9</p> <p>Variety store 12</p> <p>Video store, sale or rental of video equipment, movies and games parlor 12</p>	1428	
								1440
								1453
								1453
								1440
								1453

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			

						2. Similar Uses Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 3. Accessory Uses (Ord. 6578)		
20-709.11			S	S	S	USE GROUP 13. AUTOMOTIVE SERVICES; RETAIL SALES; OTHER. Primarily automotive service establishments and accessory uses, including consumer and non-consumer retail goods and services not appropriate for the neighborhood shopping district, including certain goods and services for agricultural, industrial, commercial, or institutional use. 1. Automotive Services and Retail Sales Aircraft sales, rental, service Ambulance service Amusement park, commercial Auction room auctioneer Automobile parking garage Automobile parts store; tires & accessories Automobile repair and services Automobile sales, service, rental (new and used) Automobile service station Barber and beauty equipment sales Baseball park, commercial Blueprinting and similar reproduction processes Boat and marine sales, rental and repair Bus passenger station Business machine rental, repair, sales Car or truck wash Carnival or circus Carting, crating, express hauling, moving and storage Caterer Eating establishment, enclosed, with dancing or entertainment Eating establishment, providing only drive-up service or no seating facilities Exterminator, pest Food convenience store, including gasoline sales Food locker plant, for consumer use Free standing automated banking or dispensing facility Funeral home, mortuary, or undertaking establishment Garage or parking for common or public utility vehicles Glass sales and cutting shop Golf driving range, commercial, (pkg. requirement applies to tee area only) Golf pitch and putt courses, miniature golf course Home improvement center Hotel Laboratory, medical or dental Leather goods, sales and repair Linen supply, diaper service, uniform supply Liquids, flammable, underground storage of Lumber, limited sales Media Store (Ord. 7226) Mobile homes, sales and service Monument sales, including incidental processing Motel Motorcycle sales, service and rental Office equipment and supplies, sales and service, rental and repair Pet shop Photostatting Plumbing fixture sales Quick copy or duplicating center Recording studio School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors Secretarial service Sex Shop (Ord. 7226) Sexually Oriented Media Store (Ord. 7226) Skating rink, commercial	17 21 12 12 16 16 14 24 15 7 12 15 15 13 15 17 14 26 15 15 12 15 7 13 18 18 12 5 16 12 17 22 12 12 13 17 5 13 13 12 12 11 16 16 13 12 12 12	1428

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
						Golf driving range or putting greens, commercial Golf, miniature or pitch and putt Marina Race track Stadium or amphitheater Swimming pool, commercial 3. Similar Uses Other uses not specifically mentioned in this or any other use group which are similar in function and traffic-generating capacity to those specifically listed in this use group. 4. Accessory Uses Uses which meet the requirements of the definition of accessory uses, Sections 20-2002(2) and 20-2002(3). (Ord. 5658, Sec. IX)	18 18 13 7 11	1415 1426/1427
20-709.14			S	S		USE GROUP 17. MANUFACTURING - LOW NUISANCE. Primarily manufacturing uses and which are of non-objectionable nature and are not harmful to nearby residential and commercial areas. 1. Manufacturing Uses Advertising displays Apparel or other textile products from textile or other materials, including hat bodies or similar products Art needle work, hand weaving or tapestries Bakery products: limited to 7,500 sq. ft. of floor area per establishment Beverages, nonalcoholic Books, hand binding or tooling Bottling works, all beverages Brooms and brushes Cameras or other photographic equipment except film Carpentry, custom woodworking, or customer furniture making shops, cabinet shops Clocks or similar products Custom ceramic products Custom hair products Dry cleaning plant Electrical appliances, including lighting fixtures, irons, fans, toasters, electrical toys or similar appliances Electrical equipment assembly, including home radio or television receivers, home movie equipment or similar products but not including electrical machinery Glass products from previously manufactured glass Jewelry manufacturing from precious metals Machines, business, including typewriters, accounting machines, calculators, card accounting equipment, or similar appliances Medical, dental, drafting instruments, optical goods, or similar precision instruments Mini-warehouse facilities Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers or similar appliances Phonographic record pressing (Ord. 5113) Printing or publishing, including engraving or photo-engraving Scenery construction Second hand store Sign painting shops Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods or similar products Warehousing (limited to 6,500 sq. ft. total floor area per building unit), general, bulk, equipment, or refrigerated, not including animal or scrap and waste materials Watch making Wholesaling establishment, including storage 2. Recycling Uses Large collection facilities 3. Accessory Uses (Ord. 6306; Ord. 6768; Ord. 6770)	16 12 N/A 12	1428 1456 1450

(Code 1979, 20-706; Ord. 5475,5494)

ARTICLE 7A. OFFICE DISTRICTS

20-7A01. O-1 OFFICE DISTRICT.

(a) Purpose. This district is intended to provide for development of office uses and certain limited service uses which are compatible with offices. This district would allow development of freestanding office buildings as well as office parks.

(b) O-1 District Regulations. Zoning district regulations for the Office District are set forth in section 20-7A02 of this article.

(c) Permitted Uses. Uses permitted in the O-1 District are set forth in section 20-7A04 et seq. (Ord. 6746)

20-7A02. OFFICE DISTRICT REGULATIONS.

(a) No lot or yard shall be created in any office district that does not meet the minimum requirements set forth in Table III(A) [Section 20-7A02(b)]. No building or structure shall be erected or enlarged in any office district that will cause the maximum height regulations to be exceeded for such district as set forth in the following table. No lot or yard shall be reduced in dimension or area below the following requirements.

NOTE: A building or structure may exceed the district maximum height regulations in O-1 up to a maximum of 150 feet: provided, that each front, side and rear yard is increased by the greater of the following quantity:

- (1) One foot for each additional two feet of height; or,
- (2) Five feet for each additional story, and provided further that the increased yard area is subject to all the minimum setback requirements of the ordinance. (Ord. 6746)

TABLE III (A)

20-7A02(b).

ZONING DISTRICTS (a)	LOT AREA MINIMUM (square feet)		LOT WIDTH AT FRONT BUILDING LINE; MINIMUM (feet)	LOT DEPTH MINIMUM (feet)	YARDS, MINIMUM (feet)							HEIGHT, MAXIMUM (b)	
					FRONT	REAR		SIDE				STORIES	FEET
	Single Frontage Lot	Double Frontage Lot				Interior		Exterior					
						When abutting property in a residential district	When abutting property in a non- residential district	Backing up to abutting side yard	Backing up to abutting rear yard				
O-1	5,000	Not Permitted	50	100	25	15	25	12	5	Same as required front yard on lot abutting rear lot line of subject lot	15	3	35

(a) Exterior storage as an accessory use in O-1 shall not be permitted.

(b) See Section 20-7A02 for maximum height exceptions.

20-7A03. PERMITTED USES IN OFFICE DISTRICT; GENERAL.

Uses permitted in the office districts are shown by means of "Use Groups" established on the basis of similarity of function as well as compatibility with one another and with adjacent districts. The permitted "Use Groups" in each zoning district are shown by means of symbols in the permitted use tables. The letter 'P' means the use is permitted as a use of right subject to (a) the providing of off-street parking in the amounts required by reference to the "Parking Group" column and (b) the providing of off-street loading in accordance with section 20-1201. The letter 'S' means that the use is permitted subject to the conditions specified in the section or sections whose number appears in the "Special Conditions" column opposite the permitted use, in addition to the off-street parking and loading requirements. No use shall be permitted in any district other than a use shown in the following tables, and no use shall be permitted in any such district unless the letter 'P' or 'S' appears opposite the "Use Group" within which the named use is listed and in the column headed by the designation of said district and all other requirements set forth herein have been met. (Ord. 6746)

20-7A04.

TABLE IV(A)

	Zoning District	PERMITTED USE GROUPS	Parking Group	Special Cond.
	O-1			
20-7A04.1	S	USE GROUP 7. COMMUNITY FACILITIES & UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-7A04.2	S	USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to "Special Conditions" reference set forth therein.		
20-7A04.3	S	<p>USE GROUP 9A. LIMITED SERVICES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods.</p> <ol style="list-style-type: none"> <p>Bank, savings & loan, and trust company 12</p> <p>Dry cleaning outlet store 12</p> <p>Freestanding automated banking or dispensing facility 7</p> <p>Funeral home, mortuary or undertaking establishment 16</p> <p>Laboratory, medical or dental 13</p> <p>Loan office 13</p> <p>Personnel services 12</p> <p>Photographic studio 12</p> <p>Post Office branch facility 13</p> <p>Professional cleaning services 12</p> <p>Radio and television studio 16</p> <p>Recording studio 16</p> <p>School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors 13</p> <p>Secretarial service 13</p> <p>Studio for professional work or for teaching of any form of fine arts i.e. photograph, music, dancing, drama, etc. 12</p> <p>Telephone answering service</p> Accessory Uses 		1428

ARTICLE 8. INDUSTRIAL DISTRICTS

20-801. M-1 RESEARCH INDUSTRIAL DISTRICT.

(a) Purpose. This district is designed (a) to provide an industrial park type environment exclusively for, and conducive to, the development and protection of modern administrative facilities and research institutions, all of a non-objectionable type, and (b) to protect nearby residential and commercial areas.

(b) District Regulations. Zoning district regulations for the M-1 District are set forth in section 20-806 of this article.

(c) Permitted Uses. Uses permitted in the M-1 District are set forth in section 20-809 et seq. (Code 1979, 20-701)

20-802. M-1A LIGHT INDUSTRIAL DISTRICT.

(a) Purpose. This district is designed (a) to provide an industrial park type environment to accommodate a wide range of modern administrative facilities, research institutions, manufacturing plants, warehousing and wholesaling activities, and (b) to protect nearby residential and commercial areas.

(b) District Regulations. Zoning district regulations for the M-1A District are set forth in section 20-806 of this article.

(c) Permitted Uses. Uses permitted in the M-1A District are set forth in section 20-809 et seq. (Code 1979, 10-702)

20-803. M-2 GENERAL INDUSTRIAL DISTRICT.

(a) Purpose. This district is designed to accommodate a wide range of manufacturing, wholesaling, warehousing, and other industrial activities of medium intensity. The M-2 District regulations are intended to permit such activities, subject to limitations that will protect nearby residential and commercial districts and will insure that permitted uses are compatible with one another.

(b) District Regulations. Zoning district regulations for the M-2 District are set forth in section 20-806 of this article.

(c) Permitted Uses. Uses permitted in the M-2 District are set forth in section 20-809 et seq. (Code 1979, 20-703)

20-804. M-3 INTENSIVE INDUSTRIAL DISTRICT.

(a) Purpose. This district is designed to accommodate the manufacturing and industrial activities which involve more objectionable influences and hazards. The M-3 District regulations are designed to encourage the uses of this district by such industries, subject to the minimum regulations necessary for the mutual protection of the permitted uses.

(b) District Regulations. Zoning district regulations for the M-3 District are set forth in section 20-806 of this article.

(c) Permitted Uses. Uses permitted in the M-3 District are set forth in section 20-809 et seq. (Code 1979, 20-704)

20-805. M-4 LIMITED INTENSIVE INDUSTRIAL DISTRICT.

(a) Purpose. This district is designed to provide locations for industrial activities involved in the salvaging and processing of used materials and equipment. The M-4 district regulations are designed to permit such activities, subject to limitations that will protect nearby agricultural, residential, commercial, and industrial uses from objectionable influences.

(b) District Regulations. Zoning district regulations for M-4 district are set forth in section 20-806 of this article.

(c) Permitted Uses. Uses permitted in the M-4 district are set forth in section 20-809 et seq. (Code 1979, 20-705)

20-806. INDUSTRIAL DISTRICT REGULATIONS.

(a) In the M-1 research district, when development occurs in parks which exceed 35 acres in total area, the lot area minimum may be reduced to one acre (43,560 sq.ft.) and the interior lot minimum yard requirement may be reduced to 25 feet when across the street from a minor thoroughfare; and, the minimum yard may be reduced to 15 feet on sides which abut a non-residential district. However, a minimum park perimeter setback of 40 feet shall be observed in all park developments. No lot or yard shall be created in M-1A, M-2, M-3 or M-4 which does not meet the minimum requirement set forth in section 20-807. No building or structure in one of the aforementioned districts shall be erected or enlarged in any industrial district which will cause the maximum lot coverage or the maximum height regulations to be exceeded for such district as set forth in section 20-807. No lot or yard in the M-1A, M-2, M-3 or M-4 district shall be reduced in dimension or area below the requirements set forth in section 20-807.

(b) The minimum lot area, width and minimum yard setbacks established in Table V, section 20-807, and the maximum percentage of gross lot coverage established in the development standards section for research industrial parks, section 20-1444, shall not be applicable to the properties developed and zoned M-1 on the date of the ordinance adoption (August 16, 1983). The minimum lot area for these developed existing properties shall be 20,000 sq.ft. and the minimum yard setbacks shall be: 50 feet for yards that abut a major thoroughfare or that are adjacent to a residential district; 25 feet for yards that abut a minor thoroughfare and a nonresidential district; 15 feet for yards abutting other yards that are non-residentially zoned; and, 20 feet for yards abutting yards that are residentially zoned. The minimum lot width at the building line shall be 100 feet.

TABLE V

ZONING DISTRICTS (c)	LOT AREA MINIMUM (Square feet)	LOT WIDTH AT FRONT BUILDING LINE MINIMUM (feet)	LOT DEPTH MINIMUM (feet)	YARDS, MINIMUM (feet)					HEIGHT, MAXIMUM (a)	
				WHEN ABUTTING A STREET RIGHT-OF-WAY (b)			WHEN ABUTTING OTHER PROPERTY LINES (a)		STORIES	FEET
				When Across Street From Residential District	When Across Street From a Non-Residential District		When Abutting Property in a Residential District	When Abutting Property in a Non-Residential District		
					Minor Thoroughfare	Major Thoroughfare				
M-1 (Research Industrial)	304,920 (7 acres)	200	200	40	40	40	40	15	3	40
M-1A (Light Industrial)	20,000	100	200	50	25	50	20	15	3	35
M-2 (General Industrial)	5,000	50	100	25	25	50	20	15	3	35
M-3 (Intensive Industrial)	20,000	100	100	50	25	50	50	15	7	75
M-4 (Limited Intensive Industrial) (d)	87,120	200	200	50	25	50	50	15	3	35

- (a) In the M-1 and M-1A Districts there shall be no exterior storage of industrial supplies, goods, equipment, or trucks within 20 feet from any street line. In the M-2 and M-3 districts there shall be no exterior storage of industrial supplies, goods, equipment, or trucks within 20 feet from any street line when across the street from any residential district or when abutting any street designed as a major thoroughfare on the comprehensive plan.
- (b) In any industrial district (M-1, M-1A, M-2, M-3, M-4) where a yard abuts a railroad right-of-way with a minimum width of 50 feet, no structural setback from said right-of-way shall be required.
- (c) Minimum yard requirements set forth for the M-4 district shall apply only to buildings. Fencing setback requirements are set forth in Section 20-1418.
- (d) A building or structure may exceed the district maximum height regulations up to a maximum of 150 feet: provided, that each front, side and rear yard is increased by the greater of the following quantity:
- (1) One foot for each additional two feet of height, or
 - (2) Five feet for each additional story.
- (e) See Section 20-806 for further conditions.

(Ord. 5583, Sec. VII)

20-808. GENERAL.

Uses permitted in the Industrial Districts are shown by means of "Use Groups" on the basis of similarity of function as well as compatibility with one another and with adjacent districts. The permitted "Use Groups" in each zoning district are shown by means of symbols in the permitted use tables. The letter "P" means the use is permitted as a use of right, subject to the providing of off-street parking in the amounts required by reference to the "Parking Group" column, the providing of off-street loading in accordance with section 20-1201. The letter "S" means that the use is permitted subject to the conditions specified in the section or sections whose number appears in the "Special Conditions" column opposite the permitted use in addition to the off-street parking and loading requirements. No use shall be permitted in any district other than a use shown in the following tables, and no use shall be permitted in any such district unless the letter "P" or letter "S" appears opposite the "Use Group" within which the named use is listed and in the column headed by the designations of said district and all other requirements set forth herein have been met.

TABLE VI

20-809.

	ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
	M1	M1A	M2	M3	M4			
20-809.1	S	S	S	S	S	USE GROUP 1. AGRICULTURE - ANIMAL HUSBANDRY. As set forth in Section 20-610.1, subject to the "Special Conditions" reference set forth therein.		
20-809.2	P	P	P	P	P	USE GROUP 2. AGRICULTURE - FIELD CROPS. As set forth in Section 20-610.2.		
20-809.3	S	S	S	S	S	USE GROUP 7. COMMUNITY FACILITIES AND UTILITIES-RESIDENTIAL. As set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-809.4	S	S	S	S	S	USE GROUP 8. TEMPORARY USES. As set forth in Section 20-610.9, subject to "Special Conditions" reference set forth therein.		
20-809.5		S	S	S	S	USE GROUP 9. PROFESSIONAL OFFICES. Professional offices including medical and governmental, as set forth in Section 20-610.10. (Ord. 5475)		
20-809.6	S	S	S	S	S	USE GROUP 10. OFF-STREET PARKING. As set forth in Section 20-709.8, subject to "Special Conditions" reference set forth therein.		
20-809.7			S	S		USE GROUP 13. AUTOMOTIVE SERVICES AND RETAIL SALES-OTHER. As set forth in Section 20-709.11, subject to "Special Conditions" reference set forth therein.		
20-809.8			S	S		USE GROUP 14. RETAIL - WHOLESALE SALES AND SERVICES. As set forth in Section 20-709.12, subject to "Special Conditions" reference set forth therein.		
20-809.9						(Reserved)		
20-809.10		S	S	S		USE GROUP 17. MANUFACTURING - LOW NUISANCE. As set forth in Section 20-709.14, subject to "Special Conditions" reference set forth therein.		
20-809.11	S	S	S	S		USE GROUP 18. RESEARCH AND TESTING. Research or testing laboratories and other uses which are not harmful to nearby residential and commercial areas as set forth in the provisions of Sections 20-806 and 20-1444. 1. Laboratory, Research or Testing, and ancillary uses 2. Motion Picture Studios, radio and television studios 3. Low volume, limited light manufacturing uses which require regular truck-trailer service or frequent and evident distribution of their product; and which comply with the other standards set forth in the district 4. Office uses of a nature that are primarily for the administrative functions of businesses, companies, corporations, social or philanthropic organizations; specifically excluding uses involving the delivery by the occupant of products on the premises 5. Computer time sharing service bureaus 6. Professional society or association headquarters 7. Mapping, aerial surveying and photogrammetry offices 8. State and Federal Government offices 9. Professional engineering offices	17 17 17 16 16 16 16 13 13	1428/1444

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					10. Financial institutions Law offices Accounting offices Medical offices Architecture offices 11. Advertising; design of displays and promotional services 12. Educational training; teaching professional occupations 13. Recycling Uses Reverse vending machines Small collection facilities 14. Veterinarian office and incidental boarding, with no open kennel or yard where animals are confined or exercised. 15. Similar Uses. Other uses of a character similar to the function and traffic-generating capacity of the uses listed above. 16. Accessory Uses. (Ord. 7041)	12 13 13 11 13 16 16 14 16	1450
20-809.12		S	S		USE GROUP 19. INDUSTRIAL-MEDIUM NUISANCE. Non-manufacturing and manufacturing uses and accessory uses which have a medium range of objectionable ratings with respect to the emission of smoke, noise, glare, vibration, and other objectionable elements. 1. Non-Manufacturing Uses Airport, aircraft, and landing strip Animal hospital, kennel, pound, or shelter Automobile, go-kart, miniature auto racing, or driving tracks Bag cleaning Construction equipment sales, service, rental or repair Contractor's yard Dry cleaning plant, including carpet cleaning Gases, flammable, storage of Grain elevator Hatchery Liquids, flammable, storage of Petroleum storage, wholesale Pipe storage School, commercial or trade, when involving any danger of fire or explosion or offensive noise, vibration, dust, odor, glare, heat or other objectionable elements Stable, commercial Theatre, drive-in Tire recapping service Truck terminal or depot Veterinarian: animals kept or boarded on the premises in outdoor kennels Well drilling contractor's yard or shop 2. Similar Uses Other non-manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 3. Manufacturing Uses Air conditioning equipment Aircraft, including parts Automobiles, trucks, or trailer body repair Automobiles, trucks, or trailers, including part or rebuilding of engines Bakery products, unlimited floor area Boats, building or repair Canvas or canvas products Carpets Chemicals, compounding or packaging Concrete products, including concrete blocks, brick and tile Cosmetics or toiletries Dairy products Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies	14 15 16 12 22 22 22 22 22 22 15 12 16 22 14 22	1428 1402 1403 1406 1414 1414 1414 1403 1427 1403

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					<p>Food products, except slaughtering of meat, or manufacture of vinegar or pickles</p> <p>Fur goods, not including tanning or dyeing</p> <p>Hair, felt, or feather products, except washing, curing or dyeing</p> <p>Hat bodies</p> <p>Heating equipment</p> <p>Hosiery</p> <p>Ink or inked ribbon</p> <p>Jute, hemp, sisal, or oakum products</p> <p>Leather products, including shoes, machine belting, or similar products</p> <p>Luggage</p> <p>Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products</p> <p>Machinery, miscellaneous, including washing machines, firearms, refrigerators, air conditioning, commercial motion picture equipment, or similar products</p> <p>Machines, business, including typewriter, accounting machines, calculators, card-accounting equipment, or similar products</p> <p>Mattresses, including rebuilding or renovating</p> <p>Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes</p> <p>Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products</p> <p>Motorcycles, including parts</p> <p>Musical instruments, including pianos or organs</p> <p>Novelty products</p> <p>Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, books, and similar products</p> <p>Pecan shelling</p> <p>Perfumes or perfumed soaps, compounding or packaging only</p> <p>Pharmaceutical products</p> <p>Plastic products, including tableware, or similar products</p> <p>Poultry or rabbit packing or slaughtering</p> <p>Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, but excluding all rubber or synthetic processing</p> <p>Shoddy</p> <p>Silverware, plate or sterling</p> <p>Soap or detergents, packaging only</p> <p>Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations</p> <p>Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products</p> <p>Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yard, thread, or cordage</p> <p>Tobacco, including curing, or tobacco products</p> <p>Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools, or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products</p> <p>Toys</p> <p>Umbrellas</p> <p>Upholstering, bulk, excluding upholstering shops dealing directly with consumers</p> <p>Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles</p> <p>Venetian blinds, window shades, or awnings</p> <p>Wax products, including furniture, boxes, crates, baskets, pencils, cooperage, or similar products</p> <p>4. Similar Manufacturing Uses</p> <p>Other manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group</p> <p>5. Accessory Uses</p> <p>(Ord. 6578)</p>		

20-809.13

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
			S		<p>USE GROUP 20. INDUSTRIAL-HIGH NUISANCE. Non-manufacturing and manufacturing uses and accessory uses which either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot economically be designed to eliminate these hazards.</p> <p>1. Non-Manufacturing Uses</p> <p>Batching or mixing plant, asphaltic or Portland cement concrete, mortar or plaster</p> <p>Dump, public or private</p> <p>Extraction of clay, gravel, sand, quarrying of rock or stone</p> <p>Incinerator, public</p> <p>Livestock: auction sales, pens with barns, loading and unloading and shipping facilities</p> <p>2. Manufacturing Uses</p> <p>Asphalt or asphalt products</p> <p>Beverages, alcoholic, including beer and ale</p> <p>Brick, tile, or clay</p> <p>Carbon black or lamp black</p> <p>Cement, lime, or plaster-of-paris</p> <p>Chemicals, including acids, acetylene, aniline dyes, ammonia, bleaching compounds, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, or rayon yarns</p> <p>Coal, coke, or tar products, including gas</p> <p>Creosoting or similar process</p> <p>Distillation of bones or wood</p> <p>Excelsior or packing materials</p> <p>Explosives or fireworks</p> <p>Fat rendering</p> <p>Fertilizers</p> <p>Film, photographic</p> <p>Foundries, ferrous or non-ferrous</p> <p>Gas or gas products</p> <p>Gelatin, glue or size</p> <p>Glass or large glass products, including structural or plate glass or similar products</p> <p>Grain, milling or processing</p> <p>Graphite or graphite products</p> <p>Gypsum</p> <p>Hair, felt, or feathers (bulk processing, washing, curing or dyeing)</p> <p>Incineration or reduction of garbage, offal, or dead animals</p> <p>Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds</p> <p>Leather or fur tanning, curing, finishing or dyeing</p> <p>Linoleum or oil cloth</p> <p>Machinery, heavy, including agricultural, construction, oil field, or mining, including repairs</p> <p>Matches</p> <p>Meat products, including slaughtering of meat</p> <p>Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil, or similar products</p> <p>Metal casting or foundry products, heavy, including ornamental iron work, or similar products</p> <p>Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes</p> <p>Monument works, with no limitation on processing</p> <p>Paint, enamel, lacquer, turpentine, or varnish</p> <p>Petroleum or petroleum products, refining, including gasoline</p> <p>Plastic, raw</p> <p>Porcelain products, including bathroom or kitchen equipment or similar products</p> <p>Railroad equipment, including railroad cars and locomotives</p> <p>Rubber, natural or synthetic, including tires, tubes or similar products</p> <p>Slaughtering or packing of animals or poultry</p> <p>Soaps or detergents</p>	<p>22</p> <p>11</p> <p>22</p>	<p>1428</p> <p>1608</p> <p>1419</p> <p>1608</p> <p>1403</p>

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					Solvent extracting Steel, structural products, including bars, girders, rails, wire, rope or similar products Stone processing or stone products, including abrasives, asbestos, stone screening, stone cutting, stone works, sand or lime products, or similar processes or products Sugar refining Tar or tar products Textile bleaching Vinegar, pickles, or similar products Wood or lumber processing, including sawmills or planing mills, excelsior, plywood, or veneer, wood-preserving treatment, or similar products or processes Wood pulp or fiber, reduction or processing, including paper mill operations Wood scouring or pulling 3. Similar Manufacturing Uses Other manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 4. Accessory Uses (Ord. 6578)		
20-809.14				S	USE GROUP 21. SALVAGE YARDS. Salvage and junkyards for storage, dismantling, processing and wholesaling or retailing of used materials and equipment 1. Non-Manufacturing Uses Automobile, bus or truck dismantling, salvage or wrecking Automobile, bus or truck sales (new or used) rental, service, repair, body work or painting, including the wholesaling or retailing of parts, the installation of glass, upholstering or the rebuilding of engines Junkyard, including salvage yard and auto wrecking, assembling of iron, rags, or similar materials Wholesaling or retailing of salvaged or junked goods, materials or equipment 2. Recycling Uses Large collection facilities Processing facilities Reverse vending machines Small collection facilities 3. Accessory Uses (Ord. 6306)	22 14 22 12	1418/1428 1608 1450

ARTICLE 9. SOUTH LAWRENCE TRAFFICWAY (SLT) OVERLAY DISTRICT

20-901. PURPOSE.

The SLT Overlay District is designed to create an aesthetically pleasing corridor along the South Lawrence Trafficway in Lawrence, in keeping with the SLT policy of providing a park-like setting. This district will protect properties adjacent to the trafficway from the noise, activity, light and dust of vehicular traffic by requiring building setbacks and landscaping along the corridor. The SLT Overlay District does not affect land use regulations or development standards of the underlying zoning districts except as specifically addressed herein.

20-902. ZONING DISTRICT MAP.

The boundaries of the SLT Overlay District are shown on the Official Zoning District Map for the City of Lawrence. The SLT Overlay District extends 500 feet on either side of the centerline of the South Lawrence Trafficway right-of-way within the City of Lawrence.

20-903. DEVELOPMENT STANDARDS.

All new construction and substantial improvement to existing buildings and structures shall be required to meet the following minimum standards:

a) All new structures and parking lots shall be set back a minimum of 50 feet from the designated right-of-way line of the South Lawrence Trafficway.

b) Substantial 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.

c) 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 which shall meet the following standards:

- Large shade trees, a minimum 3" caliper, planted 50' on centers.
- Ornamental trees, a minimum 2" caliper, planted 20' on centers.
- Large evergreen trees, a minimum of 6' in height, planted 30' on centers.
- Landscape screening may be mixed in combinations of the above requirements.
- The landscape screening shall be placed within 50' of the boundary of the property that lies nearest to the trafficway.
- The landscape screening required herein shall be installed by the property owner prior to occupancy of the structure. Failure to maintain said landscaping shall be deemed a violation of the Zoning Ordinance. A bona fide executed contract with a landscape contractor may be substituted for installation if seasonal conditions render installation impractical. However, in no case shall installation be delayed more than 120 days after occupancy.

d) On properties lying directly adjacent to the South Lawrence Trafficway or its service roads, new exterior lighting shall be shielded and directed down and away from the trafficway. The light source shall not be visible from the trafficway. (Ord. 6346)

Article 20-9A FLOOD PROTECTION STANDARDS

20-9A01	General
20-9A02	Application
20-9A03	Administration
20-9A04	Provisions for FLOOD Hazard Reduction
20-9A05	Definitions

20-9A01 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 earth moving.
- (3) The FLOOD INSURANCE STUDY (FIS) that is the basis of the National Flood Insurance Program (NFIP) 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 ordinance is representative of large FLOODS, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a FLOOD which could be expected to have a one percent chance of occurrence in any one year as delineated in the Federal Insurance Administrator's FIS, and illustrative materials dated November 7, 2001, 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 of Lawrence Corporate Limits as of 03/01/03

The Floodplain Overlay District boundaries for properties within the City of Lawrence Corporate Limits as of March 1, 2003 shall be consistent with the BASE FLOOD ELEVATIONS and FLOODPLAIN widths identified by the by the FIS and FLOOD INSURANCE RATE MAP (FIRM) for "Douglas County Kansas and Incorporated Areas dated November 7, 2001".

(c) Floodplain Overlay District - Property Annexed into the City of Lawrence Corporate Limits 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 November 7, 2001", 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 of Lawrence 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.

(d) Zoning Map

The Floodplain OVERLAY DISTRICT will be shown and identified on the Official Zoning Map of the City of Lawrence.

(e) Floodway

- (1) FLOODWAYS are located within the Floodplain OVERLAY DISTRICT established in 20-9A01(b) and 20-9A01(c). 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.
- (2) 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.

(f) Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in 20-9A01(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) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance 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) Require uses vulnerable to FLOODS, including public facilities that serve such uses, be provided with FLOOD protection at the time of initial construction;
- (3) Protect individuals from unknowingly buying land that is unsuited for the intended DEVELOPMENT purposes due to the potential FLOOD hazard;
- (4) Protect individuals from unknowingly buying or leasing property that is prone to FLOODING;
- (5) 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,
- (6) Promote conservation and restoration of natural vegetation in riparian areas.

20-9A02 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.

20-9A03 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 or MANUFACTURED HOMES, in the Floodplain OVERLAY DISTRICT. No PERSON, firm, corporation, or unit of government shall initiate any DEVELOPMENT or SUBSTANTIAL-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 ordinance 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 or substantially improved residential STRUCTURES;
- (6) Verify through an "Elevation Certificate" the actual elevation (in relation to MEAN SEA LEVEL) that the new or substantially improved non-residential STRUCTURES have been FLOODPROOFED;

- (7) Maintain a record of the actual elevation (in relation to MEAN SEA LEVEL) that the new or substantially improved non-residential STRUCTURES have been FLOODPROOFED; 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 20-9A04, provide two copies of the HYDROLOGIC AND HYDRAULIC STUDY for the proposed DEVELOPMENT;
 - (ii) Identify the BASE FLOOD ELEVATION;
 - a When required pursuant to 20-9A04(a), 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; or,
 - c. When a 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 licensed engineer that states the WATER SURFACE ELEVATION of the BASE FLOOD for the property.
 - (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 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, adjacent to the FLOODWAY FRINGE 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" certifying the finished construction elevation of the LOWEST FLOOR in relation to MEAN SEA LEVEL sealed by a licensed land surveyor.

(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, the Floodplain Administrator may grant a 6-month extension.

20-9A04 Provisions for Flood Hazard Reduction

(a) Development of Property in the Floodplain Overlay District

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.

- (1) Property platted prior to December 31, 2003, may DEVELOP and/or re-plat 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.
- (2) 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. After December 31, 2008, DEVELOPMENT of the property is subject to all sections contained within this Article.

(b) Floodway Restrictions

Any encroachment, including fill, NEW CONSTRUCTION, substantial 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 in 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 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 20-9A04(a), 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;
- (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 or meet or exceed the following minimum criteria; and,
 - 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 opening 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 DEVELOPMENT or SUBSTANTIAL-IMPROVEMENT of any residential STRUCTURES, including MOBILE HOMES or MANUFACTURED HOMES, shall have the LOWEST FLOOR elevated a minimum of two (2) feet above the BASE FLOOD ELEVATION. A licensed land surveyor shall provide written certification of the LOWEST FLOOR elevation to the Floodplain Administrator as set forth in 20-9A03(c)(7).
- (ii)** Impervious surface cover shall be no more than 30 percent of the property within the Floodplain OVERLAY DISTRICT.
- (iii)** Fill on individual lots shall meet the following requirements:
 - 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 twenty (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 e.g. 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 DEVELOPMENT or SUBSTANTIAL-IMPROVEMENT of any non-residential STRUCTURES, shall meet either of the following standards:
 - a** The LOWEST FLOOR, including BASEMENT, elevated a minimum of one (1) foot above the BASE FLOOD ELEVATION. A licensed land surveyor shall certify the elevation of the LOWEST FLOOR. Such certifications shall be provided to the Floodplain Administrator as set

forth in 20-9A03(c)(7), or;

- b** Together with attendant utility and sanitary facilities, the STRUCTURE must be FLOODPROOFED so that the portion of the STRUCTURE below the BASE FLOOD ELEVATION 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. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

- (ii)** Impervious surface cover shall be no more than 60 percent of the property within the Floodplain OVERLAY DISTRICT.

(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 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; and;
- (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 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 flotation, 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 or substantially improved on sites in an EXISTING MOBILE HOME or MANUFACTURED 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 is 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 shall certify the elevation of the LOWEST FLOOR; or
- (ii) The MOBILE HOME or MANUFACTURED HOMES 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 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 of residential STRUCTURES, including MOBILE HOMES or 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 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 to that 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 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 20-9A04(e) et al; and,
- (ii) Drainage paths must be provided to adequately guide floodwaters STRUCTURES.

(j) Recreational Vehicles

RECREATIONAL VEHICLES placed on sites 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 ordinance.

20-9A05 Definitions

The following definitions are applicable to only the terms found in this article.

Term	Definition
100-year Flood	<i>see "base flood."</i>
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 ordinance 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 or greater chance of flooding in any given year
Base Flood	means the flood having a one percent 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 subgrade (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
Development	means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials
"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 <i>"start of construction"</i> commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. <i>"existing construction"</i> may also be referred to as <i>"existing structures"</i>
Existing Mobile Home or Manufactured 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

Term	Definition
"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
Floodplain	means the land area 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
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	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. <i>"Freeboard"</i> 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

Term	Definition
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 in communities with historic preservation programs that have been certified either (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 20-9A04(c) et al.
Lowest Floor	means the lowest floor of the lowest enclosed area, including 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 ordinance
Market Value	means an estimate of what is fair, economic, just and equitable value under normal local market conditions. If market value cannot be determined, the construction estimate can be used
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 terms <i>"mobile home"</i> or <i>"manufactured home"</i> does not include a <i>"recreational vehicle"</i>
Manufactured Home Park, Mobile Home Park or Subdivision	means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale
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
New Construction	means, for the purposes of determining insurance rates, structures for which the <i>"start of construction"</i> commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, <i>"new construction"</i> means structures for which the <i>"start of construction"</i> commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures
Overlay District	means a special zoning district that has been "overlaid" on a base zoning classification to add to or alter some or all of the base district zoning regulations
Participating Community	also known as an <i>"eligible community,"</i> means a community in which the Administrator has authorized the sale of flood insurance

Term	Definition
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 percent 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.
Special Flood Hazard Area (SPHA)	See <i>"area of special flood hazard"</i>
Start of Construction	includes substantial-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, 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 manufactured home or 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 damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent 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 50 percent of the market value of the structure before " <i>start of construction</i> " of the improvement. This term includes structures, which have incurred " <i>substantial-damage</i> ," 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 " <i>historic structure</i> ," provided that the alteration will not preclude the structure's continued designation as a " <i>historic structure</i> "
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 1 to 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 1 to 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

(Ord. 7597)

ARTICLE 9B. STORMWATER AND DRAINAGE

20-9B01 DRAINAGE EASEMENTS, PURPOSE AND RESTRICTIONS ON USE.

All express drainage easements dedicated, purchased or otherwise granted to the City in writing shall be governed by this section. No person shall 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 which, the Director of Public Works, or his or her designee, finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.

20-9B02 SAME; ADMINISTRATION AND ENFORCEMENT.

The Director of Public Works, or his or her designee, may enter upon the drainage easement at any time and without notice, to inspect the drainage easement. If the Director of Public Works, or his or her designee, finds that any natural or non-natural structure or vegetative barrier impedes, detains, retains, or otherwise interferes with the drainage of stormwater, the Director shall issue a notice to the property owner to abate such condition within thirty (30) days or such longer time period as appropriate. Within ten (10) days of the mailing of the notice to abate, the property owner may request a hearing before the City Commission. If the property owner requests a hearing, the City Commission shall determine the appropriateness of the order to abate, make such findings as are appropriate, and order such necessary action as appropriate. If the abatement is not completed within the time frame allowed by the notice to abate or the direction of the City Commission, the Director of Public Works shall cause the abatement to proceed. Pursuant to K. S. A. 12-6a17, the Director shall order collection of the cost of such abatement upon the property owner. Nothing in Article 9B shall create liability upon the City or its employees regarding the creation, dedication, inspection and maintenance of drainage easements. The provisions of Article 9B shall govern drainage easements in effect at the time of adoption of the ordinance and all subsequently created drainage easements. (Ord. 6555)

ARTICLE 10. PLANNED UNIT DEVELOPMENT DISTRICTS

20-1001. GENERAL PURPOSES.

(a) The regulations for the Planned Unit Development Districts are designed to provide for the growing demand for housing of all types and designs and for necessary supportive commercial facilities conveniently located to such housing.

(b) The Planning Commission is hereby designated as the local administrative authority which shall exercise the powers of the city set forth in this article. (Ord. 6287)

20-1002. STATEMENT OF OBJECTIVES OF PLANNED UNIT DEVELOPMENTS.

The following goals are adopted as the "Statement of Objectives for Planned Unit Developments":

(1) To promote and permit flexibility that will encourage innovative and imaginative approaches in residential, commercial, and industrial development which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the adopted comprehensive plan for the city;

(2) To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension;

(3) To promote design flexibility including placement of buildings, and use of open space, pedestrian and vehicular circulation facilities to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size or proximity.

(4) To provide for the preservation of historic or natural features where they are shown to be in the public's interest including but not limited to such features as: drainageways, floodplains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures. (Ord. 6129)

20-1003. APPLICATION OF PLANNED UNIT DEVELOPMENT REGULATIONS.

(a) PLANNED RESIDENTIAL DISTRICTS.

(1) The provisions of this article as they pertain to Planned Residential Development shall apply only to contiguous tracts of land containing two or more acres proposed to be developed or renewed primarily for residential purposes, and for which a landowner, or his or her certified agent, has made an application as hereinafter provided for in this article.

(2) This article shall not apply to any Planned Residential Development where phased development has occurred prior to adoption of this amendment and where such application of these regulations would impose a hardship on the property owner(s) to meet the current requirements. Substantial variance from the approved Final Development Plan shall require review from the Planning Commission prior to issuance of a building permit or the administrative revisions necessary to bring the development into compliance with current regulations.

(b) PLANNED COMMERCIAL DISTRICTS.

(1) The provisions of this article as they pertain to Planned Commercial Development shall apply only to contiguous tracts of land containing two or more acres proposed to be developed or renewed primarily for commercial purposes, and for which the landowner, or his or her representative, has made application as hereinafter provided in this article.

(2) Notwithstanding the provisions of Section 20-1003(b)(1) an application for a Planned Commercial Development on a tract less than two acres may be filed and a public hearing shall be held thereon, as hereinafter provided, but no tentative approval of such application shall be given by the Planning Commission unless it shall first find, upon a showing by the landowner, that the minimum number of acres required in Section 20-1003(b)(1) should be waived because a Planned Commercial Development would be in the public interest, and that two or more of the following conditions exist:

(A) Such usage of the property would be consistent with the adopted comprehensive plan of the city;

(B) The property is adjacent to property which has been developed or redeveloped under the Planned Commercial Development District provisions of this article, and a Planned Commercial Development expansion would contribute to the maintenance of the amenities and values of the neighboring property;

(c) The property is adjacent to or across the street from property which has been developed or redeveloped for commercial purposes and which would not create conditions leading to a continuous linear extension of commercial usage or encroachment into an established residential area; or,

(D) Such use would not impose an adverse impact on any public facilities, utilities, transportation or storm drainage system or upon adjacent property.

(c) **PLANNED INDUSTRIAL DISTRICTS.**

(1) The provisions of this article as they pertain to Planned Industrial Development shall apply only to contiguous tracts of land containing two or more acres proposed to be developed or renewed primarily for industrial purposes, and for which the landowner, or his or her representative, has made application as hereinafter provided in this article.

(2) Notwithstanding the provisions of Section 20-1003(c)(1) an application for a Planned Industrial Development on a tract less than two acres may be filed and a public hearing shall be held thereon, as hereinafter provided, but no tentative approval of such application shall be given by the Planning Commission unless it shall first find, upon a showing by the landowner, that the minimum land area required in Section 20-1003(c)(1) should be waived because a Planned Industrial Development would be in the public interest, and that two or more of the following conditions exist:

(A) Such usage of the property would be consistent with the adopted comprehensive plan of the city;

(B) The property is adjacent to property which has been developed or redeveloped under the Planned Industrial Development District provisions of this article, and a Planned Industrial Development expansion would contribute to the maintenance of the amenities and values of the neighboring property;

(c) The property is adjacent to or across the street from property which has been developed or redeveloped for industrial purposes and which would not create conditions leading to a continuous linear extension of industrial usage or encroachment into an established residential or commercial area; or

(D) Such use would not impose an adverse impact on any public facilities, utilities, transportation or storm drainage system or upon adjacent property. (Ord. 6652)

(d) **PLANNED OFFICE DISTRICTS.**

(1) The provisions of this article as they pertain to Planned Office Development shall apply only to contiguous tracts of land containing one or more acres proposed to be developed or renewed primarily for office purpose, and for which the landowner, or his or her representative, has made application as hereinafter provided in this article.

(2) Notwithstanding the provisions of Section 20-1003(d)(1) an application for a Planned Office Development on a tract less than one acre may be filed and a public

hearing shall be held thereon, as hereinafter provided, but no tentative approval of such application shall be given by the Planning Commission unless it shall first find, upon a showing by the landowner that the minimum number of acres required in Section 20-1003(d)(1) should be waived because a Planned Office Development would be in the public interest, and that two or more of the following conditions exist:

(A) Such usage of the property would be consistent with the adopted comprehensive plan of the city;

(B) The property is adjacent to property which has been developed or redeveloped under the Planned Unit Development District provisions of this article, and a Planned Unit Development expansion would contribute to the maintenance of the amenities and values of the neighboring property;

(C) The property is adjacent to or across the street from property which has been developed or redeveloped for commercial, office or industrial purposes and which would not create conditions leading to a continuous linear extension of non-residential usage or encroachment into an established residential area; or,

(D) Such use would not impose an adverse impact on any public facilities, utilities, transportation or storm drainage system or upon adjacent property.

20-1004. PERMITTED USES - PLANNED UNIT DEVELOPMENT DISTRICTS.

(a) Planned Residential Districts. Uses permitted in the Planned Residential Districts, PRD-Estate, PRD-1, PRD-2 and PRD-3, may include but shall be limited to:

(1) Residential dwelling units attached or detached, or a combination of both attached and detached units.

(2) Nonresidential uses of a religious, cultural, educational, and recreational character to the extent that they are designed and intended to serve primarily the residents of the Planned Residential Development. These nonresidential uses shall comply with the appropriate special conditions requirements set forth for various individual uses in Article 14, Chapter 20 of the Code of the City of Lawrence, unless such special condition requirements are reduced, modified or waived by the Planning Commission as part of the Plan approval.

(3) Commercial uses to the extent they are designed and intended to serve primarily the residents and uses or activities of the Residential Planned Unit Development. The burden shall be on the landowner to show beyond a reasonable doubt that the commercial uses are intended to serve primarily the residents of the Planned Unit Development.

(b) Planned Commercial Development Districts. The Planned Commercial Development Districts (PCD-1 and PCD-2) are intended to encourage commercial development in a planned manner consistent with the adopted comprehensive plan of the City and compatible with nearby or adjacent residential areas.

(1) PCD-1 Development District. Uses permitted in this district may include but shall be limited to:

(A) Residential dwelling units (attached, detached, or mixed).

(B) Any use permitted in Use Group 7 - Community Facilities-Public Utilities; Use Group 8 - Temporary Uses; Use Group 9 - Professional Offices; Use Group 9A - Limited Services; Use Group 11 - Inner Neighborhood Commercial Uses; Use Group 12 - Retail Stores - Personal Services.

(2) PCD-2 Development District. Uses permitted in this district may include but shall be limited to:

(A) Any use permitted in the PCD-1 Planned Commercial Development District.

(B) Any use permitted in Use Group 13 - Automotive Services; Retail Sales; Other; Use Group 14 - Retail-Wholesale Sales and Services; and Use Group 15 - Amusement, Recreational and Cultural Facilities.

(3) Uses permitted in the Planned Commercial Development Districts shall be subject to and comply with the appropriate special condition requirements set forth for various individual uses in Article 14, Chapter 20 of the Code of the City of Lawrence, unless such special condition requirements are reduced, modified or waived by the Planning Commission as part of the plan approval.

(c) Planned Industrial Development Districts. The Planned Industrial Development Districts (PID-1 and PID-2) are intended to encourage industrial development in a planned manner consistent with the adopted comprehensive plan of the City and compatible with nearby residential or commercial areas.

(1) PID-1 Development District. Uses permitted in this district may include but shall be limited to:

(A) Any use permitted in Use Group 7 - Community Facilities-Public Utilities; Use Group 8 - Temporary Uses; Use Group 9 - Professional Offices; Use Group 9A - Limited Services; Use Group 10 -Off Street Parking; Use Group 17 - Manufacturing-Low Nuisance; Use Group 18 - Research and Testing. No use shall be permitted which has or requires exterior storage.

(2) PID-2 Development District. Uses permitted in this district may include but shall be limited to:

(A) Any use permitted in the PID-1 Planned Industrial Development District.

(B) Any use permitted in Use Group 13 - Automotive Services and Retail Sales; Use Group 14 - Retail-Wholesale Sales and Services; Use Group 19 - Industrial-Medium Nuisance; Use Group 20 - Industrial-High Nuisance.

(3) Uses permitted in the Planned Industrial Development Districts shall be subject to and comply with the appropriate special condition requirements set forth for various individual uses in Article 14, Chapter 20 of the Code of the City of Lawrence, unless such special condition requirements are reduced, modified or waived by the Planning Commission as part of the plan approval.

(d) Planned Office Development Districts. The Planned Office Development Districts (POD-1 and POD-2) are intended to encourage office or mixed-office/multi-family residential development in a planned manner consistent with the adopted comprehensive plan of the City and compatible with nearby or adjacent residential and non-residential areas. The POD-1 District is intended to be a non-residential district which can be developed with uses which may buffer more intensive uses from less intensive uses. The POD-2 District is intended to allow for mixed office/residential development which is designed to be compatible with surrounding land uses.

(1) POD-1 Development District. Uses permitted in this district may include but shall be limited to:

(A) Any use permitted in Use Group 7 - Community Facilities-Public Utilities; Use Group 8 - Temporary Uses; Use Group 9 - Professional Offices; and Use Group 9A - Limited Services.

(2) POD-2 Development District. Uses permitted in this district may include but shall be limited to:

(A) Any use permitted in the POD-1 Planned Office Development District.

(B) Residential dwelling units (excluding detached single-family residences).

(3) Uses permitted in the Planned Office Development Districts shall be

subject to and comply with the appropriate special condition requirements set forth for various individual uses in Article 14, Chapter 20 of the Code of the City of Lawrence, unless such special condition requirements are reduced, modified or waived by the Planning Commission as part of the plan approval. (Ord. #7111)

20-1004.1 RESTRICTION OF USES AND BUILDING TYPES.

As a condition of approval of a PRD, PCD, PID or POD zoning district, 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 unit development zoning district. (Ord. 6745)

20-1005. DEVELOPMENT STANDARDS AND CRITERIA.

(a) A plan that is consistent with (1) the "Statement of Objectives for Planned Unit Development," (2) the adopted Comprehensive Plan of the City, (3) the development standards set out herein, and (4) any specific rules and regulations for Planned Unit Developments adopted from time to time by the planning commission and city commission and placed on public record in the office of the city clerk shall be deemed to be qualified for tentative approval. No such rules and regulations shall be revised or added to so as to be applicable to a specific proposal for a Planned Unit Development after an application for tentative approval has been filed by the landowner or his or her agents.

(b) A plan shall be consistent with the following standards for the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the tract. (Ord. 5655)

20-1006. GENERAL DEVELOPMENT STANDARDS - PLANNED UNIT DEVELOPMENTS.

The following development standards shall be applicable to all Planned Unit Developments:

(a) No individual residential building lot shall be created that contains less than 4,000 square feet or that has a frontage of less than 40 feet in width or that has less than 80 feet in depth.

(b) Proposed PRD, PCD, PID and POD developments shall have direct access to a major thoroughfare or collector as shown in the city's comprehensive plan. No individual residential building lot shall be created that has direct access to an arterial street. Each individual residential lot must have access to a street, public or private, which has been constructed to the public street standards of the city.

(c) Sidewalks built to city specifications shall be built along one side of all streets, public or private.

(d) All individual buildings or structures shall be separated by a minimum distance of 10 feet. A waiver from this minimum distance to permit zero lot line developments may be permitted if the structures are designed to meet the building code requirements adopted by the city.

(e) Each dwelling or commercial structure shall be located with direct access to a street, or other permanent open space, or common yard, or outer court not less than 50 feet wide. Such areas shall be unoccupied by any buildings or other structures except parking facilities, necessary utility facilities or street improvements.

(f) The front of a dwelling structure shall not face upon the rear of another, unless approved by the planning commission as a part of the plan.

(g) The landowner shall provide for a minimum of 20 percent of the land area devoted to residential use to be set aside and developed for open-air recreation uses and other common open space. Land devoted to residential use shall be deemed to include the total noncommercial ground area of the Planned Unit Development exclusive of that area set aside for nonresidential structures and public streets. Common open space shall be further defined as an open area designed and developed primarily for the use and benefit of the

residents of the development for recreation (whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to streets and parking for residential and nonresidential uses).

The planning commission shall encourage and may require private ownership and development of those open air recreation areas and common open spaces that are clearly of primary benefit to the residents of the development.

The landowner shall provide for and establish an agency for the ownership and maintenance of open-air recreation areas and common open spaces where such are to be retained in private ownership.

The city may accept the dedication of land or any interest therein for public use and maintenance.

In the event the agency established to own and maintain the common open space and open air recreation areas or any successor agency shall at any time after establishment of the Planned Unit Development fail to fulfill any other obligation imposed on such agency as a condition of approval of the Planned Unit Development, the city may serve written notice upon such agency or upon the residents and owners of the Planned Unit Development, setting forth the manner in which the agency has failed to fulfill its obligation.

The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the city, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the common open space and open air recreation areas from becoming a public nuisance, may enter upon the common open space and open air recreation areas and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the city in carrying out the obligations of the agency shall be assessed against the properties within the Planned Unit Development and shall become a tax lien on the properties.

(h) Any part of the development area not used for buildings, structures, parking, streets, or accessways shall be landscaped with a sufficient mixture of grass, trees, and shrubs, except those areas designated to be left natural. Proposed landscaping shall be in conformance with Section 20-14A04 [Landscape Standards].

(i) Peripheral Boundary.

(1) All buildings, structures and parking lots shall be set back from the periphery boundary or periphery street rights-of-way not less than 30 feet.

(2) Where a planned unit development is proposed adjacent to an existing planned unit development which provides the minimum peripheral setback, the planning commission may allow a reduction of the required peripheral setback on the adjacent development as part of their consideration of the preliminary development plan to permit cross-flow between developments of traffic (vehicular and pedestrian) and to permit coordination in site layout and landscaping.

(j) If topographical or other barriers within 35 feet of the boundaries of the Planned Unit Development do not provide reasonable privacy for existing uses adjacent to the development, the planning commission shall impose either of the following requirements or both:

(1) Structures located along the boundary must be set back from the boundary a distance which is approved by the commission; and

(2) Structures located along the boundary must be well screened in a manner which is approved by the commission. (Ord. 6745)

20-1007. DEVELOPMENT STANDARDS - PLANNED RESIDENTIAL DEVELOPMENTS.

The following development standards shall be applicable to Residential Planned Unit Development:

(A) The permitted maximum dwelling unit density per net residential acre shall not exceed two dwelling units in the PRD-Estate District, seven dwelling units in the PRD-1 District, 15 dwelling units in the PRD-2 District and 25 dwelling units in the PRD-3 District.

The net residential acreage shall be determined by subtracting from the gross development acreage the areas set aside for commercial development, public streets, parks and school sites, major drainage courses, and other areas not retained for the exclusive use and benefit of the residents in the Planned Residential Development.

(B) One acre may be set aside for commercial development for each 200 dwelling units. Commercial development shall be deemed to include commercial buildings and parking, required yard areas, and all other areas accessory and necessary to such commercial usage.

(C) No commercial facilities shall be permitted in any Planned Residential Development having a gross acreage of less than 15 acres, or less than 200 dwelling units.

(D) No individual permitted commercial use shall exceed 3,500 square feet of floor space.

(E) All buildings and structures shall be set back from public or private street or road right-of-way lines, from individual lot lines where established and from the periphery of the project to comply with the following requirements:

(1) Front Yard. There shall be a minimum front yard setback of 15 feet from any public or private street or road right-of-way line. If driveways are provided to residential structures, the minimum setback shall provide 20' from the street or sidewalk (if one exists or is planned on the property).

(2) Periphery Boundary. All buildings, structures and parking lots shall be set back from the periphery boundary not less than 35 feet.

(3) Side and Rear Yard. Side and rear yards for buildings or structures shall be provided as follows:

(a) Buildings or structures of no more than three stories - 10 feet.

(b) Buildings or structures of more than three stories - 10 feet for the first three stories plus eight feet for each additional story.

The Planning Commission may approve a lesser setback PROVIDED that if the setback is reduced below 10' between structures, the structures must be designed to meet the building code requirements for zero setback.

(F) Building Height.

(1) The height of all other dwellings, non-residential structures, and commercial buildings, shall be as approved by the Planning Commission, as part of the Plan, as being in conformity with the Statement of Objectives for Planned Unit Developments.

(G) Off-Street Parking.

(1) Off-street parking shall be provided for residential dwellings in accordance with the requirements set forth in Use Group 3, RESIDENTIAL-SINGLE-FAMILY DETACHED; Use Group 3A, RESIDENTIAL-DUPLEX; or, Use Group 4, RESIDENTIAL-MULTI-FAMILY, whichever is applicable.

(2) One off-street parking space shall be provided for each 200 square feet of floor area of commercial and office use and be located within the area allowed and set aside for such usage.

(3) Off-street parking space for all non-residential uses of an educational, cultural, recreational or religious nature shall be the same as set forth for such uses in Articles 6 and 14, Chapter 20, of the Code of the City of Lawrence, unless a reduction is approved by the Planning Commission as part of the Plan.

(4) Where not in conflict with the above requirements, the requirements of Article 12, Chapter 20, of the Code of the City of Lawrence shall be adhered to.

(H) No building permit shall be issued for an approved commercial use until 50 percent of the dwelling units have been constructed and are ready for occupancy.

(I) Non-residential uses of a religious, educational, cultural, or recreational nature shall be presumed to be designed or intended for the use and benefit of the residents of the Planned Unit Development and the burden to show, beyond a reasonable doubt, that

such uses will primarily serve persons residing outside the development, shall be on the objecting parties appearing at any public hearing.

(J) The burden shall be on the landowners to show beyond a reasonable doubt that nonresidential uses of a commercial character are intended to serve primarily the residents of the Planned Residential Development. (Ord. 6652)

20-1008. DEVELOPMENT STANDARDS - PLANNED COMMERCIAL DEVELOPMENTS.

The following development standards shall be applicable only to Commercial Planned Unit Developments:

(A) The permitted maximum dwelling unit density per net residential acre shall not exceed 35 dwelling units.

The net residential acreage shall be determined by subtracting from the gross development acreage the areas set aside for commercial buildings, public streets, parks and school sites, major drainage courses, and any other areas not retained for the exclusive use and benefit of the residents and businesses in the Planned Commercial Development.

(B) Common open space is encouraged in all phases of commercial development. A minimum of 20 percent of the land area devoted to commercial and/or residential uses shall be set aside and developed for open air and recreational uses and other common open space.

(C) The building height of all buildings and structures shall be as approved by the planning commission, as part of the plan, as being in conformity with the Statement of Objectives for Planned Unit Developments.

(D) All buildings and structures three stories or less shall be set back from public or private street or road right-of-way lines, from individual lot lines where established, and from the periphery of the project to comply with the following requirements:

(1) Front Yard. There shall be a minimum front yard setback of 15 feet from public or private street or road right-of-way line(s). If driveways are provided to residential structures, the minimum setback shall provide 20' from the street or sidewalk (if one exists or is planned on the property).

(2) Periphery Boundary. All buildings, structures and parking lots shall be set back from the periphery boundary or periphery street rights-of-way not less than 30 feet.

(3) Side Yard. Side yards shall be provided where buildings or structures are to be developed as follows:

(a) Detached or semi-detached buildings or structures-20 feet.

(b) Interior attached buildings or structures-none.

(4) Rear Yard. The minimum rear yard setback shall be 25 feet for residential and 35 feet for commercial.

The Planning Commission may approve a lesser setback: provided, that if the setback is reduced below 10 feet between structures, the structures must be designed to meet the building code requirements for zero setback.

(E) Buildings or structures of more than three stories shall be set back from the front, side, or rear lot line or periphery boundary line a distance equal to the required yard as set forth in section 20-1008(D) above plus eight feet for each additional story over three.

(F) Off-Street Parking.

(1) Off-street parking shall be provided for residential dwellings in accordance with the requirements set forth in Use Group 3, Residential-Single-Family Detached; Use Group 3A, Residential-Duplex; or, Use Group 4, Residential-Multi-Family, whichever is applicable.

(2) One off-street parking space shall be provided for each 200 square feet of floor area of commercial, industrial and office use unless a reduction is approved by the planning commission as a part of the plan.

(3) Off-street parking for all nonresidential uses of an educational, cultural, recreational or religious nature shall be the same as set forth for such uses in Articles 6 and 14, Chapter 20 of the Code of the City of Lawrence, unless a

reduction is approved by the planning commission as a part of the plan.

(4) Where not in conflict with the above requirements, the requirements of Article 12, Chapter 20 of the Code of the City of Lawrence shall be adhered to.

(5) Commercial, industrial or office off-street parking shall not encroach upon any area set aside for residential use. (Ord. 6652)

20-1008.5 DEVELOPMENT STANDARDS-PLANNED INDUSTRIAL DEVELOPMENTS.

The following development standards shall be applicable only to Industrial Planned Unit Developments:

(A) Residential uses shall be allowed within the PIDs provided that they serve a subsidiary function to the industrial uses on the property. The permitted maximum dwelling unit density per net residential acre shall not exceed 15 dwelling units.

The net residential acreage shall be determined by subtracting from the gross development acreage the areas set aside for commercial and industrial buildings, public streets, parks and school sites, major drainage courses, and any other areas not retained for the exclusive use and benefit of the residents and businesses in the Planned Industrial Development.

(B) Manufacturing and research in the PID-1 district shall occur totally within an enclosed building and shall be of a character that no perceptible offensive noise, heat, light, odor, smoke, vibration, radiation or gas emissions are detectable from the property line.

(C) Manufacturing and research in the PID-2 district may occur outside of an enclosed building but shall meet all other criteria as stated in 20-1008.5(B).

(D) Common open space is encouraged in all phases of industrial development. A minimum of 15 percent of the land area devoted to industrial use shall be set aside and developed for open air and recreation uses and other common open space.

(E) Lot Width. All lots must provide a minimum 25-foot lot width. An additional 5 feet of lot width will be required for each additional 5,000 s.f. of building area above 10,000 s.f.

(F) Building Setbacks. All buildings and structures shall adhere to the following building setbacks:

(1) Front yard. There shall be a minimum front yard setback of 30 feet from any public or private street right-of-way lines.

(2) Periphery Boundary. All buildings, structures and parking lots shall be set back from the periphery boundary or periphery street rights-of-way not less than 30 feet.

The planning commission may approve a lesser setback: provided, that if the setback is reduced below 10 feet between structures, the structures must be designed to meet the building code requirements for zero setback.

(G) A building may reach a maximum height of 3 stories or 35'. For each additional story or each additional 10' of height above 3 stories or 35', the building setback from street right-of-way shall increase by 5';

The building height of all buildings and structures shall be as approved by the Planning Commission, as part of the plan, as being in conformity with the Statement of Objectives for Planned Unit Developments.

(H) Off-Street Parking.

(1) Off-street parking shall be provided for industrial buildings in accordance with the requirements set forth in Use Group 7 - Community Facilities-Public Utilities; Use Group 8 -Temporary Uses; Use Group 9 - Professional Offices; Use Group 10 - Off Street Parking; Use Group 13 - Automotive Services and Retail Sales; Use Group 14 - Retail-Wholesale Sales and Services; Use Group 17 - Manufacturing-Low Nuisance; Use Group 18 -Research and Testing; Use Group 19 - Industrial-Medium Nuisance; Use Group 20 - Industrial-High Nuisance.

(2) Parking shall not be allowed within any area of the periphery

setbacks or the front yard setbacks.

20-1008.6 DEVELOPMENT STANDARDS-PLANNED OFFICE DEVELOPMENTS.

The following development standards shall be applicable only to Office Planned Unit Developments:

- (A) The permitted maximum dwelling unit density per net residential acre shall not exceed 15 dwelling units in POD-2 Districts. Office development shall be a component of all POD-2 developments.
 - (1) Where office and residential uses are proposed in separate buildings within the area included in the preliminary development plan, a minimum of 50 percent of the overall building square footage shall be proposed for office uses.
 - (2) Where office and residential uses are proposed to be developed within the same building, a minimum of 50 percent of the first two floors of the structure shall be devoted to office uses. If additional floors are developed, they may accommodate either office or residential uses. (Ord. 7187)

20-1009. APPLICATION FOR REZONING TO PLANNED UNIT DEVELOPMENT.

An application for rezoning to a Planned Unit Development District shall constitute the filing of an application for the establishment of the appropriate Planned Unit Development District (PRD-Estate, PRD-1, PRD-2, PRD-3, PCD-1, PCD-2, PID-1, PID-2, POD-1 and POD-2) by the landowner in the same manner prescribed for amending the zoning ordinance by Article 18, Chapter 20, of the Code of the City of Lawrence. The City Commission and the Planning Commission shall follow the same procedures as required for adoption of the zoning ordinance, or an amendment thereto, in the establishment of the Planned Unit Development District. The requirements for notice and advertisement of public hearings and the procedures for protests to the establishment of such a Planned Unit Development District shall be the same as provided for in Chapter 20 of the Code of the City of Lawrence. The creation of a Planned Unit Development District shall constitute an amendment to the official zoning map.

The application shall include a statement by the landowner setting forth the reasons why, in his opinion, a Planned Unit Development would be in the public interest and would be consistent with the Statement of Objectives for Planned Unit Development.

Before any building permit shall be issued or before any development of land shall take place, the landowner shall have received approval of the Preliminary and Final Development Plans as outlined in this article. (Ord. 6745)

20-1009.1 PRELIMINARY DEVELOPMENT PLAN, FEES.

The property owner, or owner's representative, shall pay a \$200.00 fee for review of the preliminary development plan at the time the plan is submitted to the department. No part of the fee shall be refundable. (Ord. 6477)

20-1009.1.1 DEFERRED/INACTIVE APPLICATIONS.

Items that are deferred or remain inactive for a period of twelve (12) months shall be processed in accordance with Planning Commission Resolution No. 1-99 for deferred/inactive items. (Ord. 7188)

20-1009.2 FINAL DEVELOPMENT PLAN, FEES.

The property owner, or owner's representative, shall pay a \$100.00 fee for review of the final development plan at the time the plan is submitted to the department. No part of the fee shall be refundable.

20-1009.3 CONCURRENT SUBMISSION OF PRELIMINARY AND FINAL DEVELOPMENT PLANS.

Concurrent submission of a development plan for a single use, single structure shall be permitted as long as individual plans are submitted which meet the preliminary and final

development plan criteria.

For development plans which involve multiple structures or multiple users, approval of the preliminary development plan shall precede submittal of a final development plan.

A revised preliminary development plan or a final development plan, or both, which pertains to a single use or building shall be permitted to occur as a concurrent submission. (Ord. 6739)

20-1009.4 POSTING OF SIGNS FOR PRELIMINARY DEVELOPMENT PLAN.

The applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning the proposed preliminary development plan. The sign shall be placed in a conspicuous location on the property to provide visibility to the general public. The sign shall be furnished by the city to the applicant, and the applicant shall maintain the sign for at least twenty (20) days immediately preceding the date of the public hearing. If a lot, tract or parcel of land is larger than five (5) acres, multiple signs shall be posted; at a minimum, signs shall be placed to face each of the streets abutting the property. The applicant shall file a certification with the Planning Director at the time of the public hearing verifying that the sign has been maintained and posted as required by this ordinance; failure to submit the certification prior to the hearing may result in a continuance of the hearing. The sign may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application. (Ord. 6886)

20-1010. THE PRELIMINARY DEVELOPMENT PLAN.

(a) Before the planning commission shall approve a preliminary development plan, it shall hold a public hearing giving the same notice as required for an amendment to the zoning ordinance map.

(b) 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 100 feet and shall include all of the area proposed to comprise the Planned Unit Development. The plan and supporting documents shall include the following information:

- (1) A legal description of the site;
- (2) The dimensions of all property boundaries;
- (3) The owners of record and any other parties having an interest in the proposed development;
- (4) A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Public Works Department;
- (5) The location of all existing structures, easements, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;
- (6) The existing public and private street system, platted or unplatted ownership, type and location of structures, and topography extending 300 feet beyond the outside boundaries of the proposed development;
- (7) The width, grade, location and ownership of all proposed public and private streets and sidewalks in the area to be developed;
- (8) The use, height, floor area, and approximate location of all proposed buildings and other structures;
- (9) The number of dwelling units to be contained in each building proposed for residential use;
- (10) The location, dimension and capacity of all proposed off-street parking areas in the area to be developed;
- (11) The location, dimension, acreage, and ownership of all proposed public and private recreation areas, open space and non-encroachable areas;
- (12) Dimensions and notes as deemed necessary to show compliance with the development standards of this article;
- (13) A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the Planned Unit 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.

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 of dwelling 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;

(14) A summary of the total number of units of each type of use, number of dwelling 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;

(15) 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;

(16) 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 owners of the Planned Unit Development;

(17) 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;

(18) 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 owners of the Planned Unit Development;"

(19) 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; and,

(20) One north-south and one east-west elevation across the site to show typical site layout, grade, etc.;

(21) Submission of a landscape plan in conformance with Section 20-14A04 [Landscape Standards].

(c) The plan shall be submitted so as to conform with sections 21-301 through 21-301.4 except where such requirements conflict with the requirements of this article.

(d) Approval of the Preliminary Development Plan shall constitute approval of a preliminary plat. A preliminary plat review fee shall not be required.

(e) 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.

20-1010.1 FINDINGS OF PLANNING COMMISSION.

The planning commission shall either recommend to the city commission (1) preliminary approval of the plan as submitted, (2) preliminary approval subject to specified

conditions not included in the plan submitted, or (3) denial of the application for preliminary approval. If preliminary approval is recommended, either of the plan as submitted or of the plan with conditions, the planning commission shall set forth the drawings, specifications, comments, performance bonds and conditions, if any, that shall accompany an application for final approval, and shall set forth that within 18 months of the preliminary approval by the city commission, or according to an approved development schedule, the landowner shall submit an application to the planning commission for final approval over all or a portion of the Planned Unit Development District.

The recommendation for the granting or denial of preliminary approval shall include findings of fact and shall set forth reasons for the recommendation, specifying with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

(a) In what respects the plan is or is not in general conformity with the provisions of the comprehensive plan of the city.

(b) In what respects the plan is or is not consistent with the Statement of Objectives for Planned Unit Development.

(c) The nature and extent of the common open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

(d) Whether the plan does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

(e) Whether the plan will or will not have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.

(f) In what respects the plan is or is not in conformance with the development standards and criteria of this article.

(g) In what respects the plan is or is not in compliance with the requirements for application for tentative approval of the Planned Unit Development.

(h) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan which proposes development over a period of years.

(i) Storm water detention calculations and storage of excess storm drainage as per city policy. (Ord. 5655; Code 1986, Sec. 20-1010; Ord. 6007, Sec. III)

20-1011. STATUS OF PRELIMINARY PLAN AFTER APPROVAL.

(a) The landowner shall be given written notice of the actions of the planning and city commissions.

(b) Approval of the preliminary plan shall not qualify as a plat of the Planned Unit Development for recording purposes. A plan which has been given preliminary approval as submitted, or which has been preliminary approved with conditions (and provided that the landowner has not defaulted nor violated any of the conditions of preliminary approval), shall not be modified or revoked nor otherwise impaired by action of the city pending an application or applications for final approval, without the consent of the landowner. Provided that an application for final approval is filed, or in the case of phased development: Provided further, that applications are filed within the time or times specified in the granting of preliminary approval.

(c) If a landowner chooses to abandon a plan that has been given preliminary approval he or she may do so prior to final approval: Provided, that he or she notifies the planning commission in writing. If the landowner fails to file an application or applications for final approval within the required time period, the approval shall be deemed to be revoked, and the preliminary development plan shall be null and void.

(d) Substantial or significant changes in the Planned Unit Development shall be made only after rehearing and reapproval of the entire preliminary plan or by change in the zoning district in which located under the terms and procedures specified in this article and

Article 18, Chapter 20 of the Code of the City of Lawrence. All property owners within the entire preliminary development plan boundary shall be notified in writing of any proposed substantial or significant alterations or modifications at the time of submittal of the revised preliminary development plan to the Planning Office.

(e) An approved preliminary development plan with multiple parcels and multiple land owners may only be altered or modified with Planning Commission and City Commission approval, provided that all landowners owning all parcels of land consent to said alterations or modifications.

(f) A preliminary development plan may be explicitly conditioned with a provision on the face of the preliminary development plan that all property owners of all properties waive their right to approve or disapprove any alterations or modifications to the preliminary development plan.

(g) In the absence of an explicit condition contained in subsection (f), the provision of subsection (e) shall govern preliminary development plan alterations or modifications. (Ord. 6848)

20-1012. FILING OF STATEMENT.

(a) Within 15 days after approval of a Preliminary Development Plan by the city commission, the landowner shall file with the Douglas County Register of Deeds a statement that such a plan has been filed with the planning commission and has been approved and that such Planned Unit Development is applicable to certain specified legally-described land and that copies of the plan are on file in the office of the Director of Planning. Such statement recorded with the Register of Deeds shall also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan.

The recorded statement shall specify that the Preliminary Development Plan shall become binding upon all successors and assigns unless amended in conformance with this article. Substantial or significant changes in the Planned Unit Development shall be made only after rehearing and reapproval of the Preliminary Plan or by change in the zoning district in which located under the terms and procedures specified in this Article and Article 18, Chapter 20 of the Code of the City of Lawrence.

The landowner shall be responsible for all costs incurred in filing the statement.

(b) Prior to filing an application for final approval the landowner shall provide the Director of Planning with a copy of such recorded statement. Such copy shall show the date of the filing and the signature of the Register of Deeds.

(Ord. 5655)

20-1013. APPLICATION FOR FINAL APPROVAL.

(a) The 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 the following:

- (1) All information required of the Preliminary Development Plan;
- (2) The placement of all principal and accessory structures;
- (3) The entrances to all structures;
- (4) 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;
- (5) The location, height and material of screening walls and fences;
- (6) The type of surfacing and base course proposed for all private streets, driveways, off-street parking and loading space areas, and sidewalks and pedestrianways;
- (7) 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 Unit Developments).;
- (8) 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;

(9) The location and landscape plan [in accordance with Section 20-14A04] of all perimeter and interior landscaping including vegetation to be removed;

(10) The proposed topography or grading of the area at a contour interval of not more than two feet;

(11) The location of each outdoor trash storage facility;

(12) 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 owners;

(13) Copies of all restrictions or covenants that are to be applied to the development area;

(14) 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; and,

(15) Such other drawings, specifications, covenants, easements, conditions, and performance bonds as set forth in the granting of preliminary approval.

(b) 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:

(1) Increase the proposed gross residential density or intensity of use by more than five percent 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,

(2) Increase by more than 10 percent the total floor area proposed for non-residential or commercial uses; nor,

(3) Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.

(c) A public hearing on the application for final approval of the plan or part thereof shall not be required provided that the plan or part thereof submitted for final approval is in substantial compliance with the plan given preliminary approval. A public hearing need not be held to consider modifications on location and design of streets or facilities for water or disposal of storm water or sanitary sewers or other public facilities required as a preliminary condition of approval of a Preliminary Development Plan. The burden shall, nevertheless, be upon the landowner to show the planning commission good cause for any variation between the plan as preliminarily approved and the plan as submitted for final approval.

In the event a public hearing is not required for final approval and the application for final approval has been filed, together with all required drawings, specifications and other documents in support thereof, the planning commission shall, within 45 days of such filing, grant such plan final approval: Provided however, that in the event the plan as submitted contains variations from the plan as given preliminary approval but remains in substantial compliance with the plan as submitted for preliminary approval, the planning commission may refuse, after meeting with the landowner, to grant final approval and shall within 45 days from the filing of the application for final approval advise the landowner in writing of the refusal, setting forth the reasons why one or more of the variations are not in the public interest.

The landowner may either treat the refusal as a denial of the final approval and resubmit the Final Development Plan in accordance with the request of the planning commission, or he or she may, within 45 days of the date of notice of refusal, request to appeal the decision of the planning commission. In the event such an appeal is filed, a public hearing before the planning commission shall be scheduled with such notice as is required for preliminary approval being given.

If the landowner, after a public hearing by the planning commission, is not in agreement with the decision of the planning commission, he or she may request within 30 days that the application for Final Development Plan approval be submitted to the city commission for final decision.

Any reason for disapproval of the Final Development Plan by either the planning commission or the city commission shall be given to the landowner in writing.

(d) A plan or any part thereof which has been given final approval by the planning commission or, upon appeal, by the city commission, shall be so certified by the chairman and secretary of the planning commission, and shall be filed on record with the Douglas County Register of Deeds immediately following the satisfying of all conditions of approval. If the landowner chooses to abandon a plan or portion thereof after it has been given final approval, he or she shall so notify the planning commission in writing.

In the event the landowner shall fail to commence the Planned Unit Development within 18 months after final approval has been granted, then such final approval shall terminate and shall be deemed null and void unless the time period is extended by the planning commission upon written application by the landowner.

(e) The filing of a Final Development Plan for a Planned Unit Development with the Douglas County Register of Deeds shall not constitute the effective dedication of easements, rights-of-way or access control, nor shall the filed plan be the equivalent of nor alternate for the final platting of land prior to the issuance of building permits in the Planned Unit Development.

(f) The director of planning shall cause to be filed the Final Development Plans, final plats and all supportive documents concerning the Planned Unit Development with the Douglas County Register of Deeds. The landowner shall be responsible for all costs incurred in such filing. (Ord. 6652)

20-1014

ENFORCEMENT, MODIFICATION OF PROVISIONS OF THE FINAL PLAN.

(a) Enforcement and modifications shall comply with the following provisions:

(1) Enforcement by the city. The provisions of the plan relating to: a) the use of land and the use, bulk and location of buildings and structures; b) the quality and location of common open space; and, c) the intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers or regulations otherwise granted the municipality by law.

(2) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned community, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf. No provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

(3) Modifications of the plan by the city. All those provisions of the plan authorized to be enforced by the municipality under subsection (1) of this section may be modified, removed or released by the municipality (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: a) No such modification, removal or release of the provisions of the plan by the city shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided in subsection (2) of this section; b) No modification, removal or release of the provisions of the plan by the city shall 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 unit development, does not adversely affect either the enjoyment of

land abutting upon or across a street from the planned unit 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 owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the city to enforce the provisions of the plan in accordance with the provisions of subsection (1) of this section.

(b) Mechanics and modifications. Modification of approved planned unit development plans may be initiated as follows:

(1) By the owners or residents of the property within the Planned Unit Development; provided, that the right to initiate modification has been expressly granted to or expressly retained by the owners or residents under the provisions of the plan;

(2) The city commission may initiate modification upon its own motion, duly made and carried by a three-fourths vote of the commission, when modification appears strictly necessary to forward the purpose of this article and such modification would not impair the reasonable reliance interests of the owners and residents of the Planned Unit Development.

(3) Substantive modifications of the provisions of the Final Development Plan may be approved by an affirmative vote of a majority of all members of the planning commission following a public hearing pursuant to K.S.A. 12-757(b) and upon a finding that the modification complies with the provisions of subsection (a)(3) b) of this section.

(4) Minor modifications to the Final Development Plan including changes in building, landscaping or parking lot size or location or reductions in density may be approved by the Planning Director. (Ord. 6287)

ARTICLE 11. AIR SPACE CONTROL AREA DISTRICT

20-1101. PURPOSE.

This district is designed 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) to protect users of the airport and (3) to prevent any unreasonable limitation or impairment on the use and expansion of the airport and the public investment therein. (Code 1979, 20-8B01)

20-1102. AUTHORITY AND APPLICATION.

The regulations for this district, authorized by Sections 3-701 through 3-713 of the Kansas Statutes Annotated, shall apply to all the land or water area lying within the established airport control instrument approach zones, non-instrument approach zones, transition zones, horizontal zones and conical zones. (Code 1979, 20-8B02)

20-1103. ESTABLISHMENT OF DISTRICT ZONES.

In order to carry out the provisions of this district, the following control zones are hereby established and shown on the Lawrence Municipal Airport Zoning Map, such map being hereby incorporated by reference and made part of this article:

(a) Instrument Approach Zone. This zone is established at each end of all runways used for instrument landings and take-offs. The instrument approach zones shall 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.

(b) Non-instrument Approach Zone. This zone is established at each end of all runways used for non-instrument landings and take-offs. The non-instrument approach zone shall have 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.

(c) Transition Zone. This zone is established adjacent to each instrument and non-instrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning 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 foot vertically for each seven 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 the approach zones. These transition zones have variable widths, as shown on the zoning 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 foot vertically for each seven 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.

(d) 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 and the transition zones.

(e) Conical Zone. A conical zone is the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 5,000 feet. The conical

zone does not include the instrument approach zone and transition zones. (Code 1979, 20-8B03)

20-1104. PERMITTED USES.

The Air Space Control Area District shall be considered an overlaying district providing specific additional requirements and standards for those uses permitted by the basic underlying zoning district established through the appropriate city zoning ordinance or county zoning regulations. (Code 1979, 20-8B04)

20-1105. HEIGHT LIMITATIONS.

Except as otherwise provided in this article, no structure or tree, shall be erected, altered, allowed to grow, or maintained in any control zone established by this article to a height in excess of the height limit herein established for such control zone. Height limitations are hereby established for each of the control zones as follows:

(a) 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.

(b) Non-instrument Approach Zone. One 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.

(c) Transition Zone. One foot in height for each seven 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 foot vertical height for each seven 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 foot for each seven 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.

(d) Horizontal Zone. 150 above the airport elevation.

(e) Conical Zone. One 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.

Where an area is covered by more than one height limitation, the more restrictive limitation shall apply. (Code 1979, 20-8B05)

20-1106. PERFORMANCE STANDARDS.

Notwithstanding any other provision of this article, no use shall be made of land within any Air Space Control Area District which:

(a) 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.

(b) Includes aboveground storage of petroleum or any other explosive material.

(c) Emits smoke or odor.

(d) Contains lights or signals which may be confused with airport navigational lights.

(e) Results in glare to pilots approaching, leaving or circling the airport or which impairs visibility in the district.

(f) Provides private airfields or runways for the use of aircraft other than those used in the principal airport in the district.

(g) Otherwise endangers the landing, taking-off, or maneuvering of aircraft.
(Code 1979, 20-8B06)

NOTE: See Air Space Control Area District Map.

20-1107. NON-CONFORMING USES.

The regulations set forth in this article shall not require the removal, lowering, or other change or alteration of any structure or tree not conforming to these regulations or otherwise interfere with the continuance of any non-conforming use, except as provided in section 20-1108(f): Provided however, that the City may require, upon 30 days notice in writing, any person, firm, association, or corporation owning and maintaining any non-conforming pole or pole line upon the roads and highways immediately adjoining the airport to remove, lower, change, or alter said non-conforming pole or pole line, upon prior payment by the owner or owners of the airport, whether municipal or private, to said person, firm, association or corporation of the reasonable and necessary expense of removing, lowering, changing or altering said pole or pole lines; or in lieu thereof to execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering, changing, or altering such pole or pole lines. Reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines shall include, among other items of expense, the actual cost of: (1) constructing underground conduits and the construction of such wires and equipment in such conduits, and (2) 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. (Code 1979, 20-8B07)

20-1108. PERMITS.

(a) Future Uses. Except as specifically provided in subsection (d) of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any Air Space Control Area District zone unless a permit shall have 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, structure or tree would conform to the regulations set forth in this article. If such determination is in the affirmative, the permit shall be granted.

(b) Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of this article, or any amendments thereto, or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(c) Non-conforming Uses. Before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be obtained authorizing such replacement, change or repair.

(d) Exceptions.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except where because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such control zones.

(2) 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 shall be required for any tree or structure less than 75 feet in vertical height above the ground, except where because of terrain, land contour or topographic features such tree or structure would extend

above the height limits prescribed for the instrument or non-instrument approach zone.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground except where such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this article.

(e) Variances. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of the Air Space Control Area District regulations, may apply to the City Commission of the City of Lawrence for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this article: 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 article.

(f) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree 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. (Code 1979, 20-8B08)

20-1109. ADMINISTRATION AND ENFORCEMENT.

(a) For the purposes of this article and pursuant to K.S.A. 3-707 the Lawrence-Douglas County Metropolitan Planning Commission shall be the Airport Zoning Commission for the City of Lawrence and as such shall have the responsibility to administer and enforce the regulations set forth in this article. 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 Air Space Control District regulations, the permit shall be granted by the Commission.

(b) The City Commission of the City of Lawrence shall review all applications for a variance from the regulations set forth in this article and determine if such should be allowed. Approval of variances shall be in accordance with section 20-1108(e).

(c) Applications for permits and variances shall be made to the Director of Planning for the City of Lawrence upon forms furnished by the director. Applications requiring consideration by the Airport Zoning Commission shall be submitted to the Director of Planning 20 days prior to a regular Lawrence-Douglas County Metropolitan Planning Commission meeting. Various applications shall be submitted to the Director of Planning 11 days prior to a regular meeting of the City Commission of the City of Lawrence. (Code 1979, 20-8B09)

20-1110. CONFLICTING REGULATIONS.

In the event of conflict between the Air Space Control Area District regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, 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 shall govern and prevail. (Code 1979, 20-8B10)

ARTICLE 12. OFF-STREET LOADING AND PARKING REQUIREMENTS

20-1201. OFF-STREET LOADING REQUIREMENTS.

Every building or structure hereafter constructed in any district for commercial or industrial purposes requiring the receipt or distribution by vehicles (with a gross vehicular weight exceeding 10,000 lbs.) shall provide and maintain on the same lot with such building, at least one off-street loading space for the first 5,000 square feet or fraction thereof, of gross floor area and one additional such loading space for each 10,000 square feet, or major fraction thereof, of gross floor area so used in excess of 10,000 square feet, up to a maximum number of 10 loading spaces. (Code 1979, 10-901; Ord. 5556, Sec. V)

20-1202. SIZE.

Each loading space shall be not less than 10 feet in width, 50 feet in length and 14 feet in height. There shall be provided a paved access drive of at least 10 feet in width leading to the loading areas required hereunder. (Ord. 5556, Sec. V)

20-1203. LOCATION.

Such space shall be paved and may occupy all or any part of any required yard or court space, but no such space may be located closer than 50 feet to any residential district unless wholly within a completely enclosed building or unless enclosed on all sides abutting the residential district by a wall of not less than eight feet in height. (Ord. 5556, Sec. V)

20-1204. OFF-STREET PARKING REQUIREMENTS.

(a) In all zoning districts in connection with every industrial, commercial, institutional, recreational, residential, or any other use, there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity more than 10 percent of the existing use, or any other use is established, off-street parking spaces for automobiles and bicycles in accordance with the requirements in the "Parking Group" column in the tables of permitted uses. Existing single-family or duplex uses shall not be required to provide additional off-street parking in conformity with the provisions of this article so long as the use remains single-family or duplex.

(b) All vehicle parking shall be located in accordance with the provisions of section 20-1209 of this article. Off-street parking shall be located on an improved surface as provided in section 20-1217 of this article. (Code 1979, 20-904; Ord. 5177, Sec. I; Ord. 5658, Sec. I; Ord. 5791)

20-1205. SIZE.

Every parking area shall be designed to meet the following minimum requirements with the exception that a maximum of 40% of the total parking spaces required may be met by the compact car parking standards described in (b) of this section:

(a) Standard Car and Truck Requirements:

<u>Angle</u>	<u>Stall Depth</u>	<u>Aisle</u>	<u>Overall Width For Double Aisle Parking</u>
30°	16 feet	12 feet	44 feet
45°	19 feet	14 feet	52 feet
60°	20 feet	20 feet	60 feet
90°	18 feet	25 feet	61 feet

(b) Compact Car Requirements*

<u>Angle</u>	<u>Stall Depth</u>	<u>Aisle</u>	<u>Overall Width For Double Aisle Parking</u>
30°	14.5 feet	12 feet	41 feet
45°	17.5 feet	14 feet	49 feet
60°	18.5 feet	20 feet	57 feet
90°	16.5 feet	25 feet	58 feet

*Spaces for compact cars must be stenciled or otherwise identified.

(c) Minimum width of a standard parking space shall be nine feet and length 18 feet exclusive of aisleways. Minimum width of a compact car space shall be 7.5 feet and length 16.5 feet.

(d) Minimum width of a one-way aisleway shall be 12 feet.

(e) Minimum width of a two-way aisleway shall be 25 feet.

(f) 1. The following table shall be used to determine the minimum number of accessible parking spaces to be provided for persons with disabilities:

TOTAL PARKING SPACES IN LOT OR GARAGE	MINIMUM REQUIRED NUMBER OF ACCESSIBLE SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total spaces
Over 1000	20 spaces plus 1 space for each 100 spaces over 1000

2. Facilities providing medical care and other services for persons with mobility impairments shall provide accessible parking spaces as follows:

a) Outpatient units and facilities shall provide a minimum of 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility, but in no event shall less than one (1) such parking space be provided.

b) Units and facilities that specialize in treatment or services for persons with mobility impairments shall provide 20 percent of the total number of parking spaces provided serving each such unit or facility, but in no event shall less than one (1) such parking space be provided.

3. The City Commission may require additional parking spaces based upon the land use and the size of the facility.

4. Single-family, duplex or tri-plex residential dwellings are exempt from the requirements to provide accessible parking spaces. However, accessible parking shall be provided on request of residents with disabilities, on the same terms and with the full range of choices provided for other residents of the project.

5. Multiple-family dwellings, containing four or more dwelling units, shall provide accessible parking spaces as follows:

a) Designated accessible parking shall be provided for at least 2 percent of the dwelling units; and at facilities, such as swimming pools and clubhouses that serve accessible buildings. Additional designated accessible parking shall be provided on 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.

b) Accessible visitor parking that provides sufficient access to grade level entrances of multiple-family dwellings is also required.

6. The location and minimum stall size of such an accessible parking space, a passenger loading zone or valet parking facility, when provided for public or governmental buildings and facilities, shall meet the standards adopted in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities, appendix A to 28 CFR part 36.

Multiple-family dwellings, containing four or more dwelling units, shall meet the accessible parking provisions in the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.

Accessible parking spaces for persons with disabilities shall also be identified by signs in accordance with said standards under the ADA of 1990 and State Statutes. Curb ramps shall be provided in accordance with said standards under the ADA of 1990 wherever an accessible route crosses a curb in the parking lot. (Ord. 6340)

(g) Minimum standards for driveway entrances to parking areas shall be as follows:

(1) Thirty foot maximum driveway width.

(2) The curb radius return shall not extend beyond the property line.

When the site is near the intersection of streets, the throat of the driveway shall be no closer than:

- 75 feet from the curb line of a major arterial street extended; or,
- 50 feet from the curb line of a minor arterial street or collector street extended.

(3) The driveway should intersect the street at right angles; however, driveways may intersect at an angle no less than 60° nor exceed 120° maximum.

(4) Driveway curb cuts along major arterial streets shall not be allowed closer than 30 feet between throats of the drives. This minimum distance shall not be construed to mean more than one curb cut shall be allowed per property.

(Ord. 6181)

20-1206. BICYCLE PARKING AREA.

Each bicycle parking space shall provide for a secure method of locking a bicycle and shall be located so as to accommodate bicycle parking in a manner that is convenient to use and does not interfere with other uses of the property. (Ord. 5177, Sec. 3; Ord. 5801, Sec. 1)

20-1207. FLOOR AREA DEFINED.

For the purpose of applying the requirements of off-street loading and parking, the term "floor area," in the cases of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing, or packaging or merchandise, for offices incidental to the management or maintenance of stores or buildings, for restrooms, utilities, or for fitting or dressing rooms. (Code 1979, 20-906)

20-1208. LOT AREA DEFINED.

For the purpose of applying the requirements for off-street loading and parking, the term "lot area" in the case of:

- (a) Golf driving range, commercial, shall mean the tee area only.
- (b) Retail sales of agricultural products raised on the premises shall mean the lot area used for display and sale of the products only.
- (c) All other uses shall mean the area of the portion of the lot actually being used for that purpose. (Code 1979, 20-907)

20-1209. LOCATION OF PARKING AREA.

All off-street parking spaces herein provided shall be located on the same lot, tract, parcel or adjacent lots, tracts and parcels as the use served in accordance with the following provisions except as provided herein:

- (a) No part of a parking area other than the access way shall be located within 25 feet of a street right-of-way in the RS, RM, RM-D, RD, or PRD Districts.
- (b) No more than four vehicles shall be parked on driveways or turnarounds within the required front or side yard of any lot. Single or double driveways and turnarounds shall not be used to provide required off-street parking within the required front or side street yards with the exception of when they are serving a use in Use Groups 3 & 3A. When serving a use in Use Groups 3 & 3A, one required off-street parking space per dwelling unit may be permitted to be located on a driveway or turnaround within the required front or side street yard.
- (c) The width of the driveways shall not exceed twenty-four feet (24') in residential districts. All driveway cuts into the street must be approved by the Department of Public Works.

For any new use, structure, or building which because of the size or location of the parcel, off-street parking cannot be provided on the premises, such off-street parking may be provided on another property of the same or less restrictive zoning classification and under the same ownership, the nearest point of which is located not more than 300 feet distance from an entrance to the main building or use. Such parking space shall be deemed to be required parking space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (Ord. 6154)

20-1210. (Reserved)

20-1211. NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

The number of off-street parking spaces required for each use shall be determined by reference to the following table of "Parking Groups." In the following table the figures in the column headed "Parking Group" refer to corresponding figures in the column headed "Parking Group" in the tables of permitted uses for each zoning district. If for any reason, the classification of any use for the purpose of determining the amount of off-street parking space to be provided by such use is not readily determinable hereunder, the classification of the use shall be fixed by the Board of Zoning Appeals. (Code 1979, 20-909; Ord. 5177, Sec. 5)

20-1212. NUMBER OF OFF-STREET PARKING SPACES REQUIRED BY PARKING GROUPS.

<u>Group</u>	<u>Required Parking Spaces</u>	
1	2	(2) spaces for each dwelling unit
2	A.	1 ½ (.15) spaces for each studio or 1 bedroom apartment
	B.	1 ½ (.15) spaces for each 2BR apartment
	C.	2 ½ (.25) spaces for each 3BR or larger apartment
	D.	1 (.10) space per BR for 2 BR or larger apartments located in RM-3 or RD District
	E.	1 ½ (.25) spaces for each 2 lawful occupants of a fraternity, sorority, dormitory type residence hall, and rooming/boarding house. (Ord. 7592)
	F.	1 (0) space for each dwelling unit where residential is the principal use in C-3 structures erected after August 28, 1984
3	3*	spaces for each 2 dwelling units
4	1*	space for each guest room
5	1*	space for each guest room, plus one space for each 2 employees per working shift. If restaurants, assembly rooms and affiliated facilities are provided, then additional parking spaces shall be required for those uses.
6	1*	space for each 3 beds
7	1*	space for each 3 seats
8	1*	space for each 4 seats in main auditorium or sanctuary
9	1*	space for each 5 seats
10	5*	spaces for each alley
11	1*	space for each 100 sq. ft. of floor area
12	1*	space for each 200 sq. ft. of floor area
13	1*	space for each 300 sq. ft. of floor area
14	1*	space for each 400 sq. ft. of floor area
15	1*	space for each 500 sq. ft. of floor area
16	1*	space for each 500 sq. ft. of floor area or 1 space for each 1.5 employees, whichever is larger
17	1	space for each 1,000 sq. ft. of floor area or 1 space for each 1.5 employees, whichever is larger
18	1	space for each 500 sq. ft. of lot area
19	1	space for each 2,000 sq. ft. of lot area
20	1	space for each 5,000 sq. ft. of lot area
21	1	space for each employee
22	1	space for each 1.5 employees
23	50	spaces for each 9 holes
24	5	spaces, plus 1 space for each pump island
25	variable	spaces shall be based on proposed intensity of use and demonstrated parking needs.
26	1*	space for each 100 sq.ft. of floor area <u>or</u> 1/3 of occupancy load, based upon building code, whichever is the larger of the two.
27	1	space per operating room, plus 1 space per each 1.5 employees per shift. (Ord. 7047 rev.)

The number in parentheses is the percent of bicycle parking spaces per required off-street parking spaces. Bicycle parking spaces may be required in parking groups 17 through

25 dependent upon the specific use(s) as site planned.

An asterisk (*) indicates a minimum of five bicycle parking spaces shall be required.

A one, two or three-unit residential structure is exempt from the bicycle parking requirements of section 20-1211.

Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open use of land shall be added to floor space in determining the number of off-street parking spaces required. (Code 1979, 20-909; Ord. 5177, Sec. V; Ord. 5582, Sec. IV; Ord. 5658, Sec. IV; Ord. 5801, Sec. III; Ord. 5956, Sec. V; Ord. 5972, Sec. 1)

20-1213. DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements.

20-1214. SAME; SCREENING AND LANDSCAPING.

All off-street parking areas containing five or more vehicles shall be effectively screened on each side that adjoins or is across the street from any residential district or institutional premises with a continuous, view-reducing wood fence, masonry wall, compact evergreen hedge or other landscape screening material which, when planted, will constitute an immediate view-reducing barrier. Such fence, wall or landscape screening shall be at least three feet but not more than six feet in height. The space between the hard surfaced parking area or fence and property line shall be landscaped with grass, hardy shrubs, trees and evergreen ground cover. Landscape materials shall be maintained in a healthy, disease-free and debris-free condition. Failure to do so shall be deemed a violation of the Zoning Ordinance. Failure to maintain the landscape screening shall also result in immediate enforcement of the following provision:

A solid, six foot wood fence or masonry wall shall be installed at the commercial property owner's expense to screen adjacent residentially zoned properties (not across a public street or alley) when one or more of the following conditions exist:

(a) The landscaped screen is not solid and view reducing within one year of planting;

(b) The landscape screen fails to meet a minimum height of 3 foot in one growing season; or,

(c) The landscape screen, or the majority of plants in it, fail to be healthy specimens maintained in a disease-free and debris-free condition.

In all parking lots designed to accommodate 25 cars or more, the following standards shall apply:

Each row of parking which terminates within the interior of the lot (not at the perimeter) shall be terminated with a curbed landscape island not less than 200 sq.ft. in area for double rows, and not less than 100 sq.ft. for single rows.

Parking lot islands shall be landscaped as follows:

Turf, ground cover, ornamental trees, or shrubs shall be planted over the entire area within the curbing.

Shade trees shall be planted at the rate of one tree per every two parking islands. (Ord. 5582, Sec. VI; Ord. 5984, Sec. I)

20-1215. SAME; MARKINGS AND BARRIERS.

The parking spaces in all off-street parking areas shall be clearly marked according to the standards established in section 20-1205. The perimeter of the parking lot shall be curbed in accordance with city standards for concrete curbs. The use of parking planter islands is encouraged to help direct the flow of traffic and to define parking rows/columns. No part of a parked vehicle shall be permitted to extend beyond the property line or into the 15-foot setback from street right-of-way. (Ord. 5556, Sec. VIII; Ord. 5956, Sec. VI)

20-1216. SAME; MINIMUM DISTANCE AND SETBACKS.

(a) Commercial and office developments designed, built or redeveloped after August 28, 1984, shall be designed with off-street parking facilities (including aiseways and parking stalls) 15 feet back from the street right-of-way line and shall be maintained in accordance with the adopted city landscape policy.

(b) All off-street parking areas (including screening walls or fences) containing five or more vehicles shall be located no closer than 10 feet from adjacent property lines where any school, hospital or other institution for human care is located.

(c) Commercial and office developments with an interior lot line or lines which abut a residentially zoned district(s) shall maintain a 10 foot greenspace buffer along the property line (or lines) which abuts the residentially zoned district. This greenspace buffer shall be seeded or sodded with grass or a low-growing ground cover and maintained in a healthy, disease-free and debris-free condition. Screening walls, fences or hedges are allowed within the greenspace buffer. If a wall or fence is built in the greenspace buffer, the buffer may be reduced to five feet in width from 10 feet in width as specified above. Screening walls or fences shall be placed a maximum distance of one foot from the property line and shall be required where commercial development(s) abuts residentially zoned property. Existing developed commercial sites shall not be required to provide the greenspace buffer; however, any change in use that would require site planning shall null this exemption.

(d) Existing commercial developments which, due to fire or tornado or other natural causes, are destroyed by 50 percent or less of their fair market value shall be allowed to restore or reconstruct the damaged or destroyed portions to no greater gross square footage than existed prior to the damage. Existing commercial developments which, due to fire, tornado, or other natural causes, are destroyed more than 50 percent of their fair market value or which are expanded shall be required to meet existing standards for that portion proposed to be rebuilt or expanded. In cases where property is destroyed and where existing standards will impose an unnecessary hardship which has in no way been created by the owner or developer, the Director of Planning may waive one or more of the following standards:

- (1) Screening and landscaping requirements, section 20-1214; or
- (2) Minimum distances or setbacks.

(e) Where existing standards are waived the standards in force prior to August 28, 1984 shall apply. (Ord. 5582, Sec. VII)

20-1217. SAME; SURFACING.

(a) All off-street parking areas, including single-family and duplex residential driveways, shall be surfaced with a minimum of:

- (1) Four (4) inches of reinforced Portland cement concrete;
- (2) Five (5) inches of granular rock base with two (2) inches of asphaltic concrete;
- (3) Seven (7) inches of granular rock with a double asphaltic prime and seal; or,
- (4) Five (5) inches of full depth asphaltic concrete.

(b) As an alternative to subsection (a), 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:

- (1) Grid unit pavers with grass installed per the manufacturer's recommendations with the pavement and base designed by a licensed professional engineer 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.
- (2) Concrete, brick, or clay interlocking paver units installed per the

manufacturer's recommendations with the pavement and base designed by a licensed professional engineer 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.

(c) Private streets shall be built to city street standards and maintained by the private property owner.

(d) Driveway approaches (aprons) shall be built to city standards and maintained by the property owner. (Ord. 6926)

20-1218. SAME; LIGHTING.

Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises in any residential district.

20-1219. SAME; NATURE OF USE.

In any residential district, off-street parking areas shall be used only by vehicles of up to three-fourths ton manufacturer's rated capacity. Required off-street parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

20-1220. SAME; SHELTER BUILDING.

An off-street parking area may have not more than one attendant shelter building conforming to all setback requirements for structures in the district, and which shelter in any residential district shall not contain more than 50 sq.ft. of gross floor area. (Code. 1979, 20-910)

20-1221. DESIGN AND MAINTENANCE OF BICYCLE PARKING AREAS.

Every bicycle parking area, whether used publicly or privately and including a commercial bicycle parking area, shall be designed, built and maintained in keeping with the following specifications:

(a) Surfacing: A bicycle parking area shall be surfaced with a minimum of:

- (1) Four inches of concrete, or
- (2) Four inches of asphaltic concrete, or
- (3) Two inches of concrete with a two inch brick overlay, or similar material for overlay, or
- (4) Four inches of AB-3 aggregate rock.

(b) Lighting: Bicycle parking areas shall be well lighted and within clear view of passersby.

(c) 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 the possibility of a bicycle or its operator from being hit by a motor vehicle. (Ord. 5177, Sec. 6)

20-1222. APPROVAL OF PARKING LOT DESIGN.

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 engineer shall find that the spaces provided are usable and meet standard design criteria. (Code 1979, 20-911)

20-1223. MODIFICATION OF OFF-STREET PARKING REQUIREMENTS.

The board of zoning appeals may authorize an appeal, a modification, reduction, or waiver of the foregoing requirements only if it should find that in the particular case appealed, the particular nature of the residential, commercial, industrial, or institutional use, or the exceptional shape or size of the property or other exceptional situation or condition

not generally applicable to other lots in the same district, must justify such action. (Code 1979, 20-912)

20-1224. COMMERCIAL ACCESS TO LOCAL, COLLECTOR AND ARTERIAL THOROUGHFARES.

Development in C-4 (General Commercial) and C-5 (Limited Commercial) districts shall be designed and encouraged, whenever possible, to share direct or indirect access to arterial or collector thoroughfares through common curb cuts or private frontage roads with the exception that, when the development property abuts a controlled intersection, access may be taken from a side street.

Development in C-2 (Neighborhood Commercial) districts shall have primary access restricted to arterial or collector thoroughfares. Indirect access to local thoroughfares is allowed when it is from a private/public frontage road or is a secondary site access drive.

Development in C-1 (Inner Neighborhood Commercial) districts is restricted to collector or arterial thoroughfares and to public alleys (if they abut the property being developed).

Access to a major or minor thoroughfare shall occur as defined in section 20-1205(g)(3). (Ord. 5582, Sec. VIII)

ARTICLE 13. GENERAL PROVISIONS

20-1301. CONTINUING EXISTING NON-CONFORMING USES.

Except as hereinafter specified, any non-conforming use of a building or structure; or a non-conforming building, structure and use thereof existing at the time of the enactment of this Ordinance may be continued, even though such use or building may not conform with provisions of this Ordinance for the district in which it is located: Provided that this section does not apply to any use or building established in violation of any zoning ordinance previously in effect in Lawrence unless said use or building now conforms with this Ordinance. (Code 1979, 20-1001; Ord. 5034)

20-1301.5 For all non-conforming uses created by the adoption of Ordinance No. 7323 , effective on and after March 1, 2001, the record owner of the property shall , within ninety (90) days after the effective date of Ordinance No. 7323 , submit an application for the registration of the non-conforming use to the Office of the Lawrence-Douglas County Metropolitan Planning Department, on official application forms prepared by the Planning Department. The Director shall rule on the validity of the application, and appeals on such ruling may be made to the Board of Zoning Appeals. The failure to register a non-conforming use created by Ordinance No.7323 pursuant to the provisions of this Section shall result in a determination that a legal non-conforming use has not been created.

20-1302. LIMITATIONS ON NON-CONFORMING USES.

(a) No non-conforming building, structure, or use of land shall be changed, extended, enlarged, or structurally altered unless:

- (1) Such change is required by law or order; or,
- (2) The use thereof is changed to a use permitted in the district in which such building or land is located; or,
- (3) Authority is granted by the City Commission to change the use or occupancy, provided the commission finds the use is within the same or more restricted classification as the original non-conforming use and such change of use or occupancy will not tend to prolong and continue the non-conforming use; or,
- (4) Authority is granted by the City Commission to enlarge or complete a building devoted to a non-conforming use where such extension is necessary and incidental to the existing use of such building and the conditions set forth in section 20-1303 (Expansion of Non-Conforming Uses) are met; or,
- (5) Authority has been granted by the City Commission to extend a non-conforming use throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use or building became non-conforming, if no structural alterations, except those required by law, are made therein. (Code 1979, 20-1002; Ord. 5034)

20-1303. EXPANSION OF NON-CONFORMING USES.

Non-conforming uses of buildings and structures or non-conforming buildings, structures and their uses may be expanded according to the provisions of section 20-1302 (Limitations on Non-Conforming Uses) and under the terms of this section as follows:

- (a) Non-conforming uses in residential districts when the use:
 - (1) Does not increase the number of dwelling units;
 - (2) Does not exceed 50 percent of the floor area of the original use;
 - (3) Is such that the expansion does not exceed the setbacks or height limitations of the district; and,
 - (4) Provides for off-street parking and loading as required by sections 20-1211 and 20-1212.
- (b) Non-conforming uses in non-residential areas when the use:
 - (1) Does not exceed 100 percent of the floor area of the original use;
 - (2) Does not intrude into a residential zoning district;
 - (3) Is such that the expansion does not exceed the setbacks or height

limitations of the district; and,

(4) Provides for off-street parking and loading as required in sections 20-1211 and 20-1212. (Ord. 5034)

20-1304. CESSATION OF A NON-CONFORMING USE.

(a) Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

(b) A lawful non-conforming use of a building, structure, or land that has been voluntarily discontinued for a period of six calendar months shall not thereafter be resumed. (Code 1979, 20-1003; Ord. 5034)

20-1305. DISCONTINUANCE OF A NON-CONFORMING OPEN USE OF LAND.

A non-conforming commercial or industrial open use of land as defined in section 20-2002.13(2)(a) shall be discontinued within three years from the effective date of this Ordinance. Any such non-conforming use of land which becomes non-conforming by reason of subsequent amendments to this Ordinance shall also be discontinued within three years from the date of such amendment. (Code 1979, 20-1004; Ord. 5034)

20-1306. CONSTRUCTION APPROVED PRIOR TO ORDINANCE.

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, where official approvals and required building permits have been granted before the enactment of this Ordinance, or any amendment thereof, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner within the subsequent six months period and not discontinued until completion, except for reasons beyond the builder's control. (Code 1979, 20-1005; Ord. 5034)

20-1307. REPLACEMENT OF DAMAGED OR DESTROYED NON-CONFORMING USES.

(a) Any non-residential building damaged by more than 50% of its fair market value shall not be restored if the use of such building is not in conformance with the regulations adopted in this chapter.

(b) Residential non-conforming uses shall be permitted to rebuild except when located in the floodway overlay district. The use may not be rebuilt to a greater density than existed before the damage. Rebuilding shall not be allowed unless setback and parking requirements of the district are met. Reconstruction must be completed within 12 months of the time the damage occurred. (Ord. 6287)

20-1308. REPAIRS TO NON-CONFORMING USES, LIMITATION.

Such repairs and maintenance work as are required to keep it in sound condition may be made to a non-conforming building or structure, provided, that no structural alterations shall be made except such as are required by law or ordinance. (Code 1979, 20-1007; Ord. 5034)

20-1309. REAR DWELLINGS; REQUIREMENTS.

No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements of this Ordinance. In addition, there must be provided for any such rear dwellings an unoccupied and unobstructed access way not less than 12 feet wide to the public street for not more than two dwelling units in such location, or one not less than 20 feet wide for three or more dwelling units. (Code 1979, 20-1008; Ord. 5034)

20-1310. ACCESSORY BUILDINGS; GENERAL.

An accessory building may be erected detached from the principal building, or except when a garage, may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure. (Code 1979, 20-1009; Ord. 5034)

20-1311. LOCATION OF ACCESSORY BUILDINGS.

An accessory building in a residential district shall be located to the rear of the front building line and at least four feet from any dwelling existing or under construction on the same lot. No accessory building shall be located closer than five feet to any interior lot line. Setbacks from interior side yards shall not apply to accessory buildings placed on lots that border alleys. Accessory buildings shall not be located closer than 13 feet to the centerline of an alley. Except, an accessory building may be located up to the rear property line when the property line is adjacent to an alley and when the doors to the building do not open directly onto the alley. (Code 1979, 20-1310; Ord. 5034; Ord. 5793)

20-1312. MAXIMUM REAR YARD COVERAGE.

Accessory buildings shall not exceed 30 percent of the area of the required rear yard. Garden shelter, storage shelters, and covered patios shall be permitted as accessory buildings: Provided, that these uses are not equipped for use as living quarters. (Code 1979, 20-1011; Ord. 5034)

20-1313. GUEST HOUSE.

Guest house accessory buildings shall comply with all requirements of this article as they relate to the location and size of accessory buildings. No kitchen or cooking facilities shall be permitted in any guest house. (Code 1979, 20-1012; Ord. 5034)

20-1314. REDUCTION OF AREA OR SPACE REQUIRED.

No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this article, and, if already less than the minimum required by this article, said area or dimension shall not be further reduced. However, this section shall not apply when a portion of a lot is acquired for a public purpose. (Code 1979, 20-1013; Ord. 5034)

20-1315. UNSAFE BUILDINGS.

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority. (Code 1979, 20-1014; Ord. 5034)

20-1316. (Reserved)

20-1317. DWELLING UNITS PER LOT.

The number of dwellings permitted per lot in RS-1, RS-2 and RM-D are as follows:

(a) No more than one single-family dwelling unit shall be permitted per lot in RS-1 and RS-2 districts.

(b) No more than one structure containing one or two dwelling units shall be permitted per lot (as defined by section 20-2002.11) in RM-D districts. (Ord. 5290, Sec. 1)

ARTICLE 14. SPECIAL CONDITIONS

20-1401. GENERAL.

This article describes the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said sections in the "Special Conditions" column in the table of permitted uses. In all instances where approval of an application for a "Uses Permitted upon Review" or a "Temporary Uses Permitted upon Review" is required from the City Commission as set forth in sections 20-1608 through 20-1612, and where the meeting of special conditions is required, the city commission shall first make a finding to the effect that the proposed use, as described in applications, plan or other documents submitted by the applicant, will meet such conditions before approval is granted. (Code 1979, 20-1101)

20-1402. AIRPORT, AIRCRAFT LANDING STRIP, OR HELIPORT.

Any airport, aircraft, landing strip, or heliport shall be located no nearer than 600 feet to any other property in a residential district; shall provide runways or other landing spaces only so located and oriented that aircraft landing and taking off do not normally pass directly over the residential district below 200 feet; and shall be so located that air or land traffic shall not become objectionable to neighboring uses. Proponents shall also show that adequate measures will be taken to prevent offensive dust, noise, vibrations, and bright lights; and that the field in question meets the standards of the Federal Aviation Agency for the particular class of field proposed to be developed. (Code 1979, 20-1102)

20-1403. ANIMAL HUSBANDRY, DAIRYING, AND PASTURAGE; ANIMAL HOSPITAL; COMMERCIAL KENNELS; LIVESTOCK SALES; RIDING ACADEMY; PUBLIC STABLE; VETERINARIAN'S OFFICE.

In those districts where permitted, shall be subject to the following regulations:

(a) Animal Husbandry, Dairying, and Pasturage, but not including the keeping of swine, shall have a minimum lot area of not less than one (1) acre and shall have not less than 20,000 sq.ft. of lot area for each head of livestock kept on the premises.

(b) Animal Husbandry, the keeping of pigs or hogs, shall have a minimum lot area of five acres and shall be located no nearer to an adjoining property line than 100 feet.

(c) Animal Hospital, Pound, or Shelter; Commercial Kennel for Cats or Dogs; Livestock Sales or Feeding Facilities; Riding Academy; Public Stable; Veterinarian's Office with Animals on the Premises in Outside Enclosures shall be located no nearer than 150 feet to an RS, RM, RMD, RO, RD, or PRD district and no nearer to an adjoining property line than 100 feet.

(d) Proponents of the above uses 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. (Code 1979, 20-1103)

20-1404. APARTMENT HOTEL, DORMITORY-TYPE RESIDENCE HALL, FRATERNITY, SORORITY

Are permitted in the RD district; provided, there shall be a minimum lot area of 20,000 sq.ft. and all other requirements of this ordinance have been met. (Code 1979, 20-1104)

20-1405. AUTOMOBILE LAUNDRY (CAR WASH)

Space shall be provided on the same lot for not less than six automobiles per washing lane. (Code 1979, 20-1105)

20-1406. AUTOMOBILE; GO-KART; MINIATURE AUTO, RACING, OR DRIVING TRACKS

Shall be located not less than 1,000 feet from any residential district unless enclosed by a solid fence or wall at least six feet high, but in no case shall a track be located less than 500 feet from a residential district. (Code 1979, 20-1106)

20-1407. CARNIVAL, CIRCUS, OR TEMPORARY RELIGIOUS SERVICES

Shall be required to obtain a certificate of occupancy from the building inspector and shall have no facilities located nearer to an RS, RMD, RM, RO, RD or PRD district than 200 feet and no nearer than 300 feet to any occupied residential structure and shall have access drives so located as to minimize traffic hazards. The proponent shall show that adequate measures will be taken to prevent odor, dust, noise, lights, and traffic from becoming objectionable to uses on other properties.

Each certificate of occupancy for such enterprise shall be valid for a period of not more than seven days and shall not be granted for more than three such periods for the same location within any 90-day period. (Ord. 1979, 20-1107)

20-1408. CEMETERY, COLUMBARIUM, CREMATORY, OR MAUSOLEUM

Shall have its principal entrance or entrances on a major thoroughfare, with ingress and egress so designed as to minimize traffic congestion and shall provide a wall or fence at least six feet high on all property lines abutting any residential district. (Code 1979, 20-1108)

20-1409. CHURCH OR OTHER PLACE OF WORSHIP, INCLUDING CHURCH-SPONSORED STUDENT CENTER

Shall be permitted in the following districts, subject to the indicated site standards:

<u>District</u>	<u>Minimum Site Area (acres)</u>	<u>Minimum Yards (in feet)</u>		
		<u>Front</u>	<u>Side</u>	<u>Rear</u>
RS-1	2	25	75	75
RS-2, PRD	1	25	50	50
RMD, RM, RD, RO	.5	25	25	25

(Ord. 4634, Sec. 20-1109)

20-1410. CLUB OR LODGE

Where permitted in residential districts, shall observe the site standards required for churches (above) and shall be so located that no ingress or egress (other than a service entrance on an alley) is from any street other than a collector thoroughfare or a major thoroughfare. No swimming pool, tennis court, or other recreational facility which is accessory to a private club or lodge shall be located nearer to other property in a residential district than one-half the required yard dimension, and wherever any such facility is located within any part of a required side or rear yard, adjoining property in a residential district shall be effectively protected by a fence or wall at least six feet high. (Code 1979, 20-1110)

20-1411. CONSTRUCTION FACILITIES, ACCESSORY: TEMPORARY BATCHING PLANT FOR ASPHALTIC OR PORTLAND CEMENT CONCRETE OR TEMPORARY BUILDING OR YARD FOR CONSTRUCTION MATERIALS AND/OR EQUIPMENT

Shall be permitted in any zoning district upon approval by the City Commission of a "Temporary Use Permitted upon Review" application. Before such approval is granted, the City Commission shall find that such batching plant, yard, or building is both incidental to and necessary for construction within two miles of the plant, yard, or building. Each such approval shall be granted for a period of not more than 180 days, and approval shall be granted for the same location for not more than four such periods during any 30-month period. The applicant shall show that adequate measures will be taken to prevent odor, noise, lights, drainage, and traffic from becoming objectionable to uses on other properties. Ingress to and egress from such facilities shall be only from major thoroughfares: Provided, that the City Commission may approve a location on a minor thoroughfare if the Commission finds that such location would give rise to less traffic on residential thoroughfares than would a feasible location on a major thoroughfare. Within a reasonable period of time following the termination of any temporary use permitted by this section, the applicant shall cause the site to be returned to its original condition. (Code 1979, 20-1111)

20-1412. DANCE HALL, COMMERCIAL

Shall provide parking with ingress and egress designed so as to minimize traffic congestion, shall be not less than 20 feet from any property line, shall provide a minimum six foot high solid board or masonry wall separating the entire area from any abutting property in a residential district, and shall show that adequate controls or measures will be taken to prevent offensive noise, light, and vibration. (Code 1979, 20-1112)

20-1413. EARTH MOVING AND EXCAVATION; DEPOSITING OF CONSTRUCTION MATERIALS ON THE GROUND

Shall be subject to regulations set forth in Section 20-1419. (Code 1979, 20-1113)

20-1414. FLAMMABLE LIQUIDS AND GASES, STORAGE.

The storage of flammable liquids and gases shall comply with the State of Kansas Statutes pertaining thereto. (Code 1979, 20-1114)

20-1415. GOLF DRIVING RANGE, COMMERCIAL

Shall be located only on major thoroughfares. Lights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf driving platform shall be not less than 200 feet from any adjacent property line located in a residential district. (Code 1979, 20-1115)

20-1416. GOLF COURSE OR COUNTRY CLUB

Shall be subject to regulations set forth in section 20-1410 "Clubs and Lodges." (Code 1979, 20-1116)

20-1417. HOME OCCUPATIONS.

Home occupations (defined in section 20-2002.7) in those districts where permitted, are subject to all of the following conditions:

(a) In any dwelling unit, all home occupations, collectively, shall not occupy more than 25 percent of the gross floor area of one floor of the dwelling unit, but these limitations shall not apply to foster family care.

(b) A home occupation shall not require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.

(c) The entrance to the space devoted to a home occupation shall be from within the dwelling.

(d) There shall not be displayed or created outside the building or displayed by means of windows or openings in the structure any external evidence of the operation of the occupation, except, for each street front of the lot on which the building is located, one unanimated, nonilluminated, accessory identification sign having an area of not over two sq. ft. Such sign to be placed flat against a wall or door or displayed in a window.

(e) Power shall be limited to electric motors with a total limitation of three horsepower per dwelling unit.

(f) The home occupation shall be conducted and shall not have any employees who do not reside in said dwelling unit.

(g) There shall be no sales to customers on the premises. (Code 1979, 20-1117)

20-1418. JUNKYARDS, SALVAGE YARDS, OR AUTO WRECKING YARDS, OR THE STORAGE OR PROCESSING OF USED MACHINERY, BUILDING MATERIALS, PLUMBING FIXTURES, OR APPLIANCES

Shall not be construed to be a permitted use in the M-4 district until a "Use Permitted upon Review" application shall have first been reviewed by the planning commission and approved by the city commission as provided in sections 20-1609 and 20-1610.

The city commission shall have the power to approve such applications for a "Use Permitted upon Review" only after it has been found and determined that the proposed use will not be

detrimental to the existing land uses in the area and that the health, safety, and welfare of neighboring property owners will not be unduly affected, and further, that the following requirements have been met:

(a) All exterior storage and processing areas abutting a thoroughfare shall be screened by a solid masonry wall or solid wood fence at least six feet high and shall 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. 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.

(b) No open burning of junked, salvaged, or discarded materials shall be 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. (Code 1979, 20-1118)

20-1419. MINING, QUARRYING, EARTHMOVING.

Mining, including extraction of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation, including removal of topsoil; depositing of construction material, clay, earth, gravel, minerals, rock, sand or stone on the ground shall not be construed to be a permitted use in any district, except M-3 District, unless and until a "Temporary Uses Permitted upon Review" application shall first be approved as provided in section 20-1612, except for the following defined extraction and deposits:

(a) 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 in a structure for which a building permit has been issued.

(b) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than four feet in vertical height.

(c) Grading in a subdivision which has been approved by the city in accordance with the City of Lawrence Subdivision Regulations and any amendments thereto.

(d) Any extractive operation existing and operating as such on the effective date of this ordinance shall conform with the provisions set forth herein within one year of the adoption of this ordinance.

The city commission shall have the power to approve applications for "Temporary Uses Permitted upon Review," 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, as set forth in section 20-1612 of this chapter. The building inspector shall make such inspection as he deems necessary or as are required by the city commission to insure that all work is in accordance with the approved "Temporary Use Permitted upon Review" application. (Code 1979, 20-1119)

20-1420. MOBILE HOMES.

Parking of a mobile home in any district or floodplain overlay districts for residential purposes shall be prohibited, except as follows:

(a) A mobile home may be parked in a mobile home park, as provided by this ordinance with the exception that all mobile homes are prohibited from placement within the floodplain overlay districts.

(b) In any approved district, the wheels or any similar transporting devices of any mobile home or camping trailer shall not be removed except for repairs, nor shall such mobile home or camping trailer be otherwise permanently fixed to the ground or permanently fastened to another mobile home unit in a manner that would prevent ready removal of said mobile home or camping trailer. Tires and rims may be removed for storage purposes.

(c) Mobile homes existing at the date of adoption of the floodplain management regulations within the floodway or floodway fringe overlay districts shall be required to meet the following regulations in addition to the other requirements of this section:

(1) Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accordance with the state requirements cited in K.S.A. 75-1226 through 1234.

(2) Any reconstruction or repair of existing mobile homes shall be required to meet the following regulations:

(i) Stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the regulatory flood elevation;

(ii) Adequate surface drainage and access for a hauler are provided; and

(iii) In the instance of elevation on pilings: 1) lots be large enough to permit steps; 2) piling foundations be placed in stable soil no more than 10 feet apart; and, 3) reinforcement be provided for pilings more than six feet above the ground level. (Ord. 5256)

20-1421. RECREATION UNITS.

(a) A major recreational unit may be parked or stored anywhere on a lot except that a motorized self-propelled camper, nonmotorized travel trailer, or boat or canoe, when on a trailer, shall be parked on an improved driveway when so parked in the required front yard or exterior side yard areas: provided, no major recreational unit shall be stored within four feet of a residential structure located on the same property except when such unit is stored inside of a garage or other storage structure attached to such residential structure, nor shall any such recreational unit be stored within 10 feet of any residential structure on adjoining property. The Board of Zoning Appeals may permit an exception, on appeal, to the foregoing requirements only if it should find that in the particular case appealed the location of existing structures, the exceptional shape or size of the property, or other exceptional situation or condition not generally applicable to other properties justifies such action.

(b) No major recreational unit shall be parked or stored on a corner lot within the triangular area formed by the intersecting curblines and a straight line joining said curb lines at points 50 feet from the point of intersection. While a major recreational unit is parked or stored as allowed in this article no living quarters shall be maintained in such unit, nor any business conducted in connection therewith. (Code 1979, 20-1120)

20-1422. SAME; PARKING ON STREET.

No motorized self-propelled camper, nonmotorized travel trailer, or boat or canoe, when on a trailer, shall be parked on a public street for a period of time exceeding 48 hours, and when so parked shall be located no nearer to an intersecting street than 100 feet, from the intersecting curb lines of the two streets nor located so as to obscure any driver's view of approaching traffic. No nonmotorized travel trailer or boat or canoe, when on a trailer, shall be left unattached when parked on a public street. (Code 1979, 20-1120)

20-1423. MOBILE HOME PARK REGULATIONS.

The purpose of these regulations is to insure and promote an acceptable living environment for occupants of mobile home parks with mobile home spaces offered for rental or lease. Every mobile home park shall comply with all other pertinent city and/or state regulations, together with all amendments thereto subsequently adopted. No use shall be allowed other than those uses considered as an integral part of the planned mobile home park as shown on the development plan.

(a) Location. A mobile home park may be located upon any tract of land held under single ownership within any residential zoning district.

(b) Size of Park. The minimum size of a mobile home park shall be five acres with all mobile homes fronting upon a private roadway within the park.

(c) Gross Density. The average gross density of a mobile home park (including streets and sidewalks) shall not exceed eight mobile home spaces per acre.

(d) Access. A mobile home park shall have access to arterial or major collector streets and no mobile home space shall have direct access to a local residential public street.

(e) Off-Street Parking. A minimum of at least two off-street parking space shall be provided for and be located on each mobile home space. Parking will be allowed on one side of each roadway having a width of 30 feet or greater.

(f) Mobile Home Park Plan. A site plan on a scale of one inch (1") equals 50 feet shall be submitted as part of the Use Permitted Upon Review Application. The site plan shall show roads, buildings, land use, zoning, and other features outside the park within 300 feet of the exterior boundaries. The site plan shall conform with the following design requirements:

(1) Drainage. The park shall be properly drained to insure rapid run-off and freedom from stagnant pools of water.

(2) Natural Features. The design of the park shall preserve natural features such as large trees, out-croppings, etc., when feasible.

(3) Spaces. Each mobile home park shall clearly define the mobile home spaces, and such spaces shall not have an area of less than 3,600 sq.ft. There shall be a minimum distance of 20 feet between mobile homes.

(4) Circulation. The interior circulation and access driveways to public streets shall be so designed as to promote the public safety. A minimum 50-foot radius turn-around shall be provided at the terminus of dead-end roadways, sufficient to accommodate emergency vehicles on the scale of ambulances and pumper trucks.

(5) Roadways. Internal roadways shall be provided and all mobile home spaces shall face or abut on a roadway having at least 22 feet of unencumbered travelway. Such roadways shall be surfaced with four inches of Portland cement concrete or five inches (5") of rock with two inches (2") of asphaltic concrete.

(6) Sidewalks. Sidewalks at least three feet wide shall be provided leading from mobile home spaces to service and recreational areas.

(7) 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 which is three hundred feet or more from a roadway intersection. These lights shall be a minimum of 1,000 lumens.

(8) Setbacks and Landscaping. Mobile homes shall be set back a minimum of 50 feet along the street frontage of a major thoroughfare and a minimum of 25 feet of all other property lines. This setback or buffer zone shall be planted with 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 shaded park-like atmosphere.

(9) 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.

(10) Design. The design of the mobile home park shall provide for and promote the public safety, convenience, and general welfare in a manner that will provide an enjoyable living environment.

(11) 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.

(12) 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 sq.ft. of developed area per mobile home space. Calculations of recreational space shall not include the setback requirements as specified in section 20-1423(f)(8) of these regulations.

(13) Boat and Trailer Storage. Each mobile home park shall provide screened areas for the storage of boats and trailers (travel, horse, or utility) with an aggregate size of at least 100 sq.ft. per mobile home space.

(14) Nonconforming Mobile Home Parks. Existing mobile home parks that do not conform with these regulations and special conditions shall be considered as nonconforming and shall be allowed to continue under the provisions of this chapter as stated in Article 13 "General Provisions." However, no nonconforming mobile home park if discontinued or its normal operation stopped for more than six months, the use of the land shall thereafter

conform to a use permitted in the zone in which it is located. (Code 1979, 20-1120; Ord. 6048, Sec. VI)

20-1424. CHILD CARE HOME, NON-OCCUPANT PRIMARY PROVIDER CHILD CARE HOME, AND CHILD CARE CENTER

Shall be subject to the following regulations as set forth below:

(a) Child Care Homes (as defined in Section 20-2002.2(3)(a)) as a permitted accessory use in RS, RM, RD, and RO districts must meet the following requirement before operation of the child care home begins:

(1) Written notification in all directions be given to adjacent property owners stating the proposed use and times of operation.

(b) Non-Occupant Primary Provider Child Care Homes (as defined in Section 20-2002.2(3)(b)) as an accessory use in RS, RM, RD, and RO districts shall require the approval of a Use Permitted upon Review before operation of the proposed use can begin.

(c) Child Care Center (as defined in Section 20-2002.2 (3)(c)) shall be on a site of at least 6,000 sq. ft. and shall maintain a wall or fence at least four feet high between any play area and any other property in a residential district. Child care centers shall require the approval of a Use Permitted Upon Review before operation of the proposed use can begin. (Ord. 6489)

20-1425. OFF-STREET PARKING, LOADING, TEMPORARY; INCIDENTAL, OR FOR A SPECIAL EVENT OF A NONCOMMERCIAL NATURE

May be permitted by the city commission by the approval of a "Temporary Use Permitted upon Review" application: Provided, that each such approval shall be valid only for the duration of the designated special event: Provided further, that if the designated special event is a seasonal activity, approval may be granted for the entire season but restricted in use to designated dates and times in which the event is to occur. (Code 1979, 20-1122)

20-1426. PLACE OF PUBLIC ASSEMBLY, MAJOR, INCLUDING ARENA, AUDITORIUM, COLISEUM, AND STADIUM, WITH SEATING CAPACITY OF ONE THOUSAND (1,000) OR OVER, LOCATED IN A RESIDENTIAL AREA

Shall meet the following requirements:

(a) Have ingress and egress from a major thoroughfare or from a collector thoroughfare not more than 300 feet distance (by shortest street route) from a major thoroughfare;

(b) Have ingress and egress so designated as to minimize traffic congestion and hazards;

(c) Meet the site standards required for churches in section 20-1409 of this article. A drive-in theater shall have ingress and egress from a major thoroughfare only, and its projection screen shall be located not less than 200 feet from any residential district, and shall not be located as to be visible from any major thoroughfare within 600 feet thereof. (Code 1979, 20-1123)

20-1427. PLACE OF PUBLIC ASSEMBLY, MINOR, INCLUDING ART GALLERY, AUDITORIUM, ARENA, COLISEUM, STADIUM, AND THEATER WITH SEATING CAPACITY OF LESS THAN ONE THOUSAND (1,000); COMMUNITY BUILDING; LIBRARY; AND MUSEUM, LOCATED IN A RESIDENTIAL AREA

Shall meet the same requirements as set forth for major places of public assembly in section 20-1426 except that ingress from and egress to a collector thoroughfare need not be within 300 feet of a major thoroughfare. (Code 1979, 20-1124)

20-1428. SITE PLAN APPROVAL.

(a) **PURPOSE.** The purpose and intent of requiring site plan approval is 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.

(b) **DEFINITIONS.** For purposes of Sections 20-1428:1435, the following definitions shall apply:

- (1) Development means any man-made change to improved or unimproved real estate, including but not limited to the construction or placement of buildings, structures or other man-made fixtures or appurtenances, or the paving of ground, or any combination of these. Development does not include filling, grading, or excavation.
- (2) Improved Real Estate means a tract or tracts of real property with any man-made structures or improvements existing on the property.
- (3) Significant Alteration to Existing Development means a development on improved real estate that is altered or changed in such manner that one or more of the following is applicable:
 - (a) The development results in the construction of a building, structure, or addition that increases the gross square footage of the existing development by more than ten percent (10%); provided, that separate incremental developments below the 10% amount shall not be used to avoid the requirements of Sections 20-1428:1435 if in the aggregate the developments over a period of 18 months would meet those requirements; or,
 - (b) The estimated construction costs of the development exceeds ten percent (10%) of the most recent appraised fair market value of the existing property as determined by the County Appraiser, provided, that separate incremental developments below the 10% amount shall not be used to avoid the requirements of Sections 20-1428:1435 if in the aggregate the development over a period of 18 months would meet those requirements; or,
 - (c) The construction or paving of any parking lot or facility which covers ground previously not used as a parking lot or facility, or the construction or paving of any parking lot or facility which does not conform to City pavement standards pursuant to 20-1217; or,
 - (d) The alteration or intensification of any use which increases off-street parking requirements pursuant to Article 12 of this Chapter.
- (4) Minor Alteration to Existing Development means development on improved real estate that is altered or changed and does not meet the definition of Section 20-1428(b)(3). (Ord. 6702)

20-1429. SAME; WHEN SITE PLAN REQUIRED.

The conditions and requirements of sections 20-1428:1435 shall be in full force and effect, and an approved site plan shall be required prior to the issuance of a building permit, in each and all of the following instances:

(a) For any development on unimproved real estate in zoning districts designated as an RO (Residential-Office) district, RD (Residential-Dormitory) district, RM (Multiple-Family) district, O (Office) district, CP (Off-Street Parking) district, C-1 (Inner Neighborhood) district, C-2 (Neighborhood Shopping) district, C-3 (Central Business) district, C-4 (General Business) district, C-5 (Limited Commercial) district, M-1 (Research Industrial) district, M-1A (Light Industrial) district, M-2 (General Industrial) district, M-3 (Intensive Industrial) zoning district or M-4 (Limited Intensive Industrial) district, or for uses allowed within RS (Single-Family Residential) and RM-D (Duplex Residential) districts which require a Use Permitted upon Review (UPR); or,

(b) The alteration or intensification of any use which increases off-street parking requirements pursuant to Article 12 of this Chapter; or,

(c) For any significant alteration to existing development on improved real estate in the zoning districts set forth in subsection (a), no building permit shall be issued nor shall any use be

established or increased in intensity, until a site plan has been submitted and approved as set forth in sections 20-1428:1435; or,

(d) For any minor alteration to existing development on improved real estate in the zoning districts set forth in subsection (a), no building permit shall be issued nor shall any site development occur until a revised site plan has been submitted for planning department and building inspection review and administratively approved by the planning director as set forth in sections 20-1428:1435. A site plan with minor alterations to existing development shall not be required to comply with amendments to Chapter 20 of this Code which occurred subsequent to the existing approved site plan nor shall City Commission approval be required; or,

(e) Provided that single-family, duplex and tri-plex units are hereby expressly exempted. However, if such types of dwellings are so designed as to form a complex having an area of common usage, such as a parking area, interior court or private recreational area, and such complex contains a combined total of four units or more, the provisions of the sections shall be in effect; or,

(f) Whenever a specific reference is made to this section in any other part of the City Code. (Ord. 6702; Ord. 6746)

20-1430 SAME; FEES AND PROCEDURE.

A pre-application meeting with a member of the planning staff is required before the formal submission of a site plan. The architect, developer or owner shall pay a fee according to the published fee schedule of the Lawrence-Douglas County Metropolitan Planning Department at the time a site plan application and site plan are formally submitted to the department for review. If a site plan is withdrawn or denied the review fee is not refundable. If a revised site plan is submitted within the 21-day review period a new review fee shall not be required.

At the time of submittal and payment of fee(s), the applicant shall submit the required number of legible and complete site plans (in accordance with section 20-1431) requested at the pre-application meeting, not to exceed a total of 30 site plans. After review comments have been received, the applicant or his or her representative shall make the necessary revisions, if any, and submit eight additional and/or revised site plans for the city commissioners' review and for planning department and building inspection files. If the proposed development is adjacent to and takes access from a state or federal highway an additional site plan shall be submitted at the initial review stage.

The normal review period for a site plan shall be no fewer than 21 days. Deadlines set by the planning department shall not be altered, reduced or varied except under unusual circumstances.

The planning staff shall review the site plan for conformance with these regulations (Chapters 20 and 21) and shall make a report, with recommendations, to the city commission. After receiving the site plan review from the planning staff, the city commission shall approve the site plan, with or without conditions; deny the site plan; or defer the site plan for further study.

Site plans for residential developments of fewer than 11 units but more than three units may be approved by the director of planning, provided that the plan complies with the provisions of Ordinance No. 5530 and has been approved by the public works director and reviewed by the parks superintendent. The director of planning shall approve the plan or shall forward the plan to the city commission with recommendations. (Ord. 6409)

20-1430.1 SAME; FEES.

The architect, developer or owner shall pay a fee of \$50.00 at the time a site plan application and site plan are formally submitted to the department for review. If a site plan is withdrawn or denied the review fee is not refundable. If a revised site plan is submitted within the review period a new review fee shall not be required. A fee of \$25.00 shall be charged for site plan renewal review. The City Manager shall have the authority to waive site plan fees for minor site plans or administratively approved site plans. (Ord. 6478)

20-1431. SAME; SITE PLAN REQUIREMENTS.

(1) A site plan shall:

(a) Be prepared by an architect, engineer, landscape architect, or other qualified

professional 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;

(b) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;

(c) Show boundaries and dimensions graphically, and 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;

(d) Show the present and proposed topography of the area by contour lines at an interval of not more than two feet;

(e) Show the location of existing utilities and easements on and adjacent to the site including power lines, telephone lines, & gas lines. 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. The location of ground mounted transformers and air conditioning units shall be shown on the site plan and 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 yard and side street yard setback lines as set forth in section 20-1436 of the zoning ordinance.

(f) 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 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.

(g) Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;

(h) Show the location and dimensions of existing and proposed curb cuts, access aisles, off-street parking, loading zones and walkways;

(i) Indicate location, height, and material for screening walls and fences;

(j) List the type of surfacing and base course proposed for all parking, loading and walkway areas;

(k) Show the location and size, and provide a landscape schedule for all perimeter and interior landscaping including grass, ground cover, trees and shrubs. The schedule must show that landscape materials will be no smaller or less dense than the following standards:

Ground cover:	2" pots on 6-8" centers, or 6" pots on 10-12" centers
Shrubs:	18-24", 2 gallon size (spreading evergreens - 5 gallon container size or Balled & Burlapped)
Ornamental trees:	1½" - 1 ¾" ca. (smaller ornamental trees are to be 5 - 6' in height)
Shade trees:	2" - 2½" ca.
Coniferous trees:	6' - 8', (Balled & Burlapped)

(l) Net public area shall be shown for proposed offices and commercial establishments. The proposed use, the required number of off-street parking spaces, and the number of off-street parking spaces shown 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 group;

(m) 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.

(n) Designation of a trash storage site on each site plan or a note explaining how refuse removal will be handled. The size of the trash storage receptacle and its location shall be approved by the Public Works (Sanitation) 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, both the Planning and Public Works (Sanitation) Departments must approve the modification

before it occurs.

(o) In C-2 districts, be prepared for all of the contiguous area in that zoning district under the same ownership. If the entire site is not developed in the immediate future, then the provisions pertaining to phasing as contained in subsection (a) of section 20-1433 shall apply;

(p) Provide, if requested by staff, a north-south and an east-west elevation of the property from the street right-of-way (property line) at a reasonable scale to illustrate building shape, height, and screening proposed.

(2) A note shall be required to appear on the site plan indicating that the site plan for a public or governmental building(s) and facility(ies) 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. If the site plan is for a multiple-family residential structure containing at least four 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.

(Ord. 6888)

20-1431.1 PHOTOMETRIC PLAN.

A photometric plan, pursuant to 20-14A01 et seq., shall be required for site plan approvals. Light sources shall be shielded to prevent point source glare from adjacent properties or streets. (Ord. 6598)

20-1432. SAME; CONDITIONS OF APPROVAL.

Before making a report to the city commission, the planning staff shall first find that the following conditions have been met;

(a) That the proposed use is a permitted use in the district in which the property is located;

(b) That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;

(c) That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;

(d) That the site plan provides for the safe movement of pedestrians within the site;

(e) That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, or accessways shall be landscaped with a mixture of grass, trees and shrubs;

(f) That all outdoor trash storage areas are screened and are in accordance with standards as prepared by the department of Public Works;

(g) That the site plan takes into consideration existing improvements or physical alterations that have been made to prepare the site for development. (Code 1979, 20-1125; Ord. 5530)

20-1432.1 LANDSCAPING.

Landscaping on a commercial, industrial or residentially site planned property shall be maintained in a healthy, disease-free and debris-free condition. Failure to do so shall be deemed a violation of the zoning ordinance and shall be subject to the penalty and violation sections of this chapter. (Ord. 5556, Sec. X)

20-1432.2 SIDEWALKS.

The governing body finds that the provision of sidewalks, walkways, and other

appropriate means for pedestrian traverse and traffic are a public necessity to provide for the adequate safety and welfare of the public. The governing body finds that a development or a significant alteration to existing development increases the public need through increased pedestrian and vehicle traffic for sidewalks adjacent to, or serving, a development. Sidewalks shall be installed pursuant to Section 21-705 for any development on unimproved real estate. Sidewalks for a significant alteration to existing development on improved real estate shall be installed pursuant to Section 21-705, provided, that if sidewalks currently exist at the site, the property owner may not be required to install new sidewalks at the site unless: 1) the sidewalk is recommended for condemnation by the Public Works Department pursuant to K.S.A. 12-1808, or 2) the sidewalk does not comply with Section 21-705, including the width of required sidewalks, and the City Commission determines that compliance with the current sidewalk standards is appropriate given the size of the development, the pedestrian traffic on the sidewalk, the vehicular traffic on adjacent streets, the requirements for disabled accessible sidewalk use, and the estimated cost of sidewalk replacement in relation to the estimated cost of the entire development. Provided, that nothing in this Section shall be interpreted as altering requirements for the placement or installation of sidewalks or curb ramps pursuant to the requirements of the Americans with Disabilities Act and applicable federal regulations. (Ord. 6702)

20-1432.3 SCREENING FENCE.

A fencing plan detail or screening details, or both, shall be submitted for approval as a part of the site plan review. All fencing shall be structurally sound. (Ord. 6702)

20-1433. SAME; ASSURANCE OF PERFORMANCE.

The City Commission shall require a site plan performance agreement to guarantee compliance and completion of the site plan requirements, including landscaping and paving, for the site as provided in the site plan as approved. In addition to a site plan performance agreement, the City Commission may require alternate forms of performance assurance, such as: a performance bond; escrow bond; or, some other form of surety acceptable to the City, if the site plan is to be developed in phases allowing temporary occupancy of a portion of the site, or if the City Commission determines that other aspects of the site plan require alternate performance assurance. In general, no temporary occupancy of industrial, commercial, office or residential property shall take place before all of the conditions of the site plan and other provisions of the zoning ordinance have been satisfied unless some form of financial assurance is provided, except:

(a) That in planned unit developments and planned shopping centers, approved for phased development by the City Commission, such activity may commence as each phase or portion is completed if the conditions of the site 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.)

(b) That consideration shall 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 six months 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 zoning ordinance provisions, shall be considered a violation of the zoning ordinance. (Ord. 6702)

20-1433.1 AGREEMENT NOT TO PROTEST FORMATION OF A BENEFIT DISTRICT.

As an alternative to the construction of a public improvement pursuant to a site plan requirement, the City Commission 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, & utilities. An executed Agreement Not to Protest Formation of a Benefit District for improvements including, but not limited to: streets, sidewalks, & utilities 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., and amendments thereto, for the required improvement. An executed Agreement Not to Protest Formation of a Benefit District for improvements including, but not limited to: streets, sidewalks, & utilities shall be recorded at the Register of Deeds. (Ord. 6702)

20-1434. APPROVED SITE PLAN; REVISED PLAN AND PHASED PLAN; ADMINISTRATIVE APPROVAL.

An applicant who wishes to alter or revise an approved site plan must contact the Lawrence-Douglas County Metropolitan Planning Department. If the proposed changes or revisions are of a nature that the revised site plan is a minor alteration to existing development, the director of the Lawrence-Douglas County Metropolitan Planning Department may administratively approve the revised site plan. If the approved plan is subsequently proposed to be phased, the director may approve the development in phases which are self-contained and independently meet the requirements of this chapter. If the proposed site plan represents a significant alteration to existing development, the applicant must apply for approval of the revised plan in the manner set forth in Section 20-1430, and the site plan shall require City Commission approval. Provided, that the director of the Planning Department may administratively approve any site plan if the director determines that the proposed alteration, including a significant alteration to existing development, alters or intensifies off-street parking requirements from the current developed site and the proposed site plan will comply with all applicable parking requirements. (Ord. 6702)

20-1435. SAME; TIME LIMITATION.

If no building permit is issued for the site within one year from the date of site plan approval by the city commission, the site plan shall be and become null and void. (Ord. 5530)

20-1435.1 RECONSIDERATION OF SITE PLAN REQUIREMENTS.

Within thirty (30) days of the City Commission's final decision on a site plan, an applicant may request in writing that the City Commission reconsider requirements established in the final decision. (Ord. 6702)

20-1435.2 ALTERNATIVE MEANS OF ENFORCEMENT, ASSESSMENT OF COSTS FOR CERTAIN PROPERTY IMPROVEMENTS.

As a complete alternative to any other lawful means of enforcement, the City Commission may proceed in the following manner. The failure to construct or install an improvement or requirement located in the public right-of-way as established in an approved site plan within one (1) year of issuance of a building permit, or failure to construct or install an improvement or requirement located in the public right-of-way as otherwise required in this chapter, shall constitute a failure to perform a lawfully required duty pursuant to K.S.A. 12-6a17. Prior to the City Commission making a finding for a particular property or properties, the City Commission shall provide written notice of an opportunity for a hearing to the property owner of record. After written notice to the property owner, 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 such improvement located in the public right-of-way, or contract for said construction or installation. The construction or installation shall be performed pursuant to all lawfully required procedures. The cost of the construction or installation shall be assessed pursuant to K.S.A. 12-6a17. Provided, that the City Commission shall only use the authority of this Section for the following improvements: installation of sidewalk(s) 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. (Ord. 6702)

20-1435.3 NOTICE OF SITE PLAN CONSIDERATION.

Written notice of the proposed consideration of a site plan shall be mailed to the owners of record of the adjoining property of the property under site plan consideration. For purposes of this Section, adjoining property shall include all property which touches the property under site plan consideration, including the right-of-way of the property under site plan consideration. The notice shall be sent by regular mail, postage pre-paid, by the site plan applicant. The applicant shall submit a Certificate of Mailing for the notice required by this Section at the time of submission of the proposed site plan. An application for site plan consideration shall not be valid without an executed Certificate of Mailing. The notice shall provide: 1) a brief description of the proposed development or significant alteration to existing development; 2) the projected date for construction of the proposed use; 3) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan; 4) the date the site plan application will be submitted to the Planning Office for review; and 5) a statement with substantially the following information:

"NOTICE OF SITE PLAN CONSIDERATION
PENDING BEFORE THE LAWRENCE-DOUGLAS COUNTY PLANNING OFFICE

This letter is being sent to the owner of property adjoining the proposed development described further in this letter. It is being sent for the purpose of informing the property owner and other interested parties about the proposed development. This letter does not grant the recipient and/or property owner any legal rights to challenge the proposed development, instead, it is being provided solely to advise adjoining property owners of the pending proposed development. For further information, contact the applicant's designated representative or the Lawrence-Douglas County Planning Office at (785) 832-3150."

The failure to receive the notice of site plan consideration by an adjoining property owner shall not affect the validity of site plan approval or consideration. The notice of site plan consideration requirements set forth in this Section shall be waived for site plans that qualify for administrative approval. (Ord. 6702)

20-1436. LOCATION OF UTILITY STRUCTURES IN FRONT AND SIDE STREET YARD SETBACKS.

Electrical transformer boxes and air conditioning units for residential structures are to be located behind the front and side street yard setbacks. (Ord. 6887)

20-1437. SWIMMING POOL.

- (1) Any swimming pool in any district shall:
 - (a) Be located at least 10 feet from the nearest property line, unless a greater separation is required by section 20-1410,
 - (b) Be so walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property,
 - (c) Be screened by a masonry wall or solid fence at least six feet high on any side facing the property line of any property in a residential district, if said pool is located within any part of a required side or rear yard.
- (2) No swimming pool shall be permitted in any residential district unless such pool:
 - (a) Is owned and operated by a public agency,
 - (b) Is accessory to a residential use, or
 - (c) Is accessory to a non-residential use which is permitted in such district.

Except for a pool owned and operated by a public agency, no pool shall be permitted in any residential district unless the pool is intended for the use of, and is used by, only the occupants of the principal use of the property on which the pool is located, or their guests.

20-1438. TRACT OFFICE, TEMPORARY

Both incidental and accessory for the sale or rental of newly-platted or newly-constructed property, shall be located within a subdivision to which it is appurtenant and within one-half mile of all property to be served from such office. Each application for a "Temporary Use Permitted upon Review" approved by the Planning Director shall specify the location of the office. Each such application approved by the Planning Director shall be valid for a period of 12 calendar months and shall not be granted for a period totaling more than 24 months during any 30 month period at the same location. (Ord. 6698)

20-1439. TOWNHOUSE DEVELOPMENT.

A townhouse or rowhouse development may be permitted in any RM, RD or RO district, or in any residential district as a part of a Planned Unit Development. Whenever the individual townhouses are to be sold separately, the minimum lot area on which each structure is located may be less than the minimum required lot area of the district in which the development is located; provided, that the total land area of the project, including the land on which the townhouses are located and the land held in common ownership by the individual townhouse owners as open space, parking, or recreation area, is equal to the minimum land area required per dwelling unit in the district in which the project is located. (Code 1979, 20-1129)

20-1440. AUTOMOBILE SERVICE STATIONS.

Automobile service stations shall conform with the following conditions:

(a) When the rental of automobiles, trailers, single-axle trucks are conducted on the premises, additional paved and landscaped area will be provided other than service driveway and required off-street parking in compliance with Section 20-1213 of this code.

(b) The minimum site area of an automobile service station shall be fifteen thousand square feet (15,000 sq. ft.) with a minimum of one hundred foot (100') frontage.

(c) Every site shall provide for proper drainage by having a catch basin between driveways and sidewalks, except where a storm sewer is not available.

(d) The proposed building shall be compatible with surrounding structures and neighborhood character of development. An auto wash facility must be set back at least 25 feet (25') from adjoining residential property.

(e) The minimum setback from street right-of-way lines of the principal building (not including the canopy) shall be fifty feet (50').

(f) All hydraulic hoists and pits, all lubrication, greasing, automobile washing and repair shall be enclosed entirely within a building.

(g) Ingress and Egress: (1) Maximum width of driveways shall be 35 feet. (2) Minimum distance between outside edge of driveway shall be 100 feet. (Ord. 6205)

20-1441. PRIVATE RECREATION FACILITY.

(a) Facilities shall be limited to those for games or uses such as swimming pools, shuffleboard, racquetball, croquet and tennis, health and physical fitness located indoors or outdoors. Indoor facilities may also include meeting rooms and locker rooms. (Ord. 7603)

(b) Indoor and outdoor recreation facilities shall not be located within 25 feet of the side lot lines, or within 30 feet of the front or rear lot line.

(c) Appropriate fencing and screening from abutting properties of all outdoor activity areas shall be required.

(d) Dispensing of food, beverages, candy, tobacco products, and similar items may be from coin-operated vending machines or a small snack bar or concession stand facility operated on the premises for the benefit of patrons and employees of the recreation facility and not open to the public generally. The dispensing of food shall be considered a privilege subject to review and subject to revocation by the City Commission if such use becomes in nature a general business rather than a convenience for patrons and employees.

(e) Off-street parking shall be required, and provided on the basis of one parking space for each 200 sq.ft.. of area devoted to the permitted uses. (Code 1979, 20-1131)

20-1442. BUILDING MATERIALS; LIMITED SALES.

Lumber and other building materials, limited sales when permitted under 20-709.11, Use Group 13, shall be subject to the following conditions:

- (a) That no exterior or open storage of lumber or building materials be allowed, and that no storage of lumber be allowed in a detached or accessory building.
- (b) That no sales be conducted outside the main building.
- (c) That there be no delivery of lumber or building materials by the vendor.

20-1443. EXTERIOR STORAGE.

A yard or area for exterior storage is allowed as an accessory use to the principal use of the property in all commercial and industrial zoning districts. Exterior storage as an accessory use in C-2, C-3, C-4, and C-5 shall meet the requirements of sections 20-1443, 20-2002.(2) and 20-2002.4(4).

(a) An exterior storage yard or area shall be screened from view of adjacent properties and street rights-of-way by a solid wall, fence or landscape hedge of sufficient height to adequately screen.

(b) The surface of the exterior storage yard or area shall be paved or kept covered by vegetation to avoid soil erosion and control dust.

(c) When a site plan is required for the principal use on the property, the exterior storage yard or area shall be shown on the site plan.

(d) In industrial districts, exterior storage shall comply with the screening and setback requirements in section 20-807(b). In commercial districts, exterior storage shall comply with the screening and setback requirements in section 20-707a and b. (Ord. 5556, Sec. XI)

20-1444. RESEARCH INDUSTRIAL PARKS.

(a) Manufacturing and research in this district shall occur totally within an enclosed building and shall be of a character that no perceptible offensive noise, heat, light, odor, smoke, vibration, radiation or gas emissions are detectable from the property line.

(b) Warehousing and storage of raw materials or manufactured products is specifically prohibited except as an ancillary use to the principal research or manufacturing use on the lot. Ancillary warehousing and storage uses shall be conducted totally within an enclosed building. Warehousing shall not occupy more than 50 percent of the total gross square footage of building area on the lot. No equipment or vehicles other than motorcycles, motor passenger cars, and light trucks not exceeding 3/4 ton in rated load capacity shall be stored or parked outside a building in an M-1 district for a period of time exceeding 48 hours in any given 30 days.

(c) A research industrial park shall have at least one perimeter boundary adjacent to a major thoroughfare, highway or arterial street as defined elsewhere in this chapter of the city code.

(d) No storage of highly explosive or flammable material in above ground tanks shall be allowed without written approval from the fire inspector that the storage is in accordance with the standards set forth in the uniform fire code.

(e) Exterior lighting and perimeter lighting shall be designed to screen glare and light from adjoining properties. Locations, wattage and illumination patterns shall be submitted with the site plan for review.

(f) Parking areas shall be landscaped in accordance with the standards set forth in section 20-1214, Screening of Off-Street Parking Requirements.

(g) The aggregate gross lot coverage of buildings in the M-1 district shall not exceed a maximum of 25 percent of the gross lot area. A minimum of 25% of the gross lot area shall be devoted to open space purposes. (Open space shall not include parking, building and loading areas.) (Ord. 5477)

20-1445. EARTH STATIONS.

The purpose of the following regulations on earth stations (receive-only satellite dish antennas) is to build, preserve and enhance such community values as the general appearance of neighborhoods, particularly those of residential character; the health, safety, welfare and legal rights of those who reside in areas where satellite dish antennas are found; and, the preservation of property values and the prevention of property damage or loss in those areas where satellite dish antennas are found.

Earth stations (satellite dish antennas) are permitted in all zoning districts as accessory uses, provided the following development standards are met:

(a) Satellite dish antennas are only permitted in rear yards. When the lot has double frontage or is a corner lot, they shall be located behind the rear yard or side street setback. In no case shall they be closer than 10 feet to a rear lot line or interior side property line;

(b) A ground mounted satellite dish antenna shall be at least four feet from any main building, existing or under construction, on the same lot;

(c) A ground mounted satellite dish antenna shall not exceed a maximum diameter of 10 feet (three meters) and a maximum height of 12 feet from natural ground level, except as permitted in subsection (f);

(d) A view reducing fence (minimum of six feet in height) or landscaping shall be provided to surround a ground mounted satellite dish antenna in order to protect the health, safety, welfare and rights of all property owners;

(e) Roof mounted satellite dish antennas shall not exceed four feet (1.2 meters) in diameter in the RS-1, RS-2, RM-D and RM-1 zoning districts. A maximum diameter of 10 feet (3 meters) shall be observed for all other zoning districts, except as permitted in subsection (f). For any roof mounted satellite dish antenna over four feet (1.2 meters) in a zoning district where a dish antenna may exceed four feet, an engineer's certification of the structural soundness of the roof shall be submitted to the building inspection department prior to installation;

(f) Larger satellite dish antennas than herein provided may be permitted in commercial or industrial districts, provided they receive approval as a Use Permitted upon Review (UPR) and meet all other provisions of these regulations; and,

(g) A letter from the property owner or installer shall be submitted to the building inspection department within 30 days of the date of installation, verifying that the installation of the antenna meets the above requirements and complies with the present edition of the National Electrical Code as adopted by the city. (Ord. 6307)

20-1446. DEVELOPMENT STANDARDS FOR C-1 (INNER NEIGHBORHOOD COMMERCIAL) DISTRICTS.

The design and intent of the Inner Neighborhood district is to integrate commercial uses which are compatible with the uses and character of established inner residential neighborhoods. These development standards are provided to promote the harmonious integration and compatibility of commercial and established residential uses. Commercial development in the C-1 district is required to conform with the following development standards:

(a) There shall be no development (including buildings, parking aiseways or spaces) within the required front and side yards. (Where more than one lot is developed or redeveloped this shall apply to the required side yards on the perimeter of the site.)

(b) A solid, view-reducing screen of 4 feet - 6 feet in height consisting of landscaping, a wood fence or a masonry wall, shall be provided along interior lot lines of commercially developed areas (i.e. building and parking areas) when the site abuts residentially zoned property. Where property lines of a commercial site abut a street, screening shall not exceed three feet in height. Commercial property lines that abut an alley shall not be required to be screened if they provide a secondary motor vehicle access to the site.

(c) At least one lot line shall be adjacent to a collector or arterial thoroughfare and primary vehicular access shall be restricted to collector or arterial thoroughfares. Alleys may serve as secondary access to a site or as a service drive to a site.

(d) No exterior storage yards or outside sales areas shall be permitted on the site.

(e) Exterior lighting shall be so designed and installed to prevent glare onto adjacent lots or public rights-of-way.

(f) Off-street parking shall be designed to take advantage of existing public alleys, where available. If required off-street parking is equal to or less than eight vehicles, compact car standards may be substituted for the standard aisleway and stall dimensions.

(g) Distance between C-1 zoning districts shall be no closer than 500 feet. (Ord. 5582, Sec. IX)

20-1447. RESIDENTIAL, PARKING AND MINIMUM LOT SIZE REQUIREMENTS IN C-3.

The following standards apply to residential development in the C-3 district:

(a) Residential uses in structures erected after August 28, 1984, which constitute the principal use on the site, shall provide off-street parking as required in section 20-709 et seq. A residential use is a principal use on the site when the use occupies more than 50 percent of the gross floor area of a building or structure.

(b) Residential uses, which are accessory uses to established or proposed commercial uses on the site, occupying 50% or less of the gross floor area shall not be required to provide off-street parking.

(Ord. 5582, Sec. X)

20-1448. HALFWAY HOUSE OR SERVICE-ORIENTED REHABILITATION CENTER; HEALTH CENTER, GOVERNMENT OPERATED; REHABILITATION CENTER FOR PERSONS WITH DISABILITIES; CLUB OR LODGE, PRIVATE, EXCEPT THOSE WHOSE CHIEF ACTIVITY IS CARRIED ON AS A BUSINESS; PRIVATE RECREATION FACILITY; THEATRE, LIVE (IF INDOORS).

When a halfway house or service-oriented rehabilitation center; health center, government operated; rehabilitation center for persons with disabilities a club or lodge, private, except those whose chief activity is carried on as a business; private recreation facility; or theatre, live (if indoors) is located in a commercial or industrial zoning district, the requirement for a Use Permitted upon Review criteria shall not be applied. The site planning requirement shall apply to all uses listed in this section. (Ord. 6359) (Ord. 7603)

20-1449. RESIDENTIAL-DESIGN MANUFACTURED HOMES.

The following standards apply to residential-design manufactured homes:

(a) minimum dimensions of body width shall be 22 feet;

(b) minimum roof pitch shall be 2.5" in height to 12 running inches;

(c) siding material shall be wood, masonry, composition board or finished aluminum lap siding or other materials normally found on site built homes;

(d) roofing materials shall be wood shingles, composition shingles or fiberglass shingles, asphalt shingles, clay or concrete tile or slate;

(e) on level sites the main floor shall be no greater than 20" above finished grade at the foundation. On sloping or irregular sites the side closest to grade level shall not be greater than 20" above finished grade at the foundation.

(f) the home shall be permanently mounted on a foundation or basement which meets the provisions of the Lawrence Building Code; and,

(g) if 70% of the structures on the block face where the home is to be located and the block face opposite have attached garages, a garage constructed according to the provisions of the Lawrence Building Code shall be attached to the residential-design manufactured home. (Ord. 6287)

RECYCLING.

Conditions and procedures for permitting recycling facilities:

(a) Permits required: No person shall permit the placement, construction or operation of any recycling facility without first obtaining an approval of a site plan or Use Permitted upon Review (UPR) pursuant to the provisions set forth in this Section.

(b) Criteria and Standards: Those recycling facilities permitted by an approved site plan or UPR shall meet the applicable criteria and standards. The criteria and standards for recycling facilities are as follows:

(1) Reverse Vending Machine(s) (Drop-Off/Pick Up Centers). Reverse vending machine(s) require site plan approval. Reverse vending machines do not require additional parking spaces for recycling customers and may be permitted in all commercial districts except CP (Off-Street Parking) and all industrial districts provided they comply with the following standards and criteria. The machine(s):

(a) Shall be established in conjunction with a commercial use or community service facility which is in compliance with the City of Lawrence Zoning Ordinance;

(b) Shall not obstruct pedestrian or vehicular circulation;

(c) Shall not occupy parking spaces required by the primary use;

(d) Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure;

(e) Shall be constructed and maintained with durable waterproof and rustproof material;

(f) Shall be clearly marked to identify the type of material to be deposited. Operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative shall be posted on the machine;

(g) Shall comply with the City of Lawrence sign ordinance, exclusive of operating instructions;

(h) Shall be maintained in a clean, litter-free condition on a daily basis;

(i) Shall be maintained so as to be in compliance with the City of Lawrence Environmental Code;

(j) Shall have operating hours posted;

(k) Shall be illuminated to ensure safe operation if operating hours are between dusk and dawn; and

(l) Shall be screened from nearby uses.

(2) Small Collection Facilities (Drop-Off/Pick Up Centers). Small collection facilities may be sited in all commercial districts except CP (Off-Street Parking) and all industrial districts with site plan approval provided they comply with the following standards and criteria. The facilities:

(a) Shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the City of Lawrence Zoning Ordinance;

(b) Shall be no larger than 500 square feet and shall occupy no more than five (5) parking spaces, excluding space periodically needed for removal of materials or exchange of containers;

(c) Shall be set back a minimum of ten (10) feet from any curb line and shall not obstruct pedestrian or vehicular circulation;

(d) Shall accept only recyclable material. [Used motor oil may be accepted with permission of the Lawrence-Douglas County Planning Office and the city's recycling coordinator];

(e) Shall not include power-driven processing, including aluminum

foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material unless specific approval was obtained from the Planning Director or, through approval of a Use Permitted upon Review. The appropriate review process shall be determined after analysis of the site and proposals. The site shall be maintained so as to be in compliance with the City of Lawrence Environmental Code.

(f) Shall use containers that are constructed and maintained with durable waterproof and rustproof material. The containers shall be covered when site is not attended, secured from unauthorized entry or removal of material, of a capacity sufficient to accommodate materials collected and shall have posted a collection schedule;

(g) Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;

(h) Shall be maintained free of litter and any other undesirable materials at all times;

(i) Shall be attended when the facilities are located within 100 feet of a property zoned or used for residential purposes, and shall operate only between the hours of 7:00 a.m. and 8:00 p.m.;

(j) Shall have containers for the 24 hour donation of materials at least 30 feet from any property zoned or occupied for residential use unless, there is a recognized service corridor and acoustical shielding between the containers and the residential use;

(k) Shall have containers clearly marked to identify the type of material which may be deposited; clearly identify the name and telephone number of the facility operator and the hours of operation; and, shall display a notice stating that no material shall be left outside the recycling enclosure or containers;

(l) Shall not obstruct the landscaping required by local ordinances;

(m) Shall provide one parking space for the attendant. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use;

(n) Shall have an area on mobile recycling units clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

(o) Shall not, by its placement or attendant use reduce available parking spaces below the minimum number required for the primary host use; and,

(p) Shall be maintained so as to be in compliance with the City of Lawrence Environmental Code.

(3) Large Collection Facilities [Sorting and Shipping Centers (Enclosed)].

A large collection facility is one that may be larger than 500 square feet, or is on a separate property, not appurtenant to a host use, and which may have a permanent building. A large collection facility is permitted in all industrial districts except M-1 (Research-Industrial), with site plan approval, provided the facility meets the following standards and criteria. The facility:

(a) Does not abut a property zoned or used for residential purposes;

(b) Will be screened from the public right-of-way by operating in an enclosed building, or:

(1) Shall be located within an area enclosed by an opaque

- fence at least six (6) feet in height with landscaping; and
- (2) Shall be at least 150 feet from property zoned or used for residential purposes;
- (c) Shall meet all applicable noise standards in the City Code;
- (d) Shall comply with the setback and landscape requirements provided for the zoning district in which the facility is located, except as stated in 3(b)(2);
- (e) Shall provide all exterior storage of material in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or on pallets. Storage containers for combustible material shall be constructed of non-flammable material. Oil storage approved by the City Sanitation Official shall be in containers. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
- (f) Shall be cleaned of loose debris on a daily basis and the site shall be maintained free of litter and any other undesirable materials;
- (g) Shall provide space on site, in anticipation of peak load of customers, to provide for vehicular circulation, parking and the deposit of recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, unless the planning office determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
- (h) Shall provide, on site, one (1) parking space for each commercial vehicle operated by the recycling facility. Parking requirements shall otherwise be as mandated by the district in which the facility is located;
- (i) Shall be operated in compliance with the City of Lawrence Noise Ordinance No. 6088;
- (j) Shall not be in operation between 8:00 PM and 7:00 AM if the facility (permanent building structure) is located within 500 feet of property zoned, used or occupied for residential purposes;
- (k) Shall locate any containers provided for after-hours donation of recyclable materials at least 50 feet from any property zoned, used or occupied for residential purposes. The containers shall be of sturdy, waterproof and rustproof construction; have sufficient capacity to accommodate materials collected; and be secure from unauthorized entry or removal of materials;
- (l) Donation areas shall be kept free of litter and any other undesirable material, and the containers shall be clearly marked to identify the type of material that may be deposited and the facility shall display a notice stating that no material shall be left outside the recycling containers;
- (m) Shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zoning district. Directional signs (bearing no advertising message), may be installed with the approval of the City Engineering office, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way;
- (n) Shall not include power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material without having first obtained the Planning Director's approval or a Use Permitted upon Review, whichever is applicable, after review of the site and proposals; and,
- (o) Shall be maintained so as to be in compliance with the City of Lawrence Environmental Code.

(4) Processing Facilities (Recycling/Processing Center). A heavy processing facility may be operated in M-4 (Limited Intensive) industrial districts with a Use Permitted upon Review. A light processing facility may be operated in M-3 (Intensive) and M-4 (Limited Intensive) industrial districts with a Use Permitted upon Review. A processing facility shall meet the following standards and criteria:

(a) Facility shall not abut a property zoned or used for residential purposes;

(b) The processing facility shall operate in a wholly enclosed building; or,

(1) Within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all street frontages; and

(2) Located at least 150 feet from property zoned or used for residential purposes.

(c) Power-driven processing shall be permitted, provided it is in compliance with the City of Lawrence Noise Ordinance No. 6088. Processing facilities are limited to baling, briquetting, crushing, compaction grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials;

(d) A processing facility shall be no larger than 45,000 square feet and shall not shred, compact or bale ferrous metals other than food and beverage containers;

(e) A processing facility may accept used motor oil for recycling from a generator in accordance with the State of Kansas health and safety codes;

(f) Shall comply with the setback and landscaping requirements provided for the zoning district in which the facility is located;

(g) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or on pallets. Storage containers of combustible material shall be constructed of nonflammable material. Oil storage must be in containers approved by the local fire and health officials. No storage, excluding truck trailers and overseas containers, necessary to the processing operation, shall be visible above the height of the fencing. Overseas containers shall not be stacked;

(h) Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;

(i) Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable material. If the facility is open to the public, space will be provided for a minimum of (10) customers or the peak load, whichever is higher, except where the planning office determines that allowing over flow traffic is compatible with surrounding business and public safety;

(j) One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated in the district in which the facility is located.

(k) Noise levels shall comply with the City of Lawrence Noise Ordinance No. 6088;

(l) If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 8:00 PM and 7:00 AM. The facility shall be administered by on-site personnel during the

hours the facility is open;

(m) Any containers provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned, used or occupied for residential purposes; shall be of sturdy, rustproof construction, shall have a sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;

(n) Donation areas shall be kept free of litter and any other undesirable material at all times. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that material shall not be left outside the recycling containers;

(o) Sign requirements shall be in compliance with the City of Lawrence sign ordinances. In addition, facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

(p) No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties; and,

(q) Shall be maintained so as to be in compliance with the City of Lawrence Environmental Code. (Ord. 6666)

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ADAPTIVE REUSE OF PROPERTIES LISTED AS LANDMARKS OR AS PART OF AN HISTORIC DISTRICT ON THE LAWRENCE, STATE, OR NATIONAL REGISTERS OF HISTORIC PLACES, SHALL REQUIRE APPROVAL AS A USE PERMITTED UPON REVIEW.

(a) A Use Permitted upon Review may be granted in any zoning district for an adaptive reuse provided the property is listed, as a Landmark or as part of an Historic District, on 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.

(b) Properties which meet one or more of the following criteria are encouraged to pursue adaptive reuse when such use can facilitate the active renovation or restoration of said property:

(1) the property is located in a non-residential zoning district;

(2) the property, though located in a residential zoning district, was built for a non-residential use which has been substantiated through archival records, tax records, city directories, or other physical evidence;

(3) the structure on the property has a minimum of 4,000 square feet in living space. (Square footage shall include all finished living space excluding porches and garages).

(c) Adaptive Reuse of a property shall not include the reduction in area or dimension of the existing front yard or side street yard;

(d) Adaptive Reuse of a residentially-designed structure must maintain the residential quality and character of the property;

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

(f) Prior to public hearing of an application for a Use Permitted upon Review for adaptive reuse by the Planning Commission, an application shall first be reviewed and approved by the Lawrence Historic Resources Commission and, when applicable, the State Historic Preservation Officer;

(g) In addition to the Guidelines established in Article 16 of Chapter 20 for the evaluation of a Use Permitted upon Review request for an adaptive reuse, the following criteria shall apply:

(1) conformance with the regulations for redevelopment established in Chapter 22 of the City Code, "Conservation of Historic Resources Code", as determined by the Lawrence Historic Resources Commission when the project is on

the Lawrence Register of Historic Places;

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

(3) adherence to other criteria established in Chapter 20 of the City Code, as appropriate to the use proposed, when so determined by the Planning Director or the Historic Resources Administrator.

After the appropriate approvals have been granted the Use Permitted upon Review shall be scheduled for public hearing before the planning commission. (Ord. 6382)

20-1452. BED & BREAKFAST ESTABLISHMENT.

(1) A Bed & Breakfast establishment with 8 or fewer guest bedrooms shall be operated as an incidental use to the primary use of the structure as an owner-occupied residence.

(2) A Bed & Breakfast establishment with 9 or more guest bedrooms shall be considered a Bed & Breakfast Inn, shall be required to have a full-time resident manager or owner on the site; and, shall be licensed by the State of Kansas to do business.

(3) A Bed & Breakfast Inn shall only be permitted if it is adjacent to or within ready access to an arterial or collector street(s).

(4) Bed & 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.

(5) Limitation on the number of guest bedrooms and the ready access to an arterial or collector street shall apply to all other Bed & Breakfast establishments. (Ord. 6358)

20-1453. LICENSED PREMISES, RESTRICTIONS IN C-3 ZONING DISTRICT.

In the C-3 district the following restrictions shall apply to a licensed premises use:

(1) The licensed premises use shall be required to derive from the sales of food for consumption on the licensed premises not less than fifty-five percent (55%) of all the licensed premises' gross receipts for a calendar year from sales of food and beverages on such premises.

(2) The City Manager or his or her designee shall establish an administrative procedure for the investigation and enforcement of this requirement, that shall include the annual reporting of appropriate sale and receipt information from licensed premises governed by this Section.

(3) The expansion, extension, enlargement, or alteration of a non-conforming use created by the requirements of this Section shall be governed by Article 13 of this Chapter. (Ord. 6527)

20-1454 SPECIAL EVENTS

20-1454.1 PURPOSE AND INTENT.

The purpose and intent of this section is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this section to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use. Finally, it is the intent of this section to preserve the public health, safety and convenience. (Ord. 6698)

20-1454.2 SPECIAL EVENT DEFINED.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by these zoning regulations, for one or

more of the following types of activities:

- Type 1: Fund-raising or non-commercial events for nonprofit religious, educational or community service organizations; including any structures in conjunction with the event.
- Type 2: Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as outdoor entertainment or display booths.
- Type 3: Outdoor commercial activities intended to sell, lease, rent or promote specific merchandise or services [such as a tent sale, farmers market or product demonstration] or indoor seasonal events which will draw additional visitors to a property [such as haunted houses], and including licensed transient merchants requiring use of a tent or structure.
- Type 4: Christmas tree sales.
- Type 5: Public events intended primarily for entertainment or amusement, such as concerts or festivals. (Ord. 6698)

20-1454.3 SPECIAL EVENTS NOT REQUIRING A PERMIT.

Special events meeting the Type 1 definition are allowed without a Temporary Use Permit [TUPR] provided all of the following standards are met:

- (a) The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
- (b) Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be subject to a valid building permit, shall meet uniform fire code requirements, and shall be removed within 24 hours upon the cessation of the event.
- (c) The special event shall be restricted to hours of operation between 8 a.m. and 9 p.m., to a maximum duration of 5 days, and to a maximum frequency for similar events of 2 times per calendar year.
- (d) Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way. (Ord. 6698)

20-1454.4 SPECIAL EVENTS SUBJECT TO AN ADMINISTRATIVE PERMIT.

Special events meeting the following standards may be issued a Temporary Use Permit [TUPR] administratively by the Planning Director. Any applicant denied a TUPR shall be notified in writing of the reasons for denial and of the opportunity to appeal the denial to the City Commission. No more than 4 TUPRs per calendar year shall be issued administratively at any location.

- (a) Special events meeting the Type 2 or Type 3 definition, and Type 1 events not meeting the standards outlined in Section 20-1454.3, may be permitted administratively by the Planning Director subject to prior review and approval by the Public Works Department, Building Inspection Division, Police Department and Fire Department. No administrative TUPR shall be issued unless all of the following standards are met:

- (1) An application & site plan indicating the proposed use and any temporary structures or displays is submitted, and a fee paid in accordance with Section 20-1454.6.
- (2) The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and specific location of event.
- (3) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself. Permits shall not be issued for properties which do not provide parking spaces in excess of the number required in the zoning ordinance to support the principal use(s) on the property.
- (4) The special event shall not endanger the public health, safety or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.

(5) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.

(6) Any structure used in conjunction with the special event shall meet all sight distance requirements [see Section 20-1506(c)(2)], shall be the subject of a valid building permit, shall meet uniform fire code requirements, and shall be removed within 24 hours upon the cessation of the event.

(7) Cars, trucks, vans and trailers may not be used for the sale of merchandise. Vehicles used for the storage of merchandise associated with an approved temporary use may only be located on site during the approved hours of operation of the special event.

(8) The special event shall be conducted on private property [on which the Planning Office has an approved site plan on file] in a commercial or industrial zoning district where the property owner has granted the appropriate written permission. Nonprofit organizations may conduct events on any site planned property [in any zoning district] where the property owner has granted the appropriate written permission.

(9) The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed 14 days.

(10) Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.

(b) Special events meeting the Type 4 definition may be permitted administratively by the Planning Director subject to prior review and approval by the Public Works Department, Building Inspection Division, Police Department and Fire Department. No administrative TUPR shall be issued unless all of the following standards are met:

(1) An application is submitted and a fee paid in accordance with Section 20-1454.6.

(2) A site plan is submitted indicating the location of the trees, aisles, parking and sales trailer or structure.

(3) The location of the sales area shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself. Permits shall not be issued for properties which do not provide parking spaces in excess of the number required in the zoning ordinance to support the principal use on the property.

(4) Any structure used in conjunction with the Christmas tree sales shall meet all sight distance requirements [see Section 20-1506(c)(2)], shall be the subject of a valid building permit, shall meet uniform fire code requirements, and shall be removed within 24 hours upon the cessation of the sale.

(5) The sale shall be conducted on private property [on which the Planning Office has an approved site plan on file] in a commercial or industrial zoning district where the property owner has granted the appropriate written permission.

(6) Christmas tree sales shall be permitted for no more than 35 continuous days.

(7) Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way. (Ord. 6698)

20-1454.5 SPECIAL EVENTS SUBJECT TO CITY COMMISSION APPROVAL.

Any special event not meeting the criteria of Sections 20-1454.3 or 20-1454.4 may be granted a Temporary Use Permit [TUPR] by the City Commission. Such permit may be subject to such conditions and safeguards as the City Commission may deem necessary to protect the

public health, safety and welfare. These conditions may include but shall not be limited to:

(a) Restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristic.

(b) The posting of a performance bond to help ensure that the operation of the event and subsequent restoration of the site are conducted according to City Commission expectations.

(c) The provision of traffic control or security personnel to increase the public safety and convenience.

(d) Obtaining liability and personal injury insurance in such form and amount as the City Commission may find necessary to protect the safety and general welfare of the community.

(e) Signs displayed in conjunction with use shall comply with City sign regulations and shall not be located on public right-of-way. Signs for commercial activities shall only be displayed during hours of operation. (Ord. 6698)

20-1454.6 APPLICATION AND FEE.

(a) No Temporary Use Permit [TUPR] shall be issued until an application has been submitted to the Planning Office and the appropriate fee paid. The application shall be made on the appropriate form provided by the Planning Office a minimum of five working days prior to the proposed event. Incomplete applications shall not be processed or accepted for processing. An application shall be accompanied by the following items as applicable:

(1) A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures used in conjunction with the event.

(2) A sketch plan showing to scale the location of the proposed activities and structures in relation to existing buildings, parking areas, streets and property lines as shown on the approved site plan. In no event shall structures or display areas be located any closer than 25 feet to public right-of-ways adjacent to the property.

(3) A letter from the property owner or manager, if different from the applicant, providing permission for the special event to occur on the property.

(4) A separate application will need to be made to the Building Inspection Department for any signs to be displayed in conjunction with the special event. In no event shall signs be displayed on the public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.

(b) Each application for a Temporary Use Permit [TUPR] shall be accompanied by an application fee. The fee for all applications subject to administrative review shall be \$10. The review fee for Type 5 applications and applications which do not meet the standards outlined in Sections 20-1454.3 or 20-1454.4 shall be \$25.

(c) The approved Temporary Use Permit [TUPR] issued shall be available on site for inspection for the duration of the event. (Ord. 6698)

20-1455 TEMPORARY OUTDOOR SALES AREA AS AN ACCESSORY USE TO AN ESTABLISHED COMMERCIAL OPERATION.

Temporary outdoor sales, such as seasonal sales of bedding plants and sidewalk sales operated by the principal commercial user on the property, shall be permitted according to the following standards:

(a) Outdoor sales areas

(1) The display area must be on a hard surfaced area adjacent to the commercial building and behind the front building line.

(2) The location of the outdoor sales area shall conform to the building setbacks of the zoning district in which the commercial enterprise is located, and in no event shall the area be located closer than 25 feet to an adjacent public right-of-way.

(3) The perimeter of the area must be delineated with some form of semi-permanent enclosure such as split-rail fencing, and shall enclose no more than 1,000 square feet of area.

(4) The square footage included in the outdoor display area shall be included in the calculation of the number of required parking spaces to be provided on the site.

(5) Seasonal display areas shall be used for no more than 120 days in any calendar year.

(6) Cars, trucks, vans and trailers may not be used for the storage or sale of merchandise.

(7) Prior to use of such an outdoor sales area, an administrative revision to the approved site plan shall be approved by the Planning Director.

(8) Use of tents or temporary structures in conjunction with the sale will require issuance of a Temporary Use Permit [TUPR] as set out in Section 20-1454.4.

(b) Sidewalk Sales

(1) Outdoor seasonal display/sales or food carts may occur along a paved sidewalk immediately adjacent to the building extending no greater than one half the width of the sidewalk, but in no event shall less than four feet of unobstructed area from the outside edge of the sidewalk toward the building be provided.

(2) Seasonal displays shall be temporary in nature. Year round display of merchandise on the sidewalk adjacent to the building is not permitted. (Ord. 6698)

20-1456

DEVELOPMENT STANDARDS FOR MINI-WAREHOUSE FACILITIES.

Mini-warehouse facilities, as defined in Section 20-2002.12(2) of the Ordinance, shall be developed in accordance with the following standards:

(a) Off Street Parking shall be provided as follows:

(1) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide for one-way access lanes; and, at least twenty-five (25) feet wide for two-way access lanes.

(2) One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.

(3) Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.

(b) There shall be landscape screening and fencing around the perimeter of the project. The fencing shall be a minimum of six (6) feet in height. When a development borders an arterial street, residential or commercial development, the fence shall be constructed of decorative material approved by the Planning Department along those sides. Chain link fencing (with or without barbed wire fencing on top) may be used on sides that adjoin other industrial property of similar or greater intensity.

(c) Architectural standards shall be provided as follows:

(1) Architectural compatibility with the existing neighborhoods.

(2) Building height differential.

(3) No door openings for any mini-warehouse storage unit shall be constructed facing any residentially zoned property or public right-of-way.

(d) The following are prohibited storage materials and uses. These items shall be included as part of any lease agreement to rent storage units.

(1) Auctions, except those required by State Law to dispose of lien held property;

(2) Commercial, wholesale or retail sales; or, miscellaneous or garage

sales;

(3) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

(4) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

(5) The establishment of a transfer and storage business; and,

(6) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

(e) Lighting: All outdoor lighting shall be designed to comply with the provisions of Section 20-14A01 et seq. of the Zoning Ordinance. (Ord. 6768)

20-1457 STUDIO FOR PROFESSIONAL WORK OR FOR TEACHING OF ANY FORM OF FINE ARTS I.E. PHOTOGRAPHY, MUSIC, DANCING, DRAMA, ETC.

(1) A Use Permitted upon Review shall be approved for any studio located within an RS, RM, RD or PRD District prior to the establishment of such use unless the studio meets the requirements of Section 20-1417, Home Occupations and the definition of Home Occupations established in 20-2002.7(1).

(2) Establishment of a teaching studio for fine arts and non-fine arts classes (such as science or technology classes) may be permitted in RO Districts with approval of a Use Permitted upon Review.

(3) Criteria to be considered in the review of a UPR request shall include:

(a) Provision of necessary on site parking to meet the requirements of the proposed use or demonstration that a reduction in the on site parking requirement is appropriate for the subject property; and

(b) Location of the subject property adjacent to or within ready access to an arterial or collector street(s); and,

(c) Hours of operation of the proposed use.

20-1458 AMBULATORY (OUTPATIENT SURGERY CENTER.

a) Vehicular access from the subject property to an immediately adjacent major thoroughfare (collector street or greater) shall be required.

b) Proposed facility shall feature, for vehicles, a patient drop-off area adjacent to building entrance/exit.

c) Proposed facility shall not be construed to be a 'trauma center' and shall not feature exclusive emergency vehicle (i.e. ambulance or helicopter) parking or landing area(s). (Ord. 7047 rev.)

20-1459 SEPARATION REQUIREMENTS APPLICABLE TO SEXUALLY ORIENTED BUSINESSES

a) Separation of Sexually Oriented Businesses from Other Sexually Oriented Businesses

Not more than two sexually oriented businesses shall be located within 1,500 feet of each other (regardless of whether such uses are located in the same facility or separate facilities) as measured in a straight line along street rights-of-way between the property lines of the two properties. (Ord. 7226)

b) Location and separation of Sexually Oriented Businesses from Certain Other Uses (Ord. 7226)

(i) Types of Sexually Oriented Businesses to Which Applicable

The sexually oriented businesses which shall be subject to the separation requirements of this sub-section (b) are sexually oriented motion picture theatres, motion picture arcades, sex shops, sexually oriented book stores, sexually oriented video stores, and sexually oriented media stores.

(ii) Types of Other Uses to Which Applicable

The separation requirements of this sub-section (b) shall apply to the relationship

between the sexually oriented businesses specified in paragraph (i) of this sub-section (b): property zoned for exclusively residential uses; property containing a house of worship; property containing a public or licensed educational institution that serves persons younger than 18; property containing a day-care facility; a public park, property containing a community center, property containing a children's amusement park, a library or museum, a recreation center or playground.

(iii) General Location Requirements

Sexually oriented businesses shall be located only in zoning districts in which they are permitted uses, along state highways, subject to the separation requirements of this section. No sexually oriented business specified in paragraph (i) shall be located on the same block with any of the types of property or uses specified in paragraph (ii) of this sub-section (b).

(iv) Distance Requirements

The sexually oriented businesses listed in paragraph (i) shall be subject to the following distance separation requirements from the uses and types of property listed in paragraph (ii): for a sexually oriented media store, 600 feet; for a sex shop, 800 feet; for a sexually oriented motion picture theatre, 1,000 feet.

(v) Measurement

Separation requirements shall be measured from property-line to property-line, following the route of property lines along public rights-of-way (to approximate pedestrian distances). 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 property lines.

20-1460. CERTAIN CONDITIONS APPLICABLE TO BUSINESSES CARRYING SEXUALLY ORIENTED MATERIALS.

(a) Applicability

This section shall apply to any book store, media store or video store, in which sexually oriented media constitute more than ten percent (10%) but not more than 40 percent (40%) of the stock in trade, or where sexually oriented media occupy more than ten percent (10%) but not more than forty percent (40%) of the gross public floor area. (Ord. 7226)

(b) Prohibition of Public Display

The owner or operator of a store to which this section is applicable shall have the affirmative duty to prevent the public display of sexually oriented media at or within the portions of the business open to the general public. (Ord. 7226)

(c) Display of Sexually Oriented Media

Sexually oriented media in a store to which this section is applicable shall be kept in a separate room or section of the store, which room or section shall: (Ord. 7226)

- Not be open to any person under the age of 18;
- Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less;
- 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;
- Have access controlled by electronic or other means to provide assurance that persons under age 21 will not gain admission and that the general public will not accidentally enter such room or section.

20-1461. PROHIBITED USES.

The following uses are expressly prohibited in all zoning districts in the City: (Ord. 7226)
No massage shops, modeling studios, or motion picture arcades and arcade booths shall be permitted within any zoning district in the City.

20-1462. GRADUAL ELIMINATION OF NON-CONFORMING USES.

Pursuant to the provisions of K.S.A. 12-770, sex shops which are not located along state highway right-of-way shall have five (5) years from the enactment of this ordinance to comply with the provisions of this ordinance. (Ord. 7226)

ARTICLE 14A. OUTDOOR LIGHTING FACILITIES AND LANDSCAPE REQUIREMENTS

20-14A01 LIGHTING STANDARDS; PURPOSE.

The purpose of 20-14A01:14A03 shall be to establish standards for the use of outdoor lighting facilities to promote the following land use and public policy goals: providing adequate lighting for customer, pedestrian and driver use; provide for the efficient use of energy; mitigate light trespass, nuisance, and glare to adjacent properties; and reduce light pollution to the general community and mitigate effects to the night sky. (Ord. 6598)

20-14A02 SAME, PHOTOMETRIC PLAN REQUIRED.

(a) At the time a site plan or final development plan is required to be submitted pursuant to this Chapter, the applicant shall submit a photometric plan in sufficient detail, as determined by the staff of the Planning Department, to evaluate its conformance with applicable standards and guidelines.

(b) The photometric plan shall include:

- (1) Scale drawing of site with all outdoor lighting fixture locations identified, including public street lights adjacent to the site.
- (2) Fixture specifications, such as catalog cut-sheets.
- (3) Lamp type and size.
- (4) Fixture mounting heights, mounting orientation, and tilt angles if applicable.
- (5) A representative point-by-point illumination array for the major parking area or areas.

(c) The photometric plan shall be evaluated to determine its conformance with the general standards set forth in Section 20-14A03. In evaluating proposed plans, the purposes for these standards as set forth in Section 20-14A01, and the proposed costs and benefits for certain fixtures shall be considered.

(d) Single-family, duplex, tri-plex, and four-plex units are expressly excepted from the requirements of Sections 20-14A01:20-14A03. For other development and site plans, photometric plans shall not be required if public, customer and employee safety do not require exterior outdoor lighting. (Ord. 6598)

20-14A03 SAME, GENERAL LIGHTING STANDARDS.

(a) From and after November 8, 1994, all outdoor lighting fixtures for which a photometric plan is required by 20-14A02 shall be designed, installed and maintained in a manner to provide sufficient safe illumination and avoid spill light and glare onto adjacent properties and streets.

(b) Lights located on or illuminating the perimeter of the site shall be reduced in intensity when adjacent to a less intense use no later than sixty (60) minutes after the close of business and the normal time for the departure of customers and employees from the premises.

(c) For premises for which the standards of subsection (b) are not applicable, lights located on or illuminating the perimeter of the site may be required to reduce intensity, pursuant to an approved photometric plan, to conform to the purposes of the lighting standards established by 20-14A01.

(d) The average maintained illumination levels for open parking facilities shall not exceed 2.50 footcandles as measured by appropriate illumination measuring standards. In order to avoid excessive intensity lighting sources and illumination "hot spots" no single illumination source in an open parking facility shall exceed 5.00 footcandles. The uniformity ratio between the average illumination and the minimum illumination shall be no greater than four to one (4:1) for open parking facilities. (Ord. 6598)

20-14A04. STATEMENT AND INTENT.

The intent of this article is as follows: To maintain the City's quality, heritage and character by enhancing the visual appearance of the community through the use of landscaping materials and techniques; provide greenery to visually soften paved areas and buildings; to establish optimum environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, retardation of stormwater, abatement of noise, glare and heat; to ensure replenishment of the local stock of native trees by utilizing plant materials that are generally native or hearty to the region; preserve existing trees; to screen certain unsightly equipment or materials from view of persons on public streets or adjoining properties; to buffer uncomplimentary uses; to prevent light pollution and/or intrusion; and to preserve and protect existing quality trees and natural landscape from destruction and removal. (Ord. 6610)

20-14A04.1 GENERAL REQUIREMENTS.

All land areas which are to be unpaved or not covered by buildings shall be brought to finish grade and planted with turf or native grass, and/or other appropriate landscape material. In addition to the minimum number of trees required to be planted by this chapter, an appropriate number or amount of shrubs, groundcover and /or turf area plantings shall be included within each project, to be determined by the design criteria for the project relating to visual safety, species and landscape function. (Ord. 6610)

20-14A04.2 LANDSCAPE PLAN REQUIRED.

All plans submitted in support of a final development plan and/or site plan, except for property in Districts RS-1 and RS-2, shall include a landscaping plan. All landscaping plans shall include the following information:

- (a) The location, size, 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.
- (b) The location, size and common name of all existing plant material to be retained on the site.
- (c) Mature sizes of plant material shall be drawn to scale and called out on the plan by a common name or appropriate key.
- (d) Location of hose connection, spigots and other watering sources.
- (e) The location of all trees, 12 inch caliper or larger, measured at 4-1/2 feet above ground level, that are proposed for removal.
- (f) All screening required by this chapter.
- (g) Site plan requirements per Section 20-1428 Site Plan Approval. (Ord. 6610)

20-14A04.3 MINIMUM TREE REQUIREMENTS.

In all Zoning Districts, (with the exception of RS-1 and RS-2), property platted prior to the Master Street Tree requirement, shall plant one shade tree per 40 feet of public or private street frontage, or portion thereof, and shall be located within the landscaped setback abutting said street frontage. Such trees may be clustered or arranged within the setback and need to be placed evenly at 40 feet intervals. In addition to the trees required based upon street frontage, additional trees shall be required at ratios provided in the following districts:

- (a) In District RM-D (Residence-Duplex), in addition to the trees required based upon street frontage, additional trees shall be required at a ratio of .75 tree for every dwelling unit.
- (b) In District RM-1 (Multiple-Family Residential) and PRD-1 (Planned Residential Development), in addition to the trees required based upon street frontage, additional trees shall be required at a ratio of 1.0 tree for every (1) dwelling unit.
- (c) In District RM-2 (Residence-Duplex) and PRD-2 (Planned Residential Development), in addition to the trees required based upon street frontage, additional trees shall be required at a ratio of 1.0 tree for every two (2) dwelling units.

(d) In District RM-3 (Multiple-Family Residential) and PRD-3 (Planned Residential Development), in addition to the trees required based upon street frontage, additional trees shall be required at a ratio of 1.0 tree for every 2.5 dwelling units.

(e) In Districts RO-2 and RO-1B (Residence-Office), in addition to the trees required based upon street frontage, one tree shall be required for every 2500 sq. ft. of landscaped open space.

(f) In Districts RO-1 and RO-1A (Residence-Duplex), in addition to the trees required based upon street frontage, one tree shall be required for every 3000 sq. ft. of landscaped open space.

(g) In Districts C-1, C-2, C-4, C-5 (Commercial) and PCD (Planned Commercial Development), in addition to the trees required based upon street frontage, one tree shall be required for every 3000 sq. ft. of landscaped open space.

(h) In Districts M-1, M-1A, M-2, M-3, M-4 (Industrial) and PID (Planned Industrial Development), in addition to the trees required based upon street frontage, one tree shall be required for every 4000 sq. ft. of landscaped open space. (Ord. 6610)

20-14A04.4 PROTECTION OF PRESERVED TREES.

Existing trees saved on the site during construction may be credited toward the minimum number of trees required as specified for each zoning district, provided that such trees are a minimum of 4" caliper as measured 4-1/2 feet above ground for medium and large deciduous species or 3 feet in height for ornamental and evergreen species. All existing plant material saved shall be healthy and free of mechanical injury.

(a) To receive credit for the preservation of an existing tree the following requirements shall be met:

(1) 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 shall be no storage of fill or compaction of the soil, as from heavy construction equipment, or any evidence of concrete, paint, chemicals, or other foreign substances in the soil.

(2) No soil is to be removed from within the drip line of any tree that is to remain at its original location.

(3) The tree shall not be damaged from skinning, barking, bumping and the like.

(4) There shall be no evidence of active insect infestation.

(5) There shall be no impervious surface or grade change within five 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.

(b) Trees destroyed or receiving major damage must be replaced by trees of equivalent environmental value as specified by the Planning Department before occupancy or use, unless approval for their removal has been granted. (Ord. 6610)

20-14A04.5 MINIMUM PLANTING REQUIREMENTS.

Required plant material shall be in compliance with minimum plant sizes per Section 20-1431(1)(k) of the City Zoning Ordinance and the following sections:

(a) Ground cover plants, whether in the form of crowns, plugs or containers, shall be planted in a number appropriate by species to provide 50% surface coverage after two growing seasons.

(b) All areas shall be sodded unless otherwise approved for seeding at the time of site plan approval by the City Commission or final development plan approval by the Planning Commission.

(1) Seed rates shall be indicated on the landscape plan and approved by the designee of the Department of Parks & Recreation.

(2) Erosion control methods shall be installed in drainage swales and

areas with a gradient of five percent (5%) or greater. The method of erosion control shall be approved by the City Engineer or his or her designee prior to obtaining a building permit (at a minimum these areas shall be seeded including the approved erosion control method provided).

(c) Groundcovers used in lieu of grass in whole or in part shall be planted in such a manner to present a finished appearance and reasonably complete coverage within one year of planting.

(d) Mulches shall be applied at a depth of two inches (2") within the drip line of trees and shrubs at installation, unless said drip line is covered by lawn grass. (Ord. 6610)

20-14A04.6 PLANTING REQUIREMENTS WITHIN PARKING AND VEHICULAR USE AREAS.

The intent of this section is to provide interior landscaping within vehicular parking areas, to avoid large expanses of continuous pavement, and to provide relief from the reflection of glare and heat, as well as to guide vehicular and pedestrian traffic. Alternate compliance pursuant to 20-14A04.10 may be available for locations with heavy truck volume or limited truck maneuvering area.

Except in districts RS-1, RS-2, automobile storage lots, multiple level parking structures and parking lots having less than 6 parking stalls, all other zoning districts shall include the following as minimum requirements:

(a) Not less than 15% of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces by 280 square feet. Plantings required along the perimeter of a parking lot shall not be considered as part of the interior landscaping requirement.

(1) Landscaping and planting areas shall be reasonably dispersed throughout the parking lot.

(b) One island for each twenty (20) parking spaces, each island landscaped with one or more shade trees, shrubs or ground cover. Such islands are to be a minimum size of not less than 200 sq. ft. for double rows, and not less than 100 sq. ft. for single rows in total area. Such islands shall be spaced in the parking lot in such a manner as to provide greenery and shade in various sections of the paved area, but may be combined into larger landscaped areas.

(1) Each row of parking which terminates within the interior of the lot (not the perimeter) shall be terminated with a landscaped island not less than 200 sq. ft. for double rows, and not less than 100 sq. ft. for single rows.

(a) Parking lot islands shall be landscaped as follows: Turf, groundcover, ornamental trees, or shrubs shall be planted over the entire area within the curbing.

(c) The primary landscaping materials shall be trees which provide, or are capable of providing, shade at maturity. Shrubs, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.

(1) If landscaped berms are provided along the street frontage the 15 percent interior landscaping required shall be reduced to 10 percent. The berms shall be a minimum of 3 feet in height and 10 feet wide.

(2) Parking lot islands shall be landscaped as follows:

- Turf, ground cover, ornamental trees, or shrubs shall be planted over the entire area within the curbing.
- Shade trees shall be planted at the rate of one tree per every two parking islands.

(d) In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements in Section 20-14A04.4. (Ord. 6610)

20-14A04.7 SCREENING OF OUTDOOR STORAGE AND LOADING AREAS.

All outdoor storage and loading areas shall be screened from all public streets and adjacent residential properties. Screening materials shall consist of evergreen trees and shrubs, walls, fences, and berms. Screening fences and walls shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh. Screening fences and walls shall be built with materials compatible with that of the main building. At the time of installation or planting of screening materials, screening must be sufficiently high and long to accomplish the required screening.

If a long stretch of screening is required, options shall be combined or alternated, or plant material shall be varied to achieve a more pleasing effect. Other creative options, such as changes in elevations, existing vegetation, or plant materials that provide a buffer are encouraged. (Ord. 6610)

20-14A04.8 SCREENING REQUIREMENTS.

Landscaping plans for all residential projects containing multi-family dwellings and all commercial and industrial projects shall include a detailed drawing of enclosure and screening methods as provided hereinafter. For the purpose of this section, the phrase "screened from public view" means not visible from adjoining properties or any street right-of-way.

(a) Trash enclosures shall be screened from public view on at least three sides with a 6 foot solid fence constructed of cedar, redwood, masonry or other compatible building material, and shall be appropriately landscaped.

(b) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.

(c) All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture.

(d) All off-street parking areas containing five or more vehicles shall be effectively screened on each side that adjoins or is across the street from any residential district or institutional premises with a continuous, view-reducing wood fence, masonry wall, compact evergreen hedge or other landscape screening material which, when planted, will constitute an immediate view-reducing barrier. Such fence, wall or landscape screening shall be at least three feet but not more than six feet in height.

(e) A solid, six foot wood fence or masonry wall shall be installed at the commercial property owner's expense to screen adjoining residentially zoned properties (not across a public street or alley) when one or more of the following conditions exist:

(1) The landscaped screen is not solid and view-reducing within one year of planting;

(2) The landscape screen fails to meet a minimum height of 3 foot in one growing season; or,

(3) The landscape screen, or the majority of plants in it, fail to be healthy specimens maintained in a disease-free and debris-free condition.

(Ord. 6610)

20-14A04.85 LANDSCAPE REQUIREMENTS ALONG GATEWAYS/CORRIDORS, ARTERIAL & COLLECTOR STREETS.

(a) The following requirements shall apply to all at-grade highway (corridors/gateways), arterial and collector street frontages:

(1) Vertical wall or decorative fence structures may be used only when in combination with berms and plantings, provided a building permit is issued by the City. It is recommended that the structures avoid blank and monotonous appearance by such measures as architectural articulation and placement of vines, shrubs and trees.

(2) Where shrubs, trees and other landscape materials are used to create

the screening effect, they should be located in a planting strip with a minimum width of no less than five feet.

(3) Where berms are to be combined with trees and shrubs to create the screening effect, they should be located in a planting strip with a minimum width of no less than ten feet.

(4) Landscape material shall be located on the public right-of-way side of the wall or fence.

(5) Street trees required in Section 21-708a. STREET TREE REGULATIONS FOR CITY SUBDIVISIONS; shall not be included as part of this requirement.

(6) The required landscaping may be located in part or in total in adjacent public right-of-way area if approved by the City Engineer and approved as to type by the designee of the Department of Parks and Recreation, and no conflicts exist with utility locations.

(7) Landscape material located near the intersection of streets shall maintain sight visibility clearance as specified in Section 18-109. (TRIMMING AND CORNER CLEARANCE.) (Ord. 6610)

20-14A04.9 MARKINGS AND BARRIERS.

The parking spaces in all off-street parking areas shall be clearly marked according to the standards established in section 20-1205. The perimeter of the parking lot shall be curbed in accordance with city standards for concrete curbs. The use of parking planter islands is encouraged to help direct the flow of traffic and to define parking rows/columns. No part of a parked vehicle shall be permitted to extend beyond the property line or into the 15-foot setback from street right-of-way. (Ord. 6610)

20-14A04.10 ALTERNATE COMPLIANCE.

(a) When the existing site conditions make it impractical to meet the conditions of 20-14A04 et seq., alternative methods of compliance may be used when the following conditions exist:

(1) Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical; or improved environmental quality would result from the alternate compliance.

(2) Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify alternative compliance for infill sites, and for improvements and redevelopment in older neighborhoods.

(3) Safety considerations make alternative compliance necessary.

(4) An alternate compliance proposal is equal to or exceeds normal compliance.

(b) A proposed alternative compliance measure shall be equal to or exceeding traditional compliance in terms of quality of materials and visual effect, effectiveness in meeting the intent established in 20-14A04, material durability and hardness. Alternate compliance shall be limited to the specific site under consideration and shall not establish precedent for acceptance for other sites.

(c) A request for alternate compliance shall be submitted to the Planning Director at the time the landscape plan is submitted. The Planning Director shall be authorized to approve the alternative compliance plan.

(d) A request for alternate compliance shall be accompanied by sufficient explanation and justification, written or graphic, or both, to allow appropriate evaluation and decision. Appeals of the decisions of the Planning Director may be filed with the Board of Zoning Appeals. (Ord. 6610)

20-14A04.11 ENCOURAGEMENT OF WATER CONSERVATION MEASURES (XERISCAPE).

When meeting the landscape requirements outlined in this section, property owners are encouraged to use water in the most efficient way possible. A number of principles for effective water usage are found in a new approach to landscaping called xeriscape. The term

xeriscape is derived from a Greek word meaning "dry". The desired effect of xeriscaping, however, is to provide an attractive and even lush-appearing landscape with a minimum amount of water usage. This is accomplished through the application of seven basic principles: planning and design; appropriate use of turf; efficient irrigation; soil improvements; mulches; proper plant selection; and appropriate maintenance.

Information concerning the principles of xeriscaping is available from the Parks and Recreation Department, Planning Department and nurseries and garden centers throughout the community. Property owners are encouraged to take advantage of the water-saving practices set out in the xeriscape principles.

Regardless of the extent to which the principles of xeriscaping are applied, automatic irrigation systems in association with the landscaping requirements of this section shall be equipped with moisture-sensing devices that forestall scheduled watering cycles when moisture adequate to sustain healthy plant life is present.

The following xeriscape principles serve as the primary means of achieving water conservation:

- (1) Planning and design; make the most water efficient use of existing terrain and native plants.
- (2) Practical turf areas; turf areas will likely require the most water usage. Maintain turf only where it provides functional benefit.
- (3) Efficient irrigation; Create water zones containing plants with similar water requirements. Make use of drip watering as well as sprinkler systems.
- (4) Soil improvements; incorporation of organic matter in the soil will allow better water absorption and provide better retention capacity.
- (5) Use mulches; mulches cover and cool the soil, thereby minimizing evaporation, weed growth and erosion. Place mulch directly on soil on breathable fabric. Plastic sheeting is not permitted.
- (6) Use lower water demand plants; not necessarily cactus, but plants that have been especially adapted for this area and climate.
- (7) Appropriate maintenance; xeriscaping can save money on water, fertilizer, and weed and pest control. Timely and proper maintenance will maximize those savings. (Ord. 6610)

20-14A04.12 PLANTING PROCEDURES.

All trees, shrubs, groundcovers and lawn grasses shall be installed per the American Nurserymen Construction Standards.

- (1) At a minimum all trees planted shall have root balls sized to meet American Nurseryman's Associations guidelines. All trees shall be mulched and staked.
- (2) Landscape plant material suitable for planting shall be balled and burlapped or container grown. In both cases, an opening which is not less than twice the diameter of the root system or the container should be prepared.
- (3) 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.
- (4) A minimum of two inches (2") of organic mulch shall be placed over all newly installed tree and shrub planting areas.
- (5) Soil amendments for landscape planting beds shall be provided on the landscape plan and approved by the Parks Superintendent. (Ord. 6610)

20-14A04.13 (Reserved for future use.)

20-14A04.14 LANDSCAPING IN PLACE PRIOR TO OCCUPANCY PERMIT.

All landscape material, living and nonliving, shall be in place prior to issuance of a final occupancy permit. A temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives. (Ord. 6610)

20-14A04.15 LANDSCAPE MAINTENANCE AND ENFORCEMENT.

The trees, shrubs and other landscape materials depicted on plans approved by the City shall be considered as 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:

(a) When, in the opinion of the Chief Building Inspector, or an authorized representative, landscaping has not been installed, maintained, or replaced to comply with the approved final plan or landscape plan, then said official shall issue a written order to the alleged violator. The order shall specify the sections of the code of which the individual is in violation.

(b) All landscaping on public and private property shall be subject to periodic inspection by the Chief Building Inspector, or an authorized representative, to detect diseased, dead, or hazardous shrubs, trees, or plants.

(c) Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced with approved or same plant material within the next planting season.

(d) Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and its agent or agents shall be considered in violation of the terms of the City approved landscape plan. A violation of the terms and conditions of the approved landscape plan shall be considered a violation of the City Code and a violation of the City Zoning regulations, and may be enforced as such. The Chief Building Inspector or an authorized representative, is empowered to enforce the terms of this ordinance. (Ord. 6610)

ARTICLE 14B. COMMUNICATIONS TOWERS

20-14B01 TOWER STANDARDS; PURPOSE.

The purpose of 20-14B01 through 20-14B04 shall be to enhance the public health, safety and welfare by establishing standards for the use and construction of radio or television broadcasting towers and/or apparatus; microwave transmitting and/or receiving towers and/or stations; or any tower or other similar structure 100 feet or more in height from the ground, or 40 feet in height as measured to the highest point of the tower/antenna if mounted on a structure or building; whether publicly or privately owned.

20-14B02 SAME, DEVELOPMENT PLAN REQUIRED.

(a) At the time of application a Use Permitted Upon Review or site plan is required to be submitted pursuant to this Chapter, the applicant shall submit a development plan in sufficient detail, as determined by the staff of the Planning Department, to evaluate its conformance with applicable standards and guidelines. The following criteria shall be utilized to determine whether a proposed tower is reviewed as a site plan or a Use Permitted Upon Review:

(1) Towers less than 100 feet in height from the ground, or less than 40 feet in height as measured to the highest point of the tower/antenna if mounted on a structure or building, AND located in a non-residential zoning district, shall be reviewed as a permitted use through the site plan provision of this chapter (20-1428).

(2) All towers proposed to be located in residential zoning districts AND all towers 100 feet or more in height from the ground, or 40 feet or more in height as measured to the highest point of the tower/antenna if mounted on a structure or building, shall be reviewed as a conditional use through the Use Permitted Upon Review provisions of this chapter (20-1608).

(b) The development plan shall include:

(1) The applicant shall provide written authorization from the property owner of the proposed tower site.

(2) An application for tower approval shall include the submission of a site plan drawn to scale showing the property boundaries, tower, guy wire anchors and other apparatus, existing and proposed structures, proposed transmission buildings and/or other accessory uses, access road(s) location, access road surface material, parking area, fences, location and content of warning signs, exterior lighting specifications, a landscaping plan, land elevation contours, and existing land uses surrounding the site. If any accessory building is proposed, details of the building, including elevations and proposed use of the building, shall be submitted with the application.

(3) An application for tower approval shall include a report or written information which describes the tower height and design, including a cross-section of the structure, if applicable; engineering specifications detailing construction of tower, base and guy wire anchorage; the proposed painting and lighting schemes; and describes the tower's capacity, including the number and type of antennas that the tower can accommodate. (Ord. 6906)

20-14B03 SAME, GENERAL PROVISIONS

(a) A proposal for a new communications tower shall not be approved unless the applicant can document that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause frequency interference with other

existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved.

(4) Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers.

(b) All towers shall be designed to accommodate at least three two-way antennas for every 150 feet of tower height, or at least one two-way antenna and one microwave facility for every 150 feet of tower height. The above requirements may be modified to provide the maximum number of compatible users within the radio frequency emission levels.

(c) Any tower that is not in use for a period of three years or more shall be removed by the owner at the owner's expense. Failure to remove the tower pursuant to non-use may result in removal and assessment of cost to the property pursuant to K.S.A. 12-6a17.

(d) The tower owner/operator shall submit a letter to the Planning Office by July 1 of each year listing the current users and types of antenna located on the approved tower. A sign shall be posted on the tower or the exterior fence around the base of the tower noting the name and telephone number of the tower owner and operator.

20-14B04 SAME, DEVELOPMENT STANDARDS

(a) The location of a ground mounted tower must be such that it is set back at least equal to the height of the tower to the nearest property line measured from the center of the tower. A ground mounted tower may be set back less than the tower height to the nearest property line if documentation from a registered engineer is submitted certifying that in the event of a tower failure or collapse, the fall zone of the tower will be contained within the proposed setback area. All guy wires, similar support devices and other apparatus shall be no closer than twenty (20) feet from any lot line.

(b) Towers may be placed on the roof of a building or on top of other structures using either of the following to determine tower height and setback:

(1) Tower height above the roof/structure may be as high as the setback distance to the nearest roof/structure edge.

(2) The height of a ground-mounted tower may be used for a roof/structure mounted tower if the required setbacks for a ground tower are satisfied.

(c) Additional setbacks may be required to contain on-site substantially all ice-fall or debris from tower failures and/or to preserve the privacy of adjoining residential and public property. Set backs shall apply to all tower parts including guy wire anchors, and to any accessory facilities.

(d) The height of a tower shall meet the setback requirements of this section. The height of the tower shall conform to the height limitations of an airport approach zone as defined in Article 11 of the Zoning Ordinance.

(e) All towers should be located in areas zoned commercial, or industrial, except that towers may be permitted in areas zoned residential if it can be demonstrated that all reasonable efforts were made to locate the proposed tower in non-residentially zoned areas.

(f) All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray or light blue unless other standards are required by the FAA. In all cases, monopole towers shall be preferable to guyed towers or free standing structures. Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. (Ord. 6784)

01 ARTICLE 14C. URBAN CONSERVATION OVERLAY DISTRICT

(a) 20-14C01 Purpose

The UC-O, Urban Conservation Overlay district is intended to:

- A.** encourage development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area;
- B.** reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area;
- C.** provide building setbacks, lot dimensions and related physical characteristics;
- D.** foster development and redevelopment 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,
- E.** conserve the cultural resources, historic resources and property values within a identified neighborhood or area.

(b) 20-14C02 Selection Criteria

An UC-O district must be a geographically defined area that has a significant concentration, linkage or continuity of sites that are united by physical development, architecture or history. To be eligible for UC-O zoning, the area must comply with the following criteria.

- A.** The general pattern of development, including streets, lots and buildings, must have been established at least 25 years prior to creation of the district.
- B.** The area must possess built environmental characteristics that create an identifiable setting, character, and association.
- C.** The area must be covered by an approved neighborhood or area plan.
- D.** The designated area must be a contiguous area of at least 5 acres in area. Areas of less than 5 acres may be designated if they abut an existing UC-O district.

(c) 20-14C03 Uses

The UC-O district does not regulate the use of land or the use of buildings or structures. The uses are controlled by the regulations of the underlying base zoning district.

(d) 20-14C04 Development/Design Standards

In establishing an UC-O district, the Historic Resources Commission and Planning Commission are authorized to propose, and the City Commission is authorized to adopt, by ordinance, district-specific development and design standards to guide development and redevelopment within UC-O districts.

- A.** When development/design standards have been approved, each application for alteration within the designated UC-O district must comply with those standards.
- B.** When there are conflicts between the development/design standards of the underlying base zoning district and adopted UC-O district development/ design standards, the UC-O development/design standards will govern.
- C.** The development/design standards will be administered by city staff in accordance with adopted administrative policy.
- D.** The City Commission is the final decision-making authority in determining whether a proposed project meets the adopted development/design standards.
- E.** The Board of Zoning Appeals will have no authority to grant interpretations,

- exceptions or variances from the adopted development/design standards.
- F. The Enforcement and Severability provisions of Article 19 apply.

(e) 20-14C05 UC-O Districts Established

The following UC-O districts are established:

Conservation District Name	Boundaries	Associated Development Standards and Administrative Policy
Downtown Urban Conservation District	Legal description set forth in Ordinance No. 7395	Downtown Design Guidelines

(f)

(g) 20-14C06 Establishment of District

UC-O zoning districts are established in accordance with the Amendment procedures of Article18, except as modified by the following provisions.

- A. An application to establish a UC-O district may be initiated by the Historic Resources Commission, the Planning Commission or the City Commission.
- B. Applications may also be initiated by petition when signed either by the owners of 51% of the area within the proposed UC-O district or by at least 51% of the property owners within the proposed district.
- C. The Historic Resources Commission and the Planning Commission must submit written recommendations to the City Commission regarding the creation of UC-O districts.
- D. The Historic Resources Commission must review UC-O zoning applications for compliance with the selection criteria of Sec. 20-14C02 and recommend development/design standards and guidelines for the district.
- E. The Planning Commission must review UC-O applications for its planning and zoning implications.
- F. The City Commission is responsible for making a final decision to approve or deny the UC-O zoning.

(h) 20-14C0-07 Procedure

Upon receipt of an application for UC-O zoning or upon initiation of a UC-O zoning application by the City Commission, Planning Commission or Historic Resources Commission, the following procedures apply:

- A. Unless otherwise expressly stated, the amendment procedures of Article 18 apply.
- B. Public hearings on UC-O zoning applications must be held by the Historic Resources Commission and the Planning Commission prior to consideration by the City Commission.
- C. The Historic Resources Commission must make a recommendation that the UC-O district zoning be approved, approved with condition(s) or denied. The Historic Resources Commission's recommendation must be submitted to the Planning Commission and City Commission. The recommendation must be accompanied by a report containing the following information:

1. An explanation of the how the area meets or does not meet the selection criteria contained in Sec. 20-14C02;
 2. In the case of an area found to meet the criteria in Sec. 20-14C02, a description of the general pattern of development, including streets, lots and buildings in the area; district-specific development and design standards to guide redevelopment and development within the district;
 3. A map showing the recommended boundaries of the UC-O district;
 4. A record of the proceedings before the Historic Resources Commission.
- D.** Following the public hearing and recommendation of the Historic Resources Commission, the Planning Commission must hold a public hearing and make a recommendation that UC-O district zoning be approved, approved with condition(s), or denied. The Planning Commission's recommendation must be submitted to the City Commission. The recommendation must be accompanied by a report containing the following information:
1. An explanation of the planning and zoning implications related to the designation of the proposed area and related to the district-specific development and design standards recommended by the Historic Resources Commission;
 2. A map showing the recommended boundaries of the UC-O district;
 3. A record of the proceedings before the Planning Commission.
- E.** Following the public hearings by the Historic Resources Commission and the Planning Commission, the City Commission must act to approve, approve with condition(s), or deny the application for UC-O district zoning. (Ord. 7394)

ARTICLE 15. EXCEPTIONS AND MODIFICATIONS

20-1501. GENERAL.

The lot, yard, and height requirements and regulations specified elsewhere in this chapter shall be subject to the following exceptions, modifications, and interpretations. (Code 1979, 20-1201)

20-1502. EXISTING LOTS OF RECORD.

An individual lot that existed as a platted or an unplatted parcel recorded in the Register of Deeds office on the effective date of Ordinance No. 4361 (January 30, 1973) which has less than the required minimum lot area, lot width, or lot depth, and where no adjoining undeveloped land fronting on the same street was under the same ownership on said date, may be occupied according to the permitted uses of the district on which the lot is located. Provided, that:

- (a) The minimum lot area per dwelling unit requirement in the RS-2, RM-D, and RM-1 Districts may be reduced up to 20%;
- (b) In all zoning districts all front, side and rear yard requirements shall be met; and,
- (c) All of the requirements of this chapter, or amendments thereto, shall be complied with. (Ord. 5444)

20-1503. FRONT YARD EXCEPTIONS AND MODIFICATIONS.

Where established yards for existing platted lots or tracts of record on the date of this ordinance (August 6, 1991) differ from required yard provision the following exceptions and modifications apply. In any district where 35 percent or more of the frontage on one side of a street between two intersecting streets is improved with buildings whose front yards do not vary more than 15 feet from the required front yards of that district, any new building erected may conform with the average front yard so established by the existing buildings.

In determining the percentage of frontage that is developed, the widths of developed lots shall be used; in determining the average front yard, the widths of buildings fronting on the street shall be used.

Reduction of front yard setbacks by averaging of front yards shall require a proportional adjustment to side yard setbacks at a ratio of 1' increase in side yard setback per side to every 2' reduction in front yard setback for individual or single lots. This proportional adjustment in side to front yard setbacks shall increase by 1' for each additional adjacent lot included in a single development site. (Ord. 6228)

20-1504. REAR YARD EXCEPTIONS AND MODIFICATIONS.

(a) In computing the required depth of a rear yard for any building where such yard abuts on an alley, the depth of the lot may be considered as extending to the center of said alley, and the required depth of the rear yard as being measured from the centerline of said alley.

(b) On the corner lots in RS-1 and RS-2 districts, the owner may, at his option, locate a structure at an angle with the long axis of the lot so that it faces the intersecting street lines. In such cases, the front and side yards shall be as required in section 20-608. The rear yard may be reduced from 30 feet to 20 feet.

(c) In the RS-1, RS-2 and RM-D districts, a principal building may be located no closer than 20 feet to the nearest property line opposite the front lot line; provided the rear yard area is no less than 30 percent of the total lot area. (Code 1979, 20-1204; Ord. 5792)

20-1505. SIDE YARD EXCEPTIONS AND MODIFICATIONS.

(a) The distance between residential structures on the same lot may be varied, when authorized by the Board of Zoning Appeals, where the side wall of a residence is not parallel with the side wall of the adjacent residence or is broken or otherwise irregular. In such case the average distance between residences shall not be less than the otherwise

required least distance; provided, that such distance shall not be less at any point than one-half of the otherwise required least distance.

(b) The width of one side yard may be reduced, when authorized by the Board of Zoning Appeals, to a width not less than three feet; provided further, that the sum of the widths of the two side yards on the same lot is not less than the combined required minimum for both side yards. Such reduction may be authorized only when the board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots. (Code 1979, 20-1205)

20-1506. PROJECTIONS INTO REQUIRED YARDS.

(a) Certain architectural features may project into required yards or courts as follows:

(1) Cornices, canopies, eaves or other architectural features, may project a distance not exceeding two and one-half feet.

(2) Fire escapes may project a distance not exceeding four and one-half feet.

(3) An uncovered stair and necessary landings may project a distance not to exceed three feet; provided that such stair and land shall not extend above the entrance floor of the building except for a railing not exceeding four feet in height.

(4) Bay windows, balconies, and chimneys may project a distance not exceeding two feet; provided, that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(b) Patios may be located in side and rear yards; provided further, that they are not closer than three feet to any adjacent property line.

(c) Fences, walls and hedges may be located in required yards as follows:

(1) If not exceeding at any point eight feet in height above the elevation of the surface of the ground at such point, they may be located in any required yard or court, provided that on a corner lot, abutting in the rear the side lot line of another lot in a residential district, no such fence, wall or hedge within 25 feet of the common lot line shall be closer to the side street lot line than one-half the least depth of the front yard required on such other lot fronting the side street.

(2) On any corner lot, no fence, wall, hedge, or other structure or planting more than three feet in height above curb level shall be erected, placed, or maintained, within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points whose distance from the point of intersection is equal to the sum of the required front and exterior side yards. (Code 1979, 20-1206)

20-1507. HEIGHT LIMIT EXCEPTIONS; GENERAL.

When authorized by the Board of Zoning Appeals, zoning district height limitations may be extended by the following structures: chimneys, church steeples, flag poles, grain elevators, distribution lines, towers and poles, radio and television antennas, water towers, and similar structures. Communication towers which exceed the zoning district height limitation and are approved through the Use Permitted upon Review provisions of this chapter (20-1608) do not require an exception from the Board of Zoning Appeals. (Ord. 6906)

20-1508. (Reserved for future use.)

20-1509. RM-2A LOT AREA REDUCTION.

The minimum lot area per dwelling unit in an RM-2A district may be reduced up to five percent provided the total lot area is equal to 17,550 square feet and the lot or lots are existing lots of record. Provided, that:

(a) All front, side and rear yard requirements shall be met; and

(b) All the requirements of this chapter or amendments thereto, shall be complied with. (Ord. 5406)

**ARTICLE 16. ADMINISTRATIVE PROCEDURE, REQUIRED
PERMITS AND FEES**

20-1601. BUILDING PERMIT REQUIRED.

It shall be unlawful to commence the construction or the excavation for the construction of any building or structure, including accessory buildings, or to commence the moving or alteration as defined in the City Building Code of any building, including accessory buildings within the City of Lawrence until the building inspector has issued a building permit for such work. Except upon written authorization of the Board of Zoning Appeals as provided in sections 20-1708 and 20-1709, no such building permit shall be issued for any building where said construction, moving, alteration, or use thereof would be in violation of any provisions of this ordinance.

Any building permit issued by the building inspector prior to the effective date of this ordinance, or any amendment thereto, and which permit, by its own terms and provision, is in full force and effect at said date, shall not be invalidated by the passage of this ordinance, or any amendment thereto, but shall remain a valid permit subject only to its own terms and provisions and any other ordinances or regulations pertaining thereto in effect at the time of the issuance of said permit. (Code 1979, 20-1301)

20-1602. SAME; APPLICATION.

There shall be submitted with each application for a building permit two copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of any existing buildings or structures, if any, and the size and location of the building or structure to be constructed, altered, or moved. The applicant shall also state the existing or intended use of each such building or part of building and supply such other information with regard to the lot and neighboring lots that may be necessary to determine compliance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the building inspector, after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the building inspector. The application for a building permit shall be made by the owner of the property concerned or a certified agent thereof. (Code 1979, 20-1301)

20-1603. SAME; EXPIRATION.

(a) The application fee for a building permit shall be as prescribed in the Building Code for the City of Lawrence. No part of the building permit fee shall be refundable.

(b) If the work described in a building permit has not begun within the prescribed time set forth in the Building Code for Lawrence, said permit shall expire and be canceled by the building inspector and written notice thereof shall be given to the persons affected. (Code 1979, 20-1301)

20-1604. CERTIFICATE OF OCCUPANCY.

After the effective date of this ordinance, no vacant land shall be occupied or used, except for agricultural purposes, and no building hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the building inspector.

Prior to a request for final inspection or issuance of a Certificate of Occupancy for a development which has received site plan approval, the builder shall provide the building inspections department with an affidavit certifying development has occurred in conformance with the approved site plan. The affidavit shall reference the street address, name of the development, and property legal description.

The Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances, and with the provisions of this ordinance. (Ord. 6196)

20-1605. SAME; APPLICATION.

(a) A Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and shall be issued within 10 days after the erection or alteration of such building or part thereof shall have been completed in conformity with all ordinances and regulations. Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the building inspector for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its completion. Such certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the city relating to the use or occupancy of the premises, or in any other matter covered by this ordinance. Such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(b) A Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein specified shall be applied for before any such land shall be occupied or used and a Certificate of Occupancy shall be issued within 10 days after the application has been made: Provided, that such use is in conformity with the provisions of these regulations.

(c) A Certificate of Occupancy shall be required for all nonconforming uses. Application of a Certificate of Occupancy for each nonconforming use shall be filed within 12 months from the effective date of this ordinance. Each application shall be accompanied by affidavits of proof that such nonconforming use was established prior to the adoption of this article. (Code 1979, 20-1302)

20-1606. SAME; REVOCATION OF CERTIFICATE.

A Certificate of Occupancy shall be revoked by the building inspector when it is found that the building or land does not conform to the use or conditions, if any, of the certificate. A five day written notice shall be given to the applicant before the certificate shall be revoked. (Code 1979, 20-1302)

20-1607. (Reserved for future use.)

20-1608. USES PERMITTED UPON REVIEW.

(a) Before a building permit is issued for certain uses listed in the tables of permitted uses, when reference is made to this section in the "Special Conditions" column opposite the named uses, shall be required to meet the requirements of this section.

(b) An application shall be filed with the Planning Commission for review 45 days prior to a regular Planning Commission meeting at which action is requested. The application shall be accompanied with a site plan meeting the contents of site plans of 20-1431, a list of property owners within 200 feet of the exterior boundaries and \$50 review fee. The granting of a Use Permitted on Review does not exempt the applicant from complying with requirements of any other laws of the city.

20-1608.1 DEFERRED/INACTIVE APPLICATIONS.

Items that are deferred or remain inactive for a period of twelve (12) months shall be processed in accordance with Planning Commission Resolution No. 1-99 for deferred/inactive items. (Ord. 7188)

20-1609. SAME; PUBLIC HEARING.

(a) Upon application, a notice of public hearing shall be published at least once in the official city newspaper no less than 20 days prior to the date of public hearing. Such notice shall fix the time and place of such hearing and describe the application in general terms. In addition to the public notice, a written notice of such proposed application shall be mailed to all property owners, of lands located within 200 feet of the area proposed to be altered, no less than 20 days prior to the public hearing.

(b) The planning commission shall within 30 days upon reviewing the use permitted on review application submit recommendations to the city commission for final consideration of the application. Such recommendation may include conditions to the application.

20-1609.1 POSTING OF SIGNS FOR USE PERMITTED UPON REVIEW APPLICATIONS.

The applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning the proposed Use Permitted upon Review (UPR). The sign shall be placed in a conspicuous location on the property to provide visibility to the general public. The sign shall be furnished by the city to the applicant, and the applicant shall maintain the sign for at least twenty (20) days immediately preceding the date of the public hearing. If a lot, tract or parcel of land is larger than five (5) acres, multiple signs shall be posted; at a minimum, signs shall be placed to face each of the streets abutting the property. The applicant shall file a certification with the Planning Director at the time of the public hearing verifying that the sign has been maintained and posted as required by this ordinance; failure to submit the certification prior to the hearing may result in a continuance of the hearing. The sign may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application. (Ord. 6886)

20-1610. SAME; CITY COMMISSION ACTION.

In the exercise of its review, the city commission may approve or disapprove an application. In approving a "Use Permitted upon Review," the city commission may impose any conditions relative to location, character, density or other features of the proposed use of buildings or space, as it may deem advisable in the furtherance of the purpose and intent of this article.

If a written protest against such proposed "Use Permitted upon Review" is filed in the office of the city clerk within 14 days after the date of the conclusion of the Planning Commission public hearing, duly signed and acknowledged by the owners of twenty percent (20%) or more of the property, excluding streets and public rights-of-way, located within the 200' notification area for which a "Use Permitted upon Review" is made, such request shall require a three-quarters (3/4's) vote of all of the members of the city commission to be approved. (Ord. 6407)

20-1610.1 SAME; TIME LIMITATION.

If no building permit is issued for the site within one year from the date of the Use Permitted Upon Review (UPR) approval by the city commission, the UPR shall be and become null and void. Applicants may request approval of a one-year time extension if the request is submitted to the Planning Office prior to the original expiration date. (Ord. 7189)

20-1611. SAME; GUIDELINES FOR REVIEW.

In order to accomplish the purpose and intent of the zoning ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, require greater density, are potentially incompatible with existing development or because effects of such uses cannot definitely be foreseen, or more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such use makes it desirable that it be permitted to locate therein. Therefore, these uses must be specifically placed into the development pattern which exists at the time of their arrival. In order to properly review the proposed "Uses Permitted upon Review," the following guidelines shall be used by the planning commission and city commission in considering the application:

- (a) The proposed use and site plan conform to the purpose and intent of this ordinance.
- (b) The proposed use and site plan will not under the circumstances of the

particular case regarding setback, height, density, and similar aspects be objectionable or be detrimental to the general welfare of the community and neighborhood in which it is proposed to be located. (Code 1979, 20-1303)

20-1612. TEMPORARY USES PERMITTED UPON REVIEW.

(a) Temporary locations for those uses enumerated in Section 20-610.9, Use Group 8, are permitted in any district upon the review and finding by the Planning Director or the City Commission that the proposed use is in the public interest.

(b) An application for the location of a temporary use shall be filed with the planning department a minimum of five working days prior to the scheduled event. Said application shall be accompanied by a scaled sketch plan which meets the applicable provisions of Section 20-1428, as well as special conditions enumerated in Sections 20-1411, 20-1419, 20-1425, 20-1438, 20-1454 and 20-1455 of this Zoning Ordinance. A review fee of \$10 shall accompany the application submission for permits which can be administratively approved and issued by the Planning Director. A review fee of \$25 shall accompany the application submission for permits which require approval by the City Commission.

(c) The Planning Department shall review said application and scaled sketch plan for conformity with the Zoning Ordinance, and make recommendations on the same to the Planning Director.

(d) In the review of the application, the Planning Director may approve an application, disapprove an application, or forward the application to the City Commission with a recommendation. In approving a "Temporary Use Permitted upon Review," the Planning Director or the City Commission may impose any reasonable condition relative to location, character or other feature of the proposed use. Those conditions imposed shall be in addition to any condition imposed by the Zoning Ordinance on a particular temporary use.

(e) When, in the judgment of the Planning Director, the use proposed has characteristics that may impact adjacent properties, notice shall be given to adjacent property owners prior to final action on the application. (Ord. 6698)

20-1613. AMENDMENT, SUSPENSION OR REVOCATION OF USE PERMITTED UPON REVIEW.

(a) The City Commission shall have the authority to amend, suspend or revoke an approved Use Permitted upon Review pursuant to the provisions of this Section.

(b) 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 the proposed amendment, suspension or revocation of an approved Use Permitted upon Review. Notices of the public hearing shall be mailed to the property owner of record and the tenant for the property with the Use Permitted upon Review by certified mail, return-receipt requested, no less than twenty (20) days prior to the public hearing date. One (1) notice of the public hearing shall be published in the official city newspaper no less than twenty (20) days prior to the date of the public hearing.

(c) At the public hearing, the City Commission shall receive and consider all relevant information and evidence concerning the Use Permitted upon Review. The City Commission may continue the public hearing and retain jurisdiction over the proposed amendment, suspension or revocation as it deems appropriate.

(d) After the closing of the public hearing, the City Commission shall consider all relevant evidence and information. The City Commission may amend, suspend or revoke the Use Permitted upon Review if it finds, based upon a preponderance of the information and evidence, that such action is supportable in fact.

(e) Any motion for the amendment, suspension or revocation of a Use Permitted upon Review shall clearly state the grounds for revocation, which may include incorporation of findings presented by City staff. Any motion for the amendment of a Use Permitted upon Review shall clearly state the terms and conditions of suspension and at what time further review shall be appropriate. Any motion for the amendment of a Use Permitted upon Review shall clearly state the terms and conditions of the amendment to the Use Permitted upon Review.

(f) The City Commission shall make one or more of the following findings if it seeks to amend, suspend, or revoke the Use Permitted upon Review:

(1) A condition of the Use Permitted upon Review has been violated;

(2) Violation of City Code provisions governing zoning regulations (Chapter 20); building (Chapter 5); minimum housing (Chapter 5); or the environmental code (Chapter 9);

(3) Violation of any other applicable Code provisions or any state or federal law or regulation by the property owner or agents of the property owner, provided that such violations relate to the conduct or activity authorized by the Use Permitted upon Review or the qualifications of the property owner or agents of the property owner to engage in such conduct or activity.

(g) As a complete alternative to the procedures and requirements of this Section and with the written consent of the property owner, the Director of Planning may approve minor modifications and alterations of a Use Permitted upon Review. (Ord. 7042)

ARTICLE 17. BOARD OF ZONING APPEALS

20-1701. APPOINTMENT.

A Board of Zoning Appeals is hereby created. The board shall consist of seven members to be appointed by the mayor with the approval of the board of commissioners of the city. All of the members of the board 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. The member shall be appointed for a term of three years. It is specifically provided, that on the effective date of this ordinance and 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 said board 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.

One member of the planning commission may be appointed to the board 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. (Code 1979, 20-1401)

20-1702. REPLACEMENT OF BOARD 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. (Code 1979, 20-1402)

20-1703. 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. (Ord. 6287)

20-1704. 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 oath and compel the attendance of witnesses. (Ord. 6287)

20-1705. RULES AND MEETINGS.

The board may adopt rules to govern its proceedings in accordance with the provisions of this chapter. Meetings of the board 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 may determine. All meetings of the board shall be held at such place or places within the city as the board may designate and shall be open to the public. The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decision of the board, and the vote upon each question. Records of all official actions of the board shall be filed in the Lawrence-Douglas County Metropolitan Planning Office. (Ord. 6287)

20-1706. POWERS AND DUTIES OF THE BOARD.

The board of zoning appeals shall administer the details of appeals from the provisions of this chapter, or other matters referred to it regarding the application of this chapter as hereinafter provided. In exercising these powers, the board, in conformity with the provisions of this chapter, 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. (Code 1979, 20-1406)

20-1707. INTERPRETATION.

Upon appeal from a decision by the building inspector or other administrative official, the board may decide any question involving the interpretation of any provision of the chapter, including (1) the determination of the exact location of any district boundary, if there is uncertainty with respect thereto, and (2) the determination of an appropriate use group for a use that is not listed in the chapter, and that the use is a similar use to the uses already included in the use group. (Code 1979, 20-1407)

20-1708. EXCEPTIONS.

The board may grant exceptions to the provisions of this chapter in those instances where the board is specifically authorized to grant such exceptions and only under the terms of this chapter. In no event shall exceptions to the provisions of this chapter be granted where the use or exception contemplated is not specifically listed as an exception in this chapter. Further, under no conditions shall the board have the power to grant an exception when conditions of this exception, as established in this chapter by the city commission, are not found to be present. (Code 1979, 20-1408)

20-1709. VARIANCES.

The board may authorize in specific cases a variance from the specific terms of this chapter including the floodplain management regulations, which will not be contrary to public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter or the floodplain management regulations, in an individual case, would result in unnecessary hardship, and provided that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by this chapter in such district.

20-1709.1 REQUEST.

A request for a variance from this chapter, and not from the floodplain management regulations, may be granted upon the finding of the board that all of the following conditions have been met:

- a) That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.
- b) That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- c) That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- d) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, and,
- e) That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

20-1709.2 APPROVAL.

Variances from the floodplain management regulations may be granted by the board of zoning appeals. In approving a variance request, the board of zoning appeals shall consider all technical evaluations, all relevant factors, and standards specified in Article 9A of this code and meeting the terms of K.S.A. 12-766. 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;
- (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; and,
- (l) Generally, variances may be issued for new construction and substantial improvements 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 (a) to (k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

20-1709.3 CONDITIONS.

- a) Upon the consideration of the above factors and purposes of Article 9A, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary.
- b) Variances shall not be issued within the regulatory floodway if any increase in flood levels during the regulatory flood would result.

20-1709.4 CONDITIONS FOR VARIANCE APPROVAL.

- a) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- b) Variances shall be issued only upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination 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.
- c) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- d) The director of planning shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 5256)

20-1710. APPEALS.

The board may hear and decide appeals where it is alleged that there is an error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter. Such appeal shall be taken within 10 days after the order of action appealed from has been made, and written notice of such appeal specifying the grounds thereof shall be filed with the Board of Zoning Appeals. (Code 1979, 20-1410)

20-1711. POWERS SPECIFIED ELSEWHERE IN THIS CHAPTER.

The board shall also have those powers and duties specifically set forth in other parts of this chapter, including sections 20-503, 20-1211, 20-1223, 20-1302, 20-1505, 20-1507 and 20-1508. (Code 1979, 20-1411)

20-1712. PROCEDURE FOR APPEAL; APPLICATION.

Applications to the board for any type of proceeding may be taken by any person aggrieved, or by any officer of the city, or any governmental agency or body affected by any decision of the building inspector or other administrative officer. All applications shall be made to the secretary of the board in writing on forms prescribed by the board within 10 days after the decision has been rendered by the building inspector or other administrative officer. Each application shall be accompanied by a current certified list of the names and mailing addresses of all property owners within 200 feet of the exterior boundaries of the property to be considered in the application. Such list of property owners shall be obtained from the Douglas County clerk. (Ord. 5524)

20-1713. PUBLIC HEARING AND NOTICE.

The board shall fix a reasonable time for the public hearing on each application. The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice of the time, place and date and subject of hearing for each application. Such notice shall appear at least once in the official city paper no less than 20 days prior to the date of hearing. A copy of the notice shall be mailed to each party to the appeal and to the Lawrence-Douglas County Metropolitan Planning Commission no less than 20 days prior to the date of the hearing.

The secretary shall also cause notice to be given by mail no less than 20 days prior to the date of the public hearing to each of the property owners within 200 feet of the exterior boundaries of the property to be considered in the application, as such owners are now listed on the current certified list accompanying the application. (Ord. 6287)

20-1714. EFFECT OF APPEAL.

An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record on application and notice to the person from whom the appeal was taken. (Code 1979, 20-1414)

20-1715. TIME LIMIT ON PERMITS.

No order of the board permitting the erection or alteration of a building, or the use of a building or premises shall be valid for a period longer than 120 days, unless a permit for such erection, alteration or use is obtained within such period and work started in accordance with the building or use permit.

The board may, at their discretion, extend the period for obtaining a permit in increments of 90 days without re-advertising or additional application. (Code 1979, 20-1415)

20-1716. RECORDS.

Every decision or determination by the board of zoning appeals shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record. (Code 1979, 20-1416)

20-1717. FEE.

The fee for an application for appeal to the board shall be \$30.00 for residentially zoned property and \$60.00 for all other property. No portion of the fee shall be refundable. (Ord. 6473; effective 11/15/93)

20-1718. APPEAL OF DECISION OF BOARD OF APPEALS.

Any person, official or governmental agency dissatisfied with any order or determination of the board may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the board. (Ord. 6287)

ARTICLE 18. AMENDMENTS

20-1801. AMENDMENTS; PROCEDURE.

The City Commission may amend this chapter by changing the boundaries of a district or by changing any other provision thereof whenever the public necessity and convenience and general welfare require such amendment in accordance with procedure outlined in this article. The City Commission, from time to time, may supplement, change or generally revise the boundaries or regulations contained in the zoning regulations.

Prior to the adoption thereof, the City Commission shall submit to the chief engineer of the Division of Water Resources of the State Board of Agriculture any ordinance, resolution, regulation or plan that proposes to create or to effect any change in a floodplain zone or district, or that proposes to regulate or restrict the location and use of structures, encroachments, and uses of land within such an area. (Ord. 6287)

20-1802. AMENDMENT; APPLICATION; WHO MAY INITIATE ACTION.

An amendment may be initiated by the city commission or the planning commission. If the amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected.

(a) Initiation by property owner. An application for amendment by a property owner or owners shall be made to the Planning Commission upon appropriate forms available from the Director of Planning. Such application shall be made a minimum of 45 days prior to a regularly scheduled Planning Commission meeting.

(b) Application Fee. Each application by a property owner or owners shall be accompanied by a fee as established below. No part of the fee shall be refundable to the applicant.

Acreage	Residential PRD	Commercial PCD	Residential-Office POD	Industrial PID
0 - 5	\$200.00	\$300.00	\$250.00	\$350.00
5.1 - 10	225.00	325.00	275.00	375.00
10.1 - 20	250.00	350.00	300.00	400.00
20 +	275.00	375.00	325.00	425.00

Fees listed in the above table apply to conventional zoning districts [RS, RM, RD, RO, O, C, and M] and Planned Unit Development Districts [PRD, PCD, PID and POD]. In addition to the application fee, the applicant shall be responsible for the cost of all required publications.

(c) Accompanying Data. An application for amendment shall be accompanied by drawings 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.

Each application for an amendment to the zoning districts map shall be accompanied by a certified list of all property owners 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 200 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. (Ord. 6745)

20-1802.1 DEFERRED/INACTIVE APPLICATIONS.

Items that are deferred or remain inactive for a period of twelve (12) months shall be processed in accordance with Planning Commission Resolution No. 1-99 for deferred/inactive items. (Ord. 7188)

20-1803. PROCEDURE FOR PUBLIC HEARING AND NOTICE.

All applications for an amendment to the zoning ordinance shall first be submitted to the Lawrence-Douglas County Metropolitan Planning Commission for recommendation and report. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations pursuant to K.S.A. 12-757(b). (Ord. 6287)

20-1804. NOTICE OF PUBLIC HEARING.

The secretary of the planning commission shall cause a notice of such public hearing to be published at least once in the official newspaper of the city no less than 20 days prior to the date of the public hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in regulations or restriction or in the boundary or classification of any zone or district. 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 such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owner of record of lands located within the notification area as defined in section 20-1802.

All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the planning commission or city commission. (Ord. 6287)

20-1804.1 POSTING OF SIGNS FOR REZONING APPLICATIONS.

The applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning the proposed rezoning. The sign shall be placed in a conspicuous location on the property to provide visibility to the general public. The sign shall be furnished by the city to the applicant, and the applicant shall maintain the sign for at least twenty (20) days immediately preceding the date of the public hearing. If a lot, tract or parcel of land is larger than five (5) acres, multiple signs shall be posted; at a minimum, signs shall be placed to face each of the streets abutting the property. The applicant shall file a certification with the Planning Director at the time of the public hearing verifying that the sign has been maintained and posted as required by this ordinance; failure to submit the certification prior to the hearing may result in a continuance of the hearing. The sign may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application. (Ord. 6886)

20-1805. PLANNING COMMISSION ACTION.

At the conclusion of the public hearing the planning commission shall prepare its recommendations and by an affirmative vote of a majority of the members present and voting at the hearing shall be required to recommend approval or denial of the amendment to the city commission. If the planning commission fails to make a recommendation on a rezoning request, a recommendation of disapproval shall be deemed to have been made. Such recommendation, along with an accurate written summary of the hearing thereon, shall be submitted to the city commission. (Ord. 6287)

20-1805.1 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 when republication of a zoning application is required. The table lists zoning classifications in descending order from the least intense to the most intense zoning district. A copy of the Lesser Change Table is on file at the Lawrence-Douglas County Metropolitan Planning Office. (Ord. 6744)

20-1806. ACTION OF CITY COMMISSION ON PLANNING COMMISSION RECOMMENDATIONS.

The City Commission may, upon receipt of the Planning Commission's recommendation:

- 1) adopt such recommendation by ordinance;
- 2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the City Commission; or,
- 3) return such recommendation to the Planning Commission with a statement specifying the basis for the City Commission's failure to approve or disapprove the proposed amendment.

If the City Commission returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore, or submit a new and amended recommendation and findings of fact. Upon the receipt of such recommendation, the City Commission, by a simple majority vote, may adopt, may revise, or may amend and adopt such recommendation and findings of fact by ordinance, or it need take no further action thereon.

If the Planning Commission fails to deliver its recommendation to the City Commission following the Planning Commission's next regular meeting after receipt of the Commission's report, the City Commission shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

The proposed rezoning shall become effective upon publication of the adopting ordinance. (Ord. 6287)

20-1807. CITY COMMISSION VOTE UNDER PROTEST.

If a protest against such amendment is filed in the office of the city clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total area required to be notified, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a 3/4 vote of all the members of the City Commission. (Ord. 6287)

20-1808. LIMITATION ON SUCCESSIVE PETITIONS.

Provisions for a limitation on successive petitions on planning commission items shall be as follows:

(a) No application for an amendment to this chapter including the zoning map, Uses Permitted upon Review, and Planned Unit Developments, shall be accepted by the Lawrence-Douglas County Metropolitan Planning Commission if an application for the same amendment has been denied by the Lawrence City Commission within the preceding 12 months.

The withdrawal of an original application after it has been advertised for public hearing shall constitute a denial of the application just as if the public hearing had commenced and been concluded.

(b) Irrespective of subsection (a) above, an application for a rehearing may be accepted by the Lawrence-Douglas County Metropolitan Planning Commission within 12 months after a denial if it is accompanied by an affidavit setting forth facts which, in the judgment of the Planning Commission, constitute a substantial change from the original application. All requests for rehearing, as provided for in this article, shall be submitted to the Lawrence-Douglas County Metropolitan Planning Department 15 days prior to a regularly scheduled meeting of the Lawrence-Douglas County Metropolitan Planning Commission and shall be included on the agenda for that meeting as a non-public hearing item. If the Planning

Commission determines that the application constitutes a substantial change from the original application, the item will be advertised and a public hearing will be held at the next regularly scheduled meeting of the Lawrence-Douglas County Metropolitan Planning Commission. (Code 1979, 20-1508)

20-1809. CRITERIA FOR EVALUATION OF ZONING AND USE PERMITTED UPON REVIEWS.

In the evaluation of a request for the rezoning of a property or for a Use Permitted upon Review for a property, the criteria for evaluation shall include, but not be limited to, the following:

- (a) zoning and use of property nearby;
- (b) character of the neighborhood;
- (c) suitability of the subject property for the uses to which it has been restricted;
- (d) length of time the subject property has remained vacant as zoned;
- (e) extent to which removal of the restrictions will detrimentally affect nearby properties;
- (f) relative gain to the public health, safety and welfare by the destruction of the value of the petitioner's property as compared to the hardship imposed upon the individual landowners;
- (g) conformance with the comprehensive plan; and,
- (h) professional staff recommendation. (Ord. 6287)

20-1810. APPEAL OF CITY COMMISSION DECISION.

Within 30 days of the final decision of the city commission, any person aggrieved by such decision may maintain an action in the district court of the county to determine the reasonableness of such final decision. (Ord. 6287)

ARTICLE 19. ENFORCEMENT AND SEVERABILITY

20-1901. ENFORCEMENT.

It shall be the duty of the building inspector or other designated officer to enforce this chapter through proper legal channels and to refuse to issue any permit for any building or structure or the use of any premises which would violate any of the provisions hereof. Appeal from the decision of the building inspector, or other designated officer, may be made to the board of zoning appeals as previously provided herein. (Code 1979, 20-1601)

20-1902. VIOLATION AND PENALTY.

Any person, firm, or corporation who shall violate any of the provisions of this chapter or fail to comply with any order or regulation, or who shall build in violation of any specifications or plans submitted and approved, 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 fined in a sum not less than \$10 nor more than \$500 or by imprisonment for not more than six months for each offense or by both fine and imprisonment. Each day's violation shall constitute a separate offense.

Any person, company, corporation, institution, municipality or agency of the state who violates any provision of any regulation relating to floodplain zoning shall be subject to the penalties and remedies herein. Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is or is proposed to be, used in violation of any zoning regulations, the city or county, or in the event the violation relates to a provision concerning floodplain zoning, the attorney general and the chief engineer of the division of water resources of the Kansas state board of agriculture in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation or to prevent the occupancy of such building, structure or land. (Ord. 6287)

20-1903. SEVERABILITY.

Should any article, section, subsection, paragraph, clause or provision of this chapter, the zoning ordinance of the City of Lawrence, be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional. The governing body hereby declares that it would have passed this ordinance and each article, section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid. (Code 1979, 20-1801)

ARTICLE 20. DEFINITIONS

20-2001. GENERAL.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this ordinance: words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "building" includes the word "structure"; the word "used" includes arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and not directory. (Code 1979, 20-1701)

20-2002. DEFINITIONS.

(1) Accessory Building. A subordinate building or a portion of the principal building 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.

(2) Accessory Use. A use which 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.

(3) Accessory Use includes, but is not limited to, the following:

(a) Residential accommodations for domestics or guests and not rented or otherwise used as a separate domicile and containing no kitchen facilities or separate utility meters.

(b) Residential accommodations for caretakers or proprietors on the same lot with any use listed in Use Groups 5, 6 and 7, and Use Groups 11 through 21 inclusive.

(c) Keeping of domestic animals, but only for personal enjoyment or household use and not including a commercial stable or kennel.

(d) Swimming pool for the use of the occupants of:

(i) A resident or their guest (including dormitory),

(ii) Members of a club and their guests, and

(iii) Guests of a hotel or motel.

(e) Domestic or agricultural storage.

(f) Home occupations (See definition of Home Occupations in this article).

(g) Incinerators incidental to a principal use.

(h) Storage of merchandise normally carried in stock in connection with a commercial use or manufacturing use.

(i) Accessory signs, subject to the sign ordinance.

(j) Earth stations (dish antennas) subject to the conditions listed in section 20-1445.

(4) Agent or Owner. Any person who can show certified written proof that he or she is acting for the property owner.

(5) Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes, also any military airfield.

(6) Airport Hazard. Any structure or tree or use of land which 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.

(7) Airport Hazard Area. Any area of land or water upon which an airport hazard might be established if not prevented as provided by this ordinance.

(8) Alley. A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

(9) Ambulatory (Outpatient) Surgery Center. Health care center for ambulatory patients receiving outpatient medical care which may render the patient incapable of unassisted self-preservation, not requiring greater than twenty-three (23) hours of care.

(10) Apartment Hotel. See "Dormitory."

(11) Arterial, Principal or Minor. Streets designed for through traffic movement to carry traffic between areas and across the city to connect with the principal and minor transportation networks. See also "Thoroughfare, Major" or "Thoroughfare, Minor."

(12) Automobile Service Stations. A facility used as a retail place of business which performs incidental repairs and services in addition to dispensing of gasoline or similar fuel, oil and other lubricants; but not to include painting body work, major automobile overhauling, wholesale rebuilding of automobile parts.

(13) Automobile Wrecking. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts. (Ord. 6578; 6610; 7047 rev.)

20-2002.1

(1) 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.

(2) Bathhouse means an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state. (Ord. 7226)

(3) Bed & Breakfast Establishment. For the purpose of this ordinance, a Bed & Breakfast establishment shall be defined to be inclusive of: Bed & Breakfasts; tourist homes; guest houses; and historic inns. Such establishment provides lodging and one or more meals, provided for compensation for one or more transients guests.

(4) Berm - An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

(5) Bicycle. A two wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.

(6) Bicycle Parking Area. An area devoted to off-street bicycle parking for public or private use, provided with any of the supporting and locking devices that comply with city specifications.

(7) Bicycle Parking Space. An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.

(8) Board of Zoning Appeals or Board. The board of zoning appeals of the City of Lawrence, Kansas.

(9) Boarding House. A dwelling or part thereof where meals and/or lodging are provided for compensation for one or more persons not transient guests and where there are not more than twelve (12) sleeping rooms, nor sleeping space for more than twenty-four (24) people.

(10) Buffer. 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.

(11) 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 yard requirements as herein provided.

(12) Buildable Width or Buildable Depth. The width or depth respectively of that part of the lot not included within the open spaces herein required.

(13) Building Height of. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(a) 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.)

(b) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (12)(a) above is more than 10 feet above

lowest grade. (See Case II.)

The height of a stepped or terraced building is the maximum height of any segment of the building.

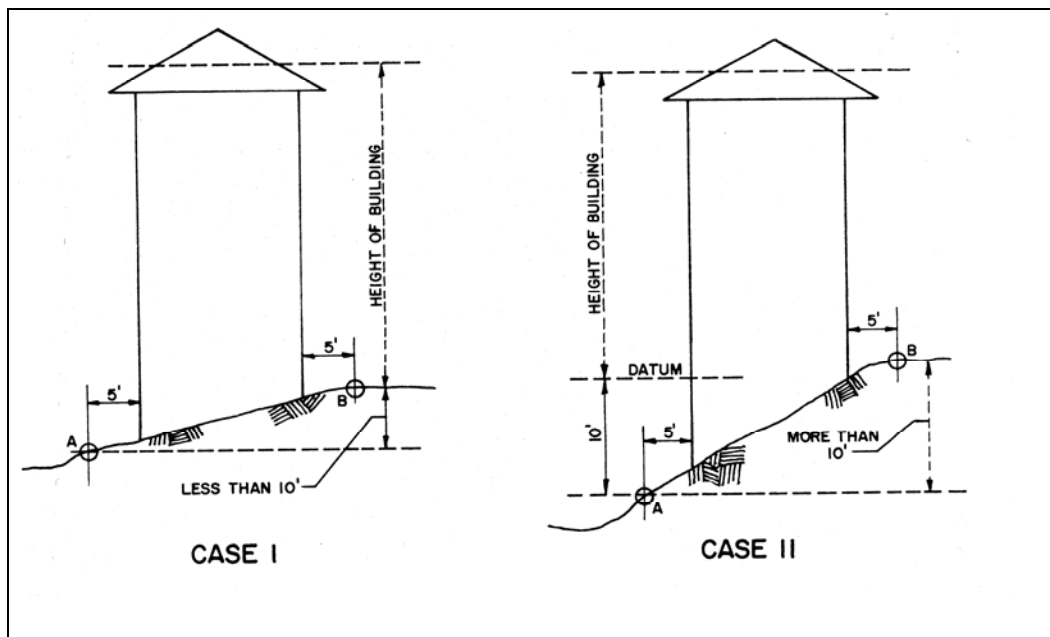
DETERMINATION OF BUILDING HEIGHT IN FEET

(14) 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.

(15) Building Inspector. The building inspector of the City of Lawrence, Kansas. (Ord. 6610)

20-2002.2

(1) Caliper. A measurement of the diameter of a tree trunk taken above ground



line. Caliper of the trunk shall be taken 6 inches above the ground up to 4" caliper size and 12 inches above the ground for larger sizes.

(2) Canopy. An overhanging mass of shading limbs and foliage.

(2.5) Caretaker. A bona fide caretaker is a person who demonstrates by reason of prior or present training, experience, education, licensure, or certification that the person is employed by the occupant, the occupant's guardian, or the occupant's biological or foster or adoptive family for the primary purpose of providing care the occupant needs for disability purposes. (Ord. 7323)

(3) Child Care Home, Non-Occupant Primary Provider Child Care Home, Child Care Center. A home, center, nursery, pre-school, or school in which care is provided on a day or temporary basis for children under the age of 16 meeting one of the following three (3) definitions:

(a) Child Care Home for 12 or fewer Children. "Child Care Home" means the care of 12 or fewer children as an accessory use to an occupied residence in which the occupant(s) shall be the primary provider(s) of child care for children other than his or her own family and the children of close relatives. The primary provider(s) may have an employee(s) to assist with child care services. "Primary provider" means an individual who has the ongoing responsibility for the health, safety and well-being of children in care.

(b) Non-Occupant Primary Provider Child Care Home for 12 or fewer Children. "Non-Occupant Primary Provider Child Care Home" means the care of 12 or fewer children as an accessory use to an occupied residence in which the occupant is not the primary provider of child care for children other than his or her own family and the children of close relatives. "Primary provider" means an individual who has the ongoing responsibility for the health, safety and well-being of children in care.

(c) Child Care Center for 13 or more Children. "Child Care Center" means the care of 13 or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, preschools, play groups, head start (a center giving emphasis to programming for special children), kindergartens not operated by the public schools, and other establishments offering care to groups of children 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. Centers for infants and toddlers or for children with disabilities may have fewer than 13 children but be licensed as a center because the program meets child care center regulations.

(4) City. The City of Lawrence, Kansas.

(5) City Attorney, City Clerk, City Engineer. The officials of the City bearing these titles.

(6) City Commission. The legislative body of the City.

(7) Clinic. An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured but not including rooms for abiding patients overnight.

(8) Club, Private. A building or facilities owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose but not operated for profit or primarily to render a service which is customarily carried on as a business.

(9) Common Open Space. A parcel of land, water, water course, drainageway, or open air recreation area within the site designated for a Planned Unit Development and designed and intended for the use or enjoyment of all the residents and owners of the Planned Unit Development. Common Open Space may contain such supplementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and owners of the Planned Unit Development unless designated unencroachable: to be left natural.

(10) Convalescent Home. See "Nursing Home."

(11) Court. An open, unoccupied, and unobstructed space, other than yard, on the same lot with a building or group of buildings. (Ord. 6610; 6668)

20-2002.3

(1) Deciduous. A plant with foliage that is shed annually.

(2) Density. The minimum lot area per dwelling unit and shall be subject to the exceptions allowed in sections 20-1502 and 20-1509 of this chapter.

(3) Department Store. A retail establishment not less than 20,000 sq.ft.. in floor area offering a wide variety of merchandise and services, with at least 60% of the floor area devoted to the display and sale of non-food items.

(4) Director of Planning. The official of the City of Lawrence bearing that title.

(5) Discontinuance of a Nonconforming Open Use of Land. Discontinuance of a nonconforming open use of land shall mean the discontinuance of the activity and removal of all nonconforming above-surface improvements, equipment, signs, goods, and materials. The requirement of removal shall not apply to contents of a dump.

(6) Display publicly describes the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others, or from any portion of the person's store or property where items and material other than sexually oriented media are offered for sale or rent to the public. (Ord. 7226)

(7) 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 said walls.

(8) 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 ordinance.

(9) District, Combined. Two or more districts grouped together and treated as a single district. For example, an R district or a residence district is a combined district consisting of the RS, RM, RD and RO districts.

(10) District, Component. A district which, together with other component districts, forms a combined district.

(11) Dormitory, Fraternity, Sorority, Student Residence Hall, Apartment Hotel. 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 12 sleeping rooms or 24 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for a 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.

(12) Drip line. A somewhat circular line determined by the outside end of the branches of a tree or shrub projected vertically to the ground.

(13) 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.

(a) Dwelling Group. A group of two or more detached dwellings located on one lot and having any yard or court in common.

(b) Dwelling, Multi-Family. A building or portion thereof designed for or used by two or more families or housekeeping units.

(c) Dwelling, Single-Family Attached. A building designed for or used for one family or housekeeping unit which has one or two common sidewalls with one or two adjoining single-family dwelling units.

(d) Dwelling, Single-Family Detached. A building designed for or used exclusively for residence purposes by one family or housekeeping unit that is surrounded on all sides by yards or other open space on the same lot, and which does not have a common wall with another principal building.

(e) Dwelling Unit. One room, or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having only one kitchen or kitchenette.

(f) Eating Place. An establishment serving prepared food to the public primarily for consumption on the premises, including cafes, lunch counters, and restaurants. (Ord. 6610)

20-2002.4

(1) Earth Station (dish antenna). An earth station shall mean an antenna or 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 the building.

(2) Earth Station (dish antenna) Height. The height of the antenna or dish measured vertically from the highest point of the antenna or dish, when positioned for

operation, to the bottom of the base which supports the antenna.

(3) Evergreen. A plant with foliage that persists and remains green year-round.

(4) Explicit sexual material means any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or anthropological significance shall not be deemed to be within the foregoing definition. (Ord. 7226)

(5) Exterior Storage. A use accessory to the principal use of the property. For definition of accessory use, see section 20-2002(2)(3)(a-j). Storage of equipment or materials unrelated to the principal use shall not be allowed.

20-2002.5

(1) (a) Family. In RS zoning districts, Family shall be defined to mean:

- i) a person living alone, or
- ii) two or more persons related by blood, marriage, legal adoption, guardianship or other legally authorized custodial relationship, or
- iii) a group of not more than three (3) persons unrelated by blood, marriage, and their children, living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house or sorority house.

(b) Family. In all other zoning districts except RS zoning districts, and for those uses governed by Use Group 7, Family shall be defined to mean:

- i) a person living alone, or
- ii) two or more persons related by blood, marriage, legal adoption, guardianship or other legally authorized custodial relationship, or
- iii) a group of not more than four (4) persons unrelated by blood or marriage, living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house or sorority house.

(Ord. 7323)

(2) Farm. The use of land for animal and poultry husbandry including dairying, pasturage of field crops, but not including residential structures.

(3) Floodplain. All those areas within the city which are located within the Flood Plain Overlay District in effect in the city and based on the Federal Insurance Study - September 2, 1980, which took effect on March 2, 1981. (Definitions of these overlay districts are in section 20-9A03. (Ord. 5669)

(4) Floor Area, for determining off-street parking and loading requirements. Defined in section 20-1201.

(5) Frontage. All the property on one side of a thoroughfare between two intersecting thoroughfares (crossing or terminating), or if the street or place be dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end. (Ord. 5256)

20-2002.6

(1) Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line five feet from the building.

(2) Gross public floor area means the total area of the building accessible or visible to the public, including showrooms, motion picture theatres, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways and entryways serving such areas. (Ord. 7226)

(3) Groundcover. Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

(4) Group Home or Adult Care Home. A group home means any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be

related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the other residents of the home, which dwelling is licensed by one or more of the following regulatory agencies of the State: the department of social and rehabilitation services; the behavioral sciences regulatory board; or the state board of healing arts. Disability means , with respect to a person: (a) A physical or mental impairment which substantially limits one or more of such person's major life activities; (b) a record of having such an impairment; or, (c) being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the controlled substance act (21 U.S.C. 802).

Group homes or adult care homes for 11 or more individuals shall be required to obtain a Use Permitted upon Review before operation of the home can begin.

(5) Growing Season/Planting. From the beginning of March to the end of June and from the beginning of September to the beginning of December. (Ord. 6610)

20-2002.7

(1) Home Occupation. An accessory use which meets all of the following conditions:

(a) Is customarily carried on in a dwelling unit or in a building accessory to a dwelling unit;

(b) Is clearly incidental and secondary to the residential use of the dwelling; The term "Home Occupation" includes the following:

(1) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;

(2) Fabrication and/or assembly of handicraft articles, not involving heating, refining, chemical, or similar processes;

(3) Fine arts studio in which is created only individual works of art;

(4) Foster family care (not more than four (4) children at one time unless they are members of the same family);

(5) Laundering or pressing;

(6) Professional office of an accountant, architect, attorney, author, engineer, or other similar professional person, but not including medical, dental, osteopathic, or chiropractic offices;

(7) Rooming and/or boarding of not more than one person;

(8) Teaching or tutoring, including music, dancing, speech, or other arts, with instruction limited to one pupil at a time.

(c) The term "Home Occupation" shall not be interpreted to include any of the following uses:

(1) Barber or beauty shop;

(2) Commercial repairing of automobiles, appliances, equipment, or similar items;

(3) Commercial stable or kennel;

(4) Sales to customers on the premises;

(5) Veterinary surgeon.

(For conditions applying to home occupations, see Section 20-1417 of this chapter.)

(2) Hotel. A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, and in which are provided such services as are incidental to the use thereof as a temporary residence.

(3) Housekeeping Unit. A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one family. (Ord. 6067)

20-2002.8

(1) Incinerator, Accessory. An incinerator, indoor or outdoor, for the burning of refuse produced on the premises, incidental to a use permitted on the premises.

(2) Instrument Approach Zone. An instrument approach zone is established at each end of an instrument runway for instrument landings and take offs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of

the 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. (Code 1979, 20-1702I)

20-2002.9

(1) Junk Yard. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, sale of used cars in operating condition, or salvaged materials incidental to manufacturing operation. (Code 1979, 20-1702J)

20-2002.10

(1) Kennel, Commercial. Any premises where five or more dogs, 10 weeks in age or older, are kept. (Code 1979, 20-1702K)

20-2002.11

(1) Landowner. The legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of a Planned Unit Development application.

(2) Landscaped island/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.

(3) Landscape Material. Shall consist of such living material as trees, shrubs, groundcover/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 embellishment nature such as: fountains, pools, walls, fencing, sculpture, etc.

(4) Landscaped open space. All land area within the property lines not covered by building or pavement.

(5) 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. Such 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 this Code.

(6) Living Unit. One or more rooms designed for or used by not more than four persons for living and sleeping purposes and not having a kitchen or kitchenette.

(7) Lot. A piece, parcel, or tract of land which is located within a single block fronting on a dedicated public street and is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single ownership or control for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance. A lot may be subsequently divided into two or more lots; provided, that each new lot complies fully with this ordinance and any ordinances pertinent thereto at the time of division. A lot, therefore, may or may not coincide with a lot shown on the official tax maps or on any recorded subdivision or deed.

(8) Lot Area. The product of the width multiplied by the length of a lot. Also, see section 20-1208 of this chapter.

(9) Lot, Back-up or Through. An interior lot where rear line abuts on a thoroughfare other than an alley.

(10) 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 which is more than 100 feet from the point of intersection of the two street lines or the two tangents of the same street shall be considered an interior

lot.

(11) Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a lot.

(12) Lot Interior. Any lot which is not a corner lot.

(13) Lot Line. A boundary of a lot.

(14) Lot Line, Front. The street line at the front of a lot.

(15) Lot Line, Side. A lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a street other than an alley is an exterior side lot line.

(16) Lot Width. The mean horizontal distance between the side lot lines of a lot.

(17) Lumber, Limited Sales. The sale of lumber as described under Special Conditions 20-1442.

(18) Lumber Yard. A facility or space for the exterior and interior storage, loading, and sale of lumber, industrial hardware, or other building materials. (Ord. 6610)

20-2002.12

(1) Manufactured home. Any structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C., 5403.

(2) Massage shop means an establishment which has 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. (Ord. 7226)

(3) Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures. (Ord. 7226)

(4) Media store is defined here as an exclusive term, identifying a category of business that may include sexually oriented material but that is not regulated under the provisions of this ordinance. In that context, *media store* means a retail outlet offering media for sale or rent for consumption or enjoyment off the premises, provided that any outlet in which sexually oriented media constitute more than 40 percent (40%) of the stock in trade and/or occupy more than 40 percent (40%) of the gross public floor area shall be considered an "sexually oriented media store." See special conditions in applicable zoning districts for media stores in which sexually oriented media constitute more than 10 percent but less than 40 percent of the stock in trade or occupy more than 10 percent but less than 40 percent of the gross public floor area. This definition intentionally includes and is intentionally broader than the definition of "book store" and "video store." (Ord. 7226)

(5) Mini-Warehouse Facility. A mini-warehouse facility means any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal and/or business property. (Ord. 6768)

(6) 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 homes are considered to be structures for the purpose of this chapter when they are parked in a mobile home park. (Ord. 6287)

(7) Mobile Home Park. Any lot upon which are located one or more mobile

homes, occupied for dwelling purposes, regardless of whether or not a charge is made for each accommodation. (Ord. 6287)

(8) Modeling studio means an establishment or business which 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. (Ord. 7226)

(9) Motel. A building or group of buildings, including either separate units or a row or rows of units which (1) contain living or sleeping accommodations primarily for transient occupancy and (2) provide one off-street parking space on the same lot for each individual living or sleeping unit. (Ord. 6287)

(10) Motion picture arcade booth means any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting motion-pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. The term "booth," "arcade booth," "preview booth," and "video arcade booth" shall be synonymous with the term "motion picture arcade booth. (Ord. 7226)

(11) Mulch. Non-living organic material customarily used to retard soil erosion and retain moisture. (Ord. 6610; Ord. 6768)

20-2002.13

(1) Native Grasses. Species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.

(2) Nonconformance. A lawful condition of a structure or land which does not conform to the regulations of the district, in which it is situated. This shall include, but is not limited to failure to conform to use, height, area, coverage, or off-street parking requirements.

(3) Non-conforming Use. A structure or land lawfully occupied by a use that does not conform to regulations of the district in which it is located. Types of non-conforming uses are described below.

(a) Non-conforming Uses of Land:

(1) Any non-conforming use of land where no building or structure is located on the land;

(2) Any non-conforming use of land where the use of a building or structure is accessory to such non-conforming use; or,

(3) Any non-conforming use of land where a building or structure occupies a portion of the land, and the non-conforming use of land is not accessory to a use of the building or structure.

(b) Non-conforming Buildings, Structures and Uses Thereof. Non-conforming buildings, structures, and uses thereof shall be deemed to include any building or structure, all or substantially all of which building or structure is designed and constructed for a use not permitted in the use district in which it is located, and the uses thereof, including any non-conforming use of land accessory thereto.

(c) Non-conforming Uses of Buildings or Structures. Non-conforming uses of buildings or structures shall be deemed to include any non-conforming use of part or all of a building or structure, designed and constructed primarily for a use permitted in the (use) district in which it is located, and any non-conforming use of land accessory thereto.

(d) Non-complying Buildings or Structures. Non-complying buildings or structures shall be deemed to include any building or structure, designed and constructed primarily for a use permitted in the (use) district in which it is located and existing at the effective date of this ordinance, which does not comply with the height, area, setback, etc., regulations of the district. Only a building or structure that is both non-complying and devoted to a non-conforming use, shall be regulated as a non-conforming use. (Ord. 5034)

(4) Nursery School. (See "Child Care Home, Child Care Center or School")

(5) Nursing Home. Any premises where more than three persons, not members

of the same family, are lodged and furnished with regular meals and nursing care.
(Ord. 6610)

20-2002.14

- (1) Open Air Recreation Area. Recreation facilities and accessory structures located in Common Open Space areas: Provided, that total impervious surfaces (paving, roofs, etc.) may constitute no more than five percent of the total Open Air Recreation Area.
- (2) Open Porch. A roofed space attached to a building on one side and open on the three remaining sides.
- (3) Open Space. Area included in any side, rear, or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches.
- (4) Open Use of Land. A use which 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.
- (5) Operator means any person operating, conducting or maintaining an sexually oriented business. (Ord. 7226)
- (6) Ornamental tree. A deciduous tree planted primarily for its ornamental value or screening purposes; tends to be smaller at maturity than a shade tree.
- (7) Overstory. Any tree with a minimum mature height of 15 feet. (Ord. 6610)

20-2002.15

- (1) Parking Area. An area devoted to off-street parking of five or more vehicles on any one lot for public or private use.
- (2) Parking Space. An area for the parking of a motor vehicle complying with the standards of section 20-1205, either within a structure or in the open, excluding the area necessary for access under the provisions of this ordinance.
- (3) Planned Unit Development. An area of land controlled by the landowner to be developed as a single entity for a number of dwelling units, office uses, commercial uses, or combination thereof, if any, the Plan for which does not correspond in lot size, bulk or type of dwelling or commercial use, density, lot coverage and required common open space, to the regulations established by other articles of the zoning ordinance of the City of Lawrence, Kansas, and adopted pursuant to the provisions of Article 7, Chapter 12, of the Kansas Statutes Annotated and amendments thereto. The phrase "Planned Residential Development" shall mean a Planned Unit Development that is to be developed primarily for such type of specific use in accordance with the regulations and standards set forth in the Planned Unit Development Districts Article.
- (4) Planning Commission. The Lawrence-Douglas County Planning Commission.
- (5) Premises. A lot, together with all buildings and structures thereon.
- (6) Primary live entertainment means that entertainment which characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances. (Ord. 7226)
- (7) Principal Use, Residential in C-3 Districts. A residential use which occupies more than 50 percent of a building or structure shall be considered the principal use on the site. Off-street parking requirements shall apply to these uses erected after August 28, 1984.
- (8) Professional Offices. Professional offices include, but are not limited to such uses as travel agencies, accounting, insurance, law or governmental offices.
(Code 1979, 20-1702P; Ord. 5582 Sec. XII; Ord 6777)

20-2002.16

- (1) Recyclable Material. Recyclable material is reusable material 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 material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with environmental and sanitation codes. (Ord. 6306)
- (2) Recycling Facility. A recycling facility is a center 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:

(a) Recycling Facility, Collection. A collection facility is a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Collection facilities may include the following:

(1) Large collection facilities (Sorting and Shipping Centers); which may occupy an area of more than 500 square feet and may include permanent structures.

(2) Reverse Vending Machine(s) (Drop-Off/Pick-Up Centers); A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including but not limited to: aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value.

(3) Small Collection Facilities (Drop-Off/Pick Up Centers); which occupy an area of 500 square feet or less, and may include:

- (a) Recycling, Mobile Collection Unit(s);
- (b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
- (c) Kiosk type units which may include permanent structures;
- (d) Unattended containers placed for the donation of recyclable materials;
- (e) Interior programs, ancillary to the primary activity of a business or organization. (Ord. 6306)

(b) Recycling Facility, Processing (Recycling/Processing Center); A processing facility is 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. Processing facilities include the following:

(1) Light Processing Facility (Recycling/Processing Center); occupies an area of under 45,000 square feet of gross collection, processing and storage area. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not include shredding, compacting or baling of ferrous metals other than food and beverage containers. (Ord. 6306)

(2) Heavy Processing Facility (Recycling/Processing Centers); is any processing facility other than a light processing facility. (Ord. 6306)

(c) Recycling, Mobile Collection Units. A mobile recycling unit means an automobile, truck, trailer or van, or roll-off container which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers used for the collection of recyclable materials. (Ord. 6306)

(3) Regulatory (Base) Flood. The flood having a one percent chance of being equaled or exceeded in any given year. (Ord. 6287)

(4) Regulatory Floodplain. The land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1 percent. (Ord. 6287)

(5) Regulatory Floodway. An area designated by the Federal Insurance Administration which shall include the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the regulatory flood without

cumulatively increasing the water surface elevation by more than one foot on the adjacent land. (Ord. 6287)

(6) Regulatory Floodway Fringe. The portions of a floodplain outside of the boundaries of a regulatory floodway and within stream reaches where such a floodway has been established. (Ord. 6287)

(7) Residential-design manufactured home & use. Any manufactured home on a permanent foundation which has (a) minimum dimensions of 22 body feet in width, (b) a pitched roof and (c) siding and roofing materials which are customarily used on site-built homes. (Ord. 6287)

(8) Rooming House. See "Boarding or Lodging House." (Ord. 6287)

20-2002.17

(1) Sadomasochistic practices mean 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. (Ord. 7226)

(2) Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

(3) Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, to the nearest vertical wall or other element of a building or structure, as defined herein. Location points of measurement on buildings or structures are subject to the exceptions in Sections 20-1503, 20-1504 and 20-1505.

(4) Sex shop means an establishment offering goods for sale or rent and that meets any of the following tests:

1. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items constitute more than ten percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its gross public floor area;
2. More than five percent (5%) of its stock in trade consists of sexually-oriented toys or novelties; or
3. More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties; (Ord. 7226)

(5) Sexually oriented business is an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theatre; motion picture arcade; bathhouse; massage shop; and/or sex shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of §80-230 or other provisions of the zoning code or other applicable ordinances. For purposes of this ordinance, but not for purposes of Chapter 12, Article IIA, "sexually oriented business" shall also include sexually oriented bookstores, sexually oriented media stores and sexually oriented video stores. (Ord. 7226)

(6) Sexually oriented cabaret means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the "primary live entertainment" is distinguished or characterized by an emphasis on exhibiting "specific sexual activities" or "specified anatomical areas" for observation by patrons therein. (Ord. 7226)

(7) Sexually oriented media means magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined). (Ord. 7226)

(8) Sexually oriented media store means an establishment that rents and/or sells media and that meets any of the following tests:

More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or

More than forty percent (40%) of the stock in trade consists of sexually oriented

media; or

It advertises or holds itself out in any forum as "XXX," "sexually oriented," "sex" or otherwise as a sexually oriented business other than an sexually oriented media store, sexually oriented motion picture theatre or sexually oriented cabaret. (Ord. 7226)

(9) Sexually oriented motion picture theater means an establishment or business which regularly and predominately features films, tapes or motion pictures to an audience which are rated NC-17 by the Motion Picture Association of America (MPAA) and contain sexually oriented material. (Ord. 7226)

(10) Sexually oriented toys or novelties mean 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. (Ord. 7226)

(11) Shade tree. Usually a deciduous tree - rarely an evergreen; planted primarily for its high crown of foliage or overhead canopy.

(12) Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

(13) Specified anatomical areas mean and include: (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. (Ord. 7226)

(14) Specified sexual activities mean and include 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. (Ord. 7226)

(15) Stable, Commercial. A stable where four or more horses are boarded or kept for hire, including a riding track.

(16) Statement of Objectives for the Planned Unit Development. A written statement of the goals of the City with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit or both, and such other factors as the City may find relevant in determining whether a Planned Unit Development shall be authorized. (The Statement of Objectives is contained in section 20-1002)

(17) 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 6' above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, or unused under-floor space shall be considered a story.

(18) Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than 8' below grade, as defined herein, at any point.

(19) Street. Any public right-of-way other than an alley.

(20) Street Line. The line separating the street right-of-way from the abutting property.

(21) 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 or in exterior walls.

(22) Structure. Anything constructed, other than a fence or retaining wall not exceeding 3 feet in height above ground level, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to signs, billboards, and mobile homes. Receive-only satellite dishes (earth stations) are not structures within the meaning of the zoning ordinance.

(23) Subdivision and Development Regulations. City of Lawrence Ordinance No.

4337 and amendments thereto. (Ord. 6610)

- 20-2003.**
- (1) Temporary Use Permitted Upon Review. Certain uses of land which are of a nonresidential nature and which need to be located in any district on a temporary basis, and which must be approved by the Planning Director or the City Commission in accordance with Section 20-1612 and special conditions as enumerated in Section 20-610.9. (Ord. 6698)
 - (2) Thoroughfare. Any public right-of-way which provides a public means of access to abutting property.
 - (3) Thoroughfare, Collector. Any thoroughfare designated as a Collector Thoroughfare in the Lawrence Comprehensive Plan.
 - (4) Thoroughfare, Major (Principal Arterial). Any thoroughfare or arterial designated as such in the Lawrence Comprehensive Plan.
 - (5) Thoroughfare, Minor (Minor Arterial). Any thoroughfare or arterial other than a Major Thoroughfare, Principal Arterial or Collector Thoroughfare.
 - (6) Transient Guest. A person who occupies a room in a bed & breakfast establishment, hotel, motel or tourist court for not more than twenty-eight (28) consecutive days.

- 20-2003.1**
- (1) Under Construction. The incorporation of labor and materials within the foundation of a building.
 - (2) Understory. Low growing plant material other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface.
 - (3) Unencroachable Open Space. A parcel or parcels of land, water, water course, or drainageway within the site designated for a Planned Unit Development which is to be left entirely in its natural state.
 - (4) Use, Conditional. A use which is permitted in a district, subject to meeting certain conditions set forth herein.
 - (5) Use Permitted Upon Review. Certain uses of land specified in this ordinance which must be approved by the city commission in accordance with section 20-1608 prior to issuance of a building permit. (Ord. 6610)

- 20-2003.2**
- (1) Video store is defined here as an exclusive term identifying a category of business that may include sexually oriented material but that is not regulated under the provisions of this ordinance. In that context, *video store* means a retail outlet offering video cassettes, disks or other video recordings for sale or rent, provided that any outlet in which sexually oriented media constitute more than 40 percent (40%) of the stock in trade and/or occupy more than 40 percent (40%) of the gross public floor area shall be considered an "sexually oriented media outlet." See special conditions in applicable zoning districts for video stores in which sexually oriented media constitute more than 10 percent but less than 40 percent of the stock in trade or occupy more than 10 percent but less than 40 percent of the gross public floor area. (Ord. 7226)

- 20-2003.3**
- (1) Woodland, existing. Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.
 - (2) Wildflower. A native or naturalized plant, often an annual or perennial. (Ord. 6610)

- 20-2003.4**
- (1) Xeriscape. Landscape methods which conserve water through the use of drought-tolerant plants and planting methods and efficient watering techniques and equipment. (Ord. 6610)

- 20-2003.5**
- (1) Yard, Front. An open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere herein. On corner lots the owner may choose either street frontage as the front yard, so long as the minimum requirements of the ordinance are observed.

(2) Yard, Rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere herein. On corner lots the rear yard shall be opposite and most distant from the front yard.

(3) Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

(4) Yard, Side, Exterior. On a corner lot, an open space extending from the front yard to the rear property line between a building and the side lot line abutting a street.

(5) Yard, Side, Interior. A side yard other than an exterior side yard. (Code 1979; Ord. 5956, Sec. IX; Ord. 5985, Sec. 1)

20-2003.6

(1) Zoning Districts Map. A map or maps outlining the various zoning district boundaries of the City of Lawrence, Kansas.

(2) Zoning Ordinance. City of Lawrence Ordinance No. 3500 and amendments thereto.

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