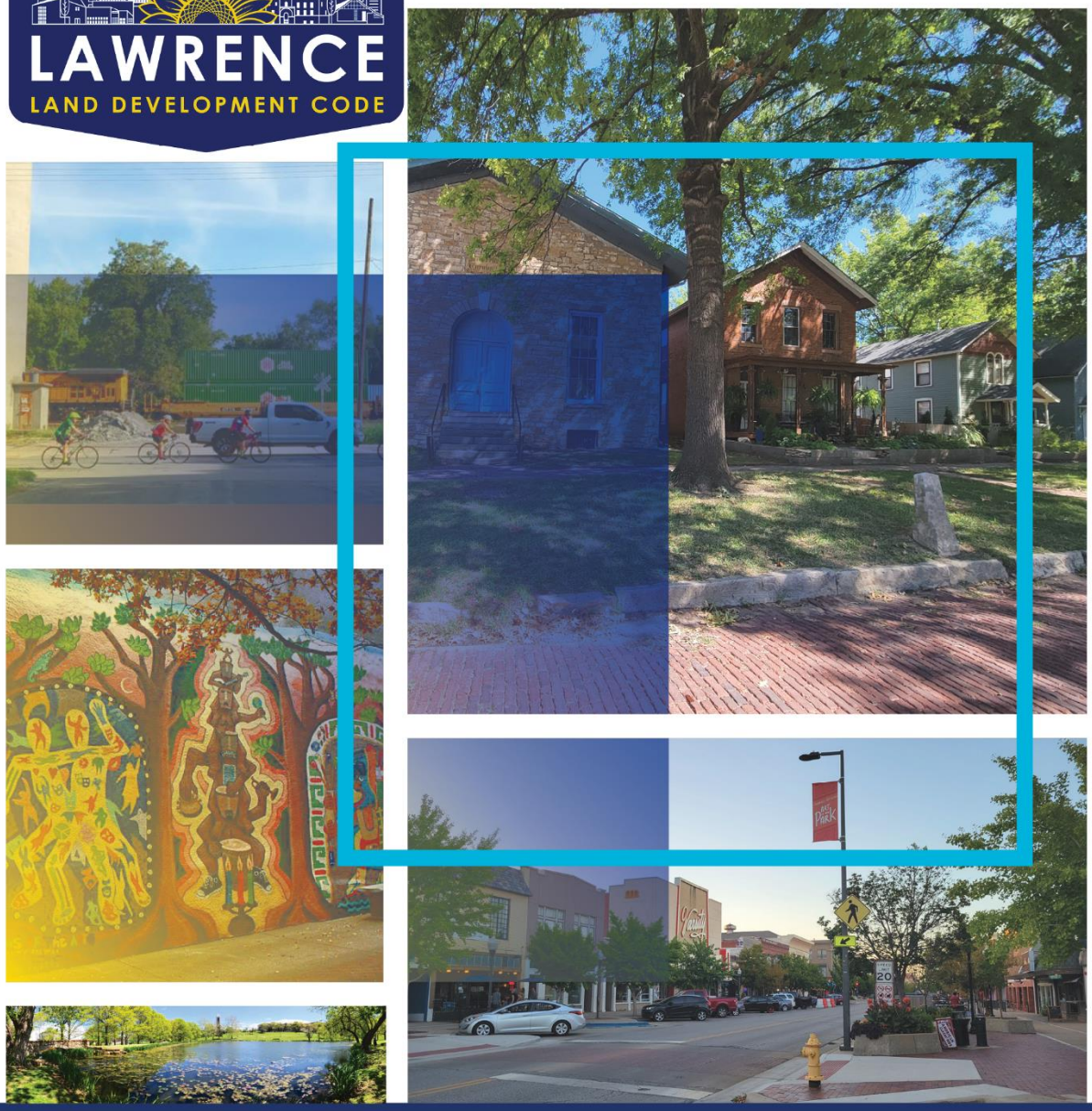
LAWRENCE
LAND DEVELOPMENT CODE



The Land Development Code of the City of Lawrence, Kansas

November 12, 2024, Edition

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Article 1. General Provisions

20-101 Official Title and Effective Date

(a) The official title of this Chapter is the "Land Development Code of the City of Lawrence, Kansas." For convenience, it is referred to throughout this document as the "LDC." The versions that were effective immediately prior to this Code shall be referred to as the 2006 LDC and the Lawrence SmartCode (jointly "2006 LDC"). When referenced in comparison to the 2006 LDC, this LDC may also be called the "2024 LDC."

(b) This LDC became effective on _____ ("Effective Date").

(c) Two copies of the 2006 LDC shall be maintained and remain of record in the City Clerk's Office and the Planning and Development Services Office, either in hard copy or electronically. An unofficial public copy may also be maintained on the City's website. All copies of the 2006 LDC that are publicly available shall be clearly identified as outdated.

20-102 Authority

This LDC is adopted by the Home Rule authority of the City as granted by the Kansas Constitution. The LDC complies with Kansas laws regulating zoning and subdivision for cities in the state.

20-103 Applicability

(a) Generally

The provisions of this LDC apply to all development activity, public and private, within the corporate limits of the City, to the extent permitted by law.

(b) Compliance Required

(1) All uses and development activity shall comply with the provisions of this LDC, the City's adopted development policy, and with all other applicable City, county, state, and federal regulations.

(2) No permit, certificate, or approval of any use that is subject to this LDC shall be issued or granted by any department, agency, City official, or City employee without a finding of compliance with this LDC.

(3) No lot of record that did not exist on the Effective Date shall be created by subdivision or otherwise unless it complies with this LDC.

20-104 Purpose

The LDC is intended to establish land development standards and procedures consistent with the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the Governing Body, collectively referred to as the

"Comprehensive Plan," in a manner that protects, enhances, and promotes the health, safety, and general welfare of the citizens of Lawrence. Additional purposes include:

(a) To conform to all applicable requirements of Kansas and federal law;

(b) To provide standards that are appropriate to their context;

(c) To establish procedures for processing development;

(d) To provide standards that are capable of administration through streamlined procedures;

(e) To protect neighborhoods from incompatible development;

(f) To provide standards that are practical;

(g) To accommodate housing for a spectrum of household sizes and types;

(h) To encourage mixed-use development where contextually appropriate;

(i) To accommodate revitalization of the City's built-out areas, such as Downtown and older commercial areas;

(j) To facilitate the creation of open and civic spaces that are appropriate to their context; and

(k) To encourage energy-efficient and sustainable development practices.

20-105 Minimum Standards and Conflicting Provisions

(a) Minimum Standards

This LDC establishes the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when minimum requirements are exceeded.

(b) Conflict with State or Federal Regulations

If the provisions of this LDC are inconsistent with those of the state or federal government on the same subject and it is impossible to comply with both, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls. Nothing in the LDC shall be interpreted as requiring a violation of state or federal law.

(c) Conflict with Other City Regulations

If the provisions of this LDC on the same subject are inconsistent with one another, or if they conflict with other City regulations on that subject and it is impossible to comply with both, the more restrictive provision will control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls.

(d) Conflict with Private Agreements and Covenants

This LDC is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship otherwise in conformance with the LDC. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this LDC, the City has no duty to enforce the private restrictions, nor is the City obligated to adopt regulations consistent with private restrictions.

(e) Determination of Conflict

A Section 20-1605(d) LDC Interpretation may be requested when it is unclear whether this LDC conflicts with other applicable local, state, or federal regulations.

20-106 Application of Regulations During Local Emergency

The Director may waive applicable provisions of this LDC during a local emergency declared by the Mayor or City Manager. A public health emergency, wildfire, flood, or other catastrophic situations are examples of a local emergency.

20-107 Fees, Charges, and Expenses

The Governing Body shall set fees in amounts sufficient to recover all or a portion of the taxpayer costs spent administering this LDC with respect to any application. The Governing Body may, by resolution, modify any fee at any Commission meeting.

Article 2. Zoning Districts General Provisions

20-201 Official Zoning Map

(a) Incorporation of Map

(1) The boundaries of the zoning districts established by this LDC are shown on a map or series of maps designated the Official Zoning Map.

(2) The Official Zoning Map, including all notations, references, data, and other information shown on the Official Zoning Map, is adopted and made a part of this LDC.

(3) The Official Zoning Map shall be maintained by the Director, in accordance with K.S.A. 12-753.

(4) In the case of any dispute regarding the zoning classification of property subject to this LDC, the original maps maintained by the Director shall govern. The Director is responsible for producing all updates of the Official Zoning Map.

(b) Interpretation of Boundaries

(1) Unless otherwise indicated on the Official Zoning Map, zoning district boundaries shall follow lot lines, the center lines of streets or alleys or the specified distances from center lines, railroad right-of-way lines, or lot lines.

(2) Where uncertainty exists about the boundaries of a zoning district, or when the street or property existing on the ground is different than that shown on the Official Zoning Map, the Director is authorized to determine the location of the boundaries. The Director's interpretation may be appealed to the Board of Zoning Appeals in accordance with Section 20-1604(a), Appeal of an Administrative Determination.

20-202 Zoning District Establishment

(a) Conversion from 2006 LDC

The incorporated area of Lawrence is divided into the zoning districts as shown in Table 20-2-1, below.

Table 20-2-1: Lawrence LDC Proposed Zoning Districts

Current Zoning Districts	New Zoning Districts
Residential	
RS40 Single-Dwelling Residential–40,000 SF lot	**R-1: Residential Very Low Density**
RS20 Single-Dwelling Residential–20,000 SF lot	
RS10 Single-Dwelling Residential–10,000 SF lot	
RS7 Single-Dwelling Residential–7,000 SF lot	**R-2: Residential Low Density**
RS5 Single-Dwelling Residential–5,000 SF lot	

Table 20-2-1: Lawrence LDC Proposed Zoning Districts	
Current Zoning Districts	**New Zoning Districts**
RS3 Single-Dwelling Residential–3,000 SF lot	**R-3: Residential Medium Density**
RM12/RM12D Multi-Dwelling Residential– 12 DU/AC	
RM15 Multi-Dwelling Residential -- 15 DU/AC	
RM24 Multi-Dwelling Residential– 24 DU/AC	**R-4: Residential High Density**
RM32 Multi-Dwelling Residential– 32 DU/AC	
New	**R-5: Residential Very High Density**
RMG Multi-Dwelling Residential-Greek Housing	**Retired**
Mixed and Commercial	
CN1 Inner Neighborhood Commercial	**M-1: Mixed Small Neighborhood**
RSO Single-Dwelling Residential-Office - 2,500 sq. feet.	
MU Mixed-Use	
CN2 Neighborhood Shopping Center	**M-2: Mixed Large Neighborhood**
CO Office Commercial	
RMO Multi-Dwelling Residential-Office	
CS Strip Commercial	**M-3: Mixed Corridor**
MU Mixed-Use	
CC Community Commercial	**CC: Commercial Center**
CR Regional Commercial	
CD Downtown Commercial	**CD: Downtown Commercial**
Industrial	
IBP Industrial/Business Park	**IBP: Industrial Business Park,**
IL Limited Industrial	**IL: Light Industrial**
IM Medium Industrial	
IG General Industrial	**IG: General Industrial**
Special Purpose	
GPI General Public and Institutional	**P-1: Civic and Institutional**
H Hospital	
OS Open Space	**P-2: Open Space**
U/KU University/Kansas University	**U: University (includes U-KU and U-HINU)**
UR Urban Reserve	**UR: Urban Reserve**
Planned Unit Development	
PUD (Previously PRD, PCD, PID, POD)	**PD: Planned Development**
Overlay	
ASO Airspace Overlay	**ASO: Airspace Overlay**
FP Floodplain Management Regulations Overlay	**FP: Floodplain Management Regulations Overlay**
HD Historic District Overlay	**HD: Historic District Overlay**
HL Historic Landmark Designation Overlay	**HL: Historic Landmark Designation Overlay**

Table 20-2-1: Lawrence LDC Proposed Zoning Districts	
Current Zoning Districts	**New Zoning Districts**
PUD (Previously PRD, PCD, PID, POD)	**PD: Planned Development Overlay**
UC Urban Conservation Overlay	**UC: Urban Conservation Overlay**

(b) District Consistency with Comprehensive Plan

(1) Table 20-2-1 identifies those zoning district(s) that are consistent with a given residential density, commercial type, or industrial intensity designation ("Development Designations") identified in Plan 2040.

(2) A Development Designation is a broad identifier of future land use and typically can be developed through that application of more than one zoning district. A dot in the table below indicates that the zoning district is appropriate for the corresponding Plan 2040 Development Designation and is therefore an appropriate option for zoning or rezoning of land for that Development Designation. This is one of multiple factors considered by the relevant decision-makers in a rezoning application.

(3) A blank cell (no dot) in the table below indicates that the zoning district is not an appropriate option for rezoning of land within the corresponding Development Designation.

(4) This LDC includes zoning districts that have been retired and to which property may not be rezoned.

Table 20-2-2: Comprehensive Plan Consistency

Category	Residential Density					Commercial Type					Industrial Intensity			
Designation	Very Low	Low	Med	High	Very High	Sm Nhd	Lg Nhd	MU	Com	Reg	Ltd	Light	Med	Heavy
Residential														
R-1	■	■												
R-2		■												
R-3			■											
R-4				■										
R-5					■									
Mixed & Commercial														
M-1			■			■	■	■						
M-2				■			■	■						
M-3				■	■			■						
CC				■	■			■	■	■				
CD					■					■				
Industrial														
IBP											■			
IL									■			■	■	

Table 20-2-2: Comprehensive Plan Consistency														
Category	Residential Density					Commercial Type					Industrial Intensity			
Designation	Very Low	Low	Med	High	Very High	Sm Nhd	Lg Nhd	MU	Com	Reg	Ltd	Light	Med	Heavy
IG														■

20-203 Lot and Dimensional Standards General Rules and Exceptions

(a) Principal Structure

More than one principal structure may be allowed per lot only when specified in this LDC.

(b) Setback Averaging

(1) Applicability

Front or side setback averaging may be applicable to any of the following activities where there are existing structures located along the same block face:

(A) Infill development;

(B) Redevelopment; and

(C) Existing structure additions, including porch additions or remodels.

(2) Calculation

Regardless of the minimum front setback required by the zoning district, a front or street side setback may be adjusted to the average of the block face setbacks.

(A) The actual setbacks of buildings fronting the street shall be used to determine the average front setback.

(B) Where a lot is vacant, the minimum street setback required by the applicable zoning district shall be applied.

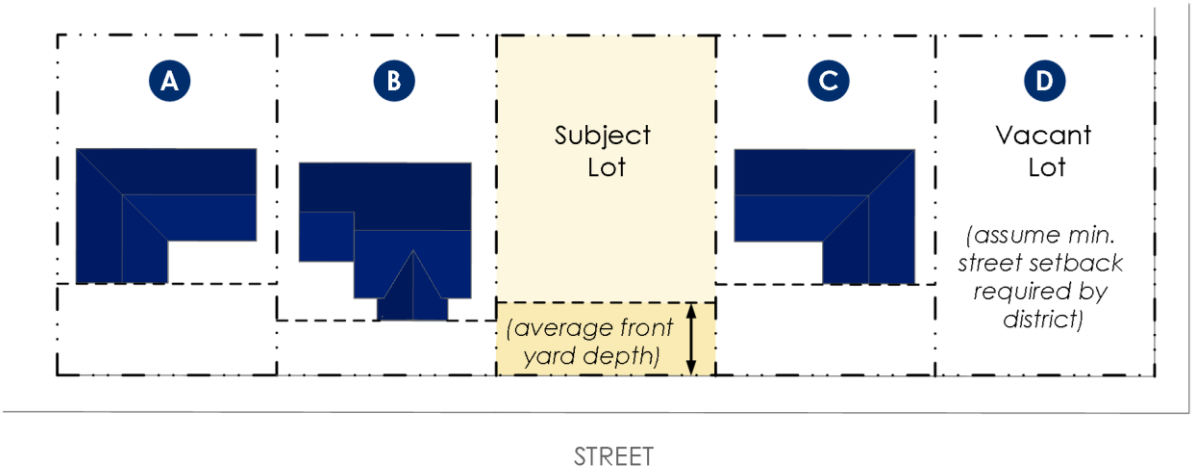


Fig. 20-2-A. Setback Averaging Calculation

(c) Mixed or Nonresidential Rear Setback with Alley

The rear setback of any lot in a Mixed, Commercial, or Industrial zoning district may be reduced to five feet where the lot abuts and has access to an alley.

(d) Permitted Exceptions to Required Setbacks

Required setbacks shall be unobstructed from the ground to the sky except that the following features may project into a setback area:

Table 20-2-3: Permitted Setback Encroachments

Permitted Encroachment	Encroachment into Principal Structure Setback
Window projections including bay windows, balconies, and chimneys	All setbacks, up to two feet, provided that the features do not occupy, in the aggregate, more than 1/3 the length of the building wall on which they are located
Cornices, canopies, eaves, or other architectural features	All setbacks: Up to two feet
Covered accessory structures (e.g., greenhouses, storage buildings, sheds, covered decks, coops for fowl or other agricultural structures)	Side setback: Allowed, if six feet or less in height
Fences, walls, or hedges up to 6 feet in height (at any point)	All setbacks: Allowed, except as otherwise provided in City Code Chapter 16, Article 6, and on corner lots with a rear property line that abuts a side property line of another lot in a Residential zoning district, no fence, wall or hedge within 25 feet of the common property line may be closer to the street side property line than one-half the depth of the actual front setback or maximum zoning district setback, whichever is less, of the lot that fronts on the side street

Table 20-2-3: Permitted Setback Encroachments	
Permitted Encroachment	**Encroachment into Principal Structure Setback**
Neighborhood community exchanges boxes	Front and side setbacks: Allowed in Residential and Mixed and Commercial zoning districts provided the portion of the yard occupied by the box does not exceed two square feet
Mechanical structures (e.g., heat pumps, air conditioners, emergency generators, and water pumps)	Rear setback: Allowed, provided they are at least five feet from the rear property line
Uncovered horizontal structures (e.g., decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, and tennis courts)	All setbacks: Allowed if the structure extends no more than 2.5 feet above the ground and not enclosed other than with a fence
Uncovered stair and landings	All setbacks: Allowed, provided they are at least three feet from all property lines and the stair and landing may not extend above the entrance floor of the building except for a railing not exceeding four feet in height
Unenclosed fire escapes, including below grade window wells	All setbacks: Allowed, provided they are at least three feet from all property lines
Vertical ornamental structures (e.g., flag poles, trellises and other garden structures, play structures, radio antennas, and lamp posts)	All setbacks: Allowed if 30 feet or less in height or a flagpole of any height

(e) Permitted Height Exceptions

Zoning district height limit exceptions are permitted as follows:

Table 20-2-4: Permitted Height Exceptions	
Permitted Projection	**Height Increase (Maximum)**
Fire walls or parapet walls	5 feet
Radio antennas, television antennas, church spires, steeples, clock towers, water towers, flag poles, or similar attached and non-habitable structures	Any distance
Roof structures for housing elevators, stairways, tanks, ventilating fans, or similar equipment required in the operation or maintenance of a building	10 feet if the structure(s) does not cover more than 33% of the roof area
Roof-mounted solar energy collectors	10 feet
Roof-mounted wind turbine	15 feet

20-204 Occupancy Standards

Occupancy means residing or sleeping at a dwelling unit the majority of a person's time. Unless otherwise expressly stated in this LDC, all household living uses, as identified in Table 20-8-1: Principal Use Table, shall be limited to one household per dwelling unit. A household is defined as any of the following occupying a dwelling unit:

(a) A single person;

(b) Any number of people related to each other by blood, marriage or other committed partnership, adoption, fostering, or guardianship; or

(c) Up to five adults of any relationship.

20-205 Outdoor Area Standards

(a) Purpose

The required outdoor area standards assure opportunities for outdoor recreation or relaxation. The standards help ensure that some of the land not covered by buildings is of an adequate size, shape, and configuration to be useable for outdoor recreation or relaxation. The requirement for outdoor area serves as an alternative to a large rear setback and is an important aspect in addressing the livability of a residential structure on a small lot.

(b) Requirements

(1) Outdoor area requirements are specified in individual zoning district dimensional tables.

(2) The minimum outdoor area for each dwelling unit shall be a contiguous area and may be on the ground or above ground.

(A) Ground Level Space

(i) The minimum dimension requirement for ground level space is applicable to any exterior boundary of the outdoor space. For example, all sides of an outdoor space in an R-3 district must be at least five feet in length.

(ii) The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes.

(a) User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area.

(b) It may be covered, such as a covered patio, but it may not be fully enclosed.

(iii) Driveways and parking areas may not be counted toward fulfillment of the outdoor area requirement.

(iv) The required outdoor area located in the required front setback or exterior side setback shall be designed with semi-opaque screening.

(B) Above Ground Space

The minimum dimensional requirement for above ground space is applicable to one side of the space. For example, if a balcony is provided for a unit in an R-3 district, one side of the balcony must be at least five feet

in length. The balcony must be designed to meet the required minimum area space of 50 sq. ft.

(c) M-1, M-2, and M-3 Zoning District Exception

Minimum outdoor area is not required if a public park is located within ¼ of a mile of the site and safe pedestrian and bicycle access is provided.

Article 3. Residential Zoning Districts

20-301 Residential Zoning Districts Established

The following Residential zoning districts are established in this LDC as summarized in Table 20-3-1, below. When the LDC refers to Residential zoning districts, these districts are included.

Table 20-3-1: Residential Zoning Districts Summary

Current Zoning Districts	New Zoning Districts	Section
RS40 Single-Dwelling Residential–40,000 sq. feet	R-1: Residential Very Low Density	20-304
RS20 Single-Dwelling Residential–20,000 sq. feet		
RS10 Single-Dwelling Residential–10,000 sq. feet		
RS7 Single-Dwelling Residential–7,000 sq. feet	R-2: Residential Low Density	20-305
RS5 Single-Dwelling Residential–5,000 sq. feet		
RS3 Single-Dwelling Residential–3,000 sq. feet	R-3: Residential Medium Density	20-306
RM12/RM12D Multi-Dwelling Residential– 12 DU/AC		
RM15 Multi-Dwelling Residential -- 15 DU/AC		
RM24 Multi-Dwelling Residential– 24 DU/AC	R-4: Residential High Density	20-307
RM32 Multi-Dwelling Residential– 32 DU/AC		
New	R-5: Residential Very High Density	20-308
RMG Multi-Dwelling Residential-Greek Housing	Retired	

20-302 Purpose

The Residential zoning districts are intended to:

(a) Ensure development consistent with the vision, goals, and action items of the Comprehensive Plan;

(b) Provide appropriately located areas for a variety of housing types and densities to create housing opportunities for the community;

(c) Ensure new developments maintain and enhance the unique character of Lawrence; and

(d) Provide compatible transitions from residential neighborhoods to more intensive uses for both established and new neighborhood areas.

20-303 Residential Districts: Generally Applicable Standards

(a) Dimensional Standards

The standards and exceptions in Section 20-203 may apply to residential districts.

(b) Minimum Density

(1) Applicability

Development that meets the zoning district minimum density is required as follows:

(A) New development shall meet the required minimum density for the applicable zoning district.

(B) Infill and redevelopment, as identified in Section 20-905(f), shall meet the required minimum density for the applicable zoning district where there is sufficient buildable area to meet the lot size requirements for the minimum density. Where there is not sufficient buildable area, the property shall be developed to the maximum density permitted (Net Density) by the available buildable area.

(2) Exceptions

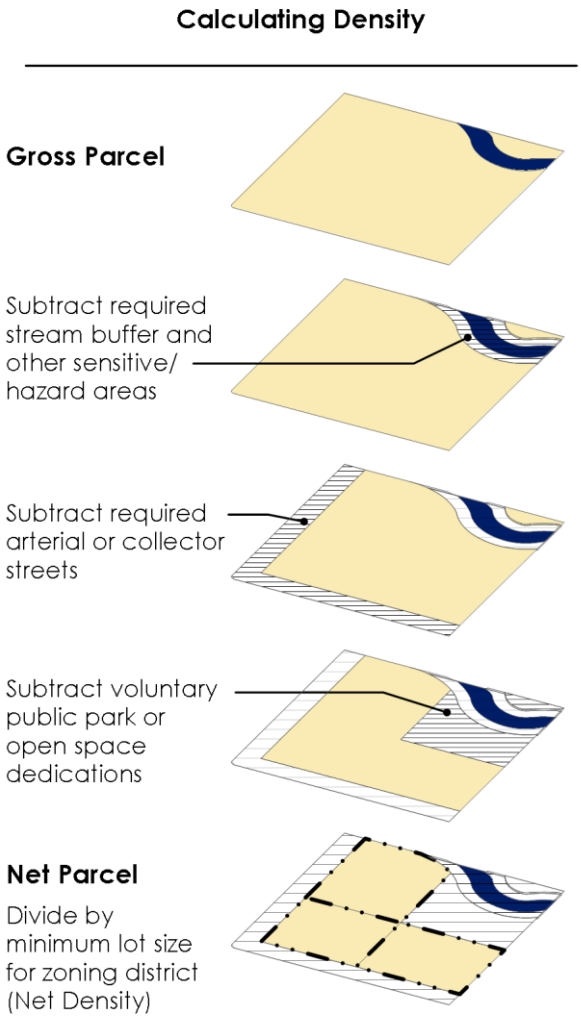
Required minimum density is not applicable to the reconstruction or redevelopment of a single-unit detached dwelling located in an R-2 zoning district.

(3) Measurement

(A) Net density is measured as follows:

(i) Gross parcel area less total parcel area that is non-buildable for public purpose or public safety reasons equals net parcel area. Areas that are non-buildable for public purposes or public safety reasons include stream buffers, sensitive and hazardous areas, required arterial or collector street dedications, and voluntary public park or open space dedications.

(ii) (Net parcel area less public facility required dedication (local streets and utility easements)) divided by minimum lot size equals net density.



(B) For example: a 12,000 square foot parcel in the R-2 zoning district (minimum density of 4 du/acre), with a minimum lot size of 5,000 SF would have the following density calculation:

Table 20-3-2: Parcel Sample Net Density Calculation

Conversion	Calculation
Gross to Net Parcel	12,000 SF – 1,000 SF non-buildable area (will vary by parcel location) = 11,000 SF net
Net Parcel Minus Dedications	11,000 SF * .8 (20% average public facility dedication) = 8,800 SF
Divided by Lot Size	8,800 SF / 5,000 SF minimum lot size = 1.76, rounded down
Net Density	1 dwelling unit

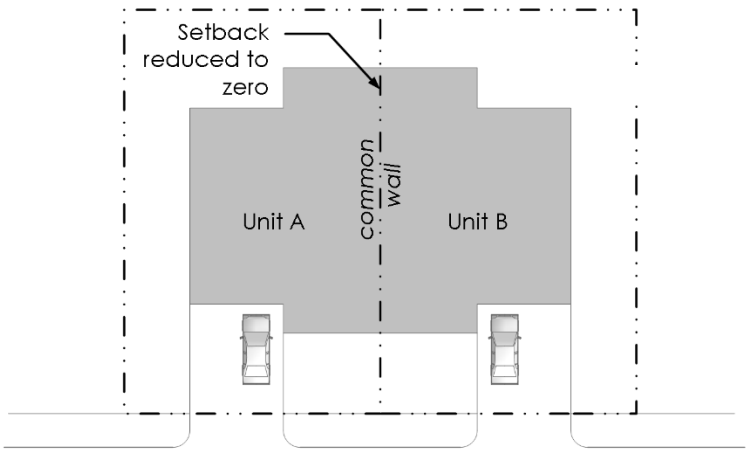
(c) Dimensional Standards

(1) Lot Size Averaging

The minimum lot size may be averaged in any development with two or more lots as long as no lot is smaller than 80 percent of the minimum required lot size.

(2) Setback Measurement for Attached Structures

The minimum required interior side setback on the side of the dwelling unit containing a common wall is reduced to zero.



(d) R-1 and R-2 Neighborhood Transition Standards

(1) Applicability

This section shall apply to any new building in a Mixed and Commercial, Industrial, or Special Purpose zoning district ("New Development") on a parcel adjoining or separated only by an alley or a public street from, a parcel of land in any R-1 or R-2 zoning district ("Residential Lot"), except that this limit shall not apply to any building constructed in the CD district.

(2) Height Transition Areas

A height transition area of 25 feet in width shall be established on the New Development lot along each side and rear property line abutting an existing Residential Lot. All new construction and additions within the height transition area shall be limited in height to no more than the maximum height applicable to the Residential Lot. Beyond the 25-foot transition zone, the height limit in the New Development zoning district shall be the maximum height for the applicable zoning district.

(3) New Principal Building Height Greater than 35 Feet

The visual impact of new principal buildings with a height greater than 35 feet when viewed from a Residential lot shall be reduced by using at least one of the following techniques:

(A) "Stepping down" building height of any portion of the building within 100 feet of the side and rear lot lines abutting a Residential Lot to a maximum of 35 feet; or

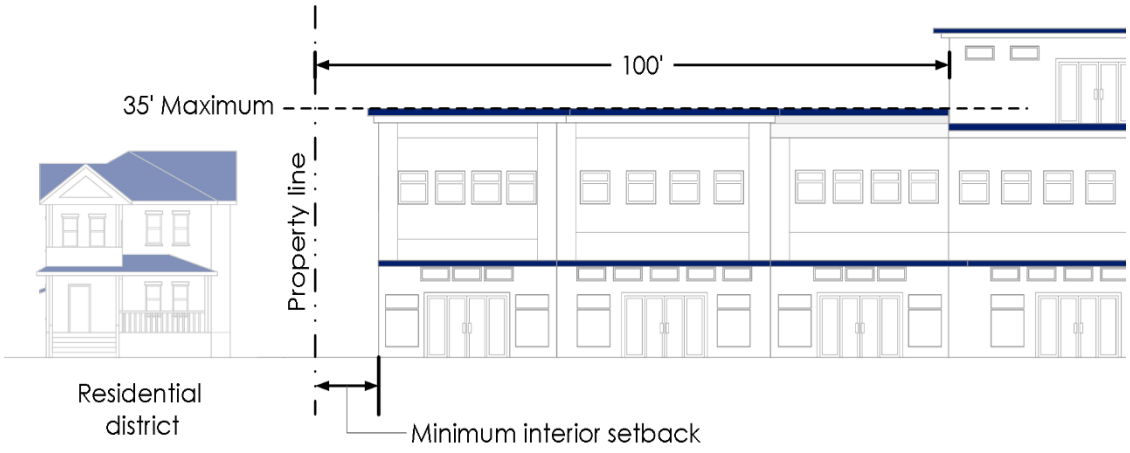


Fig. 20-3-A. Building Step Down Requirement

(B) Increasing the side and rear setbacks abutting a Residential by at least 10 feet beyond the minimum principal building setback in the R-1 or R-2 zoning district.

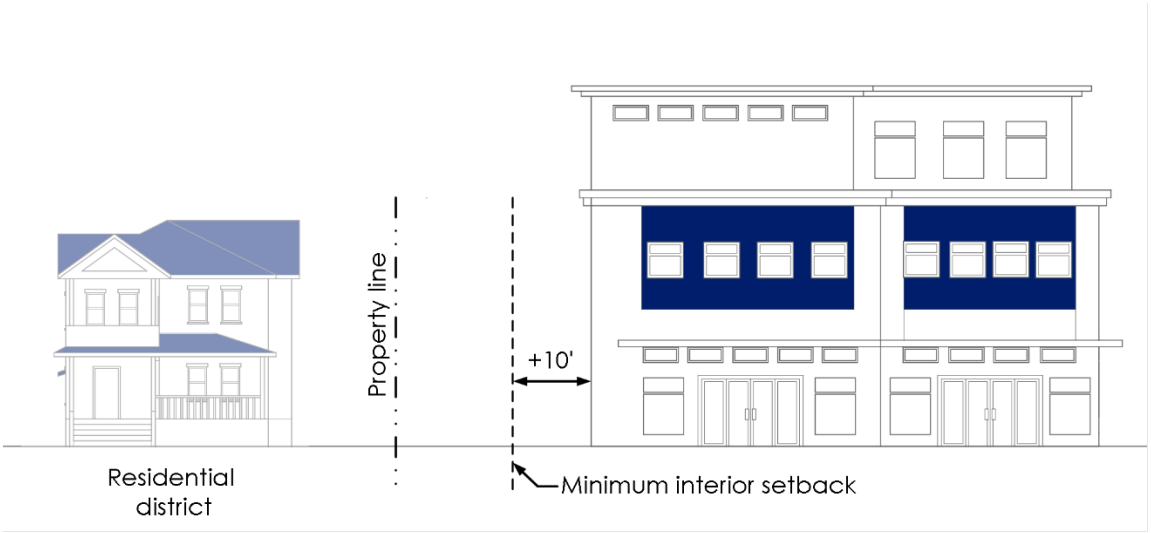


Fig. 20-3-B. Increased Building Setback Requirement

(e) Standards for Environmentally Sensitive Lands

(1) Applicability

The provisions of this article regarding environmental protection for sensitive lands shall apply to all residential zoning districts, with the exception of individually platted lots for single or duplex dwellings that were platted prior to July 2020.

(2) Protected Areas

If 500 sq ft or more of a proposed development consists of lands falling in the following categories ("Sensitive Lands"), development may proceed only in accordance this section. The lands affected by this section are listed below in a priority order for protection:

(A) Regulatory Floodways, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the City GIS Baseline Environmentally Sensitive Areas Map;

(B) Regulatory Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on 100-year storm and identified on the City GIS Baseline Environmentally Sensitive Areas Map;

(C) Jurisdictional Wetlands, as determined by the Army Corps of Engineers;

(D) Stream Corridors as defined in this LDC and identified on the City GIS Baseline Environmentally Sensitive Areas Map;

(E) Stands of Mature Trees as defined in this LDC and identified on the City GIS Baseline Environmentally Sensitive Areas Map; and

(F) Archaeological and Historic Sites listed on local, state, or federal registers.

(3) Determination of Development Property Area

In determining whether a portion of a proposed development consists of Sensitive Lands, all contiguous property under the same ownership or control shall be considered. Property owned or controlled by a partnership, trust, or corporation under the same effective control shall be considered, along with property owned directly by the applicant and property under option to the applicant or a partnership, trust or corporation under the effective control of the applicant.

(4) Limitation on Protected Area

The required protection of Sensitive Lands shall be limited to a maximum protection area of 20 percent of the total development property area. The Sensitive Lands shall be set aside as private common open space or, if offered by the property owner and approved by the Director, dedicated to the City as parkland or open space.

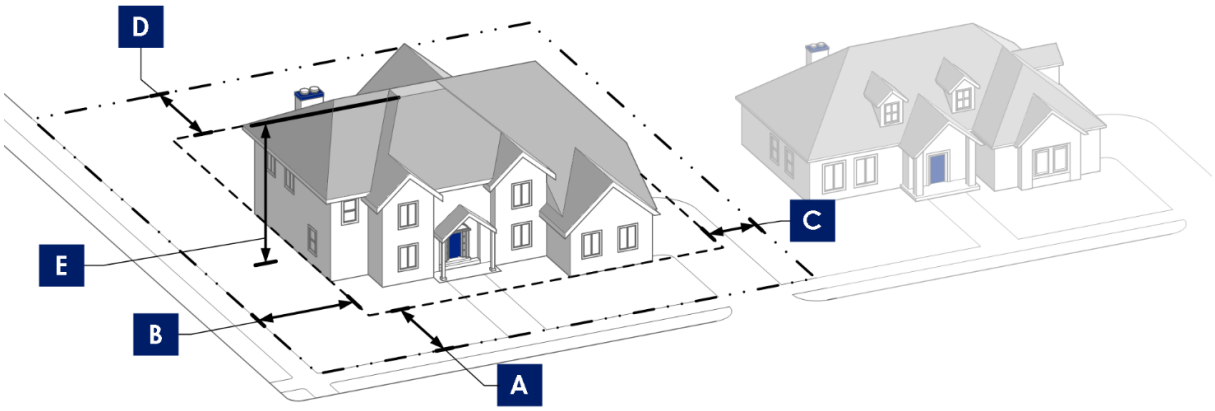
(5) Effect on Development Density

Sensitive Lands included in a proposed development may be included in the density calculation, and that density may be transferred to other developable portions of the property through the use of Section 20-904(a),Cluster Development.

20-304 R-1: Residential Low Density 1

(a) Purpose

The purpose of the R-1 district is to accommodate residential development on relatively large lots plus a limited number of related civic uses while ensuring compatibility with surrounding patterns of development.



(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

Table 20-3-3: R-1 Lot and Building Standards

Lot Standards		**Principal Building Setbacks (Minimum)**		
Lot Area, Minimum		**A**	Front	20 FT
Dwelling, Detached and Two-unit (per structure)	5,000 SF	**B**	Street Side	20 FT
Dwelling, Attached (per unit)	2,500 SF	**C**	Interior Side	10 FT
Dwelling, Multiunit	Not Allowed	**D**	Rear	20 FT
Dwelling, Small Lot	Not Allowed	**Accessory Building Setbacks (Minimum)**		
Manufactured Home Comm.	N/A	Front		30 FT
Lot Width, Minimum		Street Side		25 FT
Total Lot Width	70 FT	Interior Side		5 FT
Dwelling, Attached, Side-by-Side (per unit)	N/A	Rear Side		5 FT or 0 FT [1]
Dwelling, Two-unit, Side-by-Side (per unit)	50 FT	**Building Height (Maximum)**		
Net Density (units) Min | Max	N/A | 3	**E**	Principal Building	35 FT
Coverage (Maximum)		Accessory Building		[2]
Principal Building	40%	**Outdoor Area (Minimum)**		

Table 20-3-3: R-1 Lot and Building Standards			
Accessory Building	[3]	Outdoor Area (per dwelling)	None
Impervious Surface	70%	Dimensions	N/A

Notes:
[1] When the lot abuts an alley and no part of the structure overhangs or otherwise encroaches onto the alley.
[2] 25 FT or the height of the principal building on the same lot, whichever is less.
[3] See Section 20-203, Lot and Dimensional Standards General Rules and Exceptions.

(d) Additional Standards

Section 20-905(f), Residential Infill and Redevelopment Standards apply.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-3-4: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-305 R-2: Residential Low Density 2

(a) Purpose

The purpose of the R-2 district is to accommodate residential development on medium-sized lots in established neighborhoods, plus a limited number of related civic uses, while ensuring compatibility with surrounding patterns of development. This district may be used as a transition between large-lot residential development and small-lot residential development.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

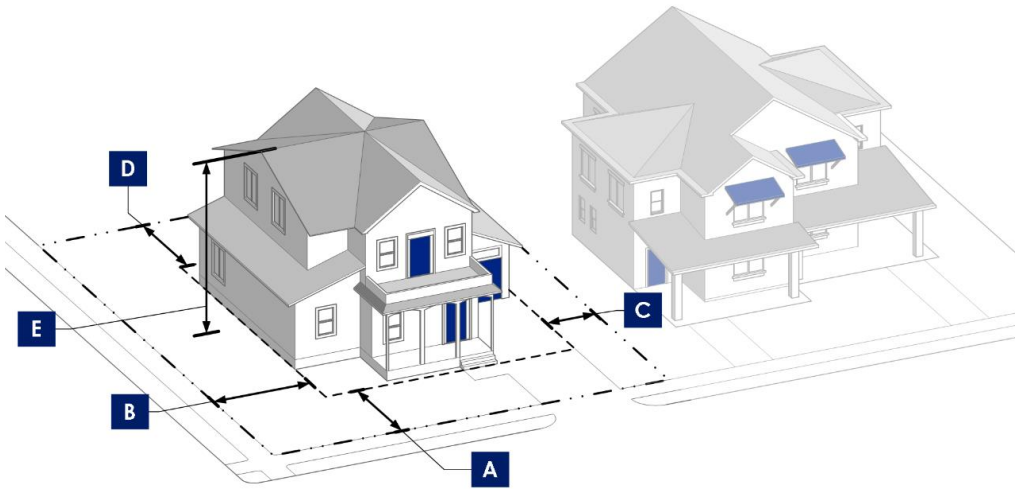


Table 20-3-5: R-2 Lot and Building Standards

Lot Standards		Principal Building Setbacks (Minimum)		
Lot Area, Minimum		**A**	Front	10 FT
Dwelling, Detached and Two-unit (per structure)	5,000 SF	**B**	Street Side	10 FT
Dwelling, Attached (per unit)	2,000 SF	**C**	Interior Side	5 FT
Dwelling, Multiunit	Not Allowed	**D**	Rear	15 FT
Dwelling, Small Lot	2,500 SF	**Accessory Building Setbacks (Minimum)**		
Manufactured Home Comm.	N/A	Front		30 FT
Lot Width, Minimum		Street Side		25 FT
Total Lot Width	40 FT	Interior Side		5 FT
Dwelling, Attached,	18 FT	Rear Side		5 FT or 0 FT [1]

Table 20-3-5: R-2 Lot and Building Standards			
Side-by-Side (per unit)			
Dwelling, Two-unit, Side-by-Side, (per unit)	20 FT	**Building Height (Maximum)**	
Net Density (units) Min | Max	4 | 6	E Principal Building	35 FT
Coverage (Maximum)		Accessory Building	[2]
Principal Building	60%	**Outdoor Area (Minimum) [4]**	
Accessory Building	[3]	Outdoor Area (per dwelling)	240 SF
Impervious Surface	75%	Dimensions	12 FT

Notes:
[1] When the lot abuts an alley and no part of the structure overhangs or otherwise encroaches onto the alley.
[2] 25 FT or the height of the principal building on the same lot, whichever is less.
[3] See Section 20-203, Lot and Dimensional Standards General Rules and Exceptions.
[4] See Section 20-205, Outdoor Area Standards

(d) Additional Standards

(1) Maximum Lot Size through Consolidation

(A) In existing neighborhoods, the maximum lot size permissible when created through lot consolidation is 14,000 square feet, with a maximum lot width no larger than the average lot width for the block face on both sides of the street. If the opposite block face is zoned differently, only the block face where the proposed lot applies.

(B) In existing neighborhoods located within the boundaries of the Lawrence Original Townsite Area, the maximum lot size permissible when created through lot consolidation is 11,700 square feet (two original lots).

(2) Residential Lot Alternatives

Section 20-904, Residential Lot Alternatives standards apply.

(3) Residential Infill and Redevelopment

Section 20-905(f), Residential Infill and Redevelopment Standards apply.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-3-5: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11

Table 20-3-5: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-306 R-3: Residential Medium Density

(a) Purpose

The purpose of the R-3 district is to accommodate neighborhoods with a flexible mix of compact detached, attached, and multiunit housing as well as civic and small- to medium-scale commercial uses. This district may be used as a transition district between small-lot residential development and urban-scale residential, commercial, and civic development.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards



Table 20-3-7: R-3 Lot and Building Standards

Lot Standards		**Principal Building Setbacks (Minimum)**		
Lot Area, Minimum		**A**	Front	10 FT
Dwelling, Detached and Two-unit (per structure)	3,000 SF	**B**	Street Side	10 FT
Dwelling, Attached (per unit)	1,800 SF	**C**	Interior Side	5 FT
Dwelling, Multiunit	No Minimum	**D**	Rear	10 FT
Dwelling, Small Lot	2,000 SF	**Accessory Building Setbacks (Minimum)**		
Manufactured Home Comm.	3,000 SF	Front		25 FT
Lot Width, Minimum		Street Side		20 FT
Total Lot Width	40 FT	Interior Side		5 FT
Dwelling, Attached, Side-by-Side (per unit)	18 FT	Rear Side		5 FT or 0 FT [1]
Dwelling, Two-unit, Side-by-Side, (per unit)	20 FT	**Building Height (Maximum)**		

Table 20-3-7: R-3 Lot and Building Standards				
Net Density (units) Min | Max	7 | 15	E	Principal Building	45 FT, 4 Stories
Coverage (Maximum)			Accessory Building	[2]
Principal Building	70%		**Outdoor Area (Minimum) [4]**	
Accessory Building	[3]		Outdoor Area (per dwelling)	50 SF
Impervious Surface	75%		Dimensions	5 FT

Notes:
[1] When the lot abuts an alley and no part of the structure overhangs or otherwise encroaches onto the alley.
[2] 25 FT or the height of the principal building on the same lot, whichever is less.
[3] See Section 20-203, Lot and Dimensional Standards General Rules and Exceptions.
[4] See Section 20-205, Outdoor Area Standards.

(d) Additional Standards

(1) Maximum Lot Size Through Consolidation

(A) In existing neighborhoods, the maximum lot size permissible when created through lot consolidation is 6,000 square feet, with a maximum lot width no larger than the average lot width for the block face on both sides of the street. If the side of the street opposite the proposed lot is zoned differently, only the block face where the proposed lot applies.

(B) In existing neighborhoods located within the boundaries of the Lawrence Original Townsite, the maximum lot size permissible when created through lot consolidation is 11,700 square feet (two original lots).

(2) Residential Lot Alternatives

Section 20-904, Residential Lot Alternatives standards apply.

(3) Residential Infill and Redevelopment

Section 20-905(f), Residential Infill and Redevelopment Standards apply.

(4) Setbacks for Attached Structures

On corner lots, either the rear setback or interior side setback may be reduced to zero. However, the remaining interior side or rear setback shall comply with the rear setback standards of the base district.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-3-6: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9

Table 20-3-6: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-307 R-4: Residential High Density

(a) Purpose

The purpose of the R-4 district is to accommodate a flexible mix of housing types to support high density residential development as well as civic and commercial uses. This district may be used as a transition between residential neighborhoods and more intense commercial development.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

(1) Lot and Building Standards

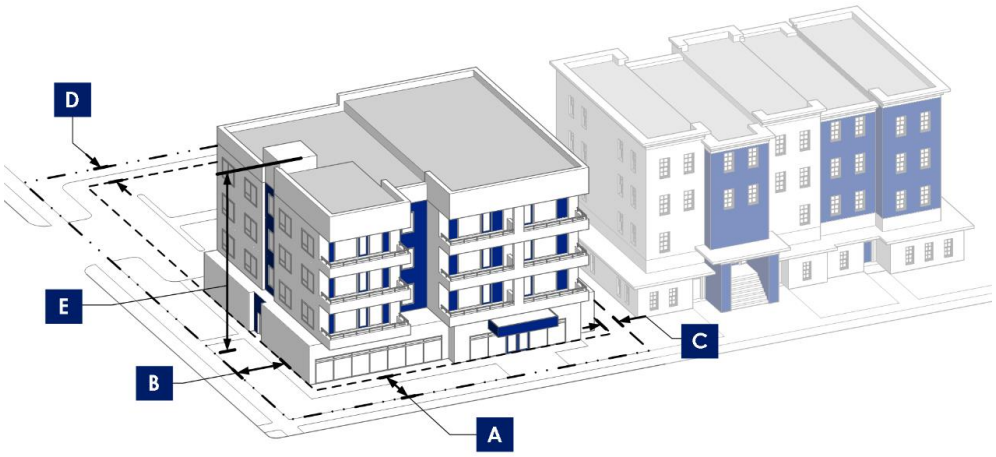


Table 20-3-9: R-4 Lot and Building Standards

Lot Standards		Principal Building Setbacks (Minimum)		
Lot Area, Minimum		A	Front	10 FT
Dwelling, Detached and Two-unit (per structure)	3,000 SF	B	Street Side	10 FT
Dwelling, Attached (per unit)	1,200 SF	C	Interior Side	5 FT
Dwelling, Multiunit	No Minimum	D	Rear	10 FT
Dwelling, Small Lot	2,000 SF	**Accessory Building Setbacks (Minimum)**		
Manufactured Home Comm.	3,000 SF	Front		25 FT
Lot Width, Minimum		Street Side		20 FT
Total Lot Width	40 FT	Interior Side		5 FT
Dwelling, Attached,	18 FT	Rear Side		5 FT or 0 FT [1]

Table 20-3-9: R-4 Lot and Building Standards			
Side-by-Side, (per unit)			
Dwelling, Two-unit, Side-by-Side, (per unit)	20 FT	**Building Height (Maximum)**	
Net Density (units) Min | Max	16 | 32	E Principal Building	45 FT, 4 Stories
Coverage (Maximum)		Accessory Building	[2]
Principal Building	70%	**Outdoor Area (Minimum) [4]**	
Accessory Building	[3]	Outdoor Area (per dwelling)	50 SF
Impervious Surface	80%	Dimensions	5 FT

Notes:
[1] When the lot abuts an alley and no part of the structure overhangs or otherwise encroaches onto the alley.
[2] 25 FT or the height of the principal building on the same lot, whichever is less.
[3] See Section 20-203, Lot and Dimensional Standards General Rules and Exceptions.
[4] See Section 20-205, Outdoor Area Standards.

(2) Residential Lot Alternatives

Section 20-904, Residential Lot Alternatives standards apply.

(d) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-3-7: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-308 R-5: Residential Very High Density

(a) Purpose

The purpose of the R-5 district is to accommodate predominantly residential development near retail, employment, transit, and other concentrated uses, as well as supportive civic and commercial uses.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standard

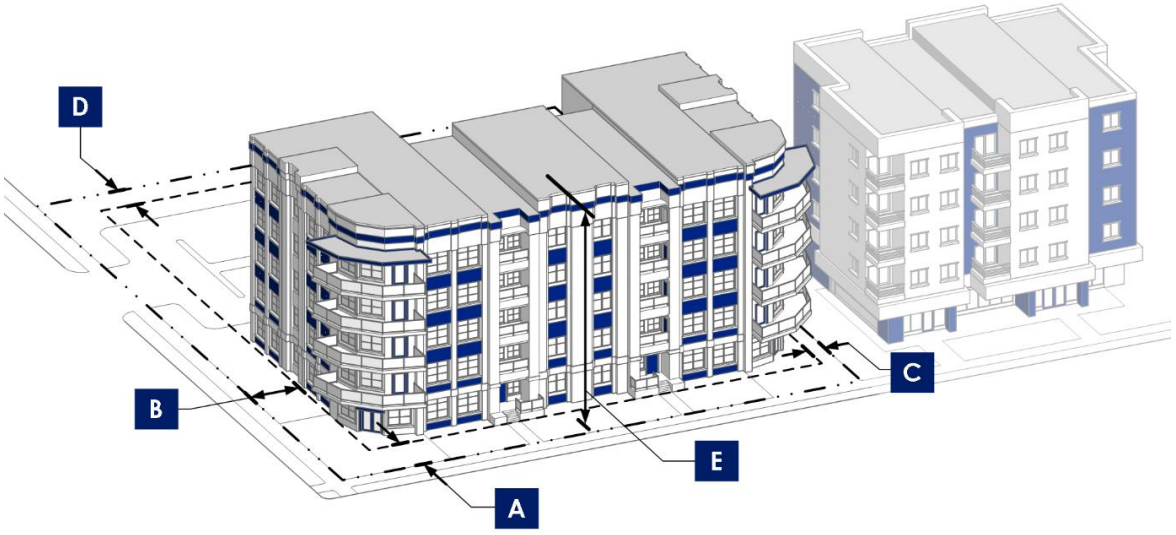


Table 20-3-11: R-5 Lot and Building Standards

Lot Standards		Principal Building Setbacks (Minimum)		
Lot Area, Minimum		A	Front	10 FT
Dwelling, Detached and Two-unit	N/A	B	Street Side	10 FT
Dwelling, Attached (Per Unit)	1,200 SF	C	Interior Side	5 FT
Dwelling, Multiunit	No Minimum	D	Rear	10 FT
Dwelling, Small Lot	Not Allowed	**Accessory Building Setbacks (Minimum)**		
Manufactured Home Comm.	5,000 SF	Front		25 FT
Lot Width, Minimum		Street Side		20 FT
Total Lot Width	50 FT	Interior Side		5 FT
Dwelling, Attached,	18 FT	Rear Side		5 FT or 0 FT [1]

Table 20-3-11: R-5 Lot and Building Standards				
Side-by-Side, Minimum per Unit				
Dwelling, Two-unit, Side-by-Side, Minimum per Unit	N/A	**Building Height (Maximum)**		
Density (Units per Acre) Min | Max	33 | No Max	E	Principal Building	55 FT, 5 Stories
Coverage (Maximum)			Accessory Building	[2]
Principal Building	80%	**Outdoor Area (Minimum) [4]**		
Accessory Building	[3]		Outdoor Area Per Dwelling	50 SF
Impervious Surface	85%		Dimensions	5 FT

Notes:
[1] When the lot abuts an alley and no part of the structure overhangs or otherwise encroaches onto the alley.
[2] 25 FT or the height of the principal building on the same lot, whichever is less.
[3] See Section 20-203, Lot and Dimensional Standards General Rules and Exceptions.
[4] See Section 20-205, Outdoor Area Standards.

(d) Additional Standards

Commercial uses are permitted on the first floor of any multiunit structure.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-3-8: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-309 RMG: Multi-Dwelling Residential – Greek Housing (Retired)

(a) Applicability

The RMG district has been retired and may not be requested through rezoning. Property zoned RMG may be developed pursuant to the 2006 Codes.

Article 4. Mixed and Commercial Zoning Districts

20-401 Mixed and Commercial Districts Established

The following Mixed and Commercial zoning districts are established in this LDC as summarized in Table 20-4-1, below. When the LDC refers to Mixed and Commercial zoning districts, these districts are included.

Table 20-4-1: Mixed and Commercial Zoning Districts Summary

Current Zoning Districts	New Zoning Districts	Section
CN1 Inner Neighborhood Commercial	M-1: Mixed Small Neighborhood	20-404
RSO Single-Dwelling Residential-Office - 2,500 sq. feet.		
MU Mixed Use		
CN2 Neighborhood Shopping Center	M-2: Mixed Large Neighborhood	20-405
CO Office Commercial		
RMO Multi-Dwelling Residential-Office–22 DU/AC		
CS Strip Commercial	M-3: Mixed Corridor	20-406
MU Mixed Use		
CC Community Commercial	CC: Commercial Center	20-407
CR Regional Commercial		
CD Downtown Commercial	CD: Downtown Commercial	20-408

20-402 Purpose

The Mixed and Commercial zoning districts are intended to:

(a) Establish dimensional and development standards consistent with the vision, goals, and action items of the Comprehensive Plan;

(b) Provide for the improvement and redevelopment of existing commercial areas and allow for infill development;

(c) Encourage appropriate development and redevelopment of local commercial areas to serve the surrounding existing and future neighborhoods;

(d) Ensure compatible transitions from commercial land uses to other, less intensive uses to mitigate impacts; and

(e) Maintain and increase the core concentration of residential, retail, office, civic, cultural, and recreational activities in Downtown.

20-403 Mixed Zoning Districts Generally Applicable Standards

(a) Mix of Uses Desired

(1) A mix of non-residential and residential uses is strongly encouraged to expand housing options and access to services. Uses may be mixed vertically or horizontally, in accordance with allowed uses in the underlying zoning district.

(2) A vertical mix of uses is particularly encouraged along primary street frontages, as well as adjacent to site amenities or other public spaces, where a high level of activity and visibility is desirable.

(3) District-specific use limitations exist for the Mixed and Commercial districts, as defined in Section 20-202.

(b) Nonresidential Uses

(1) Non-residential uses that generate more pedestrian activity, such as restaurants and retail stores, shall be located on the ground floor of a vertical mixed-use structure.

(2) If a limited portion of a structure's ground floor will be devoted to retail or restaurant space, the space shall be located along those facades adjacent to or most visible from primary street frontages, an active alley, or major public sidewalks.

20-404 M-1: Mixed Small Neighborhood

(a) Purpose

The purpose of the M-1 district is to accommodate a mix of neighborhood-scale residential, commercial, and institutional structures and uses with pedestrian-oriented design and multi-modal transportation availability in order to increase opportunities for walkable neighborhood services.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

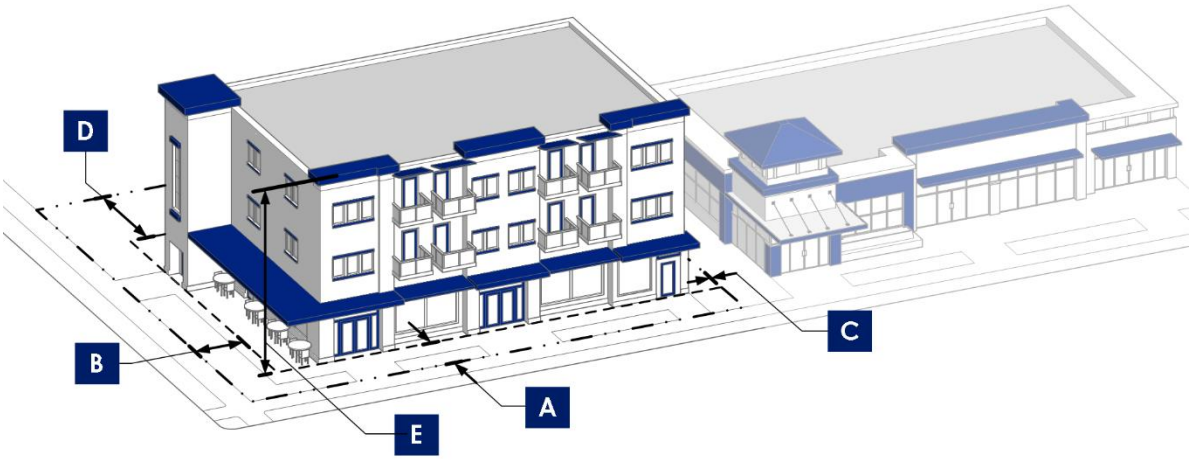


Table 20-4-2: M-1 Lot and Building Standards

Lot Standards			**Coverage (Maximum)**		
Lot Area, Minimum		None	Building Coverage		65%
Lot Width, Minimum		50 FT	Impervious Surface Coverage		75%
Related Residential District [1]		R-2	**Building Height (Maximum)**		
Building Setbacks [2]			**E**	Building Height	35 FT
A	Front	Min: 10 FT Max: 25 FT	**Outdoor Area (Minimum) [3]**		
B	Street Side	Min: 10 FT Max: 25 FT	Outdoor Area per Unit		50 SF
C	Interior Side (Adj. Res)	Min: 10 FT	Dimensions		5 FT

Table 20-4-2: M-1 Lot and Building Standards		
C	Interior Side (Adj. Non-Res)	Min: 0 FT
D	Rear	Min: 20 FT

Notes:

[1] Apply the dimensional standards from this district to residential development that is not included in a mixed-use structure.

[2] Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

[3] See Section 20-205, Outdoor Area Standards

(d) Additional Standards

(1) Gross Floor Area (GFA) for Nonresidential Principal Use

The gross floor area of any structure for a nonresidential principal use shall not exceed 10,000 square feet.

(2) Street Frontage

(A) A minimum of 80 percent of the development site's primary street frontage shall be occupied by:

(i) Building frontage;

(ii) Decorative architectural walls (no less than 36 inches high);

(iii) Landscaping (not including perimeter parking area landscaping); or

(iv) Site amenities.

(B) The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design, or by breaks for vehicle or pedestrian access.

(3) Setbacks for Attached Structures

On corner lots, either the rear setback or interior side setback may be reduced to zero. However, the remaining interior side or rear setback shall comply with the rear setback standards of the base district.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-4-3: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12

Table 20-4-3: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-405 M-2: Large Neighborhood

(a) Purpose

The purpose of the M-2 district is to accommodate medium-scaled structures with a mix of housing and storefront retail, office, civic and/or commercial uses at a scale that is integrated into the surrounding area with pedestrian access, transitional elements, open spaces, and appropriate scale of development.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

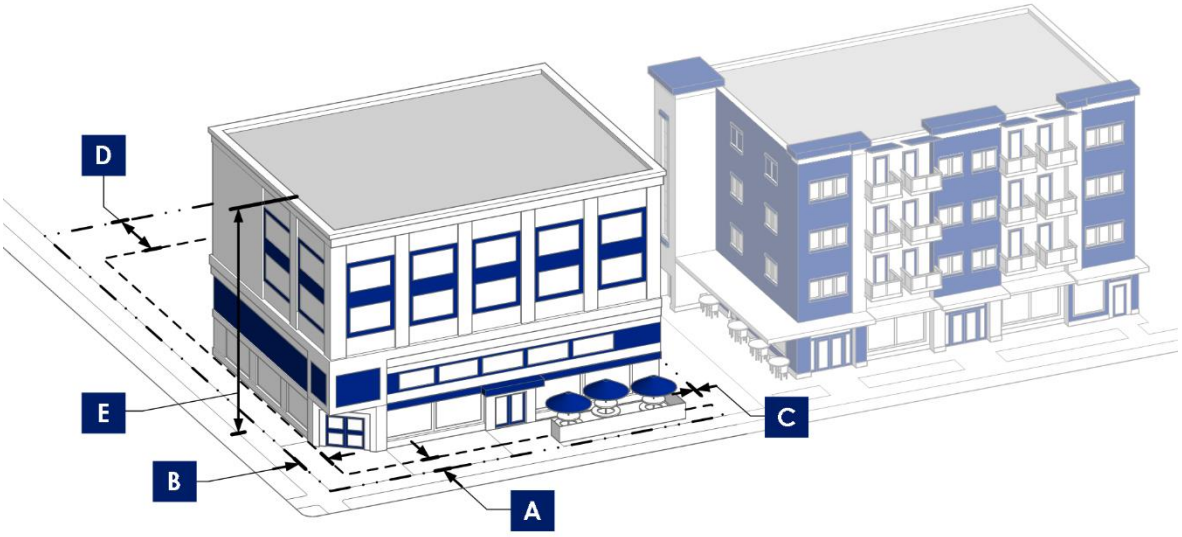


Table 20-4-4: M-2 Lot and Building Standards					
Lot Standards			**Coverage (Maximum)**		
Lot Area, Minimum		None	Building Coverage		70%
Lot Width, Minimum		50 FT	Impervious Surface Coverage		80%
Related Residential District [1]		R-3	**Building Height (Maximum)**		
Building Setbacks [2]			**E**	Building Height	50 FT
A	Front	Min: 6 FT Max: 25 FT	**Outdoor Area (Minimum) [3]**		
B	Street Side	Min: 6 FT Max: 25 FT	Outdoor Area per Unit		50 SF

Table 20-4-4: M-2 Lot and Building Standards				
C	Interior Side (Adj. R)	Min: 20 FT	Dimensions	5 FT
C	Interior Side (Adj. Non-R)	Min: 0 FT		
D	Rear	Min: 15 FT		

Notes:

[1] Apply the dimensional standards from this district to residential development that is not included in a mixed-use structure.

[2] Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

[3] See Section 20-205, Outdoor Area Standards

(d) Additional Standards

(1) Gross Floor Area

The gross floor area of any principal structure within the M-2 zoning district shall not exceed 50,000 square feet.

(2) Multiunit Dwelling and Interior or Non-ground-floor Dwelling

Dwelling units shall only be permitted provided that the residential units are constructed as part of a mixed-use project where at least 25 percent of the gross floor area is developed with nonresidential uses.

(3) Street Frontage

(A) A minimum of 80 percent of the primary street frontage shall be occupied by:

(i) Building frontage;

(ii) Decorative architectural walls (no less than 36 inches high);

(iii) Landscaping (not including perimeter parking area landscaping); or

(iv) Site amenities.

(B) The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design, or by breaks for vehicle or pedestrian access.

(4) Setbacks for Attached Structures

On corner lots, either the rear setback or interior side setback may be reduced to zero. However, the remaining interior side or rear setback shall comply with the rear setback standards of the base district.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-4-5: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-406 M-3: Mixed Corridor

(a) Purpose

The purpose of the M-3 district is to accommodate a mix of storefront retail, office, and/or residential dwelling units along arterial and collector corridors at a scale larger than the neighborhood-scale uses accommodated by the M-1 and M-2 districts.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

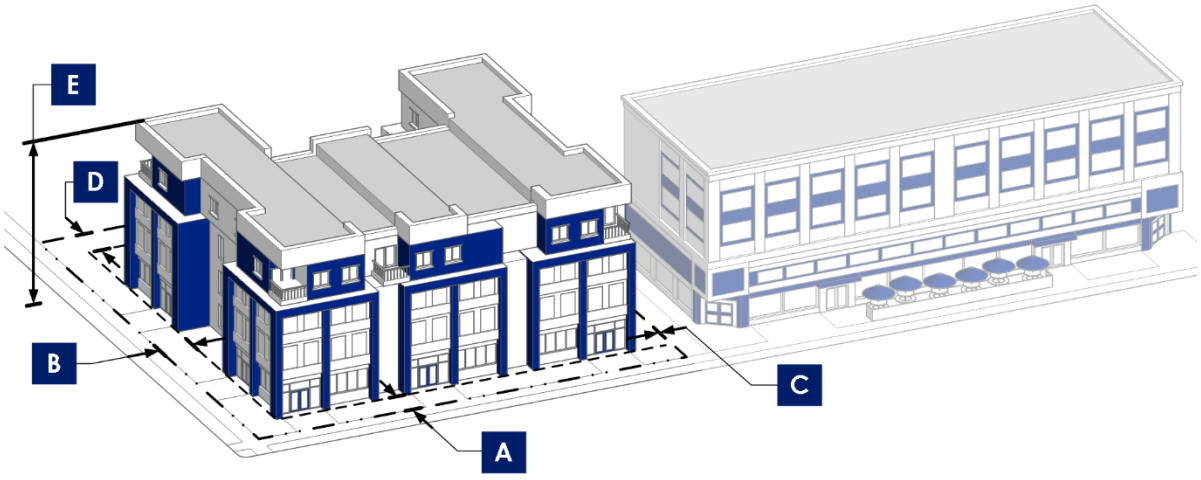


Table 20-4-6: M-3 Lot and Building Standards

Lot Standards			Coverage (Maximum)		
Lot Area, Minimum		None	Building Coverage		70%
Lot Width, Minimum		50 FT	Impervious Surface Coverage		80%
Related Residential District [1]		R-3	**Building Height (Maximum)**		
Building Setbacks [2]			E	Building Height	50 FT
A	Front	Min: 6 FT Max: 25 FT	**Outdoor Area (Minimum) [3]**		
B	Street Side	Min: 6 FT Max: 25 FT	Outdoor Area per Unit		50 SF
C	Interior Side (Adj. R)	Min: 12 FT	Dimensions		5 FT
C	Interior Side (Adj. Non-R)	Min: 0 FT			

Table 20-4-6: M-3 Lot and Building Standards			
D	Rear	Min: 12 FT	

Notes:

[1] Apply the dimensional standards from this district to residential development that is not included in a mixed-use structure.

[2] Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

[3] See Section 20-205, Outdoor Area Standards

(d) Additional Standards

(1) Attached Dwellings

Vehicular access to lots containing attached dwellings shall be from a rear alley.

(2) Multiunit Dwelling, or Interior or Non-Ground-Floor Dwelling

Dwelling units shall only be permitted in the M-3 zoning district provided that the residential units are part of a mixed-use project application when at least 50 percent of the gross floor area, either vertical or horizontal, is developed with nonresidential uses.

(3) Street Frontage

A minimum of 80 percent of the development site's primary street frontage shall be occupied by:

(A) Building frontage;

(B) Decorative architectural walls (no less than 36 inches high);

(C) Landscaping (not including perimeter parking area landscaping); or

(D) Site amenities.

The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design, or by breaks for vehicle or pedestrian access.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-4-7: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12

Table 20-4-7: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-407 CC: Commercial Center

(a) Purpose

The purpose of the CC district is to accommodate a mix of pedestrian-friendly areas of medium- to higher-density lodging, office, supporting commercial and service uses. The district is intended to maximize use of infrastructure and services, minimize adverse impacts, and effectively serve the community and is appropriate for community commercial centers.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

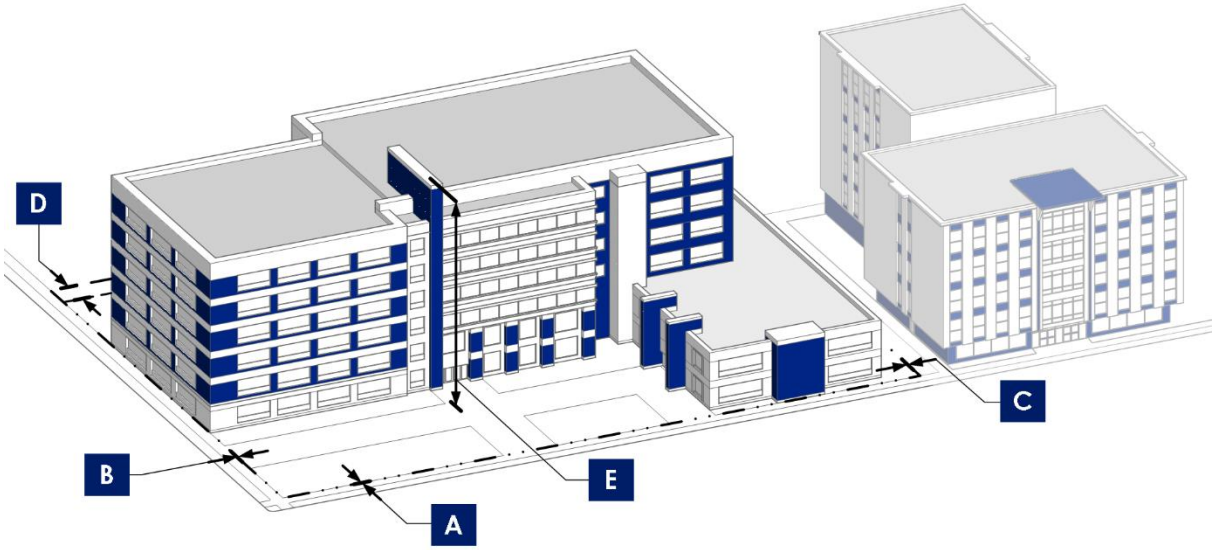


Table 20-4-8: CC Lot and Building Standards

Lot Standards			Coverage (Maximum)		
Lot Area, Minimum		None	Building Coverage		70%
Lot Width, Minimum		100 FT	Impervious Surface Coverage		80%
Related Residential District		N/A	**Building Height (Maximum)**		
Building Setbacks [1]			E	Building Height	75 FT
A	Front	Min: 0 FT Max: 12 FT	**Outdoor Area (Minimum)**		
B	Street Side	Min: 0 FT Max: 12 FT	Outdoor Area per Unit		None

Table 20-4-8: CC Lot and Building Standards				
C	Interior Side (Adj. R)	Min: 25 FT	Dimensions	N/A
C	Interior Side (Adj. Non-R)	Min: 0 FT		
D	Rear	Min: 12 FT		

Notes:
[1] Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Additional Standards

(1) Multiunit Dwelling, or Interior or Non-ground-floor Dwelling

Dwellings shall only be permitted in the CC zoning district provided that the residential units are constructed as part of a mixed-use project when at least 50 percent of the gross floor area is developed with nonresidential uses.

(2) Street Frontage

A minimum of 60 percent of the development site's primary street frontage shall be occupied by:

(A) Building frontage;

(B) Decorative architectural walls (no less than 36 inches high);

(C) Landscaping (not including perimeter parking area landscaping);

(D) Landscaped entryway signage or features; or

(E) Site amenities.

The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design or by breaks for vehicle or pedestrian access.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-4-9: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-408 CD: Downtown Commercial

(a) Purpose

The purpose of the CD district is to establish dimensional and development standards consistent with the Downtown Master Plan and to accommodate a mix of higher intensity office, commercial, civic, and residential uses. The CD district is intended to provide for activities conducive to a compact, concentrated, and walkable urban downtown mixed-use center.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

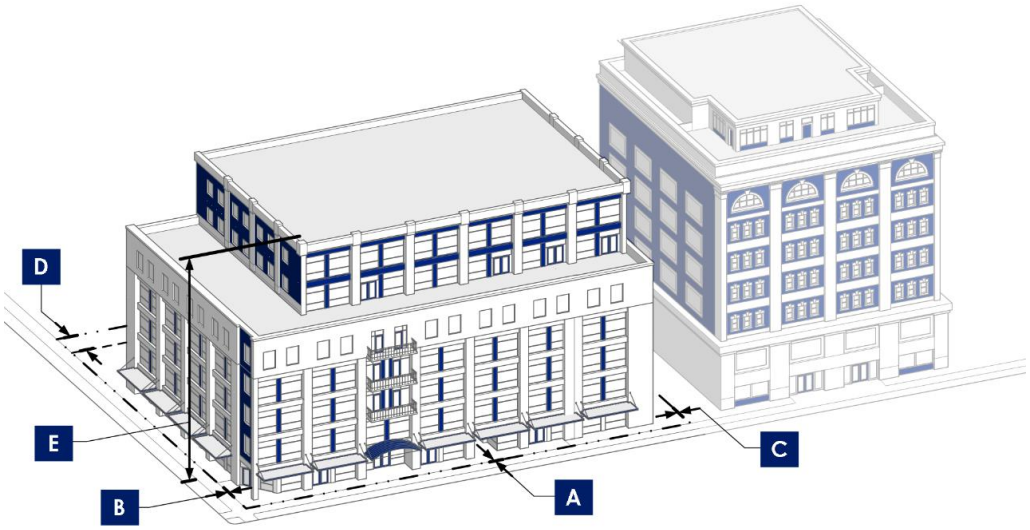


Table 20-4-10: CD Lot and Building Standards

Lot Standards			**Coverage (Maximum)**		
Lot Area, Minimum		None	Building Coverage		100%
Lot Width, Minimum		25 FT	Impervious Surface Coverage		100%
Related Residential District		R-4 [1]	**Building Height (Maximum)**		
Building Setbacks [3]			**E**	Building Height	90 FT [2]
A	Front	Min: 0 FT Max: 5 FT	**Outdoor Area (Minimum)**		
B	Street Side	Min: 0 FT Max: N/A	Outdoor Area per Unit		None
C	Interior Side (Adj. R)	Min: 20 FT	Dimensions		N/A
C	Interior Side (Adj. Non-R)	Min: 0 FT			
D	Rear	Min: 0 FT			

Table 20-4-10: CD Lot and Building Standards

Notes:

[1] Apply the dimensional standards from this district to residential development that is not included in a mixed-use structure.

[2] Subject to location and height limitations in Downtown Design Guidelines and Downtown Design Standards.

[3] Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Additional Standards

(1) Building Footprint for Principal Use

The building footprint of a principal use within the CD zoning district shall not exceed 25,000 gross square feet.

(2) Multiunit Dwellings, or Interior or Non-ground-floor Dwelling

(A) Dwelling units shall be permitted in the CD zoning district provided that the residential units are located above the ground floor when located on Massachusetts Street.

(B) Dwelling units require a Special Use Permit in the CD zoning district when ground floor residential uses are proposed along numbered streets, Vermont, or New Hampshire Streets.

(3) Building Height

Maximum building shall vary by subarea as follows:

(A) North Lawrence Anchor: 2 to 3 stories along 2nd Street and 4 to 6 stories in the remaining portions of the area.

(B) Union Pacific Depot: 1 story.

(C) North Lawrence Gateway: 2 to 3 stories for redevelopment(s) along 2nd Street and 1 to 2 stories closer to 3rd Street.

(D) Riverfront: 3 to 4 stories.

(E) 6th and Mass: 3 to 5 stories.

(F) Massachusetts Street: 2 to 4 stories.

(G) North Vermont Street: 1 to 3 stories on the west side of Vermont Street and 2 to 4 stories on the east side of Vermont Street.

(H) South Vermont Street: 1 to 3 stories on the west side of Vermont Street and 2 to 5 stories on the east side of Vermont Street.

(I) New Hampshire Street: 2-4 stories on the east side of New Hampshire Street and 4-6 stories on the west side of New Hampshire Street.

(J) South Park/Civic Campus: 3 to 5 stories to complement the heights of the existing County buildings. Structures in South Park should be no more than 1 story tall.

(4) Street Frontage

A minimum of 80 percent of the development site's primary street frontage shall be occupied by:

(A) Building frontage;

(B) Decorative architectural walls (no less than 36 inches high);

(C) Landscaping (not including perimeter parking area landscaping); or

(D) Site amenities.

The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design, or by breaks for vehicle or pedestrian access.

(5) Alcoholic Beverage Uses Standards that Apply in CD District

The following restrictions apply in the CD district:

(A) Uses in CD shall be required to derive from the sales of alcoholic beverages not more than 45% of its total gross sales receipts during the calendar year.

(B) The City Manager shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from uses governed by this Section.

(C) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 17 of this LDC.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-4-11: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

Article 5.Industrial Zoning Districts

20-501 Industrial Districts Established

The following Industrial zoning districts are established in this LDC as summarized in Table 20-5-1, below. When the LDC refers to Industrial zoning districts, these districts are included.

Table 20-5-1: Industrial Zoning Districts Summary

Current Zoning Districts	New Zoning Districts	Section
IBP Industrial/Business Park	IBP	20-503
IL Limited Industrial	IL: Light Industrial	20-504
IM Medium Industrial		
IG General Industrial	IG: General Industrial	20-505

20-502 Purpose

The Industrial zoning districts are intended to:

(a) Establish dimensional and development standards consistent with the vision, goals, and action items of the Comprehensive Plan;

(b) Maintain an appropriate supply of industrially-zoned sites to provide a variety of location and lot size options;

(c) Reinforce the role of industrial areas in order to strengthen the local economy and diversify employment opportunities; and

(d) Ensure site design and architecture that provides adequate separation and compatible development patterns.

20-503 IBP: Industrial Business Park

(a) Purpose

The purpose of the IBP-Business Park district is to provide space in attractive and appropriate locations for certain low-impact employment and manufacturing uses in a planned industrial/business park setting.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

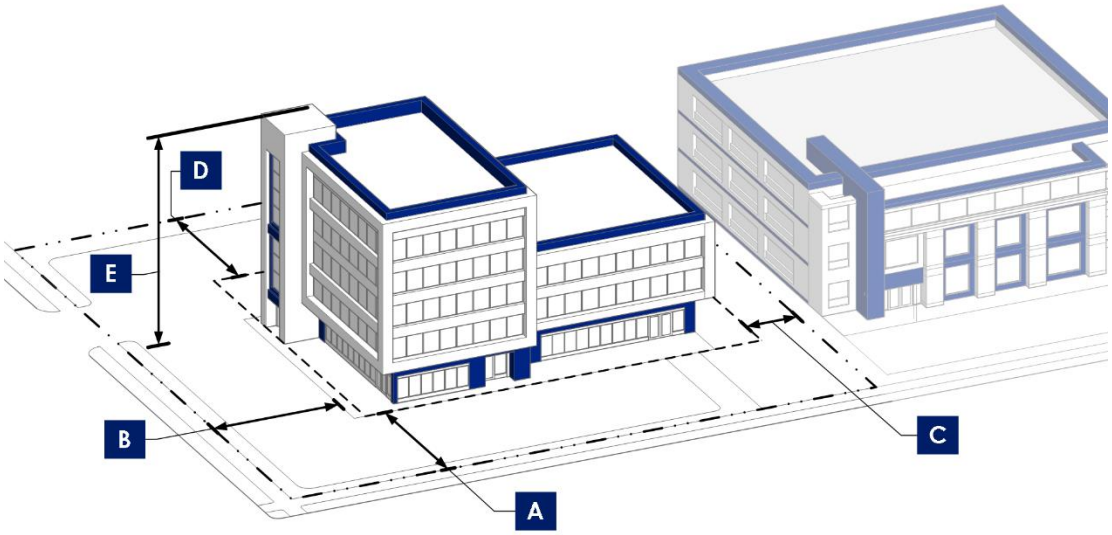


Table 20-5-2: IBP Lot and Building Standards

Lot Standards			Coverage (Maximum)	
Lot Area, Minimum		None	Building Coverage	65%
Lot Width, Minimum		100 FT	Impervious Surface Coverage	75%
Related Residential District		N/A	**Building Height (Maximum)**	
Building Setbacks			**E** Building Height	60 FT
A	Front	Min: 25 FT or 50 FT [1] Max: N/A	**Outdoor Area (Minimum)**	
B	Street Side	Min: 25 FT or 50 FT [1] Max: N/A	Outdoor Area per Unit	None
C	Interior Side (Adj. R)	Min: 25 FT	Dimensions	N/A
C	Interior Side (Adj. Non-R)	Min: 10 FT		

Table 20-5-2: IBP Lot and Building Standards			
D	Rear	Min: 20 FT	

Notes:
[1] If adjacent to or abutting a Residential zoning district.
Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Additional Standards

(1) Street Frontage

A minimum of 60 percent of the development site's primary street frontage shall be occupied by:

(A) Building frontage;

(B) Decorative architectural walls (no less than 36 inches high);

(C) Landscaping (not including perimeter parking area landscaping);

(D) Landscaped entryway signage or features; or

(E) Site amenities.

The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design or by breaks for vehicle or pedestrian access.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-5-3: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-504 IL: Light Industrial

(a) Purpose

The purpose of the IL district is to accommodate areas of light fabrication, manufacturing, technology, and industrial uses with limited, accessory commercial uses, all of which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

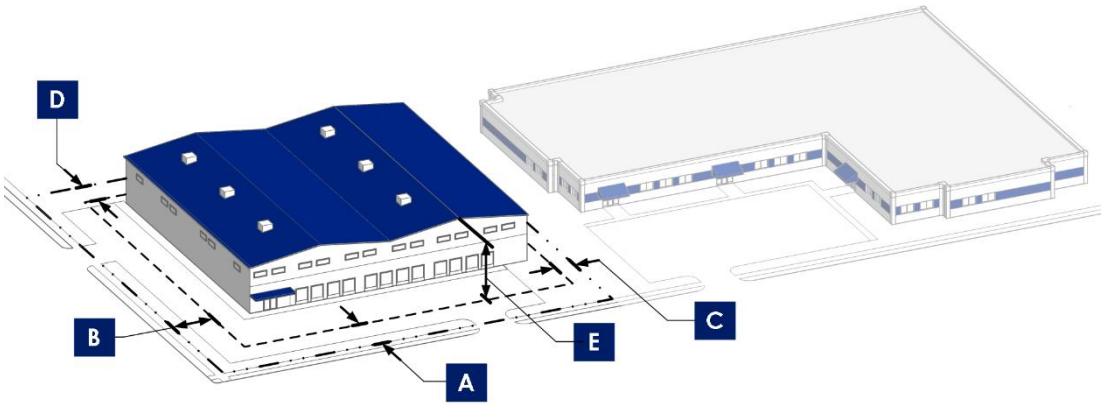


Table 20-5-4: IL Lot and Building Standards

Lot Standards			**Coverage (Maximum)**	
Lot Area, Minimum		None	Building Coverage	65%
Lot Width, Minimum		100 FT	Impervious Surface Coverage	75%
Related Residential District		N/A	**Building Height (Maximum)**	
Building Setbacks			**E** Building Height	45 FT
A	Front	Min: 25 FT or 50 FT [1] Max: N/A	**Outdoor Area (Minimum)**	
B	Street Side	Min: 25 FT or 50 FT [1] Max: N/A	Outdoor Area per Unit	None
C	Interior Side (Adj. R)	Min: 25 FT	Dimensions	N/A

Table 20-5-4: IL Lot and Building Standards			
C	Interior Side (Adj. Non-R)	Min: 10 FT	
D	Rear	Min: 20 FT	

Notes:
[1] If adjacent to or abutting a Residential zoning district.
Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Additional Standards

(1) Street Frontage

A minimum of 60 percent of the development site's primary street frontage shall be occupied by:

(A) Building frontage;

(B) Decorative architectural walls (no less than 36 inches high);

(C) Landscaping (not including perimeter parking area landscaping);

(D) Landscaped entryway signage or features; or

(E) Site amenities.

The remaining street frontage may be occupied by parking areas, as limited by those requirements set forth in Section 20-1213, Vehicle Parking Location and Design or by breaks for vehicle or pedestrian access.

(e) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-5-5: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-505 IG: General Industrial

(a) Purpose

The purpose of the IG district is to accommodate areas of normal operations of heavy and concentrated fabrication, manufacturing, technology, industrial uses and associated outdoor activities and storage, and large scale or specialized industrial operations requiring good transportation.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

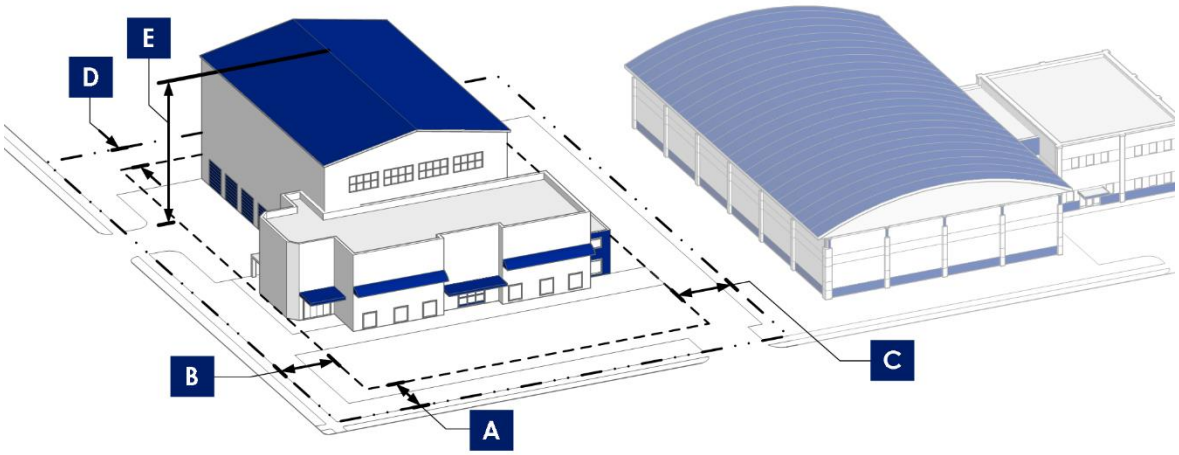


Table 20-5-6: IG Lot and Building Standards

Lot Standards			Coverage (Maximum)	
Lot Area, Minimum		None	Building Coverage	65%
Lot Width, Minimum		50 FT	Impervious Surface Coverage	75%
Related Residential District		N/A	**Building Height (Maximum)**	
Building Setbacks			**E** Building Height	75 FT
A	Front	Min: 25 FT or 50 FT [1] Max: N/A	**Outdoor Area (Minimum)**	
B	Street Side	Min: 25 FT or 50 FT [1] Max: N/A	Outdoor Area per Unit	None

Table 20-5-6: IG Lot and Building Standards				
C	Interior Side (Adj. R)	Min: 25 FT	Dimensions	N/A
C	Interior Side (Adj. Non-R)	Min: 10 FT		
D	Rear	Min: 20 FT		

Notes:
[1] If adjacent to or abutting a Residential zoning district.
Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-5-7: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

Article 6.Special Purpose Districts

20-601 Special Purpose Districts Established

The following Special Purpose zoning districts are established in this LDC as summarized in Table 20-7-1, below. When the LDC refers to Special Purpose zoning districts, these districts are included.

Table 20-6-1: Special Purpose Zoning Districts Summary

Current Zoning Districts	New Zoning Districts	Section
GPI General Public and Institutional	P-1: Civic and Institutional	20-603
H Hospital		
OS Open Space	P-2: Open Space	20-604
U/KU University/Kansas University	U: University (includes U-KU and U-HINU)	20-605
UR Urban Reserve	UR: Urban Reserve	20-606

20-602 Purpose

The Special Purpose zoning districts are intended to:

(a) Establish dimensional and development standards consistent with the vision, goals, and action items of the Comprehensive Plan; and

(b) Provide for the development of specific areas including, but not limited to public, institutional, and educational campuses that maintain unique characteristics or needs that a Residential, Mixed, Commercial, or Industrial zoning district cannot support.

20-603 P-1: Civic and Institutional

(a) Purpose

The purpose of the P-1 district is to accommodate the creation of mixed-use civic and institutional campuses where housing can be provided in support of the other uses on the campus.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

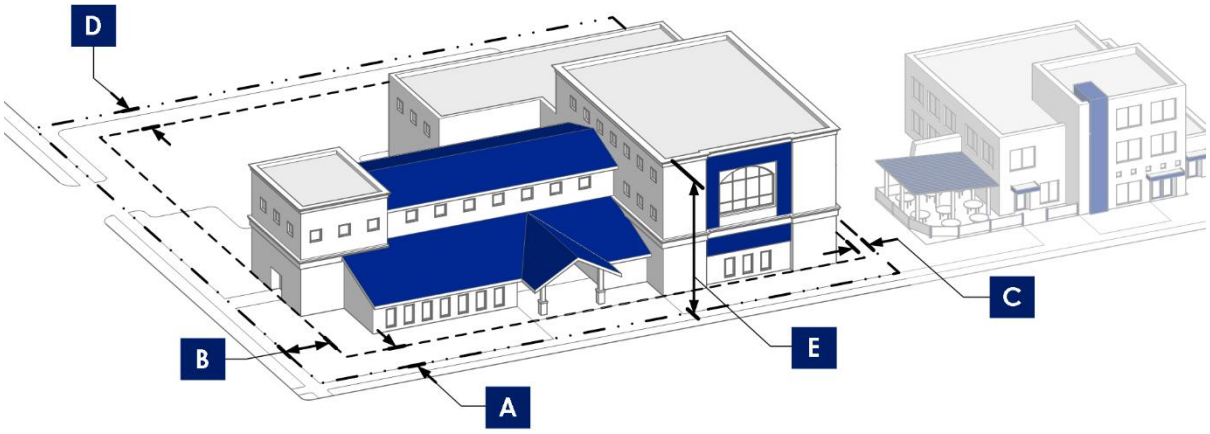


Table 20-6-2: P-1 Lot and Building Standards

Lot Standards			Coverage (Maximum)	
Lot Area, Minimum		None	Building Coverage	65%
Lot Width, Minimum		200 FT	Impervious Surface Coverage	75%
Related Residential District		R-3 [1]	**Building Height (Maximum)**	
Building Setbacks			**E** Building Height	60 FT
A	Front	Min: 15 FT Max: N/A	**Outdoor Area (Minimum)**	
B	Street Side	Min: 15 FT Max: N/A	Outdoor Area per Unit	None
C	Interior Side (Adj. R)	Min: 15 FT	Dimensions	N/A
C	Interior Side (Adj. Non-R)	Min: 5 FT		
D	Rear	Min: 15 FT		

Notes:

Table 20-6-2: P-1 Lot and Building Standards

[1] Apply the dimensional standards from this district to residential development that is not included in a mixed-use structure.

Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-6-3: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-604 P-2: Open Space

(a) Purpose

The purpose of the P-2 district is to preserve and enhance active and passive open space, natural areas, and recreational areas throughout the city by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities.

(b) Permitted Uses and Structures

Permitted principal uses and structures are identified in Section 20-803 and permitted accessory uses and structures are identified in Section 20-810.

(c) Dimensional Standards

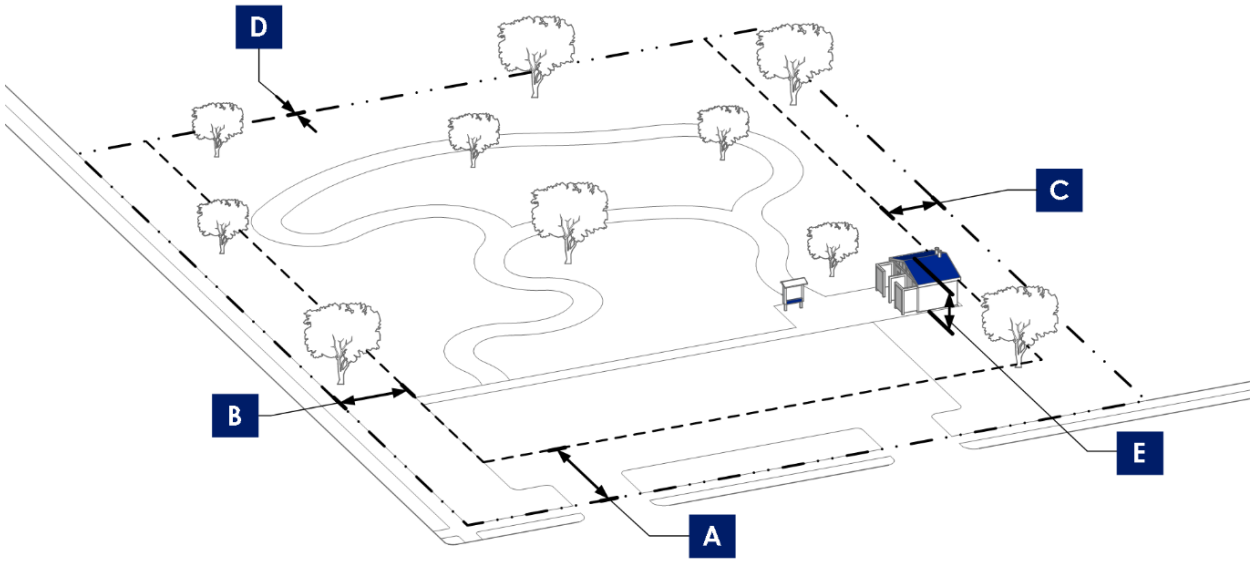


Table 20-6-4: P-2 Lot and Building Standards

Lot Standards			Coverage (Maximum)		
Lot Area, Minimum		None	Building Coverage		N/A
Lot Width, Minimum		None	Impervious Surface Coverage		N/A
Related Residential District		N/A	**Building Height (Maximum)**		
Building Setbacks			E	Building Height	35 FT
A	Front	Min: 35 FT Max: N/A	**Outdoor Area (Minimum)**		
B	Street Side	Min: 20 FT Max: N/A	Outdoor Area per Unit		None
C	Interior Side (Adj. R)	Min: 20 FT	Dimensions		N/A
C	Interior Side (Adj. Non-R)	Min: 15 FT			
D	Rear	Min: 0 FT			

Table 20-6-4: P-2 Lot and Building Standards

Notes:
Adjustments: See Section 20-203, Dimensional Standards General Rules and Exceptions.

(d) Other Applicable LDC Sections

All development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-6-5: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Site and Structure Standards	Article 9
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-605 U: University

(a) Purpose

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

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

(3) Any other property zoned in the U district shall be mapped with a reference to the applicable educational organization and applicable campus development plan.

20-606 UR: Urban Reserve

(a) Purpose

The purpose of the UR district is to provide a suitable classification for newly annexed land. The district is intended to avoid premature or inappropriate development that is not well served by infrastructure or community services. It is also intended for use in areas where an adopted neighborhood plan or area development plan is not in place.

(b) Principal Uses

(1) The only principal uses allowed in the UR district are crop agriculture and any lawful uses in existence immediately prior to annexation with the exception of billboard signs. No billboard signs may be annexed into the City. Communications facilities are allowed in the UR district if approved by a Special Use Permit in accordance with Section 20-1604(c).

(2) Any use or development activity that requires Site Plan review and approval per Section 20-1605(g) will be allowed only after the property is rezoned to the appropriate City zoning classification per Section 20-1604(e).

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

(c) Accessory Uses and Structures

Accessory uses and structures are permitted by right in connection with any lawfully established principal use, except as otherwise expressly provided in this LDC. Unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Accessory uses and structures, including accessory dwelling units and home occupations, are subject to the regulations of Section 20-811, Use-Specific Standards for Accessory Uses.

(d) Density and Dimensional Standards

The development or expansion of any structure in the UR district shall comply with the dimensional standards of the R-1 district in Section 20-304.

Article 7.Overlay Zoning Districts

20-701 The Districts

(a) Overlay Districts

Overlay districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, Overlay districts are "overlaid" on base district classifications to alter the base district regulations. Overlay districts are shown on the Official Zoning Map as suffixes to the applicable base district classification. For example, a CD-zoned parcel that is included in the Urban Conservation Overlay districts would be shown on the map as CD–UC.

(b) Districts Established

The following Overlay zoning districts are included in this LDC:

Table 20-7-1: Lawrence LDC Proposed Overlay Districts

Current Zoning Districts	New Zoning Districts	Section
ASO Airspace Overlay	ASO: Airspace Overlay	20-702
FP Floodplain Management Regulations Overlay	FP: Floodplain Management Regulations Overlay	20-703
HD Historic District Overlay	HD: Historic District Overlay	20-704
HL Historic Landmark Designation Overlay	HL: Historic Landmark Designation Overlay	20-705
PUD (Previously PRD, PCD, PID, POD)	PD: Planned Development	20-706
UC Urban Conservation Overlay	UC: Urban Conservation Overlay	20-707

20-702 ASO: Airspace Overlay District

(a) Purpose

The Airspace Overlay district is intended to:

(1) Prevent the creation and establishment of hazards to life and property in the vicinity of any airport owned, controlled or operated by the City;

(2) Protect users of the airport; and

(3) Prevent any unreasonable limitation or impairment on the use and expansion of the airport and the public investment in the airport.

(b) Authority

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

(c) Applicability

The Airspace Overlay district regulations apply to all land or water area lying within the established airport control Instrument Approach Zones, Non-Instrument

Approach Zones, Transition Zones, Horizontal Zones and Conical Zones as shown on the Airspace Control Zones overlay map.

(d) Effect

The Airspace Overlay district is a zoning classification that establishes additional restrictions and standards on those uses permitted by the base district. In the event of conflict between the Airspace Overlay district regulations and the regulations of the base district, the Overlay District regulations govern. In all other cases, both the overlay and base district regulations apply.

(e) Sub-Zones Established

In order to carry out the provisions of this district, the following Airspace Zones are established within the Airspace Overlay district. The Airspace Overlay district and the Airspace Zones shall be shown on the Official Zoning Map.

(1) Instrument Approach Zone

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

(2) Non-Instrument Approach Zone

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

(3) Transition Zone

The Transition Zone is established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Official Zoning Map. Transition Zones symmetrically located on either side of runways have variable widths as shown on the Official 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 the runway plus 200 feet on each end; and 500 feet on either side of the centerline of an instrument runway for the length of the runway plus 200 feet on each end; and are parallel and level with the runway centerlines. The Transition Zones along the 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 these Approach Zones. These Transition Zones have

variable widths, as shown on the Official Zoning Map. These Transition Zones flare symmetrically with either side of the runway Approach Zones from the base of the 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.

(4) Horizontal Zone

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

(5) Conical Zone

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

(f) Height Limitations

No structure may be erected, altered, or maintained in any Airspace Overlay district to a height in excess of the height limit established for the Zone, except as otherwise provided in this section. The following height limitations are hereby established for each of the Airspace Zones:

(1) Instrument Approach Zone

One foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; then one foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

(2) Non-Instrument Approach Zone

One foot in height for each 20 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway.

(3) Transition Zone

One 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.

(4) Horizontal Zone

Height may not exceed 150 feet above the airport elevation.

(5) 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.

(g) Performance Standards

Notwithstanding any other provision of this section, no use or development activity may occur on land within any Airspace Overlay district that:

(1) Creates electrical interference with radio communications between the airport and aircraft, including radio and television transmitting towers or studios and large radiation or X-ray equipment;

(2) Includes aboveground storage of petroleum or any other explosive material for non-aviation uses. Proposed airport fuel farms shall comply with AC No/ 150/5230-4C, NFPA 407, and the Lawrence Regional Airport Master Plan and Layout Plan.

(3) Emits smoke or odor of such intensity as to be detrimental to the health and welfare of the public;

(4) Contains lights or signals that may be confused with airport navigational lights;

(5) Results in glare to pilots approaching, leaving or circling the airport or that impairs visibility in the District. Prior to any development, a submittal of a notice of proposed construction of alteration form 7460-1 is required for review by the City and the FAA;

(6) Provides private airfields or runways for the use of aircraft other than those used in the principal airport in the District; or

(7) Otherwise endangers the landing, taking-off, or maneuvering of aircraft.

(h) Nonconformities

(1) The regulations set forth in this section do not require the removal, lowering, or other change of any structure not conforming to these regulations or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 20-702(h)(2)and 20-702(i)(6).

(2) The City may require, upon 30 days written notice, any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line upon the roads and highways immediately adjoining the airport to remove, lower, change, or alter said nonconforming pole or pole line. Prior to the removal, lowering, or changing of the pole or pole line, the owner or owner of the airport, shall pay said person, firm, association or corporation the reasonable and necessary expense of removing, lowering or changing said pole or pole lines; or in lieu thereof shall execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering or changing the pole or pole lines. The reasonable and necessary expense of removing, lowering or changing said pole or pole lines may include, among other items of expense, the actual cost of:

(A) Constructing underground conduits and the construction of wires and equipment in the conduits; and

(B) 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 the rerouting.

(i) Permits

(1) Future Uses

Except as specifically provided by the exceptions stated in Section 20-702(i)(4), no material change may be made in the use of land and no structure may be erected, altered, or otherwise established in any Airspace Overlay district unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations set forth in this section. If the determination is in the affirmative, the permit shall be granted.

(2) Existing Uses

No permit may be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, or structure to be made or become higher, or become a greater hazard to air navigation than it was on the Effective Date, or the effective date of any future amendments, or than it is when the application for a permit is made. Except as provided in this section, all applications for permits shall be granted.

(3) Nonconforming Uses

Before any nonconforming structure may be replaced, substantially altered or repaired, rebuilt, or increased in height, a permit shall be obtained authorizing the replacement, alteration, change or repair.

(4) Exceptions

(A) In the area lying within the limits of the Horizontal Zone and the Conical Zone, no permit will be required for any structure less than 75 feet in vertical height above the ground, except where, because of terrain, land contour or topographic features, the structure would extend above the height limits prescribed for these Zones.

(B) In the areas lying within the limits of the Instrument and Non-Instrument Approach Zones but at a horizontal distance of not less than 4,200 feet from each end of the runways no permit will be required for any structure less than 75 feet in vertical height above the ground, except where, because of terrain, land contour or topographic features, the structure would extend above the height limits prescribed for the Instrument or Non-Instrument Approach Zone.

(C) In the areas lying within the limits of the Transition Zones beyond the perimeter of the Horizontal Zone, no permit will be required for any structure less than 75 feet in vertical height above the ground except where the structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for these Transition Zones.

(D) Nothing contained in any of the foregoing exceptions will be construed as permitting or intending to permit any construction, or alteration of any structure in excess of any of the height limits established by this section.

(5) Variances

Any person desiring to erect any structure or increase the height of any structure, or otherwise use their property in violation of the Airspace Overlay district regulations, may apply to the Governing Body for a Variance from the zoning regulations in question. Variances will be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this section: Provided, that any Variance may be allowed subject to any reasonable conditions that the Governing Body may deem necessary to effectuate the purposes of this section.

(6) Hazard Marking and Lighting

Any permit or Variance granted may, if the action is deemed advisable to effectuate the purposes of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in

question to permit the City, at its own expense, to install, operate, and maintain the markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(j) Administration and Enforcement

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

(1) In particular, the Airport Zoning Commission shall review all permit applications and determine if permits should be granted. If an application is found to conform to all the Airspace Overlay district regulations, the Airport Zoning Commission shall grant the permit.

(2) Applications for permits and Variances shall be made to the Director upon forms furnished by the Director.

(A) Applications for permits shall be submitted at least 35 days prior to a regular meeting of the Planning Commission.

(B) Applications for Variances shall be submitted at least 35 days prior to a regular meeting of the Governing Body.

(k) Conflicting Regulations

In the event of conflict between the Airspace Overlay district regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures, use of land, or any other matter, and whether other regulations were adopted by the City or any other unit of local government, the more stringent limitation or requirements as to airport hazards will govern and prevail.

20-703 FP: Floodplain Management Regulations Overlay District

The FP, Floodplain Management Regulations are implemented as an Overlay District. The established regulatory provisions affecting land in the FP district are set out in Section 20-1303, Floodplain Management Regulations.

20-704 HD: Historic District Overlay

Historic districts designated in accordance with the provisions of Chapter 22 of the City Code shall be submitted to the Planning Commission as a recommended Zoning Map Amendment and processed in accordance with Section 20-1604(e). If approved by the Governing Body, the HD Overlay district shall be shown on the Official Zoning Map with the map symbol "– HD" and shall be governed by the relevant provisions of Chapter 22.

20-705 HL: Historic Landmark Designation

Historic landmarks designated in accordance with the provisions of Chapter 22 of the City Code shall be shown on the Official Zoning Map with the map symbol "– HL" and shall be governed by the relevant provisions of Chapter 22.

20-706 PD: Planned Development District

(a) Purpose

(1) The purpose of the PD district is to:

(A) Accommodate new and creative concepts in urban design and land development to promote and improve the health, safety, and general welfare of the residents in ways consistent with the Comprehensive Plan;

(B) Allow design flexibility that results in greater public benefits than could be achieved using conventional zoning district regulations; and

(C) Preserve environmental and historic resources.

(2) The PD district is not intended to allow deviations from the standards and requirements of this LDC that are not accompanied by significant additional amenities or as a substitute for obtaining a Variance.

(b) Creation of Overlay Zoning District

The PD zoning district creates an Overlay District that reflects adjustments made to applicable base zoning districts as stated in the PD application. Where the PD is silent as to a development term or requirement, the requirements of the applicable base zoning district of this LDC shall apply.

(c) Effect of Other Development LDC Standards

(1) Except as expressly authorized by the regulations of this section and approved as part of a PD plan per Section 20-1604(b), all of the standards of this LDC apply to development within a PD District.

(2) Permitted and prohibited uses may not be changed through the PD process.

(d) Eligibility for Rezoning to PD District

An application for rezoning to a PD district may only be accepted for review or approved if the Director determines that the application complies with the following:

(1) Minimum District Size

The minimum area for a PD district shall be five acres.

(2) Common Ownership

(A) All of the property included in the application shall be under unified ownership or a single entity's control.

(B) Approval of all of the property owners within a PD is required for any request for PD amendment.

(3) Specific PD Eligibility Requirements

The proposed PD district must, as determined by the Director, comply with eligibility criteria of at least one of the following four types of PD.

(A) Sustainable/Resilient Design PD

(i) Eligibility

To be considered for a sustainable/resilient design PD review, the application must propose project, site, or building design features intended to achieve one or more of the following reductions in resource consumption or trip generation when compared to those levels anticipated for developments of a similar type under the reference base district:

(a) A reduction in water consumption of at least 25 percent; or

(b) A reduction in non-renewable energy use of at least 25 percent; or

(c) A reduction in average daily motor vehicle trip generation of at least 25 percent;

(d) A combination of reductions in water consumption, non-renewable energy use, and/or average daily motor vehicle trip generation providing at least an equivalent sustainable/resilient development benefit to the city.

(ii) Flexibility Allowed

PD applications for sustainable/resilient design PD may include requests for adjustments or waivers of any Article 9 design requirement or applicable zoning district dimensional standard in this LDC, unless expressly prohibited, with a showing that requested adjustments or waivers will contribute to reductions in water consumption, non-renewable energy consumption, or traffic generation when compared to development of a similar type under the reference base district standards.

(B) Historic Structure/Site PD

(i) Eligibility

To be considered for historic structure/site PD review, the application must propose:

(a) To include an existing structure or site that is currently designated or is documented as eligible for designation on a city or state list of historic structures or on the National Register of Historic Places

within a contiguous area included in the PD application, and must either:

(1) In the case of an existing designated historic structure or site, the PD application must include a written preservation easement for the structure or site in compliance with all applicable historic preservation standards; or

(2) In the case of an undesignated historic structure or site, the PD application must include a written commitment to complete the designation of the structure or site prior to development of any portion of the PD.

(b) The PD application may include additional lands contiguous with the lot or parcel containing the historic structure.

(ii) Flexibility Allowed

PD applications that are eligible for consideration as an historic structure/site PD may include a request to: (1) calculate any unused development potential, defined as areas that would otherwise be developable if not for the historic designation, from the lot or parcel containing the historic structure or site under the property's current zoning, and (2) apply any unused development potential on other portions of the same lot or parcel, or on contiguous lands included in the PD application, and to request waivers or adjustments to the dimensional standards of the applicable base districts applicable to the properties.

(C) Affordable Housing PD

(i) Eligibility

To be considered for an affordable housing PD review, the application must propose:

(a) All parcels on which detached dwelling units will be constructed must be permitted to construct an accessory dwelling unit either within the principal building or in a freestanding accessory building in compliance with the provisions of Section 20-811(b).

(b) To provide the following amounts and levels of affordable housing.

(1) Between the Effective Date of this LDC and that date on which the Governing Body adopts an ordinance or resolution establishing a different required amount of affordable housing and/or a different required level of income-restriction, the PD must propose to provide:

(A) At least 10 percent of all rental dwelling units shall be income-restricted to the level established by the City's adopted definition of housing affordability, for a period of at least 30 years, and

(B) At least 10 percent of all for-sale dwelling units shall be income-restricted for a period of at least 30 years;

(C) Development applications with both for-sale and rental units shall provide a total of 10 percent of the units as income restricted for a period of at least 30 years.

(2) After the date on which the Governing Body establishes a different required amount of affordable housing and/or a different required level of income-restriction, the PD shall propose to provide the amounts of housing and the levels of income-restriction required by the City, for the period of time specified, or at least 30 years, whichever is greater.

(ii) Flexibility Allowed

(a) An affordable housing PD may request an adjustment or waiver of any Article 9 design requirement or dimensional standard of the applicable base zoning district(s), unless expressly prohibited, if that adjustment or waiver will contribute to achieving the preservation or production of housing at a lower cost than would otherwise be possible under the applicable base district.

(b) No waiver or modification of a state or federally established standard or law is authorized through a PD.

(D) Combined Benefits PD

(i) Eligibility

An applicant may apply for approval of PD that provides a combination of the types of benefits identified in Sections 20-706(d)(3)(A), 20-706(d)(3)(B), and 20-706(d)(3)(C) above. To be considered for a combined benefits PD review, the application must propose:

(a) To provide at least one-half of the amounts of affordable housing, at the levels of income-restriction, required by Section 20-706(d)(3)(C)(i)(b)20-706(d)(3)(C), for a period of at least 30 years; and

(b) To provide at least some of the benefits listed in the eligibility requirements in Section20-706(d)(3)(A)(i)for a sustainable/resilient design, or Section 20-706(d)(3)(B)historic structure/site.

(ii) Flexibility Allowed

A combined benefits PD may request an adjustment or waiver of any development standard in this LDC if that adjustment or waiver will contribute to achieving the types of flexibility listed in Sections 20-706(d)(3)(A)(ii), 20-706(d)(3)(B)(ii), or 20-706(d)(3)(C)(ii).

(e) Additional Conditions

The Planning Commission may recommend, and the Governing Body may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this LDC. Conditions may include limitations on the types of uses, structures or building types to be allowed in the PD. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

(f) Review Procedure

Procedures and criteria for review and approval of a PD district are in Section 20-1604(b).

20-707 UC: Urban Conservation Overlay District

(a) Purpose

The Urban Conservation Overlay district is intended to:

(1) Encourage development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area;

(2) Reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area;

(3) Provide building setbacks, lot dimensions and related physical characteristics;

(4) Foster development that is compatible with the scale and physical character of original buildings in a neighborhood or area through the use of development/design standards and guidelines; and

(5) Conserve the cultural resources, historic resources, and property values within an identified neighborhood or area.

(b) Selection Criteria

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

(1) The general pattern of development, including streets, lots, and buildings, shall have been established at least 25 years prior to the Effective Date;

(2) The area shall possess built environmental characteristics that create an identifiable setting, character, and association; and

(3) The designated area shall be a contiguous area of at least five acres in size. Areas of less than five acres may be designated as an UC Overlay district only when they abut an existing five acre or greater UC Overlay district.

(c) Establishment of District

UC Overlay districts are established in accordance with the Zoning Map Amendment procedures of Section 20-1604(e), except as modified by the following provisions:

(1) An application to establish a UC Overlay district may be initiated by the Historic Resources Commission, the Planning Commission, or the Governing Body;

(2) Applications may also be initiated by petition when signed either by the owner of at least 51 percent of the area within the proposed UC Overlay district or by at least 51 percent of total number of landowners within the proposed district;

(3) The Historic Resources Commission and the Planning Commission shall hold public hearings, and submit written recommendations to the Governing Body, regarding each application to establish a UC Overlay district;

(4) The Historic Resources Commission is responsible for reviewing UC zoning applications for compliance with the selection criteria of Section 20-707(b) and for recommending development/design standards and guidelines for the district;

(5) The Planning Commission is responsible for reviewing UC applications for its planning and zoning implications; and

(6) The Governing Body is responsible for making a final decision to approve or deny the Overlay district zoning.

(d) Review Procedure

Procedures and criteria for review and approval of a UC district are in Section 20-1604(e).

(e) Allowed Uses

UC Overlay district classifications do not affect the use of land, buildings, or structures. The use regulations of the base district control.

(f) Development/Design Standards

In establishing a UC Overlay district, the Historic Resources Commission or Planning Commission are authorized to propose, and the Governing Body is authorized to adopt, by ordinance, district-specific development and design standards (referred to as "development/design standards") to guide development and redevelopment within UC Overlay districts:

(1) When development/design standards have been adopted, all alterations within the designated UC Overlay district shall comply with those standards. For the purposes of this section, "alteration" means any development activity that requires a Site Plan, rezoning, subdivision, replat, or public improvements;

(2) When there are conflicts between the development/design standards of the base district and adopted UC development/design standards, the UC development/design standards will govern; and

(3) The development/design standards will be administered by City staff in accordance with adopted administrative policy.

(g) Appeals

(1) Notwithstanding the procedure set forth in Section 20-1604(a), Appeal of an Administrative Determination, a person aggrieved by a decision of the City staff, determining whether the development/design standards have been met, may file a written appeal with the Historic Resources Commission. The appeal shall be filed within 14 working days after the decision has been rendered.

(2) A person aggrieved by a decision of the Historic Resources Commission, determining whether the development/design standards have been met, may file a written appeal with the Governing Body. The appeal shall be filed within 10 working days after the decision has been rendered.

(3) The Governing Body is the final decision-making authority in determining whether a proposed project meets the adopted development/design standards.

(4) The Board of Zoning Appeals has no authority to grant interpretations, exceptions or variances from the adopted development/design standards.

(5) The decision of the Governing Body is final and may be appealed to the District Court in accordance with state law.

(h) UC Districts Established

The following UC Overlay districts are established:

Table 20-7-2: UC Overlay Districts

Conservation District Name	Boundaries
Downtown Urban Conservation Overlay District	See Ord. No. 7395
8th & Pennsylvania Urban Conservation Overlay District	See Ord. No. 8053
Oread Neighborhood Design Overlay District	See Ord. No. 9211

(i) UC District Development/Design Standards Established

The following UC development/design standards and administrative policies are established:

Table 20-7-3: UC Development/Design Standards

Conservation District Name	Development Standards and Administrative Policies
Downtown Urban Conservation Overlay District	Downtown Design Guidelines (2009)
8th & Pennsylvania Urban Conservation Overlay District	Design Guidelines 8th and Penn Neighborhood Redevelopment Zone (2006, Revised October 4, 2011, and January 21, 2020)
Oread Neighborhood Design Overlay District	Oread Neighborhood Design Guidelines (June 2016)

20-708 The Downtown Design Guidelines 2009 Edition

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

20-709 Design Guidelines 8th and Penn Neighborhood Redevelopment Zone

The "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (2006, Revised October 4, 2011, and January 21, 2020) prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth in this LDC. At least one copy of "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (2006, Revised October 4, 2011, and January 21, 2020) shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 9739" and to which shall be attached a copy of Ordinance No. 9739, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. One additional marked and stamped copy of the "Design Guidelines 8th and Penn Neighborhood Redevelopment Zone" (2006, Revised October 4, 2011, and January 21, 2020) shall, at the cost of the City of Lawrence, Kansas, be made available to the Planning and Development Services Office of the City of Lawrence, Kansas.

20-710 Oread Neighborhood Design Guidelines 2016 Edition

The "Oread Neighborhood Design Guideline, 2016 Edition" prepared compiled, published and promulgated by the City of Lawrence, Kansas, is hereby adopted and

incorporated by reference as if fully set forth in this LDC. One copy of the "Oread Neighborhood Design Guidelines, 2016 Edition" shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 9211," to which shall be attached a copy of this ordinance, shall be filed with the City Clerk, and shall be to be open for inspection and available to the public at all reasonable business hours. One additional marked or stamped official copy of the "Oread Neighborhood Design Guidelines, 2016 Edition" shall, at the cost of the City of Lawrence, Kansas, be made available to the Planning and Development Services Office.

Article 8. Uses and Use Standards

20-801 Listed Uses

(a) Use Groups

Land uses in Table 20-8-1: Principal Use Table, are assigned to one of the following use groups that most closely describes the nature of the principal use:

(1) Residential

(2) Civic and Institutional

(3) Commercial

(4) Industrial

(5) Transportation, Utilities, and Communication

(6) Agricultural

(b) Use Subgroups and Individual Uses

(1) Use groups are further divided into subgroups, such as Residential Living or Office.

(2) Individual uses are also identified in the principal and accessory uses tables.

(c) Excluded Uses

Use groups may contain excluded uses. These are uses that may seem to be part of a particular use group but that are explicitly classified into a different use group.

(d) Definitions

Additional information about use groups, subgroups, and individual uses is provided in Article 19, Measurements and Definitions.

20-802 Classification and Interpretation of Uses

(a) For uses that do not fall into a group or subgroup based on common planning practice, an applicant may either request an administrative use interpretation, processed as a Section 20-1605(c) Administrative Adjustment that follows the standards and criteria in this section, or apply for a LDC text amendment per Section 20-1604(d).

(b) When a use interpretation is requested, the Director shall consider the following list of factors when classifying a use into a particular group, or to determine whether the activities constitute principal uses or accessory uses:

(1) How closely the proposed use matches a defined use group or subgroup in Section 20-1903.

(2) The intensity of the proposed activity or use in comparison to the stated characteristics of a use group or subgroup;

(A) Conformance with the currently adopted comprehensive plan and purpose of the zoning district in which the use is proposed;

(B) Types of vehicles, equipment, and/or processes proposed;

(C) The amount of site or floor area and equipment devoted to the use or activity;

(D) The hours of operation;

(E) How the use advertises itself;

(F) Number of employees, visitors, or customers generated;

(G) Parking demands associated with the use;

(H) Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;

(I) Whether the use or activity would be likely to be found independent of the other activities on the site;

(J) Whether a use is subordinate in area, extent, or purpose to the principal building or use served;

(K) Whether the use contributes to the comfort, convenience, or necessity of occupants, customers, or employees of a principal use; and

(L) Any other relevant evidence regarding use or activity that would help to classify a particular land use.

(c) If, based on the criteria identified above, the Director determines that a use can reasonably be determined to be similar to more than one use or group of uses, the Director shall select the use group that provides the most appropriate fit.

(d) A use that is otherwise not permitted in a district may not be added to a district through interpretation (i.e., a use that is not permitted cannot be allowed alongside a use that is determined to be permitted).

(e) The following use groups or subgroups typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use, not listed as an example, is proposed that might be categorized into one of these groups or subgroups, the applicant shall file an application for text amendment to determine if the use will be permitted. Through this process, the City shall have the opportunity to review and determine the

impacts of the proposed use and establish any prescribed conditions that may be appropriate to allowing the use.

(1) Agricultural uses

(2) Industrial Services

(3) Manufacturing and Production

(4) Waste and Salvage

(f) Determination of Non-similarity

(1) The Director may determine that a proposed use is not substantially similar to any use identified in Table 20-8-1: Principal Use Table and defined per Section 20-1903, because either:

(A) The potential impacts of the proposed use are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use group and that the proposed use would not otherwise be permitted without prescribed conditions or through a public review process, or

(B) There are no similar uses permitted on the site or in the applicable zoning district.

(2) When a determination of non-similarity is made, the Director shall provide the applicant with a written determination of non-similarity within 21 days of the request for interpretation.

(g) In case of dispute, the Director shall make an administrative determination and the proposed use shall comply with any conditions and review procedures that may apply to that use. The Director's determination may be appealed to the Board of Zoning Appeals per Section 20-1604(a).

20-803 Principal Use Table

Table 20-8-1: Principal Use Table, identifies the permitted principal uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted. Cross-references to use-specific standards are provided in the "Use-Specific Standards" column.

(a) Permitted (P)

These uses are permitted in the zoning districts in which they are listed. Permitted uses shall comply with applicable use-specific standards identified in this article.

(b) Special Use (S)

These uses are not permitted uses in the districts in which they are listed but may be allowed through Section 20-1604(c), subject to specific conditions. Uses permitted by special use permit shall follow any applicable development standards associated with the use as well as meet the requirements of the special use permit approval.

(c) Not Permitted (Blank)

Uses that are not permitted are indicated by a blank space.

Table 20-8-1: Principal Use Table
P = Permitted Use S = Special Use Blank = Not Permitted

Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Residential																
Household Living																
Dwelling, Attached	P	P	P	P	P	P	P	P						P		
Dwelling, Detached	P	P	P	P		P	P									
Dwelling, Interior or Non-ground-floor			P	P	P	P	P	P	P/S	P				P		20-804(a)
Dwelling, Multiunit			P	P	P	P	P	P	P	P				P		
Dwelling, Small Lot		P	P	P												
Dwelling, Two-unit	P	P	P	P		P	P	P						P		
Manufactured Home Community			S	S	P	P										20-804(c)
Group Living																
Assisted Living	S	S	P	P	P	P	P	P								20-804(d)
Congregate Living			P	P	S	P	P	P								20-804(e)
Dormitory					P											20-804(f)
Fraternity or Sorority					P	P										
Group Home, General	S	S	S	S	S	S	S	S	S	S						
Group Home, Limited	P	P	P	P	P	P	P	P								
Civic and Institutional																
Community and Cultural																
Community Meal Program						S	S	S	S	S	S	S		S		

Table 20-8-1: Principal Use Table
P = Permitted Use S = Special Use Blank = Not Permitted

Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Cultural Center/Library	P	P	P	P	P	P	P	P	P	P				P	S	
Day Care Center	S	S	S	S	S	S	P	P	S	P	P	P	P			20-805(a)
Day Care Home, Class A						P	P	P	P	P						20-805(b)
Day Care Home, Class B	S	S	S	S	S	P	P	P	P	P						20-805(b)
Detention Center											S	S		P		
Event Center, Convention						P	P	P		P	P			P		
Event Center, Large						S	S	P		P	P			S		
Event Center, Small	S					P	P	P	P	P	P			S		
Fairground														P		
Government Facilities, Yards, and Storage	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	
Lodge, Fraternal, and Civic Assembly	S	S	S	S	S	P	P	P	P	P	P			P		20-805(c)
Religious Assembly, Community			P	P	P	P	P	P	P	P	P					20-805(d)
Religious Assembly, Neighborhood	P	P	P	P	P	P	P	P	P	P	P					20-805(e)
Temporary Shelter						S	S	S	S	S	S	S		S		
Utilities, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Education																
College or						S	P	P	P	P	P	P	P	P		

Table 20-8-1: Principal Use Table
P = Permitted Use S = Special Use Blank = Not Permitted

Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
University																
School	S	S	S	S	S	P	P	P	P	P	P			P		
School, Vocational						P	P	P		P	P	P	P			
Health Care																
Community Mental Health														P		
Extended Care Facility, General	S	S	P	P	P	P	P	P					S			
Extended Care Facility, Limited	P	P	P	P	P	P	P	P						S		
Health Care Office or Clinic						P	P	P	P	P	P		P	P		
Hospital														P		
Outpatient Care						P	P	P	P	P	P			P		
Noncommercial Recreation																
Active Recreation	S	S	S	S	S	S	P	P	S	P	P	S	P		S	
Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial																20-806(a)
Amusement and Recreation																
Entertainment and Spectator, Indoor			S	S	S		P	P	P	P			P	P	S	20-806(b)
Participant Sports and Recreation, Indoor			S	S	S		P	P	P	P			P	P		20-806(b)

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Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Entertainment and Spectator, Outdoor			S	S	S			P	P	P						20-806(c)
Participant Sports and Recreation, Outdoor			S	S	S			P	P	P	P			S		20-806(c)
Sexually Oriented Business										P						20-806(d)
Animal Services																
Kennel	S	S	S	S	S	S	S	P		P	P	P	P			
Sales and Grooming		S	S	S	S	P	P	P	P	P	P	P	P			
Veterinary		S	S	S	S	P	P	P	P	P	P	P	P			
Food and Beverage																
Bar or Lounge		S	S	S	S	S	P/S		P	P	P		P			
Catering						P	P	P		P	P					
Microbrewery, Distillery, or Winery		S	S	S	S	P	P	P	P	P	P		P			
Restaurant		S	S	S	S	P	P	P	P	P	P					
Lodging																
Bed and Breakfast	S	S	S	P	P	P	P	P								20-806(e)
Campground or RV Park								P		P					S	
Hotel, Motel, or Extended Stay							S	P	P	P						
Professional Services																

Table 20-8-1: Principal Use Table
P = Permitted Use S = Special Use Blank = Not Permitted

Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Office		S	S	S	S	P	P	P	P	P	P	P	P	P		
Financial Institution		S	S	S	S	P	P	P	P	P	P					
Retail, Sales, and Service																20-806(f)
Building Maintenance							P	P	P	P	P	P				
Construction Sales and Service								P		P	P	P	P			
General Retail, ≤10,000 SF		S	S	S	S	P	P	P	P	P	P					
General Retail, >10,000 SF								S	S	P						
Funeral Services and Cemetery						P	P									
Personal Services		S	S	S	S	P	P	P	P	P	P					
Repair Services, Consumer		S	S	S	S	P	P	P	P	P	P		P			
Automotive & Transportation																
Car Wash							S	P		P	P	P				
Equipment and Vehicle Repair, Heavy								P		P	P	P				
Equipment and Vehicle Repair, Light							P	P	S	P	P	P				
Equipment and Vehicle Sales, Rental, and Leasing, Heavy								P		P	P	P				

Table 20-8-1: Principal Use Table
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Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Equipment and Vehicle Sales, Rental, and Leasing, Light							P	P	S	P	P	P				20-806(g)
Fleet Storage								P		P	P	P				
Fuel Sales							S	P		P	P	P				
Inoperable Vehicle Storage								P		P	P	P				
Parking, Structured						S	S	P	S	P	P	P	P	P		
Parking, Surface						S	S	S	S	S	S	S	S	S		
RV and Boat Sales and Storage								P		P	P	P				
Truck Stop										S		S				
Industrial																
Industrial Services																
Contractor Yard											P	P	P			
Industrial Sales and Service											P	P	P			
Laundry Service								P		P	P	P				
Manufactured Home Sales and Service											P	P				
Research and Development						S	S	P	S	P	P	P	P	P		
Manufacturing and Production																
Industrial, General											P	P				

Table 20-8-1: Principal Use Table
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Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Makerspace, Intensive							S	S	S	S	P	P	P	S		
Makerspace, Limited						P	P	P	P	P	P	P	P	S		
Manufacturing and Production, Limited						S	S	P	S	S	P	P	P			
Manufacturing and Production, Technological									S	S	P	P	P			
Industrial, Heavy																
Explosive Storage												P				
Industrial, Intensive												P				
Mining												S				20-807(a)
Waste and Salvage																
Recycling Center											S	P				20-807(d)
Recycling Collection, Large								P		P	P					20-807(d)
Recycling Collection, Small						P	P	P	P	P	P	P	P			20-807(d)
Salvage											S	P				20-807(e)
Wholesale, Storage, and Distribution																
Battery Energy Storage System	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	20-807(a)
Data Center								S		S	P	P	P			
Distribution Center										S	S	P	S			20-807(b)

Table 20-8-1: Principal Use Table
P = Permitted Use S = Special Use Blank = Not Permitted

Zoning Districts	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	CD	CC	IL	IG	IBP	P-1	P-2	Use-Specific Standards
Exterior Storage, Heavy								S		S	S	P				
Exterior Storage, Light								P		P	P	P	P	S		
Self-Storage, Interior								P		P	P	P	P			20-807(g)
Self-Storage, Exterior								~~P~~			P	P				20-807(f)
Personal Garage								S			P	P	S			
Transportation, Utilities, and Communication																
Airport												P				20-702
Broadcasting Tower									S		P	P	P			
Communication Services						P	P	P	P	P	P	P	P	P		
Transit Terminal				P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S		S	
Agricultural																
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture, Large Animal	P															20-809(a)(1)
Agricultural Sales								P		P	P	P				
Farmers Market						P	P	P	P	P	P	S	P	P	S	
Urban Farm	S	S									P	P				20-809(b)

20-804 Residential Use-Specific Standards

(a) Dwelling, Detached

The following standards shall apply to manufactured home detached dwellings.

(1) The structure shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations.

(2) The structure shall be on a permanent-type, enclosed perimeter foundation.

(3) The structure shall have an entrance on the side of the structure facing the front lot line.

(4) The roof shall be pitched no less than 2.5:12 and shall be covered with material that is customarily used on site-built dwellings, such as approved wood, asphalt composition shingles, clay or concrete title, slate, or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches, which may include a gutter.

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

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

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

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

(9) If 70 percent or more of the structures on the block face, and the block face opposite where the home is to be located, have attached garages, a garage

constructed according to the provisions of Chapter 5 of the City Code (Building Code) shall be required.

(b) Dwelling, Interior or Non-ground-floor

Dwelling units shall either be located in a vertical mixed-use structure, either above or below the ground floor, or so that a nonresidential use is located between all dwelling units and the front setback.

(c) Manufactured Home Community

(1) Purpose and Intent

(A) The purpose of these standards is to ensure and promote an acceptable living environment for occupants of manufactured home communities with manufactured home spaces offered for rental or lease. No use shall be allowed other than those uses considered as an integral part of the manufactured home community as shown on the approved Development Plan.

(B) Nothing in this section shall be interpreted to prohibit a manufactured home from being located in a manufactured home community.

(2) Roads

All manufactured homes shall front on a public street or a private road easement within the manufactured home community.

(3) Density and Setback

All building and lot requirements, including principal structure setbacks and maximum density requirements, for the base zoning district shall apply to the project site as a whole (i.e., not individual units).

(4) Design Standards

(A) Natural Features

The design of the manufactured home community shall preserve existing natural features.

(B) Spaces

Each manufactured home community shall clearly define the manufactured home spaces, and each space shall have a minimum area of at least 3,000 square feet. There shall be a minimum distance of 20 feet between manufactured homes.

(C) Private Roadways

Private roadways shall be designed in accordance with the MSO Technical Resources.

(5) Sidewalks

A minimum sidewalk width of four feet shall be provided on both sides of the accessway leading from manufactured home spaces to service and recreational areas.

(6) Lighting

Both roadways and sidewalks shall be adequately lighted with a minimum of one streetlight at each roadway intersection and one streetlight at the end of each cul-de-sac that is 300 feet or more from a roadway intersection. Streetlights shall meet the code requirements in Article 15, Exterior Lighting.

(7) Landscaping

All manufactured home communities shall meet the applicable landscaping and buffering standards set forth in Article 14.

(8) Office and Management

An area near the main entrance of the manufactured home community shall be for office and management use only, with accessory off-street parking.

(9) 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.

(10) Emergency Shelters

One or more emergency shelters shall be provided, with 15 square feet of floor space for each manufactured home space. An existing building that complies with these provisions may serve as an emergency shelter. An emergency shelter shall:

(A) Be a building complying with Chapter 5 of the City Code and with the Association Standard for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association;

(B) Be clearly marked with a sign at or near its entrance; and

(C) Be accessible at all times, either by being kept unlocked or by a person with access being present at the manufactured home park at all times.

(11) Recreational Space

At least 15 percent of the gross area of the manufactured home community shall be set aside for one or more developed recreation areas, including suitable play equipment and other recreational facilities.

(d) Assisted Living

Residential care facilities that provide care to residents who suffer from Alzheimer's disease, dementia, or other similar disabilities that may cause disorientation, shall

provide a security fence of no less than five feet in height along the perimeter of any portion of the site that is accessible to residents.

(e) Congregate Living

(1) The conversion of an existing structure to a congregate living use requires Site Plan approval.

(A) At the time of its conversion to the congregate living use and for the life of a congregate living use upon its establishment, the building footprint of a structure containing a congregate living use shall not be enlarged greater than 20 percent of its existing building footprint, measured at grade, and including covered decks, patios, and porches.

(B) A Site Plan for a congregate living use shall not be approved if the building footprint of an existing structure, measured at grade and including covered decks, patios, and porches, proposed to contain the use has been expanded greater than 20 percent within three years of submitting the Site Plan application.

(C) This section does not apply to expansions in building footprint occurring prior to the Effective Date.

(2) A trash receptacle area compliant with this LDC, the City Code, and policies established by the Solid Waste Division shall be designated on the Site Plan and either used or reserved for use on the site to accommodate waste generated by the residents.

(f) Dormitory

(1) A dormitory shall be designed so that access to all rooms is through an interior lobby or office under 24-hour supervision

(2) Cooking and dining 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.

20-805 Civic and Institutional Use-Specific Standards

(a) Day Care Center

(1) Day care centers shall maintain a wall or fence at least four feet in height between any play area and any property in the Residential or Mixed and Commercial zoning districts.

(2) Day care centers require special use approval in the Residential or Mixed and Commercial zoning districts, except when accessory to a permitted school, religious assembly, or when permitted as a community facility.

(b) Day Care Home

A Class A day care home that is permitted as an accessory use shall provide written notification to all adjacent landowners before beginning operation of the day care home. The notice shall state the proposed use and times of operation.

(c) Lodge, Fraternal, and Civic Assembly

(1) Where permitted in Residential districts, lodge, fraternal, and civic assembly uses shall comply with the religious assembly supplemental design standards of Section 20-805(d).

(2) A lodge, fraternal, and civic assembly use in a Residential district shall be limited to a seating capacity of no more than 500 persons.

(3) A swimming pool, tennis court, or other recreational facility that is accessory to a lodge, fraternal, and civic assembly use may not be located nearer to other property in a Residential district than the required setback for a principal building, and wherever this type of facility is located in a yard abutting property in a Residential district, it shall be screened by a fence or wall at least 6 feet in height.

(d) Religious Assembly, Community

(1) Size

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

(2) Accessory Uses Permitted by Right

Subject to the lot area, density, dimensional, and parking standards, the following accessory uses shall be permitted by right to a community religious assembly if they comprise a gross square footage of 25 percent or less of the principal use on the site:

(A) Any other use permitted as a principal use or an accessory use in the base district in which the institution is located, subject to applicable density, parking and dimensional standards;

(B) Educational uses incidental to the religious assembly including schools, colleges, or universities;

(C) Day-care centers;

(D) Group living incidental to the religious assembly;

(E) Indoor recreational facilities not used for commercial purposes;

(F) Dormitories incidental to any school, college, university, or other educational use on the property.

(3) Accessory Uses Permitted with Special Use Permit

An accessory use that comprises a gross square footage of more than 25 percent of the principal use on the site and that meets other applicable standards may be allowed through Section 20-1604(c) Special Use Permit.

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

(A) Regardless of the proposed size of the following accessory uses, they may only be permitted with a Special Use Permit as an accessory use to any community religious assembly:

(i) Outdoor recreational facilities not used for commercial purposes, provided that these facilities shall be buffered from any adjoining property in a Residential or Mixed or Commercial zoning district by a Type 2 bufferyard per Section 20-1408(c)(2); and

(ii) A community meal program.

(B) A swimming pool, tennis court, or other recreational facility that is accessory to a community religious assembly may not be located nearer to other property in a Residential or Mixed or Commercial zoning district than the required setback for a principal building, and wherever this type of facility is located in a yard abutting property in a Residential or Mixed or Commercial zoning district, it shall be screened by a fence or wall at least six feet in height.

(e) Religious Assembly, Neighborhood

(1) Size

A neighborhood religious assembly in any Residential or Mixed or Commercial zoning district shall be limited to a seating capacity not to exceed a number equal to the lot area (expressed in square feet) divided by 100, with a maximum seating capacity of no more than 500 persons in the sanctuary or other principal place of worship or assembly.

(2) Supplemental Design Standards

(A) In Residential, Mixed, and Commercial Zoning Districts

The following supplemental design standards shall apply only to a neighborhood religious assembly located in a Residential or Mixed or Commercial zoning district:

(i) Where practicable, access to any on-site parking area will be to a collector street.

(ii) A swimming pool, tennis court, or other recreational facility that is accessory to a neighborhood religious assembly use may not be located nearer to other property in a Residential or Mixed or Commercial zoning district than the required setback for a principal

building, and wherever this type of facility is located in a yard abutting property in a Residential or Mixed or Commercial zoning district, it shall be screened by a fence or wall at least 6 feet in height.

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

A community meal program may only be permitted with a Special Use Permit as an accessory use to any neighborhood religious assembly.

20-806 Commercial Use-Specific Standards

(a) General

(1) Location

Any proposed commercial use, except for lodging uses, in a Residential zoning district shall only be permitted on a corner lot abutting an arterial or collector street.

(2) Design and Layout

Any proposed commercial use in a Residential zoning district shall not:

(A) Include a drive-through, or

(B) Exceed 3,000 square feet in gross floor area, or

(C) When located within an existing structure that exceeds 3,000 square feet, the commercial use shall be limited to the ground floor.

(3) Operation and Ownership

Any new commercial use, except for lodging uses, in a Residential zoning district shall have operating hours no later than 10:00 p.m.

(b) Amusement and Recreation, Indoor

In Residential zoning districts, indoor entertainment and spectator uses, or indoor participant sports and recreation uses shall be limited to 10,000 square feet of gross floor area and shall only be permitted as an accessory use to a multiunit dwelling or a neighborhood amenity to a subdivision.

(c) Amusement and Recreation, Outdoor

In Residential zoning districts, outdoor entertainment and spectator uses, or outdoor participant sports and recreation uses shall be limited to 10,000 square feet of gross floor area and shall only be permitted as an accessory use to a multiunit dwelling or a neighborhood amenity in a subdivision.

(d) Sexually Oriented Businesses

(1) Minimum Distance and Location

(A) A sexually oriented business shall be located no less than 1,500 feet from another sexually oriented business, regardless of whether the uses are located in the same facility or separate facilities.

(B) A sexually oriented business shall not be located on the same block as property in a Residential zoning district, or a religious assembly, school, day care, noncommercial recreation, or cultural center/library, and shall also be at least 1,000 feet from the boundary of said zoning districts and uses.

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

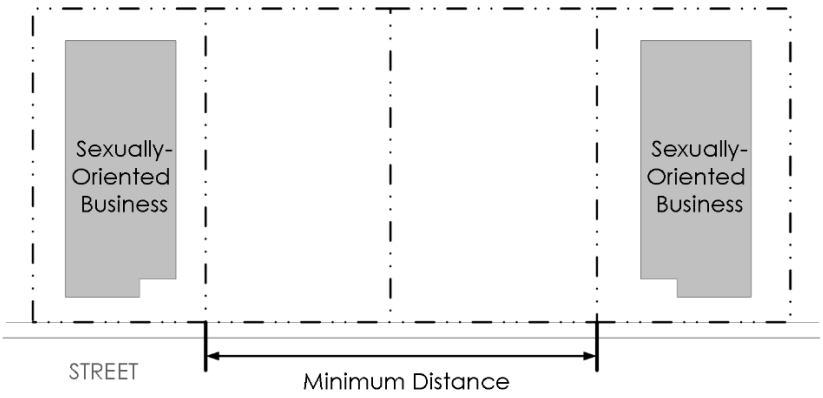


Fig. 20-8-A. Sexually-Oriented Business Separation Requirement

(D) All sexually oriented businesses shall be located along State highways.

(2) Display Standards

A sexually oriented business shall have the affirmative duty to prevent the display of sexually oriented media at or within the portions of the business open to, or visible by, the general public. Sexually oriented media shall be kept in a separate room or section of any establishment that is open to patrons under the age of 18, which room or section shall:

(A) Not be open to any person under the age of 18;

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

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

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

(3) Standards that Apply in the CC District

In addition to the standards above, in the CC district, the gross floor area of any sexually oriented business shall not exceed 5,000 square feet.

(e) Bed and Breakfast Establishment

(1) A bed and breakfast establishment with three or fewer guest bedrooms shall be operated as an incidental use to the principal use of an owner-occupied structure.

(2) A bed and breakfast establishment with four or more guest bedrooms is considered a bed and breakfast inn.

(A) A bed and breakfast inn shall have a full-time resident manager or owner on the site and be licensed by the State of Kansas to do business.

(B) A bed and breakfast inn shall only be permitted if it is adjacent to or within one fourth of a mile of an arterial or collector street.

(C) Bed and breakfast establishments operated as part of an adaptive reuse within a registered historic landmark or within a property located within a registered historic district shall not be restricted to a number of bedrooms.

(f) Retail Establishments

A commercial center proposed for more than 50,000 gross square feet of commercial space is required to have a market impact analysis submitted at the time of application for rezoning in accordance with Section 20-1606(a).

(g) Light Equipment and Vehicle Sales, Rental, and Leasing

In the M-2 zoning district:

(1) A maximum of 12 vehicles shall be stored onsite for sale or rental.

(2) Accessory vehicle wash bays are permitted but may not be made available for public use and shall be limited to one wash bay.

(3) Accessory vehicle wash bays shall be located within enclosed structures.

(4) Automobile cleaning and detail activity shall be conducted in enclosed structures.

20-807 Industrial Use-Specific Standards

(a) Battery Energy Storage System

(1) Lighting

Lighting shall be limited to what is minimally required for safety and operational purposes and shall be shielded and downcast from abutting properties.

(2) Vegetation Maintenance

Areas within 10 feet of systems that exceed 600 kWh shall be cleared and maintained clear of vegetation and other combustible growth. Trees, shrubbery, or cultivated ground cover such as turf, ivy, succulents, or similar plants used as ground covers may be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

(3) Decommissioning

(A) A decommissioning plan shall be provided for systems that exceed 600 kWh to be implemented upon abandonment and/or in conjunction with removal of the facility. The decommissioning plan shall include:

(i) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

(ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

(iii) The anticipated life of the battery energy storage system;

(iv) The estimated decommissioning costs and how said estimate was determined;

(v) The method of ensuring that funds will be available for decommissioning and restoration;

(vi) The method by which the decommissioning cost will be kept current;

(vii) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

(viii) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

(B) The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the City, in a form approved by the City for the removal of the battery energy storage system, in an amount to be determined by the City, for the period of the life of the facility. This fund may consist of a letter of credit from a State of Kansas licensed-financial institution. All costs of the financial security shall be borne by the applicant.

(b) Distribution Center

(1) The use shall not locate storage areas, truck loading bays, or vehicle circulation routes within a required setback or perimeter buffer.

(2) The use shall locate outdoor storage areas to the rear of the principal structure and screen them in accordance with Article 14, Landscaping.

(3) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

(4) The use shall have direct access onto a street.

(c) Mining

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

(1) Special Use Permit for Temporary Mining

Mining may be approved as a special use that allowed on a temporary basis in accordance with the special use procedures of Section 20-1604(c), to permit mining or extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials The Special Use Permit approval is revocable and valid for a specified period of time.

(2) Activities Not Considered Mining

(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 on-site 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 of more than 4 feet in vertical height is left standing and exposed.

(C) Grading in a subdivision that has been approved by the City in accordance with Article 11, Subdivision .

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

(E) Any extractive operation existing and operating on the Effective Date shall conform to the provisions of this section within one year of the defective date.

(d) Recycling Collection

(1) Purpose

Small and large collection recycling facilities are centers or facilities for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Special regulations apply to these centers or facilities to ensure public and user safety as well as to ensure adequate and on-going maintenance of the facilities and general aesthetic appeal. Areas designated for the facilities are subject to Site Plan review.

(2) Exemptions

Small or large collection recycling facilities located within a building are exempt from the standards in this section.

(3) Use-Related Regulations

(A) Collection facilities

(i) Size

(a) A small collection facility may occupy a maximum area of 500 square feet.

(b) Large collection facilities may occupy greater than 500 square feet of land area.

(ii) Permitted Uses:

Both facilities may include:

(a) Attended or unattended mobile collection units such as all-weather roll-off containers, bins, or boxes, which are not permanently affixed to the ground;

(b) Reverse vending machines or kiosks that may include permanent structures;

(c) Indoor facilities, ancillary to the primary activity of a business or organization.

(4) Site-Related Standards

(A) Area

(i) One small or one large collection recycling facility shall be permitted per property or parcel or tract of land under common ownership.

(ii) In the case of a commercial/shopping center with multiple tenants and/or multiple property owners, only one small or large collection recycling facility may be permitted. Small and large collection recycling facilities shall be limited to one area per property, parcel or tract of land under common ownership dedicated to the facilities. Small collection facilities are limited to 500 square feet in area whereas large collection facilities may contain a larger area.

(B) Location and Placement

Both small and large facilities shall meet the following standards:

(i) Shall be located on a paved surface.

(ii) All applicable zoning district dimensional standards apply to the placement and location of areas designated for collection recycling facilities.

(iii) Collection recycling facilities shall not be located in parking lots in a manner that will result in a reduction in available parking below the amount required for the site or when its placement may impede safe and orderly pedestrian and vehicular movement.

(iv) The location and placement of the area designated for collecting recycling facilities shall be safe for public use.

(v) Any use meeting the definition of a small or large collection recycling facility shall be located within the designated area as shown on the approved Site Plan or Development Plan. Kiosks and reverse vending machines may be located outside the designated area when located adjacent to the public entrance of the principal structure.

(C) Appearance

(i) Screening

The designated area for small or large collection recycling facilities may be screened from public rights-of-way by a landscape screen or berm. Screening may be required to obtain Site Plan approval and is encouraged in all instances. Screening, regardless of the method, shall not exceed four feet in height, at any time, for security and public safety purposes.

(ii) Maintenance

The designated area for small or large collection recycling facilities shall be kept clean from debris, recyclable materials, or garbage at all

times. Collection of recyclable materials shall occur only within mobile collection units, reverse vending machines and kiosks which include permanent structures. All facilities, collection units, vending machines, and kiosks shall be properly maintained.

(D) Site Plan Review

Small and large collection recycling facilities shall only be permitted upon Site Plan review and approval by the Director.

(e) Salvage

(1) All exterior storage and processing areas abutting an arterial or collector street shall be screened by a solid masonry wall or solid wood fence at least six feet in height and be designed and located to prevent visibility of stored or stacked material and the fence shall be located no closer than 15 feet to any street right-of-way. The fence shall have a gate to permit access for maintenance of property and landscaping on both sides of the fence. In no case shall the height of the solid fence exceed 10 feet, and no stored or stacked material shall exceed the height of the fence. Fencing shall be placed along the side and rear of all processing areas and may be constructed of any approved type including live screening where deemed appropriate.

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

(3) A Special Use Permit is required for the operation of a salvage use.

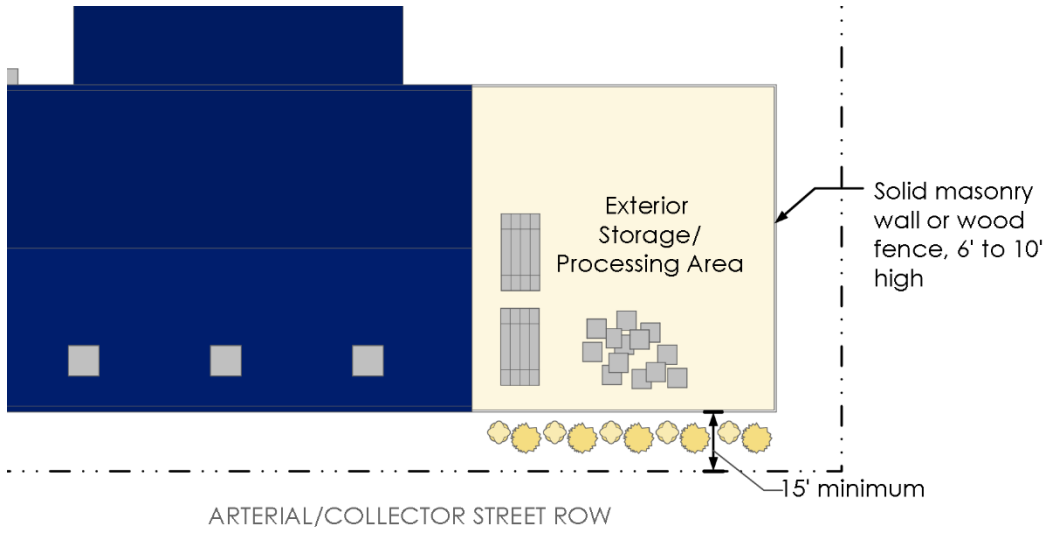


Fig. 20-8-B. Exterior Storage Screening Requirement

(f) Self-Storage, Exterior

In addition to the standards for Interior Self Storage, the following standards shall apply:

(1) Storage units shall be single story and shall only be accessible from ground level.

(2) Storage units shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses.

(3) Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.

(g) Self-Storage, Interior

(1) Applicability

These standards apply to self-storage buildings in any base district, except that they do not apply to any self-storage use that is contained entirely within an enclosed building and that does not include any covered or uncovered exterior storage areas for boats, RVs, or similar vehicles or equipment. Uses that include covered or uncovered exterior storage areas or exterior self-storage units, with overhead doors, accessible from access drive aisles, are subject both to these use standards and the Community Design Manual.

(2) Architectural Standards

The Community Design Manual shall be applied to all self-storage uses, as follows:

(A) For any self-storage use located in a commercial zoning district, the building and site shall be subject to the Commercial Design Guidelines.

(B) For any self-storage use located in an Industrial zoning district, the building and site shall be subject to the Industrial Design Guidelines.

(3) Building Entrances and Openings

(A) No door openings for any self-storage unit shall be constructed facing any public right of way or any residentially zoned and/or used property.

(B) All self-storage sites shall include a prominent public entryway oriented to the public street.

(4) Accessory Exterior Storage

All uncovered or partially covered storage shall not be visible from any public right-of-way, residential use, or residential zoning district.

(5) Screening Required

(A) When abutting arterial or collector streets, self-storage uses shall be screened by a solid fence in accordance with the Community Design Manual, based on the underlying zoning district.

(B) When located adjacent to a residential use or a Residential zoning district, additional screening shall be provided for self-storage uses in the form of a solid eight-foot-tall fence.

(6) Surfacing Required

(A) In all zoning districts, required parking and loading area design standards shall be paved in compliance with City standards.

(B) Exterior storage areas located in Industrial base districts may be located on compacted gravel surfaces. Driveways and driveway aprons providing access to these areas shall be paved in compliance with City standards.

(7) Parking

(A) Parking shall be provided by parking/driving lanes adjacent to the buildings/units. Parking/driving lanes shall be at least 20 feet wide for one-way access lanes and at least 26 feet wide for two-way access lanes.

(B) Required parking spaces may not be rented or used for the storage of boats, RVs, or similar vehicles or equipment. See requirements for accessory uses.

(8) Accessory Uses

(A) A residential caretaker or on-site manager may be permitted as an accessory use when permitted as part of a Site Plan or Special Use Permit when allowed in the zoning district. Individual self-storage units shall not be used for residential occupancy at any time.

(B) Uncovered parking of personal recreational vehicles such as boats, RVs, and similar vehicles or equipment shall be permitted only in designated

storage areas that are shown on approved Site Plans, when permitted as an approved accessory use, and only when located on paved surfaces.

(i) The outdoor storage of boats, RVs, or similar vehicles or equipment shall not be displayed or advertised for sale without prior Site Plan approval. Outdoor storage shall be accessory and subordinate to the principal use.

(ii) Cleaning and washing of boats, RVs, similar vehicles, or any other stored material shall be prohibited unless in a designated area meeting all minimum stormwater pollution control/stormwater runoff requirements.

(C) Sales and rental of moving and packing supplies, to include small and medium trucks and trailers, may be permitted as an accessory use with Site Plan approval.

20-808 Wireless Facilities

(a) Purpose

The Governing Body recognizes that facilitating the development of wireless service technology benefits both City residents and the economic development of the community. The purpose of these standards is to ensure that residents, businesses, and industry within the City enjoy reliable access to wireless telecommunications networks, while, at the same time, safeguarding the health, safety, welfare, and aesthetics of the community. Accordingly, these standards are intended to ensure that the location, installation, construction, and modification of wireless facilities within the City comply with all federal and state laws and regulations and are consistent with the LDC.

(b) Definitions

The following words, terms, and phrases, when used in this section, shall, except where the context clearly indicates otherwise, have the following meanings:

(1) Accessory equipment means any equipment serving or being used in conjunction with wireless facilities or wireless support structures, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables equipment buildings, cabinets and storage sheds, shelters, or similar structures.

(2) Antenna means telecommunications equipment that transmits or receives radio waves necessary for the provision of wireless services.

(3) Co-location means the mounting or installation of wireless facilities, including antennas, on a building, structure, wireless support structure, utility pole, or other existing structure for the purposes of transmitting or receiving radio waves for telecommunications purposes.

(4) Disguised wireless facility means any wireless facility that is integrated as an architectural feature of a structure so that the existence of the wireless facility is not readily apparent to the casual observer, or any wireless support structure that is disguised to resemble a tree, flagpole, steeple, clock tower, or other similar building element.

(5) Major modification means any improvement that results in a substantial change to a wireless facility or to a wireless support structure. Major modifications include but are not limited to increasing the height of the wireless support structure by more than ten feet or ten percent, whichever is greater, expansion of the area of accessory equipment, and any similar improvement. co-location of new wireless facilities, including antennas, on an existing wireless support structure shall not be deemed a major modification.

(6) Minor modification means any improvement that results in some material change to a wireless facility or a wireless support structure, but of a level, quantity, or intensity that is less than a major modification.

(7) Monopole means a single, free-standing, pole-type structure supporting wireless facilities, including antennas.

(8) Ordinary maintenance means maintenance to ensure that wireless facilities, wireless support structures, and accessory equipment are maintained in safe operating condition. Ordinary maintenance shall include, but not be limited to inspections, modifications of wireless facilities and wireless support structures to ensure structural integrity, exchanging antennas or accessory equipment on a like-for-like basis, relocating antennas already in place, or other similar actions that fall short of being a minor modification.

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

(10) Wireless service provider means a provider of wireless services.

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

(12) Wireless support structure means any freestanding structure, such as a monopole, or other self-supporting tower, or other suitable structure designed to support or capable of supporting wireless facilities, including antennas. wireless support structures do not include telephone poles, electrical utility poles, or any towers used for the distribution or transmission of electrical services.

(c) Approvals Required

(1) Special Use Permit

No new wireless facility, no new wireless support structure, no co-location that results in a major modification of an existing wireless facility or wireless support structure, and no major modification of an existing wireless facility or wireless support structure shall be allowed in any zoning district of the City absent the issuance, upon application, of a Special Use Permit in accordance with the procedures established in Section 20-1604(c).

(2) building permit Approval

No co-location that is a minor modification of an existing wireless facility or wireless support structure and no minor modification of an existing wireless facility or wireless support structure shall be allowed in any zoning district of the City absent approval, upon application, of a building permit in accordance with Chapter Vi, Article 1 of the City Code, showing compliance with the standards of this Section. A Site Plan, pursuant to Section 20-1605(g), shall not be required for minor modifications.

(d) Terms of Approval; Renewal; Limits

(1) Term

Any Special Use Permit issued, assuming all conditions of approval are met and maintained, shall be valid for a period of ten years. Any renewal thereof, which shall be subject to administrative approval, shall be for a period of five years. At the time of renewal, the owner/applicant shall demonstrate to the Director that the wireless facility or wireless support structure remains in compliance with the original conditions of approval.

(2) Limits

(A) Commencing on the date of issuance of any Special Use Permit, the owner/applicant shall have a period of one year in which to commence construction or installation of the wireless facility or wireless support structure and shall then diligently pursue construction or installation to its completion. Failure to commence construction or installation within one year of receiving a permit or approval or failure to diligently pursue construction or installation to its completion shall cause the Special Use Permit to lapse and to be deemed null and void.

(B) Any building permit issues for a minor modification shall comply with all rules and regulations, including time limitations, governing building permits, as established in Chapter V, Article 1 of the City Code.

(e) Application

At the time of application for a Special Use Permit for any wireless facility or wireless support structure, the owner/applicant shall submit the following:

(1) A completed application, on a form supplied by the Director, signed by the owner of the subject property or signed by an applicant if accompanied by written authorization of the owner granting to the applicant the authority to submit the application in behalf of the owner.

(2) Elevation drawings showing the height of the proposed wireless facility including antennas (and any lightning rod or lightning arrester), and all accessory equipment, including any buildings and structures.

(3) A Site Plan, drawn to scale, including:

(A) The information required by the Site Plan application form;

(B) The location of existing or proposed wireless facilities or wireless facility support structures;

(C) Other existing or proposed structures;

(D) The location of accessory equipment and/or other accessory uses;

(E) The location of access road, access road surface materials, and any parking area;

(F) The height, location, and construction materials of fences or other barriers;

(G) A Landscape Plan, in accordance with Section 20-1403;

(H) Land elevation contours; and

(I) Zoning and uses of properties neighboring the subject property.

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

(5) If the project involves a new wireless support structure, the application shall include: (i) line-of-sight diagrams or photo simulations showing the proposed wireless support structure against the skyline and viewed from at least three different vantage points within the surrounding area; (ii) a statement that the owner/applicant considered co-location, where it considered co-location, and why co-location would not meet the owner/applicant's needs; and (iii) a statement that the proposed wireless support structure will be made available to other wireless service providers for co-location at commercially reasonable

rates, or a statement that the owner/applicant is seeking a waiver of the co-location requirement and why the waiver is being sought.

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

(7) If the project involves a new wireless support structure or a major modification of an existing wireless support structure, a fee, not to exceed $2,000, as established by the Governing Body, which amount shall recapture the City's costs of processing the application.

(f) General Standards

(1) Co-location

(A) Wireless support structures shall be designed to accommodate at least three wireless service providers. The compound area supporting the wireless support structure likewise shall be of adequate size to accommodate accessory equipment for at least three wireless service providers.

(B) Whenever it is economically and technically feasible, and it is aesthetically appropriate, as determined by the Governing Body, the Planning Commission, or the Director, disguised wireless facilities shall be designed to accommodate the co-location of other wireless service providers.

(C) Upon written request of the owner/applicant, the Governing Body, the Planning Commission, or the Director may waive the City's co-location requirements if it is determined, as demonstrated by technical evidence presented by the owner/ applicant, that co-location at the site is non-essential to the public interest, that construction of a shorter wireless support structure with fewer wireless facilities, including antennas, will promote community compatibility or interests, or that co-location would cause interference with other existing wireless facilities.

(2) Building Permits

All new wireless support structures, all major modifications of existing wireless facilities, all minor modifications on existing wireless facilities, and all accessary equipment shall not be installed or constructed without the issuance of a building permit in accordance with Chapter V, Article 1 of the City Code.

(3) Replacement of Existing Wireless Facilities

The replacement of any existing wireless facility or wireless support structure shall require compliance with the terms of this section and shall require, as may be pertinent, either approval and issuance of a Special Use Permit in accordance with the procedures established in Section 20-1604(c) or approval of a building permit in accordance with Chapter V Article 1 of the City Code.

(4) Setbacks

(A) Non-residential Zoning Districts

Unless otherwise provided in this section, wireless support structures shall be set back from all property lines a distance equal to 50 percent of the height of the proposed wireless support structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). In addition, where the wireless support structure is located on property zoned for non-residential use that is adjacent to property zoned for residential use, the wireless support structure must be setback from the residential property line a distance equal to the height of the wireless support structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). Setbacks for accessory equipment and other structures shall be governed by the underlying zoning district.

(B) Residential and Mixed or Commercial Zoning Districts

Unless otherwise provided in this section, wireless support structures shall be set back from all property lines a distance equal to the height of the wireless support structure, as measured from its base to its highest point (excluding the height of any lightning rod or lightning arrester). Setbacks for accessory equipment and other structures shall be governed by the underlying zoning district.

(C) Waiver

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

(5) Height:

(A) Non-residential Zoning Districts

Unless otherwise provided in this section, wireless support structures shall have a maximum height of 150 feet, measured from the base of the wireless support structure to its highest point (excluding the height of any lightning rod or lightning arrester).

(B) Residential and Mixed or Commercial Zoning Districts

Unless otherwise provided in this section, wireless support structures shall have a maximum height of 120 feet, measured from the base of the

wireless support structure to its highest point (excluding the height of any lightning rod or lightning arrester).

(6) Separation Requirements:

(A) All new wireless facilities, except disguised wireless facilities, shall be located a minimum of 1,000 feet from existing wireless support structures. The distance shall be measured from the base of the existing wireless support structure to the base of the proposed wireless facility.

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

(g) Design Standards

(1) Access

Paved access shall be provided to all wireless facilities, wireless support structures, and accessory equipment. The Governing Body, the Planning Commission, or the Director may, upon a finding that it constitutes an unnecessary hardship, waive this requirement. Paved access shall not be required for co-locations.

(2) Accessory Equipment

(A) All accessory equipment that are buildings, cabinets, storage sheds, and shelters shall be used only to store equipment and other supplies necessary for the operation of the wireless facility or wireless support structure. Equipment not used in direct support of the operation shall not be stored on the site.

(B) All accessory equipment that are buildings or structures shall meet all building design standards, as listed in this section, shall require a building Permit, and shall conform to Height and setback restrictions established for the zoning district in which the site is located.

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

(D) Lighting of accessory equipment for basic security purposes is permitted. However, the lighting shall be shielded and shall be directed downward. Floodlights are prohibited.

(E) The addition of related equipment to any building or structure that is accessory equipment shall not increase the height of said building or structure (a) more than 20 percent of the height of the existing building or

structure or (b) more than the maximum height allowed in the zoning district in which the site is located, whichever is less.

(3) Antennas

(A) No antenna may be attached to any wireless support structure or co-located on any other structure, unless the wireless support structure or other structure is at least 40 feet in height.

(B) The addition or co-location of any antenna on a wireless support structure or any other structure shall not increase the height of said building or structure (a) more than 20 percent or (b) more than the maximum height allowed in the zoning district in which the site is located, whichever is less.

(C) Antennas co-located on existing structures shall not be subject to setback requirements.

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

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

(4) Cables/Conduit

All cable runs should be through portals and maintained within the wireless support structure. Where cable or conduit is required to be located on the outside of any wireless support structure, the cable or conduit shall be painted or covered by material to match the color of the wireless support structure.

(5) Color

Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the City, wireless support structures, excluding disguised wireless facilities, shall have a galvanized gray or light blue finish.

(6) Disguised Wireless Facilities

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

(B) The disguised wireless facility must meet the requirements of the underlying zoning district, including, but not limited to height, setback, and use restrictions.

(7) Landscaping

The wireless facility shall comply with all landscaping requirements of Article 14 and shall be maintained by the owner/applicant. In cases where the property is not visible from adjacent properties or rights of way or where landscaping is not necessary, appropriate, or feasible, the Governing Body, the Planning Commission, or the Director may waive this requirement.

(8) Lighting and Marking

Wireless Facilities and wireless support structures shall not be lighted or marked unless required by the FCC, the FAA, or the City.

(9) Security and Fencing

Ground-mounted accessory equipment and related structures shall be secured and enclosed within fencing not less than six feet in height. Fencing shall be constructed with materials that are designed to be compatible with and to blend into the surrounding areas. Every wireless facility shall be protected from trespass by unauthorized persons to discourage climbing of structures.

(10) Signage

No advertising or other display shall be permitted on any wireless facility or wireless support structure, unless it is required by the FCC, the FAA, or the City.

(11) Wireless Support Structures

(A) All new wireless support structures shall be of monopole design. Guyed and lattice towers are prohibited.

(B) All new wireless support structures located in Residential and Mixed or Commercial zoning districts or located within 500 feet of any property or Residential and Mixed or Commercial zoning districts, shall be disguised wireless facilities as defined in this section.

(C) All wireless support structures shall be designed and constructed such that if a failure does occur, the wireless support structure will collapse on itself and will not collapse on structures at or near the site.

(D) No wireless support structure shall, except during construction, have a platform, crow's nest, or similar structure surrounding it or attached to it.

(E) No wireless support structure may be located in a designated Historic District Overlay district or Urban Conservation Overlay District unless the Historic Resources Commission first approves the location and the design.

(h) Final Decision

(1) Time Limits

Within 150 calendar days of receiving an application for a new wireless support structure or within 90 calendar days of receiving any other application hereunder, the City shall:

(A) Review the application in light of the standards of this section and applicable provisions of the LDC;

(B) Make a final decision to approve or disapprove the application;

(C) Advise the owner/applicant by written notice of the City's final decision, which final decision shall be supported by written substantial evidence in the record. The final decision shall be deemed effective on the date of the written notice.

(2) Commencement of Time

The time limits for final decision shall commence upon the City's acceptance of a complete application. If an application is incomplete, the City shall notify the owner/applicant within 30 days of its deficiencies and the time limits shall not commence until a complete application has been submitted and accepted by the City. Alternatively, the time limits may commence upon a date agreed upon in writing by the City and the owner/applicant.

(3) Effect of Lapse of Time

Unless otherwise agreed upon by the owner/applicant and the City, an application shall be deemed approved if:

(A) The City fails to issue a final decision with the time limits established at Section 20-808(h)(1); and

(B) The owner/applicant provides to the City with written notice that the applicable time limits have lapsed.

(4) Appeal

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

(i) Miscellaneous Provisions

(1) Abandonment and Removal

Any wireless facility or wireless support structure that is not operated for a period of one year shall be deemed abandoned. The owner/applicant shall remove any abandoned wireless facility or wireless support structure at their expense within 180 days after abandonment. If the structure is not removed within that

time frame, then the City may remove the structure and, to the extent allowed by law, assess the costs of removal against the property.

(2) Interference

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

(3) Nonconforming Wireless Facilities

Wireless Facilities and wireless support structures that were legally permitted on or before the Effective Date shall be considered lawful nonconforming structures. Major modifications and minor modifications to nonconforming structures shall be permitted in accordance with the provisions of this section. Replacement of any nonconforming structure shall be with a structure that complies with the provisions of this section. If any nonconforming facility or structure is damaged by more than 60 percent of its fair market value, it shall only be replaced by a conforming facility or structure if it is legal to do so.

(4) Ordinary Maintenance

Ordinary maintenance as defined in Section 20-808(b)(8) shall be exempt from the permitting and approval requirements of this section.

(j) Exemptions

The provisions of this section shall not apply to the following:

(1) Any wireless facility, including amateur and receive-only antennas, that are:

(A) Less than 75 feet in height;

(B) Located in the rear yard of a residentially zoned parcel; and

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

(D) Wireless facilities that are exempt under this section shall not be considered, be deemed available, or be used for co-location.

(2) Broadcast towers; and

(3) Satellite dishes.

20-809 Agricultural Use-Specific Standards

(a) Animals

(1) Large Animal

(A) Animal husbandry, dairying, and pasturage, but not including the keeping of swine, shall have a minimum lot area of not less than five acres and shall

have not less than one acre of lot area for each head of livestock kept on the premises. No feedlots shall be allowed.

(B) No large animal agriculture uses shall be located nearer than 150 feet to any Residential district or nearer to an adjoining lot line than 100 feet.

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

(2) Bees

(A) Africanized honeybees are prohibited.

(B) Up to two colonies may be located on a lot of ¼ acre or less; Four colonies on lots between ¼ and ½ acre; Six colonies on lots of ½ to full acre. Eight colonies are permitted on any property larger than an acre (except that additional colonies are permitted when they are set back at least 200 feet from all property lines.)

(i) For every two colonies permitted on a tract there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8-inch depth 10-frame hive body with no supers, the part of the beehive that is used to collect honey, attached as required from time to time for swarm management.

(ii) Each nucleus colony shall be moved to another tract or combined with another colony on the subject tract within 30 days after the date made or acquired.

(C) Every person owning a hive, stand, box, or apiary on property other than their residence shall identify the hive, stand box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name and phone number of the owner of the equipment.

(D) The following locational requirements apply to all hives:

(i) No hive shall exceed 20 cubic feet in volume.

(ii) Hives are permitted only in the side and rear yards, unless roof-mounted.

(iii) No hive shall be located closer than three feet from any property line.

(iv) No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a principal building on an abutting lot. (Hives must be relocated as needed as abutting lot develops.)

(v) If a hive is within 10 feet of a property line and is located less than 10 feet off the ground, a flyway barrier is required.

(E) A flyway barrier, when required, shall be at least six feet tall and extend 10 feet beyond the colony location on each side. It can be solid, vegetative,

or any combination of the two that forces the bees to cross the property line at a height of at least six feet.

(F) The beekeeper shall promptly re-queen the colony if the colony exhibits unusual defensive behavior without due provocation.

(G) A constant supply of water shall be provided for all hives within 25 feet of each hive between March 1 and October 31 of each year.

(H) Bee hotels for solitary bees are not subject to these regulations.

(3) Fowl

(A) Fowl may be kept on a property only as an accessory use to a permitted primary use.

(B) The maximum number of fowl is limited to:

(i) One fowl per 500 square feet of lot size, rounded down; and

(ii) No more than 20 fowl, regardless of the size of the lot.

(C) Any person who owns, keeps, or harbors fowl, i.e., chickens and ducks, shall provide a coop or other similar shelter.

(i) Any coop or shelter shall be screened or walled in a manner that allows the permitted fowl to be reasonably protected from predators.

(ii) Any coop or shelter shall be a minimum of three square feet in size per fowl if the fowl have an enclosed outdoor run, or 10 square feet in size per fowl if the fowl do not have an enclosed outdoor run.

(iii) Any coop or shelter shall be constructed in a manner that is consistent with the requirements of this section. In the event that the coop or shelter qualifies as an accessory structure then all requirements regarding placement and setbacks for accessory structures in Section 20-811(a) must be met.

(iv) In no event shall any coop or shelter be located nearer than 5 feet from any neighboring property line.

(v) Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

(vi) A roost shall be provided for each chicken, with a minimum length of 10 inches per chicken and a minimum size of 8 square inches. A roost is not required for ducks.

(vii) For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be provided. Each laying box shall contain adequate clean bedding material such as hay or other soft material. A laying box is not required for ducks.

(4) Goats and Sheep

(A) Goats and sheep may be kept on a property only as an accessory use to a permitted primary use.

(B) Only small goats and sheep are permitted as small animal agriculture. Breeds which would be considered small goats include Pygmy Goats, Nigerian Dwarf Goat, and Miniature Dairy Goats. Breeds which would be considered small sheep include Harlequin Sheep, North American Shetland Sheep, and Cheviot Sheep.

(i) Breeds are limited to those that do not exceed 24" at the withers.

(C) Male goats over the age of four weeks must be neutered.

(D) The following standards regulate the number of goats or sheep that may be kept on a property.

(i) A minimum of two goats or two sheep may be kept on a property. A single goat or a single sheep is not permitted.

(ii) Two goats or two sheep may be kept on a property with a minimum of 10,000 square feet of area.

(iii) Up to four goats and sheep may be kept on a property with a lot area of 20,000 square feet or more.

(iv) Nursing offspring of goats and sheep permitted through the provisions of this LDC may be kept until weaned, no longer than 12 weeks from birth, without violating the limitations of this section.

(v) The maximum number of goats and sheep that can be kept on an urban farm would be established through the Special Use Permit process.

(E) The following standards apply to any structure used to house goats and sheep:

(i) Goats and sheep shall be housed in a predator-resistant, covered Structure with an open air enclosure.

(ii) The structure shall be located a minimum of 50 feet from any off-site dwelling.

(iii) The structure shall be located in the rear yard and a minimum of 15 feet from adjacent properties.

(iv) The structure shall provide a minimum of 10 square feet of living area per goat or sheep.

(v) A fenced open air enclosure shall be provided which has a minimum area of 150 square feet per goat or sheep.

(5) Crop Agriculture

(A) Crops may be grown within the public right-of-way adjacent to the property with a right-of-way permit. The use shall be temporary and any crops within the public right-of-way adjacent to the property shall be subject to removal by the City, at its discretion, when street or infrastructure repairs or improvements are undertaken in the right-of-way.

(B) The following locational requirements apply to all crops:

(i) Crops may not exceed three feet in height when located within eight feet of the roadway to avoid interference with visibility for driveways and other access points.

(ii) If a sidewalk on the property is more than eight feet from the roadway, crops may not exceed three feet in height between the sidewalk and the roadway.

(iii) Crops may not exceed three feet in height within three feet either side of a sidewalk to allow for visibility.

(iv) Crops may not be planted within one foot on either side of the sidewalk and may not be allowed to grow onto the sidewalk.

(v) Crops taller than three feet are not permitted within the sight distance triangle (area created by connecting the endpoints of two 25 feet lines measured along the curb line, from the intersection of two adjacent streets).

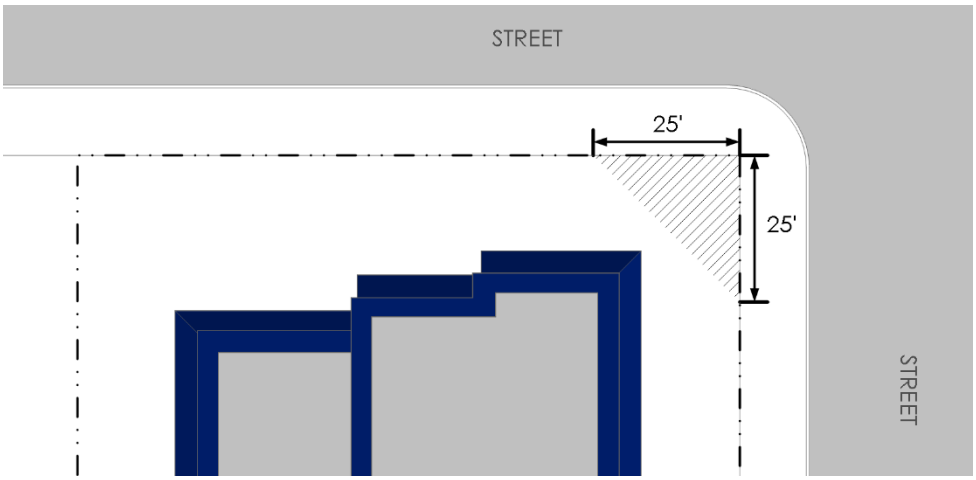


Fig. 20-8-C. Sign Distance Triangle Requirements

(C) The following maintenance requirements apply to all crop agriculture uses:

(i) The site shall be designed and maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, sidewalks, or alleys.

(ii) The site shall be kept free of debris or high grass or weeds, taller than 12 inches, (Crop agriculture plants are not considered weeds as defined in Section 18-302(f) of the City Code and are exempt from the weed provisions in Section 18-304 of the City Code.)

(b) Urban Farm

(1) Special Use Permit for Urban Farms in Residential Districts

(A) An urban agriculture use is considered an urban farm when it includes uses permitted as crop agriculture and/or small or large animal agriculture but exceeds the standards set by the LDC for these uses. These standards include, but are not limited to, the maximum number of animals per size of lot, the maximum permitted size of the on-site sales area, hours of on-site sales, and accessory activities on the site such as educational sessions.

(B) Given the nature of an urban farm use, an aerial photo may be used as the basis of the Special Use Permit plan. The plans are not required to be developed by a design professional, but must clearly show the details/dimensions necessary to insure setbacks are met, required screening is provided, and that parking areas and drive aisles meet the parking standards in Article 12, Parking, Loading, and Access.

(2) Accessory Uses Permitted by Right

(A) Agricultural Processing

(i) The primary agricultural product being processed must be grown or produced on the premises.

(ii) Potentially offensive external effects shall be mitigated to ensure compatibility with nearby land uses.

(iii) Off-street parking is required at the same rate as the limited manufacturing and production use in Article 12.

(3) Employment

An urban farm in a residential district may have employees that exceed the home occupation limit.

20-810 Accessory Use Table

Table 20-8-2: Accessory Use Table, identifies the permitted accessory uses in each zoning district. Each accessory use is given one of the following designations for each zoning district in which that accessory use is permitted.

(a) Permitted (A)

These uses are permitted as accessory uses in the zoning districts in which they are listed. Permitted accessory uses shall comply with applicable use-specific standards identified in this article.

(b) Special Use (S)

These uses are not permitted uses in the districts in which they are listed but may be allowed through Section 20-1604(c), subject to specific conditions. Uses permitted by special use permit shall follow any applicable development standards associated with the use as well as meet the requirements of the special use permit approval.

(c) Not Permitted (Blank)

Uses that are not permitted are indicated by a blank space.

(d) Multiple Accessory Uses

Developments may have one or more accessory uses or structures.

(1) A list of accessory uses commonly associated with a particular use group is included under a paragraph entitled, "Accessory Uses and Structures." The examples are generic and may be used in the process of interpreting new uses. Accessory uses are subject to all applicable regulations. Example lists are not exhaustive.

(2) Uses are categorized as accessory or principal as determined by the circumstances of the use on the site. A cafeteria may be an accessory use to a principal industrial use, while a restaurant may be a principal use.

Table 20-8-2: Accessory Use Table
A = Permitted Accessory Use **S** = Special Use **Blank** = Not Permitted

Current Zoning Districts	R S 4 0 R S 2 0 R S 1 0	RS5 RS7	RS3 RM12 RM12 -D, RM15	RM24 RM32	NEW	CN1,R SO, MU	CN2, CO, RMO	CS, MU	CC, CR	CD	IL, IM	I G	IBP	GPI, H	OS	
Proposed Zoning Districts	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**M-1**	**M-2**	**M-3**	**CC**	**CD**	**IL**	**IG**	**IBP**	**P-1**	**P-2**	**Use-Specific Standards**
Residential																
Accessory Dwelling Unit (ADU)	A	A	A	A	A	A	A									20-811(a) 20-811(b)
Civic and Institutional																
Active Recreation														A		20-811(a)
Community Meal Program	A	A	A	A	A	A	A	A	A	A	A	A		A		20-811(a)
Day Care Center						A	A	A	A	A	A	A	A	A		20-811(a) 20-805(a)
Day Care Home, Class A	A	A	A	A												20-811(a) 20-805(b)
Day Care Home, Class B						A										20-811(a) 20-805(b)
Extended Care Facility, General														A		20-811(a)
Extended Care Facility, Limited														A		20-811(a)
Funeral Services	A	A	A	A	A	A	A	A	A	A	A	A		A	P	20-811(a)
Religious Assembly, Community														A		20-811(a)
Temporary Shelter	A	A	A	A	A	A	A	A	A	A	A	A		A		20-811(a)
Commercial																

Table 20-8-2: Accessory Use Table
A = Permitted Accessory Use **S** = Special Use **Blank** = Not Permitted

Current Zoning Districts	R S 4 0 R S 2 0 R S 1 0	RS5 RS7	RS3 RM12 RM12 -D, RM15	RM24 RM32	NEW	CN1,R SO, MU	CN2, CO, RMO	CS, MU	CC, CR	CD	IL, IM	I G	IBP	GPI, H	OS	
Proposed Zoning Districts	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**M-1**	**M-2**	**M-3**	**CC**	**CD**	**IL**	**IG**	**IBP**	**P-1**	**P-2**	**Use-Specific Standards**
Automatic Teller Machine (ATM)																20-811(a)
Drive-Through Window																20-811(a) 20-811(c)
Exterior Storage						A	A	A	A		A	A	A	A	A	20-811(a) 20-811(f)
Financial Institution														A		20-811(a)
General Retail, ≤10,000 SF														A		20-811(a)
Personal Services														A		20-811(a)
Home Occupation, Type A or B	A	A	A	A	A	A	A	A	A	A						20-811(a) 20-811(g)
Parking, Accessory			A	A	A	A	A	A	A	A	A	A	A	A	A	20-811(a)
Participant Sports and Recreation, Indoor and Outdoor	A	A	A	A	A									A		20-811(a)
Short-term Rental																
Owner Occupied	A	A														
Non-Owner Occupied			A	A	A	A	A	A	A	A	A	A		A		20-811(i)
Industrial																
Building Maintenance														A		20-811(a)
Construction Sales and Service														A		20-811(a)
Makerspace, Intensive														A		20-811(a)

Table 20-8-2: Accessory Use Table
A = Permitted Accessory Use **S** = Special Use **Blank** = Not Permitted

Current Zoning Districts	R S 4 0 R S 2 0 R S 1 0	RS5 RS7	RS3 RM12 RM12 -D, RM15	RM24 RM32	NEW	CN1,R SO, MU	CN2, CO, RMO	CS, MU	CC, CR	CD	IL, IM	I G	IBP	GPI, H	OS	
Proposed Zoning Districts	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**M-1**	**M-2**	**M-3**	**CC**	**CD**	**IL**	**IG**	**IBP**	**P-1**	**P-2**	**Use-Specific Standards**
Makerspace, Limited														A		20-811(a)
Recycling Collection, Small														A		20-811(a)
Renewable Energy Facility, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	20-811(a)
Transportation, Utilities, and Communication																
Amateur Radio	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	20-811(a) 20-811(j)(1)
Parking			A	A	A	A	A	A	A	A	A	A	A	A	A	20-811(a)
Wireless Facilities														A		20-811(a)
Agricultural																
Agriculture, Small Animal	A	A	A	A	A	A	A	A	A	A	A	A	A			20-809 20-811(a)
Farmers Market	A	A	A	A	A									A		20-811(a) 20-811(k)
On-Site Agricultural Sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	20-811(a) 20-811(l)

20-811 Use-Specific Standards for Accessory Uses

(a) General Standards for Accessory Uses and Structures

The standards of this section apply to all accessory uses and structures, except accessory dwelling units which are subject to the standards set forth in Section 20-811(b).

(1) Time of Construction

(A) Accessory structures shall be constructed in conjunction with or after the principal building. They shall not be built prior to the construction of the principal building. Accessory structures that exist on a lot prior to the demolition of a principal building are not required to be removed if the principal building has been issued a building permit for which construction has commenced within 180 days of permit issuance and/or is making progress toward completion every 180 days.

(B) No principal building is required for structures that are accessory to a crop agriculture or urban farm use.

(2) Subordinate Nature

(A) Accessory uses shall be a subordinate part of a principal use and be clearly incidental to a principal use.

(B) Accessory structures shall be of secondary importance and subordinate in size and scale to the principal building on a site.

(3) Building Coverage

(A) A detached accessory structure may not have a larger footprint than the building footprint of the principal building.

(B) The combined footprint of all accessory structures may be equal to the footprint of the principal building or 20 percent of the lot area, provided the total footprint of all structures does not exceed the maximum building coverage for the corresponding zoning district.

(C) Seasonal crop agriculture structures used to extend the growing season, such as cold frames, low tunnels, and hoop houses that are exempt from building permit requirements are exempt from these building coverage regulations.

(b) Accessory Dwelling Units (ADU)

(1) Purpose

Allowing accessory dwelling units (ADU) is intended to:

(A) Create new housing units while preserving the look and scale of residential neighborhoods; subject to the procedures established in this section;

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

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

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

(E) Provide a broader range of accessible and more affordable housing.

(2) Applicability

Accessory dwelling units are only allowed as accessory to single unit detached dwellings.

(3) Density Calculation

(A) Policy

The creation of ADUs is encouraged to provide additional residential housing opportunities that have minimal impact on the development scale of any lot.

(B) Calculation

ADUs shall count as one dwelling unit for the purposes of meeting minimum density requirements. Once minimum density is achieved, additional ADUs shall not be included in the overall density calculation.

(4) Owner Occupancy Required in Residential Districts

(A) Either the principal dwelling unit or the accessory dwelling unit must be occupied by one or more of the persons who is/are the record owner of the premises.

(B) If, at any time, neither the single unit detached dwelling nor the designed ADU is the principal residence of one of the owners of the property, then the ADU may not house any occupants and the owner shall be subject to enforcement proceedings, unless: (1) the property has two dwelling units on a single lot and the property is designated as permanently affordable, or (2) the ADU is attached to the single unit detached dwelling and the owner could have legally created a two-unit dwelling at the time the ADU was created.

(5) Number of Residents

The total number of adults that reside in both units (principal and accessory) may not exceed the occupancy limit established for the principal building in Section 20-204, plus one additional adult.

(6) Design Standards

(A) Purpose

These design standards are intended to ensure that accessory dwelling units:

(i) Are compatible with the pattern of the built environment of the underlaying zoning district; and

(ii) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.

(B) Location of Entrances

Only one entrance to the principal building may be located on the front facade that faces the street, unless the principal building contained an additional street-facing entrance before the accessory dwelling unit was created.

(C) Size

The maximum size of an interior or attached accessory dwelling unit may be no more than 50 percent of the gross floor area of the dwelling in which it is located.

(i) An attic or basement ADU may take up the entire space of that floor level, provided the ADU space is not being concurrently expanded.

(ii) The maximum size of an ADU in or above a detached structure, such as a garage, may be 100 percent of the gross floor area of the structure, provided the ADU meets the dimensional requirements of the applicable zoning district.

(7) Parking

The following parking requirements apply to accessory dwelling units.

(A) If the lot containing the accessory dwelling unit abuts only a local street and the pavement of the local street is at least 27 feet wide, no additional parking space is required for the accessory dwelling unit.

(B) If the lot containing the accessory dwelling unit abuts only a local street and the pavement of the local street is less than 27 feet wide, or if the accessory dwelling unit is created at the same time as the principal dwelling unit, one additional parking space is required for the accessory dwelling unit.

(C) One additional parking space is required for the accessory dwelling unit if the lot containing the accessory dwelling unit abuts only a collector or arterial street.

(8) Registration; Affidavit

(A) Accessory dwelling units shall be registered with the Director prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this LDC governing accessory dwelling units; that the City has all information necessary to evaluate whether the accessory dwelling unit initially meets and continues to meet LDC requirements; and that the distribution and location of accessory dwelling units is known.

(B) At the time of registration, the applicant shall submit an affidavit pledging agreement to the accessory dwelling unit standards of this section. The affidavit shall specify which of the dwelling units will be occupied by an owner of the property; if at any time the owner moves to the other dwelling unit, the owner shall be responsible for filing an updated affidavit, recording the change.

(C) Permits for accessory dwelling units may be issued after the Planning determines that the proposal complies with all applicable LDC requirements.

(c) Agriculture, Small Animal

(1) Structures

(A) Structures shall comply with the accessory structure standards in Section 20-811(a), except where expressly stated.

(B) Any coop, shelter, or enclosure shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

(C) The facilities used to house the animals shall be of adequate design to keep the animals confined and reasonably safe from predators and provide enough shelter and room to provide humane conditions as defined at Section 3-102 of the City Code.

(2) Maintenance

The site shall be maintained in accordance with the City's Property Maintenance Code. At a minimum, the property shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

(3) Excluded Animals

(A) Pigs are not considered small agricultural animals and may not be kept within the City pursuant to an urban agricultural use.

(B) Vietnamese Pot-Bellied Pigs are considered domesticated pets and are subject to regulations established at Chapter 3, Article 1, Section 3-104(D) of the City Code.

(4) Standards that apply in the Mixed and Commercial Districts

Small animal agriculture permitted in these districts is limited to beekeeping, insects, and aquatic organisms. This restriction does not apply to pet stores or similar permitted uses in these districts.

(d) Drive-Through

(1) Setbacks for Speaker Box Systems

There shall be a minimum of 100 feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(2) Screening

Any area used for a drive-through shall be located no less than 50 feet from any residential lot or district or be screened to provide visual and auditory privacy to any residential lot or district.

(e) Eating and Drinking Establishments

(1) Accessory Uses to Hotels

(A) A hotel with 50 or more rooms may have a restaurant as an accessory use; a restaurant may be permitted as a second principal use on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate parking requirements.

(B) A hotel with 100 or more rooms may have a bar as an accessory use, subject to all of the other conditions applicable to the use and the district in which it is located, including separate parking requirements.

(C) A hotel with 150 or more rooms may have a nightclub or other live entertainment as an accessory use. A hotel with 150 or more rooms may have a nightclub or other live entertainment as an accessory use.

(f) Exterior Storage

(1) Purpose

Exterior storage areas are permitted as an accessory to a principal use in specific nonresidential zoning districts to provide space for the outdoor storage of materials related to the principal Use. Outdoor storage of materials not related to the business of the principal Use is prohibited.

(2) Applicability

Exterior storage is defined as the outdoor storage of any and all materials related to the principal Use of the lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. The standards for exterior storage areas exclude dumpsters and trash receptacles and mechanical equipment, which themselves have screening requirements in Section 20-1411(d)(4).

(3) Location of Exterior Storage on a Site

(A) IL and IG Districts

Exterior storage areas may be located in any rear, side, or front yard provided they meet the minimum setbacks required by the base zoning district or Table 20-8-3 below, whichever is greater.

(B) All Other Districts

(i) Exterior storage areas may be located in any rear yard or any side yard that is not adjacent to a street right-of-way provided they meet the minimum setbacks required by the base zoning district or Table 20-8-3 below, whichever is greater.

(ii) Exterior storage areas are prohibited from being located in the provided front yard of any property.

(iii) Exterior storage areas may be located in any side yard that is not adjacent to a street right-of-way.

(C) Minimum Setbacks

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

Table 20-8-3: Minimum Exterior Storage Area Setbacks

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	M-1, M-2	M-3, CC	IBP, IL, IG, P-1	
M-3, CC	15 FT	-	15 FT	50 FT[1]
IBP, IL, IG, P-1	15 FT	10 FT	-	25 FT[1]

Notes:
[1] or behind the front building façade whichever is the greater distance.

(4) Screening Required

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

Table 20-8-4: Exterior Storage Bufferyard Requirements

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	M-1, M-2	M-3, CC	IBP, IL, IG, P-1	
M-3, CC	2	-	1	3
IBP, IL, IG, P-1	3	2	-	3

(5) Area

The area of exterior storage uses shall be limited to 50 percent of the floor area of the principal structure.

(6) Surfacing Required

(A) In M-3 and CC Districts

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

(B) In IBP, IL, IG, and P-1 Districts

Exterior storage areas located in these districts may be located on compacted gravel surfaces. Driveways and driveway aprons providing access to these areas shall be paved to City standards.

(C) Exterior Storage areas in Floodplains

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

(g) Home Occupations

(1) Purpose

Home occupations are activities accessory to uses in the household living group. Special regulations apply to these activities to ensure that home occupations will not be a detriment to the pattern of the built environment of the surrounding neighborhood. The regulations are intended to ensure that the home occupation remains subordinate to the residential use, and that the

residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

(2) Applicability

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

(3) Exemptions

(A) Day Care Homes

Day care homes are not regulated as a home occupation and are exempt from the home occupation regulations of this section.

(B) Bed and Breakfast and Bed and Breakfast Inns

Bed and breakfasts and bed and breakfast inns are not regulated as home occupations and are exempt from the regulations of this section.

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

There are two types of home occupations: Type A home occupations and Type B home occupations.

(A) Type A

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

(B) Type B

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

(5) Prohibited Uses

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

(B) Funeral and interment services are not allowed as home occupations.

(C) Animal services, with the exception of sales, training, and grooming, are not allowed as home occupations.

(D) Restaurants are not allowed as home occupations; catering for off-premises consumption is not prohibited.

(6) Site-Related Standards

(A) Signs

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

(B) Outdoor Activities

(i) All activities shall be in completely enclosed structures.

(ii) Exterior storage or display of goods or equipment is prohibited.

(C) Appearance

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

(7) Impact-Related Standards

(A) Hazardous Substances

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

(B) Noise

The maximum noise level associated with a home occupation shall not violate the provisions of the City's noise ordinance.

(C) Deliveries

Truck deliveries or the collection of supplies or products associated with business activities are allowed at the home occupation from 7 a.m. to 9 p.m. only. Vehicles used for delivery and collection are limited to those normally servicing residential neighborhoods.

(8) Additional Type B Home Occupation Regulations

The following are additional regulations that apply to Type B home occupations. Waivers or Variances from this section of the regulations are prohibited.

(A) Hours

Customers or clients may visit the site between the hours of 7 a.m. and 7 p.m. only.

(B) Nonresident Employees

One nonresident employee is allowed with a Type B home occupation. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation who does not live at the site but who regularly visits the site as part of the home occupation.

(C) Customers/Clients

Only 10 customers or clients may visit the site in a day.

(D) Retail Sales

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

(E) Number

No more than one Type B home occupation is permitted per dwelling unit.

(F) Animal Services – Sales and Grooming

No more than four animals may be on site at any given time for training or grooming services.

(h) Renewable Energy Facility, Accessory

(1) Accessory Solar Collectors

(A) Accessory solar collectors shall only be located in side or rear yards or on rooftops.

(B) If the solar collector is not flush with the roof the applicant shall minimize the visibility of the collector from a public street, park, open space, or golf course to the most reasonable extent possible without prohibiting the installation.

(C) Ground-mounted collectors are allowed as an accessory structure outside the setbacks.

(D) Ground-mounted accessory solar collectors shall not exceed the height of the principal structure on the lot or parcel.

(2) Accessory Wind Energy System

(A) An individual small wind system shall be set back from the property line and the principal structure at least 1.5 times the height of the turbine.

(B) In Mixed and Commercial zoning districts, accessory wind energy systems shall only be located in side or rear yards and shall not exceed the maximum building height of the applicable zoning district.

(C) In the IL and IG districts, an accessory wind energy system may exceed the maximum building height of the applicable zoning district by 20 feet.

(i) Short-Term Rental

(1) Purpose

These design standards are established to ensure that short-term rental uses are compatible with the desired character and livability of the zoning districts in which the uses are permitted.

(2) Associated Regulations

All properties containing a short-term rental use shall comply with occupancy limits established in Section 20-204 and the requirements and definitions provided in the Short-Term Residential Rental Property Code (Chapter 6, Article 13A of the City Code).

(3) Initial Use Determination

A short-term rental use shall not be considered to be a principal use for the construction and/or renovation of a structure. A structure must first be identified as another principal use before it may be considered to be a short-term rental use (e.g., detached dwelling, multi-dwelling structure, etc.).

(4) Site-Related Standards

(A) Any structure used for short-term rental shall be initially approved in accordance with the process to establish its principal use or structure.

(B) The dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of the prohibited alterations include but are not limited to construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.

(C) Any dwelling unit used for short-term rental shall be a legally established dwelling unit or shall be registered as a nonconforming use as required in Section 20-1707.

(D) Signs shall comply with the provisions outlined at Chapter 5, Article 18 of the City Code, as amended.

(5) Parking

Parking shall be provided in accordance with Article 12, Parking, Loading, and Access, as determined by its principal use.

(j) Amateur Radio and Receive-Only Antennas

(1) Amateur Radio and Receive-Only Antennas

Amateur radio and receive-only antennas may be installed and operated as permitted accessory uses, subject to the following conditions:

(A) A single ground or building mounted receive-only antenna including any mast, for the sole use of the principal occupant of the residential parcel on which the receive-only antenna is located; with a receive-only antenna height not exceeding 25 feet or the building height allowed in the zoning district, whichever is higher;

(B) A ground, building, or tower mounted amateur radio antenna if the height (post and antenna) does not exceed 35 feet; and

(C) A ground, building, or tower-mounted amateur radio or receive-only antenna up to 75 feet tall as a special use, subject to the following additional standards:

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

(ii) The tower installation shall include a Type 2 bufferyard to screen it from any adjoining property in an R-1 or R-2 zoning district that is located within 20 feet of the proposed tower site; and

(iii) The tower may be limited to a height of less than 75 feet if the Planning Commission finds that it will otherwise protrude above the tree canopy or otherwise create an unnecessary and unacceptable visual impact.

(2) Satellite Dishes

(A) General

(i) No satellite dish shall block any entrance or required emergency egress of any building.

(ii) Any satellite dish in a HL or HD Overlay District shall be subject to Chapter 22 of the City Code and shall specifically require a Certificate of Appropriateness under Chapter 22.

(B) Satellite Dishes One Meter or Smaller

Satellite dishes one meter or less in diameter are a permitted accessory structure in all base districts.

(C) Satellite Dishes Two Meters or Smaller

Satellite dishes more than one meter, up to and including two meters, in diameter are a permitted accessory structure in all Mixed or Commercial

and Industrial zoning districts and a Special Use in all Residential zoning districts, and are subject to the following:

(i) The satellite dish shall not be located in the front setback or front yard;

(ii) The satellite dish shall not be located in a side setback; and

(iii) The satellite dish in a Residential or Mixed or Commercial zoning district, or the IBP zoning district, shall be screened from view off premises by a fence, wall, berm, or landscaping.

(D) Satellite Dishes Larger Than Two Meters

Satellite dishes more than two meters in diameter are a permitted accessory structure in all Industrial zoning districts and all Mixed or Commercial zoning districts except for M-1. They are a Special Use in any Residential zoning district or in the M-1 zoning district and are subject to the following:

(i) The satellite dish shall not be located in a front setback or front yard;

(ii) The satellite dish shall not be located in a side or rear setback; and

(iii) The satellite dish in a Mixed or Commercial zoning district or the IBP zoning district, or where adjoining property is in a Residential, Mixed, or Commercial zoning district or the zoning district, shall be screened from view off premises by a fence, wall, berm, or landscaping.

Table 20-8-5: Satellite Dish Permissions

Dish Size	Two Meters or Smaller	Larger than Two Meters
Residential	Special Use	Special Use
Mixed-Use	Permitted	Permitted (M-1 Special Use)
Commercial	Permitted	Permitted
Industrial	Permitted	Permitted
Front Setback	Not Permitted	Not Permitted
Rear Setback	Permitted	Not Permitted
Side Setback	Not Permitted	Not Permitted
Screening	Required in Residential, Mixed and Commercial, & IBP districts	Required in Mixed and Commercial & IBP districts. Required when adjoining Residential, Mixed and Commercial, & IBP districts

(k) Farmer's Market

The following standard applies in the Residential zoning districts:

(1) Farmers Markets may be permitted, through approval of a Site Plan, provided that adequate parking is provided, when accessory to one of the following uses: school; religious assembly; cultural center/library; day care center; college

or university; lodge, fraternal and civic assembly; and adaptive reuse of a registered historic property.

(I) On-site Agricultural Sales

(1) General Standards

(A) Only unprocessed items: eggs, honey, or whole, uncut (except as necessary for harvesting), fresh produce and/or horticultural products may be donated, sold on-site, or distributed through community supported agriculture (CSA) pick-ups as on-site agricultural sales.

(i) On-site sales refers to products grown or produced on the premises or products that are grown or produced on another site within the City that is maintained by the operator of the sales site, but only when sold in conjunction with products grown or produced on the premises.

(B) On-site agricultural sales may occur between 8:00 AM and 8:00 PM.

(C) Exterior display of product is permitted during sale hours.

(D) Any stands used for the display or sale of products shall meet the minimum principal building setbacks of the underlying zoning district and shall be temporary; being removed and stored when sales are not in progress.

(E) The sales area may include a retail sales area (stand and/or display area) as noted below:

(i) Sales area of up to 100 square feet permitted for lots up to 7,000 square feet in area.

(ii) Sales area of up to 150 square feet permitted for lots up to 10,000 square feet in area.

(iii) Sales area of up to 300 square feet permitted for lots larger than 10,000 square feet in area.

(F) One temporary, unilluminated sign advertising only food or horticultural products may be displayed during sales.

(i) The sign must be located a minimum of 20 feet from the curb or roadway or it may be placed flat on a wall or door or displayed in a window.

(ii) The sign face may not exceed two square feet in area and the sign may not be more than three feet in height.

(2) Urban Farms

(A) On-site agricultural sales are permitted on urban farms in Residential districts subject to area and locational standards established with the Special Use Permit.

(B) Urban farms in Residential districts that were in existence prior April 26, 2016, and registered in 2017 and are operating under an automatic SUP shall comply with the general on-site agricultural sales standards in this section.

20-812 Temporary Uses

(a) General

(1) Applicability

(A) Types of temporary uses and structures that may be approved under the temporary use approval process include:

(i) Temporary buildings;

(ii) Temporary display and sale of merchandise;

(iii) Model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises;

(iv) Seasonal uses including but not limited to fireworks stands, Christmas tree lots, and produce stands; and

(v) Other uses that clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Director.

(B) Uses that shall not be considered for temporary approval include:

(i) Uses that require Planning Commission approval if they were a principal or accessory use in that zoning district.

(ii) Structures or uses that are intended to be placed upon unimproved property, other than seasonal uses or uses incidental to construction.

(2) General Standards for Temporary Uses

A temporary use may be approved provided that the use complies with the following standards:

(A) Location

The temporary use shall allow for placement of a temporary structure, vehicle, or sign outside of any clear vision triangle, required setback, required parking stall (except as permitted for temporary, outdoor display sale of merchandise), service drive area, designated trash dumpster location, sidewalk, or any other position on a lot that may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.

(B) Duration

Depending on the nature of the use, and with the exception of produce stands, a Temporary Use Permit shall not exceed 180 consecutive days.

(C) Removal

After the termination of the temporary use, the site shall be restored to its prior condition by the removal of the any structures, debris or refuse associated with the temporary use. Guarantees for timely removal may be required if there is a material risk of negative impacts on nearby properties or the City if the removal does not occur.

(b) Construction Office

(1) This use shall not begin, and any structure for the use shall not be installed, more than 30 calendar days before site construction begins.

(2) If work on the project has been dormant for a period of six or more months, the construction office shall be removed, unless an extension is granted by the Director based on anticipated construction restart date.

(3) The construction office shall not contain sleeping or cooking accommodations.

(4) The structure shall be set back at least five feet from any lot line/property line and eight feet from the building or structure under construction.

(c) Sales and Leasing Office

(1) Sales and leasing offices are permitted in any zoning district on the site of the development for which the sales are taking place.

(2) Sales and leasing offices are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all homes or home sites within the development are sold.

(d) Temporary Shelters

(1) Purpose

The purpose of this section is to set forth standards for the location and operation of temporary shelters.

(2) Exemptions

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

(3) Use Standards

Temporary shelters require a Special Use Permit in accordance with the procedures of Section 20-1604(c). In addition to the standards of Section 20-1604(c), the following standards shall apply to all Special Use Permits granted for temporary shelters:

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

(B) A minimum of one toilet shall be provided per 15 beds.

(C) Shall be staffed in compliance with the staffing requirements of the approved management plan.

(D) All uses and activities conducted outdoors shall be shown on the Site Plan.

(4) Management Plan

The operator of a temporary shelter shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or Site Plan. The management plan shall, at a minimum, address the following:

(A) Narrative description of the nature and characteristics of the use and descriptions of all services provided.

(B) Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.

(C) Rules of conduct for guests.

(D) Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter.

(E) Communications plan that establishes how the shelter will regularly communicate with neighbors and police.

(F) Response plan for emergencies that may occur at the site.

(G) Adequate staffing levels given the number of guests served and the nature of the facility and population served.

(5) Design Standards

Temporary shelter site design shall incorporate design features that contribute to the livability and safety for guests, efficient use of space, ease of emergency access, and compatibility with nearby land uses. In furtherance of this purpose, the following design standards shall apply, to the extent practicable, to Special Use Permits granted for temporary shelters:

(A) Building entrances shall be clearly defined and visible from the public right-of-way or from an occupied area of the building such as administrative offices or staffed reception areas.

(B) Building entrances, outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.

(C) Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.

(D) Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.

(E) The exterior of the building shall be designed to ensure that all outside areas surrounding the building are clearly visible either from the public right-of-way or through the use of design features such as windows or video surveillance.

(F) Landscaping shall be designed to not obstruct the view of sidewalks, parking areas or outdoor children/adult recreational areas.

(G) Effort through design to minimize loitering in the vicinity of the shelter through careful site design, building design, or by providing site features or amenities on the property which attract guests to a specific location on the property.

(6) As an Accessory Use by Right

(A) Subject to lot area requirements, density and dimensional standards, parking standards, and the restrictions set forth below, a temporary shelter may be an accessory use by right to the following uses:

(i) Neighborhood religious assembly;

(ii) Community religious assembly;

(iii) School;

(iv) Event center, large;

(v) Active recreation;

(vi) Participant Sports and Recreation, Indoor;

(vii) Entertainment and Spectator Sports, Indoor; and

(viii) Entertainment and Spectator Sports, Outdoor.

(B) A temporary shelter, where an accessory use to one of the foregoing uses, shall comply with each of the following restrictions:

(i) A temporary shelter shall encompass no less than 1,500 square feet in area;

(ii) A temporary shelter shall have:

(a) No more than 20 occupants, if it encompasses between 1,500 square feet and 2,999 square feet in area; or

(b) No more than 40 occupants, if it encompasses not less than 3,000 square feet in area; and

(iii) A temporary shelter shall operate for no more than 120 days (either consecutively or non-consecutively) per calendar year.

Article 9. Site and Structure Development Standards

20-901 Overview and Organization

This article includes standards that regulate the physical layout and design of development in Lawrence to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in keeping with the Comprehensive Plan vision for a more attractive, efficient, and livable community.

The following standards are included in this article:

Table 20-9-1: Site and Structure Development Standards

Topic	Section
Required Improvements	20-902
Residential Lot and Dimensional Adjustments and Alternatives	20-904
Residential Design Standards and Guidelines	20-905
Residential Infill and Redevelopment Design Standards and Guidelines	20-905(f)
Mixed-Use and Nonresidential Design Standards and Guidelines	20-906
Adaptive Reuse of Designated Historic Property	20-907
Adaptive Reuse	20-908

20-902 Applicability of Design Standards and Guidelines

(a) Development Types

The design standards and guidelines apply to the specified structure type in any zoning district where the structure is allowed.

(1) Residential Design Standards and Guidelines

Apply to new residential-only development with two or more units, either attached or in a single structure (multiunit).

(2) Residential Infill and Redevelopment Standards

Apply to residential infill, redevelopment, and major additions.

(3) Mixed-Use and Nonresidential Standards and Guidelines

Apply to mixed-use, commercial, and industrial development.

(b) Standards or Guidelines

(1) Required design standards are indicated by the use of "shall."

(2) Preferred design guidelines are indicated by the use of "should."

(c) Other Applicable LDC Sections

Residential, mixed-use, and nonresidential development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-9-2: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Mobility and Connectivity	Article 10
Subdivision Design	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

20-903 Required Improvements and Easements

(a) Applicability

(1) All new development shall comply with this section.

(2) The extent of infill and redevelopment compliance with these requirements shall be determined by the Director or MSO Director based on the impact of the project on existing and planned infrastructure and services.

(3) No improvements shall be constructed until required plans, profiles, and specifications have been submitted to and approved by the City.

(b) Plans and Standards

The plan, design, construction, and perpetual maintenance of all development improvements shall be consistent with:

(1) Adopted City plans and policies, including but not limited to: the adopted Comprehensive Plan, Adapt Douglas County: Climate Action and Adaptation Plan, and the Metropolitan Transportation Plan, as those plans may be amended or replaced in the future;

(2) The lot, design, and use standards applicable to the zoning district in which the property is located;

(3) All other applicable requirements of this LDC;

(4) Any previous plans or development approvals approved by the City and applicable to all or part of the property on which the development, structure, or subdivision is proposed; and

(5) All technical and engineering, design, construction, and inspection criteria, standards, and specifications adopted or accepted by City.

(c) Improvements and Utilities

(1) All development applications are required to include plans for the following public improvements and utilities unless waived by the Director or MSO Director, as appropriate:

(A) Multi-modal transportation system;

(B) Wastewater disposal system;

(C) Potable water system;

(D) Stormwater management system;

(E) Utilities; and

(F) Other improvements and/or facilities as may be required by changing technology or to accommodate site-specific adjustments.

(2) The improvements shall be constructed or provided by the applicant at the applicant's cost.

(3) All improvements shall be designed and constructed in accordance with adopted City standards or applicable utility standards.

(4) A developer shall dedicate to the City all rights-of-way and easements needed to serve the project. Dedications shall be at no cost to the City.

(5) The City may elect to participate in the design, installation, and cost of providing any oversized improvement and may require the developer to coordinate construction with the City and with other development taking place nearby and in a similar timeframe.

(d) Easements

Easements shall be provided as follows:

(1) Permanent Utility Easements

(A) Permanent utility easements shall be provided where necessary to accommodate utilities that will serve the development and to allow for utility service in and through the proposed development.

(B) Where a permanent utility easement is necessary, it shall be centered on rear or side lot lines, as applicable, and shall be at least 30 feet and 15 feet wide respectively, except that easements for street lighting purposes only need not exceed 10 feet in width.

(2) Temporary Utility Easements

(A) Temporary utility easements shall be provided where necessary to accommodate the installation of utilities that will serve the subdivision.

Temporary utility easements are not required where a permanent utility easement currently exists.

(B) Temporary utility easements shall be centered on rear or side lot lines and shall be at least 30 feet and 25 feet wide respectively.

(C) The temporary utility easement shall expire after the initial installation of the required utilities. After the expiration of a temporary utility easement, the permanent utility easement will govern.

(3) Drainage Easements

(A) Drainage easements may be required for water courses, drainage swales, or streams that traverse a development.

(B) Drainage easements shall be exclusively for drainage and shall be separate from the design or dedication of other utility easements.

(C) Upon the request of the Director, the City Engineer shall prepare a study and report based on the 100-year flood depth (if known), or the regulatory flood elevation when provided by the Federal Insurance Administration that identifies an appropriate easement width.

(e) Parks, Open Space Schools, and Other Public Facilities

The City shall encourage the donation, reservation, or dedication of sites for public parks, open space, schools, and other public facilities in accordance with the Lawrence Parks and Recreation Comprehensive Master Plan.

(f) Soils and Soil Testing for Public Easements

The City Engineer may require the applicant provide a soils test to verify subsurface soil characteristics for rocky or unstable soil types in areas proposed to be dedicated for City public rights-of-way and public easements. Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics.

20-904 Residential Lot and Dimensional Adjustments and Alternatives

(a) Cluster Development

(1) Purpose

The purpose of this section is to establish requirements for cluster development. Cluster development is encouraged for the preservation of environmentally sensitive areas, open space, and agricultural lands, while encouraging and providing the ability to develop at a density range supported by the comprehensive plan and those densities that are consistent with the applicable zoning district designation.



Fig. 20-9-A. Examples of Cluster Development (Left) and Conventional Development (Right)

(2) Applicability

Cluster development is permitted in all residential districts except R-5.

(3) Design Standards

Unless provided otherwise by the subdivision approval, cluster development must meet the following standards:

(A) Common Open Space

(i) At least 20 percent of the gross acreage of a cluster development shall be preserved as common open space. This can include:

(a) Active or passive open space,

(b) Environmentally sensitive areas as identified in Article 13, or

(c) Land in agricultural or urban agricultural development.

(ii) The resulting minimum lot size is determined based on the total amount of common open space, as provided in Table 20-9-3.

(iii) Required public improvements and dedications not related to the features being preserved shall not be included in the common open space calculation. For example, where common open space is designed to preserve habitat as passive open space, street dedications

for the development may not be included in the calculation of total common open space.

(B) Lot Size and Layout

(i) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5, with a resulting minimum lot size no smaller than 2,000 sq. ft. Expressed as an equation, this is:

Min. Lot Size = (existing min. lot size) – ((% open space x 1.5) x existing min. lot size)

(ii) The minimum lot size requirement of the underlying zoning district may then be reduced by the resulting percentage. The following table provides example lot sizes based on various common open space reservations.

Table 20-9-3: Cluster Development Lot Size Examples – Detached Dwelling

Zoning District	Min. Lot Size	20% Open Space	30% Open Space	40% Open Space	50% Open Space
R-1	10,000 sf	7,000 sf	5,500 sf	4,000 sf	2,500 sf
R-2	5,000 sf	3,500 sf	2,750 sf	2,000 sf	2,000 sf
R-3	3,000 sf	2,100 sf	2,000 sf	2,000 sf	2,000 sf
R-4	3,000 sf	2,100 sf	2,000 sf	2,000 sf	2,000 sf

(iii) Dimensional standard requirements for clustered lots are those of the district which has the closest lot sizes. For example, if an R-2 district is developed with 30 percent open space then the dimensional requirements of the R-4 district apply.

(C) Lot Layout

(i) Where possible, structures shall be oriented to preserve scenic views, natural topography and drainage ways, solar orientation, and other important natural features of the site.

(ii) Buildable lots shall be located to minimize the impacts of clearing, grading, and infrastructure development on riparian areas, steep slopes, wetlands, woodlands, or other known natural hazard areas.

(iii) Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots located near adjacent developments are designed with similarly sized lots or should be planned where common open space, buffering and/or other tools such as building envelopes and setbacks can help minimize impacts on existing adjacent development.

(D) Common Open Space Design

Where reasonably possible, common open space shall abut or provide easy access to or protect other public land. Common open space design and developer constructed improvements shall:

(i) Be linked to existing and planned public open spaces, constructed areas, and trails;

(ii) Maximize access and use by residents of the cluster development; and

(iii) Provide trails, paths, and walkways to recreation areas, schools, commercial areas, and other public facilities.

(E) Project Phasing

(i) A cluster development project may be developed in phases. The Director may require the applicant to divide the project into phases in order to meet these standards.

(ii) Each phase must be self-sufficient with adequate facilities and services and contain a mix of residential uses and densities and open space, while meeting the requirements, standards, and conditions applicable to the project as a whole.

(iii) Common open space shall be provided for each phase of a development, or all may be provided at the first phase. If common open space will not be provided proportionally by phase, the developer shall identify on the first plat all areas of all phases that are intended to be open space and deliver to the City Clerk a warranty deed to all open space areas. The warranty deed will be recorded if the development is not completed.

(F) Conservation of Natural Resources

(i) Common open space shall be permanently maintained and protected through:

(a) Deed restriction and an appropriate funding mechanism;

(b) Dedication to the City, which may be allowed strictly at the City's discretion; or

(c) A conservation easement.

(ii) The covenants and restrictions regarding perpetual preservation and maintenance of the open space shall include provisions addressing:

(a) Maintenance duties of the grantee;

(b) A mechanism so that each lot owner may be assessed by the grantee; and

(c) The power but not any duty of the City to enforce any covenant or restriction.

(iii) Land that is or contains environmentally sensitive areas as identified in Article 13 shall, to the greatest extent reasonably practicable, be conserved and protected through a permanent conservation easement.

(b) Courtyard Development

(1) Intent

The courtyard development is intended to contribute to a mix of housing types and land uses by permitting more flexible arrangements of buildings and open spaces. Courtyard developments are an arrangement of residential structures around a common open space area. Typically, courtyard development lots are smaller than average lots because they share a common space within a higher density format and are oriented perpendicular to a street.

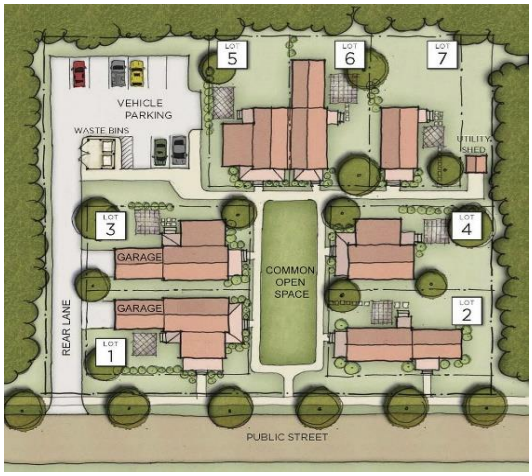


Fig. 20-9-B. Sample Courtyard Development

(2) Applicability

Courtyard development is allowed in the R-2, R-3, R-4, M1, and M2 zoning districts.

(3) Dimensional and Density Standards

(A) The minimum project size for a courtyard development is one-half acre and the maximum project size is five acres. A courtyard development may be a designated area within a larger development.

(B) The following standards shall apply to individual units:

Table 20-9-4: Courtyard Development Dimensional Standards	
Lot Standards	
Courtyard Open Space	
Area of Open Space (min, sf)	400
Dimensions of any side (min, ft)	20
Building Standards	
Density (units/acre)	
Minimum | Maximum	Per zoning district
Footprint Area (max)	

Table 20-9-4: Courtyard Development Dimensional Standards	
Lot Standards	
Per dwelling (average)	1,200 SF
Height and Separation	
Height (max)	Per zoning district
Building separation (min)	Per Building Code

(C) The maximum density may be increased by up to 20 percent over the maximum density is allowed in the applicable zoning district when the project design can still meet all other applicable LDC standards without administrative adjustment, waiver, or variance.

(D) All other building and lot requirements, including principal and accessory structure setbacks and lot coverage limitations, for the applicable zoning district shall apply to the project site as a whole, not individual units.

(4) Design Standards

(A) The location and design of courtyard developments abutting a public streety shall be designed to include physical connections and visual breaks at similar intervals as the average lot width of the block face and where the development is located.

(B) Areas of a courtyard development along public street frontage shall not be designed to include extended lengths of side facing buildings, rear building walls, garages, storage structures, or outdoor storage areas.

(C) Any residential unit type allowed in the applicable zoning district may be incorporated in the courtyard development. Detached accessory dwelling units are prohibited.

(D) A minimum of 10 percent of the total project area shall be held in private common open space.

(i) A common courtyard that meets the minimum dimensions of Table 20-9-4 shall be provided.

(ii) The remaining common open space may be divided into multiple locations, each of which shall meet the minimum area and dimensional standards. Open spaces should be designed with a north-south orientation when possible.

(iii) A community building(s) for the sole use of the courtyard development residents may be used to meet up to 25 percent of the required common open space requirement. Community buildings shall not count toward the maximum density calculation.

(iv) Paved paths for pedestrian circulation may count toward common open space, but parking areas and driveways for vehicular circulation may not count toward common open space.

(E) Courtyard developments shall meet all landscaping requirements applicable to multiunit dwellings in Article 14. Landscaping located within a common courtyard of common open space area may count toward up to 30 percent of required common open space.

(c) Local Employee Residence Unit (LERU) and Affordable Housing

(1) Purpose

Lawrence is committed to increasing the supply of affordable housing in the community to expand the economic vitality that is derived from having a range of housing types, costs, and household incomes. The City will benefit from an enhanced community vibrancy generated by the inclusion of inventory of for-sale housing for the local workforce and an increase in the supply of housing that is affordable to a broad range of persons who live and/or work in Lawrence.



Fig. 20-9-C. Example of New Construction of a LERU or Affordable Unit In a Market-Rate Development

(2) Applicability

The dimensional adjustments in this section are available for any project that provides the following unit mix:

Table 20-9-5: Minimum Lot Dimensions

Number of Units Proposed	Number of Local Employee Residence Units (LERU) Provided	Number of Affordable Units Provided
0-4 units	Not applicable	
5-7 units	1 unit in either category	
8 units and over [1]	10% of units	10% of units

Notes:
[1] Both LERU and affordable units must be provided.

(3) Eligibility

(A) Affordable Housing: Housing that meets the definition of Affordable Dwelling Unit in Section 20-1903.

(B) Local Employee Resident: A resident of the Lawrence who meets the employment qualifications established by the City.

(C) Local Employee Resident Unit (LERU): A unit that is deed restricted for availability to persons who meet Local Employee Resident requirements.

(4) Adjustments

(A) Administrative Approval

The Director may apply any combination of the following adjustments to accommodate the inclusion of LERU affordable housing units:

(i) Minimum lot setbacks or lot widths may be adjusted by up to 20 percent, not including stream setbacks or buffers;

(ii) Maximum lot coverage may be increased by up to 20 percent;

(iii) Minimum lot size may be reduced by 20 percent;

(iv) Maximum height may be increased:

(a) Original Residential zoning district height limit of 35 feet may be increased to 40 feet;

(b) Structure height for buildings in Mixed or Commercial districts may be increased by 1 story, not to exceed an additional 15 feet above the original maximum height; and

(v) If a public park or open space is located within 1,320 feet and safely accessible to the development site, any required open space may be reduced by 50 percent.

(B) Governing Body Approval of Density Bonus

An applicant may request one additional market-rate residential unit per affordable unit to the maximum density permitted by the zoning district. For example, where a detached dwelling is allowed, a two-unit dwelling may be allowed. Density bonus requests shall be submitted to the Governing Body for review and decision through Site Plan in accordance with Section 20-1605(g).

(5) Structure Design

(A) Affordable and LERU units shall be a mix of unit types and sizes on site that are distributed throughout the proposed development, to the extent possible.

(B) A mix of unit types and sizes in multiunit development shall include a range of unit sizes and number of bedrooms.

(C) The proposed character and density of affordable and LERU units shall be compatible with the surrounding land uses and neighborhood character, and suitable for the proposed site.

(D) Development and construction of affordable and LERU units shall comply with all other requirements of this LDC.

(6) Schedule for Construction of Local Employee Residences

A developer shall construct the required affordable or LERU units prior to, or concurrently and proportionally with, the production of market rate housing or the sale of market rate lots. Prior to receiving development approval, the developer shall prepare a proposed construction schedule for approval by the City that clearly delineates the start and completion dates of the production of market rate units and/or the sale of market rate lots and the construction of affordable or LERU units in accordance with the Town's LER Guidelines.

(7) Deed Restrictions

All affordable and LERU units required by this section shall be deed restricted, in accordance with the requirements of the LER Guidelines, as to rental or ownership and occupancy by persons and as to the resale price of the unit. The deed restriction shall be provided to the developer for review at the time of approval of the developer's local employee residency plan. Prior to the issuance of any building permit within the development, the City shall have an approved, executed, and recorded deed restriction for all affordable and LERU lots or units in the project or phase of the project, if applicable. The deed restrictions shall not be subject to any recorded liens or encumbrances.

(d) Small Lot Development

(1) Purpose

The purpose of the Small Lot Development standards is to create high-quality residential developments that will retain their social and economic value over time and provide housing for persons and families seeking convenience, a range of housing choices, and generous and high-quality open space amenities. Small Residential Lot developments should be designed to provide a variety of lot sizes that are distributed in groupings throughout the development so that large areas of one lot size do not exist.



(2) Applicability

(A) Unit Type

Single-unit detached and two-unit dwellings are allowed on small lots.

(B) New development

(i) Small lot development may be included in up to 20 percent of a new development of up to 5 acres or more in the R-3, R-4, R-5, M-1, M-2, and M-3 zoning districts.

(ii) The small lots may be included in lot size averaging calculation across the entire development or the phase that includes the small lot development, whichever is smaller.

(C) Infill and Redevelopment

Small lot standards may be used for infill and redevelopment in R-2, R-3, R-4, R-5, M-1, M-2, and M-3 zoning districts.

(3) Minimum Lot Dimensions

Table 20-9-6: Minimum Lot Dimensions

Dimension	Front/Side-Loaded Garage	Rear/Alley-Loaded Garage
Lot Area (min, per structure)	3,200 SF	1,500 SF
Lot Frontage (min)	40 FT	25 FT [1]
Setbacks (min)		
Front	House 15 FT	House 10 FT
Front	Garage 20 FT	Porch 5 FT [2]
Street Side	House 10 FT	House 10 FT
Street Side	Garage 15 FT	Porch 5 FT [2]
Internal Side	Building Code	Building Code [3]
Rear	10 FT	3 FT

Notes
[1] May be reduced to 18 feet for alley-loaded single family attached units.
[2] Porches and stoops with a front setback of less than 10 ft. may not have a roof element or associated structure taller than a single story. The 5 ft. porch setback shall be increased if necessary to accommodate utility infrastructure or required landscaping.
[3] Alley-loaded attached dwelling end walls = 10 FT and interior walls = 0 FT

(4) Common Open Space

(A) Each small residential lot must be within 1,320 feet of one of the following:

(i) A public park,

(ii) Designated open space, including a trail corridor provided that the trail corridor has a minimum width of 20 feet.

(B) Alternatively, the applicant may provide a privately maintained recreational facility that serves the residential development (such as a pool, community space, or playground), and that is located within 1,320 feet of and has pedestrian access to each small residential lot.

(e) Two Principal Detached Dwellings on a Single Lot

(1) Applicability

In any district where a detached dwelling is allowed, two permanently affordable detached dwelling units may be placed and maintained as principal buildings on a lot that fronts on two public streets other than alleys, if the following conditions of this section are met. Two permanently affordable detached dwelling units are only allowed when the lot is not large enough to be subdivided into two or more legal lots in the applicable zoning district.

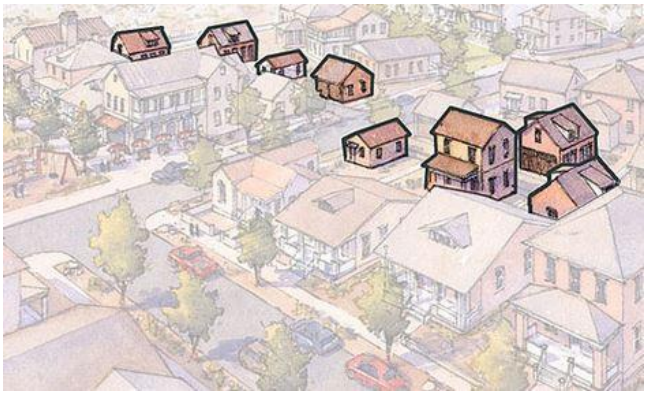


Fig. 20-9-E. Example Placement of Two Dwellings

(2) Dimensional Standards

(A) Setback requirements for the applicable zoning district shall apply as they normally would to the front, side, and rear of the lot. Both principal structures shall be located within the setbacks. The rear setback may be adjusted as follows;

(i) No rear setback is required if there is an alley at the rear that is at least 20 feet wide;

(ii) If the rear alley is between 15 and 20 feet wide, the rear yard setback for the rear building shall be five feet.

(B) At least ten feet shall be maintained between the principal buildings;

(3) Yard

(A) Each principal building shall have an adjacent private yard with an area of at least 120 square feet, with no side dimension of less than ten feet in length.

(B) The private yard area shall be separated from the other principal building by semi-opaque screening. The screening requirement may be met through any combination of building placement, landscaping, walls, or fencing.

(4) Parking

Required parking shall be provided on the lot convenient to each principal building.

(5) Utilities

(A) Each principal building has separate utility services in approved locations.

(B) All utilities for each principal building shall be placed underground unless this requirement is waived by MSO for good cause;

(6) Structure Design for the Second Principal Building

New principal buildings shall be compatible in character with structures in the immediate vicinity in terms of mass, bulk, architecture, materials, and color. In addition, the second principal building placed on a lot shall meet the following requirements:

(A) The second floor shall not exceed 60 percent of the area of the first floor;

(B) Only two floors, exclusive of lofts or towers with floors no larger than 100 square feet in the aggregate, shall be above grade;

(C) The above grade floor area shall not exceed 1,200 square feet. The floor area for a single-car detached garage that does not exceed 240 square feet and is a minimum of five feet from another principal structure may be added to the 1,200 square feet.

(D) If the second principal building is the rear building, the following standards apply:

(i) The roof eaves exclusive of dormers on the alley face of the building shall not be more than 12 feet above grade;

(ii) The exterior wall surface area on the alley face of the building over nine feet above the grade of the alley shall not exceed seventy-five percent of the area of that face below nine feet. Exterior wall surface area on the alley face shall include all surfaces which face the alley steeper than a 12/12 pitch that are within 10 feet of the wall surface closest to the alley; and

(iii) The building height shall not exceed 25 feet.

20-905 Residential Design Standards and Guidelines

(a) Applicability

The Residential Design Standards and Guidelines apply to new residential-only development that is either attached (e.g., two-unit dwelling, townhomes) or in a single structure (e.g., apartment). These standards do not apply to individual single-unit detached development on an existing lot.

(b) Mix of Dwelling Types Required

Residential developments on sites greater than 20 acres, including sites included as part of a phased development shall incorporate at least two distinct dwelling types. Residential developments on sites larger than 40 acres shall incorporate at least three dwelling types.

(1) Eligible Dwelling Types

For the purposes of meeting the required mix, dwelling types may include the following, as allowed in the underlying zoning district:

(A) Accessory

(B) Attached, including multigenerational dwellings

(C) Affordable

(D) Courtyard Development

(E) Detached

(F) Detached, Small Lot

(G) Two-unit

(H) Multiunit, including assisted living

(2) Multiunit Mix of Unit Types Required

(A) Multiunit developments shall incorporate a variety of distinct building models according to the scale of the development, as follows:

(i) 2-5 buildings: 2 models minimum;

(ii) 6-10 buildings: 3 models minimum;

(iii) 11 or more buildings: 1 model for every 6 buildings minimum.

(B) All multiunit developments, either as all multiunit or as part of a mixed dwelling development, shall meet one of the following:

(i) A minimum of 50 percent of the total units shall vary in size from other units by at least 250 square feet.

(ii) A maximum of 50 percent of the total units may have the same number of bedrooms.

(iii) A minimum of ten percent of the total units shall have at least three bedrooms.

(c) Site Planning and Design

(1) Building Orientation

(A) All residential buildings abutting a public street shall include at least one entrance that is visible and directly accessible from the public street.

(B) In a multi-building development, buildings that do not front onto a public street shall be oriented toward a common open space, park, or community area.

(2) Parking Location and Design

(A) R-3, M-1, and M-2 Common Access Drive

(i) Where lots do not have alley access, a common access drive providing access to the rear of the lots for shared or individual parking is required and shall take the form of a public right-of-way or private easement.

(ii) Common access drives shall be at least 12 feet wide if designed for one-way traffic and 20 feet wide if designed for two-way traffic.

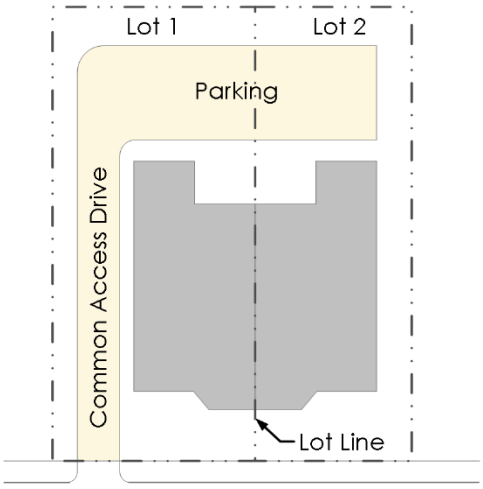


Fig. 20-9-F. Common Access Drive

(iii) All parking areas other than the common access drives are prohibited in the front and side street yards.

(B) Surface Parking Lots

To the maximum extent practicable and except as required in Section 20-905(c)(2)(A), surface parking lots shall be:

(i) Located behind the front façade of structures facing a public street,

(ii) Internalized in building groupings and located so they do not abut street frontages, or

(iii) Accessed using an alley.

(C) Structured Parking

(i) Free-standing parking structures shall be designed to complement surrounding buildings in terms of their scale, design elements, building materials, and orientation on the site.

(ii) Structured parking or podium parking constructed within or adjacent to a primary structure shall be integrated with the overall design of the primary structure it serves through the use of visually similar architectural features and façade materials.

(iii) Residential liner structures should be incorporated into at least the exterior of the ground floor of the parking structure design.

(d) Building Design and Character

(1) Architectural Variety

(A) Generally

(i) All publicly visible sides of a residential structure shall display a similar level of quality and architectural detailing. The majority of a building's architectural features and treatments shall not be restricted to a single façade.

(ii) The common or abutting wall for two-unit or attached dwellings shall be shared for at least 50 percent of the length of the side of the dwelling units and shall have a maintenance agreement for the sharing of a common wall filed at the Register of Deeds.

(B) Two-unit Dwellings

Individual two-unit dwellings shall be either designed to look like a single-unit dwelling or differentiated through the use of two or more of the following methods to avoid the creation of a continuous row of identical two-unit dwellings along a block:

(i) Distinct color variation and materials;

(ii) Variation in garage orientation;

(iii) Distinct variations in roof form, or

(iv) Distinct variations in architectural features, such as porches, roof form, windows, or similar feature.

(v) Dwellings with identical facades shall not be placed adjacent to or across the street from one another.

(C) Attached Dwellings

(i) A minimum of three and no more than six attached dwellings may be included in any single row or building cluster unless additional units are allowed by the building code.

(ii) Within each group of attached dwellings, individual dwellings shall be differentiated through the use of two or more of the following methods:

(a) Distinct color variation;

(b) Distinct variations in materials;

(c) Distinct variations in architectural style or features, such as a porch or similar feature;

(d) Distinct variations in roof form,

(e) Variation in garage orientations; or

(f) A variation in the plane of the front façade to provide a minimum three-foot variation between individual dwellings.

(D) Multiunit Developments

Where multiple multiunit building models are required, they shall be easily distinguished through a minimum of two of the following:

(i) A variation in length of 30 percent or more;

(ii) A variation in the footprint of the building of 30 percent or more;

(iii) A distinct variation in color and use of materials;

(iv) A variation in the type of dwelling unit contained in the building that results in a significantly different scale and mass, i.e., multiunit dwellings vs. attached or two-unit dwellings; or

(v) A distinct variation in building height and roof form.

(2) Building Massing and Form

(A) Multiunit Dwellings

(i) Blocky, uniform façades are prohibited. The publicly visible façades of all multiunit dwellings shall be articulated through the incorporation of three or more of the following:

(a) Balconies;

(b) Insets or other relief in the wall plane;

(c) Porches;

(d) Dormers;

(e) Variations in materials;

(f) Variations in roof forms; or

(g) An alternative design element as approved by the Director.

(ii) Horizontal variations in materials along the façade of a multiunit dwelling should occur in conjunction with a change in wall plane, preferably at the inside corner of a wall.

(3) Garage Orientation and Design

(A) Alley Exemption

Alley-loaded garages and garage banks are exempt from the garage standards contained in this section.

(B) General

To the maximum extent practicable, garage entries shall be internalized in building groupings and located away from street frontages or accessed using an alley.

(C) Freestanding Garage Banks and Carports

(i) Freestanding garage banks and carports shall be limited to six parking bays or 72 feet in length, whichever is less.

(ii) Freestanding garage banks and carports shall incorporate materials, scale, colors, architectural details, and roof slopes compatible with those found on primary buildings.

(D) Front-loaded (Street-Oriented) Garages

(i) All front-loading garage doors shall be either:

(a) Recessed a minimum of five feet behind the front façade of the dwelling portion of the structure (including side-loading garages), or a front porch that is a minimum of five feet wide by eight feet long; or

(b) Recessed a minimum of two feet beneath a second-floor bay.

(c) Garages that extend beyond the front façade of the dwelling portion of a building are prohibited.

(ii) Front-loading garage doors shall not comprise more than 40 percent of the front façade of the principal structure.

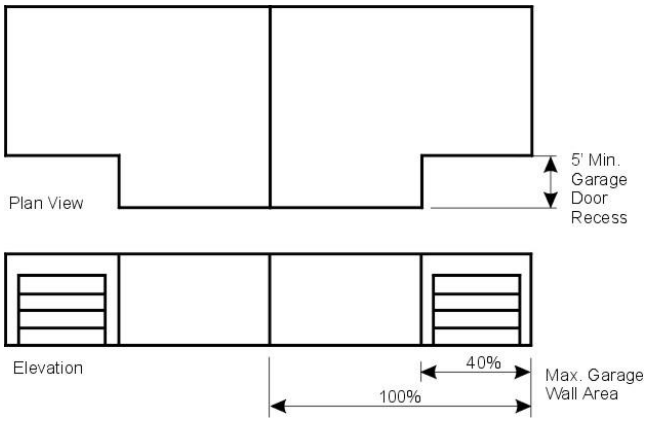


Fig. 20-9-G. Front-loading Garage Façade Limitations

(4) Materials

(A) Permitted Materials

All residential structures shall be constructed or clad with materials that are designed to meet local climate conditions and have a manufacturer's warranty of at least 30 years.

(B) Heat Island Effect

All development shall use colors and materials that reflect heat and/or assist with the ongoing dissipation of heat. Examples include the use of lighter-colored paving or open-grid paving materials for parking areas or breaking up large expanses of paved areas with shade trees or shade structures, or use of light-colored roofing materials.

(e) Sustainable Project Design

(1) Solar and Energy

(A) Solar access for daylighting and solar panels should be considered in massing design.

(B) Open-able windows should be provided to provide passive cooling through natural air circulation.

(2) Waste Diversion Enclosures

(A) All buildings shall include dumpster enclosures for a minimum of two waste streams (trash, recycling). If the City establishes a public composting or other waste stream program, room for additional storage may be required.

(B) This may include shared enclosures between multiple buildings.

(f) Residential Infill and Redevelopment Standards (RIRS)

(1) Applicability

This section applies to residential infill, redevelopment, and major additions proposed to be constructed in existing neighborhoods in the R-2 and R-3 districts and other areas that meet the following criteria:

(A) The general pattern of residential development, including streets, lots, and buildings, was established at least 10 years prior to the Effective Date;

(B) The perimeter of the proposed site is within one-half block of developed parcels. In areas without blocks, the perimeter must be within 300 feet of developed parcels, measured in a straight line between the closest property lines;

(C) The site can be readily connected to municipal infrastructure;

(D) The residential unit type has at least two attached dwellings; and

(E) The area is not located within a UC Overlay District or Historic District.

(2) Purpose and Intent

The RIRS are intended to:

(A) Establish dimensional and development standards consistent with the Comprehensive Plan and supporting area and neighborhood plans;

(B) Encourage infill, redevelopment, and major additions in older Lawrence neighborhoods that complement the scale, orientation, and setting of original buildings in these neighborhoods; and

(C) Encourage the rehabilitation of undesignated historical buildings.

(3) Other Applicable LDC Sections

Residential infill development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-9-7: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

(4) Site Planning and Design

(A) Building Siting and Orientation

(i) The front building line shall be located at the block face setback average.

(ii) Where there is a predominant pattern of existing building façades along the same block, the orientation of new building façades shall repeat the pattern.

(iii) At least one entrance shall be visible and accessible from a public street or alley.

(iv) In a multi-building development, buildings that do not front onto the primary street shall be oriented toward a common open space, park, or open space.

(B) Off-Street Parking and Garages

(i) Off-street parking shall be placed behind the front building line of the primary structure. When a lot abuts an alley, off-street parking and vehicle access must be from the alley.

(ii) The width of front-loaded garages shall be limited to two-bays or 24-feet. A third garage bay shall only be accommodated using a side or tandem orientation.

(C) Mix of Dwelling Types Required

(i) Residential developments on sites between two and four acres shall incorporate at least two dwelling types. Residential developments on sites larger than four acres shall incorporate at least three dwelling types.

(ii) For the purposes of meeting the above standard, dwelling types may include the following, as allowed in the underlying zoning district:

(a) Accessory

(b) Attached

(c) Affordable

(d) Detached

(e) Two-unit

(f) Multiunit

(g) Building Design and Character

(1) Generally

(A) New residential buildings shall be designed to complement the established character of the block and existing homes along the block frontage by incorporating similar:

(i) Roof forms;

(ii) Porch orientations and sizes; and

(iii) Wall to window ratios.

(B) The front 30 percent of new structures shall not exceed the average height of structures on abutting lots.

(2) Materials

Materials shall comply with requirements for permitted and prohibited materials for residential development in Section 20-905(d)(3).

(h) Building Massing and Form

(1) New Buildings

(A) Blocky building massing that maxes out the building envelope of the site shall be avoided.

(B) Variations in building massing and form shall reflect the scale of the new building and the massing and form of the original buildings on the block.

(2) Major Additions

Building additions that expand the existing structure by 50 percent or more in any direction shall meet the following:

(A) Additions shall incorporate roof and building forms similar to those found on the principal building.

(B) Additions shall be designed to appear secondary to the principal building in terms of their mass and form when viewed from the public right of way. This standard may be accomplished through one or more of the following techniques:

(i) Concentrating the mass and height of the addition behind and/or to the side of the principal building;

(ii) Using sloped roof forms, dormers, or other creative approaches to accommodate additional square footage on a second story without obscuring the original form and scale of the principal building;

(iii) Avoiding the use of building forms that would obscure, remove, or significantly modify the predominant roof form of the principal building, particularly those roof forms that are visible from the public right of way;

(iv) Incorporating a smaller scale building module or similar transition between the principal building and a larger addition to maintain the traditional form of the principal building; and/or

(v) Aligning or stepping down the height of an addition where it meets the principal building.

(3) Relationship to Adjacent Dwellings

(A) Uninterrupted lengths of multistory building walls that extend the length of the side property line shall be prohibited. Within 20 feet of each side property line, the cumulative length of walls that exceed 12 feet in height shall be limited to 30 feet. The remaining walls shall:

(i) Be set back at least four feet from portions of the wall plane that exceed 12 feet in height; or

(ii) Not exceed 12 feet in height.

(B) Windows shall be placed to avoid direct lines of sight into adjacent homes to the maximum extent practicable.

(i) Lot Coverage Incentives

Lot coverage as permitted in the underlying zoning district may be increased as follows, provided the total lot coverage resulting from the application of one or more of the following incentives does not exceed the maximum building coverage for the zoning district by more than 10 percent or a maximum coverage of 80 percent, whichever is less.

(1) Obtaining Historic Landmark Status

(A) A lot coverage increase of five percent shall be granted when an applicant applies for and obtains local historic landmark status for the

primary structure on the lot in conjunction with the construction of an addition or accessory dwelling unit.

(B) For the purposes of this incentive, local historic landmark designation shall be obtained in advance of the application, and all additions shall comply with the United States Secretary of the Interior's Standards for Historic Preservation.

(2) Preserving Undesignated Historical Resources

A lot coverage increase of five percent shall be granted when a major addition or accessory dwelling unit:

(A) Incorporates an existing building over 50 years old; and

(B) Preserves the full width of the front street-facing façade and at least 75 percent of the front depth of the building, including all walls, porches, windows, roof forms, and other architectural elements located within these areas.

(j) Two-Unit Dwelling Conversion

(1) Front and Side Porches

(A) A new or existing porch on a detached dwelling converted to a two-unit dwelling shall only be used for one entry.

(B) A side-facing porch may be added as an entryway for a second unit provided:

(i) The porch is set back at least 10 feet from the front façade of the dwelling; and

(ii) All applicable lot and building standards are met for the district in which the lot is located.

(2) Stairs

Where the principal dwelling is two-stories, a stairway to the second floor shall be interior to the structure unless a request for an outside stairway is approved by the Director.

(3) Garages

(A) Only one attached garage, with a maximum opening width of 24 feet, shall be street-facing.

(B) Where desired, a second attached garage may be located to the rear of the principal dwelling where there is access to an alley.

(C) Only one detached garage structure may be permitted on the site.

(4) Parking

Existing off-street parking shall not be reduced as part of any two-unit dwelling conversion unless otherwise approved by the Director.

(5) Driveway and Curb Cut

Widening of any existing driveway or curb cut is not permitted.

20-906 Mixed-Use and Nonresidential Design Standards and Guidelines

(a) Applicability

This section shall apply to any nonresidential, multiunit residential, or mixed-use building proposed to be constructed in the M-1, M-2, M-3, CC, CD, IBP, IL and IG districts, unless excepted below:

(1) All other residential buildings in the M-1, M-2, M-3, and CD districts shall comply with Section 20-905, Residential Design Standards and Guidelines and Section 20-905(f), Residential Infill and Redevelopment Standards (RIRS), as may be applicable.

(2) Where a conflict exists between these standards and guidelines and an Urban Conservation Overlay District (UC), the provisions of the UC District shall apply.

(b) Purpose and Intent

The Mixed-Use and Nonresidential Design Standards and Guidelines are intended to:

(1) Establish requirements that incorporate the recommendations of the Comprehensive Plan and supporting area and neighborhood plans;

(2) Encourage cohesive, pedestrian-oriented non-residential and mixed-use development that complements the character of adjacent neighborhoods;

(3) Encourage the adaptive reuse of existing buildings, commercial centers, and business parks.

(c) Other Applicable LDC Sections

Nonresidential and mixed-use development shall comply with all applicable sections of this LDC. Cross-references to some of the key sections are provided below.

Table 20-9-8: Cross-References to Other Applicable LDC Sections

LDC Section	Section Reference
Use and Use Standards	Article 8
Mobility and Connectivity	Article 10
Subdivision Design and Improvement	Article 11
Parking, Loading, and Access	Article 12
Environmentally Sensitive Lands and Natural Resources	Article 13

Table 20-9-8: Cross-References to Other Applicable LDC Sections	
LDC Section	**Section Reference**
Landscape and Buffering	Article 14
Outdoor Lighting	Article 15
Sign Ordinance and Code	Chapter 5-18, City Code

(d) Exceptions

Exceptions to the standards and guidelines in this section may be granted by the Director to accommodate the adaptive reuse of an existing building, commercial center, or business park.

(e) Site Planning and Development Pattern

(1) Site Layout

(A) Building Organization

Strictly linear or "strip" development is prohibited. Buildings shall be arranged and oriented to:

(i) Frame and define:

(a) Street frontages and intersections (internal and external);

(b) Entry points into the development;

(c) Interior pedestrian or vehicular “main streets;”

(d) Site amenities;

(e) Surface parking; and

(f) Other site features.

(ii) Facilitate safe and comfortable pedestrian movement to and between buildings, parking areas, and adjacent development(s); and

(iii) Complement the organization and orientation of adjacent, existing development.

(B) Pad Sites and Kiosks

(i) Buildings on pad sites shall be clustered to the extent practicable to allow for shared parking and site amenities.

(ii) Free-standing kiosks and drive-up ATM structures shall not be located along the primary street frontage.

(iii) Access to a freestanding kiosk or drive-up ATM structure shall be from drive aisles internal to the development and not from the adjacent public streets.

(C) Large Truck Loading Areas

Loading docks and large truck parking areas shall be oriented away from local streets and residentially zoned property to the maximum extent practicable.

(2) Site Amenities

(A) Site Amenities Required

Each development having 5,000 square feet or more of lot area or 5,000 square feet or more of building area shall provide at least one site amenity according to the following formula: One Percent of the Lot Area + One Percent of the Building Area = Minimum Site Amenity Area of Required.

(B) Qualifying Site Amenities

Qualifying features for the purposes of meeting the above standards shall include a combination of the following:

(i) Outdoor seating, dining areas, or other site furnishings;

(ii) Public plazas;

(iii) Pocket parks;

(iv) Fountains, splash pads, or other water features;

(v) Pergolas or other shade structures;

(vi) Transit stop/shelter when shown on a transit plan;

(vii) Public art or sculpture of visible size and scale;

(viii) Community gardens; or

(ix) Other features that encourage year-round or three-season pedestrian activity.

The amount of area devoted to satisfying this requirement may be deducted from the amount of space otherwise devoted to parking area interior landscaping.

(C) Site Amenity Location and Design

(i) Required site amenities shall:

(a) Be integrated with the overall design of the development;

(b) Be concentrated in one or two high visibility locations, rather than scattered in small, isolated portions of the site;

(c) Include direct pedestrian connections from primary buildings and uses and any transit stops;

(d) Include pedestrian-scale lighting and signage to aid in wayfinding.

(ii) Location of transit stops and other public transit amenities shall be coordinated with Lawrence Transit prior to site design and placement in order to determine appropriateness and type of amenity being provided.

(3) Focal Points

(A) On each corner of a street intersection, developments shall provide a "focal point" within a 200-foot radius from the intersection of the centerlines of the two streets.

(B) A "focal point" shall be visible from the intersecting streets and consist of one or more of the following:

(i) A multi-story building or pad site building with a distinctive vertical architectural feature that is a minimum of 25 feet tall and a maximum 45 feet tall. Distinctive vertical architectural features may include features such as a clock tower, spire, vaulted entry, distinctive roof form, or other feature as approved by the Director.

(ii) Public art or sculpture; or

(iii) Fountains or other water feature.

(C) Automobile-oriented uses, such as fuel stations or drive-through restaurants shall not be considered a "focal point" regardless of their architectural features.

(f) Building Design and Character

(1) Architectural Details

(A) Architectural details should draw cues from the built and natural environment in Lawrence without mimicking a particular architectural style.

(B) The use of prototype "corporate architecture" shall be incorporated only as secondary elements to a development, such as signs.

(C) Multi-building developments shall be architecturally unified. Architectural unity means that buildings shall be related and compatible in style, color scheme, and quality and type of exterior building materials.

(2) Façade Articulation

(A) Four-Sided Design

Although the front façade of a building is expected to be the focal point in terms of level of architectural character and features, architectural detailing that complements the front façade and provides visual interest shall be provided on all sides of a building. Blank walls void of architectural detailing shall be prohibited.

(B) Design Elements

The perceived mass and scale of nonresidential and mixed-use buildings shall be reduced by incorporating design elements that are consistent with the development's architectural character and the proportions of the building:

(i) Commercial and Industrial Buildings (Single-Story)

Facades shall incorporate a minimum of four of the design elements listed below. On buildings that exceed 25,000 square feet or 30 feet in length, facades shall incorporate a repeating pattern of design elements and at least one that repeats horizontally.

(ii) Mixed-Use Buildings (Multi-Story)

Facades shall incorporate a minimum of three of the elements listed below, with a particular focus on articulation of the ground level. All buildings that are three or more stories in height shall incorporate a recognizable base, middle, and top through the use of changes in material, architectural accents, or other features.

(iii) Eligible Design Elements

The following design elements may be used for the purposes of meeting the above standard:

(a) Distinct changes in the texture and color of wall surfaces;

(b) Material module change;

(c) Wall plane off-sets;

(d) Variations in roof form and parapet heights;

(e) Upper-level galleries or balconies;

(f) Protected and recessed entries;

(g) Vertical accents or focal points;

(h) Transparent windows or entrances; or

(i) Other design elements as approved by the Director.

(C) Transparency

Transparent windows and/or entrances shall be provided as follows, as measured against the exposed wall of the structure;

(i) Commercial buildings (Single-Story)

(a) Greater than 25,000 Square Feet

Minimum of 30 percent of the total area of the front façade.

(b) Less than 25,000 Square Feet

Minimum of 60 percent of the total area of the front façade.

(c) Side, street-oriented elevations

Minimum of 25 percent of the total area of the side elevation.

(ii) Mixed-Use Buildings (Multi-story)

(a) Ground Floor

Minimum of 60 percent of the total area of the ground floor façade and minimum of 40 percent of all other ground floor elevations.

(b) Upper Floor(s)

Minimum of 30 percent of the total area of each upper floor elevation.

(3) Neighborhood Transition Standards

Any nonresidential or mixed-use building proposed to be constructed on a parcel (non-protected lot) adjoining, or separated only by an alley or a public street from, a parcel of land in any R-1 or R-2 district (Protected Residential Districts), shall comply with the Neighborhood Transition Standards in Section 20-203(e).

(4) Entryways

(A) Primary entryways should be clearly defined, oriented to a public street, parking area, or public sidewalk, and distinguishable from the street and primary public sidewalks.

(B) Each building greater than 50,000 square feet of gross floor area shall provide at least two customer or employee entryways. Entryways shall be on separate building facades.

(C) Principal buildings that are smaller than 50,000 square feet of gross floor area are encouraged to provide multiple customer or employee entryways.

(5) Color

(A) Color schemes shall be used to enhance the architectural form of buildings and establish visual continuity between separate (free-standing) buildings within the same development.

(B) Intense, bright, metallic, or fluorescent colors shall be used sparingly as accents, and these colors shall not be used as the predominant color on any facade or roof of any building. Permitted sign areas shall be excluded from this standard.

(6) Materials

(A) All buildings shall be constructed or clad with durable, low-maintenance materials that maintain a consistent appearance over time, including, but not limited to:

(i) Natural or synthetic stone;

(ii) Brick;

(iii) Stucco;

(iv) Integrally colored, textured, or glazed concrete masonry units; or

(v) Prestressed concrete systems; or

(vi) Glass.

(B) At least 30 percent of all exterior building facades shall be clad in brick or natural or synthetic stone.

(C) Exterior building materials shall be continued to within nine inches of finished grade on any elevation.

(D) Projects shall use colors and materials that reflect heat and/or assist with the ongoing dissipation of heat. Examples include the use of lighter-colored paving or open-grid paving materials for parking areas or breaking up large expanses of paved areas with shade trees or shade structures, or use of light-colored roofing materials.

(7) Parking Structures

(A) A structured parking facility shall be set back a minimum of 10 feet from the property line at the exit for a width of 10 feet on both sides of the vehicular exit opening, to provide adequate sight distance for pedestrians. An alternative building design may be approved in lieu of this required setback, if the City Engineer determines it provides adequate sight distance for vehicles and pedestrians.

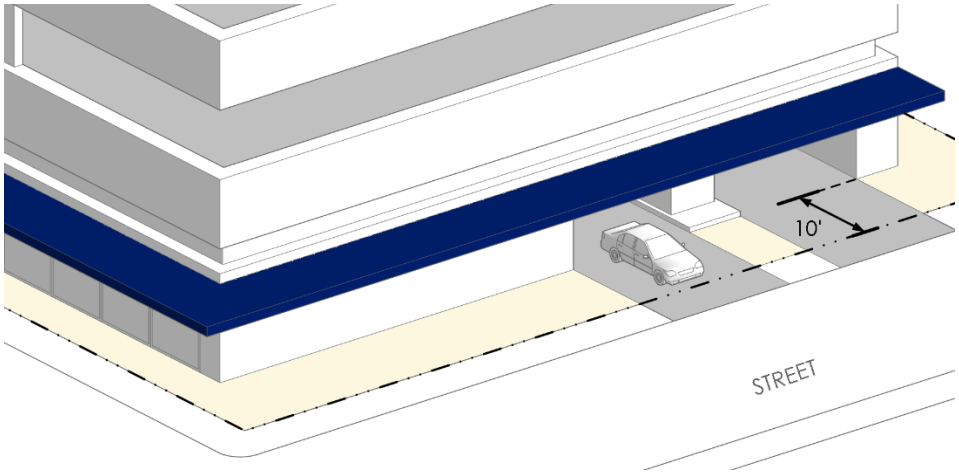


Fig. 20-9-H. Structured Parking Setback Requirements

(B) Structured parking constructed within or adjacent to a primary structure shall be integrated with the overall design of the structure it serves through the use of visually similar architectural features and materials.

(C) Free-standing parking structures shall be designed to complement surrounding buildings in terms of their scale, design elements, building materials, and orientation on the site.

20-907 Adaptive Reuse of Designated Historic Property (AR-DHP)

(a) Applicability

Special use approval may be granted in any zoning district for an adaptive reuse provided the property is listed individually or as a contributing structure to a historic district in one or more of the following: the Lawrence Register of Historic Places; the Register of Historic Kansas Places; or the National Register of Historic Places.

(b) Eligibility

(1) Eligible Properties

Only properties that meet criteria (i) or (ii) below and the additional criteria below are eligible to pursue adaptive reuse:

(A) When the use can facilitate active renovation or restoration of the property and when the request for the adaptive reuse is submitted prior to the renovation or restoration commencing.

(B) When the use can maintain an otherwise adequate property that has an existing adaptive reuse Special Use Permit.

(2) Ineligible Properties

(A) When the property is located in a nonresidential zoning district.

(B) When the property is located in a single-dwelling Residential zoning district and the structure was built primarily for any use other than detached dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence and when the property is not being converted from detached dwelling to adaptive reuse.

(C) When the property is located in a multi-dwelling Residential zoning district and where the structure on the property was built for any use other than detached dwelling that has been substantiated through archival records, tax records, City directories, or other physical evidence or where the structure on the property has a minimum of 4,000 square feet of gross floor area in living space. (Square footage shall include all finished living space excluding porches and garages).

(c) Design and Dimensional Standards

(1) Adaptive reuse of a property shall not include a reduction in area or dimension of the existing front yard or exterior side yard;

(2) Adaptive reuse of a residentially designed structure shall maintain the residential quality and character of the property;

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

(d) Review Process

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

(2) In addition to the Special Use Permit procedures of Section 20-1604(c), the following criteria shall apply:

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

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

(C) Adherence to other criteria established in this LDC, as appropriate to the use proposed, when so determined by the Planning Director or the Historic Resources Administrator.

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

(4) The recommendations of the Historic Resources Commission and the Planning Commission will be forwarded to the Governing Body for consideration.

20-908 Adaptive Reuse of Commercial Property to Residential (AR-CR)

(a) Purpose

(1) To extend the life of existing buildings and promote the reuse of vacant or underutilized buildings in core areas of Lawrence.

(2) To reduce use of new construction materials and reduce construction waste generated; and

(3) To expand opportunities for housing.

(b) Zoning Districts

AR-CR is allowed for any commercial structure that has been at least 50 percent vacant for at least five consecutive years and is located in a zoning district that allows residential development.

(c) Allowed Uses

An AR-CR property may be reused for any single or mix of residential, civic, or commercial uses allowed in the applicable zoning district.

(d) Adaptive Reuse Standards

(1) Existing Structures Considered Conforming

To encourage the redevelopment of an existing commercial structure as part of an AR-CR development, the existing structure shall be considered conforming to this LDC, even if the structure would otherwise be considered nonconforming. Changes are not required to bring the structure into conformance with this LDC in the following categories:

(A) Setbacks

(B) Height

(C) Parking

(2) Permitted Exemptions and Expansions

(A) The addition of parapets or roof structures, equipment or other enclosures or non-habitable space is allowed.

(B) Any new or additional habitable space or floors shall comply with zoning district height limits.

(C) Section 20-303(d), R-1 and R-2 Neighborhood Transition Standards, are not applicable.

(D) The overall number of existing parking spaces onsite shall be maintained. Additional on-site parking is not required.

(E) Landscaping shall be provided as required by Article 14, but only to the maximum amount practicable on the site.

Article 10. Mobility and Connectivity

20-1001 Purpose

The purpose of this section is to support the creation of a highly connected multimodal transportation system within the City in order to:

(a) Provide transportation choices for drivers, bicyclists, pedestrians, and transit riders that are comfortable for all ages, abilities, and all residents regardless of socioeconomic status;

(b) Increase effectiveness of local service delivery and reduce emergency service times;

(c) Connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers;

(d) Reduce vehicle miles travelled (VMT) and travel times;

(e) Improve air quality;

(f) Mitigate the traffic impacts of new development;

(g) Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections;

(h) Avoid expanding the need for transit to extend outward without any additional resources to support expanded service; and

(i) Reduce stormwater runoff, reduce heat island effect from large expanses of pavement, improve water quality, and minimize dust pollution.

20-1002 Applicability

This article shall apply to any development activity that requires Site Plan Review in accordance with Section 20-1605(g) or Subdivision approval in accordance with Article 11.

20-1003 Multimodal Circulation

(a) Compliance with City's Design Criteria

All streets, sidewalks and improvements in the public right-of-way shall be constructed in accordance with the standards in the Municipal Services and Operations Plan Preparation and Design Criteria Manual.

(b) Circulation Plan

(1) Applications for Site Plan Review shall include a multimodal circulation plan that addresses street connectivity, emergency and service vehicle access, parking movements, bike movements, transit movements, pedestrian

movements, accommodation of loading operations, turning radii, and traffic calming measures.

(2) Where the Multimodal Circulation Plan cannot fully accommodate a relevant multimodal requirement, the plan shall include a narrative description of trade-offs made to one mode of transportation to accommodate the needs of another mode of transportation.

(3) The Director and/or the City Engineer may waive the requirement for a multimodal circulation plan upon determining that a proposed development is abutting or has access to existing on-site or off-site circulation and is expected to have no impact on circulation or proposes no change in existing on-site or off-site circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

20-1004 Vehicular Circulation

(a) Public Street Connectivity

(1) Cross Access between Abutting Development

All new development shall be subject to the Access Management Guidelines.

(2) Cul-de-Sacs and Dead-End Streets Discouraged

(A) Permanent cul-de-sacs and dead-end streets shall be prohibited unless the Director determines the topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Cul-de-sacs and dead-end streets shall comply with the MSO Technical Resources.

(B) Temporary cul-de-sacs shall be prohibited unless a plan to extend the street has been approved.

(C) Cul-de-sacs shall meet the standards set forth in Section 20-1110.

(3) Individual Lot Access Standards

(A) General

(i) Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing access to the property in its intended use.

(ii) All driveway entrances and other openings onto streets shall be constructed so that:

(a) Vehicles may safely enter and exit from the lot in question;

(b) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and

(c) Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements.

(B) Residential

There shall be no direct driveway access (ingress or egress) from any residential lots to any arterial street or highway unless no other legal access alternative is available.

(C) Nonresidential and Mixed-Use

(i) All non-residential and mixed-use sites shall not have direct access to arterial streets, unless no other legal access alternative is available.

(ii) Each property shall not have more than two access ways to any one street unless approved by the City Engineer.

(b) Sight Triangle

No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three feet and 10 feet shall be erected, placed or maintained within the sight distance triangle as established by the American Association of State Highway and Transportation Officials (AASHTO).

(c) Traffic Impact Study

A Traffic Impact Study (TIS) shall be prepared and submitted to the City for development or redevelopment, based on thresholds established in Chapter 16, Article 11 of the City Code. Preparation of a Traffic Impact Study shall be required, as part of a Site Plan or Development Plan application, subdivision lot or plan approval, and shall be based upon standards for a TIS provided in Chapter 16, Article 11 of the City Code.

(1) Purpose

The purpose of requiring a Traffic Impact Study is to provide the City with the information necessary to evaluate and make a determination about the impact of a proposed land use change or development project on adjacent land uses, on the existing and ultimate street design, and on the entire transportation network.

(2) Exceptions

(A) Applicants are required to follow the Traffic Impact Study threshold and analysis requirements set forth in City Code Chapter 16, Article 11, unless waived by the Director with respect to the development because:

(i) The development is covered by a modified Site Plan, pursuant to Section 20-1605(g)(9), that has been determined not to constitute a material change;

(ii) The development is covered by a modified final Development Plan, pursuant to Section 20-1604(b)(4)(A)(iv) that has been determined not to constitute a major change; or

(iii) The development involves the reuse of existing structures or modification of existing structures but does not involve a change in existing use or intensity of use.

(3) Additional Analysis

When access points are not defined or a Site Plan is not available at the time the Traffic Impact Study is prepared, additional analysis shall be required when a Site Plan becomes available, or the access points are defined.

(4) Expense

(A) Notice if at Applicant's Expense

If MSO determines that it is appropriate to engage an engineer or engineering firm to conduct a Traffic Impact Study, the City shall give the applicant written notice of that determination 10 business days before work on the Traffic Impact Study begins. This study shall be conducted for the City at the applicant's expense. If the applicant objects to the TIS requirement, the application process shall be suspended until an acceptable TIS is completed.

(B) Payment as Permit Condition

In this instance, payment of a Traffic Impact Study shall be a condition of the issuance of the Preliminary Plat or Site Plan Review approval, pursuant to this LDC.

20-1005 Pedestrian Circulation

(a) Sidewalks Required

(1) When Required

(A) New sidewalks shall be provided by the developer along all local, collector, and arterial streets to allow convenient pedestrian access through or across the development and connecting with sidewalks of adjacent properties in accordance with the Pedestrian Plan.

(B) If sidewalks currently exist at the site, or, in the case of infill or redevelopment, within 150 feet of the site, the sidewalk will be evaluated to determine if MSO Technical Resources and ADA compliance standards are met. If sidewalks do not meet standards, they shall be brought into compliance or an agreement not to protest the formation of a benefit district for future improvements is required.

(2) Design Variance

The City Engineer is authorized to vary minimum sidewalk width and construction standards when the standards would be impractical because of topography or site conditions. Sidewalks may be waived in the following situations:

(A) Where future connections to the subject property are not reasonably foreseeable based on surrounding development patterns, or

(B) In Residential districts with an average lot size of one acre or larger.

(3) Design and Materials

Sidewalks shall be designed and constructed pursuant to MSO Technical Resources.

(b) On-Site Pedestrian Connections

(1) All residential multiunit dwellings, mixed-use, commercial, and industrial development shall provide a network of safe, reasonably direct, and convenient on-site pedestrian walkways with a minimum width of five feet built to the property line to and between the following areas:

(A) Entrances to each residential, mixed-use, and commercial building on the site, including pad site buildings, as well as parking areas, bike parking facilities, and open spaces;

(B) Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and

(C) Adjacent public transit station areas, transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas.

(2) On-site pedestrian walkways and crosswalks shall be identified through the use of one or more of the following methods:

(A) Changing paving material, patterns, or paving color (does not include the painting of the paving material);

(B) Changing paving height;

(C) Vertical wayfinding including bollards or signage; and/or

(D) Raised median walkways with landscaped buffers.

(3) At least one walkway within the development shall provide a direct link between the primary entrance and the sidewalk adjacent to the principal public right-of-way. Additional walkways may be required for developments on sites larger than two acres.

(4) Pedestrian walkways and transit stops shall be ADA compliant.

(5) For the comfort and convenience of pedestrians, when designing walkways internal to the development, the City encourages the inclusion of landscaping treatments such as benches, trash receptacles, shade trees and/or other vegetative cover. A landscaped walkway will count towards general site landscaping requirements set forth in Section 20-1404, Minimum Landscaping Required.

20-1006 Bicycle Circulation

All new development or redevelopment shall provide bicycle facilities in accordance with the Lawrence Bikes Plan and supporting MSO Technical Documents.

Article 11. Subdivision Regulations

SUBDIVISION REGULATIONS

for

Lawrence

and

the Unincorporated Areas

of Douglas County, KS

Regulations Governing Land Divisions

in the City of Lawrence and

the Unincorporated Areas of Douglas County, Kansas

Chapter 20, Article 11 of the Lawrence Development Code

AND

Chapter 11, Article 1 of the Douglas County Code

December 19, 2006 Edition

Amended: 09/11/07; 12/04/07; 03/25/08; 09/10/08; 01/06/09; 12/08/10; 01/10/12; 07/10/18; 03/17/20; 08/17/21; 09/07/21; 10/12/21; 12/21/21

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Approved by Lawrence City Commission on December 19, 2006
Approved by the Board of Douglas County Commissioners on December 20, 2006

Amended September 11, 2007:
Joint Ordinance/Resolution No. 8193, published November 9, 2007
Approved by the Board of Douglas County Commissioners on September 10, 2007
Approved by the Lawrence City Commission on September 11, 2007

Amended December 4, 2007:
Joint Ordinance No. 8230/Resolution 08-03, published January 28, 2008
Approved by the Board of Douglas County Commissioners on November 14, 2007

Approved by the Lawrence City Commission on November 20, 2007 and December 4, 2007

Amended March 25, 2008:
Joint Ordinance No. 8255/Resolution 08-14, published April 25, 2008
Approved by the Board of Douglas County Commissioners on November 14, 2007
Approved by the Lawrence City Commission on March 25, 2008.

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Joint Ordinance No. 8301/Resolution 08-41, published September 27, 2008
Approved by the Board of Douglas County Commissioners on September 3, 2008
Approved by the Lawrence City Commission on September 9, 2008.

Amended January 6, 2009:
Joint Ordinance No. 8364/Resolution 09-06, published February 28, 2009
Approved by the Board of Douglas County Commissioners on February 11, 2009
Approved by the Lawrence City Commission on February 10, 2009.

Amended December 8, 2010
Joint Ordinance No. 8317/Resolution 10-30, published December 28, 2010
Approved by the Board of Douglas County Commissioners on December 8, 2010.
Approved by the Lawrence City Commission on December 7, 2010.

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Joint Ordinance No. 8690/Resolution 12-01, published January 16, 2012
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Approved by the Lawrence City Commission on January 3, 2012.

Amended July 10, 2018
Ordinance No. 9505 published July 16, 2018
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Approved by the Lawrence City Commission on July 10, 2018.

Amended September 11, 2018
Ordinance No. 9515 published September 15, 2018
Resolution 18-26 published October 8, 2018
Approved by the Board of Douglas County Commissioners on October 3, 2018.
Approved by the Lawrence City Commission on September 11, 2018.

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Ordinance No. 9742 published March 22, 2020
Resolution 20-07 published March 22, 2020
Approved by the Board of Douglas County Commissioners on March 18, 2020.
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Amended August 17, 2021
Ordinance No. 9852 published August 21, 2021
Resolution 21-27 published August 21, 2021
Approved by the Board of Douglas County Commissioners on August 4, 2021.
Approved by the Lawrence City Commission on August 17, 2021.

Amended September 7, 2021
Ordinance No. 9833 published September 11, 2021
Resolution 21-37 published September 11, 2021
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Amended December 21, 2021
Ordinance No. 9807 published December 28, 2021
Resolution 22-05 published December 28, 2021
Approved by the Board of Douglas County Commissioners on January 19, 2022.
Approved by the Lawrence City Commission on December 21, 2021.

Official Copy as Adopted by Ordinance and Resolutions listed above.

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/s/ Sherri Riedemann, City Clerk

_____

/s/ Jameson D. Shew, County Clerk

20-1101 General

(a) Purpose and Intent

(1) The purpose of the Subdivision Regulations of this Article is to ensure that the division of land, which, in many instances, is an initial step in Urbanization, will serve the public interest and general welfare. Since the allocation and arrangement of Parcels of land for both private uses and public uses helps to influence the health, safety, economy, livability, and amenities of an area, these regulations are intended to:

(i) Provide for the harmonious and orderly development of land within the City and the Unincorporated Area of Douglas County by making provisions for adequate open space, continuity of the transportation

network, recreation areas, drainage, utilities and related Easements, light and air, and other public needs;

(ii) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and

(iii) Provide for the conservation and protection of human and natural resources.

(2) The Subdivision Regulations of this Article are designed, intended and should be administered to:

(i) Ensure that in the City and in the Unincorporated Area of Douglas County is in accordance with the Comprehensive Plan; any adopted watershed/sub-basin plans, sector or Neighborhood Plans covering the subject Subdivision; the applicable Zoning Regulations enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan;

(ii) Provide for the conservation of existing neighborhoods and facilitate the development of new neighborhoods;

(iii) Prevent the development of substandard Subdivisions and blighted areas that will be a detriment to the community;

(iv) Coordinate the development of each Parcel of land with the existing community and facilitate the proper of adjoining land;

(v) Provide adequate and accurate records of all land Divisions;

(vi) Ensure that the cost of Improvements, which benefit primarily the Tract of land being developed, be borne primarily by the Owners or Developers of the subject Tract, and that the cost of Improvements that provide benefits to the subject Tract and the community as a whole be shared by the Developer and the community;

(vii) Ensure that Subdivisions are designed and developed in a manner that is consistent with all applicable flood protection and storm water management regulations and other applicable land use and development regulations of Lawrence and Douglas County;

(viii) Provide for the efficient arrangement and orderly location of Street/Roads;

(ix) Encourage the reduction of vehicular congestion and support multi-modal transportation design standards in a manner that supports multi-modal transportation;

(x) Provide for the reservation or Dedication of lands for open space and other community facilities;

(xi) Require the provisions of off-site and On-Site Public Improvements that are necessary to serve land being developed;

(xii) Provide for any other services, facilities and Improvements deemed necessary to serve land being developed; and

(xiii) Establish Building Envelope lines.

(b) Jurisdiction

(1) The Subdivision Regulations of this Article shall apply to all lands within the City of Lawrence and the Unincorporated Area of Douglas County.

(2) In some cases, different standards are established for lands within the City, the Urban Growth Areas and the Rural Area. Unless otherwise expressly stated, however, all regulations and standards of this Article shall apply with equal force to land located in incorporated and Unincorporated Areas.

(c) Applicability

(1) Unless expressly addressed as an exemption in Section 20-1101(d) below, no Lot, Tract or Parcel of land shall be divided into two or more parts for the purpose of sale, transfer or Development, whether immediate or future, except through the procedures and in accordance with the standards set forth in this Article.

(2) For property within the incorporated city limits of Lawrence, unless otherwise exempt herein, no building permit shall be issued unless the property is Platted as a Lot of Record.

(i) Electrical permits, mechanical permits, and plumbing permits that are required for the general maintenance, repair, or replacement of existing equipment -- necessary to meet basic life, safety, or habitability requirements -- may be issued whether or not the property is Platted as a Lot of Record.

(3) If Subdivision or Platting of a property is required within the City of Lawrence in order to receive a building permit prior to development, the Subdivider shall preliminarily Plat all of their contiguously owned lands that are not Platted.

(d) Exemptions

(1) The purpose of this sub-section is to list specifically those divisions and transfers of land that are entirely exempt from regulation under this Article. This sub-section shall be strictly construed, so that any transaction failing in any way to meet one, or more, of the requirements for exemption shall be subject to the full effect of this Article.

(2) The following divisions and transfers of land are exempt from the requirement that divisions occur only in accordance with the standards and procedures set forth in this Article and may be accomplished by deed or other instrument of transfer without any reference to this Article:

(i) A division created exclusively for Agricultural Purposes, when that division does not involve the creation of any new Public Streets, public Roads, or public Easements or residential development;

(ii) A division occurring through the sale or transfer of any Lot that has been legally Platted in accordance with Subdivision Regulations in effect at the time of the Platting;

(iii) A division used exclusively for cemetery purposes and Accessory uses associated therewith;

(iv) A division occurring through the transfer of land for use as a Right-of-Way for widening a Road or railroad or as an Easement for public purposes or public utilities, when no new Street/Road or Easement of Access is involved;

(v) A division of unplatted land in the Unincorporated Area of the County [commonly utilized with Section 20-1101(f)] for the purpose of combination with an existing Parcel so long as the remaining portion of the unplatted land retains the minimum dimensional requirements for a Certificate of Survey;

(vi) A division of 5 acres or greater within the Unincorporated Area of the County that occurred on or before June 1, 2005 and that was not lawfully created through the Exemptions section of the Subdivision Regulations in effect at the time of the division, provided said division meets the minimum Frontage requirements in the County's Access Management Standards or provided said division has a minimum Frontage of 250' on a Local or Minor Collector classified Road;

(vii) An Agricultural Subdivision Boundary Survey division of property in the Ag-1 District within the Unincorporated Area of the County is permitted without review under these Subdivision Regulations provided the following standards are met:

(a) Each new Parcel shall have direct take Access to a Full Maintenance Road and meet the road Frontage required in the Access Management Standards;

(b) Each new Parcel shall be a minimum of 20 acres in area;

(1) For purposes of determining compliance with the 20 acre minimum Parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Parcel.

(2) In calculating the size of a Parcel, the Parcel size shall be deemed to include ½ of the adjoining Right(s)-of-Way if this inclusion is necessary for the Parcel to conform to the applicable minimum Parcel size.

(3) Parcels in an Agricultural Subdivision Boundary Survey may be reduced to the minimum area permitted by the Douglas

County Sanitary Code, provided the development on the remainder of the Parcel is prohibited with the recording of an executed Agricultural/Natural Resource Protection Agreement.

(c) The Right-of-Way provided on the adjacent roads meets the minimum width standards of Section 20-1110(e)(5).

(1) If the property within the survey is located adjacent to public Right(s)-of-Way that does not meet the minimum width standards of Section 20-1110(e)(5), one-half the required Right-of-Way width based on the Road's classification established in the County's Access Management Standards shall be dedicated prior to the recording of the survey.

(2) All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

(d) Agricultural Subdivision Boundary Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to determine compliance with these standards.

(e) The Parcels created through the Agricultural Subdivision Boundary Survey are eligible for building permits for uses permitted in the district provided the requirements of the Douglas County Sanitary Code are met for uses which require on-site sewage management systems.

(viii) A correction of a description in a prior conveyance provided that the correcting instrument (commonly called a Correction Survey used to make a Boundary Line Adjustment between two existing Parcels) contains a reference to the original instrument of conveyance by date, book and page and other description. Within a reasonable time after receiving a correction instrument, the Register of Deeds shall deliver a copy of the correction instrument to the Planning Director; or

(ix) Within the City of Lawrence, the division of land to allow for the sale of individual attached or detached residential Dwellings in a townhouse development; provided that, the following conditions are met:

(a) The land has been developed with and is occupied by an attached or detached Dwelling.

(b) The land being divided or transferred under this exemption is covered by a recorded declaration of covenants subjecting the land and Improvements thereon to procedures and conditions regulating the manner in which Improvements may be expanded, reconstructed and maintained;

(c) Prior to recording of the first division for a townhouse development, a development plan, or similar document, shall be recorded at the Register of Deeds showing at a minimum:

(1) The entire townhouse development,

(2) A legal description of the boundaries of the entire development,

(3) Any Tracts for common Ownership, maintenance or use, ponds or drainage areas, and

(4) The intended Tracts, Parcels or general building locations (along with building numbers or proposed addresses) for division into townhouse units.

(d) If the declaration allows additional land to be submitted to the townhouse development, the location and description of the additional land shall also be shown.

(x) Within the Unincorporated Area of the County, a division of property within the AG-2 Zoning District (commonly called a Homestead Exemption Survey) created to divide off a residential building that existed On-Site on December 31, 2006, and grounds, from a larger Parcel provided that the following conditions are met:

(a) The minimum size of the new Parcel upon which the residential building is located meets both the County's Sanitary Code requirements for Access to a Potable Water supply and the Height, Area and Bulk Requirements in of the Douglas County Zoning Regulations;

(b) The On-Site Sewage Management System is located entirely on the new Parcel upon which the residential building it serves is located and is in compliance with the County's Sanitary Code requirements;

(c) The new Parcel on which the residential building is located meets the minimum Frontage and entrance spacing requirements established in the County's Access Management Standards.

(d) The remaining undevelopable Parcel must have access to the adjacent roadway, either through an easement or physical connection to the Road that is a minimum of 30 feet in width.

(e) The Right-of-Way provided on the adjacent roads meets the minimum width standards of Section 20-1110(e)(5).

(1) If the property within the survey is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-1110(e)(5), one-half the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards shall be dedicated prior to the recording of the survey.

(2) All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

(f) Homestead Exemption Surveys are to be reviewed by the County Surveyor and the Zoning and Codes Director to insure compliance with these standards prior to being recorded at the Register of Deeds.

(g) Such legally created Parcel of land on which the residential building is located shall not be subject to further review under this Article, unless or until this Parcel is further divided.

(e) Vested Rights

(1) A division of land created in conformance with this Article, or created in conformance with the Exemption section of the previously adopted Subdivision Regulations that were in effect prior to December 20, 2006, and said division of land was filed and recorded as a Plat of survey, deed, or affidavit of equitable interest identifying the division as a separate Tract of real estate at the Register of Deeds office:

(i) On or before June 1, 2005; or

(ii) After June 1, 2005, and as of December 31, 2006, provided a division of land made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No. 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the Governing Body.

Such legally created Parcel shall not be subject to further review under this Article; unless or until it is further divided.

(2) Lot of Record or Non-Conforming Lots/Parcels

(i) In the City of Lawrence, a Lot of Record or Parcel created before the Effective Date of this Article that has been maintained in individual Ownership, may be used for residential purposes for a detached Dwelling or for another use that is allowed in the UR (Urban Reserve) District without further review under this Article, until such Lot of Record or Parcel is further Subdivided.

(ii) In the City of Lawrence, Nonconforming Lots/Parcels that meet the requirements of Section 20-1704 of the Land Development Code may be used in accordance with Article 15 without further review under this Article, until such Lot/Parcel is further Subdivided.

(iii) In the City of Lawrence, properties which include partial Lot descriptions or multiple Lot descriptions which were created prior to December 19, 2006, are not subject to review under this Article if the

property meets the standards of either the zoning district that it was governed by when the property was created or the current zoning district in which it is located unless the development pattern of the property is altered.

(iv) For property in the Unincorporated Areas of Douglas County, a Lot of Record or a Parcel lawfully created within the A (Agricultural) District, A-1 (Suburban-Home Residential) District, or R-1 (Single-Family Residential) District in the Unincorporated Area of Douglas County on or before December 31, 2006, that has been maintained in individual Ownership, may be used for residential purposes for a single-family home or for another use allowed within the District the property is located in, without further review under this Article, until such Lot of Record or Parcel is further Subdivided.

(3) Upon the recording of a Final Plat, development rights in land covered by that Plat shall vest in accordance with K.S.A. 12-764. This vesting shall be effective only so long as the same general category of residential uses is continued; any significant change of use shall subject the property to additional review and the applicability of additional regulations, which may affect some rights that are vested as to the particular use and the particular pattern of development. The development rights for a single-family residential Subdivision shall expire in accordance with K.S.A. 12-764.

(f) Combination of Unplatted Lands in Unincorporated Douglas County

(1) A vested Parcel may be combined with another unplatted Parcel and retain the right to a building permit for one principal building for residential purposes on the newly created Land Combination provided:

(i) A survey of the Land Combination is filed at the Register of Deeds;

(ii) All land covered by the survey is owned by the same person or persons; and

(iii) The Owner requests in writing that the County Clerk combines the constituent Parcels for tax parcel purposes.

20-1102 General Review and Approval Procedures

(a) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this Article may be initiated by all the Owners of the property that is the subject of the application; or the Owners' authorized Agent.

(b) Form of Application

(1) Applications required under these Subdivision Regulations shall be submitted in a form and in the numbers of copies required by the Planning Director. All application materials must be submitted in both print and electronic format.

(2) The Planning Director shall develop checklists of application submittal requirements and make those checklists available to the public. The application also shall contain all materials required by:

(i) Section 20-1107(d)&(e) for Certificate of Survey applications;

(ii) Section 20-1108(e) for Minor Subdivision/Replat applications;

(iii) Section 20-1109(f) for Preliminary Plat applications; or

(iv) Section 20-1109(l) for Final Plat applications, whichever is applicable.

(c) Pre-application Meetings

All applicants submitting applications for approvals must attend a pre-application meeting with Planning Staff. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 working days before submitting an application.

(d) Notices

The notice provisions of this section apply to the Major Subdivision process except as otherwise expressly stated.

(1) Content

(i) Newspaper and Mailed Notice

All newspaper and Mailed notice shall:

(a) Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

(b) Describe the property involved in the application by Street or Road address or by general description;

(c) Describe the nature, scope and purpose of the application or proposal; and

(d) Indicate where additional information on the matter can be obtained.

(2) Newspaper Notice

When the provisions of these Subdivision Regulations require that "Newspaper Notice" be provided, the Planning Director is responsible for ensuring notice is published in the official newspaper of the City of Lawrence or Douglas County. The notices shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) Mailed Notice

When the provisions of these Subdivision Regulations require that "Mailed Notice" be provided:

(i) Owner Notice; Radius

The official responsible for accepting the application shall mail notice to the record Owner of the subject property and all Owners of property located within 200 feet of the subject property if in the City of Lawrence and within 1,000 feet of the subject property if located in the Unincorporated Areas of Douglas County. If the subject property Abuts a City limits, the area of notification shall be extended to at least 200 feet inside the City or 1,000 feet into the Unincorporated Area.

(ii) Notice to Registered Neighborhood Associations

The official responsible for accepting the application shall mail or e-mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) Administrative Processes

(i) Minor Subdivision/Replats and Final Plats

Subdivision or consolidation of property through the Minor Subdivision/Replat and Final Plat processes are administrative processes and do not require individual newspaper or mailed notice.

(ii) Certificates of Survey

Division of property through the Certificate of Survey process is an administrative process and does not require individual newspaper or mailed notice.

(e) Application Processing Cycles

Officials responsible for accepting applications may, after consulting with review and decision-making bodies, publish processing cycles for applications. Processing cycles may establish:

(1) The official date upon which a completed application was submitted;

(2) Deadlines before consideration;

(3) Dates of regular meetings;

(4) The scheduling of staff reviews and staff reports on complete applications; and,

(5) Any required time frames for action by review and decision-making bodies.

(f) Application Review and Recording Fees

Applications shall be accompanied by the review has been established by the applicable Governing Body. Fees are not required for applications initiated by review or decision-making bodies. Application review fees are nonrefundable. Additional recording fees are required prior to recording approved documents at the Register of Deeds and will be collected at that time.

(g) Application Completeness, Accuracy and Sufficiency

(1) An application will be considered complete and ready for processing only if it is: submitted in the required number and form; includes all required information; and, is accompanied by the required fees.

(2) Within 5 working days of application filing, the Planning Director shall determine whether the application includes all information required by these Subdivision Regulations. If an application does not include all of the required information, it will be deemed incomplete. If an application includes all of the required information, it will be deemed complete. Written notice of the incompleteness and the specific information lacking shall be provided to the applicant or the applicant's Agent.

(3) No processing of incomplete applications shall occur and incomplete applications will be removed from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. No refund of a review fee shall be made for applications that are withdrawn.

(4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Planning Staff and other review and decision-making bodies in accordance with the procedures of these Subdivision Regulations.

(h) Applications Containing Technical Deficiencies

(1) The Planning Director may require that applications be revised before being placed on the agenda of the Planning Commission or Governing Body, if the Planning Director determines that:

(i) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

(ii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

(iii) The application cannot be approved without a Variance or some other change or modification that the decision-making body for that application does not have the authority to grant or approve. This determination shall be made in written form to the applicant. If the determination is based on this sub-section (iii), it shall include an explanation of what Variance, change or modification would be required to allow approval of the application.

(2) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with this Article shall be revised before they will be placed on an agenda of the Planning Commission or Governing Body.

(3) Action or inaction by the Planning Director under this section may be appealed to the appropriate Governing Body in accordance with Section 20-1107(h) or Section 20-1113(f), whichever is applicable.

(i) Applicability

Unless expressly exempted under Section 20-1101(d), no Subdivision or Rural Development Parcel may be created and no Certificate of Survey may be recorded with the Register of Deeds until the division has been approved in accordance with the applicable Review and Approval Procedures of this Article.

20-1103 Specific Provisions for Land Divisions Within Urban Growth Areas

(a) Prerequisite to Development within the Eudora Urban Growth Area

No division of land within Tier 2 of the Eudora Urban Growth Area, shall be approved until the land proposed for division has been annexed into the City of Eudora, with the following exceptions:

(1) Land divisions listed in Article 1 as exempt from these regulations; or

(2) Property that has been preliminarily or finally platted, if the City of Eudora determines that additional divisions or reconfiguration of lots may occur without annexation.

(b) Prerequisite to Development within the Lawrence Urban Growth Area

No division of land in Tier 2 of the Lawrence Urban Growth Area, shall be approved until the land proposed for division has been annexed into the City of Lawrence, with the following exceptions:

(1) Land divisions listed in Article 1 as exempt from these regulations, or

(2) Property that has been preliminarily or finally platted, divided through the Cluster Development Certificate of Survey process, or that had A-1 or R-1 zoning that converted to CP zoning upon the adoption of the 2020 County

Zoning Regulations if the City determines that additional division or reconfiguration of lots may occur without annexation.

20-1104 Cluster Developments in the Urban Growth Areas

(a) Purpose

The purpose of this Section is to establish requirements for the Cluster Development Certificate of Survey and the procedure to be followed, when such is permissible in accordance with Section 20-1103, as amended. Cluster Development Land Divisions are possible only on properties within the CP (Cluster Preservation) Zoning District. The procedure contemplates that forethought and design considerations will be employed to identify the future Urban Density development of the land Parcel prior to any division occurring, and that based on these considerations, 3 acre or larger Rural Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the Rural Development Parcels, at some future time, to create Urban Lots and Blocks and connective Street networks in accordance with the Design Standards in the Subdivision Regulations for the city associated with the Urban Growth Area. These regulations will result in Rural Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to Urban Density development as subsequent circumstances dictate.

(b) Applicability

(1) New land divisions through the Cluster Development Certificate of Survey procedures are permitted only on land within the City of Lawrence Urban Growth Area that was zoned CP (Cluster Preservation) prior October 1, 2021, provided that the City does not require annexation prior to division. New land divisions or amendments to existing Cluster Development Certificates of Survey must comply with the standards in this section:

(i) For purposes of determining compliance with the 20 acre minimum Parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Parcel.

(ii) In calculating the size of a Parcel, the Parcel size shall be deemed to include ½ of the adjoining Road Right(s)-of-Way if this inclusion is necessary for the Parcel to conform to the applicable minimum Parcel size.

(c) Immediate Development Acreage and Future Development Acreage

Lands divided pursuant to this Section shall be developed as a Cluster Development and shall be identified as either the Immediate Development Area or the Future Development Area in accordance with the following requirements.

(1) Immediate Development Area.

The Immediate Development Area of a Cluster Development shall not exceed 60% of the total acreage of the proposed development included in the Certificate of Survey. The Immediate Development Area may further be divided into no more than 4, Rural Development Parcels (RDPs) subject to the requirements of this Section. Rural Development Parcels shall be located only in the Immediate Development Area. Individual Rural Development Parcels shall only take Access from a Cross Access Easement and shall be laid out in a manner that minimizes adverse impacts to the Future Development Area. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

(i) Minimum Parcel Acreage and dimensional standards

Rural Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. The minimum Rural Development Parcel size shall be 3 acres.

(ii) Location of Rural Development Parcels

The Cluster Development, shall be designed and developed in accordance with the requirements in this sub-section:

(a) Clustered to take Access from Cross Access Easements to minimize Access points to the adjacent public Right(s)-of-Way.

(1) Cross Access Easements shall be established by a separate legal instrument, acceptable to the legal counsel of the nearby city and the Easement shall be filed recorded at the Register of Deeds as a Restrictive Covenant of the Cluster Development that prohibits development of the Future Development Area until, upon annexation, the Cross Access Easement is dedicated to the annexing city as public Road Right-of-Way.

(2) The Cross Access Easements shall be written so that, upon annexation by a city, the Cross Access Easement shall be in acceptable form and dimensions to be dedicated to the City as public Road Right(s)-of-Way, to allow for construction of Streets within the Cross Access Easements to meet the then current city Street standards.

(b) Planned and laid out to allow for future Subdivision of the Rural Development Parcels into Platted Lots at an Urban Density commensurate with the zoning and Subdivision Regulations of the annexing city.

(iii) Utility – Water

All Rural Development Parcels shall obtain Publicly Treated Water delivered through a water meter.

(iv) Utility – Wastewater

All Rural Development Parcels shall have an On-Site Sewage Management System approved by the Director of Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment.

(a) County Health Code Restriction in Floodplain

On-Site Sewage Management Systems shall be located outside the FEMA designated regulatory Floodplain.

(v) Building Envelopes

The buildable area for each Rural Development Parcel within the Immediate Development Area shall be defined by Building Envelopes and structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.

(a) Rural Development Parcels shall be planned and arranged to allow for the future Subdivision of these Parcels into Urban Streets and Blocks that conform to the development regulations of the city associated with the Urban Growth Area.

(b) The buildable area for each Rural Development Parcel shall be defined by Building Envelopes which accommodate the future Block layout and exclude lands which have been identified for protection as Environmentally Sensitive Lands.

(c) The Building Envelopes for each Rural Development Parcel shall be shown on the Certificate of Survey.

(vi) Access

(a) The development shall have direct Access to a Road that meets or exceeds the County's Rock Road Standard.

(b) The service drive constructed within the Cross Access Easement shall be constructed, at a minimum, to meet the County's Rock Road Standard, and the minimum width of traveled-way plus shoulder shall be 20 feet.

(1) As an alternative, when a Cross Access Easement provides Access to only one or two Rural Development Parcels in the Immediate Development Area, a waiver from this construction standard may be permitted if approved by the County Engineer and when provisions for future improvement to Road standards are included in the Restrictive Covenants.

(c) Only one Access point shall be allowed for the entire development unless a separate Access point is necessary to allow Access to

prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected.

(vii) Steep Slopes

The Building Envelopes of Rural Development Parcels shall not contain any slopes greater than 15%.

(viii) Minimum Road Right(s)-of-Way

(a) If the Cluster Development is located adjacent to public Road Right-of-Way that does not meet the minimum width standards of Section 20-1110(e)(5), approval of the application for division pursuant to this Section 20-1104 shall be subject to a condition that the Subdivider dedicate, by separate instrument to the County, ½ the additional land necessary to bring the Road(s) adjoining the Cluster Development to the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards.

(b) All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded with the Register of Deeds.

(c) No final action may be taken on the Certificate of Survey until this additional Road Right-of-Way has been dedicated.

(ix) Minimum Frontage and Entrance Spacing Requirements

(a) The Cluster Development must meet the minimum Frontage and Entrance Spacing Requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the Road upon which the Cross Access Easement is proposed to take Access.

(b) Minimum RDP Frontage on the Cross Access Easement is not subject to the Frontage requirements in Section 12-318 of the Douglas County Zoning Regulations.

(x) Drainage Easements

If any portion of the Rural Development Parcel lies in a FEMA designated regulatory Floodplain, or if drainage Channels or Swales exist on the Rural Development Parcel that carry runoff from adjacent property or Public Street/Roads, the FEMA designated regulatory Floodplain or drainage Channel or Swale shall be protected by grant of an Easement, or other similar device, evidenced by separate legal instrument, as may be required by the Planning Director and acceptable to the County Counselor.

(xi) Restrictive Covenants

Property in the Immediate Development Area shall be subject to a Restrictive Covenant as set forth in Section 20-1104(d).

(2) Future Development Area

The Future Development Area shall meet the requirements set forth in this sub-section:

(i) Minimum Requirement.

A minimum of 40% of the total Cluster Development shall be designated as Future Development Area. To the extent practical, the Future Development Area should be one contiguous area of land for future planning purposes.

(3) Conservation of Natural Resources

No matter where located within the boundaries of the Certificate of Survey, land that is or contains Environmentally Sensitive Lands identified in Section 20-1110(k), to the greatest extent reasonably practicable, shall be conserved and protected through the recording with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement.

(i) Temporary Set Aside Agreement

(a) A Temporary Set Aside Agreement shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources.

(b) The Temporary Set Aside Agreement shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official.

(c) The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City.

(d) Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.

(ii) Conservation Easement

(a) A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-1110(k), or similar sensitive lands.

(b) A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.

(c) It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.

(d) A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

(4) Restriction on Subsequent Divisions

Any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed recorded with the Register of Deeds.

(5) Restrictive Covenant

The Immediate and Future Development Areas shall be subject to a Restrictive Covenant as set forth in Section 20-1104(d).

(d) Restrictive Covenant

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:

(1) Incorporate by reference and have attached as an exhibit the Build Out Plan;

(2) Require future division of the Rural Development Parcels to conform to the Build Out Plan or the Subdivision Regulations in place at that time;

(3) For the Immediate Development Area, limit each Rural Development Parcel to one principal Dwelling and accessory buildings until annexation into a city and municipal water and Sanitary Sewer service are extended to the property;

(4) For the Future Development Area, any further division for development purposes is prohibited until annexation or until an amended Certificate of Survey is approved and recorded with the Register of Deeds;

(5) Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future Subdivision of the Immediate Development Area into Blocks of an Urban Density that avoids interference with planned future Street/Roads, Easements and setbacks;

(6) Be binding upon the Owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and

(7) Be in a recordable form and be recorded with the Register of Deeds.

(e) Cluster Developments – After Annexation

(1) Upon Annexation, development shall occur in accordance with the Build Out Plan or an approved plan meeting the Subdivision Regulations in place at the time. If, however, the appropriate city's plans or regulations for the area covered by the Build Out Plan recommend a different type of land use or scale of development, the property shall be Platted to conform to the city's current plans and regulations.

(2) Upon Annexation, all future divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the City of Lawrence, or in accordance with the applicable procedures set forth in the annexing city's Subdivision Regulations.

(f) Application

Any person having legal or equitable interest in property that meets the criteria required by this Section may file, with the Planning Director, an application for a division of land in conformance with this Section. The completed application must:

(1) Satisfy the requirements of Section 20-1102;

(2) Be submitted with an approved application form supplied by the Planning Department;

(3) Be submitted in both print and electronic format; and,

(4) Shall be accompanied by the application materials listed in 20-1107(d).

(g) Administrative Review and Consideration Procedures

The Planning Director shall review all applications for Cluster Developments pursuant to this Section in accordance with the Certificate of Survey administrative review procedures set forth in Section 20-1107.

20-1105 Reserved

20-1106 Certificate of Survey Property Divisions in the Unincorporated Area of Douglas County

(a) Purpose

Plan 2040, the Comprehensive Plan for Unincorporated Douglas County and Lawrence, recommends that the rural character be protected and preserved with strong growth management principals that include minimizing agricultural land conversion to other non-agricultural uses and maintaining working lands and high-quality agricultural soils for future generations.

(b) Definitions

When used in this Section 20-1106, the following terms have the following meanings:

(1) Original Tract – shall be composed of a Parcel or a combination of all adjacent Parcels under a single Ownership [not separated by public Right(s)-of-Way] that share common boundary lines or two separate Ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.

(2) Parent Parcel – an area of 20 acres or more surveyed solely for the purpose of creating one or more Rural Development Parcels.

(3) Rural Development Parcel – a Parcel created from the Parent Parcel through the administrative Certificate of Survey process to make the new land division eligible for a building permit.

(c) Applicability

Rural Certificates of Survey are permitted only on land within the AG-2, Transitional Agriculture District. Rural Development Parcels and tracts may be created according to the following requirements:

(1) The Owner of the land must identify a Tract of land, which shall be a minimum of 20 acres and take Access to a Full Maintenance Road, in accordance with this Section. The Tract containing the area for the proposed Rural Development Parcel(s) shall be known as the "Parent Parcel". The land from which the Parent Parcel is identified shall be known as the "Original Tract".

(i) For purposes of determining compliance with the 20 acre minimum Tract area, entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre Tract.

(ii) In calculating the size of a Tract, the Tract size shall be deemed to include ½ of the adjoining Road Right(s)-of-Way or Easements if such inclusion is necessary for the Tract to conform to the applicable minimum Tract size.

(d) Rural Development Parcel (RDP)

(1) Up to 2 Rural Development Parcels (RDP) may be created by dividing a Parent Parcel.

(2) Rural Development Parcels can be created through the Certificate of Survey process only when the Planning Director finds that the division does not involve or result in the creation of any minimum maintenance or Full Maintenance new Roads or Road Rights-of-Way or Easements; and, the division is made in accordance with the following requirements:

(i) Minimum Rural Development Parcel Area and dimensional standards

(a) Rural Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. Each Rural Development Parcel shall have the minimum area required in Section 12-303-2 in the County Zoning Regulations. The minimum Parcel area shall also meet the County Sanitary Code minimum requirements for On-Site Sewage Management System;

(b) The area of Rural Development Parcels may be reduced to the minimum permitted by the Douglas County Sanitary Code; provided development on the remaining tract/parcel is prohibited with the recording of an executed Agricultural/Natural Resource Protection Agreement.

(1) This agreement will remain in effect until the property is annexed into a city or the property is rezoned to a district which permits greater density.

(ii) Development Access

Each Rural Development Parcel shall have direct Access to a Full Maintenance Road;

(iii) County Health Code Requirements

(a) The applicant has provided evidence that each Rural Development Parcel will satisfy all applicable health and sanitation requirements of the Lawrence/Douglas County Health Department;

(b) On-Site Sewage Management Systems shall have a minimum of 3 acres located outside the FEMA designated regulatory Floodplain.

(iv) Grouping Divisions

When a Parent Parcel has previously been identified and filed of record from an Original Tract, any subsequent Parent Parcel identified from that Original Tract shall, where practicable, be located with one boundary line adjacent to the previously created Parent Parcel to encourage the grouping of Rural Development Parcels to facilitate the efficient provision of Infrastructure and other public services.

(v) Minimum Frontage and Entrance Spacing Requirements.

Each Rural Development Parcel must meet the minimum Frontage and Entrance Spacing Requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the Road upon which the Rural Development Parcel is proposed to take Access.

(vi) Minimum Road Right(s)-of-Way

(a) If the Original Tract/Parent Parcel Division is located adjacent to public Road Right(s)-of-Way that does not meet the minimum width standards of Section 20-1110(e)(5), approval of the application for division of land pursuant to this Section 20-1106 will be subject to the condition that the Owner dedicate, by separate instrument to the County, ½ the additional land necessary to bring the Road(s) adjoining Original Tract/Parent Parcel to the required Right-of-Way standard based on the Road's classification established in the County's Access Management Standards.

(b) All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and recorded at the Register of Deeds.

(c) No final action may be taken on the Certificate of Survey until this additional Road Right-of-Way has been dedicated.

(vii) Building Envelope

(a) When a Rural Development Parcel includes lands identified for Protection of Environmentally Sensitive Lands in Section 20-1110(k), a Building Envelope is required to be shown on the Parcel and it shall not include the areas and sites identified for resource preservation.

(b) A Building Envelope is not required on a Rural Development Parcel that does not include lands within the categories identified for resource preservation in Section 20-1110(k); however, structure placement is governed by the setbacks established in the Douglas County Zoning Regulations.

(viii) Conservation Easement

(a) A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-1110(k), or similar sensitive lands.

(b) A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.

(c) It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.

(d) A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the

requirements for re-evaluation by the county for land appraisal and taxation purposes.

(3) With respect to any division made according to this Section, the subsequent Rural Development Parcels shall be considered Parcels but shall not be considered Platted Lots created through a Major or Minor Subdivision/Replat process. Each Rural Development Parcel shall be eligible for the issuance of building permits for permitted and accessory uses, buildings and structures.

20-1107 Certificate of Survey, Administrative Review Procedures

(a) Purpose

The purpose of the Certificate of Survey review procedure is to provide an administrative process for creating an accurate record of the description and location of Rural Development Parcel divisions created in conformance with Sections 20-1104 or 20-1106, whichever is applicable, without requiring full compliance with the regulations of Section 20-1109, Major Subdivisions.

(b) Authority

The Planning Director is authorized to review and approve applications for land divisions made in conformance with Sections 20-1104 and 20-1106, subject to the requirements of this Section. This review procedure allows for an administrative approval process with final action by the Planning Director.

(c) Applicability

An application for a division of land submitted with a complete Certificate of Survey shall be considered for approval in the following circumstances:

(1) The proposed division meets the criteria of one of the types of division authorized by Sections 20-1104 or 20-1106, for review in conformance with this Section.

(2) Rural Development Parcels are eligible for Certificate of Survey approval only one time; however, an amended Certificate of Survey may be recorded when it:

(i) Includes the same land area as the original Certificate of Survey; (or more) and,

(ii) When it meets the applicable requirements in Sections 20-1104 or 20-1106.

(3) For the purpose of interpreting the applicability of the Certificate of Survey administrative review procedure, any proposed development or division of land, which the Planning Director determines is intended to evade the Major Subdivision procedures of Section 20-1109 because it would result in a de facto Major Subdivision through the combination of previous contiguous Certificates of Survey, is not eligible to use the Certificate of Survey review procedure.

(d) Application

Applications for a Certificate of Survey shall be submitted to the Planning Director in conformance with the general requirements of Section 20-1102; be submitted in both print and electronic format; and be accompanied by:

(1) The applicable review and recording fees;

(2) Proof of legal or equitable interest in the property;

(3) Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and

(4) One paper and one electronic copy of a Certificate of Survey that complies with the requirements of Section 20-1107(e).

(5) In addition, for Cluster Developments in an Urban Growth Area:

(i) A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:

(a) A realistic future Urban Block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards and Public Improvement Standards set forth in Sections 20-810 and 20-811 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;

(b) The layout of future Streets/Roads; provided that, Local Streets/Roads shall be planned to provide Street/Road connections to adjoining Parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State Roads or highways for local trips;

(c) Block level Easement locations for utilities and storm water drainage;

(d) Locations of Building Envelopes for each Rural Development Parcel that are respective of the future Urban Street and Block layout; and,

(e) Supplemental written information that demonstrates how public utilities may be extended to the Subdivision to accommodate future Urban Density development.

(ii) For applications within Urban Growth Areas, an executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city, when the city requires such an agreement.

(iii) For properties with Environmentally Sensitive Lands identified in Section 20-1110(k) and designated for protection, a proposed Temporary Set Aside Agreement or permanent Conservation Easement and a copy of proposed Restrictive Covenants as identified in Section 20-1104(c)(3).

(e) Requirements and Material to be Included

A Certificate of Survey shall comply with the following requirements:

(1) The Certificate of Survey shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be a minimum size of 11 inches by 17 inches;

(2) The Certificate of Survey shall show or contain on its face the following information; provided, however, that the licensed Land Surveyor may, at his or her discretion, provide additional information regarding the survey:

(i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A Certificate of Survey shall not bear the title "Plat," "Subdivision" or any title other than "Certificate of Survey;"

(ii) A note stating "This Certificate of Survey was not prepared for the purpose of the Platting of land. No further divisions of the Parcels created by this survey shall occur until the property is Subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed or until an Amended Certificate of Survey is approved and recorded with the Register of Deeds.";

(iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining Platted Subdivisions;

(iv) The date the survey was completed;

(v) A north arrow;

(vi) A written and graphic scale.

(vii) A narrative legal description of the property surveyed, including a Benchmark or other vertical reference point tied to the United States Geological Survey;

(viii) A location map showing the property surveyed in relation to property Ownership lines within the same section and the nearest existing public Right(s)-of-Way;

(ix) The dimensions and locations of all of the Parcels indicated on the survey, including dashed lines to depict the future Urban Street and Block layout in the Build Out Plan. This requirement is not applicable to a Certificate of Survey prepared in accordance with Section 20-1106;

(x) A numbering system or other clear and simple method of identifying each Parcel within the Certificate of Survey;

(xi) The location and width of public Right(s)-of-Way, existing and proposed;

(xii) The location of any Easements, existing and proposed;

(xiii) The dimensions of all existing structures in relation to existing and proposed Parcel lines, and based on the future Urban Street and Block layout shown in the Build Out Plan, if applicable;

(xiv) Building Envelopes, when required, shall be shown for every Rural Development Parcel and shall not include Environmentally Sensitive Lands as identified in Section 20-1110(k) that have been designated for protection;

(xv) Except for divisions made in conformance with Section 20-1106, Building Envelopes shall be designed to allow for the placement of principal structures on Parcels that will facilitate future further Subdivision of the Rural Development Parcel into Urban Streets and Blocks;

(xvi) A note stating the specific Section [20-1104 or 20-1106] pursuant to which the division is being made;

(xvii) For Cluster Certificates of Survey, Restrictive Covenants, Temporary Set Aside Agreements, or Conservation Easements required by the proposed division shall be noted with book and page number in which the covenants, Temporary Set Aside Agreements, or Conservation Easement are recorded;

(xviii) The signature of the Owner, properly acknowledged;

(xix) The dated signature and seal of the Kansas licensed Land Surveyor responsible for the survey along with a note stating: "This survey complies with the Kansas Minimum Standards for Boundary Surveys";

(xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";

(xxi) A line for the approval date and signature of the Planning Director under a note stating: "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County"; or the Subdivision Regulations of the appropriate City; and

(xxii) A line for identification of book and page of the Register of Deeds recording information.

(3) Before approval of a Certificate of Survey in the Lawrence Urban Growth Area that will not be served by City of Lawrence utilities, the property Owner shall provide written documentation to the Lawrence-Douglas County Health Officer

and the Lawrence-Douglas County Planning Director that Publicly Treated Water, delivered through a water meter, is available to and will be provided for all Rural Development Parcels.

(f) Criteria for Review

An application for a division requiring an approved Certificate of Survey shall be approved if, and only if, it meets all of the following criteria:

(1) The proposed division meets the requirements for a division of land under Sections 20-1104 or 20-1106, as applicable;

(2) The Certificate of Survey meets all of the requirements of Section 20-807;

(3) The proposed Rural Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the Comprehensive Plan of another city in Douglas County;

(4) The Certificate of Survey conforms to the County's Access Management Standards and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Certificate of Survey.

(5) If additional Right-of-Way is needed to meet the minimum required for the classification of Road Accessed by the development in the Certificate of Survey, the Certificate of Survey review process shall be suspended for up to 90 days to allow for Dedication by separate instrument of the necessary Right-of-Way. If the criteria for review are not met by the end of the suspension period, this shall be sufficient cause for rejecting an application for a Certificate of Survey;

(6) The Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land;

(7) The proposed Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.

(g) Review and Action by the Planning Director

(1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.

(2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.

(3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Certificate of Survey conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a Certificate of Survey under the Subdivision Regulations of the City of

Lawrence & the Unincorporated Area of Douglas County" with the date of approval.

(4) If the Planning Director finds that the Certificate of Survey fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this Section, the Planning Director shall refuse to approve the proposed Certificate of Survey and shall notify the applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and Certificate of Survey within 45 days after receipt of the letter and shall not be required to pay an additional fee.

(5) If approved, the Certificate of Survey shall be recorded by the Planning Director with the Douglas County Register of Deeds. A copy shall be kept by the Planning Director, and a copy shall be furnished to the applicant and to the County Zoning & Codes office.

(h) Amending an Approved Certificate of Survey

An approved Certificate of Survey may be amended for a Parent Parcel created in accordance with Section 20-1106 or, prior to annexation by a city, in accordance with Section 20-1104 for Lawrence's or another city's Urban Growth Area. The amendment may occur when there is an application to revise an area designated as a Rural Development Parcel, Immediate Development Area, Future Development Area, or the layout of Rural Development Parcels and future Streets or Blocks on the Build Out Plan. The Future Development Area cannot be revised for those portions that include Environmentally Sensitive Lands identified in Section 20-1110(k), permanent Conservation Easement(s), or Temporary Set Aside Agreement(s). A revision to approved Access to the development (location of Cross Access Easement or individual Driveway Access) from public Road Right-of-Way shall be permitted only upon written recommendation from the County Engineer that revising the point of Access to the public Road is desirable for public safety.

(1) An amendment to an approved Certificate of Survey shall:

(i) Include the entire land area of the original Certificate of Survey (may include additional land) and be signed by all of the current Owners of land within the entire land area of the original Certificate of Survey;

(ii) Be submitted in the same form as an original Certificate of Survey and meet the requirements in Section 20-1107(d) through (g);

(iii) Comply with the Subdivision Regulations in effect at the time the amended Certificate of Survey application is submitted for review; and

(iv) For each amended Certificate of Survey, the creation of new Rural Development Parcels in addition to those created originally shall only

be permitted if an additional Rural Development Parcel is permitted according to Sections 20-1104 and 20-1106 and/or by the County's Access Management Standards.

(2) An amendment of a Certificate of Survey shall not alter future Street layouts that would conflict with a Build Out Plan approved for an adjacent property.

(i) Certificate of Survey Expiration

(1) If an approved Certificate of Survey has not been recorded at the Register of Deeds office, the approval of a Certificate of Survey shall be effective for no more than 24 months from the date of approval unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.

(2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

20-1108 Minor Subdivisions/Replats

(a) Purpose

The purpose of this administrative process is to provide an economical and efficient procedure for the adjustment of Platted Lot Lines or partially Platted Lot Lines in developed areas through a Resubdivision or Replat procedure, where an adjustment involves little or no expansion of the public Infrastructure. The Minor Subdivision/Replat process allows for a one-step Resubdivision approval process with final action by the Planning Director.

(1) Partially Platted Lot Lines occur when, as the result of a vacation, a public Right of Way or other property becomes the property of the owner of an adjoining Platted Lot. The Platted Lot may be Replatted to incorporate the vacated property through the Minor Subdivision process.

(b) Authority

The Planning Director is hereby authorized to review and approve Minor Subdivisions/Replats in accordance with the procedures of this Section.

(c) Applicability

(1) Within the City of Lawrence, a Platted Lot may be divided into 4 or fewer Platted Lots by using the Minor Subdivision/Replat procedures of this section; provided, that:

(i) No new Street or extension of an existing Street is created, or

(ii) A Vacation of Streets, Alleys, Setback Lines, Access Control or Easements is required or proposed.

(iii) As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for approval of the subject Vacation or

acceptance of additional Dedications after mailed notice to surrounding property Owners and prior to final administrative approval of the Minor Subdivision/Replat.

(2) Within the Unincorporated Area of the County, a Platted Lot may be divided into 2 Platted Lots by using the Minor Subdivision/Replat procedures of this section, with the exception noted in Section 20-1103, provided that:

(i) Each resulting Lot has a minimum Lot area that conforms to the County Sanitation Requirements for minimum Lot area;

(ii) The Platted Lot takes Access from a Hard Surfaced Road or from a Road that meets or exceeds the County's Rock Road Standard;

(iii) No new Road or extension of an existing improved Road is created, or

(iv) A Vacation of Roads, Setback Lines, Access Control or Easements is required or proposed; and,

(v) The Minor Subdivision/Replat is not prohibited by any other Section of this Article.

(vi) As an alternative, if Right-of-Way or Easements are proposed to be dedicated or vacated, the Minor Subdivision/Replat shall first be placed on the Governing Body's agenda for approval of the subject Vacation or acceptance of additional Dedications after mailed notice to surrounding property Owners and prior to final administrative approval of the Minor Subdivision/Replat.

(3) The merger or consolidation of full Lots or full Lots with portions of Platted Lots into a fewer number of Lots shall be processed as a Minor Subdivision/Replat;

(4) For the purpose of interpreting the Minor Subdivision/Replat eligibility criteria of this sub-section, any proposed Subdivision that the Planning Director determines is designed, intended, or by proximity to a previous Minor Subdivision or Replat would evade the Major Subdivision procedures of this section by resulting in a de facto Major Subdivision, shall not be eligible for the Minor Subdivision/Replat process;

(5) Lots are eligible only one time for approval of a division or consolidation through the Minor Subdivision/Replat process and any further divisions or consolidations of the originally Platted or newly created Lots shall be processed as Major Subdivisions; however,

(i) Lot Line adjustments or mergers that do not increase the total number of Lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Replat.

(d) Criteria for Review

A Lot or group of Lots submitted as a Minor Subdivision/Replat shall be approved if all of the following criteria are met:

(1) The proposed division(s) or consolidation(s) meets the criteria of one of the types of divisions or consolidations eligible for review through the Minor Subdivision/Replat process under Section 20-1108(c);

(2) All Lots created through the Minor Subdivision/Replat process conform to the Lot size requirements of the underlying zoning district;

(3) Each Lot resulting from the division or consolidation will have direct Access to an existing Public Street/Road that meets current adopted Access and Public Improvement Standards or will meet such standards as a result of Improvements required as a condition of approval of the Minor Subdivision/ Replat;

(4) If the property is located adjacent to a Public Street/Road Right-of-Way that does not meet the minimum Right-of-Way standard of Section 20-810(e)(5), approval of the Minor Subdivision/Replat will be subject to the condition that the Subdivider dedicate to the City or County, as applicable, one-half the additional land necessary to bring the Road(s) adjoining the land to be divided to the required minimum Right-of-Way standards.

(i) All necessary off-site Dedications shall be recorded by separate instrument with the Register of Deeds and proof of these Dedications shall be provided to the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this additional Right-of-Way Dedication has been recorded.

(ii) All necessary On-Site Dedications may be recorded by separate instrument with the Register of Deeds office or may be provided on the Minor Subdivision/Replat; however, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance of the additional Right-of-Way after mailed notice and prior to final approval of the Minor Subdivision/Replat.

(5) Any additional public Easements necessary to serve the property shall be Dedicated prior to final approval of the Minor Subdivision/Replat, either by:

(i) Separate instrument, or

(ii) The Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Easements after mailed notice and prior to final approval of the Minor Subdivision/Replat.

(6) If any portion of the property within the Minor Subdivision/Replat lies in a FEMA designated regulatory Floodplain, or if drainage Channels or Swales exist on the property that carry runoff from adjacent property or Public Street/Roads, the FEMA designated regulatory Floodplain or drainage Channel or Swale shall be protected by grant of Easement, Dedication or other similar device as may be required by the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this Dedication has been recorded, either by:

(i) Separate instrument, or

(ii) The Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional Right-of-Way or Easements after mailed notice and prior to final approval of the Minor Subdivision/Replat.

(7) The Owner shall provide written documentation for divisions or combination of Lots in the Unincorporated Area of the County to the Planning Director providing proof that the proposed Lots will have:

(i) Access to Publicly Treated Water delivered through a water meter; and,

(ii) Test holes for an On-Site Sewage Management System have been reviewed and approved by the Director of Lawrence/Douglas County Health Department.

(8) The proposed Lots and all other aspects of the proposed Minor Subdivision/Replat conforms with the current Comprehensive Plan of Lawrence and Douglas County;

(9) The Minor Subdivision/Replat conforms with the adopted Major Thoroughfares Map referenced in the Comprehensive Plan and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Minor Subdivision/Replat or the original Platted Subdivision;

(10) The proposed Minor Subdivision/Replat is consistent with any conditions imposed on the original Platted Subdivision from which the Lots being divided or consolidated were originally Platted; and,

(11) The Minor Subdivision/Replat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Application

(1) Requests for Minor Subdivision/Replat approval shall be submitted to the Planning Director.

(2) Each application shall be submitted on a form provided by the Planning Director; be submitted in both print and electronic format; and shall be accompanied by:

(i) The applicable review and recording fees;

(ii) Copies of scaled drawings of a Minor Subdivision/Replat as required by the Planning Director, certified by a licensed Land Surveyor; and

(iii) A certificate that all taxes and special assessments due and payable have been paid.

(a) Any unpaid special assessments shall be noted with the application submittal and a proposed redistribution plan for these unpaid special assessments, which meets the City Clerk and City Engineer

requirements for Lots within the City of Lawrence or with the County Clerk and County Engineer requirements for Lots within the Unincorporated Area of Douglas County, also shall be submitted with the application.

(iv) If Dedication or Vacation of Easements or Rights-of-Way is proposed, a certified copy of a property Ownership list to provide mailed notice in accordance with 20-1102(d)(3).

(f) Contents

(1) The Minor Subdivision/Replat shall contain the following information:

(i) A title that includes the original Lot numbers and Subdivision name and an indication that this is a Minor Subdivision/Replat of said Lots in the Subdivision;

(ii) Legal description of the property, including a Benchmark or other vertical reference point tied to the United States Geological Survey;

(iii) Location map identifying community features and the nearest existing public Right(s)-of Way within a one mile radius of the site;

(iv) Location and dimensions of existing and/or proposed Easements and utilities;

(v) Dimensions and locations of the new Lots to be created through the division or consolidation;

(vi) Location and width of Driveways, existing and proposed;

(vii) Dimensions of all existing structures in relation to existing and proposed Lot Lines;

(viii) Signature of the Owner, properly attested;

(ix) A signature and date line for approval by the Planning Director, stating "Approved as a Minor Subdivision/Replat under the Subdivision Regulations of the City of Lawrence and the Unincorporated Area of Douglas County";

(x) A signature and date line for the appropriate Governing Body Chair indicating acceptance or approval, if the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Right-of-Way;

(xi) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";

(xii) A dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys."; and,

(xiii) A note on the face of the Minor Subdivision/Replat which states: "Further division or consolidation of any Lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-1108(c)(5)(i)."

(g) Review and Action by the Planning Director

(1) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.

(2) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/Replat conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/Replat.

(3) If the Minor Subdivision/Replat proposes either the Dedication or Vacation of Easements or Rights-of-Way, the Planning Director shall:

(i) Provide mailed notice to surrounding property Owners as established in Section 20-1102(d); and

(ii) Place the Minor Subdivision /Replat on the Governing Body's agenda for either acceptance of Dedications or approval of proposed Vacations.

(4) If the Planning Director finds that the Minor Subdivision/Replat fails in any way to conform to the standards set forth in this Section or that the proposed division or consolidation is not eligible for consideration as an Minor Subdivision/Replat, the Planning Director shall refuse to approve the proposed Minor Subdivision/Replat and shall notify the applicant by letter of the reason(s) for such refusal. If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and map within 45 days after receipt of such letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division or consolidation is not eligible for consideration as a Minor Subdivision/Replat because the Replat does not meet all of the criteria in Section 20-808(d), the Subdivider may submit an application for Major Subdivision approval at any time.

(5) The Planning Director shall forward a signed, original Mylar copy of the Minor Subdivision/Replat to the Register of Deeds for recording.

(6) Appeals of the Planning Director's decision on a Minor Subdivision/Replat shall be subject to Section 20-1113(f)(1).

(h) Review and Action by the Governing Body

If the Planning Director determines that the Minor Subdivision/Replat includes a proposal to dedicate or vacate Easements and/or Rights-of-Way, the Minor

Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance or Vacation of Easements and/or Rights-of-Way following the appropriate review process, mailed notice and prior to the Planning Director's final approval of the application.

(i) Signatures on Minor Subdivision/Replat following Action by the Governing Body

If the Minor Subdivision/Replat includes the Dedication or Vacation of Easements and/or Rights-of-Way and the Governing Body has accepted the Dedication or approved the Vacation, the Planning Director shall submit the Minor Subdivision/Replat to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures.

(j) Processing after Approval of Minor Subdivision/Replat

(1) Prior to the Minor Subdivision/Replat being recorded with the Register of Deeds, a digital version of the Minor Subdivision/Replat shall be submitted to the Planning Director in a format approved by the Planning Director as identified in the application packet.

(2) Errors found in closure or internal dimensions shall be corrected prior to filing recording the Minor Subdivision/Replat.

(k) Minor Subdivision/Replat Expiration

(1) Approval of a Minor Subdivision/Replat by the Planning Director and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.

(2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

20-1109 Major Subdivisions

(a) Purpose

The Major Subdivision procedures of this Section are intended to provide a standardized review process for Preliminary and Final Plats. The Major Subdivision process requires a two-step review process with Preliminary Plat approval by the Planning Commission, and Final Plat approval by the Planning Director. In addition, Final Plats that include Dedication or Vacation of Easements and/or Rights-of-Way, require action by the appropriate Governing Body.

(b) Applicability

(1) The Major Subdivision procedures of this section apply to all land divisions or consolidations that are not eligible for review in conformance with the

Certificate of Survey Administrative Review Procedures or the Minor Subdivision/Replat process.

(2) Major Subdivisions are permitted in the Unincorporated Area of Douglas County only within the CP (Cluster Preservation), LS (Lone Star Lake Lot Residential), LB (Lake Oriented Business), RT (Rural Tourism Business), GB (General Business), LI (Light Industrial), GI (General Industrial), V (Village), and BSC (Big Springs Community Zoning Districts, with the exceptions noted in Section 20-1103.

(c) Applications and Procedures

(1) The General Review and Approval Procedures set forth in Section 20-1102 shall apply to all applications under this Section.

(2) Specific application and Preliminary Plat contents are provided in Section 20-1109(e) & (f).

(3) Specific application and Final Plat contents are provided in Section 20-1109(l) & (m).

(d) Criteria for Review

Approval or disapproval of Major Subdivisions shall be based on the following criteria:

(1) Each Lot resulting from the division will have direct Access to a Public Street/Road that has been accepted by the county or city or a Private Street that has been approved as part of a Planned Development;

(2) Each Lot resulting from the division will conform with the minimum Lot size and other dimensional requirements applicable to the property through the Zoning District regulations;

(3) The proposed Major Subdivision and all Lots within it conform fully with the standards set forth in Section 20-1110;

(4) The proposed Lots and all other aspects of the proposed Major Subdivision conforms with the current Comprehensive Plan of Lawrence and Douglas County; and watershed/sub-basin plans, sector or Neighborhood Plans;

(5) The proposed Major Subdivision conforms with any adopted Major Thoroughfares Map and provides for the logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Major Subdivision;

(6) The proposed Major Subdivision shall provide for a logical connection of Streets between adjacent Subdivisions taking into consideration constraints from steep Topography and other natural features that may limit Street connectivity but allow for pedestrian connectivity, shall conform with adopted watershed/sub-basin plans, sector or Neighborhood Plans for Street layout;

(7) The proposed Major Subdivision conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan; and

(8) The Major Subdivision Plat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Preliminary Plat – Application

A Subdivider shall apply for Preliminary Plat approval by submitting an application to the Planning Director.

(1) Each application shall be accompanied by:

(i) The applicable filing fee;

(ii) A completed Major Subdivision-Preliminary Plat application form;

(iii) The required number of paper copies and an electronic copy of a complete submission of a Preliminary Plat;

(iv) A certified copy of a property Ownership list to provide Mailed Notice in accordance with 20-1102(d)(3); and

(v) A drainage plan.

(f) Preliminary Plat Contents

The Preliminary Plat shall be drawn to a scale where all features presented are readable.

(1) Materials to be Included

The Preliminary Plat shall:

(i) State the name of the proposed Subdivision;

(ii) List names and addresses of the Subdivider, the land planner or Subdivision designer (if any) and the licensed Land Surveyor;

(iii) Show date of preparation, north arrow and graphic scale;

(iv) Identify the Plat as a Preliminary Plat;

(v) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

(vi) A Replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject Replat is tied to at least one of these corner monuments;

(vii) Include location, description and elevation of all Benchmarks established or source used for vertical control. There must be at least

one established vertical control point as the basis for the topographic survey included with the application;

(viii) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

(ix) Show Topography (contour interval not greater than 2 feet) of the site. Topography shall be consistent with City of Lawrence and/or Douglas County aerial Topography. Where Land Disturbance, Grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence and/or Douglas County, whichever is applicable, obtained aerial Topography, an actual field survey shall be required for the topographic data in the vicinity of the disturbed area;

(x) Show on the face of the Plat or on a separate sheet, a general location of the proposed Subdivision. The general location map shall be drawn to an appropriate scale and shall show the relationship of the proposed Subdivision to the following:

(a) The nearest Intersection of Public Streets;

(b) If not in the City, any state highway located within one-half mile of the property;

(c) If in the City, any public school or park located within one-quarter mile of the property. If in the County, any public school located within one mile of the property;

(d) If in the Urban Growth Area, the nearest City Limits, and the nearest boundary of the Urban Growth Area;

(e) The zoning of the property and any other Zoning Districts located within one-quarter mile (if in the City or within the Urban Growth Area) or within one-half mile (if in the Rural Area).

(xi) Conservation of Natural Resources

No matter where located within the boundaries of the Subdivision, Environmentally Sensitive Lands identified in Section 20-810(k), to the greatest extent reasonably practicable, shall be conserved and protected by being placed in a tract or easement on the plat or through the recording with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement with the provisions noted in Section 20-1110(k)(4).

(a) Temporary Set Aside Agreement

(1) A Temporary Set Aside Agreement shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental,

geographical or historical characteristics of the identified natural resources.

(2) The Temporary Set Aside Agreement shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official.

(3) The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City.

(4) Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.

(b) Conservation Easement

(1) A permanent Conservation Easement may be established by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810(k), or similar sensitive lands.

(2) A permanent Conservation Easement shall be established to retain the environmental, geographical or historical characteristics of the land.

(3) It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance.

(4) A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

(2) Existing Conditions

The Preliminary Plat shall also show the following existing conditions:

(i) Location of any area designated as Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the regulatory flood.

(ii) Location of any area in the Floodplain Overlay District, location and direction of flow of all water courses; and base flood elevation at water course entrances to and exits from the proposed Subdivision;

(iii) Location of section lines, private or Public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;

(iv) Location of natural features such as unique topographic features, lakes, Stream Corridors, and insofar as can reasonably be shown, natural features to be removed;

(v) Boundaries of Stands of Mature Trees, Jurisdictional Wetlands, historic sites and archaeological sites on the property proposed for Subdivision as identified on the GIS Baseline Environmentally Sensitive Lands Map maintained by the Planning Director;

(vi) Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the Final Plat is recorded;

(vii) Horizontal location and vertical elevation (if available) of existing Sanitary Sewers, storm water sewers, and Culverts within and adjacent to the proposed Subdivision, and the location of existing water mains, underground wiring, pipelines, and gas lines;

(viii) Zoning of all land within and adjacent to the Tract;

(ix) Location, description and elevation of all Benchmarks established or source used for vertical control;

(x) Types of soil, with the soil types generally indicated on the Preliminary Plat or a supplemental sheet; and,

(xi) For a Subdivision that will rely on the use of On-Site Sewage Management Systems, a summary of available information on the subsurface Water Table, including the depth of the Water Table at the highest, lowest and typical locations within the Subdivision.

(3) Proposed Improvements

The Preliminary Plat shall further show the following:

(i) Proposed Streets (including location, width, names, approximate grades), and their relation to Platted Streets or to proposed Streets as shown on any Watershed/Sub-basin Plan, sector or Neighborhood Plan of adjacent property;

(ii) Easements, showing width and general purpose;

(iii) Layout of all new municipal utilities proposed to serve the Subdivision;

(iv) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;

(v) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, Sector or Neighborhood Plan. (Such plan shall be referenced on the face of the Plat);

(vi) Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(vii) Sites proposed by the applicant for land uses not in conformance with adopted comprehensive or Neighborhood Plans accompanied by a note on the face of the Plat stating that approval of the Preliminary Plat does not certify approval of these proposed land uses.

(viii) If requested by Planning Staff, the Building Envelope for proposed Lots.

(a) Lots that are not rectangular or that have a single dimension of less than 55 feet shall include the Building Envelope permitted under the current Zoning District regulations. A typical Building Envelope diagram may be provided where the majority of Lots are the same size.

(b) A note referring to such Building Envelope shall be included on the face of the Preliminary Plat regarding the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.

(4) Supplemental Data

The following supplementary data and information shall be submitted with the Preliminary Plat or be included thereon:

(i) A table, shown on the face of the Plat, including this data:

(a) Gross acreage of the Subdivision;

(b) Acreage within each Zoning District;

(c) Acreage to be dedicated for Streets or Roads, if any;

(d) Acreage to be dedicated for public uses other than Roads, if any;

(e) Total number of building Lots;

(f) Maximum, minimum, and average Lot size; and

(g) Phasing schedule if proposing phasing of Final Platting.

(ii) A statement on the face of the Plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading saying "Provision and Financing of Roads, Sewer, Water and Other Public Services". At a minimum such statement shall indicate:

(a) Whether the Subdivision will have Public Streets and Roads, Private Streets and Roads or a combination thereof;

(b) Whether the Subdivision will provide connections to a public water source (naming the source);

(c) Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on On-Site Sewage Management Systems or other On-Site wastewater treatment systems;

(d) Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of Streets, Roads, water lines and treatment, and/or wastewater lines and treatment; and

(e) Whether the provision of improved Roads, water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.

(iii) A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.

(iv) Notation on the face of the Plat that all new telephone, cable television and electrical lines (except high voltage lines) must be located underground when in the City of Lawrence or in Lawrence Urban Growth Area.

(v) Notation on the face of the Plat that the Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed Subdivision.

(5) Stormwater Drainage – City of Lawrence

(i) Supplemental Data

The Preliminary Plat shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the Planning Director or the Planning Commission. The Planning Director or the Planning Commission may request additional data, information and supplemental maps from the applicant regarding storm water drainage, as appropriate.

(ii) Minimum Floor Elevations

On Lots adjacent to all drainage Easements and on drainageways that are designated by the Director of the Municipal Services and Operations or his or her designee, the Preliminary Plat shall indicate:

(a) The required minimum habitable floor elevations for structures on Lots; or,

(b) The minimum elevation for a foundation opening(s) which shall be certified by a licensed Land Surveyor or Engineer.

(c) A note that states: If a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.

(g) Review and Action by the Planning Commission

(1) The Planning Commission shall conduct the review of the application at the meeting at which it is scheduled by the Planning Director, unless the Subdivider requests deferral to a future meeting. The Planning Commission shall determine if the Preliminary Plat conforms to the requirements of the Subdivision Regulations and such determination shall be made within 60 days after the first meeting the Planning Director has placed the submitted Plat on a Planning Commission agenda for action.

(2) If the Planning Commission finds that the proposed Preliminary Plat conforms to all of the criteria set forth in Section 20-1109(d) the Planning Commission shall approve the Preliminary Plat.

(3) If the Planning Commission finds that the proposed Preliminary Plat fails in any way to conform to the standards set forth in Section 20-809(d), the Planning Commission shall, by motion, deny approval to the proposed Preliminary Plat and shall state in the motion the reason(s) for that denial.

(4) The Planning Director shall give written notice to the Subdivider of the action of the Planning Commission. If the Preliminary Plat has been disapproved, or conditionally approved, the notice shall specifically state the ways in which the Preliminary Plat fails to conform to these Subdivision Regulations.

(5) If the deficiency or other reason for denial can be cured through action of the applicant, the applicant may submit a revised application and Preliminary Plat within 60 days after receipt of the written notice and shall not be required to pay a further fee. In case of a resubmission, the Planning Commission shall consider the resubmitted application at the next meeting occurring at least 21 days after receipt of the complete resubmission by the Subdivider.

(6) If the Planning Commission fails to act on the Preliminary Plat within 60 days of the date of their first meeting occurring after the receipt of a Preliminary Plat on their agenda, the Subdivider may, by letter, apply to the Planning Director for a "Certificate of Deemed Approval". If the Planning Director finds that a complete application was received at least 60 days before the date of the letter and placed on a Planning Commission agenda, and that no action has been taken by the Planning Commission, the Planning Director shall issue a "Certificate of Deemed Approval" indicating that "this Preliminary Plat shall be deemed approved due to a failure of the Planning Commission to take timely action in accordance with K.S.A. 12-752(b), as amended."

(h) Phasing for Final Plats

(1) A Preliminary Plat may, at the option of the applicant, contain a proposed schedule for submitting Final Plat applications in phases. The Planning Commission may approve the proposed phasing plan if it finds that:

(i) The area represented by each proposed phase is of sufficient size to permit the economical installation of Public Improvements;

(ii) All parts of the necessary public and private Improvements Plans to serve the Subdivision will be provided concurrently with the phase which will first be served by those Improvements or part thereof, or with an earlier phase; and

(iii) All perimeter Rights-of-Way shall be dedicated for the entire Preliminary Plat with the first Final Plat phase of the approved Preliminary Plat.

(i) Effects of Approval by the Planning Commission

(1) Approval of the Preliminary Plat by the Planning Commission shall constitute approval of "the Plat" for purposes of K.S.A. 12-752, subject only to the following:

(i) Submission of a Final Plat, in the form and containing all of the information required by Section 20-809(k). The Final Plat shall be in substantial compliance with the Planning Commission's approval of the Preliminary Plat, including satisfying any conditions imposed on that approval; and

(ii) Completion of Street/Roads, Roads and Public Improvements required by the terms of the approval of the Preliminary Plat, or provision of satisfactory Guarantees of Completion of Improvements, in accordance with Section 20-1111(h)(2).

(j) Preliminary Plat Expiration

(1) Approval of a Preliminary Plat by the Planning Commission shall expire:

(i) Twenty four months from the date approval was granted, unless a complete application for Final Plat is submitted by that approval date.

(2) Upon application by the Subdivider, the Planning Commission may, if the cause of failure of the Subdivider to submit a Final Plat is beyond the Subdivider's control, grant an extension of the time beyond this period, for a 24 month period for good cause shown. Such request for extension must be submitted to the Planning Director prior to the expiration of the 24 month approval period.

(i) The Planning Director shall place such request, with any recommendation, on the next available Planning Commission agenda based on the adopted submittal schedule.

(ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the Planning Commission. Mailed

notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1102(d). On that date, the Planning Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(3) If a Final Plat has not been submitted, approved, and recorded within this 24 month period, or within an extension period, a Preliminary Plat must be resubmitted to the Planning Commission, reviewed and considered by the Planning Commission in accordance with the procedures set forth herein.

(k) Final Plat – Application

The Subdivider may initiate review of the Final Plat at any time after approval of the Preliminary Plat by the Planning Commission, including satisfaction of all conditions of Preliminary Plat approval. The Final Plat shall be processed in accordance with the provisions of Section 20-1109(m).

(1) Each application shall be accompanied by:

(i) The applicable filing fee;

(ii) A completed Major Subdivision-Final Plat application form;

(iii) The required number of paper copies and an electronic copy of a complete submission of a Final Plat; and

(iv) All of the materials required by Section 20-1109(l), as well as any additional materials required by the application form provided by the Planning Director.

(2) The Final Plat application shall be accompanied by all required fees; however, the fees necessary for recording the Final Plat at the Register of Deeds office may be submitted after approval;

(3) The Final Plat shall be in the format and contain the information required by Section 20-1109(l), except that the Subdivider, at the Subdivider's discretion, may delay submission of the final recording and electronic copies of the Final Plat until final action on the Final Plat by the Planning Director and, if applicable, by the Governing Body; and

(4) For Final Plats which represent only a phase of an approved Preliminary Plat and include minor revisions from the approved Preliminary Plat, as reflected in 20-1109(m)(2)(i), a revised Preliminary Plat that includes the proposed revisions shall be submitted with the Final Plat application for record keeping purposes.

(l) Final Plat Contents

(1) Format

The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches.

(2) Material to be Included

The Final Plat shall show:

(i) Descriptive information, which shall:

(a) State the name of the proposed Subdivision;

(b) Show date of preparation, north arrow and graphic scale;

(c) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

(d) A Replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject Replat is tied to at least one of these corner monuments;

(e) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

(f) Easements, showing width and general purpose;

(g) Sites proposed for Dedication as drainageway, park, school, or other public purposes.

(ii) In addition, the following information is required which is similarly required on the Preliminary Plat:

(a) Location of any area within a Floodplain Overlay District zoning district;

(b) Boundaries of significant Stands of Mature Trees, Jurisdictional Wetlands, historic sites and archaeological sites on the property proposed for Subdivision; protected environmentally sensitive lands as shown on the Preliminary Plat.

(c) For properties within the City, the environmentally sensitive lands shall be located within a Tract or Easement and the Plat shall contain information regarding Ownership and maintenance of the Tract or Easement as well as the protection measures for the environmentally sensitive lands.

(d) For properties within the Urban Growth Area of a city in the unincorporated portion of the county, the following items are also required on the Final Plat:

Environmentally Sensitive Lands that have been designated for protection through placement in a tract or easement, and/or the recording information for the Temporary Set-Aside Agreement or Conservation Easement.

(e) For properties within the unincorporated portions of the County, the Plat shall include a Building Envelope which excludes the environmentally sensitive lands and notes the maintenance responsibility and protection measures of the protected lands.

(f) Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general development plan of adjacent property; and,

(g) Block and Lot numbers and dimensions of Blocks and Lots.

(iii) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets, Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;

(iv) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County, the following:

(a) The total area of each Lot located in the designated Floodplain;

(b) The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 of the City Code or Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.

(v) On Lots adjacent to all drainage Easements and on drainageways that are designated by the Director of the Municipal Services and Operations or his or her designee, the Final Plat shall indicate:

(a) The required minimum habitable floor elevations for structures on Lots; or,

(b) The minimum elevation for a foundation opening(s) which shall be certified by a licensed Land Surveyor or Engineer.

(c) A note that states: If a basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.

(vi) For any Lot including or adjacent to a Lot including environmentally sensitive lands as defined in Section 20-1110(k) [County Code Section 11-110(k)] designation of a Building Envelope within which a building may be built after compliance with all applicable setback, Floodplain and sensitive land standards;

(vii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";

(viii) Acknowledged certifications on the face of the Final Plat as listed below (may be combined where appropriate):

(a) A certificate signed by all parties having any record, title or interest of record in the land Subdivided, showing their consent to the preparation and recording of the Plat;

(b) A certificate, signed by the Owner or Owners, dedicating all Parcels of land which are intended for public use;

(ix) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;

(x) Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;

(xi) As a separate document, a certificate that all taxes and special assessments due and payable have been paid.

(a) In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County Public Works Director or City's Municipal Services and Operations Director.

(xii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.

(xiii) A line shall be provided on the Plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".

(xiv) A reference line shall be provided on the Plat indicating the book and page where the Master Street Tree Plan is recorded at the Register of Deeds.

(xv) A note shall be placed on the Final Plat designating any Lots Abutting a Half-Street and that take sole Access from that Public Right-of-Way as non-buildable in accordance with Section 20-1110(e)(9)(ii).

(xvi) Evidence shall be submitted with the Final Plat providing one or more of the means of ensuring completion of required Public Improvements identified in Section 20-1111(h).

(m) Final Plat – Review and Action by Planning Director

(1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission and prior to final approval of Public Improvement Plans, the Subdivider shall have prepared for recording a Final Plat, which is consistent

with the action of the Planning Commission and with the formatting and content requirements of Section 20-1109(I).

(2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-1109(I) and in substantial compliance with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the Final Plat and attach to it a formal certification that the submitted Final Plat:

(i) Is in substantial compliance with the Preliminary Plat approved by the Planning Commission. The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:

(a) No change.

(b) Increase or reduction, less than or equal to ten percent, of the number of approved Lots, Parcels or Tracts shown within the approved phase of the Preliminary Plat.

(c) Minor adjustments to Rights-of-Way lines, Easement lines and/or property lines to account for technical changes related to the proposed Public Improvement Plans.

(d) Modifications to Easements and Rights-of-Way when the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors is maintained.

(ii) Satisfies any conditions of approval imposed by the Planning Commission;

(iii) Includes the same proposed Dedications subject to minor technical adjustments as described in Section 20-1109(m)(2)(i)(a) through (d), above;

(iv) Represents a Plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided as identified in Section 20-1111(h); and

(v) Is otherwise consistent with the requirements of this Article for a Final Plat.

(3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.

(4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the proposed Dedications shown on

the Preliminary Plat, subject to Section 20-1109(m)(2)(i)(a) through (d), the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting following the notice provisions of Section 20-1102(d), for further consideration in accordance with the Preliminary Plat review and action provisions of Section 20-1109(g).

(5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and substantial compliance with the approved Preliminary Plat shall constitute Planning Commission approval of the Final Plat. No further action by the Planning Commission shall be necessary or required.

(n) Final Plat – Review and Action by Governing Body

(1) A Final Plat that has been approved by the Planning Director shall be submitted to the Governing Body, as applicable, for its consideration of acceptance of the Dedication of Street/Roads and other public Rights-of-Ways, service, and utility Easements and any land dedicated for public purposes.

(2) The Governing Body shall accept or refuse the Dedication of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the Final Plat's submission to the Clerk of the appropriate Governing Body. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional review and recording fees shall be assessed during that period.

(3) If the Governing Body defers or refuses these Dedications, it shall advise the Planning Director of the reasons thereof.

(4) Failure of the Governing Body of the city or of the county to accept affirmatively a Dedication shown on the Final Plat shall be deemed to be a refusal of the proposed Dedication.

(5) The respective Governing Bodies maintain full legislative discretion to reject any proposed Dedication, regardless of the approval of the Final Plat. If the Governing Body rejects part or all of a proposed Dedication, the Subdivider may amend the Final Plat and resubmit it for consideration by the Planning Director without the rejected Dedication; if the Subdivider takes no action within 60 days of the rejection of any proposed Dedication, it shall constitute failure of a material condition of the approval of the Final Plat and the Final Plat shall be deemed to have been rejected.

(o) Signatures on Final Plat

If the Planning Director has approved and certified the Final Plat in accordance with Section 20-1109(m), the Planning Director within 5 working days of receipt of the recordable copies of the Final Plat, shall submit the Final Plat to the Chair of the Planning Commission and to the Mayor or Chairperson of the Board of County

Commissioners, as applicable, for signatures. Each of these persons shall, if he or she accepts the certification of the Planning Director, sign the Final Plat, including the "Acceptance of Dedications" certificate; if any of these persons refuse to sign the Final Plat, he or she shall refer the Final Plat to the Planning Commission for consideration at its next meeting in accordance with the requirements of Section 20-1109(g), together with a memorandum explaining the reasons why such person refused to sign it.

(p) Processing After Approval of Final Plat

(1) After all signatures have been obtained and all other requirements of this Article have been completed, the Planning Director shall forward the recordable copy of the Final Plat to the Register of Deeds for recording. The recorded version of the Plat shall bear the endorsements provided in Section 20-1109(l) including the endorsement by the Governing Body accepting the Dedications.

(2) Upon approval and acceptance of all Final Plats that create new Street/Roads or other Public Improvements, detailed Street/Road and/or utility plans shall be submitted to and approved by either the County Engineer or City Engineer, as applicable, prior to recording of the Final Plat, and these plans shall include the following:

(i) Plan, profile, ditch grades, and cross-sections of all Street/Roads, Alleys and other public ways; and,

(ii) Drainage areas and size and length of cross-Road drainage structures.

(3) Prior to the Final Plat being recorded with the Register of Deeds, a digital version of the Plat shall be submitted to the Planning Director in a format approved by the Planning Director. The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county.

(4) Errors found in closure or internal dimensions shall be corrected prior to recording the Final Plat at the Register of Deeds.

(q) Final Plat Expiration

(1) Approval of a Final Plat by the Planning Director and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed, unless an extension has been granted by the Planning Director for good cause.

(2) Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.

20-1110 Subdivision Design Standards

(a) General

(1) Applicability

All Subdivisions shall comply with the Design Standards of this Section and the Public Improvement Standards of Section 20-1111.

(2) Design of Lots

(i) Lots shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each Lot in a Subdivision shall also take into consideration Topography (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent Lots.

(ii) Lots for commercial and industrial use shall be of size and arrangement to allow for off-Street/Road parking and loading facilities.

(iii) Double-Frontage and Reverse-Frontage Lots shall be avoided except where they are necessary to provide for the separation of residential development from Collector and Arterial Street/Roads or to overcome challenges of steep Topography and orientation.

(iv) A planting screen Easement of a minimum 20 feet, with or without a berm, shall be provided along the portion of the Lots Abutting such an Arterial Street/Road if required by the Planning Commission.

(v) Corner Lots shall be a minimum of 20% wider than the minimum Lot Width required in the applicable zoning district to allow for appropriate building setbacks and sufficient yard space.

(3) Plans for Resubdivision

(i) Whenever an area is divided into residential Lots with a Lot area of one acre or greater, and there is a possibility that such Lots may eventually be re-subdivided into smaller Lots, consideration shall be given to the Street, and Lot arrangement of the original Subdivision so that additional Streets can be opened later to permit a logical arrangement of smaller Lots.

(ii) Provision of Easements or Right-of-Way for the future opening and extension of such Streets and for gravity sewers and stormwater drainage shall be made a condition of Preliminary Plat approval.

(b) Frontage

All Lots shall have Frontage on a Public Street unless Lot Frontage is approved on a Private Street as part of a Planned Development.

(c) Access

(1) City of Lawrence

For Lots located within the City, Access shall be provided directly from a Street or as follows:

(i) An Alley may provide the primary vehicular Access to one or more Lots in a Subdivision, provided that each such Lot shall have Street Frontage on a Public Street unless designed as part of a Planned Development.

(ii) Alley Access is particularly appropriate where the Street Frontage for the Lot is on a Collector or Arterial Street.

(iii) Residential shared Driveways are permitted when a recorded Access Easement is provided.

(iv) Joint-Use Driveways in Lawrence with a minimum paved width of 24 feet may be approved as part of the Subdivision approval process for non-residential developments (e.g., shopping centers, industrial/business parks), if there is a city approved Easement of record ensuring perpetual Access to the Joint-Use Driveway by all Lots with Frontage and providing for the perpetual Ownership, continuance and maintenance of the Joint-Use Driveway.

(v) Joint-Use Driveways shall not be considered as parking or loading space or as an aisle for Access to individual parking spaces in computing conformance with the parking requirements of the Development Code.

(vi) Joint use Access points may be approved within Lawrence when located wholly within the dedicated Public Street Right-of-Way.

(2) Unincorporated Area of the County

For Lots located within the Unincorporated Areas of the County, Access shall be directly from a Road or as follows:

(i) Joint-Use Driveways are not permitted in the Unincorporated Area of the County.

(ii) Shared Driveway Approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the Driveway Approach area and only when individual Driveways are separately maintained beyond the Road Easement or Right-of-Way line.

(iii) Joint use Access points may be approved when located wholly within the dedicated or public Road Easement.

(d) Blocks

(1) General

The lengths, widths, and shapes of Blocks shall be determined with due regard to:

(i) Limitations and opportunities of Topography and other physical features such as utilities, Floodplains, Jurisdictional Wetlands and natural storm drainage patterns;

(ii) Provision of building sites adequate for the uses contemplated;

(iii) Zoning requirements as to Lot sizes and dimensions; and

(iv) Need for convenient Access, circulation, and control of Street traffic for safety.

(2) Length

(i) City of Lawrence

Block length for Local Streets within the City of Lawrence shall not exceed 800 feet in length (centerline to centerline of Streets) unless the Subdivider demonstrates to the satisfaction of the Planning Commission that:

(a) There are Pedestrian Ways at intervals of 700 feet or less, replacing the connection that would exist as a Sidewalk along the Street; and

(b) The proposed Block must be greater than 800 feet in length because physical conditions preclude a Block length of less than 800 feet. Such conditions may include, but are not be limited to, Topography or the existence of natural resource areas such as Jurisdictional Wetlands, Floodplains, wildlife habitat areas, steep slopes or Woodlands.

(ii) Unincorporated Area of the County [Reserved]

(3) Width

A residential Block shall have sufficient width to allow for two tiers of Lots of appropriate depth unless it adjoins a limited-Access, Collector, or Arterial Street, railroad or other nonresidential use, in which case it may have a single tier of Lots that exceed the minimum Lot area required in the zoning district.

(4) Shape

Blocks may be irregular in shape, provided their design meets the requirements of Lot standards, traffic flow and control considerations and any adopted watershed/ sub-basin plans, Sector or Neighborhood Plan.

(e) Streets

(1) General

(i) Local Streets within the City of Lawrence should be less than 1,320 feet in length.

(a) Local Streets exceeding 800 feet in length shall include Traffic Calming Devices, shown in an adopted City of Lawrence Traffic Calming Policy document as maintained by the Municipal Services and Operations Director.

(ii) All Streets within Subdivisions shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, Sector or Neighborhood Plan or, in the absence of such a plan, with all applicable standards of this Article.

(iii) Arterial and Collector Streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares Map or corridor plan.

(iv) Subdivisions shall provide a logical Street layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such Streets.

(v) At time of Preliminary Plat approval, the full Right-of-Way for all boundary line and Full Maintenance Roads under the applicant's Ownership control shall be annexed to the City.

(2) Connections

(i) Street connections shall provide Access to adjoining lands, existing and proposed Streets.

(ii) Every Subdivision shall provide for at least one Street connection to each adjacent Subdivision or future adjacent Subdivision.

(a) Any existing or Platted Street that terminates at the boundary line of a proposed Subdivision shall be continued into the proposed Subdivision in such a manner as to provide Street connections to adjoining lands and Streets within the proposed Subdivision or,

(b) Local Streets may terminate in a Cul-de-sac if an existing environmental feature dictates the design.

(iii) Streets shall provide connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Map.

(iv) Proposed Subdivisions that have Access to the public Road system via a Single Outlet must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of Lots or residential Dwelling units permitted; total amount of square feet constructed; or the type of construction allowed.

(v) Residential Collector Streets shall provide connections to nonresidential uses within the neighborhood and shall not typically intersect with Arterial Streets.

(a) Bicycle & pedestrian facilities are strongly recommended for Residential Collectors.

(b) Various traffic-calming treatments may be used to reduce travel speeds.

(c) Residential Collector Streets with adjacent residential land uses should, in most cases, be limited to two lanes.

(d) Residential Collector Streets that connect neighborhoods to shopping areas shall be designed to have indirect connections to Arterial Streets.

(vi) Streets longer than one Lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary Turn-around.

(3) Intersecting Streets

(i) Local Streets generally should not intersect Arterial Streets. The Planning Commission, with the City Engineer's recommendation, may approve a new connection of a Local Street to an Arterial Street:

(a) Where it finds that such connection is part of the best traffic solution for the new Subdivision; and

(b) Where the Subdivider will add turn lanes or other Improvements recommended by the City Engineer to the Arterial Street to minimize the impact of the connection on the functioning of the Arterial Street.

(ii) Local Streets intersecting opposite sides of another Local or Collector Street when offset shall be offset 300 feet or more.

(iii) Streets shall intersect as nearly as possible at right angles.

(iv) Not more than two Streets shall intersect at any one point.

(4) Requirements When Access Barriers Exist

Wherever a proposed Subdivision contains or is adjacent to a Marginal Access Street or Road; an Arterial Street or a railroad Right-of-Way; the Planning Commission, as part of the Preliminary Plat approval, shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the Marginal Access, Arterial, or railroad Right-of-Way:

(i) Dedication of a Local Street or Road to provide ingress and egress to and from such Blocks or Lots;

(ii) A Street or Road approximately parallel to and on each side (where applicable) of such Marginal Access Street or Road, Arterial Street or railroad Right-of-Way at a distance suitable for the appropriate use of the land between such Streets or Roads;

(iii) Reverse Frontage Lots with Access Control provisions along the rear property line; or

(iv) Adequate distance between such parallel Streets or Roads and the Arterial, Marginal Access Street or Road, or railroad so as to provide for proper approach grades and future grade separation.

(5) Cross-Sections

(i) City of Lawrence

All Platted Subdivisions lying within the City of Lawrence shall comply with the following cross-section standards:

Street Type	Right-of-Way Min. Width (feet)
Principal Arterial	150
Minor Arterial (3 lane)	100
Collector	80
Residential Collector	60
Local	60
Limited Local	50
Cul-de-sac	60
Marginal Access (Frontage Road)	60

(a) Pavement width constructed according to City standards.

(b) Additional r-o-w may be necessary at Intersections.

(c) Paved bulb with 50' radius is required/60' minimum r-o-w radii required

(ii) Unincorporated Area of the County

All residential developments and nonresidential Subdivisions within the Unincorporated Area shall comply with the following minimum cross-section standards:

Street Type	Right-of-Way Min. Width (feet)
Principal Arterial (w/ median)	150
Principal Arterial (w/o median)	120
Minor Arterial	100
Major Collector	80
Minor Collector	70
Local	70

(a) Right-of-Way shall be sufficient to include top of ditch back slopes; may be variable

(b) Road design shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System

Local Government Road and Street Projects" and/or AASHTO Green Book standards.

(6) Grades

The finished grade for all Streets and Roads shall be at or above the base flood elevation. The grades of Streets and Roads shall comply with the following standards:

Street Type	Maximum Grade (%)	Minimum Grade (%)
Arterials (Principal and Minor):		
City or Urban Growth Area	5	1.0
Rural Area	5	1.0
Collector (Major or Minor)	8	1.0
Marginal Access	10	1.0
Local	10	1.0

(i) The City or County Engineer, as applicable, shall be authorized to approve minor deviations for short distances from these grade standards when it is determined that compliance with these standards is impracticable.

(ii) Within the City of Lawrence, maximum grade of Streets serving industrial areas shall be 5% regardless of Street classification.

(7) Radii of Curvature

The minimum radius of curvature of the centerline of Arterial and Collector Street shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.

(8) Cul-de-sacs

(i) Cul-de-sac lengths shall not exceed 10 times the required minimum Lot Width of the base zoning district or 1,000 feet (1,320 feet in Unincorporated Area), whichever is less.

(a) A Cul-de-sac's length shall be measured from the center point of the Cul-de-sac bulb or Turn-around to the centerline of the Right-of-Way of the nearest intersecting through Street.

(ii) Maximum Cul-de-sac length may be increased by up to 25% above the maximum allowed by Section 20-1110(e)(8)(i) during the Preliminary Plat approval process if the Planning Commission determines that the proposal meets all of the following criteria:

(a) It is impracticable to connect the Street to another Street or to provide a looped Street or other means of Access that would avoid

the Cul-de-sac or allow the Cul-de-sac to meet the length limit because:

(1) The area is separated from other parts of the Subdivision or a possible Street connection by Floodplains, Jurisdictional Wetlands, or steep slopes greater than 10% or other natural resource areas; and

(2) Other properties adjoining the area have already been Subdivided or developed in a manner that precludes connecting the Cul-de-sac to an existing or proposed Street.

(b) Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the Cul-de-sac length limit of Section 20-810(e)(8) and realization of at least 75% of the maximum Lot density allowed by the site's base zoning; and

(c) The degree of increase in allowable Cul-de-sac length is the minimum necessary to allow the above findings.

(d) The Subdivider bears the burden of demonstrating that all criteria have been met.

(iii) In Subdivisions with Cul-de-sacs, Easements may be required to ensure that the water supply system is looped.

(iv) If a Cul-de-sac is longer than 600 feet, the Subdivision shall include Pedestrian Easements at the terminus of the Cul-de-sac to provide pedestrian connections to and from the Cul-de-sac, in accordance with 20-1110(h)(4)(iii).

(9) Half-Streets

(i) Whenever Right-of-Way for one-half of a Street has been dedicated to bring that Street to then-current standards, regardless of whether that half of the Street has been improved, and a Subdivision of land adjoining the other half of the Street is proposed, the remainder of the Right-of-Way shall be dedicated and improved by the Subdivider.

(ii) No building permits shall be issued for Lots with Access only to a Half-Street until the entire remainder of the Street Right-of-Way between the two nearest intersecting Streets and passing in front of the subject Lot(s) is dedicated and improved.

(10) Private Streets and Roads

(i) Unincorporated Area of the County

(a) Private Roads are prohibited in the Unincorporated Area of Douglas County, except for those that were approved prior to December 15, 1998.

(b) Before Douglas County will consider a request to assume maintenance of any existing Private Road, by Dedication or

otherwise, the Road must be brought into compliance with all applicable Road and Right-of-Way standards.

(ii) City of Lawrence

(a) New Private Streets in the City are permitted only in Planned Developments approved by the Planning Commission and City Commission.

(b) Private Streets shall be built to City Street construction standards and maintained by the Landowner.

(11) Alleys

(i) Alleys shall be provided in commercial and industrial districts, except that the Planning Director may waive this requirement where other definite or assured provisions are made for service Access, off-Street loading and unloading and parking spaces consistent with and adequate for the uses proposed.

(ii) Alleys shall have a minimum unobstructed Right-of-Way width of 20 feet.

(iii) Alleys shall comply with the construction standards of the city and/or county, as determined by the City or County Engineer.

(iv) Intersecting Alleys shall be prohibited except when no feasible alternative exists. When Alley Intersections are unavoidable, a turning radius shall be provided to permit safe vehicular movement.

(v) Alleys that serve dock areas shall be designed with adequate Turn-around facilities.

(f) Street and Road Names and Lot and Block Numbering

(1) City of Lawrence

(i) Street names shall be proposed by the Subdivider, reviewed by the Municipal Services and Operations Director, and approved by the City Commission. The approval of Street names shall be within the legislative discretion of City Commission, subject to the following standards:

(a) Compass directions shall not be used as part of Street names;

(b) The identifiers "Court and "Circle" shall be used as follows:

(1) A Court identifies a Dead-End or Cul-de-sac; and

(2) A Circle identifies a Street where both ends terminate at the same Roadway.

(c) Streets that run in an east – west direction shall be named as numbered Streets;

(ii) Existing Street names shall be used where the Street to be named is, or would be, a logical extension of an existing Street even though

separated by undeveloped land, natural physical barriers or man-made obstructions; and

(iii) Where a proposed Street is shown on an adopted Major Thoroughfares Map and such map indicates a name for that Street, that name shall be used.

(2) Unincorporated Area of the County

Road names in the unincorporated County shall be named in accordance with the E911 Emergency Management System.

(g) Lot and Block Numbering

Lot numbers shall be assigned by starting in the northeast corner of each Block and proceeding in a counterclockwise direction. When a Street or Road separates a group of Lots, a new Block shall be identified, and the Lots within the new Block shall be numbered as herein specified.

(h) Easements

(1) Permanent Utility Easements

Permanent utility Easements shall be provided where necessary to accommodate utilities that will serve the Subdivision. Permanent utility Easements shall be provided where necessary to allow for utility service in and through the proposed Subdivision. Where such an Easement is necessary, it shall be centered on rear or side Lot Lines, as applicable, and shall be at least 30 feet and 15 feet wide respectively, except that Easements for Street lighting purposes only need not exceed 10 feet in width.

(2) Temporary Utility Easements

Temporary utility Easements shall be provided where necessary to accommodate the installation of utilities that will serve the Subdivision. Temporary utility Easements shall be centered on rear or side Lot Lines and shall be at least 30 feet and 25 feet wide respectively. The temporary utility Easement shall expire after the initial installation of the required utilities. After the expiration of a temporary utility Easement, the permanent utility Easement will govern.

(3) Drainage Easements

Drainage Easements for water courses, drainage Swales or streams which traverse a Subdivision may be required. Drainage Easements shall be exclusively for that use and separate from the Dedication of other utility Easements. Upon the request of the Planning Director, the City or County Engineer, as applicable, shall make recommendation to the Planning Commission regarding the desired width of the Drainage Easement. Such study and report shall be based on the 100-year flood depth (if known), or the

regulatory flood elevation when provided by the Federal Insurance Administration.

(4) Pedestrian Easements

(i) Pedestrian Easements shall be required when Block lengths for Local Streets exceed 800 feet in length. Such Easements shall extend entirely across the width of the Block at approximately the midpoint of the Block.

(ii) Additional Pedestrian Easements should be required within the City and Urban Growth Area to provide pedestrian connections from a Subdivision to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent Subdivisions or neighborhoods, including a pedestrian connection at the terminus of each Cul-de-sac.

(iii) Easements for Pedestrian Ways shall have a minimum width of 12 feet.

(iv) The Planning Commission may waive this requirement where, due to Topography or physical barriers, the Pedestrian Easement would not form a logical part of the larger pedestrian circulation system through the approval of the Preliminary Plat.

(i) Parks, Open Space Schools and Other Public Facilities

The Planning Commission shall encourage the donation, reservation, or Dedication of sites for parks, open space, schools and other public facilities in accordance with the Lawrence Parks and Recreation Comprehensive Master Plan.

(j) Land In Floodplain Overlay Districts

Land within a Floodplain Overlay District shall be subject to the Flood Protection Standards of Article 12, Chapter 20, City Code and to the Flood Protection Standards of Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.

(k) Protection of Environmentally Sensitive Lands

(1) Definition of Environmentally Sensitive Lands

Certificates of Survey land divisions and Platted Subdivisions shall be designed to protect environmentally sensitive lands which contain natural resources and environmentally sensitive areas. Environmentally sensitive lands are listed below in a priority order for protection:

(i) Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(ii) Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(iii) Jurisdictional Wetlands, as determined by the Army Corps of Engineers;

(iv) Stream Corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(v) Native Prairie and Restored Prairie which have been voluntarily listed for protection;

(vi) Prime Farmland as defined by the Natural Resource Conservation Service

(vii) Stands of Mature Trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map with priority to Heritage Woodlands (old growth forests); and

(viii) Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.

(2) Determination of environmentally sensitive lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

(i) FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;

(ii) US Fish and Wildlife Service National Wetland Inventory Maps;

(iii) GIS Baseline Environmentally Sensitive Lands Map;

(iv) Kansas State Historical Society Archeological and Historic Resources Inventory; and

(v) Douglas County Heritage Conservation Council Resources Inventory; and

(vi) Other resources which may be appropriate.

(3) Protection Standards for Environmentally Sensitive Lands – City of Lawrence

(i) Section 20-304(e)(4) of the Land Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area of residentially zoned property.

(ii) Section 20-904 requires that when Platting, environmentally sensitive lands to be protected shall be placed within Tracts or Easements and information regarding Ownership and maintenance responsibility of the Tract or Easement, as well as protection measures, shall be included on the Preliminary and Final Plat.

(iii) Section 20-904 contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.

(iv) Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all Subdivision applications for

properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).

(4) Protection Standards for Environmentally Sensitive Lands – Unincorporated Area of the County

(i) Per Sections 20-1104(c)(3) [County Code Sections 11-104(c)(3)], Certificates of Survey land divisions within the UGA shall protect environmentally sensitive lands through the filing of a Temporary Set Aside Agreement or a permanent Conservation Easement with the Register of Deeds.

(ii) Per Section 20-1106(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] Certificates of Survey outside the UGA for properties which contain environmentally sensitive lands shall designate Building Envelopes which exclude the protected environmentally sensitive lands.

(iii) All Plats which include environmentally sensitive lands shall protect them through one of the following methods:

(a) The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.

(b) Placement of the environmentally sensitive lands within Tracts or Easements. Information regarding Ownership and maintenance responsibility of the Tract or Easement, as well as protection measures, shall be included on the Preliminary and Final Plat.

(iv) Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the Certificate of Survey and 20% of the total site for Platted properties.

(l) Soils and Soil Testing – City of Lawrence

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test shall be obtained to verify sub-surface soil characteristics for rocky or unstable soil types, when requested by the City Engineer, for areas proposed to be dedicated for City of Lawrence public Rights-of-Way and public Easements.

(m) Soils and Soil Testing – Unincorporated Area of the County

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test holes shall be conducted in accordance with the Douglas County Sanitary Code.

20-1111 Public Improvements Standards

(a) General Public Improvement Construction Standards

(1) Standards

All Public Improvements, including but not limited to water, sanitary sewer, Streets, curbs, gutters, storm sewers and storm drainage, roundabouts, pedestrian facilities, Traffic Calming Devices or traffic control devices shall comply with the construction standards established by the City Engineer or County Engineer, as applicable. Such standards are incorporated herein by reference.

(2) Administration and Fees

(i) Compliance with the items listed in Section 20-811(a)(1) and use of appropriate construction methods shall be determined by the County or City Engineer, as applicable.

(ii) A permit shall be issued by the County or City Engineer, as applicable for the construction of a future Public Improvement prior to commencement of any work activity associated with the improvement.

(iii) A fee in an amount determined by resolution of the Governing Body shall be charged for the permit.

(3) Pre-Pinning in the Unincorporated Area of the County

In the Unincorporated Area of Douglas County, at or before the time of construction of Public Improvements, sufficient grade and alignment stakes shall be set by a licensed Land Surveyor, engaged by the Subdivider to assure compliance with plan, profile and drainage of Streets and such other Public Improvements as are proposed and submitted with the Final Plat and approved by the County Engineer.

(i) Compliance with the items listed above and use of appropriate construction methods shall be determined by the County Engineer.

(ii) A permit shall be issued by the County Engineer for the construction of a future Public Improvement prior to commencement of any work activity associated with the improvement.

(iii) A fee in an amount set by Resolution of the County Commission shall be charged for the permit.

(iv) This sub-section shall apply only to Subdivisions in which the complete Lot pinning required by Section 20-1111(k) has not been completed at the time that the first Public Improvements are installed.

(b) Streets or Roads

(1) City of Lawrence

Subdivision Streets located within the incorporated city limits shall be constructed to comply with standards adopted by the City of Lawrence.

(2) Urban Growth Areas

Subdivision Streets and Roads located within the Urban Growth Areas shall be constructed to the Street and Road standards of the City that established the Urban Growth Area.

(3) Rural Area

Subdivision Roads located within the Rural Area shall be constructed to the higher of the following standards:

(i) Road standards adopted by the Township(s) in which the Road is located;

(ii) Standards for the Road classification specified on Exhibit 9-506 of the County's Access Management Regulations, Chapter IX of the County Code.

(iii) Other adopted County standards applicable to a Road of the classification and/or location of the proposed Road; or

(iv) At a minimum, adopted Douglas County Rock Roadway Standard.

(c) Sidewalks and Pedestrian Ways

(1) City of Lawrence and Urban Growth Areas

Sidewalks and Pedestrian Ways shall be provided in the City of Lawrence in accordance with the standards of this sub-section:

(i) Public Sidewalks shall be installed on both sides of all Streets, as follows:

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' Sidewalk on the other side

(ii) Sidewalks shall be constructed in accordance with standards and specifications adopted by the applicable Governing Body and in accordance with Public Improvement Plans for the development.

(iii) Variances

(a) If the Planning Commission takes no specific action on a proposed Variance for part or all of a Sidewalk requirement, the Variance shall be deemed to be denied. In reviewing Variance requests from the standard Sidewalk width, special consideration shall be given to walks adjacent to Collector or Arterial Streets located in historic districts and areas with severe site Topography which would make it impractical or difficult to build a Sidewalk in accordance with the above standards.

(iv) Sidewalks

(a) Sidewalks required to be constructed within the Street Right of Way may be constructed concurrently with the paving of the adjacent Roadway or with the first phase of development or redevelopment, adjacent to any improved Street.

(b) All required sidewalks shall be constructed no later than:

(1) Two years after a plat has been recorded with the Register of Deeds for properties or projects that only require a Major Subdivision or Minor Subdivision/Replat, or

(2) Completion of any development activity subject to review per Chapter 20 or Chapter 21 of the City Code that requires the installation of Sidewalks. Examples include but are not limited to projects that require a Site Plan, Final Development Plan, or Special Use Permit.

(3) An extension of these deadlines may be granted subject to approval by the Planning Director and City Engineer.

(c) Required sidewalks shall be completed prior to final building inspections in all cases, except when, for good cause shown, the Planning Director and City Engineer approve an exemption from this requirement.

(1) Exemptions from this requirement may only be approved when an alternate construction deadline is agreed upon.

(v) Pedestrian Ways

(a) Where an approved Preliminary Plat shows a Pedestrian Way other than a Sidewalk, an improved Pedestrian Way not less than five feet wide in the Easement space dedicated for that purpose shall be provided by the Subdivider.

(b) Pedestrian Way Easements shall be improved in accordance with adopted City construction standards for Sidewalks and shall conform to all accessibility requirements of the Americans with Disabilities Act.

(c) Completion of such Improvements shall be guaranteed in accordance with Section 20-1111(h)(2) or subject to site plan review or non-residential development standards.

(d) The responsibility for paving the Pedestrian Way shall be the Developer's, and these Pedestrian Ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the Planning Director in acting on the Final Plat.

(e) The responsibility for maintenance of the Pedestrian Way shall be that of adjacent property Owners or the Home Owners Association for the Subdivision.

(vi) The total cost of all Sidewalks, except those that are part of an improvement district, shall be borne by the Developer or property owner at the time of construction. In any improvement district, the total cost of all Sidewalks shall be borne by the property or properties benefited by the improvement district.

(vii) Public Improvement Petitions shall include the construction of Sidewalks or Pedestrian Ways, except where the Planning Commission has specifically waived the installation as provided in Section 20-813(g). The total cost of all Sidewalks or Pedestrian Way Improvements shall be borne by the property benefited in the improvement district.

(2) Urban Growth Areas

An Agreement Not to Protest the Formation of a Future Benefit District for the construction of Sidewalks may be required as a condition of approval for Platted Subdivisions in the Urban Growth Areas in accordance with the standards of Section 20-1111(c)(1) for the Lawrence UGA or the standards of the applicable city's UGA.

(3) Rural Area

The Planning Commission may recommend and the Board of County Commissioners shall be authorized to require Sidewalks in other Major Subdivisions when deemed necessary to provide for safe pedestrian connections to nearby schools, parks, shopping, employment or other uses or activities.

(d) Wastewater Disposal Systems

(1) City of Lawrence and Urban Growth Areas

(i) The approval of any Subdivision requiring connection to the City of Lawrence wastewater system is contingent upon the availability and adequacy of the City to provide wastewater services to the area being Subdivided.

(a) It is the applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for wastewater services, including submission of a Downstream Sanitary Sewer Study in accordance with Administrative Policy No. 76.

(b) Failure to conform to these provisions warrant denial of the Subdivision Plat.

(ii) On-Site Sewage Management Systems are prohibited on any land which is Platted under these regulations and is located in the City of Lawrence or in Service Area 1 of the Urban Growth Area of Lawrence.

(2) Urban Growth Area and Rural Area

(i) On-Site Sewage Management Systems may be permitted in Subdivisions in Service Areas 2-4 of Lawrence's Urban Growth Area, other City's Urban Growth Areas, or in Subdivisions in the Rural Area, subject to the following minimum Lot area standards:

(a) For Lots that use well water as the primary Potable Water source, the minimum Lot area for an On-Site Sewage Management System is 5 acres. Any land located within the Floodplain shall not be counted in calculating Lot area for the purpose of meeting minimum Lot area requirements for On-Site Sewage Management System use;

(b) For all other Lots, the minimum Lot area requirement for an On-Site Sewage Management System is 3 acres. Any land located within the Floodplain shall not be counted in calculating Lot area for the purpose of meeting minimum Lot area requirements On-Site Sewage Management System;

(c) No portion of an On-Site Sewage Management System shall be located within the FEMA designated Floodplain; and,

(d) Calculation shall not include land dedicated for Rights-of-Way or exclusive Easements.

(ii) Community Sewage collection and treatment facilities (including lagoons) may be provided for Subdivided or newly created Lots in the Urban Growth Areas or for any other newly created Lots not suitable for an On-Site Sewage Management System.

(a) Such systems shall be subject to approval by the Kansas Department of Health and Environment and shall be designed to allow for future connection to a public sewer system.

(b) Maintenance of such facilities shall be provided by a Home or Property Owners Association, benefit district (if then permitted under Kansas law), or other appropriate entity. Evidence shall be submitted at the time of Subdivision approval showing the establishment of such an entity to be responsible for maintenance and management of the system.

(iii) In situations in which an On-Site Sewage Management System has been proposed, no Subdivision shall receive final approval until the Subdivider has presented evidence that the On-Site Sewage Management System, as a method of Sewage disposal for the

Subdivision, has been approved by the Director of the Lawrence-Douglas County Health Department.

(3) On-Site Sewage Management Systems shall be constructed in accordance with the Douglas County Sanitary Code, Resolution 09-44, as amended.

(e) Water Supply

(1) City of Lawrence and Urban Growth Areas

(i) The approval of any Subdivision requiring connection to the City of Lawrence municipal water system is contingent upon the availability and adequacy of the City to provide water services to the area being Subdivided.

(a) It is the applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for water services in accordance with Administrative Policy No. 52.

(b) Failure to conform to these provisions warrant denial of the Subdivision Plat.

(ii) Before approval of a Final Plat within Lawrence's Urban Growth Area that will not be served by the City of Lawrence utilities, the Subdivider shall provide written documentation to the Lawrence-Douglas County Health Department Director and the Lawrence-Douglas County Metropolitan Planning Director that Publicly Treated Water, delivered through a water meter is available to and will be provided for all Lots.

(iii) Before approval of a Final Plat for land located within the City of Lawrence or Lawrence's Urban Growth Area, the Subdivider must sign an agreement to connect to a municipal water system when public water lines are within 1,000 feet of any planned development on the property and such connection is feasible.

(2) Urban Growth Area and Rural Area

(i) In the Unincorporated County, Subdividers are required to consult with the applicable Fire Department and Rural Water District to determine if the provision of fire hydrants as part of the Public Water Supply system is feasible.

(ii) Where determined by the Fire Department and Rural Water District to be feasible, fire hydrants must be provided.

(iii) Where existing water pressure is insufficient for fire hydrants as part of the Public Water Supply, or where there is no Publicly Treated Water supply, the Subdivider must install dry hydrants adjacent to a pond or other water storage device with sufficient capacity, and in an appropriate location, to support firefighting needs as determined by the applicable Fire Department.

(f) Telephone, Cable Television Electrical Lines

(1) Telephone, cable television and electrical lines must be located underground when located in the City of Lawrence or Subdivisions in Lawrence's Urban Growth Area. This provision shall not apply to high voltage electrical lines.

(2) The Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed Subdivision.

(g) Street Trees

All Subdivisions within the City of Lawrence or Lawrence's Urban Growth Area shall be required to provide a Master Street Tree Plan that meets the standards of this sub-section.

(1) Minimum Tree Requirements

Street trees shall consist of canopy shade and/or ornamental trees, as defined below and meeting the following minimum requirements:

(i) Size

Medium or large trees, as defined by Section 18-103(e) of the Code of the City of Lawrence, Kansas, and amendments thereto, which can reach a mature height of 45 feet or greater are required except that ornamental trees planted pursuant to Section 20-1111(g)(2)(iv) are not subject to the 45 feet height requirement. The minimum trunk Caliper of Street trees, at the time of planting, measured six inches above the ground in accordance with the American Nurseryman Standards shall be as follows:

Street Tree Type	Minimum Trunk Caliper (inches)	Mature Height (feet)
Canopy Shade	2 (ball and burlap or equivalent)	At least 45
Ornamental	2 (ball and burlap or equivalent)	No more than 20

(ii) Number

One tree shall be provided for every 40 feet of Street Frontage. The Planning Director may approve a Master Street Tree Plan that varies from this requirement to allow for Driveways, utilities, and Intersection visibility requirements.

(iii) Minimum Species Diversity

The following minimum requirements shall apply to all Master Street Tree Plans. To prevent uniform insect or disease susceptibility, a mix of species shall be provided. The Director of the Department of Parks, Recreation and Culture shall, upon request, provide a list of trees that are acceptable to satisfy the requirements for Master Street Tree Plans. To promote diversity in the Urban forest, the number of trees required to be planted shall be in accordance with the following requirements:

Number of Trees per Plat	Minimum Number of Species
1–10	1
11–20	2
21–30	3
31–40	4
41+	6

(2) Planting Location and Spacing

(i) Location in RS and RM12D Zoning Districts

(a) Street trees shall be located in the front yard, building setback and/or adjacent to the Right-of-Way at a distance not greater than 10 feet from the boundary line of the Right-of-Way; where practical.

(b) Street trees shall be planted after planned utilities have been installed.

(c) Trees shall be planted no closer than 8 feet from existing underground utility lines, where practical and approved by the Planning Director.

(d) On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets.

(e) No tree shall be planted between the curb and the Sidewalk if the clear space is less than 3 feet wide.

(ii) Location in all Other Zoning Districts

(a) Street trees shall be located either within the Street Right-of-Way or within the required front yard building setback, PROVIDED,

(b) No tree is located farther than 30 feet from the back of the curb, with the exception of Lots on the radius of a Cul-de-sac which shall be located not greater than 45 feet from the back of the curb, where practical.

(c) Street trees shall be planted after planned utilities have been installed.

(d) Trees shall be planted no closer than 8 feet from existing utility lines, where practical and approved by the Planning Director.

(e) On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets.

(f) No tree shall be planted between the curb and the Sidewalk if the clear space is less than 3 feet wide.

(iii) Spacing

(a) Street trees shall be evenly spaced along the Street Frontage.

(b) As alternative, Street trees may be clustered, if based on Planning Director evaluation, conditions exist which dictate building location and Driveway placement which interrupts the even spacing of Street trees. Such conditions include:

(1) The Lot is on a corner;

(2) The presence of existing trees, which qualify for credit under Section 20-1111(g)(5);and/or

(3) Topographic conditions (i.e. steep gradient, rock outcroppings).

(iv) Overhead Lines and Fixtures

If the planting site will prevent the growth of canopy shade trees due to overhead utility lines, ornamental trees shall be permitted as a substitution for the canopy shade trees in accordance with the Location and Spacing requirements of this Section and shall be subject to the following requirements:

(a) The canopy of the ornamental tree(s) shall be no closer than 10 feet from the overhead lines and its mature height shall not exceed 20 feet; and

(b) The ornamental tree(s) shall be planted at least 15 feet away from any Street light.

(v) Cul-de-sac Lots

Lots on Cul-de-sacs that have a Street Frontage of 45' or less shall be required to provide only one Street tree per Lot.

(3) Master Street Tree Plan

(i) A proposed written and graphic Master Street Tree Plan shall be submitted at the time a Final Plat is submitted to the Planning Department for review.

(ii) Prior to recording the Final Plat with the Register of Deeds, the applicant shall provide a Master Street Tree Plan that is signed and properly acknowledged by the property Owner(s). The Master Street Tree Plan shall be written to be binding on present and future property Owners. A reference line shall be provided on the Final Plat indicating the book and page where the Master Street Tree Plan is filed which shall be completed at the time the Final Plat is recorded at the Register of Deeds.

(iii) The Master Street Tree Plan shall be prepared in a format established by the Planning Director and shall include the following information:

(a) A list of acceptable Street tree types;

(b) The number of trees to be provided for each Lot;

(c) The number, location and size of existing trees proposed to be saved and applied to the fulfillment of this requirement;

(d) The provisions to be taken pursuant to Section 18-107 of the Code of the City of Lawrence, Kansas during construction for the protection of existing trees to be saved (if any);

(e) If trees are proposed in Street medians, provisions for maintenance (including how water line extensions will be paid); and

(f) The identification of power line locations.

(4) Provision of Right of Entry

(i) Each Final Plat for detached or attached single Dwelling residential structures to be built on individual Platted Lots in a City residential Subdivision in RS and RM12D zoning districts shall contain the following note on the face of the Final Plat: "The City is hereby granted a temporary right of entry to plant the required Street trees pursuant to Section 20-1111(g) of the City Subdivision Regulations."

(ii) For Final Plats filed before January 1, 2002, for detached or attached single Dwelling residential structures to be built on individual Platted Lots in a City residential Subdivision in RS and RM12D zoning districts, the property Owner of undeveloped Lots for which a city building permit has not been issued shall sign a consent form and submit it with the building permit application granting the City of Lawrence temporary right of entry to plant the required Street trees pursuant Section 20-1111(g) of the City Subdivision Regulations.

(5) Credits for Existing Trees

Existing trees may be applied toward the fulfillment of this street tree requirement when:

(i) All of the following conditions exist:

(a) The tree is healthy and of a species the Director of the Department of Parks, Recreation and Culture determines to be desirable as a street tree;

(b) The existing tree is within the street right-of-way or within 30 feet of the back of the curb or proposed curb line;

(c) The tree(s) caliper of a canopy shade tree is at least four inches measured six inches from the ground, or in the case of an ornamental tree, the tree caliper is at least two inches, measured six inches from the ground, in accordance with the American Nurseryman Standards;

(d) The applicant has submitted a tree protection plan that conforms with the requirements of Section 18-107 of the Code of the City of Lawrence, Kansas, and amendments thereto, and

(e) The existing or proposed location of overhead utility lines along the Street Right(s)-of-Way will not prevent the full growth of the Street tree.

(6) Timing of Landscape Placement

(i) The timing of, and manner in which the Street trees shall be planted for detached or attached single Dwelling residential structures to be built on individual Platted Lots in city residential Subdivisions in RS and RM12D Zoning Districts shall be in accordance with City Administrative Policy No. 83.

(ii) For all other required Street trees not covered by (i) above, and/or developments requiring a site plan or development plan:

(a) Trees shall be installed, after other Public Improvements, if water is available for their care and maintenance. The property Owner or his designee shall be required to guarantee planting of the tree at the time a building permit application is submitted.

(b) Street trees shall be planted prior to final building inspection or the issuance of an occupancy permit. Consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of tree planting PROVIDED, the guarantee for planting is extended to the date of completion of tree planting.

(c) Guarantee shall be provided in the following form:

(1) A cash escrow deposit in a financial institution authorized to do business in Kansas in an amount set forth in the City of Lawrence Administrative Policy No. 83. This escrow deposit shall be invested and reinvested by such bank or savings and loan, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as determined by Section 20-1111(i). Money will be withdrawn to pay the Developer or a designated nursery after the installation of said trees and prior to the issuance of a final certificate of inspection; or

(2) The appropriate Governing Body, at its discretion, may accept an irrevocable letter of credit from a financial institution or a corporate surety performance bond in lieu of a cash escrow deposit to insure the planting of the required Street trees.

(7) Continuing Maintenance

(i) Continuing maintenance of trees planted by the City shall be in accordance with the maintenance provisions set forth in City of Lawrence Administrative Policy No. 83.

(ii) For all other required Street trees not covered by Section 20-1111(g) and/or developments requiring a site plan or development plan, the on-going maintenance of trees, once planted, shall be the responsibility of the property Owner adjacent to the public Right-of-Way or Private Street. If a Street tree dies or fails to be planted within one calendar year of issuance of an occupancy permit, the City shall notify the property Owner of the need to plant or replace the tree(s) as applicable. Should the property Owner fail to plant or replace the tree within 30 days of notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property Owner.

(h) Completion of Public Improvements

Before a Final Plat or Minor Subdivision/Replat may be recorded, the Subdivider shall:

(1) Provide written certification from the City or County Engineer, as applicable, that all required Public Improvements in that portion of a Subdivision authorized for development have been completed in accordance with applicable Design and Public Improvement Standards of this Article; or

(2) Provide for one or more of the following means of ensuring completion of required Public Improvements:

(i) A Public Improvement Petition for construction and installation of all or a portion of the required Public Improvements.

(ii) A cash escrow deposit in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate Governing Body of the construction and installation of the uncompleted portion of the required Public Improvements in accordance with applicable improvement standards;

(iii) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the appropriate Governing Body, in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate Governing Body of the construction and installation of required Public Improvements in accordance with applicable improvement standards; or

(iv) Approval subject to conditions:

(a) The Planning Director may approve the Final Plat subject to the condition that it not be recorded until the City Engineer or County Engineer, as applicable, has determined that all required Public Improvements have been completed in accordance with the

standards of this Article and related design standards of the applicable local government.

(b) If the required Improvements are not timely completed, the City Engineer or County Engineer with the Planning Director may submit the Final Plat to the appropriate Governing Body for further consideration; after giving the Subdivider an opportunity to be heard, the appropriate Governing Body may:

(c) Authorize the Planning Director to rescind the approval of the Plat, require additional assurance for completion of the Public Improvements,

(d) Authorize the recording of the Final Plat without further Improvements, or

(e) Extend the timeline for completion of the Public Improvements.

(v) The appropriate Governing Body may, at its discretion, determine which of such methods for ensuring completion of required Public Improvements shall be required.

(i) Escrow Deposit

(1) The amount of the cash escrow deposit determined in accordance with Section 20-1111(h)(2)(ii) shall be deposited by the appropriate Governing Body in a special escrow account in the commercial bank in which the funds of such appropriate Governing Body are then deposited.

(2) This escrow deposit shall be invested and reinvested by such bank in short-term government securities, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as hereinafter provided.

(3) Upon written certification from the City or County Engineer, as applicable, that the required Improvements have been 30% completed, the appropriate Governing Body shall release 30% of such escrow deposit to the Subdivider.

(4) Upon a like certification that the required Public Improvements have been 50% and thereafter, 75% completed, the appropriate Governing Body shall release 20% and 25% respectively, of the original escrow deposit to the Subdivider.

(5) Upon written certification from the appropriate Engineer that the required Public Improvements have been completed in accordance with applicable improvement standards, the balance of such escrow deposit, together with all earnings accrued thereon, shall be released to the Subdivider.

(j) Irrevocable Letter of Credit

(1) The amount of an irrevocable letter of credit determined in accordance with Section 20-1111(h)(2)(iii) shall be submitted by the Subdivider to the City or

County Engineer, County Public Works Director or City Municipal Services and Operations Director, or other designated representative.

(2) By the 10th of each month, the City or County Engineer or other designated representative shall certify to an Agent of the financial institution, estimates of the amount of work completed by the contractor.

(3) The financial institution may submit a new letter of credit, which would reflect the balance of work remaining to be completed as determined by the City or County Engineer to replace the previous letter of credit.

(4) Ten percent of the total project cost shall be retained until the City Engineer or County Engineer, whichever is appropriate, has accepted all of the Public Improvements in that phase of the Subdivision.

(k) Lot Pinning

(1) Pins for all corners of the Subdivision and for all Lot corners shall be set and the completion of the setting certified by the responsible Land Surveyor before a Final Plat or Replat is recorded.

(2) As an alternative to Section 20-1111(k)(1), before the recording of a Final Plat or Minor Subdivision/Replat with the Register of Deeds, the Developer or Owner shall provide certification to the Planning Director that the Subdivision's boundaries are pinned and there is a contract with a licensed Land Surveyor to pin the Lots after completion of Street and Public Improvements.

(3) A Major Subdivision can be pinned or staked in phases that are coincident with:

(i) The Street construction and development phase;

(ii) The placement of utilities within the designated utility Easements phase; and

(iii) The pouring of building foundations for slabs for building construction (issuance of a building permit phase).

(4) At the time the Public Improvement Plans are submitted to the Municipal Services and Operations Director for approval, the center lines of Right(s)-of-Way shall be identified by establishing the following control points:

(i) Points of Intersection (PI);

(ii) Points of Tangency (PT); and,

(iii) Points of Curvature (PC).

(5) Simultaneously with the construction of Public Improvements, staking or pinning of the Subdivision boundary corners and key points along the Easement(s) shall be completed to provide the following information:

(i) The Intersection of four or more Lots;

(ii) Points of curvature; and

(iii) Points of Intersection with other Easements.

(6) At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed Land Surveyor) to the Building Safety Manager to assure Lot corners are pinned and pins are found or set.

20-1112 Administration and Enforcement

(a) Planning Director Powers and Duties

The Planning Director shall have the following powers and duties under this Article:

(1) Maintain permanent and current records with respect to these regulations, including amendments thereto;

(2) Receive all pre-applications together with other necessary information;

(3) Distribute copies of applications and other necessary information to other appropriate governmental agencies and departments for their review and recommendations;

(4) Review applications of land division for compliance with these regulations;

(5) Present reports and recommendations to the Planning Commission and Governing Bodies;

(6) File approved Final Plats, Minor Subdivision/Replats, and Certificates of Surveys with the Register of Deeds;

(7) Make such other determinations and decisions as may be required by these regulations or by the Planning Commission.

(b) Planning Commission Powers and Duties

The Planning Commission shall have the following powers and duties under this Article:

(1) Review and approve, conditionally approve, or disapprove Preliminary Plats;

(2) Grant or deny Variances to the Design Standards of this Article as per Section 20-1113(g);

(3) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable state law.

(c) Dedications or Vacations

The applicable Governing Bodies shall be responsible for accepting the Dedication or approving the Vacation of Rights-of-Way for Public Streets, Roads and public Easements.

(d) Building Permits in the Unincorporated Area of Douglas County

No building permit shall be issued for any building or structure in the Unincorporated Area of the County unless the Douglas County Zoning & Codes Director finds that:

(1) The proposed building or structure shall be located:

(i) On a Platted Lot shown on an approved and recorded Final Plat for a Subdivision or on a Residential Development Parcel shown on an approved and recorded Certificate of Survey;

(ii) On a Platted Lot or land division in existence on the Effective Date of these regulations that has a vested right under these requirements pursuant to Section 20-1101(e);

(iii) On a Platted Lot or land division, created through a valid Exemption to these regulations or to the Subdivision Regulations that were in effect at the time when the Lot or land division was created as identified in Section 20-1101(d); or

(iv) On a recorded Land Combination, created pursuant to Section 20-1101(f).

(2) A building permit may be issued for improvement of an existing residential building in the Unincorporated Area of the County if the Douglas County Zoning & Codes Director finds that the existing residential building:

(i) Was built on the site prior to the Effective Date of these regulations; and,

(ii) Is located on a land Parcel of sufficient size to meet the County's Sanitary Code requirements.

(3) All Public Improvements required as a condition of approval of the Final Plat on which the Lot is shown have been completed or the Subdivider has provided security for the completion of such Improvements, in accordance with Section 20-1111(h)(2);

(4) A certification, signed by a licensed Land Surveyor, has been presented as proof of pinning for each of the Lots for which building permits are requested; and,

(5) There has been compliance with any conditions of Final Plat or Certificate of Survey approval.

(e) Building Permits in the City of Lawrence

No building permit shall be issued for any building or structure in the City of Lawrence unless the Planning Director finds that:

(1) All Public Improvements required as a condition of approval of the Final Plat or Minor Subdivision, where allowed by the City Code, on which the Lot is shown

have been completed or the Subdivider has provided security for the completion of such Improvements, in accordance with Section 20-1111(h)(2);

(2) A certification, signed by a licensed Land Surveyor, has been presented as proof of pinning for each of the Lots for which building permits are requested; and

(3) There has been compliance with:

(i) All applicable Design Standards and Public Improvement requirements of this Article;

(ii) All applicable Review and Approval Procedures of Section 20-1102; and

(iii) Any conditions of Final Plat or Minor Subdivision, where allowed by the City Code, approval; or

(4) The property is a Lot of Record, as that term is defined at Section 20-1115(b) of the City Code, as amended, or a Nonconforming Lot, as that term is defined at Section 20-1504(a) of the City Code, as amended.

(i) Electrical permits, mechanical permits, and plumbing permits that are required for the general maintenance, repair, or replacement of existing equipment -- necessary to meet basic life, safety, or habitability requirements -- may be issued whether or not the property is a Lot of Record or a Nonconforming Lot.

(f) Appeals

(1) From Decision of the Planning Director

Unless otherwise provided, a person aggrieved by a decision of the Planning Director under these Subdivision Regulations may appeal the decision to the Lawrence Board of Zoning Appeals in accordance with Section 20-1604(a) of the City Code or the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the County Code, as applicable. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the Planning Director which was reasonably available to the person aggrieved. An appeal not timely filed is barred.

(2) From Decision of the Douglas County Zoning and Codes Director

Unless otherwise provided, a person aggrieved by a decision of the Douglas County Zoning & Codes Director under these Subdivision Regulations may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the Douglas County Zoning Regulations. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the Zoning and Codes Director which was reasonably available to the person aggrieved. An appeal not timely filed is barred.

(3) From Decision of Planning Commission

A person aggrieved by a decision of the Planning Commission under these Subdivision Regulations may appeal the decision to the City Commission (in the case of a matter involving land in the City) or to the Board of County Commissioners (in the case of a matter involving land in an unincorporated part of the County). Such appeal shall be filed within 30 days of the date of the meeting of the Planning Commission at which the action appealed from was taken. An appeal not timely filed is barred.

(4) From Decision of Governing Body

A person aggrieved by a decision of the Board of County Commissioners or the Lawrence City Commission under these Subdivision Regulations may pursue any available cause of action in a court of competent jurisdiction, subject to the rules of civil procedure then in effect and subject to any limitations imposed by Kansas law.

(g) Variances

In cases where there is hardship in carrying out the literal provisions of the Design Standards of these regulations (such as Design Standards for Lot Width, Lot area, Block depth, etc.) or Public Improvement Standards of these regulations, the Planning Commission may grant a Variance from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-1111(d) regarding wastewater disposal systems, the appropriate Governing Body may grant a Variance from such provisions.

(1) An application for a Variance shall be made to the Planning Director. The Planning Commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a Variance from the provisions of the regulations.

(2) A Variance shall not be granted unless all of the following apply:

(i) Strict application of these regulations will create an unnecessary hardship upon the Subdivider;

(ii) The proposed Variance is in harmony with the intended purpose of these regulations; and,

(iii) The public health, safety and welfare will be protected.

(h) Design Variances for Planned Development

When a Plat is presented which includes land for which a Planned Development plan has been approved, the Planning Commission may vary the Design Standards in these regulations as necessary to conform to such approved Preliminary and Final Development Plans.

(i) Enforcement and Penalties

It shall be the duty of the Douglas County Zoning & Codes Director, the City Codes Enforcement Manager, and the Planning Director to enforce the Subdivision Regulations of this Article.

(j) Violations

The following shall constitute violations of these Subdivision Regulations:

(1) To submit for recording, any Subdivision Plat, land division or other Development Plan that has not been approved in accordance with the procedures of these Subdivision Regulations or that does not qualify for an exemption under these Subdivision Regulations;

(2) To engage in the construction of a building or development or division of land, requiring one or more approvals under these Subdivision Regulations without obtaining all such required approvals;

(3) To engage in the construction of a building or development or division of land, requiring one or more approvals under these Subdivision Regulations in any way inconsistent with any such approval or any conditions imposed thereon;

(4) To violate the terms of any approval granted under these Subdivision Regulations or any condition imposed on such approval; or

(5) To violate any lawful order issued by any person or entity under these Subdivision Regulations.

(k) Penalties; Remedies

The following penalties and remedies shall be available to the City and County in enforcing these Subdivision Regulations:

(1) The City or County may seek an injunction or other equitable relief in the District Court to stop any violation of these Subdivision Regulations or of a permit, certificate or other form of authorization granted hereunder.

(2) The City or County may seek a Court order from the District Court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to restore otherwise the premises in question to the condition in which they existed prior to the violation.

(3) The City or County may seek such criminal or civil penalties as are provided by Kansas law, City or County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.

(4) The City's Building Safety Manager or the Douglas County Zoning & Codes Director may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or Improvements thereon:

(i) Which has been divided or Subdivided other than in accordance with the requirements of these Subdivision Regulations; or

(ii) On which there is an uncorrected violation of these Subdivision Regulations.

(5) Any permit or other form of authorization required under these Subdivision Regulations may be revoked by the City's Building Safety Manager, the Douglas County Zoning & Codes Director, the Planning Director, or by any City or County official with authority to issue such permit when the official determines:

(i) That there is departure from the plans, specifications, or conditions as required under terms of the Subdivision approval;

(ii) That the Subdivision approval was procured by false representation or was issued by mistake; or

(iii) That any of the provisions of these Subdivision Regulations are being violated.

(6) Written notice of revocation shall be served upon the Owner, the Owner's Agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.

(7) Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of these Subdivision Regulations, the City's Building Safety Manager or the Douglas County Zoning & Codes Director may order the work to be immediately stopped.

(i) The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(ii) Violation of a stop work order constitutes a misdemeanor.

(8) Where a violation of these Subdivision Regulations involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the Planning Commission may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):

(i) Revoke the plan or other approval or

(ii) Condition its continuance on:

(a) Strict compliance with these Subdivision Regulations,

(b) The provision of financial security to ensure that construction is completed in compliance with approved plans, or

(c) Such other conditions as the city may reasonably impose.

20-1113 Building Setbacks, Enforcement, Exceptions

(a) Building or Setback Lines On Major Streets or Highways

(1) Purpose

As part of the Comprehensive Plan, the City and County have identified major entrances or gateways to the City and the Urban Growth Area around it. To enhance the appearance of those gateways, it is the intent of the City and the County to create a greenway effect along the major corridors through those gateways.

(2) Building and parking Setback Lines are hereby established on certain major Streets or highways as follows:

(i) West Sixth Street from K10 (South Lawrence Trafficway) to Wakarusa Drive and West Sixth Street from Monterey Way to Folks Road: a Setback Line of 50 feet.

(3) Building and parking setback limits on West Sixth Street from Wakarusa Drive to Folks Road shall be based on the approved zoning for each Tract of land.

(b) Exceptions

(1) In the event that a governmental taking or acquisition for Right-of-Way, Easement or other governmental use would reduce a setback that previously complied with this Section, that reduction in setback shall not be deemed to constitute a violation of this Section.

(2) Any non-conforming residential building or structure located within the 50 foot building and parking setback, which is damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, may be restored or reconstructed provided; said restoration or reconstruction occurs on the original foundation. The building or structure may not be rebuilt to a greater density or intensity than existed before the damage.

(c) Appeal – Setback

Notwithstanding Section 20-1113, any appeal of the building and parking Setback Line established for major Streets or highways shall be to the Board of Zoning Appeals of the applicable jurisdiction, provided that no appeal shall be required in the instance of the reduction in a setback resulting from a governmental taking or acquisition for Right-of-Way, Easement, or other governmental use, as provided in Section 20-1114(b) (1). The Board of Zoning Appeals shall have the power to modify or vary the building and parking Setback Line in specific cases in order that unwarranted hardship, which constitutes a complete deprivation of use as distinguished from merely granting a privilege, may be avoided. In the absence of such a hardship, the intended purpose of the building and parking Setback Line shall be strictly observed.

(d) Enforcement

No building or occupancy permit shall be issued for any new building within the Plat approval jurisdiction of the City of Lawrence, or the Unincorporated Area of Douglas County, which fails to comply with the requirements of Section 20-1114.

(e) Interpretation

The provisions of Section 20-1114 shall not be interpreted to deprive the Owner of any existing property or of its use or maintenance for the purpose to which such property is then lawfully devoted.

20-1114 Interpretations, Rules of Construction and Definitions

(a) Interpretation and Rules of Construction

(1) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(2) The provisions of these regulations are not intended to abrogate any Easement, covenant, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such Easement, covenant, or other private agreement, the requirements of these regulations shall govern.

(3) A division of land, which was not lawful at the time of the adoption of these regulations on December 31, 2006, shall not become or be made lawful solely by reason of adoption of these regulations.

(4) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

(b) Definitions

(1) Words used in this Article have the standard dictionary definition unless they are defined in this section. Words defined in this section shall have the specific meaning assigned, unless the context expressly indicates another meaning.

(2) Words or terms that are specifically defined in the Subdivision Regulations, and specifically used in the context of these regulations, are distinguished by being in Title Case and in Blue Text in the original code document.

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

(4) The word "may" is permissive.

(5) The word "and" indicates that all connected items or provisions apply.

(6) The word "or" indicates that the connected items or provisions may apply singularly and in combination.

(7) Floodplain terms referenced in this Article are defined in Section 20-1303 of the Land Development Code of the City of Lawrence and Section 12-303 of the Zoning Regulations for Douglas County.

Term	Definition
Abut	To physically touch or border upon; or to share a common property line.
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access Control	Access Control is the limitation of public Access rights to and from properties Abutting Streets or highways. Access Control is used on Arterial Streets and higher functional classes of Streets to preserve traffic service levels and safety.
Agent (of Owner or Applicant	
Applicant)	Any person who can show certified written proof that he or she is acting for the LandOwner or applicant.
Agricultural Purposes	A purpose that is directly related to the agricultural activity on the land which shall include: (a) the cultivation and tillage of the soil; (b) dairying; the production, cultivation, growing or harvesting of any agricultural or horticultural commodity; (d) the raising or training of livestock, bees, fur-bearing animals, or poultry; or (e) any practices performed by a farmer or on a farm, incident to or in connection with such farming operations. The term "agriculture purpose" does not mean the processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. In all cases, an agricultural purpose does not include a structure used as a residential Dwelling or an On-Site Sewage Management System.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to Abutting property.
Benchmark	Surveying mark made in some object which is permanently fixed in the ground, showing the height of that point in relation to National Geodetic Vertical Datum (NGVD) and City or County Datum.
Block	A Parcel of land entirely surrounded by Public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage Channels or a combination thereof.
Bore Hole or Soil Boring	Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of

Term	Definition
	Groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the applicable local health department.
Boundary Line	A Street or Road that forms a part of the boundary line of a City
Build Out Plan	A future Subdivision layout that has been planned and designed to the Urban Street and Block level based on existing Topography and the Design Standards in the Subdivision Regulations of the city associated with the Urban Growth Area. The Build Out Plan identifies an internal Street network that has connectivity to existing and planned Collector and/or Arterial Streets, including Blocks for future Urban development, and the general location of utility and drainage Easements.
Buildable Lot	A Lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a Buildable Lot, unless the Tract is identified for specific uses, such as signs, area markers or public utilities, as part of the Subdivision process.
Building Envelope	
	The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and excluding lands identified to be protected per Section 20-1110(k) [County Code Section 11-110(k)].
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.
Certificate of Survey	A legal instrument approved pursuant to Section 20-1107; this is a narrowly used term and this instrument is not considered a "Plat" or a 'Subdivision" as defined herein.
Channel	A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.
Cluster Development	A form of residential development permitted in the Urban Growth Areas that requires Residential Development Parcel s to take Access from a common Cross Access Easement and to set aside common areas and to plan for the conservation of natural resources.
Comprehensive Plan	The Comprehensive Plan for the city or county, officially approved or adopted to provide long-range Development policies, and which may include, among other things, the plan for land use, land Subdivision, circulation, and community facilities.

Term	Definition
County's Access Management Standards	Access and minimum Frontage standards in the Douglas County Code, Chapter IX, Article 5.
County's Rock Road Standard	Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.
Cul-de-sac	A Street that has one outlet and is permanently terminated by a vehicle Turn-around at the other end. This is a sub-category of Streets with a Single Outlet.
Culvert	A drain, ditch or conduit not incorporated in a closed system, which carries drainage water under a Driveway, Roadway, railRoad, pedestrian walk or public way.
Curb Cut	The opening along the curb line at which point vehicles may enter or leave a Roadway.
Datum, City	A reference point from which heights or depths are calculated within the City of Lawrence. All reference marks using City Datum are required to also denote NGVD elevation.
Dedication	Gift or donation of property by the Owner to a governmental unit. The transfer is conveyed by a Plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.
Design Standards, Subdivision	All requirements and regulations relating to design and layout of Subdivisions contained in Section 20-810
Detention Pond	A facility for the temporary storage of stormwater runoff. The stormwater may be released to downstream facilities at a designed rate of flow.
Developer	The legal or beneficial Owner or Owners of a Lot or of land proposed to be Subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land.
Double Frontage Lot	A Lot with two opposite Lot Lines Abutting upon Streets or Roads which are substantially parallel
Douglas County Zoning & Codes Director	The director of the Douglas County Zoning and Codes Department or such Person's designee with primary responsibility for enforcement and administration of the Zoning and Building Code Regulations of Douglas County.
Drainage System	Pipes, waterways, natural features and man-made Improvements designed to carry stormwater drainage.
Driveway	A privately owned means of providing direct vehicle Access to Streets.
Driveway Apron or Driveway Approach	For property within the City of Lawrence: The Driveway area located between the Sidewalk and the curb. When there is no Sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line. For property in the Unincorporated Areas: The improved surface located between existing edge of Road surface and the existing Right-of-Way line and

Term	Definition
	installed in accordance with Douglas County Public Works Department standards.
Driveway, Joint-Use	A privately owned Driveway that provides Access to 2 or more Lots in a non-residential Development, such as in a shopping center (with outLots) or a business or industrial park.
Dwelling	A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or recreational vehicle.
Easement	A grant by a property Owner to the public, a corporation, or persons for the use of land for specific purposes.
Easement, Access	An Easement created for the purpose of providing vehicular or pedestrian Access to a property.
Easement, Cross Access	An Easement between two or more adjacent Parcels creating rights to utilize a service drive providing vehicular Access among those Parcels so the driver need not enter the Public Street system, except at a limited Access point.
Effective Date	December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 adopting this Article 8, Chapter 20, Code of the City of Lawrence and Chapter 11, of the Douglas County Code took effect.
Floodplain	The land area inundated by a flood of a given magnitude as determined by the Flood Insurance Study or based on an approved Hydrologic and Hydraulic Study.
Force Main	A sanitary sewer line through which wastewater is pumped rather than carried by gravity flow.
Frontage Road	A "Street, Marginal Access" located in front of the properties that it Abuts.
Frontage	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road Right-of-Way.
Full Maintenance Road	A Road in the Unincorporated Area of the County that receives maintenance on a regular basis in accordance with its Road classification and traffic counts.
Governing Body	The respective City Commission or City Council within the incorporated limits of the City of Lawrence, Baldwin City, Eudora, or Lecompton and the Board of County Commissioners within the Unincorporated Area of Douglas County.
Grading	The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.
Groundwater	Any subsurface water in the zone of saturation, including but not limited to spring water, perched Water Tables, seasonal Water Tables and aquifers.
Half-Street	The Right-of-Way for a Street bordering one or more property lines of a Subdivision to which the Subdivider has

Term	Definition
	allocated only a portion of the required Street Right-of-Way width.
Hard Surfaced Road	A properly constructed and maintained Road surface with asphaltic concrete, Portland cement concrete or with chip sealed aggregate base.
Home Owners Association	A community association, other than a condominium association, which is organized in a Development in which individual Owners share common interests in open space or facilities. The Home Owners Association usually holds title to reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from Home Owners Associations in that condominium associations do not have title to the common property.
Homestead Exemption Survey	A boundary survey creating a new Parcel from the division of a vested Parcel, for a residence that existed on the vested Parcel on 12/31/2006, which was made in accordance with Section 20-1101(d)(2)(ix). The vested rights from the original Parcel remain with the existing residence, transferring to the new residential Parcel when the survey is recorded at the Register of Deeds.
Improvements	All facilities constructed or erected by a Subdivider to permit and facilitate the use of Lots and Blocks for residential, institutional, business or manufacturing purpose. Improvements include all facilities listed in Section 20-1111.
Infrastructure	Facilities and services under the control of a governmental agency needed to sustain all land uses or activities in a community. Infrastructure includes water lines, sewer lines, and other utilities, Streets and Roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.
Intersection	Where two or more Streets cross at-grade.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Land Combination	The combination of a vested division of land in the Unincorporated Area with additional acreage to increase the overall acreage of an individual residential Parcel.
Land Disturbance	Any activity involving the clearing, cutting, excavating, filling, or Grading of land or any other activity that alters land Topography or vegetative cover.
Land Surveyor	One who is licensed by the State of Kansas as a Land Surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.
Lot	A designated area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit.

Term	Definition
Lot, Reverse Frontage	A Through Lot that is not Accessible from one of the parallel or non-intersecting Streets upon which it fronts.
Lot Depth	The distance between the midpoint of the front Lot Line and the mid-point of the rear Lot Line.
Lot Line, "or Residential Development Parcel Line"	The perimeter of a Lot or a Residential Development Parcel.
Lot Width, "or Residential Development Parcel Width"	The distance between the side Lot Lines of a Lot, or the side lines of a Residential Development Parcel measured at the required front Setback Line.
Lot of Record	A legally created Lot recorded at the Register of Deeds as part of a Plat or Subdivision.
Major Thoroughfares Map(s)	A plan adopted by the Metropolitan Planning Organization, the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and Roads in the community.
Metes and Bounds	A method of describing the boundaries of land by directions and distances from a known point of reference.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a building located in the Floodplain may have a door, window, or other opening.
Minor Subdivision	See "Subdivision, Minor/Replat"
Neighborhood Plan	See "Sector Plan"
Off-Site Improvements	Improvements located on property outside the perimeter of the Subdivision that are determined by the Planning Commission to be necessary because of the proposed Subdivision, e.g., construction of Streets, signalization of Intersections, drainage Channels, extension of public utilities, etc.
On-Site Sewage Management System	A conventional, alternative, experimental, or innovative Sewage disposal system which serves a single family residential building or a single non-residential building.
On-Site	Located within the perimeter of the property that is subject to an application for Subdivision or a Certificate of Survey approval.
Open Space, Common	Land within a Subdivision, which is designed and intended for the common use or enjoyment of the residents of the Development and may include such complementary structures and Improvements as are necessary and appropriate. Common Open Space may be Platted as a Tract which is owned and maintained by a Home Owners Association or a property Owners association.
Original Townsite Area	The original Townsite of the City of Lawrence, as shown on the "Original Townsite Map" available for public inspection from the Planning Director.
Original Tract	A Parcel or a combination of all adjacent Parcels under a single Ownership [not separated by public Right(s)-of-Way] that share common boundary lines or two separate Ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.

Term	Definition
Outlet, Single	A single connection between the Street or Road system in a particular Subdivision or other development and the Street system shown on the Major Thoroughfare Map; a Cul-de-sac is a sub-category of Streets with Single Outlets, but a loop Road or more complex system within a development may also have Access to the Street system through a Single Outlet.
Overlay District	A special zoning district that has been "overlaid" on a base zoning classification to alter some or all the base district Zoning Regulations.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Package Plant	A prefabricated or pre-built wastewater treatment plant.
Parcel	A Lot or contiguous Tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parent Parcel	An area of 20 acres or more surveyed solely for the purpose of creating one or more Residential Development Parcel s.
Pedestrian Easement	A strip of land dedicated for public use which is dedicated across a Block for the purpose of providing pedestrian Access to adjacent areas.
Pedestrian Way	A public walk dedicated entirely through a Block, from Street to Street, or providing Access to a school, park, recreation area, employment or shopping center.
Percolation Test	A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.
Percolation	Downward flow or infiltration of water through the pores or spaces of rock or soil.
Planning Area	The area considered in the development of a Comprehensive Plan for cities in Douglas County.
Planning Commission	The Lawrence/Douglas County Metropolitan Planning Commission.
Planning Director	The Lawrence/Douglas County Metropolitan Planning Director.
Plat (or Subdivision Plat)	A complete and exact map representing a Tract of land, showing the boundaries and location of individual Lots, Easements, and Streets which has been approved by the Planning Commission and recorded in the office of the County Register of Deeds. The term includes a Replat. (To Plat as an action) – To Subdivide a property in accordance with these regulations.

Term	Definition
Plat, Preliminary	A map of proposed land Subdivision showing the character and proposed layout of the Parcel in sufficient detail to indicate its suitability for the proposed Subdivision.
Plat, Final	A map of a land Subdivision prepared in a form suitable for filing of record with necessary affidavits, Dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining Lots and Blocks, Streets, Alleys, Easements, public areas and other dimensions of land.
Potable Water	Water suitable for drinking or cooking purposes.
Public Improvement Petition	A legal instrument which serves as the basis for initiation of a Public Improvement project by the Governing Body. A Public Improvement Petition is frequently used during the Subdivision Platting process to guarantee the construction of certain Improvements that are required as conditions of Plat approval, such as Street paving, Sidewalks, water and sewer lines, and stormwater and drainage Improvements.
Public Improvements	Any Infrastructure constructed for which a municipality may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which a municipality is responsible.
Public Improvement Plans	The engineering plans and specifications necessary to construct all Infrastructure Improvements needed to serve a proposed Subdivision or development.
Public Utility Facilities	Telephone, electric and cable television lines, poles, equipment and structures; water lines, holding towers or gas pipes, mains, valves or structures; sewer pipes, valves or structures; Pumping Stations; telephone exchanges and repeater stations; and all other facilities, equipment and Structures necessary for conducting a service by a government, public or private utility provider.
Public Water Supply	A system outside of incorporated cities for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.
Publicly Treated Water	Water supplied for domestic purposes by a municipality or by a Rural Water District and approved by the Kansas State Department of Health.
Pumping Station	A pumping facility that transports wastewater between two gravity flow sewer lines. A Pumping Station is used when topographic conditions do not allow a continuous gravity flow system.
Replat (or Resubdivision)	The further division of a Tract of land which has previously been lawfully Subdivided and for which a Plat of such prior Subdivision has been duly recorded. A Replat is processed

Term	Definition
	as an administrative review in accordance with the Minor Subdivision/Replat procedures in Section 20-1108.
Residential Development Parcel	A Parcel created from the Parent Parcel through the administrative Certificate of Survey process to make the new land division eligible for a residential building permit.
Restrictive Covenant	A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including Home Owners Association agreements. The Restrictive Covenant usually runs with the land.
Right-of-Way	An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.
Road or Roads	Same as "Street" or "Streets".
Road, Stub	A short section of public Road or Road Easement dedicated to provide future Access to an adjacent unPlatted Tract of property.
Roadway	The paved or improved area of a Street Right-of-Way, exclusive of Sidewalks, Driveways, or related uses.
Rural Area	The area of Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.
Sanitary Sewers	Pipes that carry only domestic, industrial or commercial Sewage and into which storm, surface and ground waters are not intentionally admitted.
Sector Plans	Plans that encompass one or more sections of land with the purpose being to use geographic and demographic information to develop a detailed land use vision of future development or redevelopment of a study area.
Setback Line	The line that is the required minimum distance from the Street right- of-way line or any other Lot Line that establishes the area within which the principal Structure must be erected or placed.
Sewage Lagoon	An artificial pond designed to exclude surface water and receive raw Sewage through a submerged sewer for biological decomposition.
Sewage	The total of organic waste and waste water generated by residential, industrial and commercial establishments.
Sidewalk	A paved, surfaced, or leveled area, paralleling and usually separated from the Street, used as a pedestrian walkway.
Stand of Mature Trees	An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)

Term	Definition
Stormwater Detention	Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined Channel, similar to a drainage way.
Street or Streets (or Roads)	Any vehicular way(s) which: (1) is an existing state, county or municipal Roadway; or (2) is shown upon a Plat approved pursuant to law; or (3) is approved by other official action.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the Urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressways to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turn-around at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turn-around at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at-grade Access from other Public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and grade separated interchanges with all other Public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-family residential Lots.
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street is typically discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
Street, Private (City)	Any Tract of land or Access Easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a Private Street may

Term	Definition
	choose to gate Access to this type of Street from the general public.
Street, Private (County)	Private Roads in the Unincorporated County are Roads not dedicated for public use that were approved by the County Commission prior to December 15, 1998.
Street, Public	A way for vehicular traffic, whether designated as a Local, Collector, Arterial, Freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include Alleys.
Street, Residential	Same as "Local Street".
Street, Residential Collector	Residential collector is a special category of Collector Street characterized by lower speeds & the residential nature of land uses along the corridor. These Streets are designed to connect residential areas in neighborhoods to non-residential uses but do not connect to Arterial Streets.
Street, Stub	A short section of Street Right-of-Way Platted to provide future Access to an adjacent unPlatted Tract of property.
Subdivide	The act or process of creating a Subdivision.
Subdivider	The Owner, or any other person, firm or corporation, authorized by the Owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing and Platting land.
Subdivision	Any land, vacant or improved, which is divided or proposed to be divided into two or more Lots, Parcels, or Tracts for the purpose, whether immediate or future, of sale or building development, including ReSubdivision, but not including property described through the "Certificate of Survey" Administrative Procedure as is separately defined.
Subdivision, Major	A two-step review process including Planning Commission approval of a Preliminary Plat and administrative approval of a Final Plat to create a Subdivision in accordance with Section 20-1109.
Subdivision, Minor	A one-step administrative review process that provides for ReSubdivision of previously Platted property where little or no expansion of Public Infrastructure is involved. The Minor Subdivision/Replat is completed in accordance with Section 20-1108.
Subdivision Regulations	For the City of Lawrence, Article 8 in Chapter 20 of the City Code, as adopted and amended from time to time by Ordinance adopted by the City Commission. For Douglas County, Chapter XI in the County Code, as adopted and amended from time to time by Resolution adopted by the Board of County Commissioners.
Swale	A shallow ditch lined with grass or other vegetation for the purpose of carrying stormwater from one location to another and filtering sediments and other pollutants from stormwater runoff.

Term	Definition
Temporary Set Aside Agreement	An agreement relating to land located within the Urban Growth Area that contains the resources identified in Section 20-1110(k) that, as reasonably practicable, requires the retention of the environmental, geographical, or historical characteristics of the land and prohibits any use or activity that will significantly impair, interfere with, or destroy these characteristics.
Topography	The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).
Tract	When part of a Platted Subdivision, a Tract is a Parcel reserved for open space, storm drainage, Easement purposes or an otherwise specific and restricted use.
Traffic Calming Device	Physical traffic control or intervention measures designed to reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized Street users.
Turn-around	An area at the closed end of a Street with a single common ingress and egress within which vehicles may reverse their direction.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property Ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
Unincorporated Area	That portion of Douglas County lying outside any incorporated municipality.
Urban	An area generally characterized by residential, commercial and industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer system, an extensive network of Streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered non-Urban or rural.
Urban Density	A residential density that resembles the built and developed density of the city for which an Urban Growth Area was projected and adopted.
Urban Growth Area –Lawrence	The area that is defined in the City and County Comprehensive Land Use Plan as the Urban Growth Area (UGA) surrounding the City of Lawrence.
Urban Growth Area – [other cities in the County]	The area defined by a city's master plan as land that will be annexed into the city within the land use planning period to accommodate the future growth and

Term	Definition
	development of neighborhoods, businesses and industries by the extension of city Infrastructure and services.
Vacation	The termination of, or termination of an interest in, an Easement, Right-of-Way or public Dedication of land.
Variance	Permission to depart from the Design Standards (20-1110) or Public Improvement Standards (20-1111) of the regulations when the application of a specific standard is so unreasonable that it would prevent the logical Subdivision of the property.
Water Table	The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.
Woodlands	Natural hardwood forests, whether or not actively forested.
Zoning Regulations	The remainder of Chapter 20 of the City Code or Chapter 12 of the Douglas County Code.

Article 12. Parking, Loading, and Access

20-1201 Purpose

The regulations of this article are intended to ensure that the off-street parking, loading, and access demands of various land uses will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading, and access demand.

20-1202 General Applicability

(a) New Development

The standards in this section shall apply to all new development and redevelopment established after the Effective Date unless specifically exempted.

(b) Parking as a Use

(1) Parking is allowed as an accessory use on the same lot as a non-parking principal use in all zoning districts.

(2) Parking lots or structures as a principal use shall only be allowed pursuant to Table 20-8-1: Principal Use Table.

(3) Required off-street parking spaces shall be used solely for the parking of licensed motor vehicles in operating condition and shall not be used for the display of goods for sale or lease or for long term storage of vehicles, boats, truck trailers, motor homes, campers, mobile homes, manufactured homes, components thereof, or building materials unless approved with a Site Plan or special event permit.

(c) Parking Requirements in PRDs, PCDs and PIDs

The parking requirements of Table 20-12-3: Maximum Vehicle Parking Allowance shall be applied when establishing requirements for new developments, expansions, or enlargements, or change of use or occupancy in Planned Development Districts established prior to July 1, 2006.

(d) Nonconformities

Nonconforming parking shall be subject to the provisions of Section 20-1705.

(e) Issuance of Certificate of Occupancy

No certificates of occupancy shall be issued unless the development is in compliance with the applicable provisions of this article.

20-1203 Parking Calculation and Adjustments

(a) Calculation

(1) Gross Floor Area (GFA)

(A) All parking and loading allowances that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.

(B) For outdoor areas, calculations shall be based on the portion of the lot actually being used for the specified purpose, as enclosed by an imaginary shape with no more than eight straight sides to most closely approximate the perimeter of the area.

(C) Interior areas used for off-street parking or off-street loading facilities are not counted in calculating the number of parking spaces allowed.

(2) Occupancy- or Capacity-Based Standards

Parking allowances based on employees, students, residents or occupants, calculations shall be based on the maximum number of persons working on any single shift, the maximum enrollment, the maximum number of lawful residents/occupants permitted on the property, or the maximum fire-rated capacity based on the building's design, whichever is applicable.

(3) Bench Seating

When seating consists of benches, pews, or other similar seating facilities, each 24 linear inches of seating space counts as one seat.

(4) Exclusions:

(A) Parking spaces designed or designated exclusively for motorcycles, scooters, and other two-wheeled vehicles shall not be included in the calculation of maximum vehicle parking requirements.

(B) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of maximum vehicle parking requirements unless otherwise stated. Businesses with parking areas designed exclusively for vehicle display shall provide a minimum of one van accessible ADA parking space.

(5) Rounding

When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number and any fraction of 0.5 or larger shall be rounded down to the next lowest whole number.

(6) Multiple Uses

In a strip center commercial development with multiple tenant suites each shared parking space shall be calculated as 0.5 or 50 percent of a parking space. All shared parking shall require an agreement pursuant to Section 20-1206(b).

(b) Adjustments

Allowed parking spaces shall be provided in accordance with this section except when:

(1) The requirements are increased or decreased by the Governing Body with Development Plan approval; or

(2) A Variance from the parking requirements is granted by the Board of Zoning Appeals.

(c) Valet Parking

Use of valet parking is permitted in the following instances:

(1) When proposed as part of a development project and in conformance with the dimensional standards of the underlying zoning district without variances or exceptions the use of valet parking may be permitted administratively as part of a Site Plan, Special Use Permit plan, or Development Plan.

(2) When proposed as part of a development project and not in full compliance with the dimensional standards of the underlying zoning district, the use of valet parking shall require the submission of a valet parking plan and shall require Governing Body approval.

(3) Valet parking does not require individual striping. It may be used for the tandem or mass storage of vehicles.

(4) Valet parking plan shall include the following:

(A) Layout and dimensions of the parking spaces and drive aisles showing sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks.

(B) On-site drop-off for vehicles using the parking services with sufficient queueing for vehicles that do not block the public right-of-way.

(C) If valet parking plan includes parking spaces that are required for a specific use, valet parking services must be provided for those parking spaces during all operating hours of the use.

(5) Changes to a parking area or facility with valet parking that are changed to be self-parking shall require a revised Site Plan per Section 20-1605(g) to show compliance with the parking area dimensional standards of Section 20-1213.

(d) Unlisted Uses

For uses not listed in Table 20-12-1: Minimum Residential Use Off-Street Parking Requirements, Table 20-12-2: Minimum Commercial Use Off-Street Parking Requirement, or Table 20-12-3: Maximum Vehicle Parking Allowance, the Director is authorized to either:

(1) Apply the minimum and/or maximum requirement (as applicable) for the listed use that is deemed most similar to the proposed use as determined by the Director based on operating characteristics, the most similar related occupancy classification, or other factors related to potential parking demand as determined by the Director.

(2) Establish the minimum and/or maximum requirement based on a parking study prepared by the applicant. The parking study shall demonstrate that anticipated off-street parking demand for the proposed development, use, or combination of uses will be less or more than that required in Table 20-12-1, Table 20-12-2, or Table 20-12-3.

20-1204 Minimum Vehicle Parking Requirements

(a) Residential Uses

All residential uses in existing neighborhoods established at least 10 years prior to the Effective Date of this LDC shall provide the number of spaces listed below. New residential uses proposed outside of existing neighborhoods are not subject to the minimum parking requirement.

Table 20-12-1: Minimum Residential Use Off-Street Parking Requirements
DU = Dwelling Unit

Uses	Minimum Parking Requirements
Dwelling, Attached	1 per DU
Dwelling, Detached	
Dwelling, Interior or Non-ground-floor	
Dwelling, Multiunit	
Dwelling, Two-unit	
Manufactured Home Community	
Assisted Living	1 per 3 DU
Congregate Living	1 per 3 occupants at design capacity
Dormitory, Fraternity, or Sorority	1 per 3 occupants at design capacity
Group Home, General	1 per DU
Group Home, Limited	

(b) Commercial Uses in Residential Districts

In the Residential zoning districts, all uses listed as Commercial Uses in Table 20-8-1: Principal Use Table shall provide the number of spaces listed below if:

(1) The use is proposed on a local street; and

(2) More than 50 percent of the block face contains residential uses.

Table 20-12-2: Minimum Commercial Use Off-Street Parking Requirement
DU = Dwelling Unit | GFA = Gross Floor Area

Uses	Minimum Parking Requirements
Entertainment and Spectator, Indoor	1 per 4 seats
Participant Sports & Recreation, Indoor	1 per 400 square feet of customer/activity area
Entertainment and Spectator Sports, Outdoor	1 per 3 seats
Participant Sports and Recreation, Outdoor	1 per 500 square feet of customer/activity area
Sexually Oriented Business[101]	1 per 300 sq. ft. GFA
Kennel	1 per 500 sq. ft. GFA
Sales and Grooming	1 per 300 sq. ft. GFA
Veterinary	1 per 400 sq. ft. GFA
Bar or Lounge	1 per 3 persons based on maximum design occupancy
Catering	1 per 500 sq. ft. GFA
Microbrewery, Distillery, or Winery	1 per 3 persons based on maximum design occupancy
Restaurant	1 per 100 sq. ft. of customer service area
Bed and Breakfast	1 per guest room
Campground or RV Park	1 per camp space
Hotel, Motel, or Extended Stay	1 per guest room
Short-term Rental	Per determined by residential principal use
Office	1 per 300 sq. ft. GFA
Financial Institution	1 per 300 sq. ft. GFA
Building Maintenance	1 per 500 sq. ft. GFA
Construction Sales and Service	1 per 500 sq. ft. of building area plus 1 space per acre of outdoor storage or assembly
General Retail, ≤ 10,00 SF	1 per 300 sq. ft. GFA
General Retail, > 10,000 SF	1 per 300 sq. ft. GFA
Funeral Services and Cemetery	1 per 300 sq. ft. GFA
Personal Services	1 per 300 sq. ft. GFA
Repair Services, Consumer	1 per 400 sq. ft. of building area

20-1205 Maximum Vehicle Parking Allowance

(a) Maximum Parking Table

The following maximum number of vehicle parking spaces are allowed for each use listed and similar uses as interpreted by the Director.

Table 20-12-3: Maximum Vehicle Parking Allowance
DU = Dwelling Unit | GFA = Gross Floor Area

Uses	Maximum Parking Allowance
Community Meal Program	3.3 per 1,000 sq. ft. GFA
Cultural Center/Library	2 per 1,000 sq. ft. GFA
Day Care Center	3.3 per 1,000 sq. ft. GFA
Day Care Home, Class A	3.3 per 1,000 sq. ft. GFA
Day Care Home, Class B	3.3 per 1,000 sq. ft. GFA
Detention Center	No limit
Event Center, Convention	4 per 1,000 sq. ft. GFA
Event Center, Large	4 per 1,000 sq. ft. GFA
Event Center, Small	4 per 1,000 sq. ft. GFA
Fairground	No limit
Government Facilities, Yards, and Storage	No limit
Lodge, Fraternal and Civic Assembly	1 per 4 seats in main assembly area, or 5 per 1,000 sq. ft. GFA, whichever is greater
Religious Assembly	1 per 4 seats in main assembly area, or 5 per 1,000 sq. ft. GFA, whichever is greater
Temporary Shelter	3.3 per 1,000 sq. ft. GFA
College or University	No Limit
School	No Limit
School, Vocational	4 per 1,000 sq. ft. GFA
Government Offices	No Limit
Public Safety	No Limit
Utilities, Major	No Limit
Utilities, Minor	No Limit
Community Mental Health	3.3 per 1,000 sq. ft. GFA
Extended Care Facility, General	3.3 per 1,000 sq. ft. GFA
Extended Care Facility, Limited	3.3 per 1,000 sq. ft. GFA
Health Care Office or Clinic	5 per 1,000 sq. ft. GFA
Hospital	1 per patient bed design capacity
Outpatient Care	3.3 per 1,000 sq. ft. GFA
Active Recreation	Golf course: 2 per golf hole Mini golf course: 1 per golf hole Golf driving range: 1 per tee box All other: 2.5 per 1,000 sq. ft. of site area used for recreation
Passive Recreation	Bowling alley: 3 per lane Theater: 1 per 4 seats in assembly areas All other: 4 per 1,000 sq. ft. GFA
Indoor	

Table 20-12-3: Maximum Vehicle Parking Allowance
DU = Dwelling Unit | GFA = Gross Floor Area

Uses	Maximum Parking Allowance
Entertainment and Spectator, Indoor	4 per 1,000 sq. ft. GFA
Participant Sports and Recreation, Indoor	4 per 1,000 sq. ft. GFA
Outdoor	
Entertainment and Spectator Sports, Outdoor	4 per 1,000 sq. ft. GFA of building space
Participant Sports and Recreation, Outdoor	4 per 1,000 sq. ft. GFA of building space
Sexually Oriented Business	5 per 1,000 sq. ft. GFA
Kennel	3.3 per 1,000 sq. ft. GFA
Sales and Grooming	3.3 per 1,000 sq. ft. GFA
Veterinary	3.3 per 1,000 sq. ft. GFA
Bar or Lounge	Indoor tasting/seating area: 10 per 1,000 sq. ft. GFA; Outdoor tasting/seating area: 5 per 1,000 sq. ft.
Catering	1 per 1,000 sq. ft. GFA
Microbrewery, Distillery, or Winery	Indoor tasting/seating area: 10 per 1,000 sq. ft. GFA; Outdoor tasting/seating area: 5 per 1,000 sq. ft.
Restaurant	Indoor seating area: 10 per 1,000 sq. ft. GFA; Outdoor seating area: 5 per 1,000 sq. ft.
Bed and Breakfast	1 per guest bedroom
Campground or RV Park	1 per camp space
Hotel, Motel, or Extended Stay	1 per guest room
Short-term Rental	Determined by principal residential use
Office	3.3 per 1,000 sq. ft. GFA
Financial Institution	4 per 1,000 sq. ft. GFA
Building Maintenance	2 per 1,000 sq. ft. GFA
Construction Sales and Service	2 per 1,000 sq. ft. GFA
General Retail, ≤ 10,00 SF	4 per 1,000 sq. ft. GFA
General Retail, > 10,000 SF	3.3 per 1,000 sq. ft. GFA
Funeral Services and Cemetery	No limit
Personal Convenience Services	4 per 1,000 sq. ft. GFA
Personal Services	4 per 1,000 sq. ft. GFA
Repair Services, Consumer	4 per 1,000 sq. ft. GFA
Car Wash	4 per 1,000 sq. ft. GFA
Equipment and Vehicle Repair	2.85 per 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 per service bay
Fleet Storage	No Limit
Fuel Sales	5 per 1,000 sq. ft. GFA

Table 20-12-3: Maximum Vehicle Parking Allowance
DU = Dwelling Unit | GFA = Gross Floor Area

Uses	Maximum Parking Allowance
Inoperable Vehicle Storage	No Limit
RV and Boat Storage	No Limit
Truck Stop	5 per 1,000 sq. ft. GFA
Contractor Yard	1 per approved building occupancy
Industrial Sales and Service	No Limit
Laundry Service	No Limit
Manufactured Home Sales and Service	No Limit
Research and Development	No Limit
Makerspace, Limited	No Limit
Industrial, General	No Limit
Makerspace, Intensive	No Limit
Manufacturing and Production, Limited	No Limit
Manufacturing and Production, Technological	No Limit
Explosive Storage	No Limit
Industrial, Intensive	No Limit
Mining	No Limit
Recycling Center	No Limit
Recycling Collection, Large	No Limit
Recycling Collection, Small	No Limit
Salvage	No Limit
Exterior Storage, Heavy	No Limit
Exterior Storage, Light	No Limit
Self Storage, Interior	2.85 per 1,000 GFA of indoor sales/leasing/office space
Self Storage, Exterior	2.85 per 1,000 GFA of indoor sales/leasing/office space
Airport	No Limit
Broadcasting Tower	No Limit
Communications Service Establishment	No Limit
Transit Terminal	No Limit
Wireless Facilities	No Limit
Agriculture, Crop	No Limit
Agriculture, Large Animal	No Limit
Agricultural Sales	No Limit
Farmers Market	No Limit
Urban Farm	No Limit

20-1206 Off-Site and Shared Parking

An applicant may request off-site and/or shared parking pursuant to the following standards.

(a) Approval Procedure

Shared and/or off-site parking arrangements shall require review and approval, in accordance with the Site Plan, Special Use Permit, or Planned Development procedures.

(b) Agreement

The sharing of parking spaces between multiple tenants or owners in a development and/or the off-site location of parking spaces shall be guaranteed by a legally binding agreement, duly executed and acknowledged between the owner(s) of the parking spaces and the owner(s) of all uses that are served by the parking spaces. The agreement shall meet the following standards:

(1) The agreement shall be properly drawn and executed by the parties concerned.

(2) Approved parking agreements shall be recorded with the Register of Deeds with the recording fees paid by the applicant.

(3) The recording book and page number of the recorded parking agreement shall be noted on the approved plan for the properties using the shared and/or off-site parking.

(4) Termination of the parking agreement requires submittal and approval of a Site Plan showing that the shared and/or off-site parking is no longer required for the mix of uses.

(5) Any violation of the agreement required under this section constitutes a violation of this LDC.

(c) Location

All shared and/or off-site parking spaces shall be located no farther than 600 feet from the main entrance of the buildings or uses they are intended to serve, using established sidewalks and crosswalks where available.

(d) Calculation

(1) When calculating minimum parking spaces, each shared parking space shall be calculated as 0.5 (50 percent) of a parking space.

(2) When calculating maximum parking spaces, the maximum allowance across both or all uses shall be the average of each use's maximum allowance. For example, shared parking between a 3,000 square foot restaurant with no outdoor seating (10 spaces per 1,000 square feet = 30 spaces) and a 5,000

square foot personal services establishment (4 spaces per 1,000 square feet = 20 spaces), would be limited to a maximum of 25 spaces (30+20/2 = 25).

20-1207 Accessible Parking

(a) Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA).

(b) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for the disabled. At least one space shall be located so that the access aisle is on the passenger side of the vehicle.

(c) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.

(d) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is 25 spaces or less.

20-1208 Electric Vehicle Charging

Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

(a) Located on the same lot as the principal use;

(b) Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and

(c) Outfitted with a standard electric vehicle charging station.

20-1209 Adjustments to Maximum Parking Allowance

(a) No use shall provide vehicle parking spaces in an amount exceeding the maximum established in Table 20-12-3: Maximum Vehicle Parking Allowance, unless approved by the Director based on the following:

(1) The proposed development has unique or unusual characteristics that typically do not apply to comparable developments, uses, or combinations of uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;

(2) The applicant submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be more than that calculated from Table 20-12-3: Maximum Vehicle Parking Allowance and the Director determines that the

information and assumptions used in the study are reasonable and that the study accurately reflects maximum reasonably anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses; and

(3) Any parking provided above the maximum required in Table 20-12-3: Maximum Vehicle Parking Allowance is constructed in a parking structure or with approved pervious surfaces.

(b) If parking is provided in excess of 110 percent of the maximum, the impacts of the increased Impervious Surface shall be mitigated through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual.

20-1210 Loading Area Location and Design

(a) Applicability

This section shall apply to all loading areas.

(b) Location

Loading berths shall be located at the rear of a structure.

(c) Design

(1) Loading berths shall be paved with asphalt or concrete.

(2) Loading berths shall be effectively screened from view from adjacent public streets and residential uses by solid building walls, constructed of similar building materials as the primary structure and not less than six feet in height.

(3) The design of loading berth areas shall prevent any portion of any vehicle using the loading facility from projecting into a public right-of-way.

20-1211 Drive-Through Facilities and Vehicle Stacking Areas

(a) Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Table 20-12-4: Minimum Number of Stacking Spaces

Activity Type	Minimum Number of Stacking Spaces
Bank teller lane	4 per teller window
Automated teller machine	2 per machine
Retail services drive-through pick-up windows: Dry Cleaners Pharmacies	 2 at each pick-up window 3 at each pick-up window
Fast Order Food, drive-through	4 at each order box and 4 at each pick-up window
Retail Sales pick -up windows (such as food and beverage/liquor stores)	4 at each pick-up window

Table 20-12-4: Minimum Number of Stacking Spaces	
Activity Type	**Minimum Number of Stacking Spaces**
Car wash stall, automatic	Stacking spaces to be provided at twice the capacity of the car wash facility
Car wash stall, self-service	2 at each bay entrance and 1 at each bay exit
Gasoline pump island	1 at end of each fueling lane
Schools	10 on each elementary and junior high school Driveway; 5 on each senior high school Driveway
Child Care Centers	4 at primary entrance
Hospital/Outpatient Care Facility	2 at primary entrance
Hotel/Motel/Extended Stay	
Valet Parking Service	
Other	As determined by the City Engineer based on a parking demand study. (as outlined in Section 20-902(d)(2))

(b) Design and Layout

Stacking spaces are subject to the following design and layout standards.

(1) Size

Each stacking space shall be a minimum of eight feet by 20 feet in size.

(2) Location

Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street parking spaces.

(3) Design

Stacking spaces shall be separated from driveways and/or access drives by raised medians, or other traffic device, if deemed necessary by the City Engineer for traffic movement and safety.

20-1212 Bicycle Parking Requirements, Location and Design

(a) Amount Required

(1) Each nonresidential primary structure shall provide the following, depending on the category of the use as shown in Table 20-8-1: Principal Use Table.

Table 20-12-5: Minimum Bicycle Parking Spaces Required		
Use or Use Category	**Short-Term Spaces**	**Long-Term Spaces**
Multiunit Dwelling	2 plus .05 per bedroom	2 plus .05 per bedroom
Eating and Drinking Establishment, Amusement and Recreation, and Retail Sales and Service Uses	2 plus 1 per 5,000 square feet of gross floor area	2 plus 1 per 12,000 square feet of gross floor area

Table 20-12-5: Minimum Bicycle Parking Spaces Required		
Use or Use Category	**Short-Term Spaces**	**Long-Term Spaces**
Office Uses	2 plus 1 per 20,000 square feet of gross floor area	2 plus 1 per 10,000 square feet gross floor area
Industrial Uses	2	2 plus 1 per 15,000 square feet internal gross floor area

(2) If more than 10 bicycle parking spaces are required, a minimum of 10 percent of the required bicycle parking spaces shall be designed to accommodate cargo bicycles or bicycles with trailers.

(b) Location

(1) Short-Term Bicycle Spaces

(A) Short-term bicycle spaces shall be located within 50 feet from the main entrance of the principal building.

(B) Short-term bicycle racks shall be located so that they:

(i) Are easily accessed from the street and protected from motor vehicles;

(ii) Are visible to passers-by to promote usage and enhance security;

(iii) Do not impede or interfere with pedestrian traffic or routine maintenance activities;

(iv) Do not block access to buildings, bus boarding or freight loading;

(v) Allow reasonable clearance for opening of passenger-side doors of parked cars; and

(vi) Are covered, to the maximum extent practicable, where users will leave their bikes for a longer amount of time.

(2) Long-Term Bicycle Parking

Long-term bicycle parking shall be enclosed and secured to the maximum extent practicable. Enclosed bicycle parking includes but is not limited to: an area enclosed by a secure fence with a lockable entrance, a secure and accessible room in a building, a secure and accessible enclosure within a parking structure, or a cluster of bicycle lockers.

(c) Design Standards

(1) Bicycle parking shall be designed in accordance with the American Pedestrian and Bicycle Professionals Essentials of Bike Parking.

(2) No more than 50 percent of the required bicycle parking spaces may require the bicycle to be hung or parked vertically, rather than being parked with both tires on the ground.

(3) Standard bicycle parking spaces shall be a minimum of six feet long and two and one-half feet wide.

(4) Cargo bicycle and bicycle trailer parking spaces shall be a minimum of 10 feet long and three feet wide.

(5) A four-foot-wide aisle is required between rows of bicycle parking spaces or between a row of bicycle parking spaces and any wall or any other obstruction.

(6) Bicycle racks shall be located on improved non-permeable surfaces and shall be anchored to the ground.

(7) Bicycle racks shall provide two points of contact with the bicycle frame such as an inverted "U" or a post and ring. Wave, schoolyard, wheel well, bollard and spiral racks are prohibited.

(8) Bicycle racks shall accommodate varied bicycle and styles, including electric bicycles and cargo bicycles, with greater clearance from obstructions, walkways, and other bicycle parking spaces to the maximum extent practicable.

(9) Bicycle racks shall be constructed of rust-resistant, sturdy, and high-quality materials and designed so that it cannot be dissembled or tampered with.

(10) Areas designated for bicycle parking shall be clearly marked and reserved for bicycle parking only.

(d) Alternative Bicycle Parking

The Director may waive or reduce the requirements of this section if:

(1) Unique or unusual characteristics exist on a development site; or

(2) Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of two bicycle parking spaces are provided on site.

20-1213 Vehicle Parking Location and Design

The design standards of this section apply to all parking areas, including commercial parking areas.

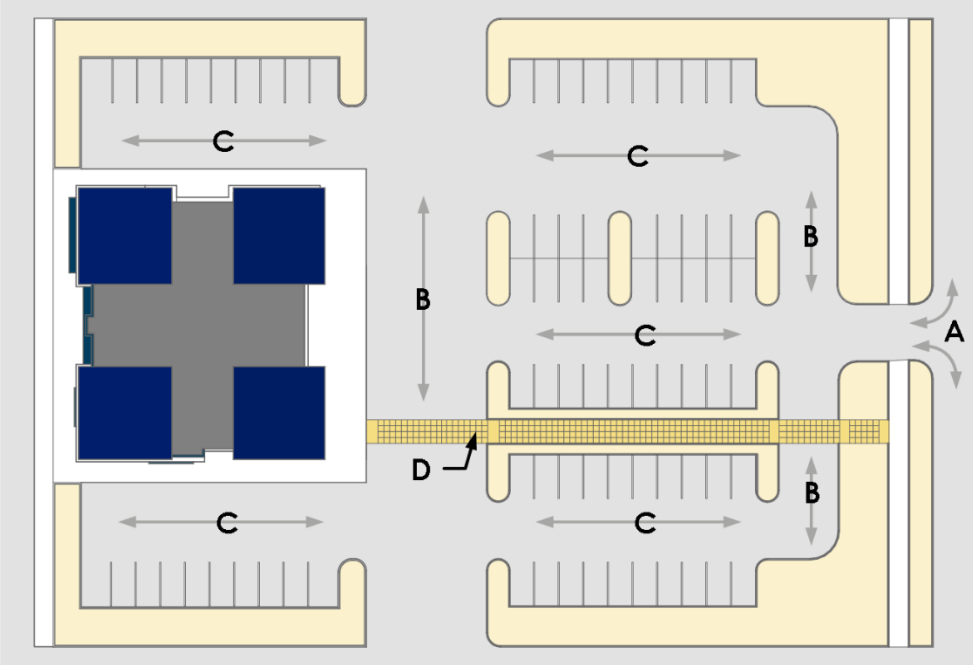


Fig. 20-12-A. Parking Area Components. (A: Driveway Apron; B: Driveway; C: Access Drive; D: Pedestrian Walkway; E: Turn Around Area)

(a) General Layout Principles

The general layout principles in this section do not apply to detached dwellings, two-unit dwellings, residential design manufactured homes, group homes, limited, or other uses which are exempt from the requirement to Site Plan.

(1) Parking areas shall be provided with lighting in compliance with the lighting standards provided in Article 15.

(2) Parking areas shall provide a safe and convenient arrangement of pedestrian walkways, access drives, and off-street parking spaces. Pedestrian walkways, and parking areas shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas.

(3) There shall be defined pedestrian walkways connecting all public entrances of buildings to the required bicycle parking area, to any adjacent bus stop, and to the nearest public sidewalks. Pedestrian walkways shall, to the maximum extent practicable, be separated from access drives with curbs or other devices. At locations where walkways cross driveways or access drives, the crossings shall be clearly marked with both signage and pavement markings.

(b) Approval

(1) The layout and design of all off-street parking areas shall be approved as part of the Special Use Permit plan, Development Plan, or Site Plan.

(2) The layout and design of off-street parking areas for projects that do not require a Special Use Permit, Development Plan, or Site Plan, (detached dwellings, two-unit dwellings, group home, limited, residential design manufactured homes, etc.) shall be approved with a building permit.

(c) Appearance and Maintenance

(1) The materials used in the design of paving, lighting fixtures, retaining walls, fences, and curbs shall be easily maintained and designed to be indicative of their function.

(2) Parking areas shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All Parking areas shall be regularly maintained and kept free of debris and hazards. Striping and other pavement markings shall be maintained in an easily readable condition.

(d) Surfacing

(1) All off-street parking areas and driveways, including those serving attached dwellings, detached dwellings and two-unit dwellings, and other uses that do not require site planning, shall be surfaced with a minimum of one of the following, with the alternative for Residential districts or areas of low off-street parking use noted in paragraph (2):

(A) Four inches of reinforced Portland cement concrete;

(B) Five inches of granular rock base with two inches of asphalt;

(C) Five inches of full depth asphalt;

(2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed within Residential districts that are exempt from the requirement to Site Plan (detached dwellings, two-unit dwellings, group homes, limited, etc.) or areas of low off-street parking use as determined by the City Engineer, may be surfaced with the alternative methods of paving listed in this section. The surfacing shall be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.

(A) Grid unit pavers with grass;

(B) 18-inch-wide concrete strips to support vehicles' wheels, separated with grass in between the strips;

(C) Concrete, brick, or clay interlocking paver units.

(D) Permeable pavement, including pervious asphalt, concrete, or brick.

(3) Driveway approaches (aprons) shall comply with the standards of Chapter 16, Article 3 of the City Code and be maintained by the landowner.

(e) Dimensions

(1) Vehicle Parking

(A) All off-street parking areas shall meet or exceed the dimensional standards in this section.

(B) The standards in this section also apply to on-street parking that is approved with a Development Plan, Special Use Permit, Site Plan, or a license for the use of right-of-way, or other measure with the following additional provisions for reverse-angle parking:

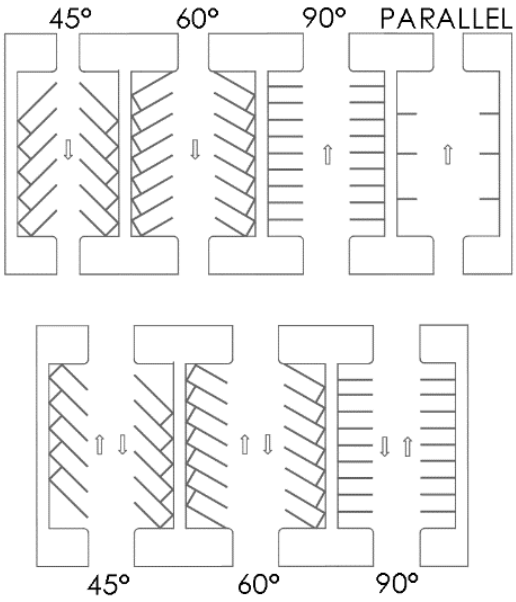


Fig. 20-12-B. Examples of Parking Areas with Various Degrees of Angle Parking

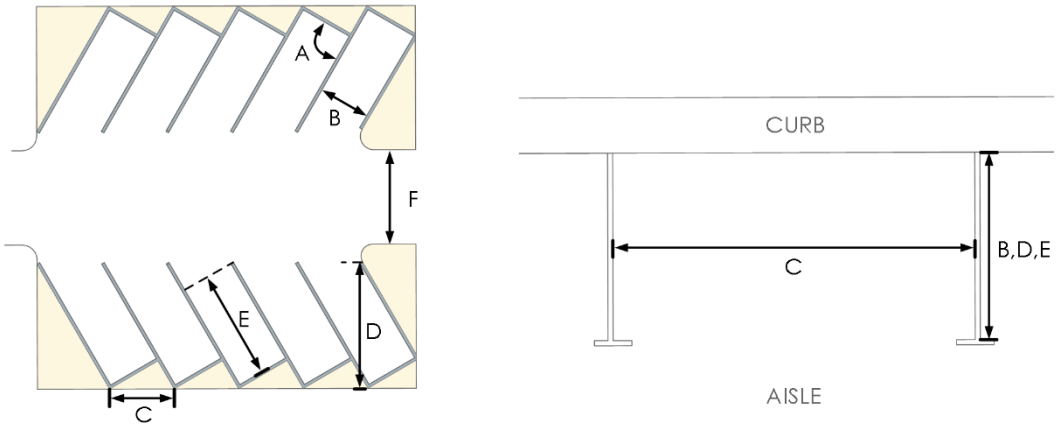


Fig. 20-12-C. Components of Parking Spaces and Parking Areas (45 °, 60 °, and 90 ° as shown on left, 0 ° (parallel) on right)

Table 20-12-6: Minimum Parking Dimensions

Parking Angle (A)	Parking Space Width (B)	Parking Space Width Parallel To Aisle Or Curb (C)	Parking Space Depth to Wall Or Curb (D)	Parking Space Length (E)	Aisle Width One-Way (F)	Aisle Width Two-Way (G)
0° (parallel)	8.5 FT	22 FT for end space 24 FT for middle spaces	10 FT	22 FT – end spaces 24 FT - middle	12 FT [1]	24 FT [1]
45°	8.5 FT	12.2 FT	24.5 FT	18 FT	12 FT [1]	24 FT [1]
60°	8.5 FT	9.9 FT	21.4 FT	18 FT	16 FT [1]	24 FT [1]
90°	8.5 FT	8.5 FT	18 FT	18 FT	24 FT	24 FT [1]
60° Reverse-Angle Parking	9.5 FT	13.5 FT	15 FT	18 FT	14 FT [1]	24 FT [1]

Notes:
[1] Designated fire lanes shall comply with the IFC (International Fire Code) as amended and adopted.

(f) Additional Standards

(1) Turnarounds

(A) Turnarounds shall be provided for dead-end parking bays. Turnarounds must be identified with a sign or surface graphic and marked 'no parking'. Accessible parking spaces or access aisles may not be used as the required turnaround.

(B) A Minimum six foot depth required for turnaround areas.

(2) Parking Islands

Each row of parking shall terminate in a curbed, landscaped parking island.

(3) Vehicle Overhang

All required landscaping, streets, alleys, sidewalks, and other public rights-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by the Director.

(A) The vehicle overhang may count toward the length of the parking spaces. If an 18 inch overhang, compliant with these standards, is provided the parking space length may be reduced to 16.5 feet.

(B) The vehicle overhang may not be more than 18 inches in depth.

(C) The vehicle overhang may not encroach upon any on-site pedestrian walkway to the point that the walkway does not provide a minimum of four feet of travel width.

(D) The vehicle overhang shall not encroach upon any adjacent sidewalk along a street right-of-way.

(E) The vehicle overhang shall not encroach upon a landscaped area that would reduce the area reserved for landscaping to less than four feet in width, or is determined by the Director to impact existing landscaping.

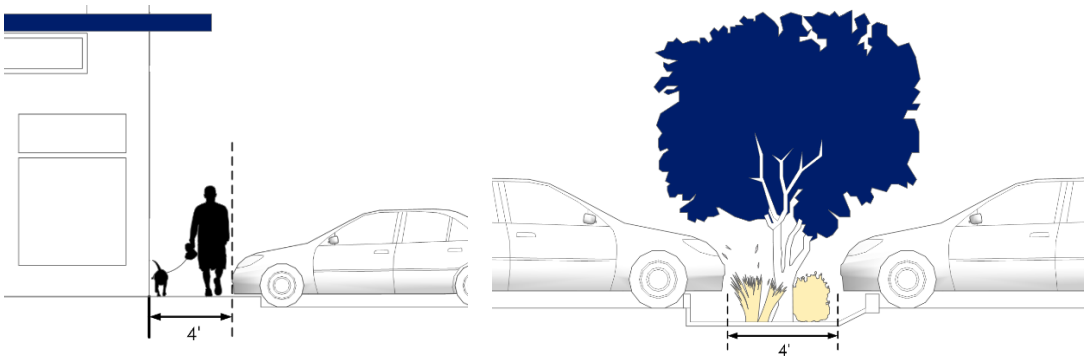


Fig. 20-12-D. Vehicle Overhang Along Pedestrian Walkway (Left) and Landscaped Area (Right)

(4) Dimensional Reductions

Where natural and/or man-made obstacles, obstructions or other features such as, but not limited to, landscaping, support columns or grade differences exist, the City Engineer may approve a reduction in parking space and access drive dimensions. In all instances where a reduction is requested, attention to emergency vehicle access shall be considered and incorporated into the parking area design.

(5) Striping

To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped, with a minimum width of four inches. The width of each parking space shall be computed from the centers of the striping.

(6) Curbs

(A) The perimeter of the parking area shall have a curb and gutter constructed in accordance with City standards for concrete curbs.

(B) An administrative exception to perimeter curb requirements may be provided for stormwater mitigation projects per the Best Management Practices manual with approval from the City Engineer.

(7) Surface Parking Areas

(A) In order to mitigate the scale and visual impact of surface parking lots, all surface parking areas containing 50 or more spaces shall be broken up into smaller parking blocks containing no more than 50 spaces.

(B) Parking blocks shall be separated from each other by a minimum five-foot wide landscaping strip, access drives or public streets, pedestrian walkways, or buildings.

(C) To the extent practicable, parking blocks shall be distributed between the side and rear of buildings.

(8) Large Parking Areas

Parking areas in excess of 220 parking spaces shall be designed to include additional landscape strips, peninsulas, or grade separations to reduce the adverse visual impacts of large expanses of paving; to direct vehicular traffic through the parking area; and to provide a location for pedestrian walkways.

(9) Pedestrian Connections

(A) Parking areas shall be designed to provide designated pedestrian walkways that connect building entrances with parking areas and with public sidewalks along adjacent streets.

(B) A dedicated pedestrian walkway is required through any parking area when the pedestrian route crosses two or more access drives.

(10) Landscaping

Parking area landscaping shall be provided in accordance with Section 20-1406 except where additional landscaping is required in this section.

20-1214 Access

Vehicular lot access shall be provided directly from a street or as follows:

(a) Alley

(1) An alley may provide the primary vehicular access to one or more lots in a subdivision, provided that each lot shall have street frontage on a public street unless access is provided by a private street designed as part of a planned development.

(2) Alley access shall be provided where practicable where the street frontage for the lot is on a collector or arterial street.

(b) Shared or Joint-Use Driveway

(1) Residential shared driveways are permitted when a recorded access easement is provided.

(2) Joint-use driveways with a minimum paved width of 24 feet may be approved as part of the subdivision approval process for non-residential developments (e.g., shopping centers, industrial/business parks), if there is a city approved easement of record ensuring perpetual access to the joint-use driveway by all lots with frontage and providing for the perpetual ownership, continuance, and maintenance of the joint-use driveway.

(3) Joint-use driveways shall not be considered as parking or loading space or as an aisle for access to individual parking spaces in computing conformance with the parking requirements of the LDC.

(4) Joint-use access points may be approved when located wholly within the dedicated public street right-of-way.

Article 13. Environmentally Sensitive Lands and Natural Resources

20-1301 Protection of Sensitive Lands

(a) Applicability

This article is applicable to:

(1) All new development, subdivisions, and redevelopment.

(2) Infill development project requirements shall be determined through the Section 20-1605(g), Site Plan review process.

(b) Protection of Environmentally Sensitive Lands

(1) Definition of Environmentally Sensitive Lands

Development shall be designed to protect environmentally sensitive lands that contain natural resources and environmentally sensitive areas. Environmentally sensitive lands are listed below in a priority order for protection:

(A) Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(B) Jurisdictional wetlands, as determined by the Army Corps of Engineers;

(C) Stream Corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(D) Native Prairie and Restored Prairie which have been voluntarily listed for protection;

(E) Stands of Mature Trees, as defined in and identified on the GIS Baseline Environmentally Sensitive Lands Map with priority to Heritage Woodlands (old growth forests); and

(F) Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map with priority to heritage woodlands (old growth forests);

(G) Archaeological or historic sites listed on the local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(H) Hillsides or ridgelines; and

(I) Levee critical areas as defined by the US Army Corps of Engineers.

(2) Determination of Environmentally Sensitive Lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

(A) FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;

(B) US Fish and Wildlife Service National Wetland Inventory Maps;

(C) Riparian stream and corridor area maps;

(D) GIS Baseline Environmentally Sensitive Lands Map;

(E) Kansas State Historical Society Archeological and Historic Resources Inventory; and

(F) Douglas County Heritage Conservation Council Resources Inventory; and

(G) Other resources which may be appropriate.

(3) Protection Standards for Environmentally Sensitive Lands

Section 20-303(e)(4) includes additional standards and limitations for the protection of environmentally sensitive lands in residential zoning districts.

20-1302 Erosion and Sediment Control Regulations

(a) Purpose

(1) The United States Government, through the Federal Water Pollution Control Act of 1948, as amended by the Federal Water Pollution Control Act Amendment of 1972, codified as amended at 33 U.S.C. §§ 1251 et seq., and commonly referred to as the Clean Water Act, as well as regulations promulgated thereunder, has mandated that Small Municipal Separate Storm Systems reduce pollutants discharged into the waters of the United States by extending certain National Pollutant Discharge Elimination System (NPDES) requirements to regulate stormwater and urban runoff into such systems caused by certain disturbances of land.

(2) As the operator of a Municipal Separate Storm Sewer System (MS4), the City is subject to NPDES mandates and is, therefore, obligated to develop, implement, and to enforce minimum erosion and sediment control standards in compliance with those regulations and its Kansas Water Pollution Control General MS4 Permit.

(b) Applicability

(1) An applicant proposing to undertake a land disturbance activity or any activity within a Section 20-1304 stream channel setback must submit pursuant to City Code Ch. 9, Art. 9, an Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan depending on the total area of disturbance, prior to undertaking the land disturbance activity. Land disturbance activities include,

at a minimum: any activity that changes the physical conditions of landform, vegetation, and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include but are not limited to clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, tree removal including less than complete removal of a tree, and the storage of materials.

(2) The MSO Director may determine that there are exigent circumstances that are subject to site-specific regulation or action.

(3) The provisions of this section shall not apply to:

(A) City-owned real property that is less than one acre in total area.

(B) Gardening or any urban agriculture use, that involves one acre or less in area.

(c) Minimum Design Requirements

Erosion and sediment control shall be accomplished at a minimum, by compliance with the following standards:

(1) At least 70 percent of the disturbed land must be re-vegetated within 12 months of the date of completion of grading or clearing activities;

(2) Grading activities shall be performed in accordance with the permit issued through Chapter 16, all applicable laws, rules, and regulations pertaining to air, water, and noise pollution;

(3) Construction activities shall be scheduled to minimize the total amount of soil exposed, including stockpiles, at any given time in order to reduce the period of accelerated soil erosion; and

(4) The area of land disturbance must not be exposed for more than 60 consecutive days without temporary or permanent stabilization, unless the MSO Director approves a time extension.

(5) Following construction, the site shall be reclaimed and revegetated following the standards of Article 14, Landscaping and Buffering.

(6) In areas of subdivisions and large lot development sites, phased grading and revegetation is preferred.

(7) In areas of subdivisions and development sites where landscaping is not required, the applicant shall reclaim all disturbed property and replant the entire area with native vegetation as described in Article 14, Landscaping and Buffering.

(8) Temporary or permanent irrigation shall be provided to the revegetated areas if the City Engineer determines that it is necessary.

(d) Site Control During Construction

Sediment is a pollutant that must be managed. To ensure this happens, the standards of City Code Ch. 9, Art. 9, and the following standards shall apply at all times when an active construction permit is in place:

(1) Runoff from above the construction site must be intercepted and directed around the disturbed area.

(2) On the site itself, water must be controlled and kept at low velocities, as determined by the Stormwater Engineer, to reduce erosion.

(3) The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.

(4) Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.

(5) Periodic watering of the disturbed area may be necessary to reduce wind erosion.

(6) Water shall be managed within the site to pre-project conditions. Site disturbance shall cause no adverse impacts downstream. Erosion and sediment control shall contain erosion and sediment on the site and protect stormwater management infrastructure within the site during construction.

20-1303 Floodplain Management Regulations

(a) General

(1) Findings of Fact

(A) 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.

(B) These Flood losses are caused by:

(i) the cumulative effect of Development in any delineated Floodplain causing increases in Flood Heights and velocities;

(ii) urbanization of upstream areas, resulting in increased Impervious Surface and increased stormwater runoff;

(iii) the occupancy of Flood hazard areas by uses vulnerable to Floods, hazardous to others, inadequately elevated, or otherwise unprotected from Flood damages; and

(iv) the modification of the Floodplain by grading or filling.

(C) The Flood Insurance Study (FIS) that is the basis of the National Flood Insurance Program uses a standard engineering method of analyzing Flood hazards, which consists of a series of interrelated steps:

(i) Selection of a Base Flood that is based upon engineering calculations, which permit a consideration of such Flood factors at its expected frequency of occurrence, the area inundated, and the depth of inundation. The Base Flood selected for this Article is representative of large Floods, which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is in the general order of a Flood which could be expected to have a one percent (1%) chance of occurrence in any one year as delineated in the Federal Insurance Administrator's FIS, and illustrative materials dated September 2, 2015, as amended, and any future revisions thereto;

(ii) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the Regulatory Flood;

(iii) Computation of a Floodway required to convey this Flood without increasing Flood Heights more than one (1) foot at any point;

(iv) Delineation of Floodway Encroachment Lines within which no Development is permitted that would cause any increase in Flood Height; and

(v) Delineation of Floodway Fringe, i.e., that area outside the Floodway Encroachment Lines, but still subject to inundation by the Base Flood.

(2) Floodplain Overlay District – Property within the City Limits on 03/01/03

(A) The Floodplain Overlay District boundaries for properties within the city's corporate limits as of March 1, 2003 shall be consistent with the Base Flood Elevations and Floodplain widths identified by the FIS and Flood Insurance Rate Map (FIRM) for "Douglas County Kansas and Incorporated Areas dated September 2, 2015", as amended and any future revisions thereto.

(3) Floodplain Overlay District – Property Annexed into the City after 03/01/03

(A) The Base Flood Elevations and Floodplain widths identified by the FIS and Flood Insurance Rate Map (FIRM) for "Douglas County, Kansas, and Incorporated Areas dated September 2, 2015," as amended and any future revisions thereto, may increase over time as a result of additional watershed Development; therefore the City has identified the Floodplain (FP) Overlay District for property annexed into the city's corporate limits after March 1, 2003, as the area that includes:

(i) All Zones A on the current FIRM;

(ii) All Zones AE and AH on the current FIRM and all adjacent areas inundated by a Flood having an elevation of the FIS Base Flood Elevation plus an additional two feet of Freeboard. If an approved Hydrologic and Hydraulic Study has been completed, the boundary information provided in that study will be utilized to amend the Floodplain Overlay District boundaries;

(iii) All Zones AO on the current FIRM and all adjacent areas inundated by a Flood having an elevation of the FIS average depth of Flooding plus an additional two feet of Freeboard. If an approved Hydrologic and Hydraulic Study has been completed, the boundary information provided in that study will be utilized to amend the Floodplain Overlay District boundaries; and

(iv) All stream tributaries having a drainage area of 240 acres or more regardless of the limits of the FIS. Upstream of the limits of the FIS, the width of the Floodplain Overlay District shall be determined by the City using recognized engineering practices.

(B) The Floodplain Overlay District will be shown and identified on the Official Zoning Map of the City of Lawrence.

(4) Floodway

Floodways are located within the Floodplain Overlay District established in Section 20-1303(a)(2) and Section 20-1303(a)(3)20-1303(a)(5) 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.

(A) 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.

(5) Statement of Purpose

It is the purpose of this Section 20-1303 to promote the public health, safety, and general welfare; to minimize those losses described in Section 20-1303(a)(1); to establish or maintain the Community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 512.22 (a) (3); and to meet the requirements of 44 CFR 60.3(d), K.S.A. 12-741, K.S.A. 12-766 and K.A.R. 5-44-4 by applying the provisions of this Section 20-1303 to:

(i) 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;

(ii) Ensure that development is reasonably safe from flooding;

(iii) Require uses vulnerable to Floods, including public facilities that serve such uses, to be provided with Flood protection at the time of initial construction;

(iv) Protect individuals from unknowingly buying land that is unsuited for the intended Development purposes due to the potential Flood hazard;

(v) Protect individuals from unknowingly buying or leasing property that is prone to Flooding;

(vi) 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

(vii) Promote conservation and restoration of natural vegetation in riparian areas;

(viii) Maintain the carrying capacity of altered or relocated watercourses.

(b) Application

(1) Lands to Which the Ordinance Applies

This Section 20-1303 shall apply to all lands within the Floodplain Overlay District.

(2) Compliance

No Development shall be located, extended, converted, or structurally altered within the Floodplain Overlay District without full compliance with the terms of this Section 20-1303 and all other applicable regulations.

(3) Abrogation and Greater Restrictions

It is not intended by this Section 20-1303 to repeal, abrogate, or impair any existing Easements, covenants, or deed restrictions. However, where this Section 20-1303 imposes greater restrictions, the provisions of this Section 20-1303 shall prevail. All other Articles inconsistent with this Section 20-1303 are hereby repealed to the extent of the inconsistency only.

(4) Interpretation

In their interpretation and application, the provisions of this Section 20-1303 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.

(5) Warning and Disclaimer of Liability

The degree of Flood protection required by this Section 20-1303 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 Section 20-1303 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 Section 20-1303 or any administrative decision lawfully made thereunder.

(6) 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.

(c) Administration

(1) Floodplain Development Permit

A Floodplain Development permit shall be required for all proposed construction or other Development, including the placement of Mobile Homes, in the Floodplain Overlay District. No Person, firm, corporation, or unit of government shall initiate any Development or Substantial Improvement or Cumulative Improvement or cause the same to be done without first obtaining a separate Floodplain Development permit for each Structure or other Development.

(2) Designation of Floodplain Administrator

The Director of Planning is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this article.

(3) Duties and Responsibilities of Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to:

(A) Review of all applications for Floodplain Development permits to assure that the requirements of this Article have been satisfied;

(B) When an application for a Floodplain Development permit requires the submittal of a Hydrologic and Hydraulic Study, coordinate the review and approval of the study by the City Stormwater Engineer to assure that the requirements of this Article have been satisfied;

(C) Issue Floodplain Development permits for all approved applications;

(D) 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);

(E) Verify through an "Elevation Certificate" and maintain a record of the actual elevation (in relation to Mean Sea Level) of the Lowest Floor, of all new, substantially improved or cumulatively improved residential Structures;

(F) Verify through an "Elevation Certificate" the actual elevation (in relation to Mean Sea Level) that the new, substantially improved or cumulatively improved non-residential Structures have been Floodproofed;

(G) Maintain a record of the actual elevation (in relation to Mean Sea Level) that the new, substantially improved or cumulatively improved non-residential Structures have been Flood-proofed; and

(H) When Floodproofing techniques are utilized for a particular non-residential Structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

(4) Floodplain Development Permit

(A) To obtain a Floodplain Development permit, the applicant shall first file an application in writing, on a form furnished for that purpose, with the Floodplain Administrator. Every Floodplain Development permit application shall:

(i) When required pursuant to Section 20-1303(d), provide two copies of the Hydrologic and Hydraulic Study for the proposed Development;

(ii) Identify the Base Flood Elevation;

(a) When required pursuant to Section 20-1303(d) identify the Water Surface Elevation of the Base Flood as determined by both the Flood Insurance Study and the Hydrologic and Hydraulic Study. The higher of these elevations shall be the Base Flood Elevation for compliance with the provisions of this article; or,

(b) When a Hydrologic and Hydraulic Study is not required, identify the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study.

(c) When the Water Surface Elevation of the Base Flood is not provided by the Flood Insurance Study or an approved Hydrologic and Hydraulic Study, the applicant shall provide a signed study by a registered, professional engineer that states the Water Surface Elevation of the Base Flood for the property. Until a regulatory floodway is designated no encroachments may increase the base flood more than one foot.

(iii) Provide a legal description of the land on which the proposed work is to be done by Lot, Block and Tract, Street address, and description of Structures or provide a similar description that will readily identify and specifically locate the proposed Structure or work;

(iv) Identify and describe the work to be covered by the Floodplain Development permit;

(v) Provide verification that all necessary permits from Federal, State, and local government agencies have been obtained;

(vi) Indicate the use or occupancy for which the proposed work is intended;

(vii) Indicate the county appraiser's assessed value of the existing Structure(s) and the Market Value of the improvement;

(viii) Specify whether Development is located in designated Floodway Fringe, Floodway, or an Unmapped Floodplain Area;

(ix) Show existing contours lines and proposed contours;

(x) Give such other information as reasonably may be required by the Floodplain Administrator;

(xi) Be accompanied by scaled plans and engineering specifications for proposed construction; and

(xii) Be signed by the permittee or his authorized Agent who may be required to submit evidence to indicate such authority.

(B) Before a final inspection, the Floodplain Administrator must be provided with a completed FEMA "Elevation Certificate" stating the finished construction elevation of the Lowest Floor in relation to Mean Sea Level signed by a land surveyor or professional engineer licensed by the State of Kansas.

(5) Expiration of Floodplain Development Permits

Floodplain Development permits expire 18 months from the date of issuance if a certificate of elevation has not been received. If requested, and for good cause shown, the Floodplain Administrator may grant a 6-month extension.

(d) Provisions For Flood Hazard Reduction

(1) Development of Property in the Floodplain Overlay District

(A) 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.

(B) Property platted prior to December 31, 2003, may Develop and/or replat or subdivide (including Lot splits) for non-residential uses without conducting a Hydrologic and Hydraulic Study. Such Development is still subject to the remaining sections of this Section 20-1303.

(C) 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 Section 20-1303. After December 31, 2008, Development of the property is subject to all sections contained within this Section 20-1303.

(2) Floodway Restrictions

Any encroachment, including fill, New Construction, substantial improvements, or cumulative improvements or other Development is prohibited within the Regulatory Floodway, except for the following Structures:

(A) Flood control and stormwater management Structures;

(B) Road improvements and repair;

(C) Utility Easements/Rights-of-Way; and

(D) Public improvements or public Structures for bridging the Floodway.

(3) Hydrologic and Hydraulic Study

(A) Hydrologic and Hydraulic Studies shall comply with the following standards:

(i) The study shall be signed and sealed by a professional engineer, licensed by the State of Kansas;

(ii) The study shall be submitted for approval by the City Stormwater Engineer concurrent with the initial submittal of a Floodplain Development permit application, preliminary plat, Development plan or site plan;

(iii) Hydrologic and hydraulic methods of analysis shall be consistent with those used in the current Flood Insurance Study for Douglas County, and shall comply with the City "Stormwater Management Criteria";

(iv) The study shall extend an adequate distance upstream and downstream of the proposed Development to encompass the hydraulic effects of the proposed Development;

(v) The study shall assume full Development of the watershed based on the current Comprehensive Land Use Plan or other reasonable assumptions of impervious cover. Full Development of the watershed shall be assumed in all calculations, for either existing conditions or proposed modifications;

(vi) The study shall determine the Water Surface Elevations of the Base Flood for the existing stream and for any proposed Development. Based on the assumption of full watershed Development and other factors, the findings of the Hydrologic and Hydraulic Study may differ from the Flood Insurance Study. At a given location, the higher Water Surface Elevation shall be the Base Flood Elevation for compliance with the provisions of this Article;

(vii) The study shall identify the velocities of the Base Flood for the existing stream and for any proposed Development;

(viii) The study shall determine the areas of inundation of the Base Flood for the existing stream and for any proposed Development. The area of inundation shall be dimensioned to the property corners for use in revising the Floodplain Overlay District on all property within the extent of the study; and

(ix) In areas outside Zone AE, the study shall also identify the Floodway for the proposed Development.

(B) 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.

(C) For a Hydrologic and Hydraulic Study that proposes an alteration of FEMA's designated Floodplain or Floodway, a letter of map revision (LOMR) must be obtained from FEMA before a Building permit will be issued for any Lot containing a Zone A, AE, AH or AO of the current FIRM.

(4) Land Disturbance

Land disturbance or removal of vegetation within the Floodplain Overlay District shall be minimized to the extent possible. When excavation, grading, removal of vegetation or other modifications to the cross-sectional geometry of the Floodplain are proposed in order to meet the requirements set forth in Section 20-1303(d) those modifications shall comply with the following:

(A) 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".

(B) 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.

(5) General Development Standards

The following standards apply to any and all Development that is proposed within the Floodplain Overlay District.

(A) All Development shall comply with the following standards:

(i) Fill shall not be placed in the Setback areas except at approved Access points unless a grading plan has been approved by the Stormwater Engineer;

(ii) Structures must be designed and constructed with adequate anchorage to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(iii) Structures must be designed and constructed with materials resistant to Flood damage using methods and practices that minimize Flood damages;

(iv) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and/or located to prevent water from entering or accumulating within the mechanical components during conditions of Flooding;

(v) New or replacement water supply systems and/or sanitary sewage systems must be designed to eliminate infiltration of Flood waters into the systems and discharges from the systems into Flood waters, and on-site waste disposal systems must be located so as to avoid impairment or contamination;

(vi) All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to eliminate Flood damage;

(vii) Fully enclosed areas below the Lowest Floor that are used solely for Parking of vehicles, Building Access, or storage in an area other than a Basement and that are subject to Flooding must be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided; and,

(b) The bottom of all openings shall be no higher than one foot above Grade. Openings may be equipped with Screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(viii) Storage of Material and Equipment;

(a) The storage or processing of materials within the Floodplain Overlay District area that are in time of Flooding buoyant, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited; and

(b) Storage of other material or equipment may be allowed if not subject to major damage by Floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a Flood warning.

(B) Additional Standards for Residential Construction

(i) Proposed New Construction, Substantial-Improvement or Cumulative Improvement of any residential Structures, including Mobile Homes or Manufactured Homes, shall comply with the following:

(a) The Lowest Floor, including all HVAC and mechanical equipment, shall be elevated a minimum of two (2) feet above the Base Flood Elevation. A licensed land surveyor or licensed professional engineer shall provide written certification of the Lowest Floor elevation to the Floodplain Administrator as set out in Section 20-1303(c)(3).

(b) For the portion of a property within the Floodplain Overlay District, the maximum impervious surface coverage shall not exceed 30%.

(ii) Fill on individual Lots shall meet the following requirements, unless a grading plan has been approved by the Stormwater Engineer:

(a) No fill dirt shall be placed closer than five (5) feet to perimeter Lot Line(s) of the property;

(b) No fill dirt shall be placed greater than 20 feet from the Structure;

(c) Fill dirt shall be placed on a Lot so that it does not exceed a 3:1 slope; and

(d) Where additional elevation over the Height that can be achieved from a 3:1 slope is needed to meet the requirements of this Article, the additional elevation shall be met through the use of vertical walls and the construction of non-residential areas, such as garages, crawl spaces with gravel floors, or similar structurally sound designs, as part of the residential Structure.

(C) Additional Standards for Non Residential Construction

(i) Any proposed New Construction, Substantial-Improvement or Cumulative Improvement of any non residential Structures shall meet the following standards:

(a) Either of the following:

(1) The Lowest Floor, including Basement, HVAC, and mechanical equipment, shall be elevated a minimum of one (1) foot above the Base Flood Elevation. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 20-1303(c)(3); or

(2) Together with attendant utility and sanitary facilities, the Structure shall be Floodproofed to at least one foot above the Base Flood Elevation. The portion of the Structure below this level is to be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

(b) For the portion of a property within the Floodplain Overlay District, the maximum impervious surface coverage shall not exceed 60%.

(6) 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:

(A) The property is within the City's Floodplain Overlay District;

(B) There is the possibility that Structures within the Floodplain Overlay District may be inundated with water during a Flood;

(C) There is the possibility of the loss of life and/or the loss of Personal property as a result of a Flood;

(D) 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

(E) 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.

(7) 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:

(A) The property is within the City's Floodplain Overlay District;

(B) There is the possibility that Structures within the Floodplain Overlay District may be inundated by water during a Flood;

(C) There is the possibility of the loss of life and/or the loss of Personal property as a result of a Flood;

(D) 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

(E) 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.

(8) Mobile Homes or Manufactured Homes

(A) All Mobile Homes or Manufactured Homes to be placed within the Floodplain Overlay District shall be required to be installed using methods and practices that minimize Flood damage. For the purposes of this requirement, Mobile Homes or Manufactured Homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(B) Mobile Homes or Manufactured Homes to be placed, substantially improved or cumulatively improved on sites in an Existing Mobile Home Park or Subdivision within the Floodplain Overlay District must be elevated so that the Lowest Floor of the Mobile Home or Manufactured Home shall be a minimum of two (2) feet above the Base Flood Elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor.

(9) Areas of Shallow Flooding (Zones AO and AH)

The following provisions apply to areas designated as Zone AO and Zone AH:

(A) Zone AO

(i) All Development and Substantial-Improvements or Cumulative Improvements of residential Structures, including Mobile Homes and Manufactured Homes, shall have the Lowest Floor, including Basement, elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the Community's FIRM or at least two feet if no depth number is specified on the map;

(ii) All Development and Substantial-Improvements or Cumulative Improvements of any commercial, industrial, or other non-residential Structures shall have the Lowest Floor, including Basement, elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the Community FIRM (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely Floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water

and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Drainage paths must be provided to adequately guide floodwaters around Structures.

(B) Zone AH

(i) The Development standards for all Areas of Special Flood Hazard where Base Flood Elevation has been provided shall be required as set forth in Section 20-1303(d); and

(ii) Drainage paths must be provided to adequately guide floodwaters around Structures.

(10) Recreational Vehicles

Recreational Vehicles placed on sites in the Floodplain Overlay District shall either:

(A) Be on the site for fewer than 180 consecutive days; or

(B) Be fully licensed and ready for highway use; or

(C) Meet the permitting, elevation, and anchoring requirements For Mobile Homes or Manufactured Homes of this Section 20-1303.

(e) Definitions

The following definitions are applicable to only the terms found in this Section 20-1303.

Term	Definition
100-year Flood	see "Base Flood"
Agency	means the Federal Emergency Management Agency (FEMA)
Appeal	means a request for review of the Floodplain Administrator's interpretation of any provision of this Article [Article 12] or a request for a variance
Areas of Special Flood Hazard	is the land in the Floodplain within a Community subject to a one percent (1%) or greater chance of Flooding in any given year
Base Flood	means the Flood having a one percent (1%) chance of being equaled or exceeded in any given year
Base Flood Elevation	means the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study, whichever is higher
Basement	means any area of the Structure having its floor sub-Grade (below ground level) on all sides
Buildable Lot	a Lot for which a Building permit can be obtained. Property that is designated as a "Tract" of land is not a Buildable Lot.

Term	Definition
Community	means any State or area or political subdivision thereof, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction
Cumulative Improvement	Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds fifty-percent (50%) of the of the Market Value of the Structure over the course of the last five calendar years. This includes Structures, which have incurred "Substantial-Damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a Structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "Historic Structure," provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure"
Development	means any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.
"Eligible Community" or "Participating Community"	means a Community for which the Administrator has authorized the sale of Flood insurance under the National Flood Insurance Program (NFIP)
Existing Construction	means for the purposes of determining rates, Structures for which the "Start of Construction" commenced before the Effective Date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing Construction" may also be referred to as "existing Structures"
Existing Mobile Home Park or Subdivision	means a Mobile Home Park or subdivision for which the construction of facilities for servicing the Lots on which the Mobile Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the Effective Date of the Floodplain Management Regulations adopted by a Community
Expansion to an Existing Mobile Home Park or Subdivision	means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile or manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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 or Regulatory Floodplain	means the land inundated by a Flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study
Floodplain Management	means the operation of an overall program of corrective and preventive measures for reducing Flood damage, including but not limited to emergency preparedness plans, Flood control works, and Floodplain Management Regulations
Floodplain Management Regulations	means zoning ordinances, subdivision regulations, Building codes, health regulations, special purpose ordinances (such as Floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of Flood damage prevention and reduction
Floodplain Variance	means a grant of relief by the community from the terms of a floodplain management regulation. Flood Insurance requirements remain in place for any varied use or structure and cannot be varied by the community.
Floodproofing	means any combination of structural and nonstructural additions, changes, or adjustments to Structures that reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, or Structures and their contents
"Floodway" or "Regulatory Floodway"	means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than one foot
Floodway Encroachment Lines	means the lines marking the limits of floodways on Federal, State and local Floodplain maps

Term	Definition
Floodway Fringe or Regulatory Floodway Fringe	means the area outside the Floodway Encroachment Lines, but still subject to inundation by the Regulatory Flood
Freeboard	means a factor of safety usually expressed in feet above a Flood level for purposes of Floodplain Management. "Freeboard" tends to compensate for the many unknown factors that could contribute to Flood Heights greater than the Height calculated for a selected size Flood and Floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed
Highest Adjacent Grade	means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure
Historic Structure	means any Structure that is:(a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places / communities with historic preservation programs that have been certified with (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.
Hydrologic and Hydraulic Study	means an engineering study that is done in accordance with 20-1204(c).
Lowest Floor	means the Lowest Floor of the lowest enclosed area, including a Basement; an unfinished or Flood-resistant enclosure, usable solely for Parking of vehicles, Building Access, or storage, in an area other than a Basement area, is not considered a Building's Lowest Floor, provided that such enclosure is not built so as to render the Structure in violation of the applicable Floodproofing design requirements of this Article.
Manufactured Home or Mobile Home	means a Structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "Mobile Home" or "Manufactured Home" does not include a "Recreational Vehicle".
Manufactured Home Park or Mobile Home Park	means a Parcel (or contiguous Parcel) of land divided into two or more Manufactured Home or Mobile Home Lots for rent or sale.

Term	Definition
Market Value	means an estimate of what is fair, economic, just and equitable value under normal local market conditions.
Mean Sea Level	means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a Community's Flood Insurance Rate Map (FIRM) are referenced
New Construction	means, for the purposes of determining insurance rates, Structures for which the "start of construction" commenced on or after the Effective Date of an initial FIRM (March 2, 1981) or after December 31, 1974. whichever is later, and includes any subsequent improvements to such Structures. For Floodplain Management purposes, "New Construction" means Structures for which the "Start of Construction" commenced on or after the Effective Date of the Floodplain Management Regulations adopted by a Community and includes any subsequent improvements to such Structures
New Mobile Home Park or Subdivision	means a mobile home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured or mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.
Overlay District	means a special Zoning District that has been "overlaid" on a base zoning classification to alter some or all the Base District zoning regulations
Participating Community	also known as an "Eligible Community," means a Community in which the Administrator has authorized the sale of Flood insurance
Person	includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies
Principally above Ground	means that at least 51% of the actual cash value of the Structure, less land value, is above ground
Recreational Vehicle	means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Term	Definition
Regulatory Flood	see "Base Flood"
Special Flood Hazard Area (SPFA)	see "Area of Special Flood Hazard"
Start of Construction	Includes Substantial-Improvements or Cumulative Improvements, and means the date the Building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a Mobile Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of Streets and/or walkways, excavation for a Basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of Accessory Structures, such as garages or sheds not occupied as Dwelling Units or not part of the main Structure. For a Substantial-Improvement or Cumulative Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building
State Coordinating Agency	means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the State or by State statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State
Structure	means, for Floodplain Management purposes, a walled and roofed Building, including a gas or liquid storage tank, that is Principally above Ground, as well as a Mobile Home. "Structure" for insurance purposes, means a walled and roofed Building, other than a gas or liquid storage tank that is Principally above Ground and affixed to a permanent site, as well as a Mobile Home on a permanent foundation. For the latter purpose, the term includes a Building while in the course of construction, alteration or repair, but does not include Building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed Building on the Premises
Substantial-Damage	means, for Floodplain Management purposes, damage of any origin sustained by a Structure whereby the cost of restoring the Structure to pre-damaged condition would equal or exceed fifty percent (50%) of the Market Value of the Structure before the damage occurred
Substantial-Improvement	means any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or

Term	Definition
	exceeds fifty percent (50%) of the Market Value of the Structure before "Start of Construction" of the improvement. This term includes Structures, which have incurred "Substantial-Damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a Structure to correct existing violations of State or local health, sanitary, or code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "Historic Structure," provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure"
Unmapped Floodplain Area	means all stream tributaries having a drainage area of 240 acres or more regardless of the limits of the FIS
Water Surface Elevation	means the Height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the Floodplain
Zone A	means Special Flood Hazard Areas inundated by 100-year Flood where no Base Flood Elevations have been determined
Zone AE	means Special Flood Hazard Areas inundated by 100-year Flood where Base Flood Elevations have been determined
Zone AH	means Special Flood Hazard Areas inundated by 100-year Flood with Flood depths of one (1) to three (3) feet (usually areas of ponding), where Base Flood Elevations have been determined
Zone AO	means Special Flood Hazard Areas inundated by 100-year Flood with Flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain), where average depths have been determined. For areas of alluvial fan Flooding velocities have also been determined

20-1304 Stormwater Management

(a) Purpose

This section is intended to:

(1) Establish standards that reflect Comprehensive Plan priorities and Stormwater Management Design Criteria;

(2) Minimize damage to public and private property and infrastructure;

(3) Safeguard the public health, safety, environment, and general welfare of the public; and

(4) Improve surface and ground water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface and surface water bodies.

(b) Applicability

This section shall apply to all development requiring a subdivision or other development approval except:

(1) Any activity that will increase an impervious area by less than 10,000 square feet; and

(2) Crop agriculture and large animal agriculture.

(c) Drainage Study and Stormwater Management Criteria

All new storm drainage systems and facilities and rehabilitation to existing drainage system facilities shall submit a Drainage Study and Plan that complies with the City's Stormwater Management Criteria.

(d) Notice of Intent and Stormwater Pollution Prevention Plan

Projects that are required to do so shall obtain a Notice of Intent (NOI) with a Stormwater Pollution Prevention Plan (SWP3) from the Kansas Department of Health and Environment.

(e) Best Management Practices (BMPs)

(1) All development that meets the threshold requirements of the MARC/APWA Regional Stormwater Criteria (RSC) shall be designed so that precipitation runoff flowing from the site is managed in accordance with best management practices (BMPs), as identified in the RSC, to mitigate impacts of increased runoff and stormwater pollution and promote infiltration into sub-soils to remove pollutants, regenerate groundwater supplies, and reduce subsidence rates.

(2) The choice of site-specific BMPs shall be based on effectiveness for the site and within the watershed where the site is located. Where a BMP approach is likely to be ineffective, as determined by the Stormwater Engineer, the applicant shall be required to pay a stormwater fee in lieu of BMP construction.

(f) Drainage System Design

(1) Drainage patterns, including the design and location of downspouts, shall be designed to prevent concentrated surface drainage from collecting on, and flowing across pedestrian walkways.

(2) Detention basins and open drainage areas visible from public rights-of-way and internal pedestrian walkways shall be incorporated into the site design as an attractive amenity or focal point, such as a site entryway feature, a public green/open space, or a transition technique with adjacent development. Such areas are strongly encouraged to be designed as part of the site landscaping network.

(3) When fencing is provided for open drainage and/or detention areas, it shall be a decorative material that coordinates with other elements on the site, such as

stone or brick columns. Fencing shall be open to allow views into and across the featured detention area.

(4) Improved drainage systems with a tributary area of 80 acres or more shall be designed and constructed as open, vegetated channels, with the intention that these areas provide restored natural habitat and require minimal landscape maintenance. Open channels shall be planted with native grasses, forbs, shrubs and trees. Culverts, walls, structural liners or other similar constructed systems shall be used only where necessary to cross roadways or to meet engineering standards for channel stability.

(g) Stormwater System Drainage Easements and BMP Maintenance

(1) All storm drainage and detention systems shall be placed in a drainage easement.

(2) An applicant for a development that requires ongoing BMP maintenance or a drainage easement shall enter into a stormwater management operations and maintenance agreement identifying requirements for drainage easement and BMP-specific continued operation and maintenance by the property owner and allowing access and inspection by the City. The agreement shall be recorded in the Office of the Register of Deeds and be binding upon all owners of the property.

20-1305 Drainage Path and Stream Channel Protection

(a) Purpose

This section is intended to:

(1) Establish standards consistent with Comprehensive Plan priorities and stormwater management design criteria;

(2) Ensure that existing drainage paths and stream channels are reflected in patterns of development and redevelopment;

(3) Encourage sustainable and healthy development practices that benefit the community as a whole;

(4) Protect the public by preventing or regulating development in hazardous areas, such as locations within existing drainage paths or on steep slopes;

(5) Mitigate impacts to the public from stream erosion and degradation;

(6) Encourage only minimal grading that relates to the natural or existing contour of the land;

(7) Discourage mass grading activities, excessive tree and vegetation removal, and excessive terracing;

(8) Improve surface and ground water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface and surface water bodies;

(9) Recognize that drainage paths and stream channels contribute to the welfare and quality of life of the City's residents; and

(10) Protect areas within and adjacent to stormwater drainage setbacks to improve the value of lands adjacent to drainage paths and streams.

(b) Drainage Path Requirements

Drainage path preservation shall be as follows:

(1) To the maximum extent practicable, development shall preserve the existing drainage paths unique to each site that have been created as a result of topography and vegetation. The City Engineer may approve modifications to existing drainage paths only if they are located outside of the stream channel setback. If existing drainage paths are modified, appropriate stabilization techniques shall be employed.

(2) Streets, roads, private access roads and other vehicular routes shall not be constructed within an existing drainage path to the maximum extent practicable.

(c) Site Grading and Design

(1) Grading shall be designed so that drainage flows away from all structures and heavily used including but not limited to walkways and parking lots.

(2) Development shall be designed to mitigate all negative or adverse drainage impacts, such as flooding and erosion, on adjacent and surrounding properties.

(3) Berms, channels, swales, and similar constructed changes to the site or landscape shall be designed and graded to be an integral part of the landscape and to provide a smooth transition in changes of slope. The maximum slope of any man-made slope shall be three-to-one (3:1).

(4) Retaining walls shall comply with the requirements for retaining walls set forth in Section 20-1411(d).

(d) Stream Channel Setbacks

Where a proposed development a stream channel as identified on the Environmentally Sensitive Lands map or as identified on a site-specific basis through a development application process, the requirements for stream channel setbacks are as follows:

(1) The stream channel setback shall start at the top of bank of the natural drainage path/stream, to be determined by topographic survey, and move outward on either side of the channel. If a top of bank cannot be determined,

one of the following methods may be applied to define the top of bank for the stream channel setback:

(A) Apply the assumed channel width to the centerline of the drainage path.

(B) Delineate the bank-full or channel-forming flow caused by approximately the two year rainfall event as defined by the City's stormwater management design criteria.

(2) Stream channel setbacks shall be identified on all site development applications.

(3) Stream channel setback widths have been determined based on tributary drainage area, with the following defined setback widths:

(A) The channel width is centered on the existing drainage path and is preserved for frequent stormwater flows with no other allowable uses.

(B) The preservation setback width begins at the top of bank of the natural drainage path/stream and is preserved for vegetation or other forms of bank stabilization with no other allowable uses.

(C) The limited-use setback width extends a predetermined distance from the preservation setback or to the extents of the 100 year effective FEMA floodplain, whichever is greater. Allowable uses within the limited-use setback include community amenities such as trails and greenways, as well as utility rights-of-way.

Table 20-13-1: Stormwater Drainage Setbacks

Drainage Area (acre)	Assumed Channel Width (feet) [1]	Preservation Setback Width (feet)	Limited-Use Setback Width (feet)	Total Setback Width (feet)
2 to < 10	5	5	-	15
10 to < 40	10	10	10	50
40 to < 160	30	30	10	110
160 to < 640	60	60	20	220
640+	80	80	20	280

Notes
[1] Actual channel width may differ from Assumed Channel Width values presented in table based on results of topographic survey.

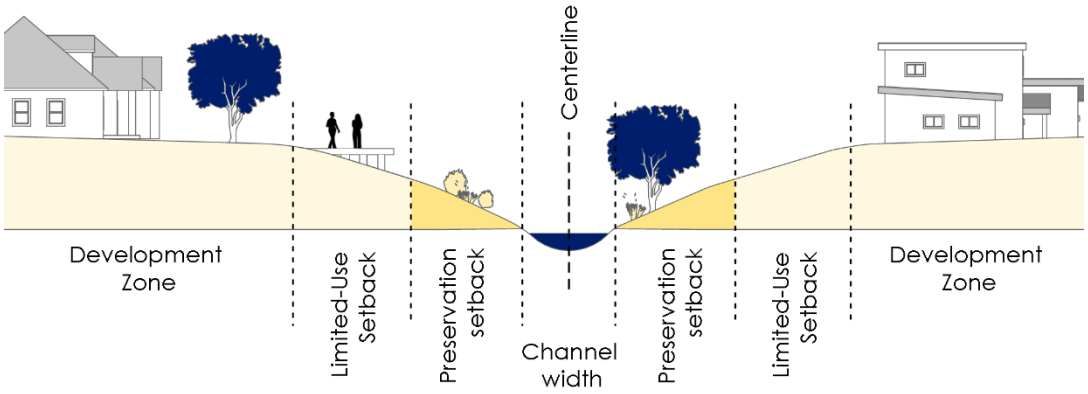


Fig. 20-13-A. Stormwater Drainage Setback Requirements

(4) Required maintenance is allowed, but no construction or disturbance, including clearing, grubbing, stripping, fill, excavation, linear grading, paving, or building is allowed in the setback zones except as falls within the allowable setback uses or by permission of the Stormwater Engineer. Dense stands of native vegetation shall be maintained, particularly in the preservation setback.

(5) Maintenance of stream channel setbacks shall be the responsibility of the property owner.

(6) Improvements to existing structures, uses, or facilities already located within a stream channel setback shall not increase the encroachment any closer to the stream. Bank stability concerns on private property shall be addressed by the property owner when making improvements to existing land within the setback zones.

(7) The application of stream channel setbacks is not intended to deprive any landowner of substantially all of the market value of their property or otherwise constitute an unconstitutional taking without compensation. If application of the stream channel setbacks to a specific project has the potential to result in a claim for inverse condemnation, the applicant shall notify the City Attorney's Office who will review the potential impact and make any necessary recommendations to the Governing Body.

(e) Drainage Easements

(1) The Stormwater Engineer may require stream channel setbacks to be placed in a drainage easement where there is potential for system degradation if it is not protected by an easement.

(2) The drainage easement shall be maintained per Section 20-1304(g).

20-1306 Steep Slope and Ridgeline Development

(a) Purpose

The purpose of this section is to:

(1) Prevent soil erosion and landslides;

(2) Protect the public by preventing or regulating development in hazardous areas, such as locations with steep slopes;

(3) Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and provide access for emergency vehicles necessary to serve the hillside areas;

(4) Preserve the most visually significant slope banks and ridgelines in their natural state;

(5) Preserve visually significant rock outcroppings, native plant materials, natural hydrology and other areas of visual significance;

(6) Encourage variety in building types, grading techniques, lot sizes, site design, density, arrangement and spacing of buildings in developments;

(7) Encourage innovative architectural, landscaping, circulation and site design; and

(8) Require revegetation and reclamation of slopes disturbed during development.

(b) Applicability

This section shall apply to any new development of a lot with an average slope of 15 percent or greater, or where adverse conditions associated with slope stability, erosion or sedimentation are present as determined by the City Engineer. Determinations of adverse conditions shall be identified by the City Engineer within 10 days of applicable application filing.

(c) Development on Slopes Greater Than 20 Percent

Site areas with average slopes greater than 20 percent shall remain undisturbed except as follows:

(1) This requirement shall not apply to small, isolated steep slope areas within a site that does not exceed 2,500 square feet in area.

(2) Slope areas of 20 percent or greater shall count toward minimum lot size.

(3) Development is permitted outside of the slope area of 20 percent if the Director determines that there is sufficient buildable area on the lot for the proposed structure.

(4) Development on Slopes Between 15 and 20 Percent

The following standards apply to site design for all proposed development on sites where the average slope of the site measures between 15 and 20 percent.

(A) Roads and building sites shall be oriented to minimize grading.

(B) Buildings shall be oriented to consider views from the site as well as the aesthetic impact of views of the site from surrounding properties.

(C) Hilltops, if graded, should be rounded to blend with natural slopes rather than leveled.

(D) Slopes providing a transition from graded areas into natural areas should be varied in percent grade both up-slope and across the slope, in the undulating pattern of surrounding natural slopes so that the top or the toe (or both) of the cut or fill slope will vary from a straight line in plan view.

(E) Parking areas should be constructed on multiple levels and follow natural contours as necessary to minimize cut and fill.

(F) Roads should follow natural topography to the extent feasible, to minimize cut and fill. Streets/roads shall be limited to the maximum slope and designed in accordance with the MSO Technical Resources.

(G) Typical design should use full split pads (separate level for a down-slope lower story), a split foundation (adapting a single story to a slope), setting the building into a cut in the hillside, or a combination of techniques. Repetitive padding or terracing of a series of lots (stair-stepping up a slope) is discouraged. Creation of a single large pad or terrace (especially creating a single pad or terrace of an entire lot) should be an exception to typical design to deal with circumstances that cannot be managed with other techniques.

(5) Utilities on Slopes

Where buried utilities are placed on side slopes and where the utility corridor runs transverse to the side slope, the side slope portion of the corridor shall be no more than 10 percent.

(6) Cutting, Grading and Filling

(A) Cutting and grading to create benches or pads for buildings or structures shall be avoided to the maximum extent practicable.

(B) Except for driveways, cut and fill slopes shall be entirely contained within a lot (i.e., natural grade at the lot lines shall be maintained).

(C) Sharp angles shall be rounded off in a natural manner at the top and ends of cut and fill slopes [within approximately five feet of the sharp angle] unless steep angles are a natural character of the site. Where this would

damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.

(7) Raising or Lowering of Natural Grade

The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:

(A) The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of man-made slopes.

(B) As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to six feet may be allowed.

(C) For the purpose of this section, basements and buildings set into a slope are not considered to lower the natural grade within their footprint.

(8) Vehicular Routes

The following regulations apply to vehicular routes on slopes of 15 percent or greater.

(A) No street, road, private access road, driveway or other vehicular route shall cross slopes greater than 50 percent.

(B) Streets, roads, private access roads, driveways and other vehicular routes shall not be allowed to cross slopes between 30 percent and 50 percent, except that a short run of no more than 100 feet or 10 percent of the road/street's entire length, whichever is less, may be allowed by the Director upon finding that:

(i) The street or road will not have significant adverse safety or environmental impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any adverse impact; and

(ii) No alternate location for access is feasible or available.

(C) Streets, roads, private access roads and other vehicular routes shall, to the maximum extent practicable, follow natural contour lines and not be within a natural drainage path.

(D) Grading for streets, roads, private access roads and other vehicular routes shall be limited to the paved portion of the right-of-way, plus up to an additional 10 feet on either side of the paved portion as needed, except that when developing access on slopes in excess of 25 percent only the paved right-of-way shall be graded, plus the minimum area required for any necessary curb, gutter or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent practicable.

(9) Trails

Public trails are permitted on all slopes provided proper safety buffers are in place. Private trails may be allowed if the Director determines that there will be no significant adverse impacts.

Article 14. Landscaping and Buffering

20-1401 Purpose

This article is intended to:

(a) Maintain the City's quality by enhancing its visual appearance through the use of landscaping;

(b) Enhance environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, filtering of stormwater runoff, abatement of noise, glare and heat;

(c) Encourage the use of plant materials that are native to or generally suitable for planting in the region;

(d) Minimize conflicts between land uses, including parking areas, on adjoining lots through visual buffering;

(e) Increase and preserve the existing tree canopy.

20-1402 Applicability

(a) This article shall apply to any development activity that requires Site Plan Review in accordance with Section 20-1605(g).

(b) The following are exempt from compliance with the standards in this article except for Section 20-1405, Street Trees:

(1) The construction or expansion of one single detached dwelling unit on an existing, platted lot (includes small lot); and

(2) The construction or expansion of one two-unit dwelling on an existing, platted lot (includes small lot).

(c) The agricultural use group as defined in Table 20-8-1: Principal Use Table, is exempt from all standards in this article.

(d) Stormwater best management practices shall comply with Section 20-1304, Stormwater Management.

20-1403 Landscaping Plan Required

A landscaping plan is required for all development subject to this article.

20-1404 Minimum Landscaping Required

(a) General

(1) Any part of a site not used for buildings, parking, driveways, walkways, utilities, stormwater BMPs, or approved storage areas shall be retained in a natural

state, reclaimed to its natural state, or landscaped pursuant to the standards in this section.

(2) Plants, walls, fences, buffering and screening, etc., located on adjacent properties do not satisfy landscape requirements for proposed development. All required landscaping shall be located on the property it serves.

(b) Types of Landscaping Required

This article includes standards for the following four types of landscaping that may be required by the City depending on the type and location of the proposed development. The table below identifies the landscaping types that may be required within each zoning district, unless varied by other provisions of this LDC applicable to specific locations or uses.

Table 20-14-1: Landscape Type Requirements

Landscape Type	Section	Detached or Two-unit dwelling	Attached Dwellings Multiunit Dwelling Manufactured Housing Park Nonresidential Mixed-Use
Street Trees	20-1405	Required for residential subdivisions	Required
Parking Lot Interior	20-1406(a)	Not applicable	Required [1]
Parking Lot Perimeter	20-1406(b)		Required [2]
Site Landscaping	20-1407		Required
Bufferyards	20-1408		See Table 20-14-5 for requirements

Notes:
[1] Required for all off-street parking lots containing 11 or more off-street parking spaces.
[2] Required for (1) All off-street parking lots containing 5 or more off-street parking spaces; (2) All new development and to redevelopment of existing parking lots which result in an increase of 20 percent or greater of the number of spaces in the existing parking lot; and (3) Any parking lot in which the parking surface is removed and reconstructed

(c) Minimum Landscaped Area

(1) All development subject to this section shall meet the minimum landscaped area requirement for the applicable zoning district listed below. All required bufferyards, parking lot landscaping, and other screening shall count toward this minimum landscaped area requirement. Street tree requirements shall not be used to meet the minimum landscaped area requirement.

Table 20-14-2: Minimum Landscaped Area	
Zoning District	**Minimum Landscaped Area (Percent of Total Site Area)**
R-1	None
R-2, R-3	20%
R-4, R-5, M-1, M-2, M-3, P-1	15%
CC, IBP, IL, IG	10%
CD, P-2, U, UR	None

(2) Vegetation and plant material that exists on a site prior to its development may be used to satisfy the landscaping standards provided that it meets the size, variety, and locational requirements in this article.

20-1405 Street Trees

(a) Minimum Tree Requirements

Street trees shall consist of canopy shade and/or ornamental trees, as defined below and meeting the following minimum requirements:

(1) Size

Medium or large trees, as defined by City Code Section 18-103(e), , that can reach a mature height of 45 feet or greater are required, except that ornamental trees planted pursuant to Section 20-1405 are not subject to the 45 feet height requirement. The minimum trunk caliper of street trees, at the time of planting, measured six inches above the ground in accordance with the AmericanHort Standards shall be as follows:

Table 20-14-3: Street Tree Size at Planting		
Street Tree Type	**Minimum Trunk Caliper**	**Mature Height**
Canopy, Shade	2 IN (ball and burlap or equivalent)	Min. 45 FT
Ornamental		Max. 20 FT

(2) Number

One tree shall be provided for every 40 feet of public or private street frontage. This requirement is measured and calculated for each individual street frontage, not from an overall street frontage for the development. The Director may approve a master street tree plan that varies from this requirement to allow for driveways, utilities, and intersection visibility requirements.

(3) Minimum Species Diversity

The following minimum requirements shall apply to all master street tree plans. To prevent uniform insect or disease susceptibility, a mix of species shall be provided. The City Parks and Recreation Director shall, upon request, provide a list of trees that are acceptable to satisfy the requirements for master street tree

plans. To promote diversity in the urban forest, the number of trees required to be planted shall be in accordance with the following requirements:

Table 20-14-4: Street Tree Size at Planting

Number of Trees per Plat	Minimum Number of Species
1-10	1
11-20	2
21-30	3
31-40	4
41+	6

(b) Planting Location and Spacing

(1) Location in R-1, R-2, and R-3 Zoning Districts

(A) Street trees shall be located in the front yard, building setback, and/or adjacent to or within the right-of-way at a distance not greater than 10 feet from the back of curb when no utility easement is present. If a utility easement is present, street trees shall be located a maximum of 18 feet from the boundary line of the right-of-way.

(B) In the case of lots which are located on the radius of a cul-de-sac, street trees shall be located a maximum of 25 feet from the boundary line of the right-of-way when no utility easement is present. If a utility easement is present, street trees shall be located a maximum of 33 feet from the boundary line of the utility easement.

(C) Street trees shall be planted after planned utilities have been installed.

(D) Trees shall be planted no closer than eight feet from existing underground utility lines, where practical and approved by the Director.

(E) On corner lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two streets.

(F) No tree shall be planted between the curb and the sidewalk if the clear space is less than three feet wide.

(2) Location in all Other Zoning Districts

Street trees shall be located either within the street right-of-way or within the required front yard building setback, provided:

(A) No tree shall be located farther than 30 feet from the back of the curb, with the exception of lots on the radius of a cul-de-sac which shall be located not greater than 45 feet from the back of the curb, where practical.

(B) Street trees shall be planted after planned utilities have been installed.

(C) Trees shall be planted no closer than eight feet from existing or proposed underground utility lines, where practical and approved by the Director.

(D) On corner lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two streets.

(E) No tree shall be planted between the curb and the sidewalk if the clear space is less than three feet wide.

(3) Spacing

(A) Street trees shall be evenly spaced along the street frontage.

(B) As alternative, street trees may be clustered, if based on Director evaluation, conditions exist which dictate building location and driveway placement which interrupts the even spacing of street trees. Conditions include:

(i) The lot is on a corner;

(ii) The presence of existing trees, which qualify for credit under Section 20-1405(e); and/or

(iii) Topographic conditions (i.e., steep gradient, rock outcroppings).

(C) Street trees may also be clustered in groups of three, five or seven where the clustering is combined with berms, trees, and shrubs in a planned manner and shown on the approved Site or Development Plan.

(4) Overhead Lines and Fixtures

If the planting site will prevent the growth of canopy shade trees due to overhead utility lines, ornamental trees shall be permitted as a substitution for the canopy shade trees in accordance with the location and spacing requirements of this section and shall be subject to the following requirements:

(A) The canopy of the ornamental tree(s) shall be no closer than 10 feet from the overhead lines and its mature height shall not exceed 20 feet;

(B) The ornamental tree(s) shall be planted at least 15 feet away from any street light.

(5) Cul-de-sac Lots

Lots on cul-de-sacs that have a street frontage of 45 feet or less shall be required to provide only one street tree per lot.

(c) Master Street Tree Plan and Agreement

(1) A proposed written and graphic Master Street Tree Plan and Agreement shall be submitted at the time a Final Plat is submitted to the Planning and Development Services Office for review.

(2) Prior to recording the Final Plat with the Register of Deeds, the applicant shall provide a Master Street Tree Plan and Agreement that is signed and properly acknowledged by the property owner(s). The Master Street Tree Agreement shall be written to be binding on present and future property owners. A

reference line shall be provided on the Final Plat indicating the book and page where the Master Street Tree Plan and Agreement is filed which shall be completed at the time the Final Plat is recorded at the Register of Deeds.

(d) Provision of Right of Entry

(1) Each Final Plat for detached or attached dwelling residential structures to be built on individual platted lots in a City residential subdivision in R-1, R-2, and R-3 zoning districts shall contain the following note on the face of the Final Plat: "The City is hereby granted a temporary right of entry to plant the required street trees pursuant to Section 20-811(g) of the City Subdivision Regulations."

(2) For Final Plats filed before January 1, 2002, for detached or attached single Dwelling residential structures to be built on individual platted lots in a City residential subdivision in R-1, R-2, and R-3 zoning districts, the property owner of undeveloped lots for which a city building permit has not been issued shall sign a consent form and submit it with the building permit application granting the City temporary right of entry to plant the required street trees pursuant Section 20-1405.

(e) Credits for Existing Trees

Existing trees may be applied toward the fulfillment of this street tree requirement when:

(1) All of the following conditions exist:

(A) The tree is healthy and of a species the Director of the Parks and Recreation Department determines to be desirable as a street tree;

(B) The existing tree is within the street right-of-way or within 30 feet of the back of the curb or proposed curb line;

(C) The tree(s)caliper of a canopy shade tree is at least four inches measured six inches from the ground, or in the case of an ornamental tree, the tree caliper is at least two inches, measured six inches from the ground, in accordance with the AmericanHort standards;

(D) The applicant has submitted a tree protection plan that conforms with the requirements of City Code Section 18-107; and

(E) The existing or proposed location of overhead utility lines along the street right(s)-of-way will not prevent the full growth of the street tree.

(f) Timing of Landscape Placement

(1) The timing of, and manner in which the street trees shall be planted for detached or attached single dwelling residential structures to be built on individual platted lots in city residential subdivisions in R-1, R-2, and R-3 zoning districts shall be in accordance with City Administrative Policy No. 83.

(2) For all other required street trees not covered by (f)(i) above, and/or developments requiring a Site Plan or Development Plan:

(A) Trees shall be installed, after other public improvements, if water is available for their care and maintenance. The property owner shall be required to guarantee planting of the tree at the time a building permit application is submitted.

(B) Street trees shall be planted prior to final building inspection or the issuance of an occupancy permit. Consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of tree planting provided, the guarantee for planting is extended to the date of completion of tree planting.

(C) Guarantee shall be provided in the following form:

(i) A cash escrow deposit in a financial institution authorized to do business in Kansas in an amount set forth in the City of Lawrence Administrative Policy No. 83. This escrow deposit shall be invested and reinvested by the bank or savings and loan, the interest or discount from which shall be paid to the subdivider upon final release of the escrow deposit as determined by Section 20-811(i). Money will be withdrawn to pay the developer or a designated nursery after the installation of said trees and prior to the issuance of a final certificate of inspection; or

(ii) The Governing Body, at its discretion, may accept an irrevocable letter of credit from a financial institution or a corporate surety performance bond in lieu of a cash escrow deposit to ensure the planting of the required street trees.

(g) Continuing Maintenance

(1) Continuing maintenance of trees planted by the City shall be in accordance with the maintenance provisions set forth in City of Lawrence Administrative Policy No. 83.

(2) For all other required street trees not covered by this section **Error! Reference source not found.**or developments requiring a Site Plan or Development Plan, the on-going maintenance of trees, once planted, shall be the responsibility of the property owner adjacent to the public right-of-way or private street. If a street tree is not planted or dies within one calendar year of issuance of an occupancy permit, the City shall notify the property owner of the need to plant or replace the tree(s) as applicable. Should the property owner fail to plant or replace the tree within 30 days of notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property owner.

20-1406 Parking Lot Landscaping

(a) Interior Parking Lot Landscaping

(1) Applicability

(A) The interior parking lot landscaping standards of this section shall apply to all off-street parking lots containing 11 or more off-street parking spaces.

(B) For parking lots that are less than 150 feet deep, the interior landscaping requirements may be waived through Section 20-1605(b), Administrative Adjustment , All landscaping shall be concentrated in the setback(s) from public rights-of-way or between the parking lot and properties in a Residential zoning district or containing a residential use.

(2) Minimum Landscape Area

(A) Parking lots shall contain at least 40 square feet of landscaping area per parking space.

(B) All landscape areas shall be contained within the parking lot. The parking lot shall be established by the perimeter parking lot curb, excluding landscape area peninsulas that meet the minimum dimensions.

(C) To be credited toward meeting the minimum landscape area requirement, individual landscape elements shall meet the following minimum dimensions:

(i) All landscape areas shall have minimum dimensions of eight and one-half feet in all directions.

(ii) Landscape islands and peninsulas shall occupy at least 160 square feet of ground area.

(iii) Landscape strips between parking rows shall be a minimum of 10 feet in width. When incorporating pedestrian walkways, landscape strips shall be a minimum of 18 feet in width to accommodate vehicular overhangs, the walk, lights, posts, and other appurtenances.

(D) Required perimeter parking lot landscaping and bufferyards may not be used to satisfy interior parking lot landscaping requirements.

(3) Landscape Area Design

At least one shade tree and three shrubs shall be provided per 10 parking spaces within off-street parking areas. One shade tree or ornamental tree may be substituted for three shrubs, but shrubs may not be substituted for shade trees.

(A) Materials

(i) Primary landscaping materials used in parking areas shall be trees, which provide shade or are capable of providing shade at maturity.

(ii) Shrubbery, hedges, and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping.

(iii) Landscape areas within the parking area shall be constructed with concrete curbing to minimize damage to plant material, except that concrete curbing may be reduced or eliminated to account for landscape areas that are used as bio-swales or other alternative systems of storm water management where curbing would impede the flow of water.

(iv) Landscape medians in parking lots for mixed-use or nonresidential uses shall be planted with medium to large deciduous trees at a minimum or one tree for every 30 linear feet.

(v) Landscape medians in parking lots for all other uses shall be planted with a mixture of two or more plant materials: ground cover, trees, or shrub.

(4) Location and Arrangement

(A) Landscaping and planting areas shall be dispersed throughout parking lots to break up long rows of parking spaces.

(B) Interior rows of parking spaces located in the parking area shall terminate with landscape areas.

(C) Landscape areas and plantings shall be located and arranged to provide shade to parked vehicles, to safely direct traffic flows within the lot, to allow the principal building to be seen from the street and for the street to be seen from the principal building and/or to provide landscaping and shade along protected pedestrian walkways within the interior of the parking lots.

(b) Parking Lot Perimeter Landscaping

(1) Applicability

The parking lot perimeter landscaping standards of this section shall apply to:

(A) All off-street parking lots containing five or more off-street parking spaces;

(B) All new development and redevelopment of existing parking lots which result in an increase of 20 percent or greater of the number of spaces in the existing parking lot; and

(C) Any parking lot in which the parking surface is demolished and reconstructed.

(2) Trees and Screening

(A) Parking lots shall be landscaped and screened from view of street rights-of-way with a minimum of one shade tree or ornamental tree per 25 linear feet of parking lot frontage - required street trees may be counted toward satisfying this requirement - and at least one of the following:

(i) A solid masonry wall with a minimum height of three feet and a maximum height of four feet; or

(ii) A berm with a minimum height of two feet, a maximum height of three feet, and a maximum 3:1 slope. The berm shall be located entirely on the property with the parking lot. Where parking is allowed on a site and it is impracticable to provide a 15 foot wide buffer on a side adjoining residential uses or across an alley from residential uses, the Director may allow a solid fence or wall at least six feet in height to be substituted for the buffer on the side adjoining or across the alley from the residential uses as part of the Site Plan Review process;

(iii) A continuous row of evergreen shrubs with a minimum height of three feet;

(iv) A low continuous landscaped hedge at least three feet high, planted in a triangular pattern so as to achieve full screening at maturity;

(v) Landscape plantings consisting of 80 percent coniferous trees and 80 percent evergreen shrubs and groundcovers planted to achieve a visual screen at maturity; or

(vi) A combination of any of these methods.

(B) The Director may waive the requirement in (i) above if the Director determines that the purpose of this requirement is otherwise met or that the proposed development has little potential to create material negative impacts on the surrounding neighborhood.

(3) Location and Arrangement

(A) Required landscape/screening material shall be located between the street right-of-way and the parking lot. This landscape area shall have a minimum width of 10 feet.

(B) A buffer width of five feet is permitted if it is provided in conjunction with a solid masonry wall of a minimum height of three feet.

20-1407 Site Landscaping

(a) Building foundations (the areas around the walls, doors, and windows of the building) shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers.

(b) Landscaped building foundation areas in Mixed, Commercial, Industrial, and Special Purpose Districts shall be at least eight feet in depth, measured from the building foundation.

(c) Trees shall be planted at a ratio of at least one tree per 40 linear feet of building frontage along any facade greater than 100 feet that faces a public street, public sidewalk, or other public areas such as pedestrian plazas or outdoor patios and seating areas.

(d) Trees are permitted to be clustered and may be integrated into a pedestrian promenade or located in landscaped areas directly abutting the building.

(e) Internal pedestrian walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other similar materials for no less than 50 percent of the length of the walkway. One canopy shade tree per 50 linear feet of the walkway is required.

20-1408 Bufferyards

(a) Applicability

The bufferyard standards of this section apply to all development or redevelopment requiring Site Plan Review.

(b) Table of Required Bufferyards

Bufferyards are required in accordance with the following table. To determine the type of bufferyard required:

(1) Identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table).

(2) Find where the zoning of the developing site and each adjacent site intersect on the table.

(3) If a bufferyard is required, a numeral at the intersection will indicate the type of bufferyard required. Width and landscape planting options for bufferyards are explained in Section (d) through (f).

(4) Where the required bufferyard is wider than the side setback required at that location, the side setback shall be expanded to accommodate the bufferyard.

(5) For the purpose of bufferyard requirements, adjacent sites shall not include properties across the right-of-way from the development site.

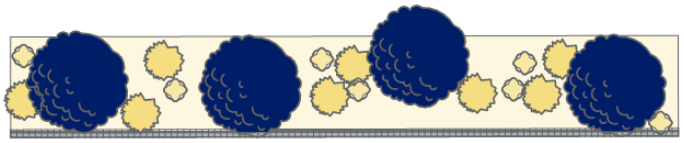
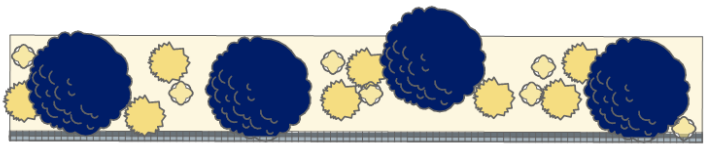
Table 20-14-5: Bufferyard Requirements

Development Site's Zoning	Adjacent Site's Zoning						
	R-1 R-2	R-3 R-4 R-5	M-1 M-2	M-3 CC	CD	IBP IL IG	P-1
R-1 and R-2 (Residential uses)	–	1	1	2	2	3	3
R-1 and R-2 districts (Nonresidential uses)	1	1	1	2	1	3	2
R-3, R-4, and R-5, districts	1	–	1	2	–	3	2
M-1 and M-2 districts	1	1	–	1	–	2	1
M-3 and CC districts	2	–	–	–	–	–	–
CD district	2	2	1	–	–	1	1
P-1 district	3	2	2	–	–	1	–
IL. IG, and IBP districts	3	3	2	1	–	–	1

(c) Bufferyard Planting Requirements

(1) Minimum Buffer Required

Table 20-14-6: Bufferyard Planting Requirements

Buffer Type	Buffer Width	100 Linear Feet	Landscape Material Requirements	
			Trees	Shrubs
1	10 feet		4	10
2	15 feet		4	15
3	20 feet		4	15

(2) Type 1 and 2 Bufferyards

(A) Trees and Shrubs

At least 50 percent of required trees and shrubs shall be evergreen trees.

(B) Fences, Walls and Berms

A fence, wall, or berm three feet to six feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence or berm contiguous with the adjacent property or street right-of-way.

(3) Type 3 Bufferyards

(A) Trees and Shrubs

At least 50 percent of required trees and shrubs shall be evergreen trees.

(B) Fences, Walls, and Berms

If the proposed Type 3 bufferyard is less than 20 feet in width, it shall include a wall at least three feet in height. A fence, wall, or berm three feet to six feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed bufferyard from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence or berm contiguous with the adjacent property or street right-of-way.

(d) Responsibility for Bufferyard Installation

The developing property is responsible for providing required bufferyards.

(1) Location

The bufferyard, including any required berm, shall be located entirely on the property on which the development which requires the bufferyard is occurring.

(2) Existing Bufferyards

In those cases where a bufferyard that complies with the standards of this section is already in place on the site of the developing property, the developer is not required to install another bufferyard. The developer is only responsible for ensuring that the existing bufferyard complies with the standards of this section.

(3) Residential Bufferyards

Bufferyards required for residential subdivisions shall be placed in landscape easements.

20-1409 General Landscaping Standards

(a) Plant Materials and Planting Techniques

The following landscaping materials and techniques shall be used to the maximum extent practicable, either as a single material or technique, or in conjunction with other options on the list as used across a specific landscaping area or the site as a whole:

(1) Materials

Climate adaptive and native species are preferred in all locations and are required where irrigation will not be provided. Additional materials options include:

(A) Using plant materials with lower moisture requirements;

(B) Selecting plants on the basis of specific slope, aspect, soil, and microclimate conditions; or

(C) Minimizing the amount of irrigated turf area.

(2) Techniques

(A) Planting and designing slopes to minimize runoff, using terracing in lieu of a consistent slope, where possible;

(B) Separating irrigation zones according to plants' water requirements to reduce evaporation;

(C) Emphasizing soil improvement by conserving topsoil, deeply loosening soil and incorporating organic matter and amendments based on soil tests; and

(D) Using mulch in planting areas to reduce weed growth, promote soil cooling and reduce evaporation.

(b) Location and Arrangement

(1) Required landscaping shall be coordinated with the location of utilities, driveways, and traffic clearance zones.

(2) Landscaping shall be located an adequate distance away from utility lines and easements to avoid damage when the lines are repaired or replaced.

(3) Landscape areas shall be arranged to maximize their inter-connectivity with other landscaping on the site, to landscaping on adjacent sites and to natural areas. Plants shall not be spread thinly around the site in small, isolated pockets of landscaping.

20-1410 Landscape Material Standards

(a) Plant Quality

Plants installed to satisfy the requirements of this article shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.

(b) Artificial Plants

No artificial plants or vegetation may be used to meet any standards of this section, with the exception of synthetic turf, provided that the use of synthetic turf is

approved by the Director in accordance with City Code Section 18-402(b). Any person aggrieved by the decision of the Director may appeal that decision to the Board of Zoning Appeals in accordance with Section 20-1604(a).

(c) Minimum Plant Specifications

(1) Size and Planting Height

Trees used to satisfy the standards of this article shall meet the following size standards:

Table 20-14-7: Minimum Plant Size and Planting Heights

Tree Type	Minimum Size	Minimum Planting Height
Shade trees	2.5 inch caliper	N/A
Ornamental trees	1.75 inch caliper	N/A
Upright evergreen and conifer trees	N/A	6 feet
Shrubs – Deciduous and broadleaf	2 gallon container	24 inches
Shrubs - Evergreen	5 gallon container, or balled and burlapped	24 inches

(2) Living Materials

(A) Each area required to be landscaped shall be covered in live material. Live material includes trees, shrubs, ground cover, flower beds, sod, and other living plant materials.

(B) Areas not covered in live material, not to exceed 25 percent of the landscaped area, shall be covered by woody mulch, other organic or inorganic mulch, rock mulch, or other natural materials other than exposed gravel and aggregate rock.

(d) Plant Selection

(1) Tree Types

Where required or permitted, trees shall be of the ornamental, evergreen, or large deciduous types recommended in the Preferred Trees for Northeast Kansas list.

(2) Species Mix

(A) When more than 10 trees are required to be planted, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted varies according to the overall number of trees required to be planted in accordance with the following requirements:

Table 20-14-8: Species Mix Requirements	
Required Number of Trees	**Minimum Number of Species**
11-20	2
21-30	3
31-40	4
41+	6

(B) Plant varieties shall provide year-round color, texture, and/or other special interest and a minimum of one-third of the plantings shall be evergreen species.

(e) Ground Treatment

(1) Ground Cover

(A) Ground cover appropriate for the area may be planted in lieu of turf grass. Ground cover shall be of a size and spacing to provide a minimum of 50 percent coverage after the first full growing season and complete coverage at maturity. Edging material shall be provided for all ground cover.

(B) Ground covers shall be predominantly evergreen varieties.

(2) Mulch

(A) Mulch shall be installed and maintained at a minimum depth of two inches and a maximum depth of four inches on all planted areas except where ground cover plants are fully established.

(B) Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate.

(C) Shrub and flower beds may be lined with a weed barrier mesh (or similar material designed for weed control) to prevent noxious weeds. Non-porous fabrics, such as black plastic, are prohibited.

(3) Grass Seed and Sod

(A) Turf areas shall be planted with species suitable as permanent lawns in Lawrence. Turf areas may be sodded or seeded.

(B) In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full growing season.

(C) Erosion control methods shall be installed in drainage swales and areas with a gradient of five percent or greater. The method of erosion control shall be approved by the City Engineer prior to obtaining a building permit.

20-1411 Fences and Walls

(a) Maximum Height

(1) Unless otherwise stated in this LDC, the maximum height of a fence or screening wall shall be eight feet.

(2) The maximum height of a solid fence or screening wall within the required front setback shall be three feet. Through-lots shall identify a front and rear yard for the purpose of installing fence and the rear yard shall not be subject to this limitation.

(3) Raised planters shall not exceed a maximum height of three feet, unless all of the following are provided:

(A) Screen treatment does not create a safety hazard;

(B) Portion of treatment that is above three feet in height is a minimum of 75 transparent (i.e., see-through metal railing, trellis, or other similar treatment); and

(C) Portion of wall/landscape treatment that is above three feet in height provides added visual interest compatible with the development.

(b) Materials

(1) High perimeter walls, chain link fence, and walls topped with barbed wire, or razor wire should not be used adjacent to public street frontages or non-industrial uses nor to screen or enclose parking areas along a public walkway.

(2) Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, and wrought iron.

(c) Design

(1) The maximum length of a continuous, unbroken, and uninterrupted fence or wall plane shall be 150 feet. In this instance, breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials. Breaks in the length of a fence shall be made to provide for required pedestrian connections to the perimeter of a site or to adjacent development.

(2) Fencing shall not exclude use of hydrants or fire department connections or hydrants.

(d) Retaining Walls and Terraces

(1) Retaining walls shall not exceed five feet in height from the finished grade.

(2) Terracing shall be limited to four tiers with the width of the terrace between any two, five foot retaining walls being a minimum of four feet with a maximum slope of three-to-one.

(3) Terraces created between retaining walls shall be permanently landscaped.

(4) Retaining walls shall be stacked with natural stone, faced with stone or earth-colored materials, or faced with a material compatible with the primary building materials. Railroad ties, timber, and gabion-type retaining walls are prohibited.

20-1412 Additional Screening Requirements

All multi-dwelling residential, mixed-use, and nonresidential developments shall provide additional screening as follows:

(a) Service Areas

(1) All service areas shall be placed at the rear or on the side of buildings.

(2) Dumpsters and trash receptacles located adjacent to Residential zoning districts or a residential use shall be setback a minimum of 10 feet from the shared lot line.

(3) Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way.

(4) Dumpsters and trash receptacles shall be screened from view of adjacent properties and street rights-of-way on at least three sides with a six foot solid fence constructed of cedar, redwood, masonry or other compatible building material.

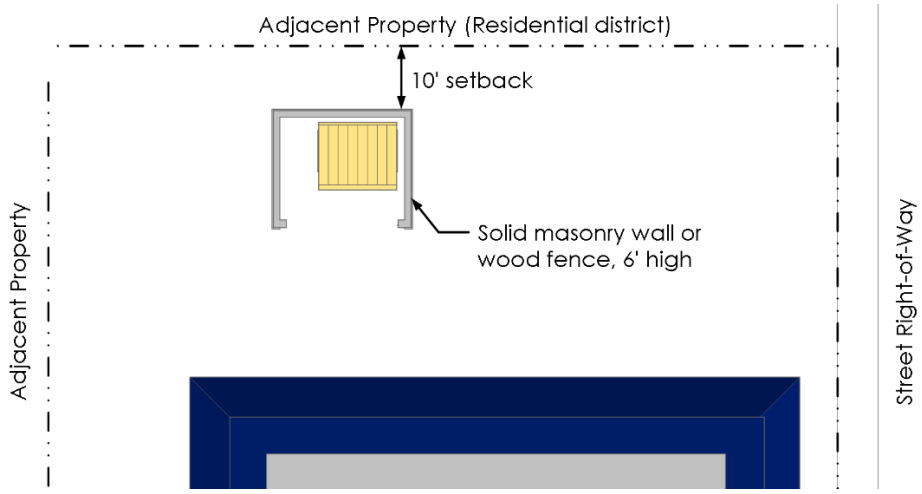


Fig. 20-14-A. Service Area Screening Requirements

(b) Mechanical Equipment

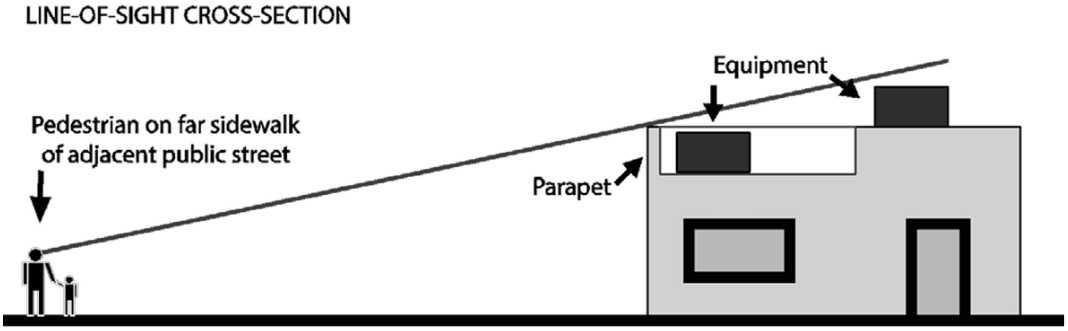
(1) Ground-Mounted

Exterior ground-mounted equipment including, but not limited to, mechanical equipment, utilities boxes, and meters, shall be fully screened from view of

adjacent properties and from street rights-of-way (as measured six feet above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building.

(2) Roof-Mounted

(A) Roof-mounted mechanical equipment shall be screened from view as measured at six feet above ground level from the sidewalk of the abutting public street.



(B) The building parapet shall be the primary means of screening rooftop mechanical equipment and shall be required at a height that is as high, or higher, than the rooftop equipment being screened.

(C) Parapet walls and other roof forms used for screening shall be architecturally integrated into the overall building design.

(D) The number of vents and flues on rooftops shall be kept to a minimum and located in a manner to not be visible.

(E) On sloped roof structures, vents and flues shall be incorporated into architectural features to blend with the roofing material.

20-1413 Existing Trees and Vegetation

(a) General

(1) Vegetation and plant material that exists on a site prior to its development may be used to satisfy the landscaping standards of this section provided that they meet the size, variety, and locational requirements of this article.

(2) Existing vegetation, such as native grasses, hedgerows, or non-mature trees that are in appropriate locations, in sufficient quantities, and of acceptable quality to be used to fulfill transition landscaping or buffering requirements of this article shall be preserved to the maximum extent practicable.

(b) Tree Preservation Required

(1) Minimum Preservation Requirement

On sites with existing mature trees of acceptable species (reference Section 20-1410(d)(1)) and appropriate location, at least 20 percent shall be preserved or transplanted on site. For purposes of these standards, "mature" trees include the following:

(A) Deciduous trees with six-inch minimum caliper;

(B) Evergreen trees six feet or more in height; or

(C) Groups or stands of five or more trees with a minimum caliper of four inches.

(2) Preserved Tree Standards

(A) Preserved trees shall be healthy and free of mechanical injury, and may not be damaged by skinning, barking, bumping or similar induced wounds.

(B) A protection area of 10 feet outside the entire area within the drip line of the tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade with no trenching or cutting of roots in this area. Within this area, there may be no storage of fill or compaction of the soil, as from heavy construction equipment, or any evidence of concrete, paint, chemicals, or other similar foreign substances in the soil.

(C) Soil may not be removed from within the dripline of any tree that is to remain at its original location.

(D) There shall be no evidence of active insect infestation or disease.

(E) Impervious surfaces and changes in grade are not allowed within 10 feet of the trunk.

(F) 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.

(c) Tree Preservation Credit

(1) Existing trees saved on the site during construction will be credited toward satisfying the tree planting requirements of this article, provided that the trees are a minimum of two-inch caliper for shade trees, one and one-half inch caliper for ornamental trees, or five feet in height for evergreen trees.

(2) The Director is authorized to grant additional credit for the preservation of trees that are 12 inches or more in diameter at a ratio of 3:1 to encourage the preservation of existing mature trees.

(d) Tree Removal and Replacement

(1) If trees identified for preservation and credit are removed, destroyed, or damaged, they shall be replaced by other trees on a 1:1 basis. Replacement

trees shall be a minimum of four-inch caliper deciduous trees or eight feet in height for ornamental trees and evergreen trees.

(2) Replacement trees shall be the same or similar species to the trees removed or damaged, or alternately a species native to Eastern Kansas and approved by the Director.

20-1414 Irrigation Standards

(a) Applicability

(1) All landscape areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. All landscaped areas shall be maintained and all sod and seeded lawn areas to be mowed regularly.

(2) All required landscaped areas in nonresidential zoning districts must be served by an underground sprinkler system that provides full coverage for landscaped areas unless the landscaped area is planted in drought-tolerant plant materials. The landscape plan need not specify the exact irrigation plan but, where irrigation is required, must clearly state that an underground sprinkler system providing full coverage will be provided.

(b) General Standards

The following standards shall apply to all in-ground permanent irrigation systems:

(1) The landscape plan shall identify the area of approximate installation of an automatic irrigation system, its maintenance, and intended uses. The landscape plan must note and delineate all irrigated and sod areas.

(2) Irrigation systems installed with new development must be installed prior to plant materials.

(3) Irrigation systems with a precipitation rate exceeding 0.75 inches per hour shall be prohibited on areas exceeding 1,000 square feet with a slope greater than 30 percent unless:

(A) Infiltration trenches, vegetated swales, bio detention areas, and similar facilities, as approved by the Director, are employed to reduce runoff; or

(B) The landscape designer specifies an alternative design or technology that clearly demonstrates that no runoff or erosion will occur. Prevention of runoff and erosion shall be confirmed during the final landscape inspection.

(c) Low-Flow Irrigation Systems

(1) Low-flow irrigation devices shall be used in all landscape areas that are less than eight feet wide in any direction to avoid overspray and runoff.

(2) System design shall be either surface drip system, subterranean drip system, micro-spray, or a combination of these systems.

(3) A hose bib system may be used for irrigation when a landscape area is less than 1,000 square feet in size and when all portions of the area are within 100 feet of a hose attachment.

(d) Automatic Operation

(1) All systems shall be equipped with timers and scheduled to operate during evening or early morning hours to minimize evaporation rates.

(2) All automatic underground sprinkler systems shall be equipped with rain and freeze sensors.

20-1415 Installation, Maintenance, and Replacement

(a) Installation

(1) All landscaping shall be installed according to sound nursery practices established by the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI) in a manner designed to encourage vigorous growth.

(A) At a minimum, all trees shall have root balls sized to meet AmericanHort's guidelines. All trees shall be mulched and staked.

(B) Landscape plant material suitable for planting shall be balled and burlapped or container grown. In both cases, a planting area that is at least twice the diameter of the root system or the container shall be prepared.

(C) 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.

(D) Soil amendments for landscape planting beds shall be provided on the landscape plan.

(2) All landscape material, including trees, plant material and structural elements, shall be in place and healthy prior to issuance of a final Certificate of Occupancy. The Director may authorize issuance of a temporary Certificate of Occupancy prior to installation of required landscaping, when seasonal conditions render installation impractical based on the following criteria:

(A) To be eligible for a temporary Certificate of Occupancy the applicant shall provide the Director with a bona fide executed contract with a landscape contractor or nursery.

(B) The contract shall authorize the City to request completion of the installation work.

(C) Funds to cover the cost of the contract shall be placed in escrow or provided as a letter of credit that runs to the City.

(D) In no case shall installation be delayed more than 120 days after occupancy.

(b) Maintenance, Replacement and Enforcement

Trees, shrubs. and other landscape materials depicted on plans approved by the City are considered elements of the project in the same manner as parking, building materials and other details are elements of the plan. Regulations for enforcement of the landscape requirements are as follows:

(1) If the Director determines the landscaping has not been installed, maintained, or replaced to comply with the approved final plan or landscape plan, then the Director shall issue a written order to the alleged violator. The order shall specify the sections of the development code of which the person is in violation.

(2) All landscaping on public and private property will be subject to periodic inspection by the Director, to detect diseased, dead, or hazardous shrubs, trees, or plants.

(3) Plant material that exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced with healthy plant material, of the same or other approved species, within the next planting season.

(4) Should landscaping not be installed, maintained, or replaced as needed to comply with the approved plan, the owner will be considered in violation of the terms of the approved landscape plan. Violations of the terms and conditions of the approved landscape plan will be considered a violation of this LDC subject to the penalties established in Article 18.

Article 15. Exterior Lighting

20-1501 Purpose

The purpose of this section is to:

(a) Provide adequate lighting for safety and security;

(b) Minimize adverse offsite impacts of lighting such as light trespass, light pollution, and obtrusive light;

(c) Reduce the adverse effects light can have to wildlife habitation and migration;

(d) Encourage lighting techniques and systems that conserve energy; and

(e) Reduce development impact on nighttime environments.

20-1502 Applicability

No person shall install or revise any light fixture, including changing luminaires to a higher lumen or wattage, unless the fixture meets the standards and requirements of this section with the exception of the following:

(a) Emergency lighting used by police, fire fighting, or medical personnel, or at their direction;

(b) Public street lights are subject to all applicable standards of the Kansas Department of Transportation and the City Municipal Services and Operations Department;

(c) Holiday lighting;

(d) Lighting for temporary special events lasting less than 14 consecutive days, provided the lighting is turned off within 30 minutes after the last event of each day;

(e) Airport lighting; and

(f) Lighting for wireless facilities.

20-1503 Prohibited Lighting

The following types of exterior lighting are prohibited:

(a) Any lighting that could interfere with the safe movement of motor vehicles, bicycles, or pedestrians on public or private streets;

(b) Searchlights and rotating beacons;

(c) Laser, strobe, and or flashing light sources or any similar high intensity light for outdoor advertising or entertainment;

(d) Mercury vapor and low-pressure sodium lighting.

20-1504 Photometric (Exterior Lighting) Plan Required

A photometric plan shall be submitted to the Director whenever exterior lighting is to be installed, replaced with different fixtures, or whenever Site Plan, Special Use Permit, or Development Plan review is required. The photometric plan shall be reviewed to determine whether the proposed exterior lighting complies with the standards of this section.

20-1505 General Lighting Standards

(a) Light Confinement

(1) All exterior lights shall, to the maximum extent practicable, be designed and located to confine emitted light (from the source and the fixture reflectors) to the property on which the light is located and not be directed upwards to the sky.

(2) If lighting is directed upward, the following standards apply:

(A) All upward aimed light fixtures shall be fully shielded, and fully confined from projecting into the sky;

(B) Landscape up-lighting is permitted on deciduous species only during the season when the plants are fully leafed.

(3) All lighting with1,600 lumens or above shall use full cutoff fixtures that confine lighting to the subject site and shield the light source so that it is not visible to an observer at any property line. In cases where topography makes it difficult to confine lighting, effort shall be made to minimize light intrusion to the maximum extent practicable.

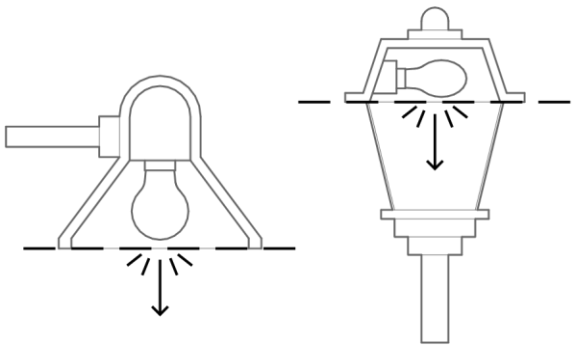


Fig. 20-15-A. Example of Required Light Cutoff

(4) Outdoor light sources that are located along a walkway or sidewalk should be shielded from the walkway or sidewalk.

(b) LED Standards

(1) Color-Correlated Temperature

All LED lights shall have a color-correlated temperature (CCT) of 3,000 Kelvin or less. The CCT of lighting may exceed 3,000 Kelvin if the Director determines that accurate color rendition is necessary for public safety. In no case shall the CCT of the lighting exceed 5,000 Kelvin.

(2) Backlight/Uplight/Glare (BUG) Standards

A BUG rating stands for backlight, uplight, and glare, each of which is further defined in Section 20-1903. BUG ratings range from 0 to 5 and control the direction and manner in which light is emitted from a fixture. A lower BUG rating indicates lower potential for light pollution and obtrusive light. All LED lights shall meet the following BUG standards for their specific area:

(A) Low Intensity

Low-intensity areas include land within the following zoning districts: R-1, R-2, and P-2.

Table 20-15-1: Low Intensity BUG Requirements

Location of Lighting	B (Backlight)	U (Uplight)	G (Glare)
Less than 0.5 the mounting height from property line	0	0	0
0.5 to 1 mounting height from property line	1	0	0
Greater than 1 up to 2 mounting heights	2	0	0
Greater than 2 mounting heights	3	0	0

(B) Medium Intensity

Medium-intensity areas include land within the following zoning districts: R-3, R-4, R-5, M-1, M-2, IBP, and P-1.

Table 20-15-2: Medium Intensity BUG Requirements

Location of Lighting	B (Backlight)	U (Uplight)	G (Glare)
Less than 0.5 the mounting height from property line	0	0	0
0.5 to 1 mounting height from property line	2	0	0
Greater than 1 up to 2 mounting heights	3	0	1

Table 20-15-2: Medium Intensity BUG Requirements			
Location of Lighting	**B (Backlight)**	**U (Uplight)**	**G (Glare)**
Greater than 2 mounting heights	4	0	2

(A) High Intensity

High Intensity areas include land within the following zoning districts: CC, M-3, IL, and IG.

Table 20-15-3: High Intensity BUG Requirements			
Location of Lighting	**B (Backlight)**	**U (Uplight)**	**G (Glare)**
Less than 0.5 the mounting height from property line	0	0	0
0.5 to 1 mounting height from property line	2	0	0
Greater than 1 up to 2 mounting heights	3	0	1
Greater than 2 mounting heights	4	0	2

(c) Light Fixtures

(1) All full cutoff lighting fixtures, both pole and building mounted, shall be mounted perpendicular to the pole or building to avoid uplighting or off-site glare.

(2) Building-mounted neon lighting is allowed only when recessed or contained in a cap or architectural reveal.

(3) Lighting shall be flush-mounted or encased to minimize light trespass and glare.

(4) Outlining the roof or building in neon tubing is prohibited.

(5) Under-canopy or downcast, roof-mounted lights shall be recessed from the lowest point of the ceiling plane, so that the luminaires are not visible, and shall not exceed a maximum of 20 footcandles.

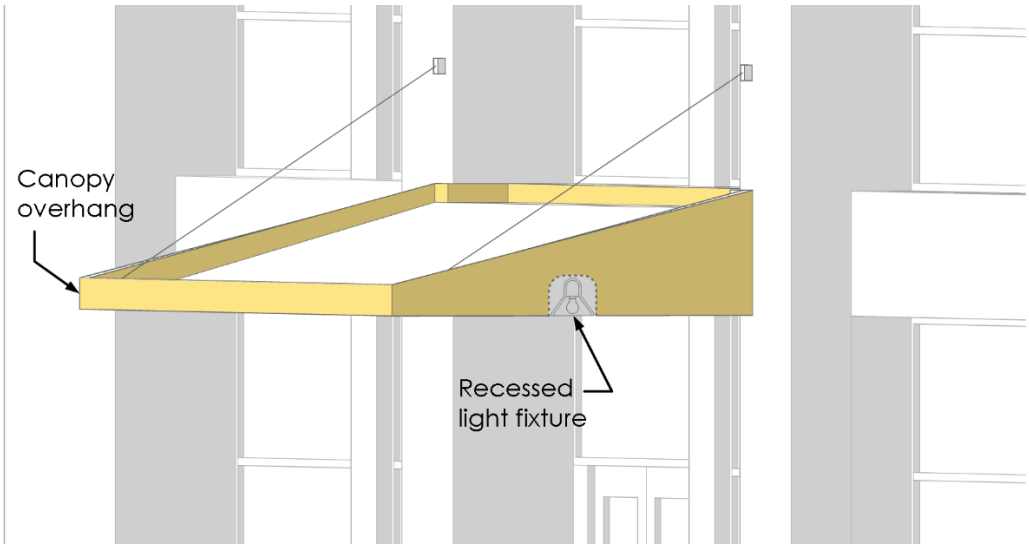


Fig. 20-15-B. Example of Under-Canopy Lighting

(d) Spillover Light

Spillover light is measured at grade and shall comply with the following maximum light output levels:

(1) Spillover light onto any residentially zoned property shall not exceed 0.2 footcandles, measured at the residential lot line.

(2) Spillover light onto any non-residentially zoned property shall not exceed 1.0 footcandle, measured at the lot line of the illuminated site. This requirement does not include lot lines that front on a public or private street where right-of-way lighting is in place.

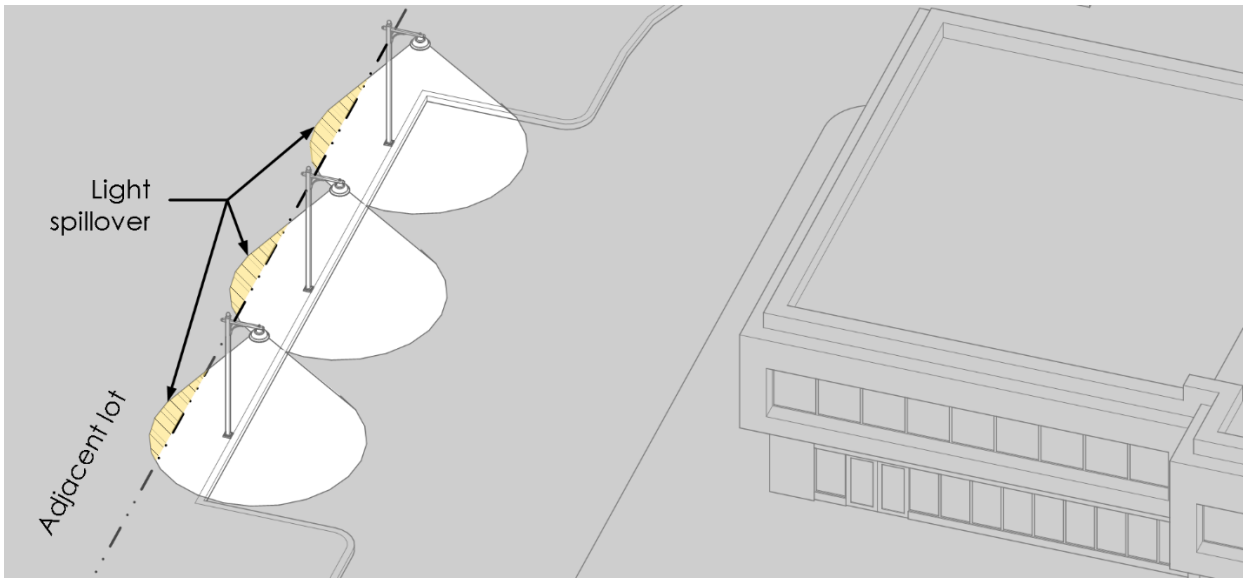


Fig. 20-15-C. Spillover Light Requirements

(e) Lighting Controls

Lights shall remain off between 11:00 p.m. and sunrise except for security purposes or to illuminate walkways, driveways, equipment yards, and parking lots.

20-1506 Lighting Standards for Specific Uses or Areas

(a) Parking Lot Lighting

(1) Average luminance values in surface parking areas shall be a minimum of one footcandle and a maximum of three footcandles.

(2) Parking lot poles shall not exceed 30 feet in height. Parking lot light poles and fixtures of the same style, height, color, and intensity of lighting shall be maintained throughout the development area to the maximum extent practicable. The Director may approve varying styles of fixtures if it is demonstrated that the styles contribute to an overall theme for the area.

(b) Pedestrian-Scale

(1) Pedestrian pathways, connections, and building entryways shall be reinforced with pedestrian scale lighting, bollard lighting, and/or accent lighting to aid in pedestrian way-finding to the maximum extent practicable.

(2) Pedestrian areas shall be illuminated to a minimum of one footcandle.

(c) Outdoor Entertainment and Spectator Sport and Active Recreation Uses

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreation uses are exempt from Section 20-1505, General Lighting Standards and are instead subject to the following standards:

(1) Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.

(2) No flickering or flashing lights are permitted.

(3) Lights may not be illuminated after 11:30 p.m.

(4) Photometric plans must be provided with the proposal to allow for evaluation of glare, light levels, and spillover light. As-built photometric plans are also required upon the completion of the project.

(5) Lighting shall be designed, to the maximum extent practicable, to minimize adverse impacts on traffic safety and nuisance impacts on residentially zoned property.

(6) Mitigation, when necessary, can be required via extra landscaping, earlier shut-off times for the lights, the use of cutoff fixtures or shields (where practicable), any combination of these, or other techniques as determined by the Director.

(d) Protected Wildlife Habitat, Environmentally Sensitive Lands, or Open Space

If exterior lighting fixtures are installed within or adjacent to protected wildlife habitat, environmentally sensitive lands including, but not limited to woodland and prairie environments, or open space, the following shall apply:

(1) Lighting for projects requiring approval of a Site Plan, Special Use Permit, or Development Plan shall be designed so public areas are lit adequately for safety, while minimizing the impact on the protected area.

(2) The Planning Director shall review lighting plans to ensure safe lighting levels are provided with minimal encroachment or impact to the protected area.

(3) All lights, regardless of lumen level or wattage, shall be fully cut-off or fully shielded to reduce impact on protected area, wherever possible.

(4) Light fixtures shall be mounted as low as practicable to minimize spillover light.

(5) If LED lighting is used, the BUG rating may not exceed that shown in the chart below:

Table 20-15-4: Wildlife Habitat or Open Space BUG Requirements

Location of Lighting	B (Backlight)	U (Uplight)	G (Glare)
Less than 0.5 the mounting height from property line	0	0	0
0.5 to 1 mounting height from property line	0	0	0
Greater than 1 up to 2 mounting heights	1	0	0
Greater than 2 mounting heights	1	0	0

Article 16. Administration and Procedures

20-1601 Review and Decision-Making Bodies

(a) Planning Commission

(1) Joint Planning Commission Created

(A) The creation of the Lawrence-Douglas County Metropolitan Planning Commission as authorized by K.S.A. 12-744 through 747, as amended, is hereby reaffirmed.

(B) The term "Planning Commission" as it appears throughout this LDC means the Lawrence-Douglas County Metropolitan Planning Commission.

(C) Nothing in this section shall be construed to abolish or to affect the authority of the County Board of Zoning Appeals or the Lawrence City Board of Zoning Appeals.

(2) Membership

(A) The Planning Commission shall consist of 10 members, five of whom shall be appointed by the Governing Body and five by the Chair of the Douglas County Board of Commissioners

(B) 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.

(C) The term of a member of the Planning Commission shall commence on the 1st day of June in the year in which they are appointed.

(D) Every member of the Planning Commission shall be a resident of Douglas County and shall hold no salaried or elected office with either the City or County government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties.

(3) Meetings; Officers

(A) The Planning Commission shall elect officers and determine times and places of future meetings. The Planning Commission shall meet at least once a month.

(B) The Planning Commission shall elect one member as chairperson and one member as vice-chairperson.

(C) The terms of the chairperson and vice-chairperson shall be for one year or until a successor shall have been elected and qualified.

(D) Special meetings of the Planning Commission may be called by the chairperson, or in the chairperson's absence, by the vice chairperson.

(E) The Planning Director shall serve as secretary of the Planning Commission.

(F) A quorum of the Lawrence-Douglas County Metropolitan Planning Commission shall consist of six members.

(4) Powers; Duties

(A) The Planning Commission shall have such powers and duties as are authorized by state law and provided for in this section. As a primary function the Planning Commission shall be responsible for the preparation, adoption, and maintenance of long-range comprehensive plans and other plans to guide the future development of the Lawrence-Douglas County land area.

(B) The Planning Commission shall see that the comprehensive and other plans are altered as necessary to serve as a continuous guide to future long range planning. At least once each year, the Planning Commission shall review or reconsider the plans or any part thereof and may propose amendments to the same. The procedure for adoption of any amendment shall be the same as required for the adoption of the original plan.

(C) The Governing Body members shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City; and the Board of County Commissioners shall exercise similar authority over the unincorporated area of Douglas County, Kansas. However, the Planning Commission shall inform both governing bodies of recommendations made to either of them, and it may recommend that they meet in joint session to consider matters that appear to call for parallel legislation.

(D) The comprehensive and other plans, and any amendments to the plans, shall become effective upon publication of the respective adopting ordinance by the Governing Body. An attested copy of the comprehensive and other plans and amendments thereto shall be sent to all other taxing subdivisions in the planning area that request a copy of such plans.

(E) 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 Governing Body and Douglas County Board of Commissioners, and of the governing authority of the other governments concerned.

(5) Annual Budget

(A) The Board of County Commissioners and the Governing Body 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.

(B) The City 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.

(b) Board of Zoning Appeals

(1) Appointment

A Board of Zoning Appeals is hereby created.

(A) The Board of Zoning Appeals shall consist of seven members to be appointed by the Governing Body. All of the members of the Board of Zoning Appeals shall be residents of the City. None of the members shall hold any other public office of the City. A member shall be appointed for a term of three years.

(B) It is specifically provided that on the Effective Date the Board of Zoning Appeals, as was legally in existence immediately prior to the Effective Date, shall be constituted as the Board of Zoning Appeals hereby created, and the terms of the then members of the Board of Zoning Appeals shall expire on the same dates as were established at the time of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. After that time, all appointments shall be made for a term of three years.

(2) Replacement of Board of Zoning Appeals Members

A member of the Board of Zoning Appeals, once qualified, can be removed during their 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 their term, a successor shall be appointed by the Mayor and confirmed by the Governing Body to serve their unexpired term.

(3) 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.

(4) 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.

(5) Bylaws and Meetings

(A) The Board of Zoning Appeals may prepare bylaws to govern its proceedings in accordance with the provisions of this section. The bylaws must be approved by the Governing Body.

(B) Meetings of the Board of Zoning Appeals shall be held as needed, when action by the BZA is required. All meetings of the Board of Zoning Appeals shall be held at a place or places within the City as the Board of Zoning Appeals may designate and shall be open to the public.

(C) The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board of Zoning Appeals, decisions of the Board of Zoning Appeals, and the vote upon each question. Records of all official actions of the Board of Zoning Appeals shall be filed with the Director.

(6) Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall administer the details of appeals from the provisions of this LDC (except for the provisions of Section 20-706, PD: Planned Development District and Article 11, Subdivision Regulations), or other matters referred to it regarding the application of this LDC. In exercising these powers, the Board of Zoning Appeals, in conformity with the provisions of this LDC, 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 direct the issuance of a permit.

(7) Powers Specified Elsewhere in this LDC

The Board of Zoning Appeals shall also have those powers and duties specifically set forth in other parts of this LDC.

(8) Quorum of the Board of Zoning Appeals

A quorum of the Board of Zoning Appeals is four members of the seven member Board. If a meeting is called and a quorum is not present at the specified meeting time, the chairperson of the Board or their designee shall immediately declare a lack of quorum and a new meeting date shall be schedules, with time for continuance of the published meeting and public hearings.

(9) Tie Vote of the Board of Zoning Appeals

A tie vote of the Board of Zoning Appeals or the lack of approval of a motion by a majority of members present and voting shall be considered a denial of the appeal request.

(c) Director of Planning and Development Services

The Director of Planning and Development Services (Director) shall be responsible for the administration of this LDC at the direction of the City Manager, and is vested with the power necessary for the administration including but not limited to the authority to perform those duties and to make each of those decisions shown as duties of the Director in Table 20-16-3: Summary Table of Review Procedures and described in Article 16, Administration and Procedures.

(d) Floodplain Administrator

(1) Designation of Floodplain Administrator

The Director is appointed as the Floodplain Administrator to administer and implement the provisions of the FP district through Section 20-1303, Floodplain Management Regulations.

(2) Duties and Responsibilities of Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to:

(A) Review of all applications for Floodplain Development Permits to assure that the requirements of Section 20-1303 have been satisfied;

(B) 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 Section 20-1303 have been satisfied;

(C) Issue Floodplain Development Permits for all approved applications;

(D) 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);

(E) Verify through an "Elevation Certificate" and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, of all new, substantially improved or cumulatively improved residential structures;

(F) Verify through an "Elevation Certificate" the actual elevation (in relation to Mean Sea Level) that the new, substantially improved or cumulatively improved non-residential structures have been floodproofed;

(G) Maintain a record of the actual elevation (in relation to mean sea level) that the new, substantially improved or cumulatively improved nonresidential structures have been flood-proofed; and

(H) When floodproofing techniques are utilized for a particular nonresidential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

20-1602 Summary of Procedures

(a) Organization

(1) General

The administration of land development processes and permits is divided into three categories and described in this section.

(A) General Review Procedures – Section 20-1603

(B) Specific Procedures: Governing Body or BZA Decision - Section 20-1604

(C) Specific Procedures: Administrative Decision - Section 20-1605

(2) General Review Procedures

(A) The following requirements are common to many of the procedures contained in this LDC.

Table 20-16-1: General Review Procedures

General Review Procedure	Section
Pre-Application Conference	20-1603(a)
Application Outreach Meetings	20-1603(b)
Application Submittal	20-1603(c)
Application Review	20-1603(d)
Complete Application with Changed Status	20-1603(e)
Administrative Determination	20-1603(f)
Public Notice and Hearing Requirements	20-1603(g)
Review, Recommendation, and Decision	20-1603(i)
Post-Decision Modification or Amendment	20-1603(j)
Extension and Lapsing of Approvals	20-1603(j)(2)
Revocation	20-1603(j)(3)
Appeal	20-1603(k)(1)
Guarantees and Performance Agreements	20-1603(m)
Agreement Not to Protest Formation of a Benefit District	20-1603(n)
Required Plans and Studies	20-1606

(B) Applications are typically processed in accordance with the steps shown in in the flowchart below. Additional details may be included in each specific procedure.

(3) Specific Procedures

Sections 20-1604 and 20-1605 provide the application-specific requirements for review and submission of each type of application or permit available. They are organized into two subcategories based on the decision-maker.

Table 20-16-2: Specific Procedures	
Specific Procedure	**Section**
Governing Body or BZA Decision	
Appeal of Administrative Decision	20-1604(a)
Planned Development (PD)	20-1604(b)
Preliminary Development Plan	20-1604(b)(3)
Final Development Plan	20-1604(b)(4)
Special Use	20-1604(c)
Text Amendments	20-1604(d)
Zoning Map Amendment (Rezoning)	20-1604(e)
Zoning Variances	20-1604(f)
Administrative Decision	
Administrative Adjustment	20-1605(b)
Administrative Determination	20-1605(c)
Floodplain Development Permit	20-1605(d)
LDC Interpretation	20-1605(e)
Site Plan	20-1605(g)

(b) Summary of Specific Application Steps

Table 20-16-3 summarizes the individual development application procedures in this LDC and identifies whether pre-application and neighborhood meetings are required. Exceptions to these general rules apply and may be specified in the regulations for the individual application procedure.

Table 20-16-3: Summary Table of Review Procedures

Application Type	Section	Meetings		Review and Decision-Making Bodies			
		Pre-App	Out-reach Meet-ing	Staff	PC	GB	BZA
Key	**✓ = Required 👥 = Public Hearing SR = Staff Report R = Review & Recommend D = Decide A = Appeal**						
Governing Body or BZA Decision							
Appeal of Administrative Decision	20-1604(a)	✓					D 👥
Planned Development (PD)	20-1604(b)						
Preliminary Development Plan	20-1604(b)(3)	✓	✓	SR	R 👥	D 👥	
Final Development Plan	Administrative decision, see below						
Final Development Plan Amendments	20-1604(b)(4)(F)	✓		SR		D	
Special Use	20-1604(c)	✓		SR	R 👥	D 👥	
Text Amendment	20-1604(d)	✓		SR	R 👥	D 👥	
Zoning Map Amendment (Rezoning)	20-1604(e)	✓		SR	R 👥	D 👥	
Zoning Variance	20-1604(f)	✓		SR			D 👥
Subdivision procedures are located in Section <>.							
Administrative Decision							
Administrative Adjustment	20-1605(b)			R, D			A [1]
Administrative Determination	20-1605(c)			R, D			A [1]
Floodplain Development Permit	20-1605(d)			R, D [2]			A [1]
LDC Interpretation	20-1605(e)			R, D			A [1]
Site Plan	20-1605(g)			R, D		A	

Notes
[1] Appeal of an Administrative Determination Section 20-1604(a)
[2] Floodplain Administrator

(c) User's Guide

The Director may compile or explain the requirements for application contents, forms, fees, submission materials, and review schedule in a User's Guide, which shall be made available to the public. The User's Guide may be amended and updated as needed.

(d) Electronic Permitting and Licensing System

Actions required by this LDC may be made within the City's online permitting and licensing system, where allowed by that system. If the online permitting and licensing system does not acknowledge a specific requirement, such as providing a specific option for making a time extension request, the applicant is responsible for ensuring the request has been submitted in the correct format to the correct recipient in a timely manner. That may include submitting a request outside of the online permitting and licensing system, such as via email. Requests made in document notes or other non-request-specific locations shall not be considered by the City.

20-1603 General Review Procedures

(a) Pre-Application Conference

(1) Purpose

(A) The purpose of the pre-application conference is to provide an opportunity for the applicant and the City to discuss the development concept prior to the application submission for a project or permit in order to:

(i) Determine the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);

(ii) Provide the applicant with application materials and inform the applicant of submittal requirements;

(iii) Provide the applicant with an estimated time frame for the review process;

(iv) Discuss generally compliance with the comprehensive plan, applicable area plans, zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;

(v) Discuss the need for a neighborhood meeting and, where applicable, define the area for notice requirements; and

(vi) Engage the applicant in conversation with other departments or agencies to discuss potential significant issues prior to application submittal.

(B) Pre-application conferences are informational for the applicant and are not open to the public.

(2) Applicability

(A) A pre-application conference is required for any application that requires a public hearing. Pre-application conferences are also required when identified in the specific procedure.

(B) Pre-application conferences are recommended for all applications.

(3) Scheduling

(A) Applicants shall schedule a pre-application conference at least two weeks prior to the proposed pre-application meeting date.

(B) The pre-application conference shall be held at least seven business days before application submission.

(C) The applicant shall provide a sign-in sheet for meeting attendees to sign and is encouraged to take two-to-three photographs of the meeting to submit with the application.

(D) Where a pre-application conference is required for a specific application type, the application shall be filed within one year of the meeting or a new pre-application conference is required.

(4) Record and Effect

(A) The City is not responsible for making or keeping a summary of the general topics discussed at the pre-application conference.

(B) A pre-application conference is advisory only and does not constitute or effect approval of any aspect or item of an application.

(b) Application Outreach Meetings

(1) Purpose

Application outreach is intended to:

(A) Inform neighboring property owners of the details of a proposed development;

(B) Identify how the developer intends to meet the standards contained in this LDC; and

(C) Allow the applicant to receive preliminary public comment on the proposal.

(2) Applicability

(A) An application outreach meeting is required as indicated in Table 20-16-3, and is optional for all other applications.

(B) An applicant may request that the Director waive this step. The applicant shall provide a short narrative explaining why the project will have little potential to create material negative impacts on the surrounding

neighborhood. If the Director waives a required outreach meeting, the Director will provide the applicant with a written explanation of the reasons why the meeting was waived for inclusion with the project application.

(3) Notice

(A) For purposes of this section, all properties located within a radius of 500 feet of any portion of the project are considered "the neighborhood." Notice shall also be provided to organized groups that have registered with the City, such as a homeowners' association, condominium association, neighborhood group, or any member's lot or parcel within 1,000 feet of the project.

(B) The applicant shall provide a draft of the written notice for the outreach meeting to the Director for approval at least 14 business days before the meeting. The notice shall include the following:

(i) Date, time, place, virtual access information; and

(ii) Subject of the meeting.

(C) Once the notice has been approved the application shall:

(i) Mail the notice to every address in the area identified at the pre-application meeting, as well as to the Planning and Development Services Office.

(ii) Provide courtesy electronic notice to any affected organizations that request notification from the Planning and Development Services Office. A copy of the meeting notice shall be attached to the electronic notice to allow additional distribution within the organization.

(iii) Post a copy of the notice on the site and, where available, in at least two locations in or within 1,000 feet of the outreach area that are open to the public, such as a community notice board in a grocery store or coffee shop.

(iv) If the applicant or project has a website, post a copy of the notice on the website.

(D) The notice must be mailed/emailed no later than 10 calendar days prior to the meeting date.

(E) Planning and Development Services staff are not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the application outreach meeting.

(4) Procedures

(A) Meeting Time and Procedure

(i) The applicant may conduct an in-person, virtual, or hybrid meeting. The applicant will provide sufficient space for an in-person meeting in a

location that is reasonably accessible from the project site. Meetings may not be scheduled between 9:00 am and 4:00 pm on weekdays.

(ii) A required application outreach meeting must be held 180 days or fewer before the application is submitted.

(B) Meeting Content and Conduct

(i) At the meeting, the applicant shall present a concept plan, describe project impacts, describe ways to mitigate impacts, facilitate a discussion, and answer questions during the meeting.

(ii) The concept plan shall, at a minimum, delineate access to the site, internal circulation, the range of density of the entire property or the maximum intensity (square footage and stories for all buildings).

(iii) The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments.

(5) Information Provided with Application

The following information shall be included with the application submittal:

(A) A written list of names and addresses of those given notice, how notice was provided, and meeting participants.

(B) A written summary of the meeting including all public comments.

(c) Application Submittal

(1) Form

(A) Applications shall be submitted as required by and on the Planning and Development Service's application forms or via the online permitting and licensing system.

(B) The Director may waive application submittal requirements in order to reduce the burden on the applicant and tailor the requirements to the information required to review a specific application. The applicant shall make a written request identifying the specific submission items to be waived and why, and the Director may waive the requirements on a finding of all of the following:

(i) The applicant shows good cause for the requested waiver;

(ii) The project size, complexity, anticipated impacts, or other factors support a waiver;

(iii) The waiver does not compromise a proper and complete review; and

(iv) The information is not material to describe the proposal or demonstrate compliance with approval criteria.

(2) Fees

(A) Applicants shall pay all required fees as calculated to recoup the costs of services provided by the City before the Director will start a completeness review.

(i) Fees are not required for applications initiated by review or decision-making bodies.

(ii) Application fees are nonrefundable.

(B) In addition to fees set forth in the City fee schedule, the following fees shall apply to actions taken on a complete application:

(i) Withdrawn Application: All fees are forfeited in the event the City has incurred any expense related to the application. If the application is refiled within 180 calendar days a resubmittal fee must be paid. The submission fee shall be paid again in full if the application is resubmitted after six months.

(ii) Continuance of Application: Payment of fees may be required to cover the cost of additional notice.

(iii) Reapplication: Payment of fees shall be required for a reapplication where a previous application has been denied.

(iv) Modification or Revision of Approved Plans

(a) Minor modifications: An application for Administrative Adjustment and payment of the associated fee is required.

(b) Major modifications: Any requested modifications that do not qualify for Administrative Adjustment shall be considered major modifications. A new application is required along with the associated application fee.

(3) Who Can File an Application

(A) Applications for review and approval may be initiated by:

(i) All the owners or any other person with a recognized property interest in the land on which development is proposed;

(ii) The owners' authorized agent; or

(iii) Any review or decision-making body.

(B) Limitations on who can file an application may be provided in specific procedures.

(4) Complete Application

(A) A complete application is one that contains all of the information, materials, and fees required by (1) and (2), above.

(B) The Director shall review the application within seven days of receipt to determine whether it includes all information required for processing.

(i) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this section.

(ii) If an application does not include all of the required information it will be deemed incomplete. The City will not process or review incomplete applications.

(iii) If the application is deemed incomplete, the Director shall provide written notice to the applicant and the applicant's agent. The notice shall include an explanation of the application's deficiencies.

(iv) The applicant shall have 180 days to revise an incomplete application.

(a) When the deficiencies are corrected, the application will be placed in the next processing cycle.

(b) If the deficiencies are not corrected by the applicant within 60 days, the application will be considered inactive and expired.

(d) Application Review

(1) Application Processing Cycles

The Director may, after consulting with review and decision-making bodies, establish processing cycles for applications that identify:

(A) Deadlines for receipt of complete applications;

(B) Dates of regular meetings including pre-application conferences;

(C) The scheduling of staff reviews and staff reports on complete applications; and

(D) Any required timeframes for action by review and decision-making bodies.

(2) Staff Review and Report

An application shall be reviewed by City staff and other appropriate external agencies for compliance with applicable regulations, laws, and policies. Staff review will include compliance with the review criteria for the application type. Upon completion of staff review, the staff shall provide their comments in writing to the applicant.

(3) Agency and Department Comments

External agency reviews will be advisory in character and do not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

(4) Insufficient Application and Revisions

(A) The Director may require that applications be revised before being placed on the Planning Commission or Governing Body agenda:

(i) The application substantially fails to comply with applicable LDC standards;

(ii) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of LDC compliance;

(iii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of LDC compliance;

(iv) The application cannot be approved without a Variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.

(B) Applicants shall have 180 days to resubmit revised documents to address comments from the City or the application shall be considered inactive and expired.

(C) Review of Response

Following a resubmission, the Director shall determine if sufficient information has been provided to make an administrative determination or schedule the application for a hearing. If the application is still insufficient, the applicant shall be notified and allowed additional resubmittals and responses, pursuant to the same timeframes as the original response before the Director again reviews and decides whether the application is sufficient.

(D) Final Report

The staff's written report and recommendations shall be made publicly available at least three calendar days before public review.

(5) Expired Applications

(A) An application submitted to the City for review must be diligently pursued in good faith and processed by the applicant or it shall be considered inactive and expired. Diligent pursuit may be identified by compliance with the following:

(i) Prompt response, and in no case any longer than 180 days, to City questions and information requests;

(ii) Applicant attendance at scheduled meetings regarding the application; and

(iii) Where applicable, processing of related approvals or permits from other departments or agencies.

(B) When an application has been inactive for 180 days or more, as evidenced by failure of the applicant to respond to a direct request from staff about the status of the application, the Director may determine that the application is inactive and expired.

(C) Any further action on the project shall require submittal of new application and fees.

(6) Inaction by Director

Action or inaction by the Director under this section may be appealed to the Board of Zoning Appeals. A determination of inaction must be triggered by a request from an applicant or aggrieved party for Director action.

(e) Complete Applications with Changed Status

(1) Deferral

(A) An applicant may submit a written request for deferral from a Planning Commission agenda at any time prior to inclusion of a staff report in a posted agenda packet.

(B) Once a staff report is included in a posted agenda packet, Planning Commission action is required to defer an item.

(C) If an item is deferred by the applicant for more than 90 days, the applicant shall provide an updated property ownership list from the County Clerk's office and pay the cost of republication of legal notice. If an item is deferred by the Planning Commission, no republication fee will be charged.

(2) Continuation of Public Hearings

(A) A public hearing for which proper notice was given may be continued by the reviewing or decision-making body to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.

(B) If a public hearing is tabled or deferred by the reviewing or decision-making body for an indefinite period of time or postponed more than three months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.

(C) The applicant who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

(3) Withdrawal

Withdrawal of an application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded.

(f) Administrative Determination

Applications that are subject to administrative determination are reviewed pursuant to Section 20-1605.

(g) Public Notice and Hearing Requirements

(1) Purpose

Public notice allows the City to comply with legal requirements for due process (the opportunity to be heard) and identifies opportunities for community input.

(2) Applicability

(A) Notice shall be provided as required by Table and all costs to provide notice shall be paid by the applicant.

(B) The Director may determine based on the scope or nature of the project that additional notice shall be provided, which shall be done at the applicant's cost.

(C) If a project requires action on several applications at the same hearing, the Director may provide for a single, combined notice.

(3) Notice Required

(A) Applications for development shall comply with Kansas law and the provisions of this section with regard to public notification. The required notice for each application type is identified in Table 20-16-4. Application-specific notice requirements are located in the section for the specific application types.

(B) No public notice shall be made for incomplete, insufficient, or applications requiring additional revisions and review. If an incomplete or insufficient application is inadvertently noticed, it shall be removed from the applicable meeting agenda.

Table 20-16-4: Summary Table of Notice Requirements

Specific Procedure	Notice Public hearing notice provided at least 20 days prior to hearing		
	Mailed	News-paper	Posted on Site
Governing Body or BZA Decision			
Appeals of Administrative Decision	✓	✓	
Floodplain Development Permit			

Table 20-16-4: Summary Table of Notice Requirements			
Specific Procedure	**Notice** Public hearing notice provided at least 20 days prior to hearing		
	Mailed	**News-paper**	**Posted on Site**
Planned Development (PD)			
Preliminary Development Plan	✓	✓	✓
Final Development Plan	✓		
Final Development Plan Major Amendment	✓	✓	✓
Special Use	✓	✓	✓
Text Amendment		✓	
Zoning Map Amendment (Rezoning)	✓	✓	✓
Zoning Variance	✓	✓	
Administrative Decision			
Administrative Adjustment			
Administrative Determination			
Floodplain Development Permit			
LDC Interpretation			
Planned Development (PD)			
Final Development Plan Minor Amendment			
Site Plan	✓		

(4) Content

(A) Newspaper and Mailed Public Hearing Notice

All newspaper and mailed notices shall include:

(i) The date, time, and place of the public hearing or date of action that is the subject of the notice;

(ii) A description of the property involved in the application by street address or by general description;

(iii) A brief narrative of the nature, scope, and purpose of the application; and

(iv) Information, including an electronic link where possible, about where additional information on the matter can be obtained.

(B) Posted Notice

All posted notices shall be labeled Development Activity Proposal and include:

(i) The date, time and place of the public hearing or date of action that is the subject of the notice;

(ii) Information, including an electronic link where possible, about where additional information on the matter can be obtained.

(5) Distribution

(A) Newspaper Notice

When newspaper notice is required, the City shall publish notice in the official City newspaper. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

(B) Mailed Notice

Mailed notice shall be provided as follows:

(i) Owner Notice; Radius

The Director shall mail notice to the record owner of the subject property and all owners of property located within 400 feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

(ii) Notice to Registered Neighborhood Associations

The Director shall mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

(iii) Ownership Information

The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) Timing of Notice

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive the notice will not be grounds to invalidate any action taken.

(v) Mailing Fee Established

From time to time, in order to recover mailing and notification costs incurred by the City hereunder, the Governing Body may establish a reasonable mailing fee. The mailing fee shall be paid by the applicant.

(C) Posted Notice

Posted notice shall be provided by the applicant as follows.

(i) Posted notice shall be in the form of official signs provided by the City.

(ii) Posted notice shall be clearly visible to neighboring residents and passers-by from each public street bordering the subject property. At least one sign shall be posted on each street frontage. The Director may require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 linear feet of street frontage may be required.

(iii) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.

(iv) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through act of God, vandalism, defect in installation or vegetative growth.

(v) Failure to properly post or maintain notice signs is grounds for deferral or denial of the application.

(vi) The applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven days prior to the scheduled public hearing, meeting, or date of action that is the subject of the notice. Failure to make timely delivery of this affidavit to the Director shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the Planning Commission.

(vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn.

(viii) The Director is authorized to approve an alternative form of posted notice that will be visible to passers-by for applications on property that does not abut a public street.

(h) Public Comment

Following the provision of public notice, the public may submit written statements regarding a specific application that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the application file.

(i) Review, Recommendation, and Decision

(1) Burden of Proof

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

(2) Protest Petition

A protest petition may be filed following the close of the Planning Commission public hearing where allowed in specific procedures.

(i) A valid protest petition opposing an application may be submitted to the City Clerk within 14 days of the conclusion of the Planning Commission's public hearing.

(ii) A protest petition will be considered valid if it is signed by the owner(s) of 20 percent or more of:

(a) Any real property included in the application; or

(b) The total area of real property located within 200 feet of any real property included in the proposed amendment (or 1,000 feet into the unincorporated area when the real property included in the proposed amendment abuts the City limits), excluding streets and public ways.

(iii) In the case of joint ownership, all owners shall sign the petition.

(iv) Property owned by the applicant or owned by a different property owner who has not opposed the application in writing shall be excluded when calculating the total real property within the area required to be notified.

(3) Action by Review Bodies

(A) Review bodies may take any action that is consistent with:

(i) The regulations of this LDC;

(ii) The City's adopted comprehensive plan, including specific area plans, corridor plans, and topic plans such as the Climate Action Plan;

(iii) Any by-laws that may apply to the review body; and

(iv) The notice that was given.

(B) The review body's action may include recommending any of the following:

(i) Approval of the application,

(ii) Approval with modifications or conditions, or

(iii) Disapproval of the application.

(C) The review body may recommend conditions, modifications, or amendments if the effect of the condition, modification, or amendment:

(i) Allows a less intensive use or zoning district than indicated in the application per Table 20-16-5: Table of Lesser Zoning District Changes;

(ii) Reduces the impact of the development as a means to mitigate potential adverse impacts that could be expected to occur without the conditions and may include restricting or limiting uses;

(iii) Limits or restricts uses permitted in a base zoning district; or

(iv) Reduces the amount of land area included in the application.

(D) The review body may recommend that the application be approved conditionally:

(i) Upon the execution of a development agreement acceptable to the City Attorney and/or,

(ii) Compliance with adopted City specifications, manuals, or standards.

(E) Review bodies may not:

(i) recommend a greater density of development; or

(ii) a more intensive use or a more intensive zoning district than was indicated in the public notice.

(F) The following actions apply when an application is remanded to the reviewing body for further review:

(i) The reviewing body may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.

(ii) If the reviewing body fails to deliver its recommendations to the next regular meeting of the decision-maker after receipt of the remand and consideration at a regular meeting of the reviewing body, the decision-maker will consider that as a resubmission of the original recommendations and proceed accordingly.

(4) Action by Decision-Making Bodies

(A) The decision-making body may act by a simple majority vote except for Governing Body action that is contrary to the Planning Commission's recommendations, in which case the action shall be by a 2/3 majority vote of the full membership of the Governing Body.

(B) Decision-making bodies may take any action that is consistent with the following:

(i) The regulations of this LDC;

(ii) The City's adopted comprehensive plan, including specific area plans, corridor plans, and topic plans such as the Climate Action Plan;

(iii) Any by-laws that may apply to the decision-making body; and

(iv) The notice that was given.

(C) The decision-making body's action may include any of the following:

(i) Approving the application,

(ii) Approving the application with modifications or conditions,

(iii) Denying the application, or

(iv) If there was a reviewing body, remanding to the review body with instructions for further consideration.

(D) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification, or amendment:

(i) Is to allow a less intensive use or Zoning District than indicated in the application per Table 20-16-5: Table of Lesser Zoning District Changes;

(ii) To reduce the impact of the development as a means to mitigate potential adverse impacts that could be expected to occur without the conditions and may include restricting or limiting uses;

(iii) Limit or restrict uses permitted in a base zoning district; or

(iv) Is to reduce the amount of land area included in the application.

(E) The decision-making body may approve the application upon the condition that:

(i) The applicant executes a development agreement acceptable to the City Attorney; and/or

(ii) Compliance with adopted City specifications, manuals, or standards.

(F) Decision-making bodies may not:

(i) Approve a greater density of development;

(ii) A more intensive use; or

(iii) A more intensive Zoning District than was specified in the public notice.

(5) Conditions of Approval

When review bodies are allowed to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions precedent to final approval are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions. Where conditions subsequent to the final approval are established, noncompliance shall for the basis for a finding of LDC violation.

(6) Written Decisions and Findings

(A) Final Decisions

The reasons for final decisions not provided in an ordinance or resolution shall be provided in writing to the applicant, and all other parties who have made a written request for notification.

(B) Findings

(i) Written findings are not required for a final decision on any application unless otherwise specifically provided in this LDC.

(ii) Any decision may be expressly made subject to the subsequent adoption of written findings, and, in those cases, the decision shall not be considered final until the findings are adopted.

(iii) Where written findings have not been adopted and an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d), written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and then shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

(7) Inaction by Review/Decision-Making Bodies

(A) When a review or decision-making body fails to decide on an application within a specified time limit in this LDC, that inaction will be interpreted as a recommendation of disapproval or a decision to deny, respectively. The effective date of a "non-action" denial or recommendation of disapproval will be the date that action was required to have occurred under the required time limit.

(B) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.

(C) When a review body fails to take action on an application within a specified time limit, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

(8) Ordinance Required

Adoption of an ordinance is required in the case of a Zoning Text Amendment, Rezoning, and Special Use Permit.

(j) Post-Decision Actions for Approved Applications

(1) Modification or Amendment

(A) Application

If, at any time, a property owner with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting the revision.

(B) Review and Determination of Major/Minor Modification Status

Applications for modification shall be reviewed by the Director to determine whether the proposed modifications constitute a major or minor revision to the existing approval.

(i) Minor modifications are those that qualify for Section 20-1605(b), Administrative Adjustment or other criteria as included in the specific application type.

(ii) Major modifications are those that do not qualify for Administrative Adjustment, any request for modification to a condition established by the Planning Commission or Governing Body, or other criteria as included in the specific application type. Major modifications require the submission of a new application.

(2) Extension and Lapsing of Approvals

(A) Administrative Approval and Permits

(i) Except where a different timeframe is provided either in this LDC or as part of a development approval, an administrative approval or permit approved under this LDC shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, a building permit or other approval based upon final approval is issued and construction is commenced and pursued toward completion.

(ii) No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for site shall be considered as the expired approval had not been granted.

(B) Approvals that Required a Public Hearing

(i) Any approval that requires a public hearing does not lapse unless the Planning Commission or Governing Body established a specific time limit for the approval.

(ii) Rezoning approvals are not subject to a specified time limit for approval.

(iii) The City may act to change an approval made in a public hearing through a separate application with public hearing that has the effect of changing the earlier approval. For example, the City may elect to rezone a property for which an earlier rezoning was approved.

(C) Extension Process

(i) Any approval that is subject to lapsing, regardless of which body acted as the original decision-maker, may be extended one time by the Director, for good cause shown, for a period of time not to exceed 180 days. A second extension request, if needed, shall be made to the body that issued the original approval, such as the Planning Commission. The second extension request may also be for a period of time not to exceed 180 days.

(ii) All requests for extensions shall be submitted to the Director at least 30 days prior to the expiration of approval.

(iii) An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this LDC that have occurred since approval, and the anticipated time schedule for completion.

(iv) Additional review may result in additional conditions.

(3) Revocation

(A) If the Director has reasonable cause to believe that one or more conditions or requirements of an approved permit have been violated, the Director shall notify the record owner of the property subject to the permit and the holder of the permit (if other than the owner), in person or by first class United States mail, a notice to show cause why the permit should not be revoked.

(i) The notice shall be served at least 15 days prior to the hearing and shall state the date, time, and place for a public hearing at which the Governing Body will consider whether the permit should be revoked.

(ii) The notice shall also set forth a concise statement of the grounds for revocation.

(B) Following the hearing, the Governing Body shall issue a written decision either revoking the permit or finding insufficient evidence to revoke the permit.

(k) Successive Applications

Rezoning and Special Use Permit applications are subject to the following:

(1) A successive application shall not be accepted for a period of twelve (12) months from the date of Governing Body denial of the original application unless a successive application is substantially different from the original application that was denied.

(2) A substantially different successive application shall not be accepted until 120 days after the date of the Governing Body denial. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:

(A) The same special use has been applied for and the density of use is at least 25 percent greater or less than then original application;

(B) The same special use has been applied for and the intensity of use is at least 25 percent greater or less than the original application;

(C) Specific responses to the reasons for denial set forth in the findings of fact by the Governing Body are, in the opinion of the Director, addressed in the resubmission; or

(D) The special use operators or location has changed substantially from the original application. Substantial change shall be determined by the Director using the findings adopted by the Governing Body for denial of the original application as the gauge for measurement.

(3) A new Special Use application may be submitted after at least twelve (12) months from the date of Governing Body denial.

(l) Appeal

Parties affected by the actions of a decision-making body have the right to appeal the action taken in accordance with Section 20-1604(a).

(m) Guarantees and Performance Agreements

(1) Guarantee of Improvements

(A) When Required

Before issuance of any building permit for a development application that requires improvements, or recordation of a Final Plat or Minor Subdivision/Replat may be recorded, the applicant shall:

(i) Obtain written certification from the City that all required public improvements in that portion of a subdivision authorized for development have been completed in accordance with applicable design and public improvement standards; or

(ii) Provide for one or more of the following means of ensuring completion of required public improvements. The Governing Body may, at its discretion, determine which method(s) shall be required.

(a) Public Improvement Petition

A Public Improvement Petition (PIP) for construction and installation of all or a portion of the required public improvements and either of the following in an amount estimated by the City Engineer to be sufficient to ensure the construction and installation of the uncompleted portion of the required public improvements in accordance with applicable improvement standards:

(1) A cash escrow deposit; or

(2) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the Governing Body.

(b) Approval Subject to Conditions

(1) The Director may approve the Final Plat subject to the condition that it is not recorded until the City Engineer has determined that all required public improvements have been completed in accordance with the applicable standards.

(2) If the required Improvements are not timely completed, the City Engineer and Director may submit the Final Plat to the Governing Body for further consideration; after giving the applicant an opportunity to be heard, the appropriate Governing Body may:

(A) Authorize the Director to rescind the approval of the Final Plat, require additional assurance for completion of the public improvements,

(B) Authorize the recording of the Final Plat without further Improvements, or

(C) Extend the timeline for completion of the public improvements.

(B) Escrow Deposit

Escrow deposits shall be handled as follows:

(i) The City shall deposit the amount of the cash escrow deposit determined in accordance with Section 20-1603(m)(1)(A) in a special escrow account.

(ii) This escrow deposit shall be invested and reinvested by the bank in short-term government securities, the interest or discount from which shall be paid to the subdivider upon final release of the escrow deposit.

(iii) Upon written certification from the City Engineer that the required Improvements have been 30 percent completed, the City shall release 30 percent of the escrow deposit to the applicant. The same process shall be used at 50 percent and 75 percent completed.

(iv) When the City Engineer provides written certification that the required public improvements have been completed in accordance with applicable improvement standards, the balance of the escrow deposit, together with all earnings accrued thereon, shall be released to the applicant.

(C) Irrevocable Letter of Credit

Irrevocable letters of credit shall be handled as follows:

(i) The amount of an irrevocable letter of credit determined in accordance with Section 20-1603(m)(1)(A) shall be submitted by the applicant to the City's designated representative.

(ii) By the 10th of each month, the City Engineer or other designated representative shall certify to an agent of the financial institution estimates of the amount of work completed by the contractor.

(iii) The financial institution may submit a new letter of credit, which would reflect the balance of work remaining to be completed as determined by the City Engineer to replace the previous letter of credit.

(iv) Ten percent of the total project cost shall be retained until the City Engineer has accepted all of the public improvements in that phase of the subdivision.

(2) Performance Agreements; Guarantees

(A) Generally

Performance Agreements are required to guarantee compliance and completion of required improvements as provided on approved applications and plans. If a Site Plan is to be developed in phases allowing temporary occupancy of a portion of the site, or if review and decision-making bodies determine that other aspects of a proposed or approved plan require alternate performance assurance, supplemental forms of performance assurance may also be required, including performance bonds, escrow accounts and other forms of surety acceptable to the City. Financing required improvements shall be in accordance with the City's adopted development policy.

(B) Performance Before Occupancy

In general, no temporary occupancy of industrial, commercial, office or residential property may take place before all of the conditions of the Site Plan and other provisions of this LDC have been satisfied unless some form of financial assurance is provided, except that:

(i) In Planned Developments that are approved for phased development by the Governing Body, occupancy may commence as each phase or portion is completed if the conditions of the plan relating to the particular phase or portions of the total project have been completed. These conditions are considered to mean off-street parking and loading areas, screening, drainage, stormwater detention, lighting, and trash storage facilities.

(ii) Consideration will be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans before occupancy, provided that landscaping shall be completed within 120 days following commencing of the activity.

(n) Agreement Not to Protest Formation of a Benefit District

As an alternative to the construction of a public improvement pursuant to a Site Plan or other requirement of an approval, the City may accept from the applicant an executed "Agreement Not to Protest Formation of a benefit district" for improvements including, but not limited to, streets, sidewalks, and utilities. An executed "Agreement Not to Protest Formation of a benefit district" shall contain provisions whereby the applicant and all successors in title to the applicant are bound not to protest inclusion of the legally described property in a properly constituted benefit district pursuant to K.S.A. 12-6a01 et seq., as amended, for the required improvement. An executed "Agreement Not to Protest Formation of a

benefit district" shall be recorded at the Register of Deeds. The requirement for the execution of an "Agreement Not to Protest" the formation of the District shall not affect the maker's political or legal rights to challenge the amounts of assessments by the district or to exercise other legal rights regarding the district. In any case, the establishment of benefit districts shall be in accordance with the City's adopted development policy.

20-1604 Specific Procedures with Governing Body or BZA Decision

(a) Appeal of an Administrative Determination

(1) Intent

Appeal of an Administrative Determination (including order, requirement, or decision) to the Board of Zoning Appeals (BZA) allows an applicant or other party who meets the qualifications of this section to appeal from an administrative decision.

(2) Authority and Applicability

(A) Standing to Appeal

Appeals may be filed by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of an administrative official.

(B) Exemptions

The following do not qualify for appeal and the BZA does not have jurisdiction over these actions pursuant to this section:

(i) Staff reports for the Planning Commission at a public hearing.

(ii) Actions by the Planning Commission, which is not an "administrative official" for purposes of this LDC.

(iii) Any development application that is approved by the Planning Commission, Governing Body, or BZA.

(3) Initiation

Appeals of Administrative Determinations shall be filed within 14 days after the challenged administrative determination becomes final.

(4) General Review Procedures

Section 20-1603, General Review Procedures does not apply to the Appeal of an Administrative Determination. The following steps apply:

(A) Applicant files an application per Section 20-1603(c).

(B) The official whose decision is being appealed shall transmit the appeal record to the Board of Zoning Appeals.

(C) Notice is provided per Section 20-1603(g). A copy of the notice shall also be mailed to each party to the appeal at least 20 days before the date of the hearing.

(5) Stay of Proceedings

(A) The filing of an Appeal of Administrative Determination stays all proceedings in furtherance of the action appealed.

(B) The proceedings will not be stayed If the official whose decision is being appealed certifies to the BZA, after the appeal is filed, that, because of facts stated in the certification that: (a) a stay would cause immediate peril to life or property, or (b) the situation appealed from is transitory in nature, and therefore, an appeal would seriously interfere with enforcement of this LDC.

(i) The official whose decision is being appealed shall provide a written certificate of facts to support the conclusion.

(ii) In this case, proceedings will not be stayed unless a restraining order is granted by a court of competent jurisdiction.

(6) Review and Decision

(A) The BZA shall hold a public hearing to consider and decide on the appeal per Section 20-1603(i). Following the close of the public hearing, the BZA shall make a decision.

(i) In exercising the appeal power, the BZA has all the powers of the official from whom the appeal is taken.

(ii) When the BZA finds substantial, factual evidence in the appeal record that the administrative official erred, it may take any of the following actions on the matter being appealed:

(a) Reverse, either wholly or in part, or

(b) Modify the decision.

(iii) If the BZA determines that additional evidence is needed to resolve the matter; it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain the needed evidence and to reconsider the decision in light of that evidence.

(B) The BZA shall prepare written findings of fact.

(7) Effective Date, Filing, Mailing

(A) BZA decisions on appeals become effective and final on the date of the decision.

(B) Within seven working days, the BZA decision shall be:

(i) Filed in the City Clerk's office, and

(ii) Mailed to the applicant and all other parties who have made a written request for notification.

(8) Appeals

Within 30 days of the decision's effective date, any person aggrieved by the decision may file an action in accordance with Kansas law.

(b) Planned Development (PD)

(1) Purpose

The planned development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in this LDC. Modifications to applicable base zoning districts may be permitted as described in Section 20-706, PD: Planned Development District, and the approved modifications are made applicable to the subject property through the PD rezoning process.

(2) Required Approvals

(A) Planned Development applications are reviewed through a two-step process, both of which are described below:

(i) Preliminary Development Plan (PDP); and

(ii) Final Development Plan (FDP)

(B) Concurrent submission and processing of Preliminary and Final Development Plans is allowed for a single structure, single phase projects as long as individual plans are submitted that meet the Preliminary and Final Development Plan standards and criteria.

(C) Approval of PD Preliminary and Final Development Plans, and recording with the Register of Deeds, shall occur before any building permit is issued and before any development activity takes place.

(3) Preliminary Development Plan (PDP)

(A) Applicability

(i) A PDP is required for all PD applications.

(ii) The purpose of a PDP is to demonstrate conformance with the Comprehensive Plan, identify applicable base zoning districts and requested adjustment to applicable standards, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to the approval of a Final Plat.

(B) Review Procedures

Applications for PDPs shall meet the General Review Procedures in Section 20-1603, with the following modifications:

(i) PDP applications shall be filed with the Director at the same time as a PD zoning map amendment application.

(ii) A PDP shall include a zoning plan that identifies the base zoning district established for all lots or parcels and, where development will proceed in multiple phases, a development phasing schedule.

(iii) If the applicant proposes to develop a PD in phases, the application shall contain a proposed phasing schedule. Open space and site amenities shall be apportioned among the phases in proportion to the amount of development occurring in each phase, so that, for example, when the development is 40 percent complete, 40 percent of the open space and amenities will be complete, transferred to the association or other permanent owner, and properly restricted as required by this LDC.

(iv) An application outreach meeting is required as set forth in Section 20-1603(b).

(v) Adjacent property owner(s) and neighborhood associations may request written notice of any final actions taken on the application.

(C) Review and Decision-Making

(i) The Planning Commission shall hold a public hearing, review, and recommend on and the Governing Body shall hold a public hearing and decide on the PD rezoning and PDP application per Section 20-1603(i) and based on at least the following criteria:

(a) The Preliminary Development Plan's consistency with the comprehensive plan;

(b) The preliminary Development Plan's consistency with the PD standards of Section 20-706, PD: Planned Development District, including the statement of purpose;

(c) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

(d) An appropriate range of density for the entire property or for each development pod/area to be developed;

(e) Adequate circulation and access can be provided to serve all development;

(f) Appropriate screening and buffering of adjacent property, uses, and structures shall be provided; and

(g) The adequacy of common open space and The reliability of the proposals for maintenance and conservation of common open space.

(ii) The Planning Commission is also authorized to forward the proposed amendment/plan to the Governing Body with no recommendation.

(iii) The recommendation on the PDP shall include findings of fact and set forth reasons for the recommendation, including but not limited to findings of fact on the review criteria.

(iv) The Director shall give written notice of the Planning Commission's recommendation to the applicant and the applicant's agent.

(v) The Governing Body may act by a simple majority vote, except for the following cases:

(a) Action that is contrary to the Planning Commission's recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the Governing Body; or

(b) Approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1604(e)(2)(D), in which case the decision shall be by a 3/4 majority vote of the full membership of the Governing Body.

(vi) Effect of Preliminary Development Plan Approval

(a) Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

(b) Approval of a Preliminary Development Plan does not qualify as a plat of the Planned Development for building and permitting purposes.

(D) Post-Decision Modification or Amendment

(i) Planned Development Rezoning Ordinance

The use, density, dimensional, and base zoning district standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:

(a) Uses may be transferred between development areas to be developed through an amendment to the PDP provided the overall density for the entire PD is not exceeded;

(b) The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the Zoning Map Amendment process. Density/intensity may be transferred between development areas to be developed unless explicitly prohibited by the PDP approval; and

(c) The dimensional and base zoning district standards may not be amended for the PD or a development area to be developed without amending the PD rezoning ordinance through the Zoning Map Amendment process.

(ii) PDP Minor Amendments

(a) The Director may approve the following amendments for individual lots within the area covered by a PDP provided all standards in the adopted PD rezoning ordinance are met:

(1) Decreases in density of up to five percent so long as the character of the site is maintained;

(2) Additional changes in previously adjusted dimensional standards of up to 10 percent so long as the character of the site is maintained;

(3) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;

(4) Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained; and

(5) The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained.

(b) Minor amendments shall be reviewed and decided on by the Director based on the review criteria that the amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.

(iii) PDP Major Amendments

Major amendments to the PDP, defined as anything other than the minor changes identified in Section 20-1604(b)(3)(D)(ii) require resubmission and rehearing on the approved Preliminary Development Plan pursuant to the procedures this section.

(a) All landowners within the entire PDP boundary shall be notified in writing of any proposed major change at the time of submittal of the revised PDP.

(b) An approved PDP with multiple parcels and multiple landowners may only be altered or modified if all landowners consent to the proposed alterations or modifications. A PDP may be explicitly conditioned that all landowners waive their right to approve or disapprove any alterations or modifications to the PDP.

(E) Extension and Lapsing of Approvals

(i) A PD rezoning does not lapse but the City may act to change an approval made in a public hearing through a separate application with public hearing that has the effect of changing the earlier approval. For example, the City may elect to rezone a property for which an earlier rezoning was approved.

(ii) The effective period of the PDP/phasing schedule shall be determined concurrently with PDP approval. If no effective period was established, the default period of two years shall apply.

(iii) The PDP/phasing schedule shall be subject to the validity and extension provisions of Section 20-1603(j)(2).

(iv) If a landowner chooses to abandon a PDP that has been given preliminary approval prior to the PDP expiration date, they may do so in writing to the Director prior to Final Development Plan approval.

(v) Approval of a Preliminary Development Plan does not, in itself, vest any rights under K.S.A. §12-764.

(F) Revocation

Preliminary Development Plans are subject to revocation per Section 20-1603(j)(3).

(4) Final Development Plan (FDP)

(A) Applicability and Consistency

(i) Following approval of a PDP, a Final Development Plan approval is required before any development activity occurs and before the PDP expires. The FDP ensures consistency with the approved PDP and specific development and construction requirements of various adopted codes.

(ii) Unless specified otherwise at the time of PDP approval, if the form of PDP approval was a Preliminary Subdivision Plat, a Final Plat may be approved and recorded prior to FDP approval for individual lots.

(iii) An FDP will not be considered complete and ready for processing until all approved PDP conditions have been met or guaranteed.

(iv) If the FDP includes any major change from the approved PDP, the applicant should first explore rezoning the development into a base zoning district. If there is not a base zoning district suitable for the use, density, or dimensional standards of the proposed development, the applicant must submit the Preliminary Development Plan for rehearing and reconsideration through the original review process. A major change is one that:

(a) Increases or decreases the proposed gross residential density by more than five percent;

(b) Increases the intensity of use as defined in Section 20-1903;

(c) Involves a reduction in the area set aside for common open space in general, or recreational open space or natural open space in particular, or the substantial relocation of these areas;

(d) Increases by more than 10 percent of the total floor area proposed for nonresidential uses;

(e) Increases by more than five percent of the total ground area covered by buildings;

(f) Changes a residential use or residential building type; or

(g) Increases the height of buildings by more than five feet.

(B) Review Procedures

Applications for FDPs shall meet the General Review Procedures in Section 20-1603.

(C) Review and Decision-Making

The Director shall review and decide on the FDP per Section 20-1605(a) within 45 days of submission of a complete application.

(i) The Director shall approve the FDP if it complies with the approved PDP, all PDP conditions of approval, and all applicable standards of this LDC. If the FDP does not comply with these requirements, the Director shall deny FDP approval.

(ii) If the Director denies the FDP, the landowner may either:

(a) resubmit the FDP to correct the plan's inconsistencies and deficiencies, or

(b) Appeal the Director's decision to the Governing Body within 45 days of the date of notice of denial. FDP appeal shall follow the same process as Preliminary Development Plan/Zoning Map Major Amendment.

(D) Effect of Approval

(i) The Director shall certify and file with the Register of Deeds an FDP or any part thereof that has received final approval upon compliance with all conditions of approval. The Director shall also file the Final Plats and all supportive documents with the Register of Deeds. The landowner is responsible for all costs incurred in filing all approved documents.

(ii) If the landowner chooses to abandon an FDP or portion thereof after it has been given final approval, they shall notify the Director in writing.

(iii) Recording the FDP does not constitute the effective dedication of easements, rights-of-way, or access control, nor will the filed plan be the equivalent of, nor an acceptable alternative for, the Final Platting of land prior to the issuance of building permits in the Planned Development.

(E) Extension and Lapsing of Approvals

(i) The effective period of the FDP/phasing schedule shall be determined concurrently with FDP approval. If no effective period was established, the default period of two years shall apply.

(ii) The FDP shall be subject to the validity and extension provisions of Section 20-1603(j)(2).

(iii) If a landowner chooses to abandon an approved FDP prior to the expiration date, they may do so in writing to the Director.

(iv) After expiration of an FDP and related portions of the Preliminary Development Plan, the PD Overlay zoning shall remain in effect, but further development on the property shall require the approval of a new Preliminary Development Plan and Final Development Plan, in accordance with the procedures and standards in effect at the time of the new application.

(v) Rights to the development pattern shown in a Final Development Plan shall vest in accordance with K.S.A. 12-764 upon approval of a final subdivision plat. If the subdivision plat expires in accordance with K.S.A. 12-764, then the related portions of the FDP shall also expire at the same time.

(F) Final Development Plans Amendments

(i) Applicability

The provisions of this section apply to both FDPs approved pursuant to this LDC and FDPs approved prior to the Effective Date of this LDC.

(ii) Initiation

FDP amendments may be initiated by:

(a) PD residents or landowners, provided that the right to initiate amendment has been expressly granted to or retained by the landowners or residents under the provisions of the plan; or

(b) The Governing Body upon its own motion, duly made and carried by a two-thirds majority vote of the Governing Body, when amendment appears strictly necessary to implement the purpose of this LDC and the modification would not impair the reasonable reliance interests of the landowners and residents of the Planned Development.

(iii) Scope of Amendments

(a) City Amendments

All of the provisions of the FDP authorized to be enforced by the City in Section 20-1604(b)(4)(G) may be amended, including removal or release, by the City, except grants of easements relating to the service or equipment of a public utility unless expressly consented to by the public utility.

(b) Resident and Landowner Amendments

PD residents and landowners may, to the extent and in the manner expressly authorized by the FDP, amend, remove, or release their rights to enforce the FDP provisions.

(iv) General Review Procedures

Applications for FDP Amendment shall meet the General Review Procedures in Section 20-1603, with the following modifications:

(a) Major Amendments per Section 20-1604(b)(3)(D)(iii) require a public hearing at the Governing Body with newspaper, posted, and mailed public notice provided in accordance with Section 20-1603(g).

(b) Minor Amendments per Section 20-1604(b)(3)(D)(ii) may be approved by the Director per Section 20-1605(a).

(c) Resident or landowner-initiated changes may not affect the right of the City to enforce the provisions of the Final Development Plan

(v) Review and Decision-Making

(a) Governing Body shall hold a public hearing for proposed Major Amendments and review the application against at least the following review criteria:

(1) Consistency of the proposed amendments with the efficient development and preservation of the entire Planned Development,

(2) Whether the proposed amendments will adversely affect either the enjoyment of land abutting upon or across a street from the Planned Development or the public interest, and

(3) Whether the amendments may be granted solely to confer a special benefit upon any person.

(b) Amendments may be approved by an affirmative vote of a majority of all members of the Governing Body upon a finding that the amendments:

(1) Are consistent with the efficient development and preservation of the entire Planned Development,

(2) Will not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Development or the public interest, and

(3) The amendments are not granted solely to confer a special benefit upon any person.

(c) No City modification may affect the rights of the PD residents and landowners to maintain and enforce provisions, at law or equity.

(G) Enforcement of Final Development Plans

(i) Enforcement by the City

The provisions of a Final Development Plan relating to: (1) the use of land and the use, bulk and location of buildings and structures; (2) the quality and location of common open space; and, (3) the intensity of use or the density of residential units, run in favor of the municipality and are enforceable in law or in equity by the City, without limitation on any powers or regulations otherwise granted the City by law.

(ii) Enforcement by Residents and Landowners

All provisions of the Final Development Plan run in favor of the residents and landowners of the Planned Development, but only to the extent expressly provided in, and in accordance with, the Final Development Plan. To that extent, the Final Development Plan provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by the residents and landowners, acting individually, jointly, or through an organization designated in the Final Development Plan to act on their behalf. No provisions of the Final Development Plan will be implied to exist in favor of residents and landowners of the Planned Development except those portions of the Final Development Plan that have been finally approved and have been recorded.

(c) Special Use Permit

(1) Purpose

The Special Use Permit procedure provides a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features that normally are not permitted within a zoning district because of potential detrimental impacts on other permitted uses. A Special Use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection for adjacent land uses.

(2) Applicability

(A) A Special Use Permit is required for any use designated with an "S" in Table 20-8-1: Principal Use Table and Table 20-8-2: Accessory Use Table.

(B) If an existing use was allowed by-right at the time it was established, but is now regulated as a Special Use, the use will be considered an approved Special Use and will be allowed to continue without a public hearing. Any alterations or expansions of the use are subject to the Special Use amendment procedures of Section 20-1604(c).

(3) Initiation

A Special Use application may be initiated by a property owner.

(4) Review Procedures

Applications for Special Uses shall meet the General Review Procedures in Section 20-1603, with the following modifications:

(A) An application for a Special Use shall include the submittal of a Site Plan that meets the requirements of Section 20-1605(g).

(5) Review and Decision-Making

(A) The Planning Commission shall hold a public hearing, review, and recommend on, and the Governing Body shall hold a public hearing and decide on the Special Use application per Section 20-1603(i) and based on at least the following review criteria:

(i) whether the proposed use complies with all applicable provisions of this LDC;

(ii) whether the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics, including hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts;

(iii) whether the proposed use will cause substantial diminution in value of other property in the neighborhood in which it is to be located;

(iv) whether public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

(v) whether adequate assurances of continuing maintenance have been provided; and

(vi) whether the use will cause significant adverse impacts on the natural environment; and

(vii) whether it is appropriate to place a time limit on the period of time the proposed use is to be allowed by Special Use Permit and, if so, what that time period should be.

(B) A valid protest petition opposing a Special Use may be submitted within 14 days of the conclusion of the Planning Commission's public hearing per Section 20-1603(i)(2).

(6) Effect of Approval

(A) Decisions on Special Uses become effective on the date of the publication of the adopting ordinance unless findings and conclusions are prepared pursuant to Section 20-1603(i)(6), and then the effective date shall be the adoption date for the findings and conclusions.

(B) No Certificate of Occupancy may be issued until all conditions of approval have been met.

(C) A Special Use Permit is valid for 24 months from the effective date.

(7) Post-Decision Actions

(A) Modification or Amendment

Section 20-1603(j) applies to Special Use approvals as follows:

The Director may approve minor changes to an approved Special Use Site Plan. Minor changes are those that: (1) will not alter the basic relationship of the proposed development to surrounding properties; (2) will not violate any of the standards and requirements of this LDC; and (3) will not circumvent any conditions placed on the original approval. The following are changes that will always be considered minor changes:

(i) replacement of a detached dwelling destroyed by more than 60 percent when setbacks and parking requirements are met;

(ii) a reduction in the area of any building;

(iii) an increase in the floor area of a building by no more than five percent or 500 square feet, whichever is less;

(iv) replacement of landscape plan approved plantings with similar types of landscaping on a one-to-one or greater basis;

(v) rearrangement of parking layout that does not affect the number of required parking spaces or alter access locations or design; and

(vi) changes required by the City to address public safety concerns.

(B) Extension and Lapsing

Section 20-1603(j)(2) applies to Special Use Permits. Special Use permits shall be considered lapsed one year after the last significant progress toward the construction of the development or establishment of the use occurred.

(8) Revocation, Suspension, or Amendment by the City

In the following circumstances, as found by the Governing Body, the Governing Body may unilaterally amend, suspend, or revoke an approved Special Use:

(A) A condition of the Special Use has been violated;

(B) There has been a violation of this LDC; the Building and Construction Code (Chapter 5); the Residential Rental Property Code (Chapter 6, Article 13); or the Property Maintenance Code (Chapter 9, Article 6);and/or

(C) Violation of any other applicable City Code provisions or any state or federal law or regulation by the landowner or landowner's agents related to the conduct or activity authorized by the Special Use or the qualifications of the landowner or agents to engage in the conduct or activity.

(9) Limitation on Successive Applications

Section 20-1603(k) applies to Special Uses.

(10) Appeals

Within 30 days of the Effective Date of the Special Use decision, any person aggrieved by the decision may maintain an action in District Court to determine the reasonableness of the final decision.

(d) LDC Text Amendments

(1) Intent

The LDC Text Amendment process allows for amendment to the terms, tables, or graphics of this LDC.

(2) Initiation

An LDC Text Amendment may be initiated by:

(A) The Governing Body, the Planning Commission, or, when the provisions affect Urban Conservation Districts, by the Historic Resources Commission; and adopted in accordance with the rules of that body.

(B) Private parties upon approval from the Governing Body.

(i) Private party applications shall be submitted to the Director in writing, including the proposed text, and a narrative of the reasons for proposing the amendment.

(ii) The Director shall schedule the application for Governing Body for review and consideration of initiating the amendment, taking into consideration the potential need for the amendment based on the review criteria in Section 20-1604(d)(4).

(iii) If the Governing Body allows the proposed LDC Text Amendment to be initiated, the applicant shall follow the procedures in this section.

(3) General Review Procedures

Applications for LDC Text Amendments shall meet the General Review Procedures in Section 20-1603, with the following modifications:

(A) The General Review Procedures do not apply to the applications initiated by the Planning Commission or Governing Body except as provided here.

(B) Public notice for all proposed LDC Text Amendments shall be provided in accordance with Section 20-1603(g).

(4) Review and Decision-Making

(A) The Planning Commission shall hold a public hearing review and recommend on and the Governing Body shall hold a public hearing and decide on an application for LDC amendment in accordance with Section 20-1603(i).

(B) The Planning Commission is also authorized to forward the proposed amendment to the Governing Body with no recommendation.

(C) An LDC Text Amendment shall meet at least one of the following specific reasons for amendment:

(i) Reflect trends in development or regulatory practices;

(ii) Expand, modify, or add requirements for development in general or to address specific development issues;

(iii) To add, modify or expand zoning districts; or

(iv) To clarify or modify procedures for processing development applications.

(D) The LDC text amendment will become effective upon publication of the adopting ordinance.

(5) Post-Decision Actions

Approved LDC Text Amendments are final, do not expire, and may not be modified.

(6) Appeal

A Governing Body decision on an LDC Text Amendment may be appealed to a court of competent jurisdiction.

(e) Zoning Map Amendments (Rezonings)

(1) Initiation

(A) An amendment to the zoning map may be initiated by:

(i) Governing Body, Planning Commission,

(ii) Historic Resource Commission for an Urban Conservation district, or

(iii) Property owner.

(2) General Review Procedures

Applications for Zoning Map Amendments shall meet the General Review Procedures in Section 20-1603, with the following modifications:

(A) Retail Market Impact Analysis

(i) Applications that propose to create more than 100,000 square feet of retail space shall submit a Section 20-1606(a), Retail Market Impact Analysis.

(ii) Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report.

(B) Complete Applications with Changed Status

Withdrawal of a complete Zoning Map Amendment application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded.

(C) Notice

(i) Multiple Property Rezoning

Notice requirements for the following Zoning Map Amendments:

(a) Five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification rezoning from a less restrictive to a more restrictive zoning classification: Notice shall be provided by publication and posting but not by mail, and the protest petition provision in Section 20-1604(c)(2)(iv) is not applicable.

(b) City rezoning of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record from a less restrictive to a more restrictive zoning classification: Notice shall be provided by publication and hearing; written notice shall be mailed to only owners of record of the properties to be rezoned and only those owners shall be eligible to initiate a protest petition per Section 20-1604(c)(2)(iv).

(ii) Public Notice for Lesser Change

(a) Table 20-16-5 applies for purposes of K.S.A. §12-757. Any zoning district listed in the right-hand column of the Lesser Change Table is considered a "lesser change" than a change to the Zoning District listed in the left-hand column of the same row of the table; a recommendation or action to amend the zoning map to assign the "lesser change" zoning district does not require further notice. A recommendation or action to amend the zoning map to any other district requires the notice and scheduling of a new public hearing.

Table 20-16-5: Table of Lesser Zoning District Changes

Proposed Zoning District	Districts to be Considered a "Lesser Change"
R-1: Residential Very Low Density	None
R-2: Residential Low Density	R-1
R-3: Residential Medium Density	R-1 or R-2
R-4: Residential High Density	R-1, R-2, or R-3
R-5: Residential Very High Density	Any other Residential district
M-1: Mixed Small Neighborhood	None
M-2: Mixed Large Neighborhood	M-1
M-3: Mixed Corridor	M-1 or M-2

Table 20-16-5: Table of Lesser Zoning District Changes

Proposed Zoning District	Districts to be Considered a "Lesser Change"
CC: Commercial Center	M-1 or M-2
CD: Downtown Commercial	M-1, M-2 or CC
IBP: Industrial Business Park	None
IL: Light Industrial	M-2 or IBP
IG: General Industrial	IL, IBP, or M-2
P-1: Civic and Institutional	Not applicable
P-2: Open Space	Not applicable

(b) Applications for Urban Conservation Overlay District zoning amendments shall only require newspaper notice and mailed notice.

(D) Protest Petitions

A protest petition may be filed at the close of the Planning Commission hearing per Section 20-1603(i)(2).

(3) Review and Decision-Making

(A) Action and Review Criteria

(i) The Planning Commission shall hold a public hearing and recommend on and the Governing Body shall hold a public hearing and decide on the application per Section 20-1603(i) and based on at least the following review criteria:

(a) Conformance with the Comprehensive Plan;

(b) Zoning and use of nearby property, including any overlay zoning;

(c) Character of the neighborhood;

(d) Plans for the area or neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property;

(e) Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

(f) Length of time the subject property has remained vacant as zoned;

(g) The extent to which approving the rezoning will detrimentally affect nearby properties;

(h) The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application;

(i) The recommendation of the City's professional staff; and

(j) The impact of the proposed project on the retail market.

(k) The reasonableness of proposed conditional zoning as determined by the following criteria:

(1) Conditions shall facilitate a clear and specific goal, policy, or recommendation of an approved area, neighborhood, nodal plan, or the Comprehensive Plan.

(2) Conditions may be applied when an adverse impact to the surrounding area will be created by the rezoning.

(3) The Lesser Change Table cannot be employed to achieve the same result as a proposed conditional zoning.

(ii) The Planning Commission is also authorized to forward the proposed amendment to the Governing Body with no recommendation.

(B) Effective Date

The zoning map amendment will become effective upon publication of the adopting ordinance.

(4) Post-Decision Actions

(A) Limitation on Successive Applications

(i) A successive application shall not be accepted until 120 days after the date of the Governing Body denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:

(a) A different zoning district category has been applied for, or

(b) Specific responses to the reasons for denial set forth in the findings of fact by the Governing Body are, in the opinion of the Director, addressed in the resubmission.

(ii) A new rezoning application may be submitted after at least 12 months from the date of Governing Body denial.

(5) Appeals

Appeal of the Governing Body's decision by any person aggrieved by the decision must be filed within 30 days in a court of competent jurisdiction.

(f) Zoning Variances

(1) Authority and Applicability

The zoning Variance procedures of this section authorize the Board of Zoning Appeals to approve, in specific cases, Variances from specific zoning standards of this LDC that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in Unnecessary Hardship.

(2) Prohibited Zoning Variances

(A) The Board of Zoning Appeals is not authorized to approve a Variance that would allow a use that is not allowed in the Base District.

(B) The Board of Zoning Appeals is not authorized to approve a Variance from the standards of Article 7.

(C) The Board of Zoning Appeals is not authorized to approve a Variance from the standards specifically identified in what is listed in Chapter 21, Article 100.5.

(3) Application Filing

Zoning Variance applications shall be filed with the Director.

(4) Public Hearing Notice

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with Section 20-1603(g).

(5) Staff Review/Report

The Director will review each proposed Variance application in accordance with the review and decision-making criteria of Section 20-1604(e)(3) and, if deemed necessary, distribute the Variance application to other agencies and reviewers. Based on the results of those reviews, the Director will provide a report on the Variance application to the Board of Zoning Appeals.

(6) Board of Zoning Appeals' Hearing and Decision

The Board of Zoning Appeals shall hold a public hearing on the proposed Variance and review the application in accordance with the applicable review and decision-making criteria of Section 20-1604(f)(7). Following the public hearing, the Board of Zoning Appeals shall take one of the following actions:

(A) Approve the Variance;

(B) Approve the Variance with conditions;

(C) Deny the Variance.



(7) Review and Decision-Making Criteria

(A) Outside the Regulatory Floodway (Unnecessary Hardships)

The Board of Zoning Appeals may approve a zoning Variance, but not a Variance from the Floodplain management regulations of Article 12 upon the finding of the Board that all of the following conditions have been met:

(i) That the Variance request arises from the conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property Owner or applicant;

(ii) That granting the Variance would not adversely affect the rights of adjacent property Owner or residents;

(iii) That strict application of the provisions of this LDC for which the Variance is requested would constitute Unnecessary Hardship upon the property Owner represented in the application;

(iv) That the Variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

(v) That granting the Variance desired would not be opposed to the general spirit and intent of this LDC.

(B) Floodplain Management Regulations

(i) The Board of Zoning Appeals may approve a Variance from the floodplain management regulations of Article 12 only after finding that the requested Variance meets all of the following criteria:

(a) A determination by the Board of Zoning Appeals that the Variance is the minimum necessary, considering the flood hazard to afford relief;

(b) A showing of good and sufficient cause;

(c) A determination by the Board of Zoning Appeals that failure to grant the Variance would result in an Unnecessary Hardship to the applicant, as that term is defined in Section 20-1604(f)(7)(A)(i); and

(d) A determination by the Board of Zoning Appeals that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.

(ii) The Board of Zoning Appeals may approve a zoning Variance from the floodplain management regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12. In addition, the following factors shall be considered:

(a) The danger of injury from materials swept onto other lands;

(b) The danger of life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the owner or occupant;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(iii) Generally, Variances from floodplain management standards may be issued for a Significant Development Project to be erected on a Lot of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the Regulatory Flood level, provided all items in Section 20-1604(f)(7)(B)(ii) have been fully considered. As the Lot size increases beyond one-half acre, the technical justification required for issuing the Variance increases.

(iv) Any applicant to whom a Variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(v) The Director shall maintain the records of all Variances and report any Variances to the Federal Insurance Administration upon request.

(8) Findings of Fact

All decisions on zoning Variances shall be supported by an affirmative finding of fact on each of the applicable approval criteria of 20-1604(f)(7). Each finding shall be supported by substantial evidence in the record of proceedings.

(9) Filing and Mailing of Decision

Every decision or determination by the Board of Zoning Appeals shall be:

(A) Filed in the office of the City Clerk by the Director not more than seven working days following the date of hearing; and

(B) Mailed to the applicant and all other parties who have made a written request for notification.

(10) Date of Effect

Decisions on Variances become effective on the date the Board of Zoning Appeals makes its decision.

(11) Expiration of Approval

(A) Failure to Obtain a Building Permit

In the event the landowner fails to obtain a building permit or fails to commence the Development Activity within 24 months after final approval of the Variance has been granted, then the Variance shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the Board of Zoning Appeals for a period not to exceed 24 months. The application for extension or modification may be made by letter to the Director and will be considered only if received before the expiration date of the Variance. The Director shall place the request, with any recommendation of the Director, on the agenda of the Board of Zoning Appeals. The Director shall notify the applicant by first class mail of the date of the proposed consideration by the Board. Mailed Notice of the extension request shall also be provided by the Planning and Development Services Office in accordance with Section 20-1603(g). On that date, the Board shall hear from the applicant and the Director and may hear from other interested parties.

(ii) No action by the City shall be necessary to cause the Variance to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a building permit or for other Development Activity on the site shall be considered as though the Variance had not been granted.

(iii) Approval of a Variance does not, in itself, vest any rights under K.S.A. Section 12-764. Rights vest only after the related building permit is issued and substantial construction is begun in reliance on that permit.

(iv) A Variance will also expire upon expiration of a building permit.

(12) Appeals

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by the decision may maintain an action in District Court to determine the reasonableness of the final decision.

20-1605 Specific Procedures Without a Public Hearing

(a) Overview

The following application types are administrative and some of them have additional review requirements that are identified in the right column.

Table 20-16-6: Administrative Applications

Application Type	Purpose	Additional Application Requirements
Administrative Permits		
Floodplain Development Permit	Construct structures or make changes within a floodplain	20-1605(d)
Grading Permit	Allow site grading prior to construction	
Home Occupation Permit	Allow home occupations	
Sign Permit	Approve non-exempt signs	
Temporary Use Permit	Allow a temporary use that will last longer than 48 hours	
Administrative Approvals		
Administrative Determination	Decisions on administrative applications and permits for which no public hearing is required	20-1605(c)
Administrative Adjustment	Small change to specific regulations	20-1605(b)
Erosion and Sediment Control Plan	Review potential impacts of land disturbance less than one cumulative acre	LCC Ch. 9, Art. 9
LDC Interpretation	Provide an interpretation of the contents and requirements of the LDC	20-1605(e)
Sign Package	Allow review of multiple signs on a site that function as one	
Site Plan, Standard and Major	Review of proposed development for compliance with this LDC and applicable plans and policies	20-1605(g)
Stormwater Pollution Prevention Plan	Review potential impacts of land disturbance in area of one cumulative acre or greater	LCC Ch. 9, Art. 9

(b) Administrative Adjustment

(1) Purpose

The Administrative Adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this LDC with approval by the Director. Administrative adjustments are intended to provide greater flexibility, when necessary, without requiring a formal zoning amendment or Variance. The Administrative Adjustment procedure is not a waiver of LDC standards and shall not be used to circumvent the Variance procedure.



(2) Applicability

(A) An Administrative Adjustment allows the modification of an existing numeric dimensional standard in a zoning district to accommodate:

(i) Anticipatory site-specific issues, or

(ii) Minor construction issues.

(B) Administrative Adjustments are applicable to new development, redevelopment, and major façade changes.

(C) An Administrative Adjustment may be requested either as part of an original application or as a modification to an existing approval.

(D) Administrative Adjustments may not be requested for PD applications.

(3) Types of Administrative Adjustments

This section establishes three types of Administrative Adjustment, each described in more detail below:

(A) Adjustment to LDC Standards,

(B) Adjustment to create reasonable accommodations under the Federal Fair Housing Act (FHA), and

(C) Adjustment to eliminate a substantial burden under the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

(4) Administrative Adjustments to LDC Standards

An applicant for an Administrative Adjustment may request any of the following adjustments:

Table 20-16-7: Administrative Adjustments	
LDC Standard	**Allowable Adjustment, Maximum: % Adjustment**
Site Standards	
Lot area, min	20
Lot coverage, max	20
Lot Dimensional Standards	
Front setback, minimum	20
Side setback, minimum	20
Rear setback, minimum	20
Encroachment into setback	20 [1]
Building Standards	
Building height, maximum (excludes WCF)	20
Accessory building height, maximum (excludes WCF)	20
Development Standards	
Building Orientation	20
Architectural Design	20
Sign height, maximum	20
Fence or wall height, maximum	20, one foot maximum
Minimum landscaping requirements	20, See Section 20-1406(a)(1)(B)

(5) Reasonable Accommodations Under the Federal Fair Housing Act (FHA)

(A) In response to a written application identifying the type of housing being provided and the portions of the FHA that require that reasonable accommodations be made for the housing, the Director is authorized to approve any of the following Administrative Adjustments to provide reasonable accommodations without the need for a rezoning or Variance:

(i) Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than 10 percent; or

(ii) Reduce any off-street parking requirement by no more than one space.

(B) The Director may approve an Administrative Adjustment to provide a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the FHA with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the FHA, the need for reasonable accommodation, and the authority for any reasonable accommodation approved. Requests for types of

accommodation that are not listed above may only be approved through a Variance or rezoning process.

(6) Adjustments to Address Substantial Burdens under the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA)

The Director may grant Administrative Adjustments in order to eliminate a substantial burden guaranteed by RLUIPA, as amended.

(7) Limitations on Administrative Adjustments

(A) Except when requested as a reasonable accommodation for FHA purposes, a request for an Administrative Adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard.

(B) The Administrative Adjustment procedure shall not apply to any proposed modification or deviation that results in:

(i) An increase in the overall project density;

(ii) A change in permitted uses or mix of uses; or

(iii) Changes to requirements for public roadways, utilities, or other public infrastructure or facilities.

(8) Review Procedure

(A) Application

(i) An application for an Administrative Adjustment shall only be submitted and reviewed concurrently with an application for a conditional use permit, Special Use Permit, temporary use permit, Development Plan approval, administrative permits, or building permit.

(ii) Each standard in Table 20-16-7shall be considered a separate Administrative Adjustment request as it relates the review criteria in Section 20-1605(b)(8)(A)(ii), but multiple adjustments may be considered in one Administrative Adjustment application.

(B) Review Procedures

Applications for Administrative Determination shall meet the General Review Procedures in Section 20-1603.

(C) Review and Decision-Making

(i) Where the concurrently reviewed application is decided by the Director, the Director shall decide on the Adjustment application per Section 20-1605(c), Administrative Determination. Both the Director and the decision-maker reviewing the concurrent application shall consider at least the following review criteria:

(a) Whether the proposed structure or site feature is permitted in the zoning district;

(b) Whether the adjustment allows development that is consistent or compatible with the intent and purpose of the zoning district and the regulation modified;

(c) Whether the impact of the adjustment is internal to the subject property and will not impede the normal and orderly development or improvement of adjacent properties; and

(d) Whether the adjustment is required to:

(1) Compensate for an unusual site condition;

(2) Correct a minor inadvertent failure to comply with an LDC standard; or

(3) Protect a previously undiscovered sensitive resource, or natural feature.

(ii) In granting an Administrative Adjustment, the decision-maker may require conditions that will secure the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.

(iii) Where the concurrently reviewed application is decided by the Planning Commission or Governing Body, the approving body shall review and decide the Administrative Adjustment application based on the review criteria above.

(iv) Approval of an Administrative Adjustment authorizes only the specific adjustments approved, and only to the subject property of the application.

(D) Extension and Lapsing of Approval

(i) The provisions of Section 20-1603(j)(2) apply.

(ii) An Administrative Adjustment shall automatically lapse if:

(a) The associated development application is denied;

(b) Approval of the concurrently reviewed application lapses, is revoked, or otherwise deemed invalid; or

(c) If the building permit expires or is revoked.

(c) Administrative Determination

(1) Applicability

Administrative applications that are reviewed and decided on by the Director or other specified City staff member without a public hearing.



(2) Review Procedures

Applications for Administrative Determination shall meet the General Review Procedures in Section 20-1603 with the following modification:

(A) Where indicated in Table 20-16-4, mailed notice of the application shall be provided.

(3) Review and Decision-Making

(A) General

(i) The decision-maker shall review each application against the following criteria. Individual application types may include exceptions to these criteria or impose additional criteria.

(a) The application complies with all provisions of this LDC;

(b) The application is consistent with the Comprehensive Plan;

(c) The application complies with any other approvals on the property;

(d) The application complies with or will comply with other City, state, and federal regulations;

(e) The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, county, or city land use law or administrative rule.

(f) Public facilities and utilities shall be available concurrent with the development.

(ii) An Administrative Determination may include instructions and clarifications regarding compliance with this LDC but shall not be approved with conditions that require action beyond the specific requirements of this LDC.

(B) Maximum Extent Practicable

All of the following criteria shall be applied to determine whether an application meets the requirements for maximum extent practicable compliance:

(i) No feasible or prudent alternative exists,

(ii) All possible efforts to comply with the requirement or minimize potential harmful or adverse impacts have been undertaken by the applicant, and

(iii) The costs of complying with the LDC requirement clearly outweigh the benefits to the public of complying with the standard or criteria.

(d) Erosion and Sediment Control Plan

The requirements for an Erosion and Sediment Control Plan are found in the City Code, Chapter 9, Article 9.

(e) Grading Permit

(1) Applicability

A grading permit is required prior to modifying the elevation or grade of any property by depositing or removing any materials.

(2) Initiation

A grading permit may be requested by any property owner.

(3) General Review Procedures

Grading Permit applications shall meet the General Review Procedures in Section 20-1603.

(4) Review and Decision-Making

Applications for LDC Interpretation shall follow the requirements for Section 20-1605(a), Administrative Determination.

(5) Approval Criteria

The MSO Director shall consider the following criteria when deciding on a Grading Permit application:

(A) An Erosion and Sediment Control Plan or SWP3 application has been filed;

(B) The grading activities and plans comply with the MSO Technical Resources;

(C) Erosion and sediment control plans have been submitted and implemented by the applicant and approved by the MSO Director;

(D) A drainage report, if applicable, has been approved by the MSO Director; and

(E) If required by the MSO Director, the applicant has provided a re-seeding, erosion, and sediment control bond.

(6) Early Grading Permit

The MSO Director has discretion to issue a Grading Permit prior to submission of an Erosion and Sediment Control Plan or SWP3 in the following cases:

(A) Residential Grading

The City Engineer will examine the scope of the grading work to determine which land disturbance permit requirements, if any, must be satisfied.

(B) Mixed-Use and Nonresidential Grading

Mixed-use and nonresidential grading shall comply with the MSO Technical Resources.

(f) LDC Interpretation

(1) General LDC Interpretations

(A) Applicability

(i) The Director is authorized to provide a written interpretation of the contents and requirements of this LDC.

(ii) The Director is authorized to interpret the use table(s) to determine whether a use not specifically mentioned can reasonably be interpreted to fit into a use category.

(iii) Interpretations may be requested for a provision of this LDC subject to a proposed or current application, hearing, or appeal.

(iv) The Director may also provide a property-specific interpretation in the form of a clarification that identifies whether specific regulations in this LDC are applicable to the subject property.

(v) PD Preliminary Development Plan and Final Development Plan interpretations shall follow the requirements of Section 20-1605(f).

(B) Initiation

Applications for LDC Interpretations may be requested by any:

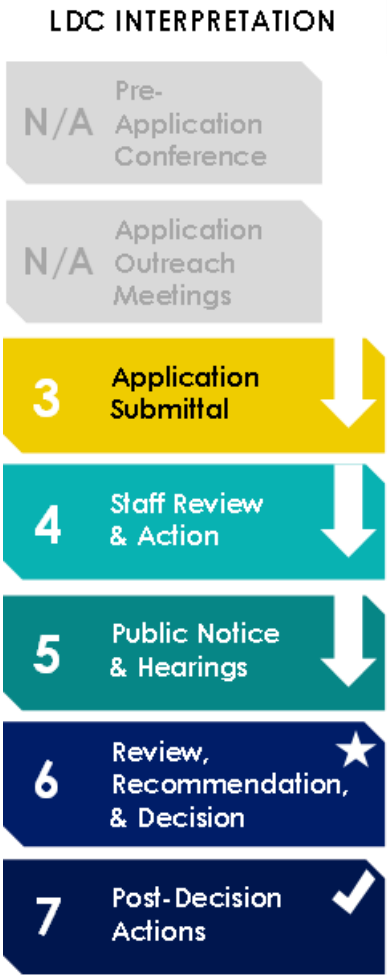
(i) Applicant,

(ii) Person affected by an action proposed pursuant to this LDC, or

(iii) Any City departments or other governmental agencies that may be subject to the provisions of this LDC.

(C) General Review Procedures

Applications for LDC Interpretation shall meet the General Review Procedures in Section 20-1603.



(D) Review and Decision-Making

(i) Applications for LDC Interpretation shall follow the requirements for Section 20-1605(a), Administrative Determination. Applications for PD Preliminary or Final Development Plan interpretation shall meet the following additional criteria:

(a) PD plan approvals that predate this LDC shall be narrowly interpreted and are limited to the specified terms of approval.

(b) PD plan approvals that refer to zoning districts not included in this LDC shall be interpreted or applied according to the 2006 LDC (or earlier) requirements.

(c) If the PD approval is silent as to a term or requirement, the most closely similar provision of this LDC shall be applied.

(d) Where a base zoning district(s) was not specified in the PD approval, the Planning Commission shall interpret and apply a zoning district(s) from this LDC that most closely reflects the PD's dimensional and use standards.

(e) Where this LDC changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the updated generally applicable standards are also applicable to approved PDs unless the PD was approved with a specific standard(s) regulating the same topic.

(f) Where ambiguity still exists, the Director shall apply the following rules of interpretation:

(1) Consistency with the literal provisions of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;

(2) Consistency with the stated purpose of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;

(3) Where the original plans referred to or depended upon provisions of the Zoning Ordinance then in effect, consistency with those provisions; and

(4) Interpretation of the original plans as reflected in the development of the project and reliance on it by property owner within it.

(ii) The Director shall render a written interpretation within 30 calendar days following receipt of a complete application.

(E) Record of LDC Interpretations

The Director shall keep a Record of Interpretations that is available for public inspection during normal business hours.

(F) Appeals

(i) Appeals of the Director's written interpretation may be taken to the Board of Zoning Appeals in accordance Section 20-1604(a). If the appeal results in a change of interpretation, the new interpretation shall be filed in the Record of LDC Interpretations.

(ii) Appeal of a Planning Commission ratification may be taken to the Governing Body per Section 20-1603(k)(1).

(g) Site Plan

(1) Purpose

The purpose of Site Plan review is to determine if proposed development is in compliance with this LDC, the Comprehensive Plan, and other applicable regulations.

(2) Applicability

A Site Plan is required for all development applications except as provided in this section. Site Plans are categorized as follows:

(A) Standard Site Plan: Partial Compliance

(i) An existing Site Plan is on file with PDS. Any Site Plan application without an existing Site Plan on file with PDS is required to submit a Major Site Plan.

(ii) LDC compliance is required only for those improvements or modifications proposed and approved. Existing site features are not required to become compliant with all standards of this LDC, other than those standards which the Director deems necessary to ensure the health, safety, and welfare of the public and/or user of the site.

(iii) The Director may adjust or waive LDC compliance where the applicant can demonstrate that the intent of the Comprehensive Plan and LDC are fulfilled and if the development project otherwise meets sound site planning principles.

(iv) Standards not adjusted or waived by the Director will remain eligible for Administrative Adjustment or consideration of a Variance by the Board of Zoning Appeals.

(B) Major Site Plan: Full Compliance

(i) No existing Site Plan is on file with PDS or the change from existing Site Plan to proposed development meets a threshold triggering a Major Site Plan.

(ii) Full compliance with this LDC and all applicable City codes is required for the entire site, unless otherwise determined by the Director.

(iii) The Director may adjust or waive LDC requirements where applicant can demonstrate that the intent of the Comprehensive Plan and LDC are fulfilled, and the development project otherwise meets sound site planning principles.

(iv) Standards not adjusted or waived by the Director will remain eligible for an Administrative Adjustment or consideration of a Variance by the Board of Zoning Appeals.

(C) Cumulative Impact

(i) Any application by a property owner to construct, expand, or replace part of a structure shall remain on record for 2 years from the date of work completion.

(ii) Any subsequent application by the same property owner(s) to construct, expand or replace part of a structure shall be cumulative to any requests made within the previous two years.

(iii) The total shall be used by the City to determine the property owner's necessary level of compliance.

Table 20-16-8: Site Plan Review Thresholds

Type of Development	**Standard Site Plan: Partial Compliance** Allowed when existing Site Plan on file with PDS	**Major Site Plan: Full Compliance** New Site Plan required; Based on cumulative impact per Section 20-1605(g)(2)(C)
All Vacant or Undeveloped Sites		All
Residential	• 3-4 new dwelling units [1] • Multiunit structure addition or change up to 2,500 SF GFA	• 5 or more new dwelling units [1] • Multiunit structure addition or change more than 2,500 SF GFA
Mixed-Use, Civic, and Public	• 1-4 new dwelling units • New construction or any change up to 15,000 SF GFA	• 5 or more new dwelling units • New construction or any change more than 15,000 SF GFA
Commercial	New construction or any change up to 20,000 SF GFA	New construction or any change over 20,000 SF GFA

Table 20-16-8: Site Plan Review Thresholds		
Type of Development	**Standard Site Plan: Partial Compliance** Allowed when existing Site Plan on file with PDS	**Major Site Plan: Full Compliance** New Site Plan required; Based on cumulative impact per Section 20-1605(g)(2)(C)
Industrial	New construction or any change up to 10,000 SF GFA	New construction or any change over 10,000 SF GFA
Parking as a Principal Use (surface or structure)	Up to 25 vehicle spaces	26 or more vehicle spaces OR structured parking
Addition of Impervious Surface	Up to 10% over existing	More than 10% over existing
Outdoor dining or hospitality or outdoor uses 50 SF or larger	All, even without existing Site Plan	
Land dedication required		All
Notes: [1] In any structural configuration (e.g., townhome, apartment, triplex)		

(3) Exemptions

The following are exempt from Site Plan review:

(i) Changes to developments for which plans have been reviewed and approved pursuant to the Special Use or Planned Development procedures of this LDC. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other LDC procedures.

(ii) Changes that could be considered ordinary maintenance or interior remodeling, and which do not change the exterior style, design, or material type.

(iii) A change in use that does not increase a building's footprint or the number of building stories. For purposes of this section, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than 50 square feet in area, and similar appurtenances, as determined by the Director, shall not be considered as increasing the Building's footprint. This provision shall not exempt a property in the M3 district from any other City code standard, including review by the Historic Resources Commission.

(iv) Changes otherwise exempted from Site Plan Review by state or federal law.

(4) Initiation

Applications for Site Plan review may be requested by any:

(i) Property owner, or

(ii) Any City departments or other governmental agencies that may be subject to the provisions of this LDC.

(5) General Review Procedures



Applications for Site Plan shall meet the General Review Procedures in Section 20-1603 with the following modifications:

(A) A pre-application meeting is required at least 7 days prior to the formal submission of a Site Plan application.

(B) Notice shall be provided per Section 20-1603(g). Mailed notice shall include the following statement:

> **Notice of Site Plan Review pending before the Planning and Development Services Office**
>
> This letter is being sent to the owner of property within 400 feet of, or a Registered Neighborhood Association encompassing, including any accessory part of the development, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise nearby landowners of the pending proposed development. This letter does not grant the recipient and/or landowners any additional rights to challenge this proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Planning and Development Services Office at (785) 832-3150.

(C) The failure to receive notice of Site Plan Review by an adjoining landowner or Registered Neighborhood Association will not affect the validity of Site Plan approval or review.

(6) Review and Decision-Making

Site Plans shall be reviewed per Section 20-1605(c), Administrative Determination. All of the following review criteria apply:

(A) The Site Plan shall contain only platted land;

(B) The Site Plan shall comply with all standards of the City Code, this LDC and other adopted City policies and adopted neighborhood or area plans;

(C) The proposed use shall be allowed in the zoning district in which it is located or be an allowed nonconforming use;

(D) Vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies; and,

(E) The Site Plan shall provide for the safe movement of pedestrians on the subject site.

(7) Notice of Decision

Notice of the decision, including the Director's findings and basis for decision in light of the criteria of Section 20-1605(g)(6), shall be mailed to the applicant and all other parties who have made a written request for notification.

(8) Appeals

Appeals may be taken to the Governing Body by filing a notice of appeal with the Director. Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(A) Right to Appeal

The following persons and entities have standing to appeal the action of the Director on applications for Site Plan approval:

(i) The applicant;

(ii) The Governing Body;

(iii) The neighborhood association(s) provided notice of the project; or

(iv) Record owners of all property within 400 feet of the subject property.

(B) Action on Appeal

(i) The Governing Body shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the Governing Body's meeting shall be provided to the appealing party and the applicant a minimum of 14 days prior to the Commission's meeting.

(ii) After considering the matter, the Governing Body shall act on the original Site Plan application, applying the review criteria of Section 20-1605(g)(6).

(9) Modifications to Approved Site Plans

(A) The Director is authorized to approve, without public notice, any modification that complies with the approval criteria of Section 20-

1605(g)(6) as long as the Director determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding landowners.

(B) Any other modification may be approved only after submittal of a new Site Plan application.

(10) Extension and Lapsing

Approved Site Plans are valid for 24 months. The provisions of Section 20-1603(j)(2) apply.

(11) Vesting of Rights

(A) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. 12-764 and amendments thereto. Rights vest only after the related building permit is issued and substantial construction is begun in reliance on that permit.

(B) Rights in an entire Site Plan shall vest under K.S.A. 12-764 and amendments thereto upon timely issuance of an initial building permit and completion of construction in accordance with that building permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

(h) Stormwater Pollution Prevention Plan (SWP3)

The requirements for a Stormwater Pollution Prevention Plan are found in the City Code, Chapter 9, Article 9.

20-1606 Required Plans and Studies

(a) Retail Market Impact Analysis

(1) Definitions

(A) A retail business shall be defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:

(i) Sector 44-45: Retail Trade;

(ii) Subsector 722: Food Services and Drinking Places;

(iii) Subsector 811: Repair and Maintenance; and

(iv) Subsector 812: Personal and Laundry Services.

(B) Retail space shall be defined as enclosed Floor Area that is principally intended for occupancy by any of the above kinds of retail businesses regardless of whether that space is vacant or occupied by other types of business.

(2) Responsibilities of the City

The Planning and Development Services Office will maintain a database of retail space and retail businesses in the City and produce a city-wide retail market report biennially that includes an analysis of both the supply and demand sides of the retail market.

20-1607 Transitional Provisions

(a) Intent and Applicability

This LDC is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the Effective Date. Applications and permits that have not achieved final approval as of the Effective Date shall be processed according to the provisions of this section.

(b) Existing Development Approvals

(1) Any development that was validly issued all final approvals under any prior regulations may be carried out under the terms and conditions of the approval provided the approval has not expired and the development complies with any applicable standards of this LDC regarding ongoing operations and maintenance.

(2) If a prior approval expires based on an expiration established in the 2006 LDC, or the project approval is revoked or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this LDC.

(3) The Director may renew or extend the time of a previous approval per Section 20-1603(j)(2) if the required standards or criteria for approval remain valid.

(4) Any re-application for an expired, lapsed, or terminated project approval shall meet the standards in effect at the time of re-application.

(5) Unless otherwise provided in the initial approval, any proposed revision to an existing application or approval shall be reviewed based on the code in effect at the time of submission of a complete application for the revision.

(c) Applications in Progress

(1) A complete application, as defined in Section 20-1603(c), for a single-step approval, submitted prior to the Effective Date and pending review at the time of adoption of this LDC may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this LDC at the request of the applicant.

(2) Applications shall not be processed under a combination of prior regulations and this LDC. Any re-application after the Effective Date shall comply with the requirements of this LDC.

(3) Complete applications for the first step of a multiple-step approval process, as listed in the Complete Application, First Step column, submitted prior to the Effective Date and pending review at the time of adoption of this LDC shall be processed pursuant to the 2006 LDC, or may be reviewed and decided under this LDC at the request of the applicant. Later step applications related to the initial complete application, listed in the Later Step Application column, shall be processed pursuant to the 2006 LDC if the first step approval was design specific, and pursuant to the 2024 LDC if the first step approval was conceptual, as follows:

Table 20-16-9: Applications in Progress

Complete Application, First Step	2024 LDC	2006 LDC	Later Step Application [1]	2024 LDC	2006 LDC
Planned Development					
Preliminary Development Plan		x	Final Development Plan(s)	[2]	x
Rezoning					
Rezoning Application		x	Site Plan	x	
Subdivision					
Preliminary Plat		x	Final Plat	[2]	x

Notes:
[1] Processed pursuant to 2006 LDC only if First Step approval has not expired.
[2] Applicant may elect review under 2024 LDC.

(d) Violations Continue

Any violation of previous land development regulations will continue to be a violation under this LDC, subject enforcement per Article 18. If the violation ceases because the use or activity is consistent with the express terms of this LDC, the enforcement action will cease except to the extent of collecting penalties for violations that occurred before the Effective Date. The adoption of this LDC does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous City ordinances that occurred prior to the Effective Date.

Article 17. Nonconformities

20-1701 General

(a) Scope

The regulations of this article govern uses, structures, lots and other situations that came into existence legally, but that do not conform to one or more requirements of this LDC. These are referred to in this LDC as "nonconformities." Nonconformities are legal situations and have legal status under this LDC.

(b) General Policy

(1) To encourage development consistent with this LDC and provide landowners with reasonable use of their land, it is the general policy of the City to allow uses, structures, lots and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of these situations into compliance with existing regulations over time as is reasonably possible.

(2) Where previously complying property no longer complies with the regulations of this LDC solely as a result of a governmental taking or acquisition for right-of-way, easement, or other governmental use, the failure to comply created by the taking or acquisition shall not constitute a nonconformity.

(c) Intent

The regulations of this article are intended to:

(1) Recognize the interests of landowners in continuing to use their property;

(2) Promote reuse and rehabilitation of existing buildings; and

(3) Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

(d) Authority to Continue

Any nonconformity that existed on the Effective Date, or that becomes nonconforming upon the adoption of any amendment to this LDC, may be continued in accordance with the provisions of this article.

(e) Determination of Nonconformity Status

The burden of proving, by clear and convincing evidence, that a nonconformity exists rests with the subject landowner.

(f) Repairs and Maintenance

(1) Incidental repairs and normal maintenance necessary to keep a nonconforming structure in sound condition are permitted, unless those repairs are otherwise expressly prohibited by this LDC.

(2) Nothing in this article will be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

(3) Nonconformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

20-1702 Nonconforming Uses

(a) Expansion

(1) Prohibited Expansions

(A) An expansion of a nonresidential use from a nonresidential district into a residential district;

(B) An expansion which would result in an increase of dwelling units;

(C) An expansion which does not comply with all applicable provisions of this LDC.

(2) Expansions Permitted by Site Plan

The following nonconforming use expansions are reviewed per Section 20-1605(g), Site Plan.

(A) Incidental or accessory expansions to the nonconforming use and that do not increase the occupancy of a nonresidential use.

(B) Expansions of residential uses that do not exceed 25 percent of the floor area of the existing nonconforming use.

(C) Expansions of nonresidential uses that do exceed 15 percent of the floor area of the existing nonconforming use and that are not adjacent to nor encroach upon a Residential zoning district.

(3) Expansions Requiring a Special Use Review

The following nonconforming use expansions are reviewed per Section 20-1604(c), Special Uses.

(A) General

Expansions that are not of an incidental or accessory nature to the nonconforming use or that increase the occupancy of a nonresidential use.

(B) Expansions of Residential Uses

Exceeding 25 percent of the floor area of the existing nonconforming use.

(C) Expansions of Nonresidential Uses

(i) Exceeding 15 percent of the floor area of the existing nonconforming use; and

(ii) Adjacent to a Residential zoning district

(b) Change of Use

(1) A nonconforming use may not be changed to any use other than a use allowed in the zoning district in which it is located, except as provided below.

(2) A nonconforming use may be changed to another similar or less intensive use, if reviewed and approved by the Director, upon a finding that the new use is no more intensive in character than the original nonconforming use. The following additional rules apply:

(A) A nonconforming residential use may not be changed to another nonconforming residential use that would increase the number of dwelling units on the site.

(B) A nonconforming nonresidential use being changed to a residential use shall comply with the minimum lot area and density standards of the base district.

(c) Moving

A nonconforming use may not be moved in whole or in part to another location on the lot or parcel unless the movement or relocation eliminates or decreases the extent of nonconformity.

(d) Loss of Nonconformity Status

(1) Once a nonconforming use is abandoned, the use's nonconforming status is lost, and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:

(A) The intent of the owner to discontinue the use is apparent;

(B) With respect to any use other than a detached single-dwelling residential use, the use has been discontinued for a period of 12 months or more and no concerted effort has been undertaken by the owner to continue the use;

(C) A demolition permit has been applied for;

(D) The characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;

(E) The nonconforming use has been replaced by a conforming use;

(F) The nonconforming use has been changed to another use in accordance with Section 20-1702(b); or

(G) A building permit to reconstruct a damaged nonconforming use in accordance with Section 20-1703(d) has not been secured within 12 months of the date of occurrence of that damage or construction has not been diligently pursued.

(2) When a building or structure, the use of which does not conform to the provisions of this LDC, is damaged to the extent of more than 60 percent of its fair market value, the use may not be restored, except in conformity with the regulations of the base district and any applicable Overlay District.

(3) The exception to the above paragraph is that a detached dwelling structure, when registered as a nonconforming use, is permitted to be rebuilt, unless it is located within the floodway or regulatory floodway. Nonconforming detached dwelling structures cannot be rebuilt to a greater density than existed before the damage. Rebuilding shall only be allowed if off-street parking and setback requirements of the current zoning district are met. Reconstruction must be commenced within 12 months of the time the damage occurred.

(4) A building permit to reconstruct a damaged structure pursuant to (2) shall be obtained within 12 months of the date of occurrence of the damage or demolition, and once issued, construction shall be diligently pursued.

(e) Discontinuance of Nonconforming Open Uses of Land

All nonconforming commercial or industrial open use of land shall have been discontinued, including the removal of all above-surface improvements and structures accessory to the open use of land, but not to the permitted uses, by November 1, 2008. Any open use of land that becomes nonconforming because of subsequent amendments to this LDC shall also be discontinued, on the same basis, within three years of the effective date of the amendment that rendered or renders the use nonconforming.

(f) Accessory Uses and Structures

A use or structure, accessory to a principal nonconforming use or structure, may not be continued after the principal use or structure has been abandoned, unless the use or structure is also an accessory use or structure to the principal uses permitted in the base district and any applicable Overlay District.

20-1703 Nonconforming Structures

(a) Structural Alterations

Structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of nonconformity.

(1) When a structure is nonconforming because it encroaches into a required side or rear setback, this provision will be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater encroachment into a required setback.

(2) When a structure is nonconforming because it encroaches into a required front setback, this provision will be interpreted as prohibiting other portions of the structure from being expanded out to the extent of the existing encroachment.

(b) Use

A nonconforming structure may be used for any use allowed in the base district and any applicable Overlay District.

(c) Moving

A nonconforming structure may be moved in whole or in part to another location on the subject parcel only if the movement or relocation decreases or eliminates the noncompliance.

(d) Loss of Nonconforming Status; Damage or Destruction

(1) Once a nonconforming structure is abandoned, its nonconforming status is lost and the structure, or any replacement, shall comply with the regulations of the zoning district in which it is located, even if the compliance means that the structure shall not remain, and no replacement structure may be constructed. A nonconforming structure will be considered abandoned when any of the following occurs:

(A) The intent of the owner to discontinue all uses in the structure is apparent;

(B) No use has been maintained in the structure for a period of 12 months or more and no concerted effort has been undertaken by the owner to maintain the use;

(C) A demolition permit has been applied for;

(D) All equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within 90 days, unless other facts show intention to resume use of the structure; or

(E) A building permit to reconstruct a damaged nonconforming structure in accordance with subsection (3) has not been secured within 12 months of the date of occurrence of the damage, or construction under that permit has not been diligently pursued.

(2) When a nonconforming structure (other than a detached dwelling located in an R-1 or R-2 base district or a congregate living use in an R-3, R-4 or R-5 base district which has an approved Site Plan on file with the city) is damaged to the extent of more than 60 percent of its fair market value, the structure may not be

restored except in conformity with the regulations of the base district and any applicable Overlay District. When a detached dwelling located in an R-1 or R-2 base district or a congregate living use located in an R-3, R-4, or R-5 base district which has an approved Site Plan on file with the city is damaged to any extent, it may be restored at its former location without first being required to obtain a Variance, provided that, a building permit for the restoration is obtained within 12 months of the date of occurrence of the damage, in accordance with Subsection (3).

(3) A building permit to reconstruct a damaged structure pursuant to subsection (2) shall be obtained within 12 months of the date of occurrence of the damage, and once issued, construction shall be diligently pursued.

20-1704 Nonconforming Lots

(a) Use of Nonconforming Lots

(1) In Residential zoning districts, a nonconforming lot may be used for detached dwellings and related accessory structures.

(2) In nonresidential zoning districts, a nonconforming lot may be used for uses allowed within the base district and any applicable Overlay District.

(3) Nonconforming lots that have access only to a street that is shown on a plat, but that has not been improved, shall not be protected by this article. The owner of these lots shall replat the lots in conformity with the subdivision regulations and the applicable zoning regulations of this LDC before seeking a building permit or otherwise seeking to use one or more of these lots.

(b) Dimensional Standards

Development of nonconforming lots shall comply with the dimensional standards of the base district, except as expressly stated in this section. This provision will not be interpreted as requiring a greater setback than specified for the base district and any applicable Overlay District.

(1) Standards Applicable in All Zoning Districts

The following standards shall apply to development on nonconforming lots in all zoning districts.

(A) Lot Area

(i) Development Permitted

A lot that is nonconforming as to the required minimum lot area for the base district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this section.

(ii) Reduction Not Permitted

The owner of a nonconforming lot shall not take any voluntary action that will further reduce the lot area. This action may be prosecuted as a violation of this LDC and shall deprive the owner and any subsequent owner of the protection afforded by this section.

(iii) Choice of Uses

Where the lot area of a nonconforming lot or parcel is conforming for some use in the applicable base district, but not for others, that lot shall be used for a use for which it is conforming. If a lot fails to conform to the applicable requirements of the base district, then the lot may be used only for those permitted uses in that zoning district requiring the smallest minimum lot area.

(B) Lot Width

(i) Development Permitted

A lot that is nonconforming as to the required minimum lot width for the base district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this section.

(ii) Improved Street Access Required

If the actual lot width is inadequate to provide for driveway access to the lot from an improved Street, the protection of this section shall not apply.

(iii) Reduction Not Permitted

The owner of a nonconforming lot shall not take any voluntary action that will further reduce the lot width. For purposes of this section, the owner's involvement in a governmental taking or acquisition of property for right-of-way, easement or other governmental use shall not be deemed a voluntary action. An owner's voluntary action to further reduce the lot width may be prosecuted as a violation of this LDC and shall deprive the owner and any subsequent owner of the protection afforded by this section.

(iv) Choice of Uses

Where a nonconforming lot or parcel is conforming for some uses in the applicable base district, but not for others, that lot shall be used for a uses for which it is conforming. If a Lot fails to conform to the applicable requirements of the base district, then that lot may be used only for those permitted uses in that base district requiring the smallest minimum lot width, which, in most cases, will be a detached single-dwelling residential use.

(2) Residential Zoning Districts

The following dimensional standards apply to development on nonconforming lots located in Residential zoning districts.

(A) Front Setbacks

The minimum front setback shall be at least 20 percent of the lot depth or the applicable zoning district setback, whichever is less. Double-frontage (through) lots shall maintain a front setback from both streets.

(B) Interior Side and Rear Setbacks

The minimum interior side and rear setback for principal buildings is five feet or 10 percent of the lot width, whichever is greater. This provision will not be interpreted as requiring a greater setback than specified for the base district and any applicable Overlay District.

(C) Street Side Setbacks

The minimum exterior side street setback on nonconforming lots is five feet, plus ½ foot for each foot of lot width above 28 feet.

(D) Height and Building Coverage

Nonconforming lots shall comply with the height and building coverage requirements of the base district and any applicable Overlay District.

(3) Nonresidential Zoning Districts

The following dimensional standards apply to development on nonconforming lots located in all zoning districts, except the Residential zoning districts. This provision will not be interpreted as requiring a greater setback than specified for the base district and any applicable Overlay District.

(A) Front Setbacks

The minimum front setback is 20 percent of the lot depth or the applicable zoning district setback, whichever is less. Double-frontage (through) lots shall maintain a front setback from both streets.

(B) Interior Side Setbacks

The minimum side setback is five feet unless a smaller side setback is allowed by the base district and any applicable Overlay District.

(C) Rear Setback

Nonconforming lots shall comply with the rear setback requirements of the base district and any applicable Overlay District.

(D) Street Side Setback

The minimum exterior side street setback is five feet, plus ½ foot of additional setback for each foot of lot width above 28 feet.

(E) Height and Building Coverage

Development on nonconforming lots shall comply with the height and building coverage standards of the base district and any applicable Overlay District.

20-1705 Nonconforming Parking

(a) Parking that was established legally, but that no longer complies with the standards of the LDC, is considered 'nonconforming' provided the building or property has not been unused or vacant for a period of 24 continuous months or more.

(b) In the case of enlargements or expansions of lawfully created buildings or uses triggering requirements for additional parking or loading, additional off-street parking and loading spaces, compliant with the design standards of Article 12, Parking, Loading, and Access, are required only to serve the enlarged or expanded area or use, not the entire existing building or use. There is no requirement to address lawfully created nonconforming existing parking or loading deficits.

(c) Nonconforming parking associated with a building or property that has been unused or vacant for 24 contiguous months or more is no longer considered nonconforming, and all parking requirements must be met if the former use commences or the building or use are changed, expanded, or enlarged.

20-1706 Nonconforming Site Features

(a) General

The following provisions apply to nonconforming site features:

(1) The nonconforming site feature shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the Effective Date.

(2) Where the nonconforming site feature has specific locational requirements, it shall not be moved in whole or in part to any other portion of the lot or parcel except in conformance with this LDC.

(b) Manufactured Home

Within a period of one year or less from its removal from a lot of record, a manufactured home used for residential purposes which is a legal nonconforming use of land may be replaced by another manufactured home for residential purposes, so long as the new home is not more than 50 percent larger in GFA than the manufactured home that it replaced and can be placed on the lot in compliance with the applicable zoning district standards.

20-1707 Registration of Nonconforming Uses

(a) Rights Conditional

The rights given to those using or owning property involving a nonconforming use to expand or alter that nonconforming use are specifically conditioned on the registration of the nonconforming use with the Director.

(b) Registration Process

The Director shall establish a process for the registration of nonconforming uses and publish notice of the registration requirements and when they apply to existing nonconforming uses.

(c) Registration Database

For nonconforming uses that are known to the City to be in existence on the Effective Date, the Director shall develop a database of these uses for the tracking of nonconformities.

(1) landowners of nonconforming uses arising because of an amendment to this LDC or because of a change in jurisdictional boundaries, will be required to register their nonconforming use before altering or expanding that use.

(2) Subject to the verification procedures established by the Director, nonconforming uses so registered will be deemed to be nonconforming uses, to the extent documented on the registration form. All rights to continuance, maintenance, or repair of the nonconforming use shall be allowed regardless of registration as a nonconforming use.

(d) Effect of Not Registering; Appeals

The Director, and all other designated City officials, shall not permit the expansion or alteration of a nonconforming use not registered in accordance with this section. An aggrieved party may appeal this denial to the Board of Zoning Appeals. The Board of Zoning Appeals may grant late registration status to the nonconforming use, in which case the owner is entitled to all of the rights accorded to the nonconforming use as though it were registered in accordance with the requirements of this article, if it finds that:

(1) the failure to register the nonconforming use occurred because the owner was unaware that the situation was nonconforming or from excusable neglect; or

(2) the nonconforming use was lawful on the date that the provisions of this LDC first became applicable to it or is otherwise entitled to protection under this article

Article 18. Violations and Enforcement

20-1801 Responsibility for Enforcement

(a) General

The Director is responsible for enforcing this LDC, except as otherwise expressly stated.

(b) Enforcement by Others

(1) Citizens

Pursuant to K.S.A. 12-761(b), any person, the value or use of whose property is or may be affected by a violation of this LDC, is authorized to maintain a suit or action in any court of competent jurisdiction to enforce the provisions of this LDC and to abate nuisances maintained in violation of this LDC.

(2) State Officials

Pursuant to K.S.A. 12-761(c) and in the case of violations to the floodplain management regulations of Section 20-1303, Floodplain Management Regulations] the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas Board of Agriculture are authorized, in addition to other remedies, to institute injunction, mandamus, or other appropriate action or proceeding to prevent, correct or abate the violation.

20-1802 Violations

(a) Compliance Required

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved, or structurally altered shall comply with all applicable provisions of this LDC.

(b) Types of Violations

Unless otherwise expressly stated by this LDC or State law, any violation of this LDC, including but not limited to the following, will be subject to the remedies and penalties provided for in this article:

(1) To use land or buildings in any way not consistent with the requirements of this LDC;

(2) To occupy a property with an approved Site Plan without completion of Site Plan conditions;

(3) To engage in development activity in any way not consistent with the requirements of this LDC;

(4) To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this LDC and an approved plan or plat, if required, has been filed in the appropriate office;

(5) To submit for recording, any subdivision plat, land division or other Development Plan that has not been approved in accordance with the procedures of this LDC or that does not qualify for an exemption under the subdivision regulations of this LDC;

(6) To engage in the use of a building or land, the use or development activity requiring one or more permits or approvals under this LDC without obtaining all required permits or approvals;

(7) To engage in the use of a building or land, the use or development activity requiring one or more permits under this LDC in any way inconsistent with any permit or approval or any conditions imposed thereon;

(8) To violate the terms of any permit or approval granted under this LDC or any condition imposed on the permit or approval;

(9) To obscure, obstruct or destroy any notice required to be posted or otherwise given under this LDC; or

(10) To violate any lawful order issued by any person or entity under this LDC.

20-1803 Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this LDC for purposes of calculating cumulative penalties.

20-1804 Liability

The owner, tenant, or occupant of any land or structure shall be presumed to know of activity occurring on the premises and thus may be charged with a violation of this LDC for any violation found on any premises subject to this LDC. Where an architect, contractor, builder, agent, or other person appears to have participated directly in a violation of this LDC, the Codes Enforcement Manager may also charge the person with a violation of this LDC. Any person charged with a violation of this LDC shall be entitled to personal notice of the violation, in accordance with Section 20-1805, Remedies and Enforcement Powers, and to a hearing before the Board of Zoning Appeals, in accordance with Section 20-1604(a). All persons found to be responsible for the actions or inactions leading to a violation may be charged jointly and severally with violations as a result of the same incident or circumstances.

20-1805 Remedies and Enforcement Powers

The Director may use any of the following remedies and enforcement powers:

(a) Withhold Permits and Approvals

The Director may deny or withhold all permits, certificates, or other forms of authorization on any land, or structure or improvements thereon:

(1) upon which there is an uncorrected violation of a provision of this LDC or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City; and

(2) owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this LDC or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City.

(b) Approval of Permits and Approvals with Conditions

Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant the authorization only if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety, or general welfare.

(c) Revoke Permits and Approvals

Any permit or other form of authorization required under this LDC may be revoked by the Director or by any City official with authority to issue the permit when the Director or other City official determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this LDC are being violated.

(1) Where permits are mistakenly issued, an applicant will be entitled to appeal the permit revocation to the Board of Zoning Appeals.

(2) Written notice of revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which the permit was issued, or shall be posted in a prominent location, and after the notice is served, construction shall stop.

(d) Stop Work

Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this LDC, the Director may order the work to be immediately stopped.

(1) The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(2) Violation of a stop work order constitutes a misdemeanor.

(e) Revoke Plans or Related Approvals

Where a violation of this LDC involves a failure to comply with approved plans, or conditions to which the approval of the plans was made subject, the City may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan or other approval or condition its continuance on strict compliance with this LDC, the provision of financial security to ensure that construction is completed in compliance with approved plans, or the other conditions as the City may reasonably impose. Any required financial security shall be in a form approved by the City.

(f) Legal Relief

Pursuant to K.S.A. 12-761(b), the City may commence a civil action or proceeding in District Court to stop any violation of this LDC or of a permit, certificate, or other form of authorization granted hereunder, to remove a violation, or to restore the premises in question to the condition in which they existed prior to violation. The relief sought may include:

(1) an injunction or other equitable relief;

(2) an order in the nature of mandamus or abatement;

(3) a judgment or order enforcing any requirement of, or under, this LDC to pay a fee or reimburse or compensate the City, including when the City is required or authorized to take specified action at the expense of the landowner; or

(4) any other judgment or order available under Kansas law.

(g) Criminal Penalties

Pursuant to K.S.A. 12-761(a), any person, firm, or corporation who shall violate any of the provisions of this LDC, or fail to comply with any order or regulation in the LDC, or who shall engage in development activity in violation of any specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall, for each and every violation and non-compliance respectively be deemed guilty of a misdemeanor, and upon conviction therefore shall be, for each offense:

(1) fined in a sum not less than $10 nor more than $500;

(2) imprisoned for not more than six months; or

(3) both fined and imprisoned.

(h) Other Penalties and Remedies

The City may seek other penalties and remedies, and employ other enforcement powers, as are provided by Kansas law for violations of zoning, subdivision, sign, or related provisions.

20-1806 Continuation of Previous Enforcement Actions

Nothing in this LDC prohibits the City's continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

20-1807 Remedies Cumulative

The remedies and enforcement powers established in this LDC are cumulative, and the City may exercise them in any order.

20-1808 Procedure for Failure to Construct or Install improvements in the Public Right of Way

The failure to construct or install a required improvement located in the public right-of-way as established in an approved Site Plan, Preliminary or Final Development Plan or Special Use permit, within one year of issuance of a building permit, or failure to construct or install a required improvement located in the public right-of-way as otherwise required in this LDC, constitutes a failure to perform a lawfully required duty pursuant to K.S.A. 12-6a17.

(a) Prior to the Governing Body making a finding for a particular property or properties, the Governing Body will provide written notice of an opportunity for a hearing to the landowner of record.

(b) After written notice to the landowner, the Governing Body 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 Governing Body construct or install the improvement, or contract for the construction or installation of the improvement.

(c) The construction or installation shall be performed pursuant to all lawfully required procedures.

(d) The cost of the construction or installation shall be assessed pursuant to K.S.A. 12-6a17, provided that the Governing Body may only use the authority of this section for the following improvements: installation of sidewalks or bicycle or pedestrian paths or trails on public right-of-way; installation or removal, or both, of curbing and pavement adjacent to a public street and within the public right-of-way; and installation of required landscaping improvements in the public right-of-way.

Article 19. Measurements and Definitions

20-1901 Interpretation

(a) Numbering Style

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

(b) Meanings and Intent

The language of the LDC shall be read literally. Regulations are no more or less strict than stated. Words used in the LDC have the standard dictionary definition unless they are defined in this article. Words defined in this article have the specific meaning assigned, unless the context expressly indicates another meaning.

(c) Tenses and Usage

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

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

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

(4) "May" is permissive.

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

(d) Fractions

(1) Minimum Requirements

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

(2) Maximum Limits

When a regulation is expressed in terms of maximum limits, any fraction shall be disregarded and only the smallest applicable whole number shall be considered. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction is ignored and the result is the whole number of two, which will be the maximum number of allowed dwelling units.

(e) Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

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

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

(f) Headings, Illustrations and Text

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

(g) References to Other Regulations

All references in the LDC to other City, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of those regulations. These references do not imply any responsibility by the City for enforcement of county, state, or federal regulations.

(h) Current Versions and Citations

All references to other City, county, state, or federal regulations in the LDC refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, LDC requirements for compliance are no longer in effect.

(i) Lists and Examples

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

(j) Delegation of Authority

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

(k) Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are City employees, officials, or agencies unless otherwise expressly stated.

20-1902 Measurements

(a) Building Coverage

Building coverage refers to the total area of a lot covered by buildings or roofed areas such as gazebos and covered parking areas, as measured along the outside

wall at ground level, and including all projections, other than open porches, fire escapes, and the first two feet of a roof overhang. Uncovered ground-floor parking areas, open recreation areas, uncovered patios, and plazas shall not be counted as building coverage.

(b) Building Height

(1) Measurement

Building height is the vertical distance between the average finished grade between the lowest and highest grades along the foundation and the highest point of the roof or facade (see graphic).

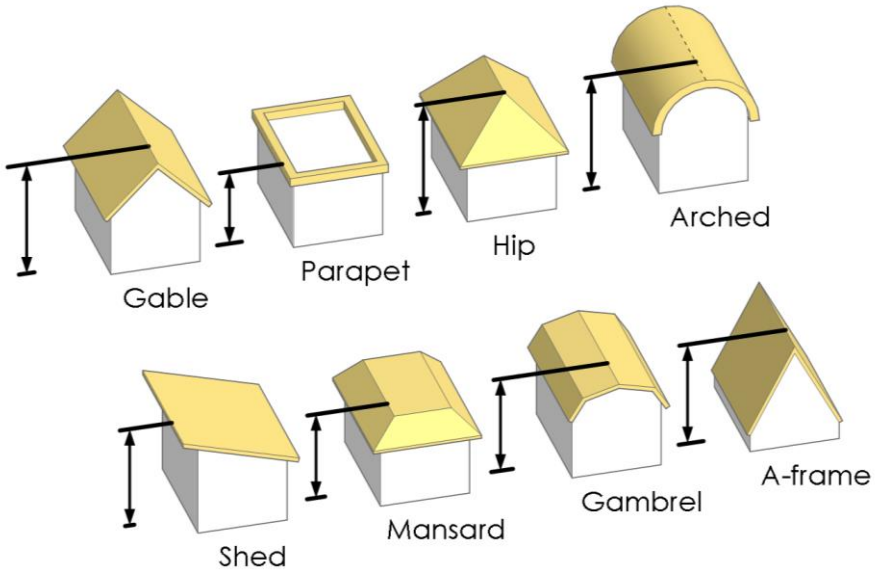


Fig. 20-19-A. Building Height Measurement

(2) Average Finished Grade

Average finished grade means the elevation determined by averaging the highest and lowest elevations of a parcel, building site or other defined area of land after final grading.

(c) Distance Between Structures

The shortest horizontal distance measured between the vertical walls of two structures perpendicular to an axis, all points along which are midway between the vertical walls.

(d) Floor Area

(1) Floor Area

The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings.

(2) Floor Area, Gross (GFA)

The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of the common wall.

(3) Floor Area, Net

The horizontal area of a floor or several floors of a building or structure; excluding those areas not directly devoted to the principal or accessory Use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.

(4) Floor Area Ratio (FAR)

The sum of the horizontal areas of the several floors inside the exterior walls (excluding basements) of a building or a portion thereof divided by the lot area.

(e) Lots

(1) Measurements

(A) Lot Area

The area of a lot includes the total horizontal surface area within the lot's boundaries. For nonconforming lots, see Article 17, Nonconformities.

(B) Lot Depth

The distance between the midpoint of the front lot line and the mid-point of the rear lot line.

(C) Lot Width

The distance between the side lot lines of a lot, or the side lines of a residential development parcel measured at the required front setback line.

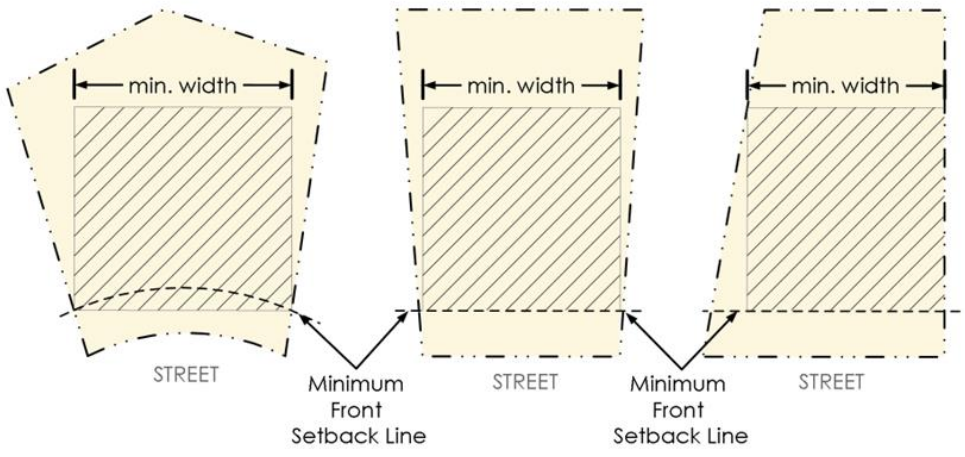


Fig. 20-19-B. Building Height Measurement

(2) Lot and Property Lines

(A) Lot Line

A platted boundary of a lot.

(i) Lot Line, Front

The street line at the front of a lot. On corner lots, the shorter frontage shall be designated as the front lot line.

(ii) Lot Line, Interior Side

A lot line that is not a front lot line or rear lot line.

(iii) Lot Line, Street Side

A side lot line separating a lot from a street other than an alley.

(iv) Lot Line, Rear

The lot line opposite and most distant from, and parallel or closest to being parallel to, the front lot line. A triangular lot has no rear lot line.



Fig. 20-19-C. Lot Lines on Interior and Corner Lots

(B) Property Line

The legally described boundary line that indicates the peripheral boundary of a parcel, tract, lot, or block to delineate ownership and setback requirements.

(C) Irregular Lots

In the case of irregularly shaped lots, the rear lot line shall be those lines that are most nearly opposite the front lot line. To the maximum extent possible, setbacks of irregular lots will match the setbacks of adjacent lots.

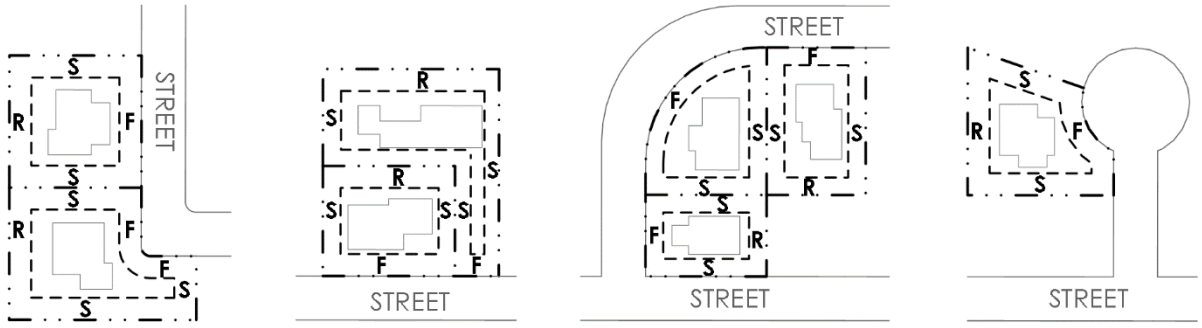


Fig. 20-19-D. Lot Lines and Setbacks on Irregular Lots

(3) Lot Types

(A) Corner Lot

A lot at the junction of two or more intersecting or intercepting streets where the angle of intersection of the lot lines does not exceed 135 degrees,

(B) Double Frontage (Through) Lot

A lot having a pair of opposite lot lines along two relatively parallel public rights-of-way and that is not a corner lot. A through lot shall have two front setbacks, at opposite ends of the lot. The front setback provisions of this section shall apply to both. Other sides of a through lot shall be subject to side setback standards. For exceptions to fencing standards, see Section 20-1411(a)(2).

(C) Reverse Frontage Lot

A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

(D) Flag Lot

A lot not meeting the minimum lot width at the public street frontage, and where access to a public street is limited to a narrow strip of land or private access way.

(E) Interior Lot

Any lot that is not a corner lot.

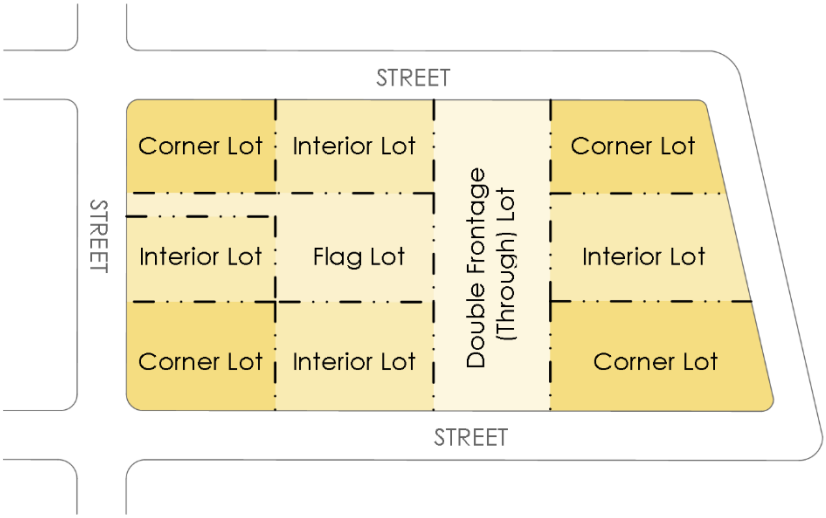


Fig. 20-19-E. Lot Types

(4) Lot Width

Lot width is the distance between side lot lines measured at the point of the required front setback or chord of the front setback. The chord of the front setback is the line segment that joins two points at the side lot lines of a curved lot.

(f) Setbacks

(1) Measurement

(A) Front and street side setbacks extend the full width of a lot and are measured from the property line. The front and street side setbacks will overlap at the outside corner of the lot.

(B) Interior side setbacks extend from the required front setback line to the required rear setback line and are measured from the side property line. If no front of rear setback is required, the required setback area shall run to the opposite lot line.

(C) Rear setbacks extend the full width of the lot and are measured from the rear property line.

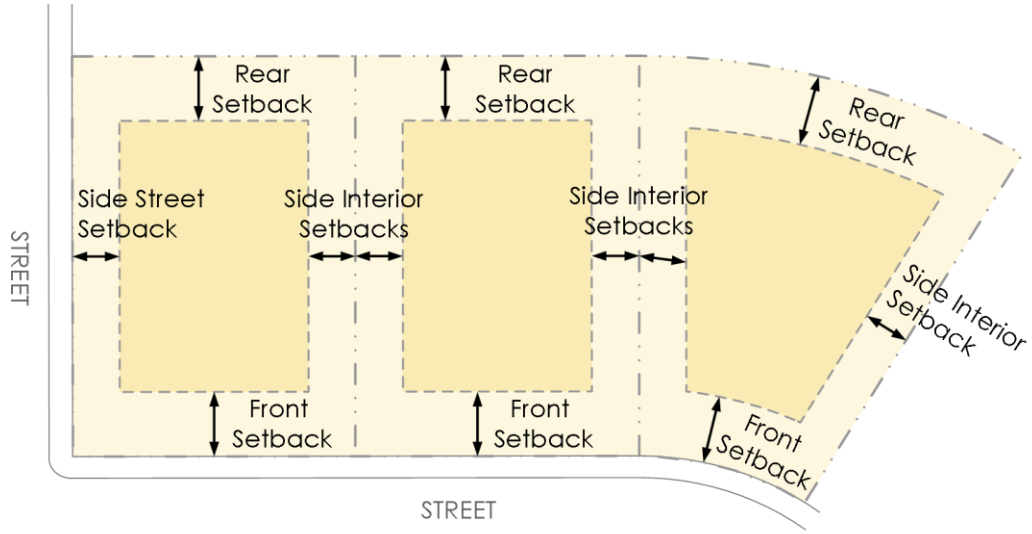


Fig. 20-19-F. Building Setbacks

(2) Setbacks Along Designated Thoroughfares

The minimum front and street side setbacks for each lot that abuts a street shown on the adopted Lawrence-Douglas County MPO Transportation Plan shall be measured from the recommended ultimate right-of-way line for each classification of street. This requirement may be waived by the City Engineer based on a determination that measuring one or more setback from the ultimate right-of-way line is impracticable due to site or terrain conditions, utility locations, or the infeasibility of expansion of the road to the ultimate right-of-way location.

20-1903 Definitions

A

Access, Cross

A service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public Street system.

Access Management

The process of managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

Accessory Dwelling Unit (ADU)

A dwelling unit that is incidental to and located on the same lot as the principal building or use, when the principal building or use is a dwelling.

Accessory Structure

A subordinate structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as the principal building or use.

Accessory Use

A use that is clearly incidental to, customarily found in connection with, and located on the same lot as the principal building or use.

Access Drive

A drive that connects the driveway with the parking area and allows circulation between rows of parking and throughout the parking area.

Access Easement

An easement created for the purpose of providing vehicular or pedestrian access to a property.

Active Recreation

Areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with the facilities. Areas include but are not limited to:

1. Athletic fields and courts, playgrounds and play apparatus;
2. Skating rinks and swimming pools;
3. Boat docks and launches;
4. Zoos;
5. Community recreation buildings, including but not limited to meeting rooms, class or lecture rooms, band shelters or gazebos, and gymnasiums; and
6. Structures accessory to community recreation uses, such as public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.

Affordable Dwelling Unit

A dwelling unit is affordable when a household spends no more than 30 percent of their monthly household income on rent/mortgage plus utilities.

1. For rental units – A dwelling unit with monthly rent and utilities not exceeding one-hundred-ten percent of the HUD defined fair market rent, as determined yearly by the Lawrence Douglas County Housing Authority.
2. For owner-occupied units – A dwelling unit where the monthly mortgage cost and utilities are affordable for those owners earning up to eighty percent of median family Income, as established yearly by HUD for Lawrence, KS Metropolitan Statistical area.

Agricultural Use

A use characterized by active and on-going agricultural uses, activities, and related uses, including the use of land for the commercial growing and production of field crops, livestock, aquatic, and animal products. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes.

Agriculture, Animal

Activities that primarily involve raising, producing, or keeping of animals to provide food, wool, and other products. Also referred to as animal husbandry.

Small Animal Agriculture

Activities limited to small animals, which are more appropriate in a denser urban setting, such as bees, crickets, worms, rabbits, small goats, small sheep, fowl, and aquatic animals/organism, such as crayfish and fish. Domesticated animals such as cats and dogs are not considered small animal agriculture. Cats and dogs are regulated through Article 2 of Chapter 3 of the City Code.

Large Animal Agriculture

Activities limited to larger animals that are more commonly considered livestock and require more area such as cattle, horses, and goats/sheep that are taller than 24 inches at the withers (shoulders).

Agriculture, Crop

The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. Crop agriculture uses include, but are not limited to, personal gardens, tree farms, and hay meadows. Standard structures used for crop agriculture include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

Agricultural Sales

On-site sale of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries, hay, feed, and grain stores.

Airport

The Lawrence Regional Airport at which take-offs and landings may be made by any piloted aircraft, excluding free balloons, within the City's corporate limits.

Airport Hazard

Any structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to the landing or taking off of aircraft.

Antenna

Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an antenna support structure or attached to the exterior of any building. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower, or other antenna support structure.

Antenna, Receive-Only

An antenna capable of receiving but not transmitting electromagnetic waves, including Satellite dishes.

Antenna, Amateur Radio

An antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio antenna.

Arterial Street

A street classified as an arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.

Arterial Street, Minor

A street that is anticipated to have two to four travel lanes designed for speeds ranging from 30 to 45 miles per hour and that is defined specifically on the Major Thoroughfares Map of the City.

Arterial Street, Principal

A street that is anticipated to have four to six travel lanes designed for speeds ranging from 30 to 45 miles per hour and that is defined specifically on the Major Thoroughfares Map of the City.

Assisted Living

A building or group of buildings containing dwellings where the dwelling units are independent but include special support services such as dining and limited medical or nursing care.

Automatic Teller Machine (ATM)

An electronically operated device used to conduct financial transactions on-site by means of direct computerized access.

B

Bar or Lounge

An establishment providing or dispensing fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches and light snacks is secondary (also known as a tavern).

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 the floor level qualifies as a first story.

Base Density

The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards, the environmental protection standards, as well as topographical or other features unique to the property.

Base District

Any zoning district delineated on the Official Zoning Map under the terms and provisions of this LDC, as amended, for which regulations governing the area, use of buildings, or use of land, and other regulations relating to the development or maintenance of existing uses or structures, are uniform; but not including Overlay zoning districts.

Battery Energy Storage System

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Bed and Breakfast

An establishment located within a detached dwelling that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

Bee Hotel

Places for solitary pollinator bees to make their nests. These bees live alone, not in hives, and typically do not make honey. A bee hotel is similar to a birdhouse.

Berm

An earthen mound at least two feet above existing grade designed to provide visual interest, Screen undesirable views and/or decrease noise.

Bicycle

A vehicle with two-wheels in tandem that is propelled by pedals and steered with handlebars.

Bicycle Parking Space

An area designated for the purpose of parking and securing bicycles.

Bikeway

Any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Block Face

That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boundary Line Adjustment

A change in the boundary between adjoining lands that does not create an additional building site.

Broadcasting Tower

A structure for the transmission of broadcasting of radio, television, or radar signals.

Bufferyard

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.

Build-to-Line (Maximum Building Setback)

An imaginary line on which the front of a building or structure must be located or built, and which is measured as a distance from the front lot line.

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 the 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.

Building Form

The shape and structure of a building as distinguished from its substance or material.

Building Frontage

That portion of a building or structure that is adjacent to or faces the public frontage. A building located on a corner lot may have multiple building frontages where there is public right-of-way on two or more sides.

Building Maintenance

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial, or industrial applications.

Building, Principal

A building in which the principal use of the lot or parcel is located. In any residential district, any dwelling shall be deemed to be the principal building on the site on which the same is located.

Bus Terminal

A facility used for the service and storage of buses, loading, and unloading of bus passengers and freight, and includes facilities for ticket sales and food service that are primarily intended for bus passengers.

Business Equipment and Support

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to persons. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, computer repair shops and hotel equipment and supply firms.

C

Campground or RV Park

An outdoor facility designed for overnight accommodation of human beings in tents, cabins, recreational vehicles and shelters for recreation, education, naturalist, or vacation purposes.

Car Wash

A building, or portion of a building, containing facilities for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial handwashing of automobiles, whether by operator or by customer.

Catering

An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site, with no on-site consumption of food or beverages.

Cemetery Corporation

Any person or entity required to maintain permanent maintenance funds pursuant to K.S.A 17-1312f, as amended.

Civic and Institutional Use

Public, quasi-public, or private non-profit uses that provide unique services that are of benefit to the public at-large.

Community and Cultural

Community, cultural, and religious facilities and institutions that provide for cultural amenities, government and public services, utilities, and assembly of large groups

of people for a common activity, provided that facilities and activities are primarily for the general public and not primarily for the purpose of commercial enterprise.

Education

Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care.

Health Care

Health care facilities are characterized by activities focusing on medical care services, particularly licensed public or private institutions that provide principal health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Smaller stand-alone clinics are classified as office uses.

Non-Commercial Recreation

This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares held in use for the general public. These lands tend to have few structures but may include community buildings. Commercial or membership recreation is excluded from this category.

Clear Zone

An area designated within the public frontage of a mixed-use project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight above grade.

Collection, Large

A center or facility larger than 500 square feet in size for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

Collection, Small

A center or facility up to 500 square feet in size for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

Commercial Use

Commercial uses include any retail, consumer service, or office use.

Amusement and Recreation

This use type includes a broad array of commercial establishments, divided into indoor and outdoor categories, which operate or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons and the community. Restaurants and bars that provide live entertainment in addition to the

sale of food and beverages are excluded from this classification and categorized as eating and drinking establishments.

Animal Sales and Services

This use group includes uses related to animal care, sales, and provision of supplies. Some uses, such as kennels, runs, and outdoor play spaces may not be permitted as principal or accessory outdoor facilities where they are incompatible with adjacent uses.

Commercial Assembly

a. Commercial assembly is that group of uses that are designed or used primarily for small or large group assembly or meeting. As a principal use, commercial assembly is located in a permanent structure. Commercial assembly uses are categorized as large or small based on the criteria in Section 20-802, Interpretation.

b. Temporary commercial assembly, such as a theater in the park event, is regulated separately. Restaurants and bars that provide live entertainment in addition to the sale of food and beverages are excluded from this classification and categorized as eating and drinking establishments.

Eating and Drinking Establishments

This is a use group for businesses that prepare or serve food and/or beverages intended for immediate consumption on or off the premises.

Heavy Commercial

This use group includes businesses that have a size, functional use, or site difference from other types of commercial that makes the use generally incompatible with residential uses, such as uses that have large outdoor storage and display areas, such as lumber yards and landscape nurseries; or uses that involve frequent interaction with freight trucking or activities that produce excessive noise, dust, or odor. Commercial uses that involve both manufacturing or production and retail sales belong in this group where the work activities or storage take place outside or in large indoor facilities.

Mini-Warehouse, Climate Controlled

c. Storage units shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses.

d. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials.

e. Storage units are not permitted for human occupancy and shall not be used for commercial activities or for personal and/or commercial transactions.

f. Storage units shall be accessed from interior hallways and shall not be accessed from individual exterior overhead doors.

Lodging

Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation and is open to transient (short-term) guests.

Office

This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. This group may also include laboratory services that are conducted entirely within an office-type setting.

Parking, Commercial

This use type is specific to parking facilities as a principal use, either for a fee or for free, and does not include parking accessory to a principal use on the same site.

Retail and Business Sales and Services

This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public at a retail location, along with the provision of commercial and personal services. Also includes cottage industries.

Vehicle Sales and Services

This use type includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related consumer equipment. This use group is intended for the regulation of personal vehicles; Large vehicles and heavy equipment are regulated in the industrial and construction services use group.

Communication Services

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

Contractor Yard

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

Cross Access Agreement

A document signed and acknowledged by owner of two or more adjoining pieces of property establishing easements, licenses, or other continuing rights for access across one property to one or more other properties.

Collector Street System

A system of one or more collector streets that allow traffic to be distributed to at least two arterial streets.

College/University

A degree-granting institution, other than a trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

Colony

An aggregate of worker bees, drones, and a queen living together in a hive or other dwelling as one social unit. When used in this article, the term 'colony' refers to bees that live in a beehive.

Common Open Space

Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and landowners of the development. common open space, except for common open space designated as Environmentally Sensitive may contain supplementary structures and improvements that are necessary and appropriate for the benefit and enjoyment of all the residents and landowners of the development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.

Communications Service Establishment

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms.

Community Garden

An area of land managed and maintained by a group of persons to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more persons or may be farmed collectively by members of the group. A community garden may include common areas (such as tool storage sheds) maintained and used by the group.

Community Meal Program

A program operated and staffed by a public, publicly funded, nonprofit, or charitable or religious organization that provides prepared meals onsite on a regularly scheduled basis for the welfare of citizens in need.

Community Mental Health Facility

A facility containing space for care and programs specializing in services for persons seeking mental health services for themselves or for their families. A community mental health facility may contain space for waiting rooms, patient rooms, and accommodations for licensed health care providers providing case management services. A community mental health facility may provide care services for persons seeking mental health services, either on an in-patient or out-patient basis, or both, and may include care services under medical supervision for more than 20-four consecutive hours but shall not include surgery and obstetrical care as may be found in a hospital.

Community Supported Agriculture

A member organization in which persons or households become members by purchasing a share or agreeing to volunteer work for a share of the agricultural producer's output. The share is committed to in advance and the member then receives, in return, food items from the producer on a regular schedule throughout the season and sometimes all year.

Comprehensive Plan

The Lawrence/Douglas County Comprehensive Plan, also known as "Plan 2040," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission as amended or superseded by adoption of a replacement plan from time to time.

Congregate Living

A structure or structures providing housing for people who do not live in self-contained dwelling units. This use is intended for permanent occupancy. Residents may share sleeping units, and may have shared cooking, bathroom and common areas, or some combination of personal and shared facilities. Congregate Living is a type of lodging establishment that is commonly referred to as a boarding house, guest house, rooming house, or cooperative and is not considered a dormitory, fraternity or sorority house, assisted living, group home, or similar group living use.

Conservation Easement

A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this LDC.

Construction Sales and Service

Construction activities and incidental storage on lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail

or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware. Typical uses include building materials stores, tool and equipment rental or sales building contracting/construction offices and landscape maintenance/contractor offices.

Cottage Industry

Small-scale assembly and art and craft production, including but not limited to candle making, artisan woodworking, art studio/gallery, artisan pottery and small-scale jewelry production, hand-made furniture, and similar uses.

Cross Access Easement

An easement between two or more adjacent parcels creating rights to utilize a service drive providing vehicular access among those parcels so the driver need not enter the public street system, except at a limited access point.

Cultural Center/Library

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, live performances, art centers, or library collection of books, manuscripts, etc., for reading, studying and research.

D

Day Care Center

The care of 13 or more persons. Typical uses include: day care centers for children or adults, preschools, play groups, kindergartens not operated by public schools, and other establishments offering care to groups of children or adults for part or all of the day or night, with specific exclusion of temporary or seasonal religious instructional schools, including summer Bible school and church school classes.

Day Care Home, Class A

The care of 12 or fewer persons as an accessory use to an occupied residence in which the occupant is the primary provider of the care, not including the care of members of the provider's own family. "Primary provider" means a person who has the ongoing responsibility for the health, safety and well-being of persons in care.

Day Care Home, Class B

The care of 12 or fewer persons as an accessory use to an occupied residence in which the occupant is not the primary provider of the care, not including the care of members of the provider's own family. "Provider" means a person who has the ongoing responsibility for the health, safety and wellbeing of persons in care.

Deciduous

A tree or shrub with foliage that is shed annually.

Deferred Item

An item that has been deferred from a published agenda by the Director, Planning Commission, or City Governing Body, County Commission, or by the applicant.

Density

A measure of the number of dwelling units contained within a given area of land, typically expressed as units per acre.

Density Bonus

An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.

Density, Gross

The measurement of density on a district-wide basis, expressed as the number of dwelling units allowed per acre.

Density, Net

The measurement of density at a parcel level, expressed as a measurement of how many units the specific site allows.

Designated Transit Route

Any existing transit route identified by Lawrence Transit.

Detention Center

A facility for the housing of persons in the custody of a government agency awaiting trial or serving a sentence after being found guilty of a criminal offense.

Development Activity

Any human-made change to premises, including but not limited to:

1. The erection, conversion, expansion, reconstruction, renovation, movement, or structural alteration, or partial or total demolition of buildings and structures;
2. The subdivision of land;
3. Changing the use of land, or buildings or structures on land; or
4. Mining, dredging, filling, grading, paving, excavation, drilling, or landscaping of land or bodies of water on land.

Director

The Planning Director of the Lawrence-Douglas County Metropolitan Planning Commission or their designee.

Distribution Center

A facility for the wholesale, distribution, and/or short-term storage of goods, materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable, explosive, or hazardous; exterior storage; or activities that would otherwise be defined as Heavy Industrial uses.

Dormitory

A building occupied as the more-or-less temporary abiding place of persons who are lodged with or without meals and in which there are more than eight sleeping rooms or 16 sleeping accommodations. Generally, rooms are rented on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel.

Drip Line

An imaginary ground line around a tree that defines the limits of the tree canopy.

Drive-Through

A facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle.

Driveway, Shared

A single driveway serving two or more adjoining lots.

Driveway Apron (or Approach)

The part of the driveway that lies within the street right-of-way adjacent to the property. The driveway apron is often flared to accommodate access. The driveway apron or approach is typically located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six feet from the back of the curb toward the lot line.

Drought-Tolerant Plant Materials

Plants that are adapted to dry conditions and that can grow or thrive with minimal water or rainfall, surviving on average or less than average precipitation for Lawrence.

Dwelling

A building, or portion thereof, consisting of self-contained rooms used for residential purposes and containing kitchen and bathroom facilities intended for use of that unit only.

Attached Dwelling

A dwelling unit that is attached to three or more other dwelling units, including townhouses, triplexes, fourplexes, and stacked flats all of which may be located on an individual lot. Accessory dwellings are incidental to the principal attached dwelling and are not considered to be attached dwellings.

Detached Dwelling

A dwelling unit that is not attached to any other dwelling unit and does not meet the definition of an accessory dwelling. A manufactured home is also a detached dwelling.

Interior or Non-ground-floor Dwelling

A residential dwelling that is accessory to a nonresidential use which is located above or below the ground-floor of a structure, or with the nonresidential use between the dwelling and any lot line.

Multigenerational Dwelling

A dwelling unit designed for two or more generations to live together in a single dwelling unit.

Multiunit Dwelling

A structure on a single lot that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. A multiunit includes structures commonly called garden apartments, apartments, and condominiums.

Small Lot Dwelling

A detached dwelling on a lot that meets the standards of Section 20-904(d).

Two-unit Dwelling

A building on a lot designed to contain two dwelling units and used for residential purposes. The units may share common walls or common floor/ceilings.

E

Easement

A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian access, and roadways. See also Access Easement, Conservation Easement, and Cross-Access Easement.

Effective Date

The date on which this LDC became effective, as specified in the ordinance adopted by the Governing Body.

Entertainment and Spectator Sports

Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

Limited

Those uses conducted within an enclosed building with a capacity of 500 or less people. Typical uses include small theaters and meeting halls.

General

Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes.

Equipment and Vehicle Repair

Heavy

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, auto body repairs, framework, welding, and major painting.

Light

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items.

Equipment and Vehicle Sales, Rental, and Leasing

Heavy

An establishment that specializes in the sale, display, lease, rental, or storage of heavy equipment including, but not limited to, tractors, trucks with a gross vehicle weight of over 8,000 pounds, semi-trucks and/or trailers, boats, recreational vehicles, and other large equipment.

Light

An establishment that specializes in the sale, display, lease, rental, or indoor storage of light motor vehicles, including automobiles, vans, light trucks, and light trailers. Accessory uses may include sales of parts for, washing, and servicing of light vehicles.

Event Center

A structure and/or grounds that accommodate a variety of social events such as, but not limited to, banquets, weddings, receptions, parties, corporate events, community events, meetings, or any other gathering (formal or informal) that are intermittent and temporary in nature, that may or may not serve food, beverages, and alcoholic beverages for on-Premises consumption. This definition does not include religious institutions and similar congregations where a wedding or funeral is an ancillary use.

Event Center, Small

Maximum occupancy less than or equal to 300, including staff.

Event Center, Large

Maximum occupancy more than 301, including staff.

Evergreen (Coniferous) Tree

An evergreen Tree, usually of pine, spruce or juniper genus, bearing cones and generally used for its screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five feet in height when planted and reaches a mature height of at least 20 feet.

Existing Neighborhood

A geographic and social area with: (1) a general pattern of development that (2) has a similar set of physical features, such as unit spacing, original lot sizes, and mix or style of structure types, (3) is usually arranged around interconnected streets, and (4) that is/was generally developed during the same timeframe.

Explosive Storage

Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives, or in the course of blasting operations.

Extended Care Facility (Dependent Living or Nursing Care Facility), General

A long-term facility or a distinct part of an institution occupied by 10 or more persons with a disability who require the provision of health care services under medical supervision for 24 or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of the person's major life activities; (b) a record of having an impairment; or (c) being regarded as having an impairment. This term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended care facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

Extended Care Facility (Dependent Living or Nursing Care Facility), Limited

A long term facility or a distinct part of an institution occupied by less than 10 persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for 24 or more consecutive hours, and also not to be occupied by more than two staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one or more of the person's major life activities; (b) a record of having an impairment; or (c) being regarded as having an impairment. This term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102

of the Controlled Substance Act (21U.S.C.802). Extended care facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

Exterior Storage, Light

Wholesaling, storage, and warehousing services of materials related to the principal use of the lot or site. Typical uses include wholesale distributors, lumber yards, storage warehouses and moving and storage firms. Customer access to stored materials is not generally provided.

Exterior Storage, Heavy

Open-air storage, distribution, the handling of materials and equipment or bulk storage of fuel. Typical uses include monument or stone yards, train yards, grain elevators, and large-scale fuel storage.

F

Façade

Exterior face (side) of a building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.

Farmers Market

A temporary food market at which local farmers and producers sell products such as fruit and vegetables, meat, cheese, honey, beverages, baked goods, arts and crafts, and other products directly to consumers.

Financial Institution

Banks, savings and loan banks, credit unions, cash checking, payday loans, money transfer, vehicle title loan, and other similar facilities open to the public and engaged in deposit banking and related functions such as making loans and fiduciary activities.

Fleet Storage

Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

Food and Beverage

Retail sale of food and beverages for home consumption. Typical uses include grocery stores, convenience stores, butcher shops, and package liquor stores.

Fowl

For the purposes of these regulations, 'fowl' shall mean only ducks and female chickens.

Fraternity or Sorority

A group living structure occupied by a university-approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council where residential occupancy is typically primarily during the fall and spring academic semester.

Frontage

All the property on one side of a thoroughfare between two intersecting thoroughfares (crossing or terminating), or if the thoroughfare is dead ended, then all of the property abutting on one side between an intersecting thoroughfare and the dead-end.

Fuel Sales

Retail sale from the premises of vehicular fuels with incidental sale of tires, batteries and replacement items, lubricating services, minor repair services and food and beverage sales. Typical uses include vehicle service stations and gas stations with or without convenience stores.

Funeral Services and Cemetery

An establishment for the care, preparation, or disposition of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation and/or land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries.

G

Garage or Storage Condo

See mini-warehouse; non-habitable storage space organized into condominium ownership.

Government Facilities, Yards, and Storage

A yard or facility used as a place to store materials used by the City's "outdoor" operations and as a place to maintain City equipment.

Government Offices

Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

Grade

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the lot line or, when the lot line is more than five feet from the building, between the building and a line five feet from the building.

Ground Cover

Living landscape materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which,

upon maturity, normally reach an average maximum height of not greater than 24 inches.

Ground Floor

A level of building floor which is located not more than two feet below nor six feet above finished grade.

Group Home, General

Any dwelling occupied by 11 or more persons, including nine or more persons, of any relationship, who have a disability as defined by the Federal Fair Housing Act.

Group Home, Limited

Any dwelling occupied by 10 or fewer persons, including eight or fewer persons, of any relationship, who have a disability as defined by the Federal Fair Housing Act.

Growing or Planting Season

From the beginning of March to the end of June and from the beginning of September to the beginning of December.

H

Health Care Office or Clinic

Office or clinics containing space for waiting rooms, patient rooms, laboratory space, or other necessary accommodations for use by physicians, dentists, therapists, and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these facilities are typically rendered and completed in three hours or less.

Heavy Retail and Commercial Services

Uses that typically include large areas of outdoor storage, work areas, or display, such as lumber yards, garden and landscaping centers, farm supply and implement sales, recreational vehicle, and camper sales.

Historic Resources Commission (HRC)

The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code.

Home Occupation

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and that does not adversely or perceptively affect the character of the lot or surrounding area.

Hospice

A facility where palliative and supportive care are provided to meet the needs of a terminally ill patient and the patient's family according to the requirements of the Kansas Department of Health and Environment.

Hospital

Hospital means an institution that: (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by persons requiring diagnosis, treatment, or care of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

Hotel, Motel, or Extended Stay

A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments. Eating and drinking establishments may be included incidental or secondary to the primary lodging activity.

Hydrologic and Hydraulic Study

See Hydrologic and Hydraulic Study definition in Section 20-1205

I

Industrial Uses

This is a use group including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, and also including the design, storage, packaging, shipping and distribution, and handling of these products and the materials from which they are produced.

Industrial Services

This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting.

a. May include schools for the industrial trades if activities and facilities are similar to other uses in this group.

b. Junkyards and auto salvage are excluded from this subgroup and are categorized as Waste and Salvage.

Manufacturing and Production

Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. This group is divided into light uses with no external impacts, and heavy manufacturing with actual or potential external impacts (noise, smell, heat, vibration) and the need for outdoor production or storage. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, retail activity is a subordinate part of sales. Relatively few customers come to the manufacturing site.

Industrial, Heavy

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions.

Waste and Salvage

This is a use group for uses that collect, store, process, or sell waste or salvage materials, or collect and process recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

Wholesale, Storage, and Distribution

This use type includes facilities used for the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. These uses often include on-site sales staff for order taking and may include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

Impervious Surface

That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and buildings) which either prevent or retard the entry of water into the soil material.

Improvements, Public

Any Infrastructure constructed for which a municipality may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which a municipality is responsible.

Improvements, Off-Site

Improvements located on property outside the perimeter of the subdivision that are determined by the Planning Commission to be necessary because of the proposed

subdivision, e.g., construction of streets, signalization of intersections, drainage channels, extension of public utilities, etc.

Industrial, General

Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

1. Continuous, frequent, or repetitive noises or vibrations;
2. Noxious or toxic fumes, odors, or emissions;
3. Electrical disturbances; or
4. Night illumination into residential areas.

Industrial, Intensive

Manufacturing, processing, or assembling of materials (for uses described above in the "general industrial" use type classification) in a manner that would create any of the commonly recognized nuisance conditions or characteristics.

Industrial Sales and Service

Uses engaged in the sale, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar users perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

Infill Development

Generally: Development on a vacant or substantially vacant tract of land surrounded by existing development. Specific qualifications may apply as identified in this LDC.

Infrastructure

Those man-made structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, bikeways, sidewalks, paths or trails and transit stops.

Inoperable Vehicles Storage

Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

Intensity of Use

The intensity of a use shall be based on the operational characteristics of the use including the amount of activity generated on site, the number of days or hours of operation on the site, and where applicable, the number of parking spaces required.

J

[reserved]

K

Kennel

A facility licensed to provide services for dogs, cats, and small animals, including day care and overnight care. Typical uses include boarding kennels and dog training centers.

L

Landscaped Peninsula

A concrete curbed planting area typically found in parking lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double parking aisles.

Landscape Material

Living material such as trees, shrubs, ground cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.

Landscaping

Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.

Laundry Service

Laundering, dry cleaning, or dyeing services other than those classified as "Personal convenience services." Typical uses include laundry or dry cleaning agencies, diaper services and linen supply services.

Light Court

An area within the public frontage in a mixed-use development adjacent to the building frontage which provides a means of outdoor light to reach an underground level of a structure. It may also provide a means of emergency exit from the structure but shall not serve as a primary entrance or exit to the structure.

Light Truck

A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.

Lighting-Related Definitions

Backlight

The amount of light escaping from the luminaire in the rearward direction.

Fixture

The assembly that houses the lamp(s) and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a ballast, a lamp, a reflector, or mirror and/or a refractor lens.

Footcandle

A unit of measurement referring to the illumination incident to a single point. One foot-dandle is equal to one lumen uniformly distributed over an area of one square foot.

Full-cutoff or Fully-shielded

A luminaire that allows no light emission above a horizontal plane through its lower light-emitting part.

Glare

The amount of visual discomfort caused by glare from the luminaire to an observer in different positions.

Light Trespass

The shining of more than one foot-candle of light produced by a luminaire that shines beyond the boundaries of the property on which the fixture is located.

Lumen

A unit of luminous flux. One foot-candle is one lumen per square foot.

Luminaire

The complete lighting system, that includes the lamp(s) and fixtures.

Uplight

The amount of light emitted in the upward direction from the luminaire, that may contribute to light pollution.

Livestock

Any animal customarily kept for producing food or fiber.

Livestock Sale

An area or facility at which livestock are offered for sale through retail sales or an auction.

Local Street

A street which is anticipated to have two travel lanes at desirable speeds of up to 30 miles per hour and which provides access to abutting property and primarily serves local traffic.

Local Street System

A system of two or more local streets that allows traffic to be distributed throughout a neighborhood.

Lodge, Fraternal and Civic Assembly

Buildings and facilities owned or operated by a corporation, association, person, or persons for a place of meeting, social, cultural, or educational, or recreational purposes, to which membership or residency requirements are required for participation.

Lot

A contiguous parcel or tract of land located within a single block fronting on a street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single ownership or control. A lot may or may not coincide with a lot shown on the official tax maps or on any recorded subdivision or deed. See also, Section 20-1902(e).

M

Major Addition

An addition or renovation project where the total square footage of the proposed addition is 50 percent or more of the total square footage of the existing principal structure.

Makerspace

A use consisting of multiple primary activities that include a public assembly component, retail or fabrication activities. These uses include collaborative groups organized around one or more common interest such as arts, electronics, crafting, or design of software, hardware, furniture, and rapid prototyping of three dimensional models. This use also includes components commonly associated with gallery and display space, instructional space, collaborative meeting space, workshops and fabrication laboratories and studios that provide access to tools and equipment including but not limited to: Computer Numerical Control (CNC), Computer Aided Design (CAD)- Computer Aided Manufacturing (CAM); hand tools; power tools found in cabinetry/woodworking, tools for glass work and metal work, including kilns and welding equipment.

This use provides space for development of innovative, original and prototypical products and works of art. These uses differ from manufacturing uses that produce, reproduce, fabricate or assemble multiple units of the same product other than prototypes or models, used for experimentation, research or as a demonstration

product to "take to market". Prototype is defined as an original, model or pattern from which manufactured, fabricated or assembled products are developed or copied.

Limited

An establishment within an enclosed structure that does not contain the following nuisance producing elements: frequent and heavy truck delivery, exterior storage, use of power tools found in workshops.

Intensive

An establishment that provides space similar to a limited makerspace engaged in collaborative, innovative meeting spaces but includes: one or more of the following elements: power tools, exterior storage of raw materials, exterior workspaces, and heavy truck access for deliveries.

Manufactured Home

A dwelling unit that is built on a permanent chassis with or without a permanent foundation when connected to the required utilities. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles.

Manufactured Home Community

Any site, lot, tract, plot, or parcel of land, designed for the placement of two or more manufactured homes, located and maintained for dwelling purposes on a permanent or semi-permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

Manufactured Home Sales and Service

A business that displaces on-site manufactured homes or other modular structures for the purpose of sales or rental and includes repair and service operations.

Manufacturing and Production, Limited

Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

1. On-site production of goods by hand manufacturing involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on-site, but if so, this is a subordinate part of total sales. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom

jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or

2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, computer components, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on-site, but if so, this is a subordinate part of total sales.

3. Manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations.

Manufacturing and Production, Technological

Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require federal air quality discharge permits.

Massing

The size and shape of structure individually and their arrangements relative to other structure.

Mature Trees, Stand of

An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)

Mechanical Equipment

All electrical, cooling or heating equipment, pumps, generators, communications equipment, private utility cabinets, meters, and other similar equipment. Solar, wind, or other energy conversion systems are not included in this definition.

Metes and Bounds

A method of describing the boundaries of land by directions and distances from a known point of reference.

Microbrewery, Distillery, or Winery

A commercial use that produces beers, cider, or distilled drinks below the limitations established by the State of Kansas for breweries and distilleries; or an establishment licensed by the State of Kansas to manufacture, store, and sell domestic table wine and domestic fortified wine.

Mining

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

Mixed-Use

The development of a lot, tract or parcel of land, building or structure with two or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed-Use Structure, Horizontal

A building or structure containing both nonresidential and residential uses distributed horizontally throughout the structure.

Mixed-Use Structure, Vertical

A building or structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the structure.

Mobile Home

Any vehicle or similar portable structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile home includes any structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured.

Moderately-Priced Dwelling Unit

A dwelling unit marketed and reserved for occupancy by a household whose income is equal to or less than 80 percent of the City's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.

Mulch

Non-living organic material customarily used to retard soil erosion and retain moisture.

N

Native Prairie Remnants

Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning and Development Services Office.

Natural Drainageway

Natural rivers, streams, channels, creeks or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.

Neighborhood, Existing

See Existing Neighborhood.

Net Density

See Density, Net.

Nightclub

An establishment that may or may not serve alcoholic beverages for on premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service establishment dispensing liquor and meals in which music, dancing, or entertainment is provided.

Nodal Development Plan

A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Plan 2040, and is designed to avoid continuous lineal and shallow lot depth developments along street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the node.

Node

An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.

Non-Encroachable Area

That portion of a lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by building or development activity, excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.

O

Office

Professional, governmental, executive, management, or administrative offices of private organizations. Typical uses include administrative offices, legal offices, and architectural firms.

Official Zoning Map

A map or maps outlining the various zoning district boundaries of the City.

Open Porch

A roofed space attached to a building on one side and open on the three remaining sides.

Open Use of Land

A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory structures. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and racetracks.

Original Townsite Area

The original City townsite, as shown on the "Original Townsite Map" available for public inspection from the Planning Director.

Original Tract

A parcel or a combination of all adjacent parcels under a single ownership [not separated by public right(s)-of-way] that share common boundary lines or two separate ownerships that share a common boundary line, for the purpose of creating one parent parcel.

Ornamental Tree

A deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature height generally under 40 feet.

Outpatient Care Facility

Medical facilities containing space for waiting rooms, patient rooms, operating rooms, recovery rooms, sleep clinics, laboratory space or other necessary accommodations for use by physicians, dentists, therapists, nurses, technicians and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these medical facilities are typically more intense than those provided in a health care office; health care clinic but are less intense than those available in a hospital. Services provided in these medical facilities are typically rendered and completed in more than three hours, but in 12 or less hours, and may include one night of overnight care.

Owner

A person, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the owner may be determined using the latest Douglas County Appraiser's assessment roll.

P

Parking, Accessory

Accessory parking facilities provide parking that is required or provided for a specific use or uses.

Parking Area

That portion of a lot set aside, marked, posted, or intended for parking. This includes circulation areas, loading and unloading areas, Parking Spaces and drive aisles, landscaped areas, bikeways, and walkways.

Parking, Structured

A commercial parking facility that is not accessory to a specific use and is designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, including parking garages and deck parking.

Parking, Surface

A commercial parking facility that is not accessory to a specific use and is unenclosed, grade-level, and designed to accommodate vehicular parking spaces.

Parking, Off-Site

Parking provided for a use which is located on another lot.

Parking, Shared

Use of the same off-street parking spaces for two or more different uses based on differing times of parking demand or the arrangement of uses that result in visiting multiple land uses on the same trip. Shared parking may or may not be located on the same lot as the use.

Parking Space

A space for the parking of a motor vehicle or bicycle within a public or private parking area. Typically parking spaces for private uses are located off the public right-of-way.

Participant Sports and Recreation

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

Indoor

Those uses conducted within an enclosed Building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

Outdoor

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

Passive Recreation

Areas used or designed for passive and individual sports and recreational activities. Passive recreation areas include but are not limited to:

1. Greens and commons;

2. Gardens, arboretums, and conservatories;
3. Pedestrian, bicycle, and equestrian paths, trails and walkways;
4. Benches, plaza or seating areas, and picnic areas; and
5. Golf courses.

Peak Hour

The four highest contiguous 15-minute traffic volume periods.

Pedestrian Walkway

A dedicated pathway for pedestrians that is differentiated from a sidewalk by not being located along an adjacent street but being internal to the site.

Pedestrian Scale (human scale)

Means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Personal Garage

Enclosed storage facility located in a building that is compartmentalized into units intended for individual ownership and used for the storage of personal property with limited ability for personal, residential/hobby type shop tools such as automotive, carpentry, and artist studio. Individual units shall not be residentially occupied at any time. Associated site accessory uses may include office support services and other gathering spaces, such as a private clubhouse, for use by the facility's members.

Personal Garden

A garden that is maintained by the property owner or other person with an interest in the property, typically on the same property as a dwelling unit. Food and non-food items are raised primarily for personal or family consumption and enjoyment.

Personal Services

Provision of small personal items or consumer-oriented, personal services in a small-scale setting. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood convenience stores, drugstores, hookah/retail smoke shops, laundromats/ dry cleaners, shoe repair and alteration/tailor shops, beauty salons and barbershops, tanning salons, nail salons, tattoo/body piercing shops, and massage therapy services.

Plaza

A public square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping, and public art.

Potable Water

Water suitable for drinking or cooking purposes.

Premises

A lot, together with all buildings and structures thereon.

Primary Street

Street abutting the front lot line.

Principal Structure

The main structure or building on a lot or parcel in which the principal permitted use is located.

Principal Use

The primary purpose for which land or a structure is utilized, based in part on the amount of Floor area devoted to each identifiable use. The main use of the land or structures as distinguished from a secondary or accessory Use.

Public Frontage

The publicly-owned layer between the lot line or street line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.

Public Utility Facilities

Telephone, electric, and cable television lines, poles, equipment and structures; water lines, holding towers or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government, public or private utility provider.

Q

[reserved]

R

Recreational Open Space

Common open space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.

Recreational Vehicles (RV)

A motorized, self-propelled vehicle or a vehicle pushed, towed, propelled by wind, or carried by a motorized, self-propelled vehicle that is designed to provide temporary living quarters for recreation and camping. Tiny homes on wheels are classified as RVs.

Recreational Vehicle and Boat Sales and Storage

Storage and sales of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

Recyclable Materials

Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable materials do not include refuse or hazardous materials. Recyclable materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.

Recycling Facilities

Collection, Large

A facility occupying more than 20,000 square feet of gross lot area and including but not limited to those activities included in a recycling collection facility, small and the collection of recyclable materials that have already been segregated at another location.

Collection, Small

A facility occupying not more than 20,000 square feet of gross lot area, including but not limited to mobile recycling units, with accessory uses that may include compacting, baling, and paper or plastic shredding.

Recycling Center

A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Reconstruction

Building a structure, building, or site feature again after it has been damaged or destroyed.

Redevelopment

Generally, development on a tract of land with existing buildings where all or most of the existing buildings would be razed and a new building or buildings built. Specific criteria may apply.

Registered Neighborhood Association

A neighborhood or local interest group that represents a defined area of the City and that has registered with the Director in accordance with the applicable registration procedures.

Religious Assembly

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.

Community Religious Assembly

A community religious assembly is a religious institution of larger scale than a neighborhood religious assembly. Community religious assembly uses shall have a minimum capacity of 501 persons, but may include a larger worship or assembly space, possibly seating several thousand people. It may include accessory uses identified in Section 20-805(d), Religious Assembly including, but not limited to, extensive facilities for educational and recreational programming that is separate from or only loosely related to religious worship; on-site group living for students or for groups of religious leaders; and storage space for buses used to transport persons to and from programming at the institution.

Neighborhood Religious Assembly

A neighborhood religious assembly is an institution with seating for no more than 500 people, of which the primary use is holy day worship services, with incidental educational programs, some weekday services and accessory uses identified in Section 20-805(d), Religious Assembly.

Renewable Energy Facility, Accessory

The use of land for:

1. Solar collectors or other devices or structural design features of a structure that rely upon sunshine as an energy source and is capable of collecting, distributing, or storing the sun's radiant energy for a beneficial use;
2. Land area and equipment for the conversion of natural geothermal energy into energy for beneficial use; or
3. Wind energy systems.

Repair Service, Consumer

Provision of repair services to persons and households, but not to firms. Excludes "vehicles and equipment" use types. This use does not include heavy or light equipment sales, servicing, or repair. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

Research and Development

Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

Residential Development Parcel

A parcel created from the parent parcel through the administrative Certificate of Survey process to make the new land division eligible for a residential building permit.

Residential Use

A land use offering habitation of a dwelling on a continuous basis. The minimum continuous basis is established by tenancy with a minimum term of one month (long-term tenant) or habitation by the property owner.

Household Living

This use subgroup is characterized by residential occupancy of a dwelling unit by one or more persons living together as a single household unit. Each dwelling unit contains its own facilities for living, sleeping, and food preparation. Uses where tenancy may be arranged for a period of less than one month are considered lodging uses.

Group Living

This use subgroup is characterized by residential occupancy of a dwelling or associated group of dwellings by one or more people that do not qualify as a household. Group living uses contain individual rooming units with private or shared bathroom facilities and may also contain shared food preparation, dining, or common spaces for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving services at the site shall reside at the site. Alternatives to incarceration, such as community-based correction facilities, where residents are placed under supervision in the facility by court order, are excluded from this group and classified as a Detention Center.

Restaurant

An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage, not including bars, brewpubs, or nightclubs.

Retail, General

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods. This use does not include any form of retail sales or other use listed separately in Table 20-8-1: Principal Use Table.

Right-of-Way

An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.

Roof

The covering that forms the top of a building or structure.

Roof Form

One or more roof types used in a structure, including but not limited to: gable end, gable side, gabled "L," hip, gambrel, shed, mansard, flat, or dormers.

Root System Zone

A subsurface area designated within the public frontage in a mixed-use development. Root system zones shall reserve space for the root system of street trees and landscaping planted in the street tree and furniture zone.

S

Sales and Grooming

Sales, grooming and daytime care of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.

Salvage

Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yards, but not including "recycling facilities."

Satellite Dish

A dish antenna, with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a building.

Scale

A quantitative measure of the relative height and massing of structure building and spaces.

School

Facility used for educational purpose including public or private primary or secondary schools; elementary, junior or senior high, including charter or vocational schools.

School, Vocational

A secondary or higher education facility primarily teaching skills that prepare students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

Screen or Screening

A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation, or other means approved by the Director.

Self-Storage, Interior

A building or group of buildings containing varying sizes of individual, compartmentalized, and controlled-access stalls, lockers, garages, or units designed for the individual access of storage units from within an access-controlled area, accessed by persons for the storage of household and personal property within an enclosed building that is climate-controlled with central heating or air conditioning.

Self-Storage, Exterior

A building, or group of buildings containing varying sizes of individual, compartmentalized, and controlled-access stalls, lockers, garages, or units designed for the individual access of storage units from within an access-controlled area, accessed by persons for the storage of household and personal property. Storage units are not climate-controlled and exclude power and other utility connections.

Setback

The minimum horizontal distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback, Front

The setback required between a building and the front lot line.

Setback, Interior Side

The setback required between a building and the side lot line.

Setback, Street Side

The setback required between a building and an abutting street other than an alley.

Setback, Rear

The setback required between a building and the rear lot line.

Sexually Oriented Business Definitions

Massage Parlor

An establishment or business with a fixed place of business having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage, under the circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on their 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.

Modeling Studio

An establishment or business that provides the services of modeling for the purposes of reproducing the human body, wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. These uses do not include fine arts studios where models are hired to meet program goals. Any other modeling establishment is not permitted by the zoning regulations in any district.

Motion Picture Arcade

An establishment or business containing one or more booths, cubicles, stalls or compartments that are designed, constructed or used to hold or seat patrons and used for presenting sexually oriented media for observation by patrons in the establishment.

Sadomasochistic Practices

Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

Sexually Oriented Theater

An establishment or business featuring primarily:

1. Sexually Oriented Cabaret: Dancing or other live entertainment distinguished or characterized by an emphasis on exhibiting specific sexual activities or specified anatomical areas for observation by patrons in the establishment; or

2. Sexually Oriented Motion Picture Theater: The display to an audience of films, tapes or motion pictures that are rated X by the Motion Picture Association of America (MPAA) and depict specific sexual activities or specified anatomical areas.

3. "Primarily": Primarily refers to the entertainment that characterizes a particular establishment or business and may be determined from a pattern of advertising as well as from actual performances or displays.

Specified Anatomical Areas

1. Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Shade Tree

Usually a deciduous tree, rarely an evergreen; planted primarily for its high crown of foliage or overhead Canopy.

Shared Use Path

Shared use paths provide a continuous corridor for bicycle riders and pedestrians that are separate from vehicular roadways. Paths work best when connected to an on-street network which meets robust safety and design standards.

Short-Term Rental

A use where all or part of a dwelling unit may, in exchange for consideration, accommodate guests overnight for a period of time less than 30 consecutive days. For the purposes of this definition, a dwelling unit shall include all legally established dwelling units, but shall exclude dormitory, fraternity or sorority, group home, motel, hotel, extended stay, and bed and breakfast uses.

Shrub

A deciduous, broadleaf, or evergreen plant, smaller than an ornamental Tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, which attains a height of 24 inches.

Sidewalk

A paved, surfaced, or leveled area, paralleling and usually separated from the street.

Sight Triangle

The area between three feet and 10 feet above grade shall within the triangular area formed by an imaginary line starting at the point of intersection of corner lot lines and extending 25 feet from their point of intersection.

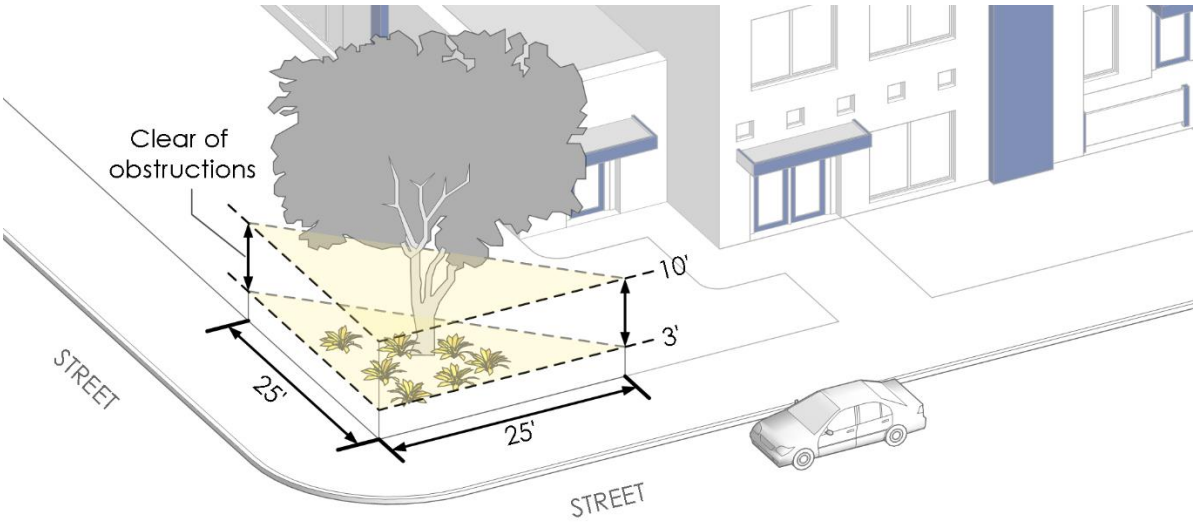


Fig. 20-19-G. Clear Vision Triangle Requirements

Site Feature

A feature of a developed lot, parcel, or site, which is not a structure, building, or use, such as landscaped area, surface parking, or outdoor lighting.

Sleeping Unit

A room or space in which people sleep.

Slip Road

A road which provides access to and runs a course parallel to an arterial street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.

Stacking Spaces

The space specifically designated as a waiting area for vehicles in a queue at a drive-in or pick-up use or drop off area.

Story

That portion of a building located between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, the basement or unused under-floor space shall be considered a story.

Street, Ultimate Design

The street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.

Street Line

The line separating the street right-of-way from the abutting property.

Street Tree and Furniture Zone

An area designated within the public frontage in a mixed-use development. Street tree and furniture zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, streetlights, and transit stops.

Streetscape

The built and planned elements of a street that define the street's character.

Structural Alteration

Any change in the supporting or structural members of a building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or building openings.

Structure

A building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, and utilities.

Subsurface Utility Zone

A subsurface area designated within the public frontage in a mixed-use development. Subsurface utility zones shall reserve space for public utilities.

T

Temporary Shelter

A building operated by a public, publicly funded, nonprofit, charitable organization, or religious institution that provides day and/or overnight shelter to one or more persons who lack a fixed, regular, and adequate nighttime residence. The temporary shelter may provide accessory food services, social services, counseling, medical services, personal hygiene, life skills training, employment training and assistance, educational assistance, mail or delivery services, telephone or computer services, storage of personal belongings, and a workplace for shelter occupants that may consist of any use permitted by the zoning district in which it is located.

Thoroughfare

Any public right-of-way that provides a public means of access to abutting property.

Tiny Home on Wheels (THOW)

A recreational vehicle (RV) designed to look like a house that is on a trailer and that can be towed on public roads.

Tiny House

1. A site-built dwelling on a permanent foundation that is no more than 400 square feet in floor area, or smaller as allowed by the adopted building code.
2. A factory-built dwelling that is certified to federal manufactured home standards (HUD Code).
3. Shipping containers, RVs, and tiny-homes-on-wheels are not included in the definition of tiny house.

Tract (of land)

An area, parcel, site, piece of land or property that is the subject of a development application or restriction.

Transient Guest

A person who occupies a room in a hotel, motel, or tourist court for not more than 28 consecutive days, or as otherwise defined by K.S.A.

Transitional Use

A permitted use or structure that, by nature or level and scale of activity, acts as a transition or buffer between two or more incompatible uses.

Transit Terminal

A station or similar facility for loading, unloading, and interchange of public transit passengers, including common accessory activities like seating, shelters, restrooms, and operator rest areas.

Transportation, Utilities, and Communication Uses

This use group includes providers and uses for public and quasi-public services to persons and the community in the following subgroups. This includes uses that are the primary location for uses involving public and private modes of transportation and structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

Tree Protection

Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.

Trip Generation

The total number of vehicle trip ends produced by a specific land use or activity.

Truck Stop

A fuel dispensing facility designed to primarily accommodate the trucking industry. Accessory uses common to a truck stop may include a convenience store, restaurant, shower facilities, overnight parking areas for semis and other commercial vehicles and scale facilities.

U

Urban Agriculture

The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban agriculture includes, but is not limited to: aquaculture, horticulture, permaculture, hydroculture, agroforestry, beekeeping, gardening, and animal husbandry. Complementary activities associated with urban agriculture include the distribution of food, the collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. Urban agriculture does not include commercial activities such as commercial dog kennels, dog breeding facilities, or livestock sales.

Urban Farm

An urban agricultural use which is operated primarily for commercial purposes. An urban farm is distinguished from other urban agriculture uses by scale.

1. An urban farm may have a larger retail sales area and/or more agricultural animals than permitted for crop agriculture and/or small and large animal agriculture.
2. An urban farm can include other uses such as an educational/training component and/or agricultural processing.

Utilities, Major

Services and utilities that have substantial impacts. Major utility uses may be permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and community-wide interest. Typical uses include: water and wastewater treatment facilities, major water storage facilities, and power generation plants.

Utilities, Minor

Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, and water towers. This excludes "Wireless Facilities" use types.

V

Valet Parking

An operational system in which attendants (aka valets) park and retrieves automobiles. Valet parking allows more automobiles to be parked in an area and may be used to resolve parking shortages or improve customer service where parking might only be available at long walking distances. Valet Parking may employ tandem and/or stacked parking layouts.

Valet Parking Plan

A document submitted concurrently with a development application proposing the use of Valet Parking that includes, but is not limited to the summarizing the layout and dimensions of the on-site parking area, on-site drop-off, operations of the service including hours of operation and maximum and minimum staffing level.

Veterinary

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition.

W

Wireless Facilities

See Section 20-808.

Working Days

Monday through Friday, 8AM to 5PM excluding City holidays.

X

[reserved]

Y

[reserved]

Yard

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or projections expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a building and a lot line, as opposed to the required yard or open area (referred to as a "setback").

Yard, Front

A space extending the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear

A space extending the full width of a lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

Yard, Required

The unobstructed open space measured from a point on a principal building to the lot line from the ground upward, within which no structure shall be located, except as permitted by this LDC. It is the three-dimensional equivalent of the required setbacks for every lot.

Yard, Side

A space lying between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either front or rear yards, to the front or rear lot lines. Side-yard widths shall be measured perpendicular to the side lot lines of the lot.

Z

Zoning District

A portion of City territory within which certain uniform regulations and requirements or various combinations of regulations apply under the provisions of this LDC.