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To: File
From: Planning Staff
Date: August 18, 2009
Re: Min. Lot Area and Max. Dwelling Units per Acre Standards in RMG District
Document: Lawrence Development Code
Section: 20-601(a)

This interpretation clarifies standards in the RMG District that require 10,000 square feet minimum lot area and a maximum of one (1) dwelling unit per acre as set forth in Section 20-601(a) of the Development Code. This interpretation is in response to a letter from the law firm Sloan, Eisenbarth, Glassman, McEntire & Jarboe, L.L.C. dated July 21, 2009.

The primary purpose of the RMG District is to provide areas for Greek Housing in proximity to a university or college that provides higher education to the public. Several other uses are permitted in the RMG district pursuant to Section 20-402 of the Development Code.

Per Section 20-1731, A Greek House is considered a dwelling unit. Section 20-601(a) requires that in the RMG district, a maximum of one (1) dwelling unit is allowed per acre of property. Research of the property parcels currently zoned RMG concludes that the majority of Greek Houses are located on lots that are larger than one acre. Of the 34 ownership parcels in the RMG District, 22 of those are more than one acre in area. Seven (7) parcels are between ½ acre and one acre; 3 of those parcels have lot areas greater than 9/10 of an acre. Five (5) parcels are smaller than ½ acre, the smallest of those having nearly 14,800 square feet. The average parcel size for all RMG parcels is 50,983 square feet or 1.17 acres. All of these parcels existed when the Development Code was adopted in 2006.

This research indicates that Greek Houses require substantially more land area than the 10,000 square feet of lot area that is a minimum in the district; however, land uses other than a fraternity or sorority house are permitted in the RMG District as indicated in the Use Table of Article 4 in the Development Code. A minimum lot area of 10,000 square feet may be appropriate for other permitted uses, such as Minor Utility, Passive Recreation, Religious Assembly uses, etc. These are uses that are not considered dwelling units but are uses that can locate on lots that are less than one acre in size. The research indicates that the current code standard requiring one acre to establish a Greek House is appropriate and that a conflict does not exist between the Minimum Lot Area of 10,000 square feet standard and the Maximum Dwelling Units per Acre standard of one dwelling unit per acre.

It is not uncommon for certain uses in a district to be regulated by more restrictive standards of the Development Code. In fact, Article 5 of the code is devoted to outlining special standards for several uses permitted in various zoning districts. In this instance, the code appears to intend that while the minimum lot area required to develop in the RMG district is 10,000 square feet, a special standard for dwelling units is provided recognizing that more land area is necessary to adequately establish a dwelling unit in this district.



20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the [Density](#) and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	80 [4]	80 [4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]
[1] Minimum garage entrance Setback = 20 feet [2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line . Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line . [3] First number represents minimum Rear Setback for Single Frontage Lot . Second number represents minimum Rear Setback for double Frontage (or through) Lot . [4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage. [5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code. [6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.													

Interpretation

1. Section 20-601(a) shall be interpreted as follows:
 - a. The Minimum Lot Area for any Development Activity to occur in the RMG district is 10,000 square feet, unless other standards are listed or identified elsewhere in the Development Code which affect the Development Activity.
 - b. The Maximum Dwelling Units per Acre is one (1), which requires that one acre be present to establish one Greek House (fraternity or sorority house).