



Updated:

11/14/11 @ 11:30am

Added communications for Item 4 - Text Amendment; Industrial Districts

11/11/11 @ 4:30pm

Added communications for Item 3 - Congregate Living & Multi-Dwelling Structures

Added Draft October 24 & 26, 2011 Planning Commission minutes

11/9/11 @ 12:45pm

Draft October 24 & 26, 2011 Planning Commission minutes will be added when available.

****The Wednesday, November 16th Planning Commission meeting has been cancelled****

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
NOVEMBER 14 & 16, 2011 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 24 & 26, 2011.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

REGULAR AGENDA (NOVEMBER 14, 2011) MEETING

NON-PUBLIC HEARING ITEM:

ITEM NO. 1 PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD (MKM)

PP-8-8-11: Consider a one lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.

PUBLIC HEARING ITEM:

ITEM NO. 2A RSO & CS TO CS; 3.3 ACRES; 2600 REDBUD LN, 2620 IOWA ST, 2626 IOWA ST, 2032 W 27TH ST (SLD)

Z-9-24-11: Consider a request to rezone approximately 3.3 acres from RSO (Single-Dwelling Residential-Office) & CS (Strip Commercial) to CS (Strip Commercial), located at 2600 Redbud Lane, 2620 Iowa Street, 2626 Iowa Street, and 2032 W 27th Street. Submitted by Landplan Engineering for KMAH LLC, property owner of record.

**NON-PUBLIC HEARING ITEMS:
Public Comment on Variance Only**

ITEM NO. 2B PRELIMINARY PLAT; MEADOW LEA ESTATES; 2600 REDBUD LN, 2620 IOWA ST, 2626 IOWA ST, 2032 W 27TH ST (SLD)

PP-9-9-11: Consider a two lot Preliminary Plat and variances related to street design standards included in Section 20-810 of the Subdivision Regulations regarding minimum street right-of-way and street termination for Meadow Lea Estates, approximately 3.3 acres, located at 2600 Redbud Lane, 2620 Iowa Street, 2626 Iowa Street, and 2032 W 27th Street. Submitted by Landplan Engineering for KMAH LLC, property owner of record.

ITEM NO. 3 CONGREGATE LIVING & MULTI-DWELLING STRUCTURES (SDM)

Consider land use information related to recently adopted code amendments for Congregate Living and Multi-Dwelling Structures. *Requested by City Commission at their October 4, 2011 regular meeting.*

RESUME PUBLIC HEARING:

**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
INDUSTRIAL DISTRICTS (MJL)**

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district.

****DEFERRED****

~~**ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO H2020 — CHP 14, NORTHEAST
SECTOR PLAN (DDW)**~~

~~**GPA-6-5-09:** Reconsider Comprehensive Plan Amendment to Horizon 2020 — Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*~~

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Adopt the 2012 Planning Commission meeting calendar.

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

| October 2011 | | | | | | |
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| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
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| November 2011 | | | | | | |
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| December 2011 | | | | | | |
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| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

PCCM Meeting:

(Generally 2nd Wednesday of each month, 7:30am-9:00am)

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PLANNING COMMISSION MEETING

October 24 & 26, 2011

Meeting Minutes DRAFT

October 24, 2011 – 6:30 p.m.

Commissioners present: Blaser, Britton, Burger, Finkeldei, Hird, Liese, Singleton, von Achen, and Student Commissioner Cory Davis

Staff present: McCullough, Stogsdill, Larkin, Leininger, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 26, 2011.

Commissioner von Achen asked for clarification regarding the action taken for the Fraternal Order of Police Conditional Use Permit.

Mr. McCullough said staff would review the audio.

Motioned by Commissioner Singleton, seconded by Commissioner Finkeldei, to defer the minutes.

Motion carried 7-0-1, with Commissioner Burger abstaining.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Blaser said the Metropolitan Planning Organization (MPO) met but were still missing a City Commission member which he encouraged that be fulfilled. He stated they discussed several topics; the TIGER funding request, approved the TIP, approved Unified Work Program. He said the advisory committee for T2040 meets November 1st.

Commissioner Hird said the Agritourism Committee continued to meet and work on draft language. He said he and Ms. Mary Miller met with County commissioner Nancy Thellman last week to discuss the language for consideration by the commission. He said they were getting close to having it before Planning Commission.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments and communications that were posted to the online Planning Commission agenda after the initial posting date.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Burger said she received numerous emails regarding Remington Square Apartments.

Commissioner Liese said County Commissioner Mike Gaugham asked him how Planning Commission made their decision on the Inverness Park District Plan and why the vote was so close.

- No abstentions.

PC Minutes 10/24/11 **DRAFT**

**ITEM NO. 1 ANNEXATION; 45.4 ACRES; W 6TH ST & SOUTH LAWRENCE TRAFFICWAY
(MJL)**

A-9-5-11: Consider annexation of approximately 45.4 acres of a city owned future park, located north and east of the intersection of W. 6th Street and the South Lawrence Trafficway. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said she talked to the President of the West Lawrence Neighborhood Association and they supported parks and would like to see more in the neighborhoods. She stated she also supported the protection of Baldwin Creek.

COMMISSION DISCUSSION

Commissioner Liese said that was his regular running trail and he was excited about the project.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the annexation of approximately 45.5 acres located north and east of the intersection of W. 6th Street and the South Lawrence Trafficway, and to initiate rezoning from A (Agriculture) District to OS (Open Space) District and A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District.

Commissioner von Achen asked if the park would be groomed or left somewhat in a natural state.

Ms. Leininger said if any grooming was done it would be minimal. She said there was potential for a clearing to be made for parking in the future.

Commissioner Liese said there were already a bunch of little parking areas for the trail. He said it was pretty naturally groomed and not overgrown at all.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 10/24/11 **DRAFT**

**ITEM NO. 2 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT, CHP 20;
DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS (MJL)**

TA-8-12-11: Consider amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with potential changes in Article 6. *Initiated by City Commission on 7/12/11.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Hird inquired about the interior 25' setback. He asked if the height of the building would dictate the setback.

Ms. Leininger said that section would be taken out. The proposal was to get rid of the textual section buried back in the standards of Article 6 and put the standards in the table so it was upfront what the setbacks were.

Commissioner Liese asked if RM12D was new.

Ms. Leininger said no, RM12 and RM12D had the same standards but were proposed to be broken apart and have their own standards to accommodate the side interior adjacent to RS addition. She said RM12D allowed duplexes, but did not allow multi-family structures, which RM12 did.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, showed a picture on the overhead of a single story house a good distance away from a large apartment complex and how it loomed over the house. She said she visited several single-family neighborhoods next to RM developments where there had been problems. She said they all had concerns about balconies looking into the bedrooms of single-family homes. She said she went back to the same street, Joseph Street, to talk to them again and the single-family homes were now all rental properties. She said the single-family home owners were concerned about privacy and safety. She expressed concern about the height. She said the biggest concern was removing 20-602(h) without putting anything in its place that it was mandatory to protect single-family homes. She did not want to continue to lose affordable single-family homes. She felt they needed to find a way to incorporate new things that had been added and make sure something mandatory states single-family homes need to be taken care of. She said on Joseph Street the apartments were put directly on the setback, which forced single-family home owners to purchase fences and trees for privacy.

COMMISSION DISCUSSION

Commissioner Finkeldei asked why 20-601 was not mandatory.

Mr. McCullough said 20-1101 included protection standards for residential districts:

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-Family use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to

reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- *location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;*
- *placement and buffering of trash receptacles;*
- *location of loading and delivery areas;*
- *lighting location, intensity, and hours of illumination;*
- *placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;*
- *additional Landscaping and buffering;*
- *Height restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;*
- *preservation of natural lighting and solar Access;*
- *ventilation and control of odors and fumes; and*
- *paving or other surface treatment for dust control.*

Mr. McCullough said if an issue was brought forth by a neighbor or identified by staff the Code gives the authority to make the requirements. He felt there were several ways to address the section.

Commissioner von Achen asked what the maximum height of a building next to an RS district would be.

Ms. Leininger said with section 602(2) it would be whatever the height of the adjacent structure was of the RS district or the maximum height of that district. It would have to have a setback equal to the height, 45' in RM districts, up to 90' in downtown commercial districts, and 60' & 75' in industrial districts.

Commissioner von Achen asked if the change would make a 25' setback standard.

Mr. McCullough said in the RM districts the difference in height between RS and RM was 10'. He said they were proposing instead of a 5' setback to make that a 25' setback. He said they would have the opportunity to go up to 45' tall. He said some of the public concern was that some of the older neighborhoods were not building 35' tall single-family homes. He mentioned the original proposal did not look necessarily at setback issues. The original concern was that it talked about matching structures, not zoning district maximums. He said if there were multiple structures it posed challenges for staff. He said staff was trying to make it more objective in terms of matching a zoning district standard versus a specific structure.

Commissioner von Achen asked for clarification. She asked if RM exceeded the 35' zoning max then the setback would have to be the height of that structure.

Mr. McCullough said yes.

Commissioner von Achen asked if they did not exceed it and were 35' then what would the setback be.

Mr. McCullough said under the current Code if the changes were made in this section and the current setbacks were kept the setback would be 5'.

Commissioner Britton asked if this was an earlier proposal.

Mr. McCullough said it was on the books today.

Commissioner Liese thanked Ms. Klingenberg for her comments. He said no matter how far away a large structure was it could still feel imposing. He said the number for the height of the building was arbitrary because there could be a building 100' away and could still feel imposing. He said 25' was arbitrary but it made sense to have it be a constant number versus a variable number.

Commissioner Hird made comments regarding footnote 5 where it uses the including but not limited to language. He said he knew the intent was to draw attention to the sections listed but when the words 'including but not limited to' were used it reduced the reader to search the Code. He felt it would be helpful to have a reference to the sections in the Code. He felt it was a fairly well supported text amendment and that one of the major points of contention was whether section 20-1101 should be mandatory or not. He said his general inclination was that they should allow staff the flexibility to impose additional requirements. He said in the past few years Planning Commission has shown as a policy that protecting single-family residences was important. He stated Planning Commission has shown an inclination to be sensitive to preserving neighborhoods and single-family ownership because they are an important part of the mix. He said he would support the text amendment. He said he would probably disagree a little bit with the League of Women Voters letter about whether or not section 20-1101 should be mandatory and did not see it as a crisis.

Commissioner Finkeldei asked if the use table and 25' was mandatory.

Mr. McCullough said yes.

Commissioner Finkeldei said section 20-1101 being mandatory was really a question about whether or not it was mandatory it might increase what was in the table. He asked if it was Ms. Klingenberg's point to have that be mandatory so it would be reviewed each time.

Ms. Klingenberg felt it should at least be looked at and not accept what was being submitted by the applicant.

Mr. McCullough said the footnote also includes buffer standards and things that might increase a setback because the buffer yard needs to be accounted for. He said if there was a compelling neighborhood issue that was brought to staff that made staff identify that as an issue and then identify the resolution to be a greater setback staff would be authorized to do so. Staff makes sure applications are compliant with the Development Code.

Commissioner Finkeldei inquired about buildings being set a certain way so windows were not facing a certain direction.

Mr. McCullough said there were other standards for balconies on multi-dwelling unit buildings; it needs to double the required minimum setback and have enhanced landscaping. He said neighborhood input was important as well and that neighbors receive notice for site plans.

Commissioner Singleton said she supported the text amendment as presented by staff. She appreciated the comments made by the public but felt that the flexibility the changes offer to the Planning Commission would be more beneficial. She stated there was a shift in culture about housing within communities. She said it was expensive to buy single-family homes because of new regulations on financing and that the community needed to start looking at apartment buildings as part of neighborhoods since a lot of people could not afford a 30% down payment on a house. She said they offer as much to the neighborhoods as the people who can afford to buy a home in

Lawrence. She said she could look into her neighbors windows just as easily as an apartment building could. She liked the text amendment as written and thought the premise about single-family housing being the only thing that needed to be stabilized was not the right premise in the community.

Commissioner von Achen asked Ms. Klingenberg to clarify what she was requesting for section 20-602.

Ms. Klingenberg said with section 20-602 the changes in the table would require some changes. They would make a good difference but do not necessarily make a strong difference. She said home ownership was important. She thought section 20-602 could be downgraded to keep somewhat mandatory but limit the mandatory. She said she did not have the answer but did not feel the text amendment was ready. She said it was a great start. She suggested maybe changing 20-602 to acknowledge the tables.

Commissioner Hird inquired about including a provision that if there was RM next to RS that staff shall review the provision of section 20-1101 to make a determination.

Mr. McCullough said staff does review it as part of the review process and the way staff uses 20-1101 was contextual. He said they could consider making any non-RS zoning district, when adjacent to an RS district, have a setback equal to its maximum height. He said that would presume that every applicant would try to get the maximum height which wasn't always the case.

Commissioner Liese asked if there was any science to the arbitrary numbers.

Mr. McCullough said they were standard and typical to other communities nationwide.

Commissioner Finkeldei said he would support what staff was proposing. He understood LANs position on knowing that in certain situations this wouldn't work. He still thought there could be times in which 20-1101 that the 25' was not enough. He said they either needed to trust staff to handle these issues or come up with a pretty complex way to impose that. He said given those two choices he would side with trusting staff to use 20-1101 with the use tables that set the 25' minimum. He said under the current standards an average one story house was closer to 21' setback so this would put a minimum of 25'. He felt separating out 12D was helpful to make that a transitional zone.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the proposed amendments, TA-8-12-11, to the Land Development Code, Sections 20-211, 20-212, 20-601, 20-602, and 20-1701, and forwarding to the City Commission.

Commissioner Britton said he shared Ms. Klingenberg's concerns about homeowners expectations about their neighborhood. He said they could try and make as many rules as they want to accommodate as many situations as they could possibly envision but they would never accomplish and anticipate all of them. He felt the process was a good one and said he would support the text amendment.

Commissioner Blaser said he would support the motion. He said they couldn't write something to cover everything. He felt the planners had done a good job.

Commissioner Burger appreciated the staff presentation and comments from LAN and LOWV. She said it was a lot clearer to her now. She said the culture was changing and residential real estate was changing. She said there was some evidence that cultural desires were changing and that home ownership may not be as desirous as it was at one time. She felt this was a really good start to preserve and maintain as best as possible, as well as being sensitive to culture changes. She said she would support the motion.

Commissioner von Achen said 20-1101 should not be mandatory and would not serve anyone and she felt they needed the flexibility. She was concerned about protecting the character of existing neighborhoods and she wished she knew how to accommodate that and give more protection. She said she would support the text amendment only because she did not know of a better answer.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 10/24/11 **DRAFT**

**ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6 & 14;
INTERSECTION AREA OF W 6TH ST & WAKARUSA DR (AAM)**

CPA-8-7-11: Consider Comprehensive Plan Amendment to Chapter 6 and Chapter 14 of Horizon 2020 to consider creating a CC600 commercial category in the Comprehensive Plan and revising the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive to designate it as a CC600 commercial node.

Item 3 was deferred prior to the meeting.

PC Minutes 10/24/11 **DRAFT**

**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CC600
ZONING DISTRICT (AAM)**

TA-8-14-11: Consider a Text Amendment to the City of Lawrence Land Development Code to create a CC600 zoning district. Submitted by Paul Werner Architects.

Item 4 was deferred prior to the meeting.

PC Minutes 10/24/11 **DRAFT**

**ITEM NO. 5A REZONING PRD & CO TO CC600; 12.9 ACRES; 525 CONGRESSIONAL DR
(AAM)**

Z-7-19-11: Consider a request to rezone approximately 12.9 acres from PRD (Planned Residential Development) & CO (Office Commercial) to CC600 (Community Commercial), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

Item 5A was deferred prior to the meeting.

PC Minutes 10/24/11 **DRAFT**

ITEM NO. 5B REZONING PRD TO RM15; 5 ACRES; 525 CONGRESSIONAL DR (AAM)

Z-7-20-11: Consider a request to rezone approximately 5 acres from PRD (Planned Residential Development) to RM15 (Multi-Dwelling Residential), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

Item 5B was deferred prior to the meeting.

PC Minutes 10/24/11 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 REQUEST PLANNING COMMISSION LETTER OF SUPPORT

TIGER Grant Application for The Research Gateway; proposed Diamond Interchange at K-10 Highway and Bob Billings Parkway.

STAFF PRESENTATION

Mr. McCullough said the City was trying to drum up support for getting federal dollars for this infrastructure project.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to:

1. Authorize staff to partner with KDOT as the lead applicant for the TIGER application for the interchange at K-10 and BBP.
2. Approve city participation of \$100,000.00 for the construction of the interchange at K-10 and BBP.

Commissioner Finkeldei asked if it would be an overpass or underpass.

Ms. Leininger said overpass.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

Consideration of any other business to come before the Commission.

Recess at 8:07pm until 6:30pm on October 26, 2011.

PC Minutes 10/26/11 **DRAFT**

Reconvene October 26, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Finkeldei, Hird, Liese, Singleton, von Achen,
and Student Commissioner Cory Davis

Staff present: McCullough, Stogsdill, Day, Larkin, Ewert

BEGIN PUBLIC HEARING (OCTOBER 26, 2011):

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 26, 2011.

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve the September 26, 2011 Planning Commission minutes.

Motion carried 8-0-1, with Commissioner Burger abstaining. Student Commissioner Davis abstained.

COMMUNICATIONS

Mr. McCullough said there would be no Planning Commission Mid-Month meeting on November 2, 2011.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 10/26/11 **DRAFT**

ITEM NO. 6A REZONING RM15 TO RM24; 15 ACRES; 4100 W 24TH PL (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

ITEM NO. 6B SITE PLAN; REMINGTON SQUARE APARTMENTS; 4100 W 24TH PL (SLD)

SP-9-56-11: Consider a Site Plan for Remington Square Apartments, located at 4100 West 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 6A & 6B together.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson, said under the Kansas Rezoning Statute if a request for rezoning was consistent with the land use plan or land use element of the comprehensive plan the request was deemed to be reasonable. He gave the brief history of the project. He said it conformed to the Comprehensive Plan and the RM24 request met all Golden Factors. He said Remington Square was 100% occupied and there was a waiting list. He said the interior landscaping in the plan was 46% higher than what the Code required. He said denial of the request would be inconsistent with Horizon 2020 and the Inverness Park District Plan that was just approved.

Commissioner Belt inquired about the need for this type of development in the community and if there was data to support that.

Mr. Gough said there was a waiting list for Remington Square Apartments. He said he did not have knowledge of other apartments but that there was a need for one bedroom low intensity apartments.

PUBLIC HEARING

Mr. Larry Northrop, said he spoke with City Commissioner Mike Amyx about why the land was not built on with the approval of RM15 zoning. He wondered how many properties would be coming back for increased zoning. He felt that in twenty years these would become low income housing that would affect the neighborhood significantly.

Ms. Marci Leuschen said she did not realize the Inverness Park District Plan had been approved. She said many neighbors did not want more apartments in the area and that if the applicant wanted RM24 zoning they should have asked for that in the first place. She pointed out on the overhead map where her house was. She expressed concern about increased traffic and lower property values.

Ms. Jamie Hulse, Sunflower Park Neighborhood Association, expressed concern about increased density. She said there was no neighborhood support for the high density zoning of RM24 in the Inverness Park District Plan. She said City Commission directed staff one year ago to work with the neighbors to come up with a plan that the neighborhood could support. She said there was a consensus among the neighbors that multi-family was not wanted. She said maxing out the density and then asking to build more units did not meet the definition of infill. She said the entire development between Clinton Parkway and the Park Creek area was more intense than planned. The neighborhood supported the Hy-Vee commercial development to eliminate the possibility of more

multi-family at that location and should not be penalized now for that support. She felt zoning should be predictable and people should be able to buy a home or build an apartment complex, such as The Legends, and not be worried neighboring properties could double in density. She felt it would set a dangerous precedent for other apartment complex owners who will see it as an opportunity to increase density on their properties as well. She stated trash, traffic, and noise have increased with additional apartments. She went over the number of police calls for the apartments in the area. She said that tenants and renters were not invested in the neighborhood.

Mr. Davis Loupe said the neighborhood was worn out of coming to meetings over the past few years. He said the neighborhood did not want more multi-family. He said the site was already developed and that nothing had been done with the open space. He said most people in the neighborhood supported the commercial rezoning but not at the expense of having more multi-family. He said special assessments were replaced when the site was bought and rezoned RM15. He said there were other places in town that people could rent. He felt the property should be left the way it was.

Mr. Scott Myers said he worked on the Inverness Park District Plan and did not support additional rezoning. He asked the Commission to deny the rezoning and leave original plan alone. He asked that better site planning approvals be adopted to prevent other builders from doing the same thing in the future.

APPLICANT CLOSING COMMENTS

Mr. Gough displayed a map on the overhead of the home locations of all the people who wrote letters. He also displayed property values on the overhead which showed an overall 1% decrease in the valuation, which was consistent with county averages. He stated RM24 zoning was not requested back in 2007-2008 because there was no way to know how popular the apartment would be.

Commissioner Hird inquired about comment made by the public about RM24 density being built on 7 acres.

Mr. Gough said that was not correct under the Code. He said the property size was 15 acres. He stated the Code measures the number of dwelling units on the property and that was how the density was measured.

Commissioner Liese said in the packet there were disturbing photos of deteriorated sidewalks and abandoned construction materials.

Mr. Gough said he did not know when the pictures were taken but the good news was that if the project moved forward there would be a site plan with conditions of maintenance. He said the City had the ability to enforce site plans.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to respond to issue of RM15 zoning in 2008 and building on part of the site.

Mr. McCullough said staff reviews site plans per Code and the site plan maximized the density in terms of the dwelling units per acre. He said it was the applicant's decision and choice to design this and it was Code compliant. He stated it could have been four times as intense with the same number of units with up to four bedrooms.

Commissioner Burger asked if the applicant could have built 3-4 story apartment buildings.

Mr. McCullough said there was a 45' height limit.

Commissioner Liese inquired about the police reports.

Ms. Day said the police report numbers provided were raw numbers. She said the police officer who provided the information recognized the apartment complex had only been there a year but that it could be the tenant mix or smaller units. The police officer stated there were less calls there than the other two.

Commissioner Liese inquired about the traffic study.

Ms. Day said traffic circles were added as part of the original infrastructure improvements. She said the traffic circles slow traffic and help make that transition into less intense residential areas. She said the traffic study was provided with the initial development and that the second traffic study addendum was provided with this project. She said another traffic study was done with Hy-Vee and there were specific improvements for that traffic that would benefit Crossgate.

Commissioner Liese asked if the police officer she spoke with about the crime calls was less concerned with these apartment units.

Ms. Day said yes.

Commissioner Britton asked if the developer could renovate the buildings later to three and four bedroom apartments.

Ms. Day said there would have to be a revised zoning. She said the applicant would have to go back through the full public hearing process to remove the conditions.

Commissioner Britton asked if that was also true for the existing one bedroom apartments.

Ms. Day they could renovate the current apartments but that it was unlikely.

Commissioner Burger asked audience members to raise their hand if they were present when the Inverness Park District Plan was approved. *(One person raised their hand.)* Several others said they wrote letters.

Commissioner Singleton said this was a difficult issue and she did understand the position of the neighborhood. She said she appreciated the comments but did support the rezoning and site plan. She stated the applicant could have built three to four bedroom apartments and the developer chose not to do that. She said the project was consistent with Horizon 2020 and the Inverness Park District Plan. She said it serves as a distinct buffer between the larger apartments in the area and single-family homes. She said when she looks at the area she could not imagine what else would go there. She said Parks & Recreation does not want to make it a park. She felt the community needed housing for young professionals. She said she would vote in favor of the rezoning and site plan.

Commissioner Britton said this was a tough issue. He said the applicant discussed a Kansas Statute taking about a rezoning request complying with the Inverness Park District Plan was presumed to be reasonable. He said the kind of vocal opposition heard from the neighborhood overcomes that presumption. He said it seemed like the neighborhood had been very vocal about their opinions. He had concerns about the proliferation of apartments in Lawrence. He felt there was good reason to

limit the things they consider sometimes and that it was not easy to undo what was done. He said the Inverness Park District Plan talked about limiting additional multi-family uses in the area, which he felt was inconsistent. He said plans were good but were not the law and he would oppose the rezoning and hoped something better could go there that better respects the neighbors. He felt they needed to respect the public process and be responsive to that.

Commissioner Blaser said density was an interesting discussion and meant a lot of things. He said the units would not be seen from Inverness. He agreed that the sidewalk should be repaired. He said he could not find any reason to deny the application. He said Planning Commission function was land use and he believed this was the best thing that could happen in that area for land use.

Commissioner Burger thanked the public for attending and writing letters. She said there was an approved district plan in light of those comments and wishes. She said in her mind one bedroom units were not multi-family. She said she could support it because the plan put those restrictions on that area and because she did not consider one bedroom development as strictly multi-family. She said the developer could have built three to four stories and did not. She said as far as the broken sidewalk she could understand the developers hesitation knowing that there was a desire to develop the area. She felt the construction debris should have been removed from the site. She said as far as she could tell this would be the end of the expansion within the neighborhood of apartment zoning. She said when she drove around the neighborhood she felt there was adequate buffering with Inverness and Crossgate. She stated the way the neighborhood was designed people living in the apartments would not have a reason to be driving through the neighborhood. She said she would have the same concern about it becoming low income housing in the future but not because of the rezoning, because of the site plan. She said the site plan was the bare minimum and did not do anything to endear itself to the neighborhood. She said aesthetically it lacked a lot.

Commissioner Belt said there have been discussions in the past year of changing market conditions. He said the significant neighborhood opposition to the project resonated with him. He felt there were inconsistencies in the Inverness Park District Plan. He said he voted against the Inverness Park District Plan and felt he should be consistent and vote in opposition of this project.

Commissioner Liese said Planning Commission was charged with the responsibility of understanding Horizon 2020, Inverness Park District Plan, and Golden Factors, and that it was a complex and difficult process. He felt he had to vote in favor of this because it was consistent with Horizon 2020 and the Inverness Park District Plan. He felt the broken sidewalk and empty field with construction debris was a big mistake on the part of the developer. He said the developer put in one bedroom units and limited the height. He said he did not like roundabouts but it did take some care of traffic. He said typically the community that shows up to Planning Commission meetings are most likely unhappy and he wished they could hear both sides. He said in the absence of that he assumed some people would benefit and appreciate the apartments. He said he was forced to vote in favor of the proposal.

Commissioner Hird thanked the public for coming out and providing their input. He said the rezoning was compliant with Horizon 2020 and the Inverness Park District Plan. He said they do deviate from Horizon 2020 and district plans from time to time. He did not feel that vocal opposition was a fact to say a rezoning was unreasonable. He said they don't hear from the other people in the community and that it was Planning Commissions job was to look after the 100,000+ people of the community. He said he conditional zoning limiting the type of structures was a significant and major concession. He said the Inverness Park District Plan was approved recently and that was a huge factor for him. He was surprised that traffic was not an issue but that the experts have said it's capable of handling this type of traffic. He said one bedroom units had less of an impact than what they could have built

on the property. He found the concern about the area turning into low income housing to be offensive and felt that low income people should not be banished to East Lawrence. He asked the applicant to fix the sidewalk. He wished there was an alternative to not approving more apartments in Lawrence. He said to him the project was almost not an apartment project because it was single bedroom limited structures. He said if he had the means to vote against more apartments he thought he would do so.

ACTION TAKEN on Rezoning Item 6A

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the rezoning request, Z-8-12-10, for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following conditions:

1. As a means to implement the recommendation of the Inverness Park District Plan, the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.
2. Building types shall be limited to a maximum of two (2) stories and the maximum number of bedrooms per unit shall be one (1) bedroom

Motion carried 7-2, with Commissioners Belt and Britton voting in opposition. Student Commissioner Davis voted in the affirmative.

PUBLIC HEARING on Site Plan Item 6B

Ms. Jamie Hulse encouraged the developer to install a sprinkler system for landscaping.

COMMISSION DISCUSSION

Commissioner Finkeldei inquired about landscaping.

Ms. Day said the applicant does add more landscape than what typically shows up on the site plan. She said the Code allows substitution of trees for shrubs. She said a number of developers do add significant landscaping. She said it was a development choice but it does meet Code.

Commissioner Finkeldei asked the property owner, Mr. Tim Stultz, what he thought of adding a sprinkler system.

Mr. Tim Stultz said he would consider it.

Commissioner Liese asked if they could include a condition regarding a sprinkler system.

Mr. McCullough said the Code did not require it but does encourage it. He said it could be added as a condition.

Commissioner Blaser inquired about the sidewalk repair.

Mr. McCullough said he was not sure how the sidewalk condition was created and not sure if that was after the certificate of occupancy was issued.

Commissioner Blaser felt there should be screening on the electrical meters.

Ms. Day said it was reflected in the conditions.

ACTION TAKEN on Site Plan Item 6B

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve the Site Plan for multi-dwelling residential development at 4100 W 24th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions completed prior to the release of the site plan for building permits:

1. Prior to the release of the Site Plan for issuance of building permits the applicant shall:
 - a. Receive approval for public improvements plans.
 - b. Receive approval for a stormwater pollution prevention plan (SWP3), Per City Code Chapter IX Article 9-903(B).
 - c. Replace any dead street trees and interior landscaping if existing.
2. Prior to the release of the Site Plan for issuance of building permits the applicant shall submit a revised site plan to include the following notes and changes:
 - a. Provision of a revised landscape plan to include additional drought tolerant species for Street Trees listed in the staff report per City Staff approval.
 - b. Provision of a note that states: *"Maintenance of street trees to include watering as needed is the responsibility of the property owner. Dead or dying street trees shall be replaced with species included in the landscape plan planting schedule."*
 - c. Provision of a revised drawing to show screening of mechanical equipment attached to the sides of buildings.
 - d. Provision of a revised General Note 11 that states: *"Construction activity, including soil disturbance or removal of vegetation, shall not commence until an approved SWP3 has been obtained."*
3. Provision of an adequate irrigation system to support high quality landscaping.

Commissioner Finkeldei asked if the language 'adequate irrigation' left flexibility.

Commissioner Liese said he meant to keep it ambiguous.

Mr. McCullough said it would go to City Commission next. He said Clinton Parkway had street trees that were high above and may be difficult to get to based on topography. He asked if that would include the parameter trees, street trees, and retrofitting the existing landscaping there.

Mr. Stultz said he would install an irrigation system in the entire area.

Commissioner Liese said a lot of the neighborhood resistance was due to how the property looked today.

Ms. Day said the street trees along Clinton Parkway were in the public right-of-way and that the trees were hand watered by the City.

Commissioner Burger expressed concern that most of the audience members opposed to the rezoning walked out after rezoning and did not stay for the site plan.

Motion carried 8-1, with Commissioner Belt voting in opposition. Student Commissioner Davis voted in the affirmative.

PC Minutes 10/26/11 **DRAFT**

**ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE &
DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (SMS)**

TA-3-3-10: Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

Commissioner Hird asked for an example of a connector street in Lawrence.

Ms. Stogsdill said it was a local street, maybe with very few individual access points. She said she would try to find some specific examples of connector streets.

Commissioner Hird said the LOWV had a suggestion on the frontage issue.

Ms. Stogsdill said staff would be supportive of that change.

PUBLIC HEARING

Mr. Dean Grob, Grob Engineering, said he agreed with about 80% of the things that needed to be changed. He wanted flexibility but knew that could be difficult with a regulatory document. He thanked staff for the work and felt they were getting close.

COMMISSION DISCUSSION

Commissioner von Achen inquired about parks and open space.

Ms. Stogsdill said the environmentally sensitive text amendment that was adopted last December does have specific requirements for residential development in terms of preserving. She said if there were sensitive features then a percentage needed to be protected and reserved. She said the language that exists today says to encourage or require a dedication which was not enforceable. She said they had success in sitting down with folks when they have areas that are reasonable areas that will add to their development to be able to incorporate those into the subdivision design. She said there was a pretty good opportunity if there was a feature on the property that a portion would be reserved.

Commissioner von Achen asked what if there were no environmentally sensitive features.

Ms. Stogsdill said from a community standpoint it made the most sense to try and connect areas to eventually have greenbelt trails.

Commissioner von Achen said she thought it meant within each subdivision.

Ms. Stogsdill said not every subdivision had its own mini park. She said mini parks were very expensive to maintain.

Commissioner von Achen inquired about green areas.

Ms. Stogsdill said with any site planned property there was a requirement in the landscape article to have a certain amount of open space. She said those properties always end up having some amount of specific greenspace designed into them and those areas would be maintained by the individual property owner.

Commissioner Liese inquired about defining terms. He asked why a subdivision turned into cluster in Urban Growth Areas.

Ms. Stogsdill said it was called a cluster development. She said it was a consistency issue that it was named one thing in 804 and then named something else in the definition section. She said in the 2006 regulations a cluster development was a particular type of residential development that was created and that what it was named.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to defer Text Amendment, TA-3-3-10.

Commissioner Finkeldei asked if staff had thought about sending the Chamber of Commerce a letter to get them involved.

Mr. McCullough said staff kept them involved and they were satisfied.

Commissioner Finkeldei said it would be nice to see it documented.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 10/26/11 **DRAFT**

**ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST
SECTOR PLAN (DDW)**

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*

Item 8 was deferred prior to the meeting.

PC Minutes 10/26/11 **DRAFT**

ITEM NO. 9 PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD (MKM)

PP-8-8-11: Consider a 1 lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.

Item 9 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 9:12pm

2011
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

| Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM | Mid-Month Topics | | Planning Commission Meetings 6:30 PM, Mon & Wed | |
|---|--|-------------------------------|---|-------------------|
| Jan 12 | Housing Trends | Future Topics | Jan 24 | Jan 26 |
| Feb 9 | Complete Streets | | --- | Feb 23 |
| Mar 16 - 8AM start | Historic Preservation & H2020 – Chapter 11 Update | | Mar 28 | Mar 30 |
| Apr 13 | Canceled | | Apr 25 | Apr 27 |
| May 11 - 8AM start | APA Conference follow-up | | May 23 | May 25 |
| Jun 8 | Canceled | | Jun 20 | Jun 22 |
| Jul 15 <i>Fri</i> | PC Training – all day Friday | | Jul 25 | Jul 27 |
| Aug 10 | Continue 'How Meetings Are Run' Discussion from Orientation Schedule remainder of 2011 Topics | | Aug 22 | Aug 24 |
| Sep 14 | Overlay Districts & Conditional Zoning | PC– General Process Questions | Sep 26 | Sep 28 |
| Oct 12 | Density Exercise | | Oct 24 | Oct 26 |
| Nov 2 | | | Nov 14 | Nov 16 |
| Nov 30 | Canceled | | Dec 12 | Dec 14 |
| | Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms (examples from other states)</i> <i>TDRs</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i> <i>2010 Census Data</i> | | | |
| Meeting Locations | The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed. | | | |
| Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds | | | | |

**PLANNING COMMISSION REPORT
REGULAR AGENDA --NON-PUBLIC HEARING ITEM:**

PC Staff Report
11/14/2011

**ITEM NO. 1: PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD
(MKM) (MKM)**

PP-8-8-11 Consider a one lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Sadies Lake Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

1. The plat shall be revised with the following changes:
 - a. General Note 6 shall be revised to reference the amended Subdivision Section **20-810(i)(4)** and to remove the language regarding the Temporary Set Aside Agreement provisions as the agreement has not yet been executed.
 - b. Revise the site summary to note the gross area of the plat as 205.837 acres.

Attachments:

- Attachment A --- Concept plan submitted with rezoning request.
- Attachment B --- Rural Water District #2 report.

Applicant's Reason for Request: Platting is required prior to obtaining a building permit for development in the R-T District.

KEY POINTS

- Zoning to the R-T (Rural Tourism Business) District was approved by the Board of County Commissioners on August 3, 2011. The rezoning resolution shall be published following the recording of the final plat.
- A temporary set aside agreement shall be executed to protect designated environmentally sensitive areas identified in Section 20-810(i) of the Subdivision Regulations [Section 11-110(i) of the County Code].

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective December 31, 2006.
- Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners' acceptance of easements as shown on the preliminary plat.

- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Publication of rezoning resolutions to rezone Lot 1 to the R-T District.
- Approval of site plans for the various phases of the development by the Board of County Commissioners. The Commissioners placed a condition on the rezoning that any development proposal which required County Commission approval would include notification to property owners within 1000 ft of the subject property.

The following actions are required prior to recording of the Final Plat:

- Per Section 20-811(e)(3)(ii) of the Subdivision Regulations [Section 11-111(e)(3)(ii) of the County Code], the applicable Fire Department has approved the proposed water supply system as being adequate to support firefighting needs.
- Per Section 20-811(d)(4) [Section 11-811(d)(4) of the County Code], the proposed method of sewage disposal is approved by the Douglas County Health Department.
- Temporary set-aside agreement shall be executed and recorded.
- The County Engineer shall provide written certification that all public improvements have been completed or one of the means for ensuring completion noted in Section 20-811(h)(2) [Section 11-11(h)(2) of the County Code] has been provided.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

| | |
|-----------------|---------------|
| Gross Area: | 205.837 acres |
| Right-of-Way: | 1.315 acres |
| Net Area: | 204.522 acres |
| Number of Lots: | 1 |

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) District [rezoning to R-T(Rural Tourism Business) District with conditions pending recording of the Sadies Lake Addition final plat and F-F (Floodway Fringe) Overlay District; open space and agricultural uses

Surrounding Zoning and Land Use: A (County-Agricultural) District in all directions with F-F (Floodway Fringe) Overlay District to the north and west; open space and agricultural uses with scattered rural residences.

STAFF REVIEW

The subject property consists of approximately 205 acres and is located at 778 E 1300 Road. The property is located on E 1300 Road which has recently been rebuilt by KDOT as part of their Hwy 59 improvements to provide access to the residences in the area. The southern portion of E 1300 Road, adjacent to the subject property, is a township road; while the northern portion is maintained by KDOT. (Figure 1)

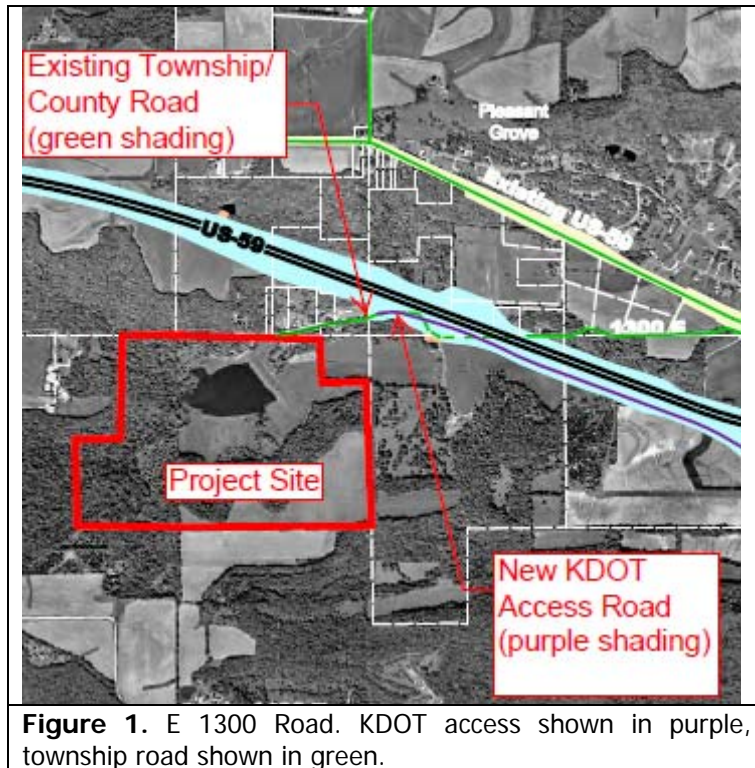


Figure 1. E 1300 Road. KDOT access shown in purple, township road shown in green.

This plat is preparatory to development of a rural tourism use which will consist of open space, cabins, and a lodge or conference center. The Zoning Regulations define rural tourism uses as typically experience-oriented uses that are located predominately in a natural environment in areas of low population, and contribute to the preservation of the character of the area. A temporary set aside agreement is required for the lands which have been identified as environmentally sensitive in Section 20-810(i) of the Subdivision Regulations [Section 11-110(i) of the County Code]. In addition, other safeguards may be placed on the site plan to insure the rural tourism use preserves the character of the area.

A rezoning request to the R-T District was approved by the Board of County Commissioners at their August 3, 2011 meeting subject to the following condition:

1. Property owners within 1000 ft of the Rural Tourism Zoning District shall be notified when either of the following occur:
 - Submittal of any site plans
 - Submittal of any development proposal which must be considered by the County Commission.

The property currently maintains one residence and a cabin. The owner intends to separate the existing residence from the property through a homestead exemption survey. As this would remove the vested right for the remainder of the property to a building permit, the exemption survey will be timed to coincide with the recording of the final plat. The plat shows the 5.237 acres with the residence which is being removed with the exemption survey.

Resource Conservation

Section 20-810(i)(4)(iii) of the Subdivision Regulations [Section 11-110(i)(4)(iii) of the County Code] requires that platted subdivisions in the unincorporated area of the county be designed in a way that protects and conserves the natural resources and environmentally sensitive lands through the filing of a Temporary Set Aside Agreement or a permanent Conservation Easement with the Register of Deeds or through placement of the environmentally sensitive lands within tracts or easements on the plats. The property owner will provide a Temporary Set Aside Agreement for the protection of the environmentally sensitive lands. The property contains floodplain, stream corridors, and stands of mature trees which the Subdivision Regulations identify as environmentally sensitive areas. Protection of sensitive areas is encouraged to the maximum extent possible, but the required amount for platted property is limited to 20%. As this Rural Tourism Use is based on the woodlands and grasslands their protection should be insured, either through site plan notes or through inclusion in the Temporary Set Aside

Agreement. The Temporary Set Aside Agreement must be executed and filed before the final plat is recorded.

Zoning and Land Use of Subject Property

As noted earlier, a rezoning request to the R-T (Rural Tourism) District has been approved for the subject property and will become effective after the final plat has been recorded. The zoning approval included a condition that property owners in the area would be notified of any development activity which requires County Commission approval. This is noted on the plat. Portions of the property is also zoned F-F (Floodway Fringe) Overlay District.

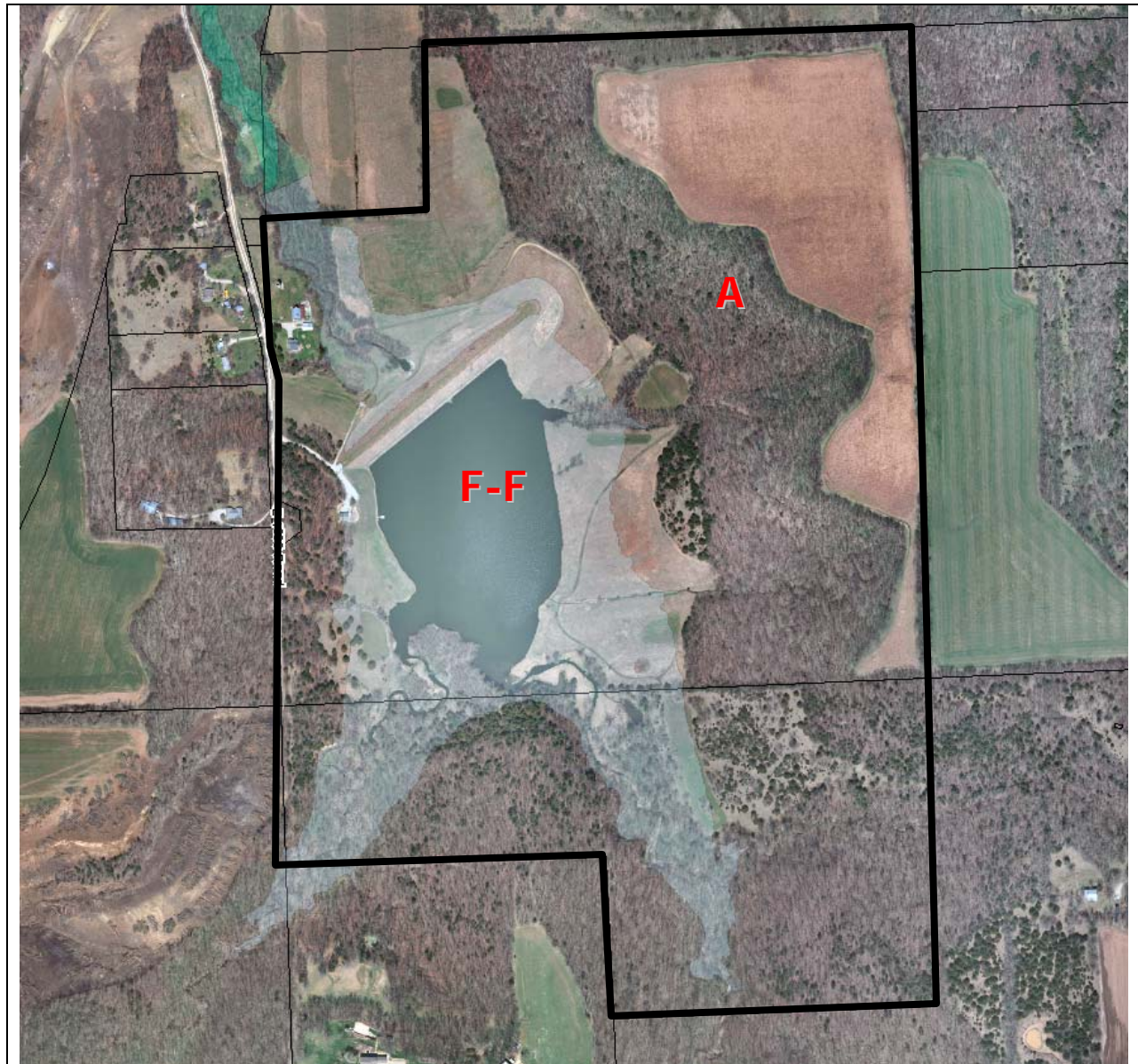


Figure 2. Property is currently zoned A (Agriculture) and FF (Floodway Fringe).

The property currently contains a rural residence, a watershed lake, woodlands and grasslands with trails, and a cabin. The rural residence will be divided from the subject property through the Homestead Exemption provision in Section 20-801(d)(2)(ix) of the Subdivision Regulations [Section 11-101(d)(2)(ix) of the County Code]. To insure that the R-T Zoning designation will

apply only to the property which is platted as the Sadies Lake Addition the zoning resolution will be published after the recording of the final plat.

A rural tourism use will be developed in this location which will include additional cabins and a conference/reception center or lodge. The open space area will be used for recreational activities. A concept plan was included with the rezoning request and is included with this report as Attachment A.

Zoning and Land Use of Surrounding Area:

The surrounding area is zoned A (Agricultural) and F-F (Floodway Fringe) Overlay Zoning extends to the northwest and southwest of the subject property (Figure 2). The surrounding area is used primarily for agricultural uses, open space, and rural residences.

Streets and Access

E 1300 Road is a full maintenance local road but becomes minimum maintenance approximately 350 ft south of the access into the subject property. (Figure 3) The road continues as a minimum maintenance road for approximately 800 ft then ends. The only traffic on the road would be that generated by the adjacent properties and the rural tourism use; there would be no through traffic as E 1300 Road does not connect to any other roads to the south.

Utilities and Infrastructure

The property is served by Rural Water District No. 2. The Water District's consultant reviewed the development proposal to determine if it would be possible to serve the new development. The engineer's report, Attachment B, indicated that it would be possible to provide water to the proposed development. The applicant understands that infrastructure upgrades may be necessary and General Note 8 states "Full project development may require improvements to the RWD#2 system and the property owner will in part bear the costs of waterline improvements for the project."

Per Section 20-811(e) of the Subdivision Regulations, dry hydrants must be installed 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 for properties without adequate water pressure for fire hydrants. Lyle Bowlin, Willow Springs Fire Chief, indicated that a dry hydrant should be provided on the west side of the pond to serve the existing cabin and that additional hydrants should be provided with future phases.

Sewage management for the existing cabin is provided by a septic system. The applicant intends to utilize an on-site method of sewage management such as septic systems for the future buildings. Building permits for buildings which require sewage management may be obtained after a permit for the on-site sewage management system has been issued by the Health Department to insure that an adequate sewage management system is available.

Easements and Rights-of-way

E 1300 Road is classified as a local road. Local roads in the unincorporated portion of the county require 70 ft of right-of-way and 35 ft of right-of-way is being dedicated with this plat for E 1300 Rd. The plat shows that .903 acres of right-of-way was acquired by KDOT and an additional .412 acres of permanent easement for road right-of-way is being dedicated with this plat for a total of 1.315 acres of right-of-way.

The Wakarusa Watershed Joint District No 35 holds an easement on the property for the reservoir for the purpose of floodwater retarding. General Note 9 describes the easement and references the Book and Page Number. RWD#2 holds a right-of-way easement along the west boundary of the property for a rural waterline. The easement does not define width and is therefore noted but not shown on the plat.

Conformance with the Comprehensive Plan

The Comprehensive Plan recommends that conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development shall satisfy the following criteria:

- 1) Have direct access to an improved arterial roadway
- 2) Public water supply must be available
- 3) Be separated from other rural tourism uses by at least 3 miles or other appropriate distance as determined by the board of county Commissioners and
- 4) Be designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering or other methods.

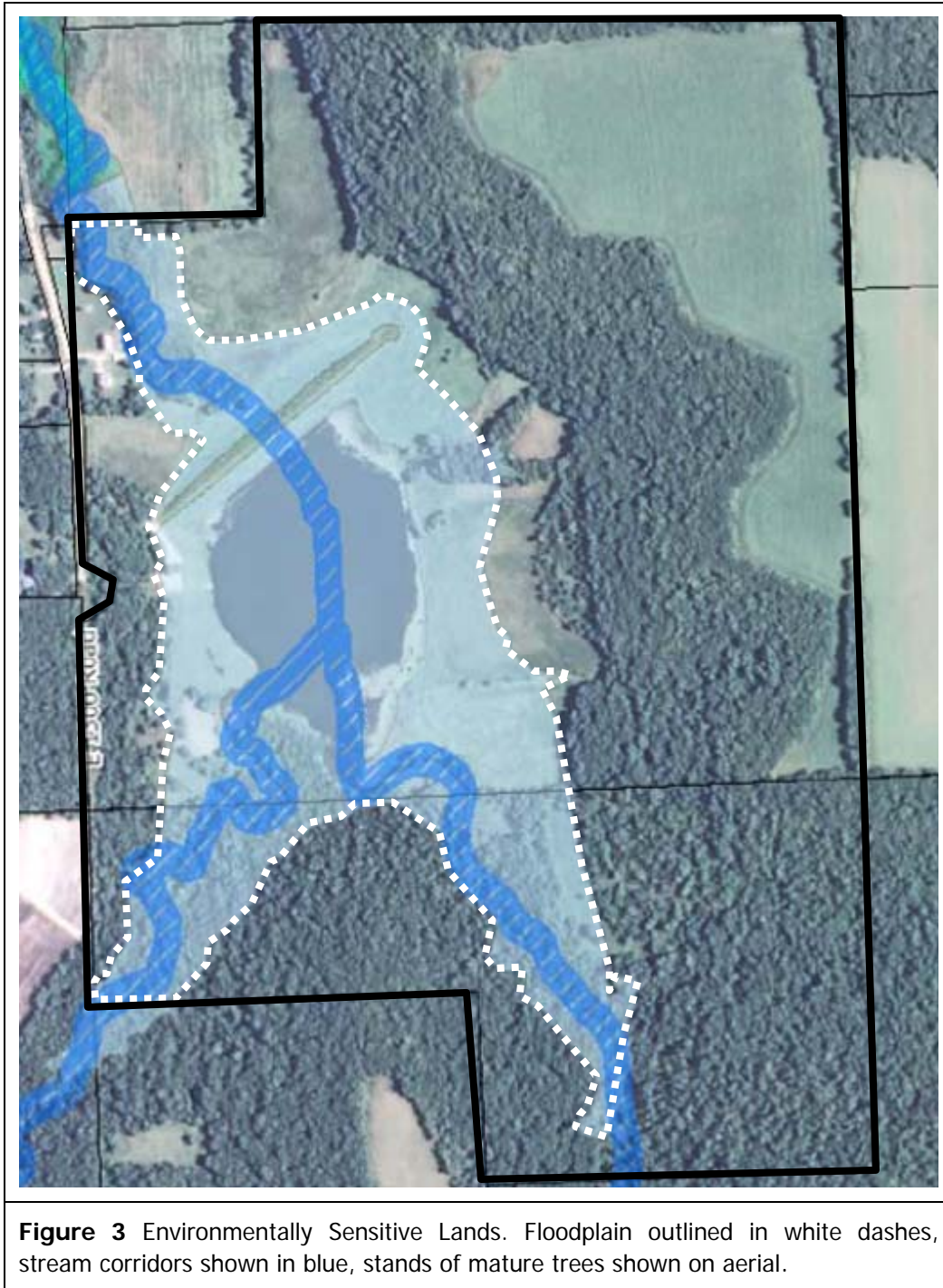
The first 3 criteria have been met:

- 1) The County Commission approved the rezoning of this property to the R-T District even though it does not have direct access to an improved arterial roadway, based on the close proximity of the property to Hwy 59 and the rural nature of the use.
- 2) The Rural Water District confirmed that a public water supply is available; however, improvements may be necessary.
- 3) There are no other rural tourism uses in the area.

Criteria # 4, however, will depend upon the temporary set aside agreement and the site design to insure that the development preserves natural resources and integrates with the rural environment. (Figure 3)

Summary

The proposed uses are permitted in the districts and the plat, as conditioned, conforms with the Subdivision Regulations and the recommendations and locational criteria of the Comprehensive Plan.



CONCEPTUAL SITE PLAN for
SADIES LAKE ADDITION
778 E 1300 ROAD
LAWRENCE, KANSAS

DESIGNED BY
JDC
CHECKED BY
JDC
ISSUE DATE
March 21, 2011
REVISIONS

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST AND SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, ALL IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 02°00'09" EAST ALONG THE WEST LINE OF SAID SECTION, 663.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°00'09" EAST ALONG SAID WEST LINE, 1990.45 FEET; THENCE SOUTH 01°33'57" EAST, 664.11 FEET; THENCE NORTH 87°11'32" EAST, 1323.98 FEET; THENCE SOUTH 01°38'31" EAST, 666.60 FEET; THENCE NORTH 87°21'28" EAST, 1321.34 FEET; THENCE NORTH 01°34'10" WEST, 1329.45 FEET; THENCE NORTH 02°03'19" WEST, 2063.46 TO A POINT ON THE NORTH 02°00'09" WEST LINE OF SAID SECTION, 1323.98 FEET; THENCE SOUTH 02°00'09" WEST, 1962.35 FEET; THENCE SOUTH 87°08'49" WEST, 661.09 FEET TO THE POINT OF BEGINNING, LESS

A TRACT OF LAND COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 02°00'09" EAST ALONG THE WEST LINE OF SAID SECTION, 663.48 FEET; THENCE CONTINUING SOUTH 02°00'09" EAST ALONG THE WEST LINE OF SAID SECTION, 200.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87°08'49" EAST, 379.00 FEET; THENCE SOUTH 02°00'26" EAST, 187.49 FEET; THENCE SOUTH 45°59'03" WEST, 395.98 FEET; THENCE SOUTH 87°10'23" WEST, 98.88 FEET TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE NORTH 02°00'09" WEST ALONG THE WEST LINE OF SAID SECTION, 463.34 FEET TO THE POINT OF BEGINNING, LESS ROAD RIGHT-OF-WAY. THE TRACT CONTAINS 208.67 ACRES LESS ROAD RIGHT-OF-WAY.

GENERAL NOTES

OWNER: Sadies Lake LC

P.O. Box 1797
Lawrence, Kansas 66044

1. Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049

2. Surveyor: All Points Surveying, LLP
P.O. Box 4444
Lawrence, KS 66045

3. Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 and 2009, specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying, March 2011. Basis for bearings for this plan is State Plane Coordinate - North Zone.

4. Current Zoning: A.

5. Existing Land Use: Residence and Accessory Cabin

6. Proposed Zoning: RT

7. Proposed Land Use: Rural Tourism

8. The project is located within the SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 282 of 460, Map Number 20045C02082D, Map Revised August 5, 2010. Per the map, "The 1% annual chance flood (100-year flood), also known as base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard Area include A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% chance flood." The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The SFHA for the property is defined as "Zone A - No Base Flood Elevations determined".

9. No public improvements are required for the property as part of the rezoning.

10. An Easement is held by Wakarusa Watershed Joint District No. 35 for the reservoir for the purpose of floodwater retaining. The easement is 42.1 acres adjacent to and including the reservoir to mean seal level elevation 971.1.

11. Additional crop patches or manufactured habitat for deer, turkey and quail may be constructed along the edge of the timberline.

12. For aerial view of site see Sheet 2 of 2.

DEVELOPMENT SUMMARY

ORIGINAL PROPERTY BOUNDARIES
PLATE/RECORD ID900137/900138A

211.81 AC

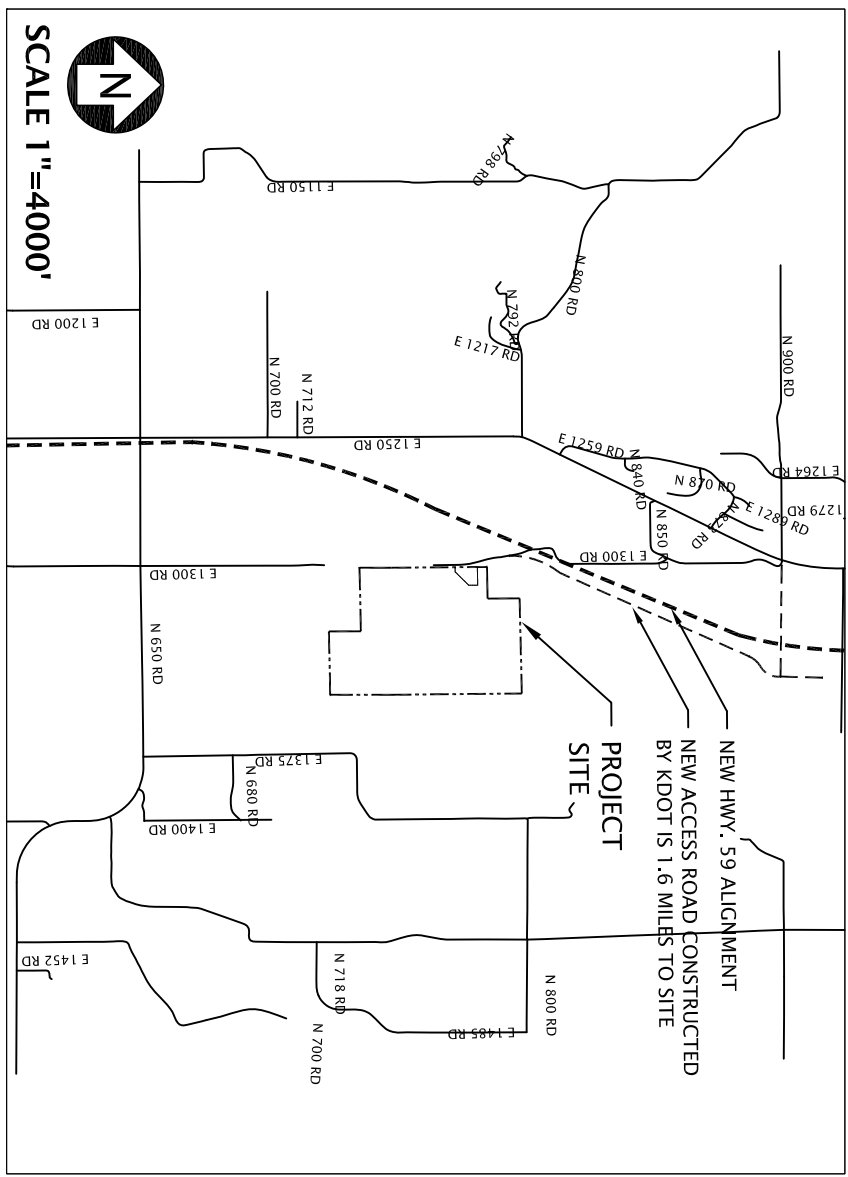
PARCEL TO BE REMOVED BY HOMESTEAD SURVEY
3.14 AC

REZONING REQUEST
ORIGINAL BOUNDARY LESS PARCEL TO BE
REMOVED BY HOMESTEAD SURVEY
208.67 AC

VARIANCE REQUEST

1. The Owner requests a variance for a reduction of the buffer along the west boundary of the project. The request is for a reduction from 200' to 150'. The owner believes the existing trees, the 30' elevation drop, and that it is adjacent to the existing right-of-way, thus the reduced buffer zone with be meet the intent.

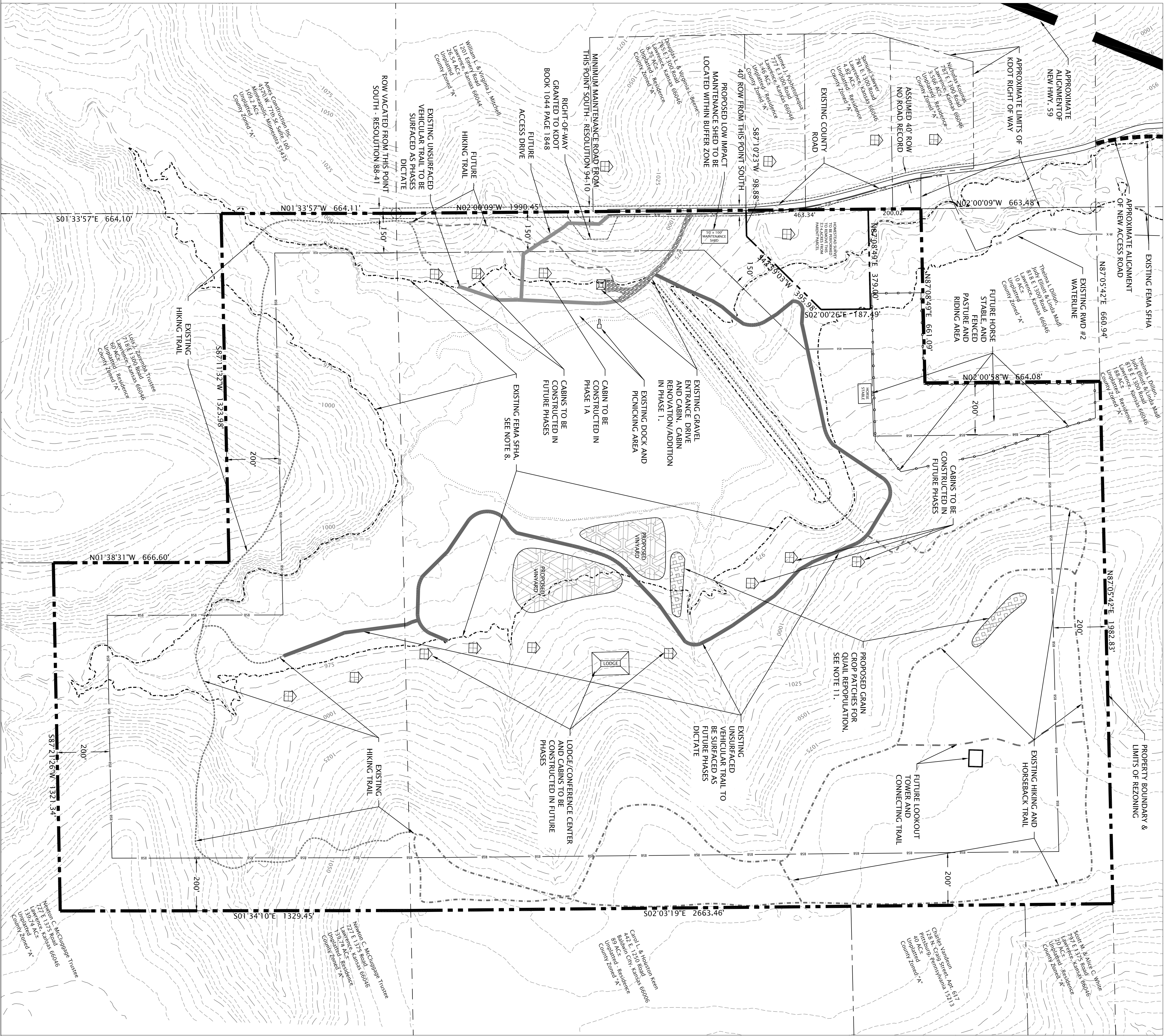
LOCATION MAP



THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY -
NOT FOR CONSTRUCTION

CONCEPTUAL SITE PLAN

SADIES LAKE ADDITION



June 22, 2011

Board of Directors
RWD No. 2, Douglas County
681 E. 1250 Road
Lawrence, KS 66047

**SUBJECT: Sadies Lake Addition
 W.O. 4005.102**

Dear Nathan:

This letter is in regard to the proposed service for Sadies Lake addition located in Section 12, Township 14 South, Range 19 East. The developer for this addition is proposing multiple phases of construction. The first phase will include the renovation of an existing cabin and the addition of a new cabin. The future phases could consist of eleven additional cabins and a Lodge/Tourism Center. It is being anticipated that each cabin facility will have water demands in the restrooms, and kitchen area. It is assumed that the Lodge will have water demands at restrooms, a utility room, and a kitchen area. The table below was created for the water demands of each facility using Water Supply Fixture Units (WSFU) as defined by the Uniform Plumbing Code.

| Phase 1 | | | | Future Phase | | | |
|-------------------------------|-----------------|------|--------------|--|-----------------|------|---------------|
| | No. of Fixtures | WSFU | Total WSFU | | No. of Fixtures | WSFU | Total WSFU |
| 2 Cabins | | | | 11 Cabins | | | |
| Water Closet | 2 | 2.5 | 5 | Water Closet | 11 | 2.5 | 27.5 |
| Sink | 4 | 1.5 | 6 | Sink | 22 | 1.5 | 33 |
| Total WSFU Phase 1 | | | 11 | Lodge | | | |
| Total Peak Demand Flow | | | 10gpm | Water Closet | 4 | 2.5 | 10 |
| | | | | Urinal | 2 | 2 | 4 |
| | | | | Sink | 6 | 1.5 | 9 |
| | | | | Mop Basin | 1 | 3 | 3 |
| | | | | Water Fountain | 2 | 0.5 | 1 |
| | | | | Total WSFU Future Phase | | | 87.5 |
| | | | | Total Peak Demand Flow Future Phase | | | 60 gpm |
| | | | | Total Peak Demand Flow Both Phases | | | 70 gpm |

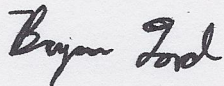
The water district currently has a 2.5-inch PVC waterline that fronts the proposed property and provides the property water service through a standard 5/8"x3/4" residential meter setting. This size of meter is generally rated for a maximum flow of 15 to 20 gpm. For service to the future phase, a new 4-inch waterline will need

to be installed off the District's existing 6-inch waterline from 850 Rd south to Sadies Lake. To serve the peak demand flow of 70 gpm a 1-1/2" positive displacement water meter will be required. With the necessary improvements in place it appears that the additional demands will not have a negative impact on the existing customers in the surrounding area.

To provide service to the one existing and one proposed cabin the District can continue service as it is currently. However, considering the Future Phases I would recommend the District serve this addition through one larger master meter instead of multiple residential meters. It will make meter reading easier as well as billing the customer. It would also allow the District's maintenance responsibility to end at a master meter vault near the main entrance of the lake addition.

Based on this hydraulic review it is feasible for the water district to provide water service to the proposed development with the upgrades as described above. The Board of Directors at RWD No. 2 should use this hydraulic review as an aid to determine how and if they are willing to provide the increased service to the proposed development.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Ford". The signature is written in a cursive, flowing style.

Bryan Ford, P.E.

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/14/2011

ITEM NO. 2A: Z-9-24-11 RSO (SINGLE-DWELLING RESIDENTIAL OFFICE) DISTRICT AND CS (COMMERCIAL STRIP) DISTRICT TO CS (COMMERCIAL STRIP) DISTRICT; 3.3 ACRES; 2600 REDBUD LANE, 2620 IOWA STREET, 2626 IOWA STREET, AND 2032 W 27TH STREET (SLD)

Z-9-24-11: Consider a request to rezone approximately 3.3 acres from RSO (Single-Dwelling Residential-Office and CS (Strip Commercial) to CS (Strip Commercial) District, located at 2600 Redbud Lane, 2620 Iowa Street, 2626 Iowa Street, and 2032 W 27th Street.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 3.3 acres, from RSO (Single-Dwelling Residential-Office) District and CS (Strip Commercial) to CS (Strip Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission.

Reason for Request: *The applicants own four tax parcels at the northeast corner of 27th Street and Iowa Street. All but one of such properties are zoned CS. Plat No. U12946 is zoned RSO, and is a vacant tract. Along with this application, the applicant is requesting the vacation of a portion of Redbud Lane right-of-way. The legal description attached to this application, describing 3.334 acres, consists of all four tax parcels, plus that portion of Redbud Lane included in the vacation request. This rezoning request is submitted to ensure CS zoning for the entire northeast corner of 27th Street and Iowa Street, in anticipation of full infill retail development.*

KEY POINTS

- Property includes is developed commercial lots and vacant lots.
- Request is required to facilitate redevelopment of an existing commercial corner.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-9-9-11; preliminary plat approval
- Submission and approval of a final plat
- Submission and approval of a site plan

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Request will result in less than 50,000 SF

ATTACHMENTS

- Area map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received to date

Project Summary:

This property includes four separate parcels. Three parcels are currently zoned CS. The fourth parcel, located at 2600 Redbud Lane, is zoned RSO. Redevelopment of the commercial intersection requires a more uniform zoning boundary to accommodate planned development and associated off-street parking.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request is consistent with the strategies outlined for commercial development in Lawrence. A primary goal of Horizon 2020 is to "encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways." 6-1 Iowa Street is a principal arterial street and is considered an existing Regional Commercial Center. Commercial use of the property conforms with the Commercial Chapter of Horizon 2020.*

Horizon 2020 describes existing strip commercial developments as: characterized by developments that do not meet current standards for lot dimension and area, lot frontage, curb cut locations, or the presence of internal frontage roads for cross access. The Plan goes on to note that this type of development occurred under conditions where development standards allowed for smaller lots, shallower lot depth, and lack of access management standards. The Plan recognizes the need for adequate lot depth to accommodate circulation and adjustment to increased traffic volumes and congestion (Page 6-10) of today's traffic. South Iowa is designated as an existing commercial area in Horizon 2020. The plan states:

- ***S. Iowa Street (23rd Street to the South Lawrence Trafficway)***

S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely developed between 23rd Street and K-10. The corridor connects with existing commercial development along 23rd Street. With recent development at the northeast corner of 31st Street and Iowa Street, and the location of several discount stores in close proximity to one another, this commercial corridor has evolved into a Regional Commercial Center, serving regional shopping and entertainment needs.

K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

With regard to redevelopment the Plan states: *"A combination of innovative tools should be developed to assist owners of lots within the existing strip development areas to redevelop. These tools need to include regulations that provide accommodations for shallow lot depth, the combination of lots and access points, and the creation of cross access between lots to minimize*

the need for individual lot access to arterial streets.” (pg 6-10) This proposed development request, including the preliminary plat, is intended to address these criteria.

The Plan specifically states: *“Existing Strip Commercial Development areas shall not be permitted to expand or redevelop into the surrounding lower-intensity areas. Redevelopment within Strip Commercial Development Areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easement and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines that adjoin residentially zoned or developed areas.”*

The proposed request will remove the Residential Office use zoning encroachment into the commercial strip area. The revised district boundary will allow for appropriate land use transition between the commercial and residential uses along Redbud Lane.

Staff Finding – *Horizon 2020* encourages the retention and redevelopment of established commercial areas of the community. This proposed request will facilitate the redevelopment of the commercial corner with a construction that will comply with current development standards consistent with recommendations included in *Horizon 2020*.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

| | |
|----------------------------------|---|
| Current Zoning and Land Use: | RSO (Single-Dwelling Residential-Office) and CS (Commercial Strip) District; vacant restaurant and office building and two undeveloped parcels. |
| Surrounding Zoning and Land Use: | CS (Commercial Strip to the north, west and south; existing medical office use and apartment building to the north, restaurant use to the south, and mixed uses commercial to the west. RM12 (Multi-Dwelling Residential) and RM24 Multi-Dwelling Residential) District to the east; existing residential uses on the east side of Redbud Lane. RM32 (Multi-Dwelling Residential) District to the northeast; existing apartment building. |

Staff Finding – The property is surrounded by commercial zoning to the north, south and west. Redbud Lane establishes the boundary of the commercial uses along this segment of Iowa Street. Uses transition from high density to lower density east of Redbud Lane.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The RSO zoned tract is surrounded on three sides by commercial zoning, and is vacant. The commercial parcels located on the west and south of the site are dilapidated, empty and obsolete commercial buildings. The area to the east of the site is zoned medium to high density residential.*

The northeast corner of Iowa Street and W 27th Street is not located within a designated neighborhood boundary. The Indian Hills Neighborhood is located to the east and the Prairie Meadows Neighborhood is located to the west (west of Iowa Street). The property is within the South Iowa Street Commercial Corridor. Commercial properties, especially on the east side of Iowa Street, are generally smaller with less depth. Multi-family is the most common use that provides a transition between the commercial corridor and the residential neighborhood to the east.

Staff Finding – The property is located within a commercial corridor. Development is older and typically inconsistent with current development standards for screening and land use transition in this area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The northeast corner of Iowa Street and W 27th Street is not located within a designated neighborhood boundary or special planning area. Redevelopment of the site will be subject to applicable Development Code standards and access management practices. Iowa Street is a designated arterial street. W 27th Street is a designated collector street. Access to Iowa (1 existing curb cut) is not proposed to be altered with this redevelopment request. Ultimately access to 27th Street will include the removal of the two existing driveways between Iowa and Redbud Lane thus improving access management at the intersection. Specific details regarding access are addressed as part of the subdivision and site plan review processes. The guiding land use document for this area is *Horizon 2020*.

Staff Finding – The northeast corner of 27th & Iowa and the surrounding area is not specifically included in any neighborhood or area plan. *Horizon 2020* is used as the guiding land use plan for development considerations in this area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *"The relatively small size of the RSO-zoned property makes its use as medium density residential impractical. Because the subject property is adjacent to other commercial tracts, however, CS zoning is an optimal use of the site, and is necessary to permit the infill redevelopment of the balance of the northeast corner of 27th and Iowa Street. The rezoning eliminates an outlying RSO-zoned tract."*

The development pattern and zoning boundary of the S. Iowa Street commercial corridor is generally 150 to 200+ feet deep. In the block between 26th Street and 27th Street, the RSO district projects into the commercial corridor. Approval of the request will allow the property to be efficiently redeveloped. To comply with the land use recommendations for redevelopment of obsolete commercial properties the existing RSO zoning is not suitable for this location.

Staff Finding – A majority of the property has CS zoning. The existing .267 acres of RSO hinders the ability to redevelop the northeast corner and is not suitable.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

The property includes both developed and vacant tracts. The property located at the immediate corner of Iowa and W 27th Streets was developed with a restaurant until the building was

demolished in 2003. The property was not annexed into the city limits until sometime after 1966. The 1966 zoning map stops just south of W 26th Street along this segment of Iowa Street. The properties that include 2620 Iowa and 2600 Redbud Lane were rezoned in 1973 to commercial and residential office district zoning. [Z-3-8-73 and Z-3-9-73]. Based on the May 1973 Planning Commission staff report, the property located along 27th Street was commercially zoned at that time. The area had originally developed as a residential subdivision prior to annexation into the City. The surrounding area was developed with commercial and multiple-family uses. The area has a history of non-residential or multi-family uses. The original 1973 request for 2600 Redbud Lane was for commercial zoning. The Planning Commission denied that request and ultimately the property was rezoned to a residential office district.

The current CS and RSO zoning districts were established in 2006 with the adoption of the Development Code.

Staff Finding – Only 2600 Redbud Lane has remained vacant since annexation in the early 1970's. This segment of Redbud Lane was not constructed.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *"Approving this rezoning will not adversely affect the neighboring properties. The RSO-zoned parcel is surrounded on three sides by property zoned CS. Property adjacent to the east side of the property is zoned RM12, and there are RM24 and RM32 zoning districts to the northeast and southeast of the property. All of such neighboring residential areas are familiar with retail businesses at the intersection, as evidenced by the former retail businesses that previously operated at the intersection."*

The property abuts residential zoning and uses to the east. A local street separates the uses. The area is developed with commercial uses along Iowa Street and multi-family and office uses along Redbud Lane. Approval of the request will facilitate redevelopment of the corner into a cohesive development with improved access circulation at the intersection. Development will require appropriate land use transition between residential and non-residential uses.

Ultimately, development of the vacant lot on the east side of Redbud Lane will require extension of the public street. This new residential opportunity would have to recognize the existence of commercial development to the east. Redevelopment of the property will result in increased traffic at the intersection of 27th Street and Redbud where that activity currently occurs closer to the intersection with Iowa Street to the west.

Redevelopment of the property and construction of Redbud Lane north of its existing pavement may result in a perceived loss of open space. There is an undeveloped lot on both the east and west sides of Redbud Lane extended. The multi-dwelling residences located on the east side of Redbud Lane will experience additional traffic from customers and employees as well as commercial delivery to the site. Orientation of the commercial buildings and appropriate screening will mitigate these impacts.

Staff Finding – Approval of this request will result in facilitation of redevelopment of the northeast corner of Iowa Street and W 27th Street. Non-residential development near the intersection of Iowa Street and W 27th Street will experience an improvement in overall circulation though the reduction of curb cuts to W 27th Street close to the intersection. Multi-dwelling

residential uses east of Redbud Lane will experience increased traffic on Redbud Lane as it becomes the primary access to the proposed redevelopment.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *"Approval of this rezoning application will enable the infill redevelopment of a very visible corner along Iowa Street. The corner is presently blighted and in need of revitalization. The rezoning will allow a vacant parcel of land to be brought back to use while providing the City with tax revenue of a developed commercial site rather than continued vacant ground."*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The key consideration of this request is the intrusion of the RSO zoning west of Redbud Lane. This parcel of land hinders redevelopment efforts and would require the application of landscape requirements that would not otherwise be beneficial to the project or to the surrounding area. Approval of the request will facilitate efforts to redevelop the corner providing a modern and upgraded appearance to the commercial corridor at this location. Redevelopment will make use of existing infrastructure available to the site and result in an improved intersection functioning at Iowa Street and W 27th Street through the removal of driveways on 27th Street.

Staff Finding – Approval of the request facilitates redevelopment of the site and improved traffic flow at the intersection of Iowa Street and W 27th Street. Denial of the request would result in the application of certain Development Code standards that would not best suit a redevelopment of the property in an efficient manner or result in multiple requests for variances from buffering and setback requirements where the commercial zoning abuts the RSO zone.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to facilitate redevelopment of the northeast corner of Iowa Street and 27th Street. Approval of this rezoning request is an initial step of the redevelopment. Additional approvals are required to replat the land. A site plan development approval is also required. This review will address specific screening, setback and transition elements as they related to the residential zoning to the east.

In this application, the intrusion of the zoning and land use is into the commercial corridor from the lower intensity zoning. The proposed request will not result in a change or intrusion of commercial into the adjacent residential neighborhood but realigns the district boundary to a more usable configuration.

CONCLUSION

This request is for the implementation of a redevelopment project on the northeast corner of Iowa Street and 27th Street. The generally shallow depth of commercial property along this side of Iowa Street prevents efficient development of the area. Rezoning the property to a uniform district, coupled with a subdivision plat to create appropriate sized lots, will facilitate redevelopment of the area.

2032 W 27th Street

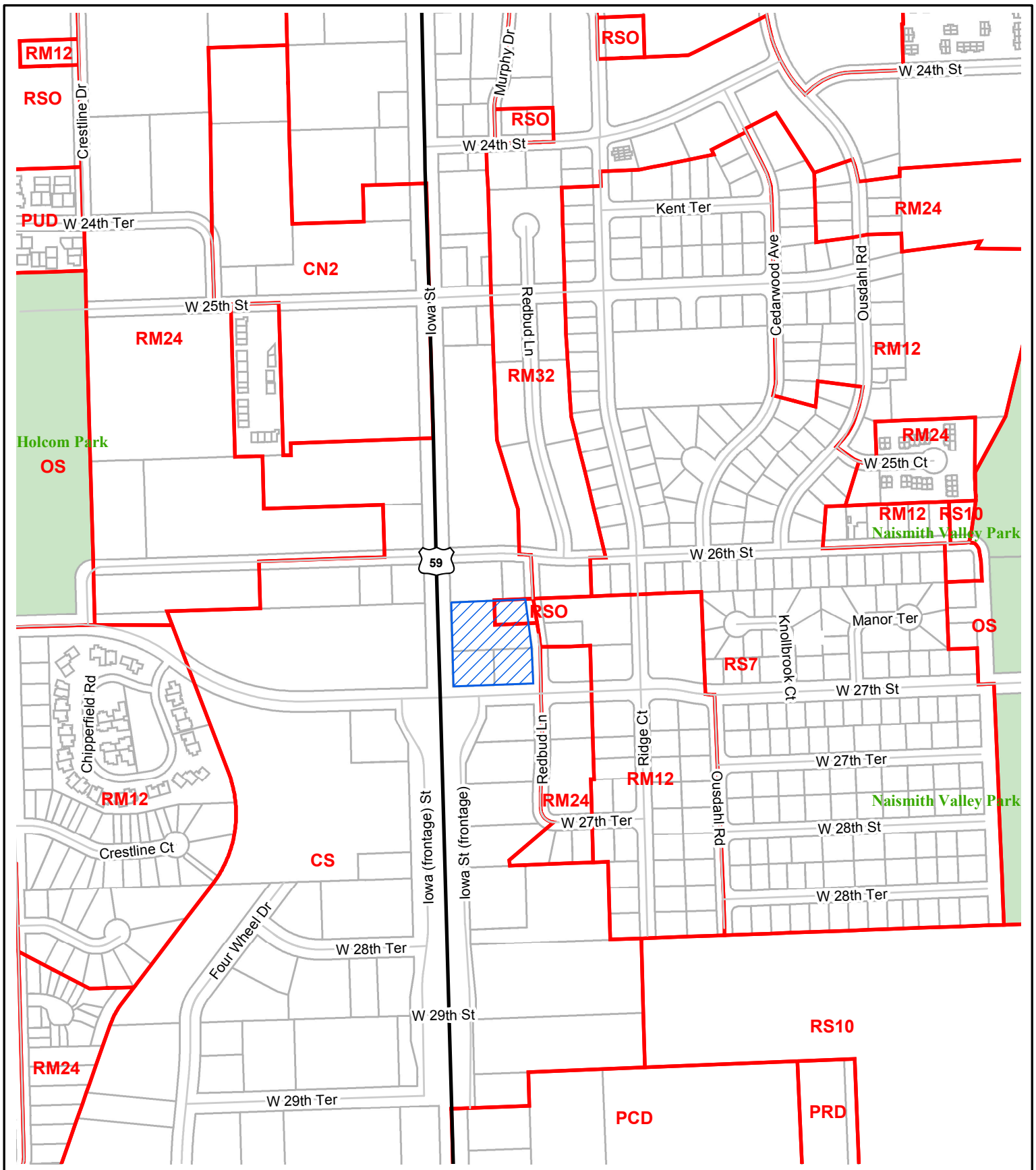
- 2626 Iowa Street

- 2620 Iowa Street

- 2600 Redbud Lane

- No site plan records for this property.
- Apartment building constructed in 1964 according to Appraisal records.





Z-09-24-11: Rezoning of 3.3 acres from RSO & CS to CS
2600 Redbud Ln, 2620 Iowa St, 2626 Iowa St, & 2032 W 27th St



**PLANNING COMMISSION REPORT
NON-PUBLIC HEARING ITEM
REGULAR AGENDA
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report
11/14/11

ITEM NO 2B: PRELIMINARY PLAT; MEADOW LEA ESTATES (TO BE KNOWN AS: KMAH AND LAWRENCE 27 IOWA ADDITION); 2600 REDBUD LN, 2620 IOWA STREET, 2626 IOWA STREET, 2032 W 27TH STREET (SLD)

PP-9-9-11: Consider a two lot Preliminary Plat and variances related to street design standards included in Section 20-810 of the Subdivision Regulations regarding minimum street right-of-way and street termination for Meadow Lea Estates, approximately 3.3 acres, located at 2600 Redbud Lane, 2620 Iowa Street, 2626 Iowa Street, and 2032 W 27th Street. Submitted by Landplan Engineering for KMAH LLC, property owner of record.

STAFF RECOMMENDATION VARIANCE: Staff recommends approval of the variance with regard to the minimum right-of-way width for Iowa Street from 150' to 100'.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of KMAH and Lawrence 27th Addition and forwarding it to the City Commission for consideration of acceptance of easements and rights-of-way subject to the following condition:

1. Provision of a 10' easement along 27th Street and a 10' easement along Iowa Street to accommodate existing and future utilities.

Applicant's Reason for Request: *to accommodate proposed commercial development.*

KEY POINTS

- The applicant has provided clarification of the plat name as follows: ***KMAH and Lawrence 27 Iowa Addition.***
- The Preliminary plat proposes to consolidate existing four lots into two lots.
- The Plat includes a request to vacate 10' of right-of-way for Redbud Lane.
- A revised drawing was submitted for consideration that shows Redbud Lane as a through street. A variance is no longer required for Redbud Lane right-of-way width and street termination.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective December 31, 2006.
- Section 20-810(a)(2)(i) requires subdivisions to comply with all applicable zoning district standards.
- Section 20-810 (d) requires 150' of right-of-way for principal arterial streets.
- Section 20-813 variance procedures.

ASSOCIATED CASES

- Z-9-24-11; RSO to CS.

OTHER ACTION REQUIRED

- City Commission acceptance of easements and vacation of rights-of-way as shown on the Preliminary Plat.

- Submission and approval of applicable public improvement plans.
- Final Plat administrative review, approval, and recording at Register of Deeds Office.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided, additional review may be required with a specific development proposal.
- *Downstream Sanitary Sewer Analysis* – Study submitted and accepted.
- *Drainage Study* – Additional documentation will be required with the submission of a specific development proposal.
- *Retail Market Study* – Not required for development less than 50,000 SF.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date

ATTACHMENTS

- Preliminary Plat

| SITE SUMMARY | |
|----------------------------------|---|
| Current Zoning and Land Use: | RSO (Single-Dwelling Residential-Office) and CS (Commercial Strip) District; vacant restaurant and office building and two undeveloped parcels. |
| Surrounding Zoning and Land Use: | CS (Commercial Strip to the north, west and south; existing medical office use and apartment building to the north, restaurant use to the south, and mixed commercial uses to the west. RM12 (Multi-Dwelling Residential) and RM24 Multi-Dwelling Residential) District to the east; existing residential uses on the east side of Redbud Lane. RM32 (Multi-Dwelling Residential) District to the northeast; existing apartment building. |
| Total area: | 2.437 acres |
| Lot 1: | .481 acres (20,947 SF) |
| Lot 2: | 1.956 acres (81,788 SF) |

STAFF REVIEW

The property is located on the northeast corner of Iowa Street and W 27th Street. The property includes four separate platted lots intended to be replatted into two lots with shared access to Iowa Street and to Redbud Lane. Access to W. 27th Street would be removed as part of the redevelopment. The preliminary plat drawing shows the existing conditions and improvements in the figure on the left and the proposed lot configuration on the right.

Zoning and Land Use

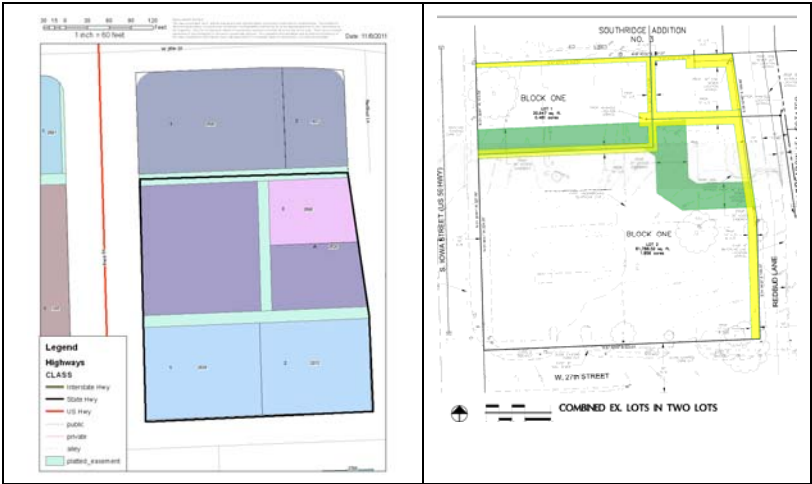
The property includes a mix of developed and vacant parcels. A related request includes rezoning the entire acreage to a single commercial zone. The surrounding land uses include commercial uses along Iowa Street and multi-dwelling uses along Redbud Lane. This property is subject to a rezoning request to accommodate a uniform district for redevelopment (Z-9-24-11).

Utilities and Infrastructure

The property currently has access to public sewer and water service. However additional easements will be provided for the extension of services to Lot 1, Block 1. Existing conduit for the traffic signals and a portion of the public sidewalk is located across the southwest corner of Lot 2, Block 1. Additional easement is needed for these facilities.

Easements and Rights-of-way

Easements: Easements are provided around the periphery of the lots. The property includes several easements platted with the original subdivisions. This proposed plat includes the vacation of the interior north-south easement and the dedication of new easements to serve the property as shown on the preliminary plat exhibit.



The southwest corner of Lot 2, Block 1 includes existing infrastructure for the traffic signal and the sidewalk that appear to be located on the property but not within an easement. Staff recommends that an easement be extended along Iowa Street and W 27th Street to accommodate existing and future infrastructure needs.

Lot 1 abuts only Iowa Street while Lot 2 abuts Iowa Street, W 27th Street, and Redbud Lane. A cross access easement is shown in green across the lots providing east/west access between Iowa Street and Redbud Lane.

Rights-of-Way: Section 20-810 of the Subdivision Regulations provides the design standards for streets. Iowa Street is a designated principal arterial street. 27th Street is designated as a collector street and Redbud Lane is designated as a local street. Each of these street types requires a minimum width shown in the following table.



| Street Type | Right of Way (Minimum Width) | Existing ROW/Proposed ROW |
|--|------------------------------|---------------------------|
| Principal Arterial Street (Iowa Street) | 150' | 100'/100' |
| Collector Street (W 27 th Street) | 80' | 80'/80' |
| Limited Local (Redbud Lane) | 50' | 60'/50' |

The original submittal of the preliminary plat included a different design of Redbud Lane and a greater request for vacation of right-of-way than the current drawing shows. For this reason the request was advertised with a variance request related to Redbud Lane. The redesigned plat configuration does not

require a variance. The vacation of 10' of right-of-way for Redbud Lane does not result in a substandard minimum street width.

No changes are proposed to Iowa Street or W 27th Street rights-of-way. As a result, a technical variance is required for Iowa Street since the total right-of-way width does not comply with the design standard.

Streets and Access

- This revised Preliminary Plat retains the existing grid street formation originally established for the area and accommodates the completion of Redbud Lane as a north/south street.
- Iowa Street is an existing arterial street. The existing driveway to Iowa Street is proposed to remain.
- 27th Street is an existing collector street. Existing driveways to 27th Street are proposed to be closed with this redevelopment.
- Redbud Lane is an existing local street.

Conformance

The purpose of the subdivision regulations and associated design standards is to assure that the division of land will serve the public interest and general welfare. The proposed lot configurations exceed the minimum lot area and lot width requirements of the CS district. With the exception of the street right-of-way width the proposed preliminary plat complies with the subdivision regulations.

Variance: Reduction of right-of-way with for Iowa Street

The property owner is requesting variances from Section 20-810(d) which requires a specific amount of right-of-way for streets. Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public health, safety and welfare will be protected. Following is a review of the variance request in relation to these criteria.

Citation: SECTION 20-810 (d) (4) 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 [1] Measured from back of curb to back of curb. [2] Includes limited access routes. | Right-of-Way | Roadway | | | Sidewalks (See §20-811(c)) |
|---|----------------------|--------------------------|----------|--------------------|-------------------------------|
| | Min. Width (feet) | Min. Width (feet) [1] | Paving | Curb and Gutter | |
| Principal Arterial | 150 | * | Required | Required | Both Sides |
| Minor Arterial (3 lane) | 100 | 40 | Required | Required | Both Sides |
| Collector | 80** | 36 | Required | Required | Both Sides |
| Local or Residential Collector | 60 | 30 | Required | Required | Both Sides |
| Local | 60 | 27 | Required | Required | Both Sides |
| Limited Local | 50 | 22 | Required | Required | Both Sides |
| Cul-de-sac *** | 60** | 22 | Required | Required | Both Sides |

* As directed by the City [Engineer](#)

** Additional r-o-w may be necessary at [Intersections](#)

***Paved bulb with 50' radius is required

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

As the property has frontage along several streets, direct access to the two new lots is proposed as a shared access. The dedication of additional right-of-way would be inconsistent with the existing development pattern along this segment of the corridor. Strict application of these regulations would require the dedication of a substantial amount of additional right-of-way. This would impact the ability to redevelop the site and could result in larger setback than what is required for adjacent properties.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as to provide for the conservation of existing neighborhoods.

The division of land requested will result in two lots with shared access to Iowa Street and the closure of two driveways to the abutting collector street, W 27th Street. These changes will improve the intersection function. There are no planned improvements for this segment of Iowa Street. The City Engineer has indicated the design width of the Iowa Street right-of-way is adequate in this location.

Criteria 3: The public health, safety and welfare will be protected.

The dedication of the right-of-way for only one segment of the right-of-way would not result in improvements to Iowa Street. The additional dedication would push development closer to Redbud and the residential uses to the east. There are no known plans for widening Iowa street in this location. Staff has recommended the dedication of an additional utility easement adjacent to the right-of-way to accommodate existing improvements. Approval of the variance would not negatively impact the public health, safety or welfare.

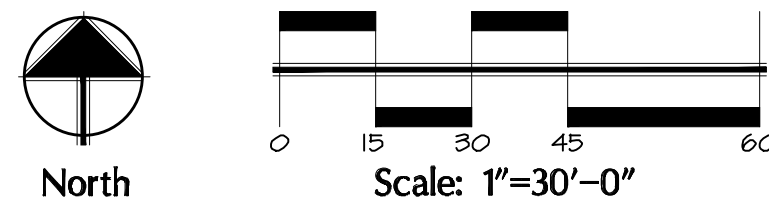
VARIANCE RECOMMENDATION

Staff recommends approval of the variance request to permit the right-of-way for Iowa Street to remain in its current configuration.

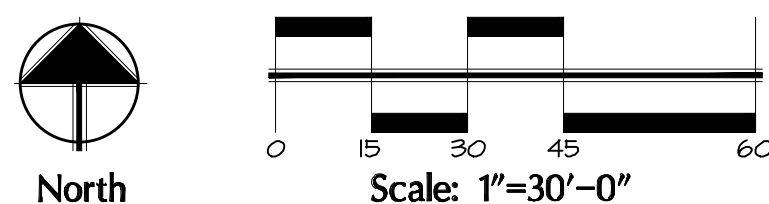
Conclusion

The proposed plat complies with the design standards of the Subdivision Regulations as discussed in the body of the report. The intent of this plat is to establish the new lot lines and easements needed for redevelopment. The reduction in right-of-way allows for additional site improvements that could not otherwise be accommodated, specifically off-street parking to support redevelopment. However, approval of the reduced street right-of-way width should not be interpreted as a waiver from standards addressing appropriate screening and land use transition between commercial and residential uses.

This Preliminary Plat conforms to the standards and requirements of the subdivision regulations and the land use plans for the area as noted in the body of the staff report and subject to the variance described above. Staff recommends approval of the Preliminary Plat.



EXISTING CONDITIONS



COMBINED EX. LOTS IN TWO LOTS

General Notes

- DEVELOPER: KMAH LLC and LAWRENCE 27 IOWA, LLC
5201 JOHNSON DRIVE, SUITE 450
MISSION, KS 66205
- OWNER: KMAH LLC and LAWRENCE 27 IOWA, LLC
5201 JOHNSON DRIVE, SUITE 450
MISSION, KS 66205
 - LAND PLANNER/
ENGINEER/LAND
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KS 66049
 - PROPERTY ADDRESS: 27th & Iowa Street
LAWRENCE, KS 66049
 - TYPICAL SOIL TYPES:
MARTIN SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES
MARTIN SOILS, 3 TO 7 PERCENT SLOPES, ERODED
OSKA SILTY CLAY LOAM, 3 TO 6 PERCENT SLOPES
WOODSON SILT LOAM, 1 TO 3 PERCENT SLOPES
 - TOPOGRAPHIC INFORMATION OBTAINED FROM FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, JULY 2007.
 - EXISTING LAND USE: OLD RESTAURANT USE AND OFFICE BOTH VACANT BUILDING
 - PROPOSED LAND USE: RESTAURANT USE AND RETAIL CENTER
 - EXISTING ZONING: RSO AND CS
 - PROPOSED ZONING: CS

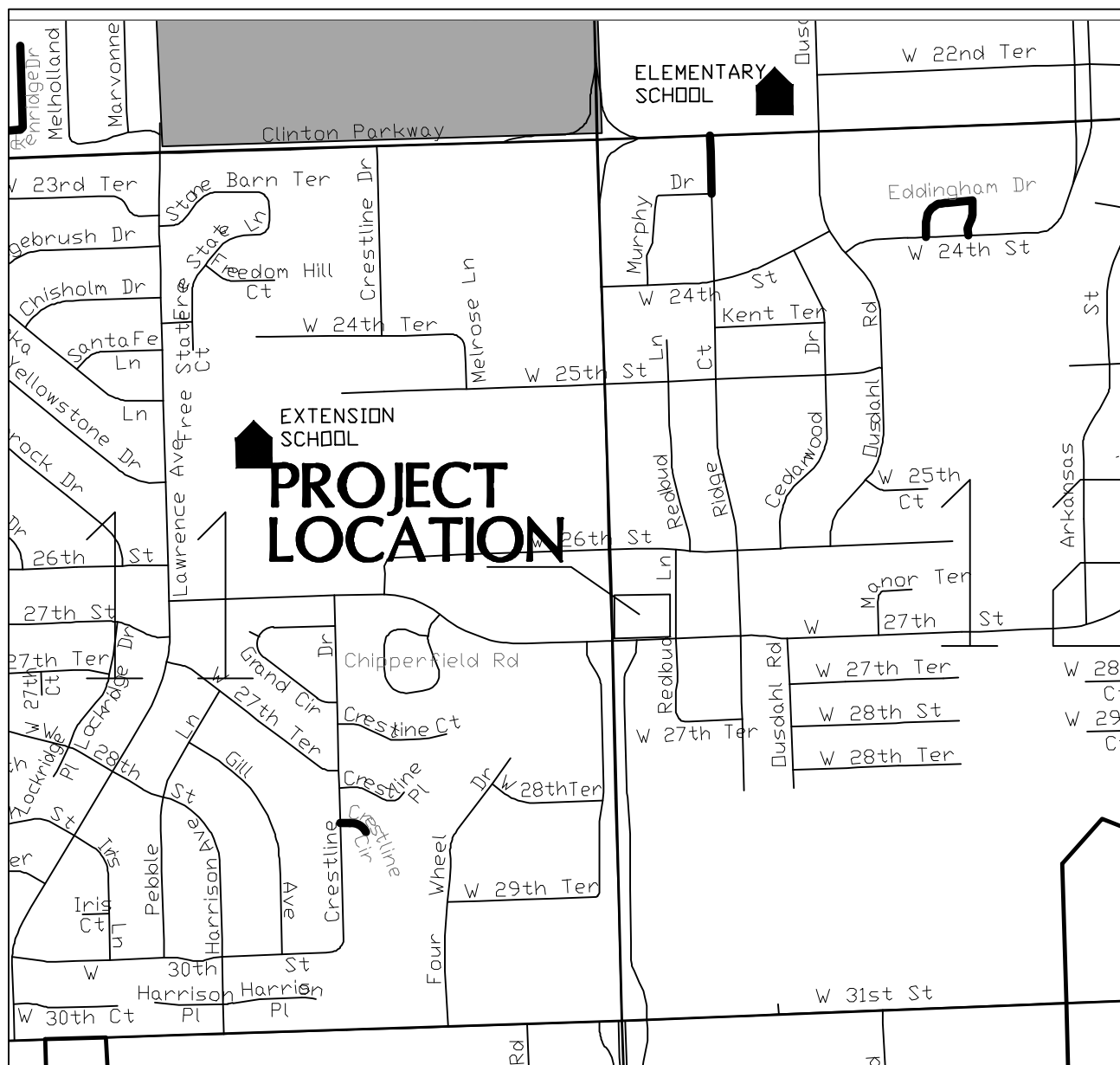
Provisions of Financing of Roads, Sewer, Water and other Public Services

- THE SUBDIVISION WILL NOT HAVE NEW PUBLIC OR PRIVATE STREETS.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE EXISTING WATER LINE ON REDBUD LANE & 27TH STREET. THIS WATER LINE CONNECTION WILL BE PROVIDED BY PRIVATE FINANCING.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE EXISTING SANITARY SEWER LINE RUNNING SOUTH ALONG THE EASTERN PLAT BOUNDARY. THIS SANITARY SEWER CONNECTION WILL BE PROVIDED BY PRIVATE FINANCING.
- PROPOSED WATER AND SANITARY SEWER LINE ON SITE IMPROVEMENTS ARE TO BE PROVIDED BY PRIVATE FINANCING AND WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Site Summary

GROSS AREA: 102,735.52 SF / 2.358 AC
RIGHTS-OF-WAY AREA: 0 SF / 0 AC
NET AREA: 102,735.52 SF / 2.358 AC
AVG. LOT SIZE: 51,367.76 SF / 1.179 AC
TOTAL LOTS: 2

Location Map

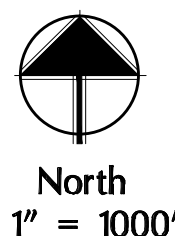


Legal Description

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 12 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS SOUTH 01° 36' 41" EAST, 0.60 FEET ALONG THE WEST LINE AND NORTH 87° 43' 00" EAST, 50.00 FEET, FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH 87° 43' 00" EAST, 317.19 FEET; THENCE SOUTH 8° 32' 45" EAST, 140.66 FEET; THENCE SOUTH 68° 45' 01" WEST, 17.58 FEET; THENCE SOUTH 8° 30' 57" EAST, 43.55 FEET; THENCE SOUTH 1° 38' 15" EAST, 138.40 FEET; THENCE SOUTH 87° 42' 08" WEST, 323.01 FEET; THENCE NORTH 1° 36' 41" WEST, 327.89 FEET ALONG WEST LINE OF SAID SECTION 12 TO THE POINT OF BEGINNING. CONTAINS 2.437 ACRES, MORE OR LESS.

Benchmarks

- BM1 CHISLED " " N.E. CORNER OF JUNCTION BOX IN WEST R/W REDBUD LANE +/- 175' N OF CENTERLINE 27TH STREET
ELEV. 866.72
- BM2 CHISLED " " ON TOP OF B.O.C. @ EAST TOE OF ISLAND IN THE CENTER OF 27TH STREET +/- 175' OF REDBUD LANE
ELEV. 866.71



A Preliminary Plat for
LOT A, MEADOW LEA ESTATES NO. 2
LOTS 1 & 2, 27TH STREET ADDITION NO. 2
LOT 3, BLOCK ONE, MEADOW LEA ESTATES NO. TWO
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

KMAH AND LAWRENCE
27 IOWA ADDITON

Lawrence, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Junction City, KS

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Lawrence, Kansas 66049
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| REV | DATE | DESCRIPTION |
|-----|---------|-------------------|
| 1 | 11.2.11 | Planning Comments |
| 2 | 11.8.11 | Planning Comments |

| | |
|--------------|----------|
| DATE: | 9/08/11 |
| PROJECT NO.: | 2007.228 |
| DESIGNED BY: | CLM |
| DRAWN BY: | CLM |
| CHECKED BY: | CLM |

| ISSUE | SHEET NO. |
|-------|-------------|
| | 1 |
| | OF 1 SHEETS |

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Director

Date: November 2, 2011

RE: Boarding House Text Amendment – TA-6-17-09 – Post Adoption Information

On October 4, 2011 the City Commission considered information related to the text revisions adopted on January 25, 2011 that revised certain development standards for Boarding Houses and Multi-Dwelling Structures. See attached memo dated September 19, 2011 to the City Commission and other documents as background.

At their October 4, 2011 meeting, the City Commission directed staff to submit land use information, compiled after the January adoption of the revised Boarding House standards, to the Planning Commission to discuss the following items related to the code amendments.

1. Analyze the basis for using 3,500 sq ft as one criterion to be eligible for .5 parking spaces per bedroom requirement and whether basements and attics should be used when calculating the structure size.
2. Review new data compiled by staff and confirm whether the outcome/implications of the code amendments are desired.
3. Review other structure sizes (ex. 4,000, 5,000, 6,000, etc) to determine if the outcome on the Oread neighborhood of using a different structure size is more or less desirable compared to the current 3,500 sq. ft. code standard.

History

TA-6-17-09 was initiated on May 20, 2009 by the Planning Commission as part of a group of amendments reviewed and determined to be a priority to process. The following summarizes the history of the process.

- August 24, 2009 – PC meeting
- October 26, 2009 – PC meeting
- December 16, 2009 – PC forwards recommendation to CC
- February 2, 2010 – CC returns the item to the PC for further discussion on specific points.
- March 24, 2010 – PC meeting

- May 26, 2010 – PC meeting
- August 25, 2010 – PC meeting
- September 20, 2010 – PC meeting
- December 13, 2010 – PC forwards a revised recommendation to CC
- January 25, 2011 – CC adopts code amendments
- March 2, 2011 - Staff provides information to stakeholders related to how the size of structures will be calculated and on how many properties would be eligible for the .5 parking space per bedroom standard.
- June 21, 2011 – The City Commission considered a request from Candice Davis to initiate a text amendment to consider revisions to the amendments adopted in January, 2011. The City Commission voted to not initiate the text amendment but in a subsequent meeting requested that staff provide newly available land use information on how the amendments impact the Oread Neighborhood.
- October 4, 2011 – The City Commission reviewed the information and directed staff to submit the information to the Planning Commission as stated above.
- November 1, 2011 – The City Commission released the Request for Proposals to hire a consultant to aid in the drafting of the Oread Neighborhood Overlay Zones.

The information considered by the City Commission is attached, as well as information reflecting the number of eligible properties if a range of structure sizes were considered (to respond to item 3 above). Also attached are the January, 2011 minutes of the City Commission's approval of the amendments, the PC memo and minutes of the December 13, 2010 meeting where the PC forwarded their recommendation to the CC, and the June 21, 2011 and October 4, 2011 CC minutes where the subsequent text amendment request and the new land use information were discussed.

Please note that there is no text amendment to consider at this time, only the specific statements requested of the City Commission. After discussion, staff will forward the PC's conclusions to the City Commission so that they may determine if additional amendments or direction to staff is necessary.

Attachments: Analysis of different structure sizes as they relate to reduced parking standard (to respond to CC item no. 3)

Maps reflecting the product of using 4,000, 4,500, and 5,000 sq. ft. as the structure size to be eligible for the .5 parking space per bedroom standard

Staff memo and map dated September 19, 2011 for the October 4, 2011 CC mtg

October 4, 2011 CC minutes – new land use info discussed by CC

June 21, 2011 CC minutes – new TA request denied by CC

January 25, 2011 CC minutes – Original TA request adopted by CC

Ordinance 8606 adopting the amendments

December 13, 2010 Staff memo – Original TA request recommended approval by PC

December 13, 2010 PC minutes

Communications

Proposed Language – December 13, 2010
(Revised from August 25, 2010 PC Version)

20-402 RESIDENTIAL DISTRICT USE TABLE

[illegible]

20-403 NONRESIDENTIAL DISTRICT USE TABLE

[illegible]

20-546 CONGREGATE LIVING (NEW SECTION)

(1) Applicability

The use-specific standards of this section shall apply to any Congregate Living use or structure.

[illegible]

(2) Standards

- (i) A [Congregate Living](#) use shall be permitted only with site plan approval.
- (ii) Limitations on Expansion
 - a. At the time of its conversion to the [Congregate Living](#) use and for the life of a [Congregate Living](#) use upon its establishment, a [Structure](#) containing a [Congregate Living](#) use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including covered (roofed) decks, patios, and porches.
 - b. A site plan for a [Congregate Living](#) use is not eligible for approval if the building footprint, measured at grade and including covered (roofed) decks, patios, and porches, of an existing [Structure](#) proposed to contain the use has been expanded greater than 20% within three years of submitting the site plan application for the [Congregate Living](#) use.
 - c. This section does not apply to expansions in building footprint occurring prior to _____ (the effective date of this section).
- (iii) A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.

20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

| Use Category | Minimum Number of Vehicle Parking Spaces Required | Minimum Number of Bicycle Parking Spaces |
|---------------------------------------|--|--|
| RESIDENTIAL <u>USE GROUPS</u> | | |
| HOUSEHOLD LIVING | | |
| Accessory Dwelling Unit | See 20-534 for standards | None |
| Attached Dwelling | 2 per Dwelling Unit | |
| Cluster Dwelling | | |
| Detached Dwelling | | |
| Duplex | 1 per bedroom | |
| Manufactured Home | 2 per Dwelling Unit | |
| Manufactured Home, Residential-Design | | |
| Mobile Home | 2 per Dwelling Unit (1 may be located in common area) | |
| Mobile Home Park | | |
| Multi-Dwelling Structure | 1 per bedroom, + 1 per 10 units (visitors and guests) ¹ | 1 per 4 auto spaces |
| Non-Ground Floor Dwelling | 1 per bedroom | None |
| Work/Live Unit | 1 per Dwelling Unit | |
| Zero Lot Line Dwelling | 2 per Dwelling Unit | |
| Home Occupation, Type A or B | See 20-537 for standards | |

| Use Category | Minimum Number of Vehicle Parking Spaces Required | Minimum Number of Bicycle Parking Spaces |
|---|---|--|
| GROUP LIVING | | |
| Assisted Living | 1 per independent living unit; 0.5 per Assisted Living unit | None |
| Boarding Houses and Cooperatives Congregate Living | 1.5 per 2 lawful occupants 1 per bedroom¹ | 1 per 4 auto spaces |
| Dormitory and Scholarship Halls | 1.5 per 2 .75 per lawful occupants | 1 per 4 auto spaces |
| Fraternity and Sorority Houses | 1.5 per 2 .75 per lawful occupants | 1 per 4 auto spaces |
| Group Homes, General | 1 + 1 per employee | None |
| Group Homes, Limited | 2 per Dwelling Unit | |

Footnotes: 1) Whenever a structure 3,500 gross square feet or larger as of (date of the ordinance) on a property 8,775 square feet in size or less is renovated as a Multi-Dwelling Structure or Congregate Living use, parking shall be provided at the overall rate of .5 spaces per one (1) bedroom.

20-912 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

A portion of the total number of required off-street **Parking Spaces** in each off-street **Parking Area** shall be specifically designated, located and reserved for use by persons with physical disabilities.

(a) **Spaces Required**

The following table shows the minimum number of accessible spaces that shall be provided. **Parking Spaces** designed for persons with disabilities are counted toward fulfilling off-street parking standards. These standards may not be varied or waived.

| Total Parking Spaces Provided | Required Number of Accessible Spaces | | |
|--------------------------------------|--------------------------------------|---------------------------|--------------------------------------|
| | Auto | Van | Total |
| 1 – 25 | 0 | 1 | 1 |
| 26 – 50 | 1 | 1 | 2 |
| 51 – 75 | 2 | 1 | 3 |
| 76 – 100 | 3 | 1 | 4 |
| 101 – 150 | 4 | 1 | 5 |
| 151 – 200 | 5 | 1 | 6 |
| 201 – 300 | 6 | 1 | 7 |
| 301 – 400 | 7 | 1 | 8 |
| 401 – 500 | 7 | 2 | 9 |
| 501 – 1,000 | 7 per 8 accessible spaces | 1 per 8 accessible spaces | 2% of total spaces |
| 1,001+ | 7 per 8 accessible spaces | 1 per 8 accessible spaces | 20, plus 1 per 100 spaces over 1,000 |

(b) **Special Requirements for Medical Care Facilities**

Facilities providing medical care and other services for persons with mobility impairments shall provide accessible **Parking Spaces** as follows:

- (1) All outpatient facilities shall provide at least one accessible [Parking Space](#), or spaces equal to ten percent (10%) of the total number of [Parking Spaces](#) provided, whichever is greater.
- (2) Facilities that specialize in treatment or services for persons with mobility impairments shall provide at least one accessible [Parking Space](#), or spaces equal to 20% of the total number of [Parking Spaces](#) provided, whichever is greater.

(c) **Special Requirements for [Congregate Living](#) and Multiple-unit Residential**

New construction, additions to, or alterations of Congregate Living residences containing 4 or more sleeping units shall comply with the accessibility requirements of both the Fair Housing Act and the International Building Code as adopted by the City of Lawrence.

Multiple-unit residential [Buildings](#) containing 4 or more [Dwelling Units](#) shall provide accessible [Parking Spaces](#) as follows:

- (1) Designated accessible [Parking Spaces](#) shall be provided for at least two percent (2%) of the [Dwelling Units](#).
- (2) Designated accessible [Parking Spaces](#) shall be provided at facilities that serve accessible [Buildings](#), such as swimming pools and clubhouses.
- (3) Additional designated accessible [Parking](#) shall be provided at the request of residents with disabilities, on the same terms and with the full range of choices that are provided for other residents of the project.
- (4) Designated accessible [Parking Spaces](#) shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(d) **Exemptions**

[Detached Dwellings](#), [Attached Dwellings](#) and [Duplexes](#) are exempt from the requirements to provide accessible [Parking Spaces](#). However, accessible [Parking](#) shall be provided at the request of residents with disabilities.

(e) **Minimum Dimensions**

All [Parking Spaces](#) reserved for persons with disabilities shall comply with the [Parking Space](#) dimension standards of this section, provided that [Access](#) aisles shall be provided immediately abutting such spaces, as follows:

(1) **Car-Accessible Spaces**

Car-accessible spaces shall have at least a 5-foot wide [Access](#) aisle abutting the designated [Parking Space](#).

(2) **Van-Accessible Spaces**

Van-accessible spaces shall have at least an 8-foot wide [Access](#) aisle abutting the passenger [Access](#) side of the designated [Parking Space](#).

(f) **Location of Spaces**

Required spaces for persons with disabilities shall be located in close proximity to [Building](#) entrances and be designed to permit occupants of vehicles to reach the [Building](#) entrance on an unobstructed path. Curb ramps shall be provided whenever an accessible route crosses a curb in the parking lot. Curb ramps may not be located within required [Access](#) aisle.

(g) **Signs and Marking**

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the [Parking Space](#) at heights that will be visible to the types of vehicles for which they are designed, specifically 60 to 82 inches. Signs shall comply with the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration.

20-1503 NONCONFORMING [STRUCTURES](#)

(e) **Loss of Nonconforming Status; Damage or Destruction**

- (1) Once a nonconforming [Structure](#) is abandoned, its nonconforming status is lost and the [Structure](#), or any replacement, shall comply with the regulations of the [Zoning District](#) in which it is located, even if the compliance means that the [Structure](#) shall not remain and no replacement [Structure](#) may be constructed. A nonconforming [Structure](#) will be considered abandoned when any of the following occurs:
 - (i) the intent of the [Owner](#) to discontinue all uses in the [Structure](#) is apparent;
 - (ii) no use has been maintained in the [Structure](#) for a period of 12 months or more and no concerted effort has been undertaken by the [Owner](#) to maintain the use;
 - (iii) a demolition permit has been applied for;
 - (iv) all equipment and furnishings have been removed from the [Premises](#) and have not been replaced by similar or other equipment and furnishings within 90 days, unless other facts show intention to resume use of the [Structure](#); or
 - (v) a [Building](#) Permit to reconstruct a damaged nonconforming [Structure](#) in accordance with Sec. (3) has not been secured within 12 months of the date of occurrence of the damage, or construction under that permit has not been diligently pursued.
- (2) When a nonconforming [Structure](#) (other than a [Detached Dwelling](#) located in an [RS Base District](#) or a [Congregate Living structure in an RM Base District which has an approved site plan on file with the city](#)) is damaged to the extent of more than 60% of its fair market value, the [Structure](#) may not be restored except in conformity with the regulations of the [Base District](#) and any applicable [Overlay District](#). When a [Detached Dwelling](#) located in an [RS Base District](#) or a [Congregate Living structure located in an RM Base District which has an approved site plan on file with the city](#) is damaged to any extent, it may be restored at its former location without first being required to obtain a variance, provided that, a [Building](#) Permit for the restoration is obtained within 12 months of the date of occurrence of the damage, in accordance with Section (3).
- (3) A [Building](#) Permit to reconstruct a damaged [Structure](#) pursuant to Section (2) shall be obtained within 12 months of the date of occurrence of the damage, and once issued, construction shall be diligently pursued.

20-1701 GENERAL TERMS

| | |
|--------------------------|---|
| Boarding House | A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people. |
| Congregate Living | A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home or similar group living use. |
| Family | (1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, Congregate Living, lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, Congregate Living, lodging house, motel, hotel, fraternity house or sorority house. |

20-1731 GROUP LIVING

Residential occupancy of a Dwelling Unit by other than a "Household" and providing communal kitchen/dining facilities. Typical uses include occupancy of fraternity and sorority houses, Assisted Living, Boarding Houses and Cooperatives and Congregate Living.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Director

Date: November 2, 2011

RE: Boarding House Text Amendment – TA-6-17-09 – Analysis of different structure sizes as they relate to reduced parking standard (to respond to CC item no. 3 of October 4, 2011 meeting)

On October 4, 2011 the City Commission considered information related to the text revisions adopted on January 25, 2011 that revised certain development standards for Boarding Houses and Multi-Dwelling Structures. One of the items that the City Commission requested the Planning Commission to consider was a review of other structure sizes (ex. 4,000, 5,000, 6,000, etc) to determine if the outcome on the Oread neighborhood of using a different structure size is more or less desirable compared to the current 3,500 sq. ft. code standard.

Using County Appraisal data, staff calculated the number of structures that would be eligible to receive the reduced parking standard of .5 parking spaces per bedroom given the present interpretation of including basements and also excluding basements. After studying the structure sizes, staff determined that in addition to the code standard of 3,500 sq. ft., the sizes of 4,000, 4,500, and 5,000 sq. ft. should be included in the review. The table below and attached maps reflect the outcome of the research.

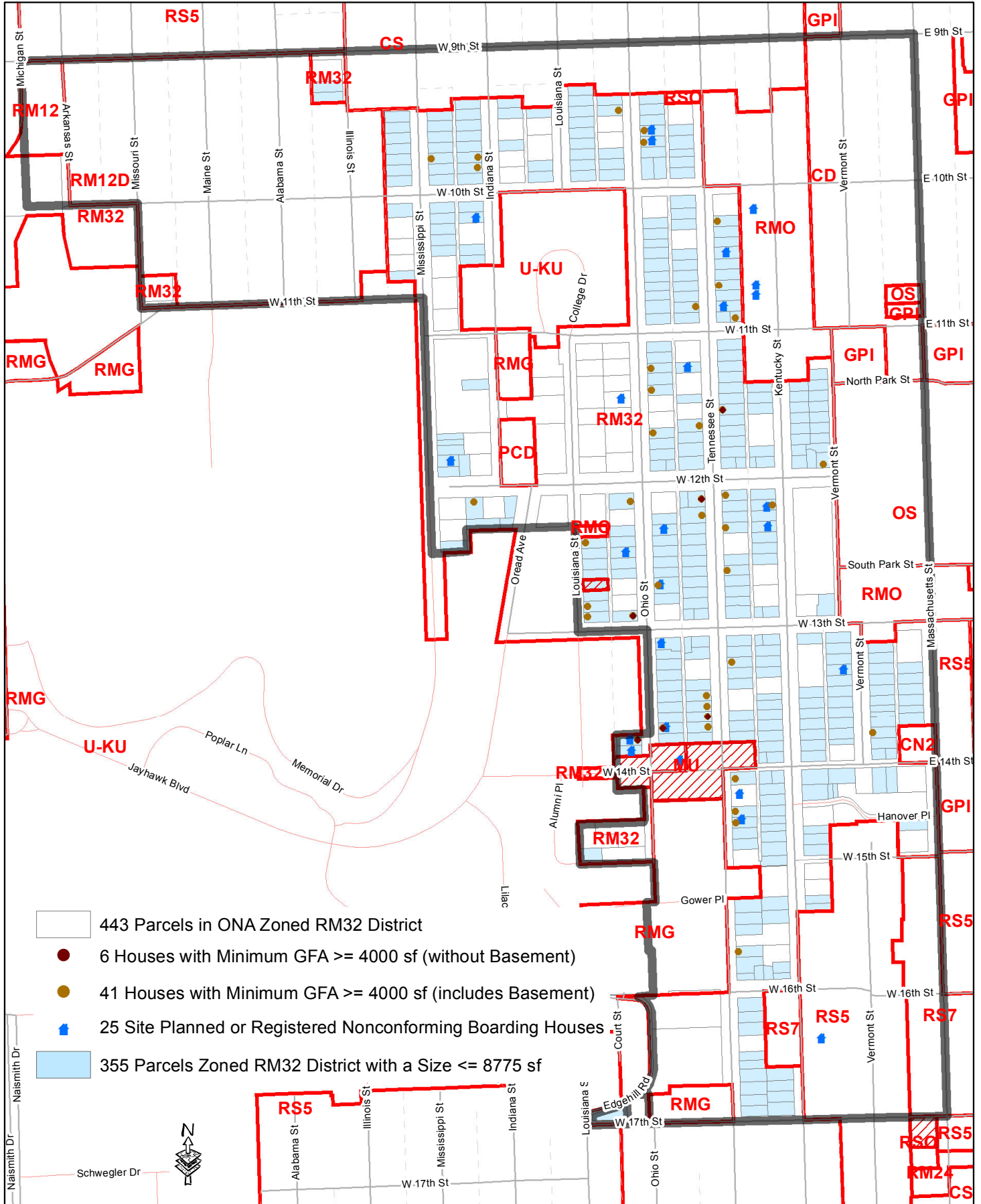
| | Number | % of Total Development Parcels in RM32 District in Oread |
|---|--------|--|
| Total Development Parcels in RM32 Dist. in Oread Neighborhood | 443 | 100% of parcels |
| Current Total No. of Congregate Living Structures in Oread (site planned or nonconforming) | 20 | 4.5% |
| Parcels \leq 8,775 sq. ft. | 355 | 80% |

| | | |
|---|----|------|
| Structures ≥ 3,500 sq. ft. including basement eligible for .5 parking | 89 | 20% |
| Structures ≥ 3,500 sq. ft. excluding basement eligible for .5 parking | 13 | 3% |
| Structures ≥ 4,000 sq. ft. including basement eligible for .5 parking | 41 | 9% |
| Structures ≥ 4,000 sq. ft. excluding basement eligible for .5 parking | 6 | 1.4% |
| Structures ≥ 4,500 sq. ft. including basement eligible for .5 parking | 20 | 4.5% |
| Structures ≥ 4,500 sq. ft. excluding basement eligible for .5 parking | 0 | 0% |
| Structures ≥ 5,000 sq. ft. including basement eligible for .5 parking | 10 | 2.3% |
| Structures ≥ 5,000 sq. ft. excluding basement eligible for .5 parking | 0 | 0% |

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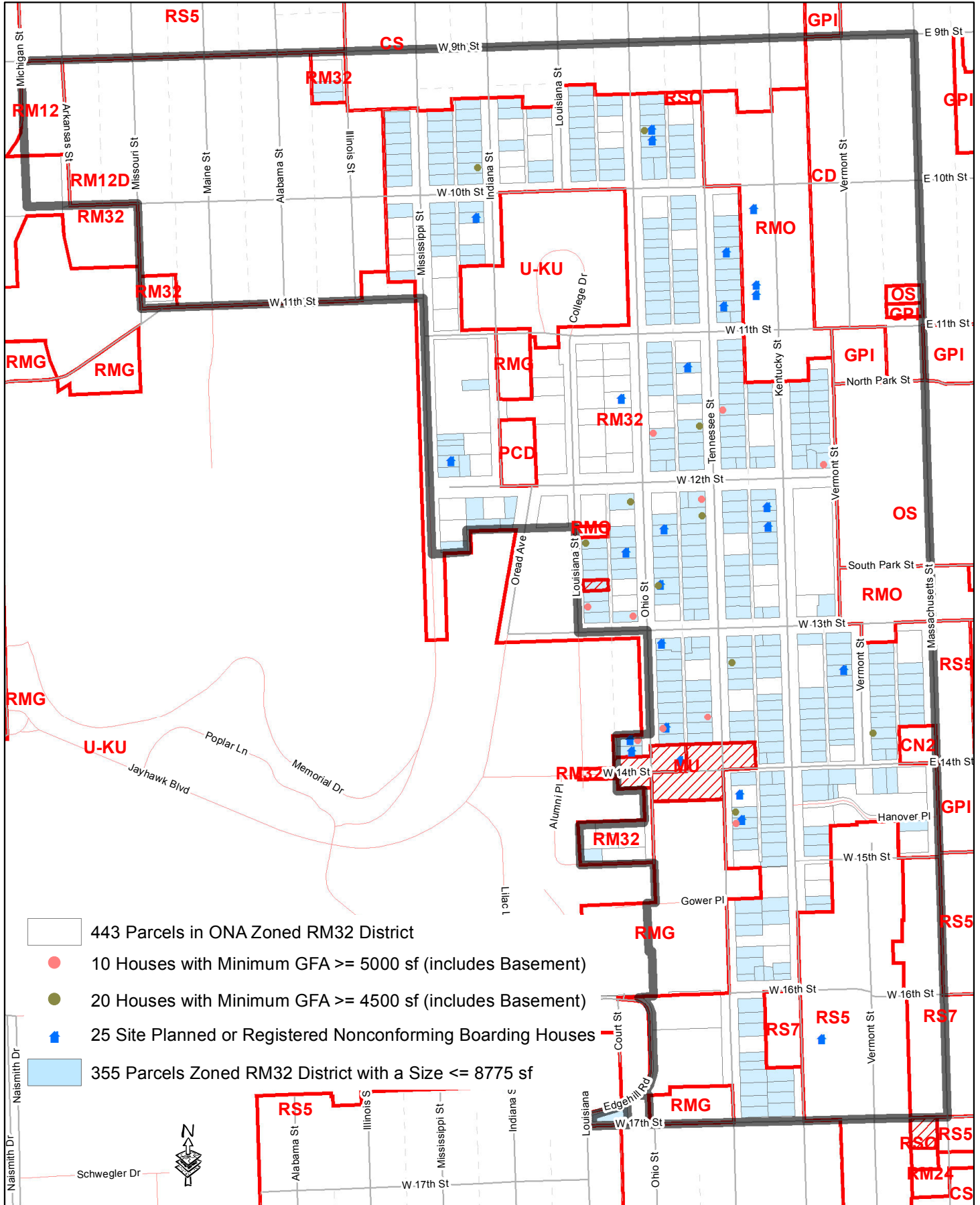
Date: 11/1/2011



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Date: 11/1/2011



Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Scott McCullough, Director

Date: September 19, 2011

RE: Boarding House Text Amendment – TA-6-17-09 – Post Adoption Information

The City Commission requested information related to the text revisions adopted on January 25, 2011 that revised standards for Boarding Houses that included the following.

1. Changed the term "Boarding House" in the definitions to "Congregate Living".
2. Limited expansions of any structure converted to the Congregate Living Use to no more than 20% of its current building footprint. The adopted code language states:
 - a. At the time of its conversion to the [Congregate Living](#) use and for the life of a [Congregate Living](#) use upon its establishment, the building footprint of a [Structure](#) containing a [Congregate Living](#) use shall not be enlarged greater than 20% of its existing building footprint, measured at grade and including covered (roofed) decks, patios, and porches
3. Revised parking standards for Congregate Living and Multi-Dwelling Structures from .75 parking spaces per lawful occupant to one parking space per bedroom, except that, "Whenever a structure 3,500 gross square feet or larger as of (date of the ordinance) on a property 8,775 square feet in size or less is renovated as a [Multi-Dwelling Structure](#) or [Congregate Living](#) use, parking shall be provided at the overall rate of .5 spaces per one (1) bedroom."

The City Commission recently considered an applicant's request to initiate a text amendment to review the parking standard exception that allows large structures on small lots to maintain .5 spaces per bedroom in lieu of 1 space per bedroom. The justification from the applicant was that newly available research demonstrates that the impact to the Oread neighborhood is too great under the adopted standards in terms of allowing too many structures to have the ability to convert to a Congregate Living use, exacerbating parking issues in the neighborhood.

During the text amendment process, information was not readily available to reflect how many properties would potentially meet and be able to employ the .5 space per bedroom parking standard above. Subsequent to the adoption of the amendments, staff did secure this information as discussed below.

The applicant for the most recent text amendment request has raised two issues – how staff interprets the size of a structure as it relates to complying with standards related to expansion and parking; and, whether the size of a structure able to use the .5 parking standard under the current interpretation is appropriate. The applicant believes that the sizes of structures able to utilize the .5 parking per bedroom standard should be substantially increased or calculated differently to reduce the number of structures able to receive the parking exception. These issues are discussed further below.

These issues arose after staff shared an email with stakeholders on March 2, 2011, subsequent to the adoption of the amendments, that informed the stakeholders that research indicated that 41 properties were eligible to receive the reduced parking standard and that further provided an interpretation that the calculation of the size of the structure could include the basement (finished or not) and all floor area within the exterior walls, but not include porches, decks, etc. (covered or not). That email read as follows:

Dear Boarding House Stakeholders,

I am providing some information compiled by the Planning Office related to the recently adopted boarding house code amendments. This info has been compiled in order to better understand where properties could potentially employ the .5 parking space per bedroom code standard.

The attached map depicts the Oread neighborhood and the parcels that meet the criteria of zoning and maximum lot area standards for congregate housing recently passed by the City. The map shows the parcels meeting these standards that have structures with a total floor area greater than or equal to 3,500 s.f. Also provided on the map in red dots are the properties that have been site planned for boarding houses (based from a list compiled by staff when the recent text amendments were drafted for review).

The second attachment is a table of the 41 parcels that meet the zoning and maximum lot area standards for congregate housing related to the reduced parking standard. The table provides existing structure size information we received from the Appraiser's Office. Of particular importance is that this info is derived from Appraiser information and is a starting point for information about any specific property. It is not a list that automatically qualifies a property for the .5 space per bedroom standard.

Additionally, staff has determined the following relative to the size of structures as they relate to qualifying for a .5 per bedroom parking standard:

The code states, "structure 3,500 gross square feet or larger..." on a lot 8,775 sq. ft. or smaller can qualify for the .5 space per bedroom standard. While "gross square feet" is not a code defined term, Gross Floor Area is defined and is the most applicable to the context of what was meant to be accomplished with the amendment. Gross Floor Area is defined as:

"The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such common wall."

The intent was to acknowledge large structures of livable or potentially livable areas (basements). So staff's interpretation would be to include the basement (finished or not) and all floor area within the exterior walls, but not include porches, decks, etc. (covered or not). Crawl spaces would not be included as a floor within the exterior walls.

I hope this information is helpful to you as we work to implement the recently adopted amendments. Please pass it on to those you think may desire to view it.

End email.

The table and map included in the email, which reflected that 41 properties were potentially eligible for the .5 parking standard, have been shown to be inaccurate based on staff's most recent research and analysis of County Appraiser data. Since providing the information to the stakeholders in March, staff has worked with the County Appraiser's office to refine the data to capture more of the fields to better understand the structure sizes in the neighborhood.

The following table provides new, more accurate data of the potentially eligible properties in the RM32 district in the Oread neighborhood that could employ the .5 parking space standard. See map.

| | Number | % of Total Development Parcels in RM32 District in Oread |
|---|--------|--|
| Total Development Parcels in RM32 Dist. in Oread Neighborhood | 443 | 100% of parcels |
| Current Total No. of Congregate Living | 20 | 4.5% |

| | | |
|---|-----|-----|
| Structures in Oread (site planned or nonconforming) | | |
| Parcels ≤ 8,775 sq. ft. | 355 | 80% |
| Structures ≥ 3,500 sq. ft. including basement | 89 | 20% |
| Structures ≥ 3,500 sq. ft. excluding basement | 13 | 3% |
| Parcels that meet both criteria to use the reduced parking standard under existing interpretation of including the basement (.5 spaces per bedroom) | 89 | 20% |

Additional data:

1. The average structure size in RM32 in Oread excluding basement is 2,171 square feet.
2. The average structure size in RM32 in Oread including basement is 3,104 square feet.
3. The average structure size for site planned or boarding houses recognized by the Planning Office as nonconforming is 3,365 square feet.
4. Of the 89 parcels/structures eligible to receive the .5 parking standard under the interpretation to include basements, 6 are site planned for the Congregate Living use, leaving 83 parcels/structures eligible to receive the .5 parking standard.
5. Of the parcels eligible to receive the .5 parking standard if the code were interpreted to exclude basements, 3 are site planned for the Congregate Living use, leaving 10 parcels eligible to receive the .5 parking standard.
6. The average structure size with basement on the 89 parcels meeting both criteria is 4,153 square feet.
7. The average structure size without basement on the 13 parcels meeting both criteria is 3,963 square feet.

The data can be summarized by noting that **a net gain of 83 new** Congregate Living Structures are possible under staff's current interpretation of the new code language. This is **19%** of the development parcels in the RM32 zoned district of the Oread Neighborhood. If the interpretation is revised to exclude basements, the potential net gain would drop to **10 or 2.3%**.

This is the whole of the "new" information compiled and submitted to the stakeholders after the amendments were adopted in January, 2011. Staff believes that some will argue that the consequences of the amendments will negatively affect the Oread in terms of exacerbating parking issues, while some will argue that the amendments do not go far enough to "save" larger structures in the Oread. Staff encourages the commission to be mindful that the parking revisions apply to Multi Dwelling structures as

well as Congregate Living structures. The Planning Commission preferred to let the market determine how a structure would be used.

To date, one application has been submitted and approved utilizing the revised parking standards. The structure is located at 923 Ohio Street, is 3,889 sq. ft. on a lot that is 5850 sq. ft. The request was to site plan the conversion of a 6-bedroom Congregate Living structure to an 8-bedroom Congregate Living structure with 5 parking spaces.

The issue, staff believes, is whether this new information generates a belief by the governing body that the consequences and impact to the Oread neighborhood of the recent amendments should be further studied to reduce or increase the number of potential Congregate Living uses in the neighborhood. Under the current interpretation, approximately 20% of the properties can use the reduced parking standard.

Throughout the amendment process, the Planning Commission and governing body found value in creating stricter standards for parking and structure expansion, but also desired that large, older structures be provided an incentive to remain in the neighborhood and be redeveloped in lieu of falling to the pressure of being razed and consolidated into larger multi-dwelling structures. This was implemented by including language to provide a reduced parking standard for large structures on relatively small lots. The Planning and City Commissions appeared to be seeking a reasonable number of properties that could utilize an automatic parking variance in order to protect/redevelop large, older structures. While the commissions did not focus on achieving a certain percentage of properties able to meet this desire, the consequences of the amendments are now known to be about 20% of the Oread properties able to use the reduced parking standard. Whether 20% is reasonable is the current question.

The applicant provided additional correspondence for the commission's consideration.

Options to address this matter include:

1. Maintain the current staff interpretation of how to calculate structure size, netting an estimated 83 properties eligible to receive the .5 space per bedroom standard.
2. Increase the gross square feet of a structure from 3,500 to some agreed upon amount in the Development Code and maintain the interpretation to include unfinished basements in the structure size (requires a text amendment process).
3. Direct staff to interpret the code in a manner that does not include basements or attics when calculating the size of a structure. This would, in effect, reduce the number of structures eligible to receive the .5 parking space standard from a net of 83 properties to some other level (presumably a net of 10). (administrative direction – would not require a text amendment process)

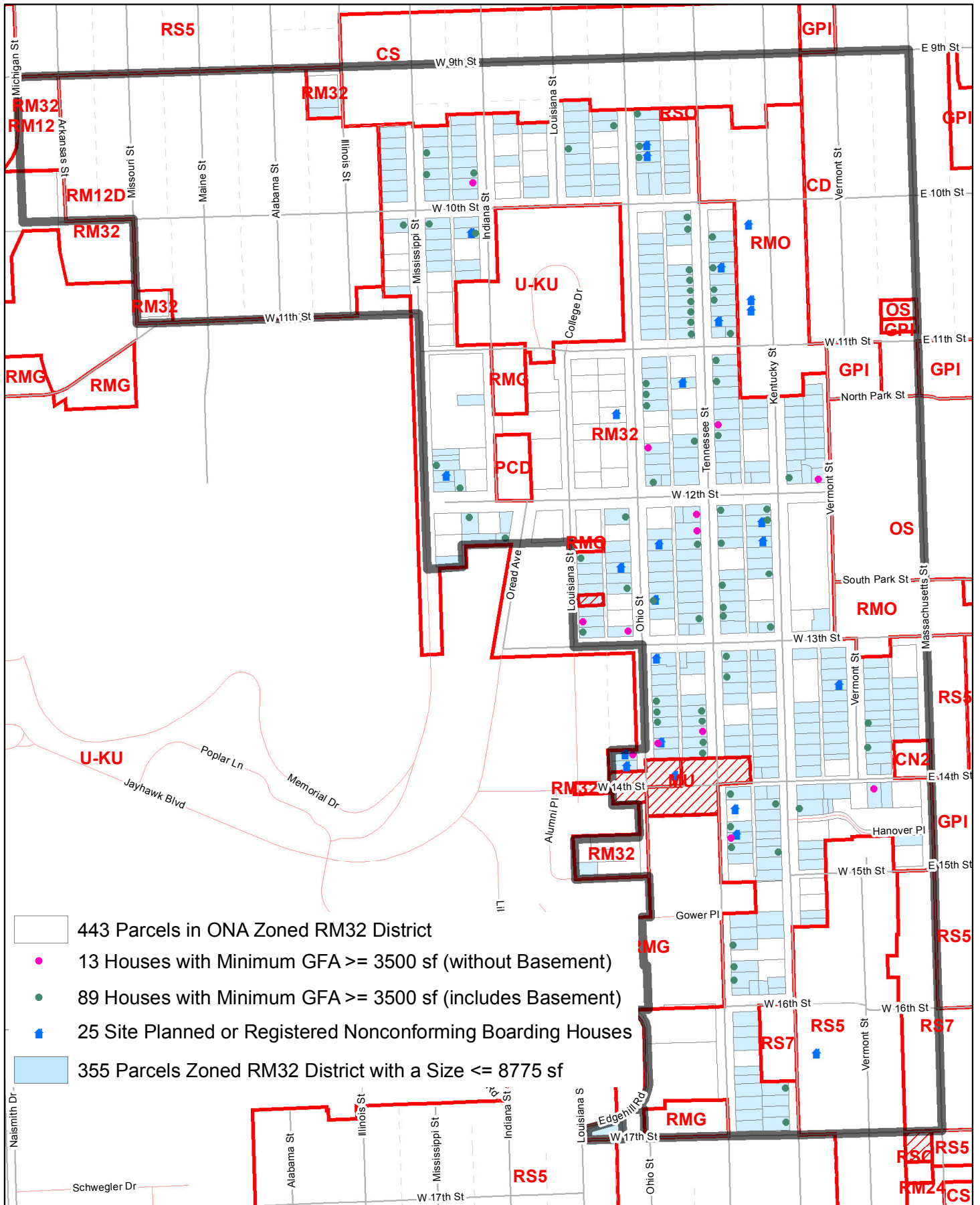
Staff stands ready to act on the city commission's direction on this matter.

DISCLAIMER NOTICE

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Date: 8/23/2011





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MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

June 21, 2011

The Board of Commissioners of the City of Lawrence met in study session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Cromwell presiding and members Amyx, Carter, and Schumm present. Commissioner Dever arrived at 4:07 p.m.

A. STUDY SESSION:

1. City Commission Study Session regarding the 2012 Budget.

The City Commission recessed at 6:00 p.m. The City Commission resumed the regular session at 6:35 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION

1. None.

C. CONSENT AGENDA

Rob Farha requested that consent agenda item number 6, Text Amendment (TA-6-8-11) to various sections of the City of Lawrence Land Development Code to review parking standards related to "Congregate Living" and "Multi-Dwelling Structure" uses, be pulled from consent for separate discussion.

It was moved by Schumm, seconded by Amyx to approve the consent agenda as below, with the exception of item number 6. Motion carried unanimously.

1. Approved City Commission meeting minutes from 05/24/11 and 06/07/11.
2. Received minutes from various boards and commissions:



Lawrence-Douglas County Bicycle Advisory Committee minutes of 01/18/11,
02/15/11, and 03/22/11

Lawrence Cultural Arts Commission meeting of 05/11/11

3. Approved claims to 225 vendors in the amount of \$1,753,288.40, and payroll from 06/05/11 to 06/18/11 in the amount of \$1,916,825.98.
4. Bid and purchase items:
 - a) Approved change order #1 in the amount of \$28,094.29 to Public Works Project No. PW0929, 2009 Sidewalk Gap Program. This work is part of the KU lighted pathway project and was included in the original project scope and budget developed in 2010.
 - b) Awarded the construction contract for Bid No. B1123; Project UT0810DS – Phase II of Watermain Replacement Program; Kentucky Street from 12th to 19th Street, 9th Street from Tennessee to Vermont including alternates 1, 2, and 3 to the low bidder RD Johnson Excavating in the amount of \$1,423,333.00 and authorized the City Manager to execute the contract.
5. Adopted the following ordinance(s) on second and final reading:
 - a) Ordinance No. 8634, amending Chapters 4 and 6 of the City Code regarding alcohol licenses, to incorporate state law changes requiring biennial licensing.
 - b) Ordinance No. 8635, amending the maximum amount of compensation that a Judge Pro Tempore for Municipal Court may receive, from \$50 per day to \$250 per day.
 - c) Ordinance No. 8636, repealing higher fines and court costs for seat belt violations. This is necessary due to a change in state law.

- d) Ordinance No. 8637, to rezone (Z-3-11-11) approximately .3 acres from IG (General Industrial) to RS5 (Single-Dwelling Residential), located at 525 & 527 N 7th Street. (PC Item 12; approved 9-0 on 5/25/11)
 - e) Ordinance No. 8638, for Text Amendment (TA-3-5-11) to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to change “Detention” from a use permitted by right in the IG (General Industrial) District to one permitted with Special Use approval. (PC Item 13; approved 9-0 on 5/25/11).
6. THIS ITEM WAS PULLED FOR SEPARATE DISCUSSION AND VOTE. Voted to not initiate Text Amendment (TA-6-8-11) to various sections of the City of Lawrence Land Development Code to review parking standards related to “Congregate Living” and “Multi-Dwelling Structure” uses.
7. Approved installation of speed cushions on 11th Street and W. Campus Road. The city will pay for the construction cost upfront and then get reimbursed 100% by KU.

Rob Farha said he asked for item 6 to be pulled. He said 6-17-09 was initiated 2 years ago. They went back and forth on the language and came up with something workable, a compromise. Now this was being initiated four months later basically contesting the compromise that was made. He said it was a slippery slope submitting text amendment after text amendment until somebody gets exactly what they want. He said we just spent a year and 8 months going back and forth on this.

Scott McCullough said the value of the text amendment was to utilize larger structures on smaller lots, to give some relief to those structures such as congregate living and multi-dwelling structures. There were discussions about the exact structure size and parking requirements. He said we now have a pretty good list of the actual structures and lots.

Hugh Carter said part of the idea was to help preserve some of the larger structures.

Scott McCullough said that was correct. It was also allow the rehabilitation of some multi-dwelling structures.

Hugh asked if this affected 25% of the structures.

McCullough said the Planning Commission never focused on the goal of a certain percentage, but on the structure sizes and the parking.

Mike Amyx said preserving those big buildings was a goal and asked if there been any applications for such projects.

McCullough said one.

Candice Davis, Oread Residents Association, said she supported this amendment because during the two years Rob Farha mentioned, the number of 3500 square feet was very much in discussion. The 25% number is accurate based on the appraiser's office. 3500 square feet was selected looking at applications for boarding house structures. If you consider 20-25% of the houses qualifying, it would nearly take up all of the on street parking, which would be unfair to other residents of the neighborhood. She thought the compromise of .5 spaces was acceptable for exceptionally large structures only. This has created an incredible problem. The average size house in the Oread Neighborhood is slightly under 3500 square feet. It was not clear at the time the decision was made was whether 3500 included unfinished square footage as well. She thought it needed to be looked at again.

Gwen Klingenberg said she and LAN had been involved in this issue. After hearing of the number of houses that would have access to this idea, she thought these house sizes we are looking at are not exceptional. LAN looked at 4000 square feet as a starting point. It was decided that this should get in the books and we could come back and take a look at it again in the future and this is what was being done now. It was an appropriate initiation.

Fadila Boumaza said none of the parties got all what they wanted but an acceptable compromise had been reached. She encouraged commissioners to decline this request.

John Joserand said he went to a lot of the meetings associated with this issue. The characterization of it as a compromise is not accurate. He said 25% was not a unique exception and he supported further review.

Carter said his understanding was that moving forward with the overlay districts is the bigger fix to the issue. He said they were only just beginning on the real fix. He said he couldn't see this getting out of control at this point. There had only been one application since the adoption of the standard. He asked what the urgency was.

Davis said these numbers are wrong. They are unfair. The City Commission agreed on one parking space per bedroom. The only applications that would come would be for .5 spaces. She said they had the numbers from the appraiser's office. You could look at those numbers and see which houses would fit the standard. She said she was tired of things not being fair for everyone.

Carter asked if there was a lack of faith in getting the overlay districts done, having the neighborhoods working with the landlords on the plan. He asked what the impact had been so far.

Davis said she bought a house on Ohio. It could have applied to be a boarding house if you counted the unfinished basement. Already across the street are two boarding houses with 8 people each. It would be useful to identify what houses would qualify. She could demonstrate the parking taken up on the street given the 20%. She said she did not have faith.

Amyx said this should be on the regular agenda. He suggested deferring it and discussing it at a later meeting.

McCullough said they had information that could be added to the agenda materials. We were talking about opposing, complex values.

Carter said the choice was putting it on a future agenda or just not initiating. He said given the 18 months and who knows how many hours spent on this already, he thought there was a longer term solution that should be pursued instead. If we just keep on the same route

the neighborhood had been going on we would be chasing our tails. We needed to focus on longer lasting things.

Moved by Carter to not initiate the text amendment.

Amyx said the fact that we only had one application was significant. He believed we would be back at this some day. He was willing to second the motion so we could have a vote, but we would have to deal with this.

Seconded by Amyx to not initiate the text amendment.

Dever said he would like to understand more of the history so he could understand the background better.

Amyx asked what additional information he would like.

Dever said the unfinished space was an issue.

Cromwell agreed that he didn't have enough information.

Carter said the flaw in the issue was that there was only one application since the adoption of the standard. The 20% was a doomsday scenario. There was a backlog of work for Planning staff. We are really opening something up here that we just finished and we have only had one application. It was premature and an overreaction. We are caught in the middle of something rather than focusing on the neighborhood plan.

Dever asked whether staff usually commented on this type of initiation.

McCullough said normally initiating a text amendment was a consent agenda item. Previously it was not focused on the number of structures that could be impacted by the code. It could be said that it was good to apply to lots of structures because it would preserve structures. Others would say it contributed to proliferation of boarding houses. It would be good to be very specific that the Planning Commission should discuss only this narrow standard and not all of the standards that had been worked on.

Carter said if the proliferation was a concern, he said the uncertainty of the Oread Neighborhood without the neighborhood plan in place was a concern. The unintended

consequences were a concern. They could mean no more new investment in the neighborhood. He thought the concerns about the parking were slightly overblown.

Schumm said he didn't have enough information. This deserves a full blown agenda item.

Moved by Carter, seconded by Amyx, to not initiate Text Amendment (TA-6-8-11) to various sections of the City of Lawrence Land Development Code to review parking standards related to "Congregate Living" and "Multi-Dwelling Structure" uses. Motion carried 3-2 with Commissioners Schumm and Cromwell in the negative.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the City Manager's Report.

E. REGULAR AGENDA ITEMS:

1. Receive staff report regarding public harvesting of fruit trees on city property.

David L. Corliss, City Manager, presented the staff report.

Mark Hecker, Assistant Director of Parks and Recreation, presented additional information.

Mayor Cromwell called for public comment.

Boog Highberger said he had been working with the Lawrence Fruit Tree Project on this issue. There are some cities that have taken steps to encourage urban agriculture. He said regarding picking the fruit being a danger to wildlife was overstated. There are few trees currently. He understood the concern of hurting the plants. The amount of activity this would encourage was minimal. The issue of land leased by the city could be dealt with by adding language concerning it. All this ordinance did was decriminalize picking fruit, it didn't add any liability.

Eric Farnsworth said Hecker had stated the case well. Amending the ordinance opened the door to additional activity but did not mandate it. He said he would like to see more public orchards but that would be a long process. It made sense to decriminalize picking fruit. It would



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LANCE M. JOHNSON
MICHAEL DEVER
ROBERT CHESTNUT

January 25, 2011

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA

It was moved by Cromwell, seconded by Johnson, to approve the consent agenda. Motion carried unanimously.

1. Approved City Commission meeting minutes from 12/07/10 and 12/28/10.
2. Received minutes from various boards and commissions:

Hospital Board meeting of 12/15/10

3. Approved claims to 211 vendors in the amount of \$1,459,429.15.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking establishment licenses to Famous Dave's, 4931 West 6th Ste: 130; and, Abe & Jakes Landing, 8 East 6th Street

5. Bid and purchase items:
 - a) Authorized the City Manager to Execute an Engineering Services Agreement in the amount of \$110,601 with Professional Engineering Consultants for Design Phase Engineering Services and Property Acquisition for Project UT1003CS, 23rd Street Bridge Replacement Utilities Relocation.



- Discuss parking standards and whether current standards would accommodate a presumed potential increase in occupancy of individual units.
- Discuss whether the amendment would incentivize redevelopment and lot consolidation in the Oread neighborhood at levels and intensities not compatible with the designations in the Oread Neighborhood Plan.
- Discuss the affect of the amendment on RM32 zoned areas outside of the Oread neighborhood.

Moved by Chestnut, seconded by Cromwell, to refer Text Amendment TA-6-8-10 back to the Planning Commission to consider the issues outlined by the Planning and Development Services Director. Motion carried unanimously.

3. **Reconsider Text Amendments, TA-6-17-09, to various sections of the City of Lawrence Land Development Code to review standards related to “Boarding House” and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. Adopt on first reading, Ordinance No. 8606, for Text Amendment (TA-6-17-09) to various sections of the City of Lawrence Land Development Code to review standards related to “Boarding House” and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. (PC Item 4; approved 8-1 on 12/13/10)**

Scott McCullough, Planning Director, presented the staff report.

Mayor Amyx called for public comment.

Dennis Brown, Lawrence Preservation Alliance, said there were two remaining concerns. There were enough neighborhood concerns to warrant requiring a contact person for the house. Second, an applicant could expand the footprint 20% then expand upward to the height limit. No public good was obtained by taking small houses off the market and making them large congregate living areas. LPA suggested not allowing more levels above the existing structure.

Kirk McClure said Old West Lawrence Neighborhood Association did not support this text amendment because of the reduction in the parking requirements for large structures. The

party house phenomenon and the congregate living situation were one and the same. Enforcement of unrelated individuals and noise issues were not effective.

Dickie Heckler asked how to deal with the additional people and vehicles. Many neighborhoods had become victims of a single family homes becoming a rental with lots of cars.

Marci Francisco said the significant points were that congregate living was a better name, that it made sense to make parking consistent with what was required for apartments, and investments of owners should be protected who already had boarding houses. The opportunities for expansion were great, so the provision against additional levels might make sense. She suggested a language change to say that "parking shall be provided at a minimum of 0.5 spaces." She said there needed to be an understanding of why the number of required spaces should be less than a fraternity or sorority house. It would be important to have benchmarks regarding the size of the structures.

Sophia Lau said that college students did share rooms, especially in nicer units. Students also did not like congregate living situations, except in sororities and fraternities. The block she lived on had six boarding homes with parking exemptions and now there were 60 cars vying for 30 parking spaces.

James Dunn said the designated contact person idea could be useful and he supported adding that to the code.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said LNA supported the idea of 1 for 1 parking and protecting the larger homes in the neighborhood. The boarding house issue could happen in PD zoning also. Allowing congregated living to expand houses did not make it feasible to ever turn those homes back into single family.

A woman asked whether part of the text amendment idea could be passed, but not the entire text amendment. The City Commission should consider requiring one parking space per bedroom and additional language regarding the expansion.

Rob Farha said there were stakeholders with many different types of homes and situations and this text amendment affected everyone differently. The key point for a year and a half was parking, the 1 to 1 and a reduction for large structures. He thought this text amendment was a good compromise. The numbers seemed to work and would help save some larger properties. Protecting the properties that were site planned, sprinkled, and that were all done correctly, should be protected and not made non-conforming.

Carol Von Tersch said parking should not be drastically cut for larger structures but should go on a graduated scale.

Beth Reiber said she converted a boarding house back to single family and her concerns were smaller houses, which had been priced out of the reach of single family homes because of the boarding house potential. Accessible parking was also a concern. Visitors and parties were also a concern for parking.

A woman said the proposal was not a perfect solution but it was a compromise.

Dan Dannenberg said he supported McClure's comments particularly in the area of enforcement against party houses. He said property owners should be responsible for how tenants conduct themselves.

Caleb Morris said party houses were a problem and code enforcement with respect to nuisance houses was an issue. He said the expansion issue was a concern.

Rob Farha asked how this text amendment came about.

Scott McCullough said it was initiated by the Planning Commission with a set of text amendments.

Scott McCullough said these were minimum standards. Not every lot was going to be able to accommodate a boarding house.

Dever said he agreed that there were potential loopholes that might exist, but limiting factors on going up were cost and structural factors. He said he was in favor of some of the improvements. In general, he said he was in favor of moving forward. He said the people that

lived it this area were the types that might not have a car and this type of accommodation would suit their needs.

Cromwell said this offered an improvement but it was not perfect. He did not want to send this item back to Planning Commission at this time. He said Oread parking was complex and this was not going to solve that problem one way or another. He said concerns were expressed but this represented compromise and was good so far. He was in favor of moving forward for now.

Chestnut said there was a point of compromise where this item was going to end up. He said that congregate living had been in the neighborhood for a long time and it had always been a tension. He hoped that the City's underage hosting laws would help with the party house issue. He said he did not think these proposed regulations would not affect the law enforcement issues. He said working with stakeholders would make a better impact on those issues.

Johnson said he agreed with what has been said.

Amyx said some people had brought up the idea of a manager on site, but he thought the police would figure out who the owner was when appropriate. He said this ordinance would be a starting point.

Moved by Chestnut, seconded by Dever, to approve Text Amendment TA-6-17-09 to adopt on first reading, Ordinance No. 8606, an ordinance relating to Chapter 20, The Development Code of the City of Lawrence, Kansas of the Code of the City of Lawrence, Kansas 2011 Edition and amendments thereto; amending Chapter 20, Article 4, Sections 20-402 and 20-403; article 9, Sections 20-1701 and 20-1731; and enacting Article 5, Section 20-546 pertaining to Boarding House/Cooperatives and Congregate Living Uses by adopting and incorporating by reference the "Development Code of the City of Lawrence, Kansas, Text Amendments, January 25, 2011 Edition" prepared by the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas, and repealing the existing sections. Motion carried unanimously.

E. PUBLIC COMMENT:

Marci Francisco reiterated her comments on the formerly considered items.

James Dunn said there were two congregate houses with un-cleared sidewalks that he tried to report and found that the City's phone line was busy all day.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

I: CALENDAR:

David Corliss, City Manager, reviewed upcoming calendar items.

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Chestnut, seconded by Dever, to adjourn at 11:32 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

ORDINANCE NO. 8606

AN ORDINANCE RELATING TO CHAPTER 20, THE DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS OF THE CODE OF THE CITY OF LAWRENCE, KANSAS 2011 EDITION AND AMENDMENTS THERETO; AMENDING CHAPTER 20, ARTICLE 4, SECTIONS 20-402 AND 20-403; ARTICLE 9, SECTIONS 20-902 AND 20-912; ARTICLE 15, SECTION 20-1503; ARTICLE 17, SECTIONS 20-1701 AND 20-1731; AND ENACTING ARTICLE 5, SECTION 20-546 PERTAINING TO BOARDING HOUSE / COOPERATIVES AND CONGREGATE LIVING USES BY ADOPTING AND INCORPORATING BY REFERENCE THE "DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS, TEXT AMENDMENTS, JANUARY 25, 2011 EDITION" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE OF THE CITY OF LAWRENCE, KANSAS, AND REPEALING THE EXISTING SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION ONE: Chapter 20, the Development Code of the City of Lawrence, Kansas of the Code of the City of Lawrence, Kansas 2011 Edition and amendments thereto, is hereby amended as follows:

There is hereby adopted and incorporated by reference, as if fully set forth herein, for the purpose of enacting and amending sections to Chapter 20, the Development Code of the City of Lawrence, Kansas of the Code of the City of Lawrence, Kansas 2011, Edition, and amendments thereto, the "Development Code of the City of Lawrence, Kansas Text Amendments, January 25, 2011 Edition" prepared, compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas. At least one copy of the "Development Code of the City of Lawrence, Kansas Text Amendments, January 25, 2011 Edition" shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8606" with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of this incorporating ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such "Development Code of the City of Lawrence, Kansas Text Amendments, January 25, 2011 Edition" marked as may be deemed expedient.

SECTION TWO: Existing Chapter 20, Article 4, Sections 20-402 and 20-403; Article 9, Sections 20-902 and 20-912; Article 15, Section 20-1503; and Article 17, Sections 20-1701 and 20-1731 of the Code of the City of Lawrence, 2011 Edition and amendments thereto, are hereby repealed it being the intent that the provisions of this ordinance supersede the repealed code provisions.

SECTION THREE: If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION FOUR: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Governing Body this ____ day of January 25, 2011.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
Director of the Legal Department

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of the Legal Department.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Director

Date: For December 13, 2010 Planning Commission Meeting

RE: Boarding House Text Amendment Update – TA-6-17-09

On August 24, October 26, and December 16, 2009 the Planning Commission considered language revising the Lawrence Development Code as it relates to Boarding Houses. The Planning Commission forwarded to the City Commission a recommendation to approve the December 16, 2009 version of the language. On February 2, 2010 the City Commission considered the PC's recommendation and voted 4-1 to return the text amendment to the Planning Commission for further study on the following matters.

1. Simplify the standard related to limiting building additions to 20% of the existing structure.
2. Review the parking standard and consider a standard that requires 1 space per bedroom with variances possible when larger structures are converted to boarding houses.
3. Discuss the processing issue of permitting boarding houses as a "permitted use" or a "special use."

On March 24, May 26, and August 25, 2010 the Planning Commission considered revised language attempting to address the City Commission's direction. After public testimony and discussion at the August 25 meeting, the PC closed the public comment and discussed the amendment. The PC deferred the item due to the late hour and directed staff to bring the item back in September so they could complete the discussion and direct staff afterward.

The PC considered a staff memo at the September 20, 2010 regular meeting and adopted a motion, by a vote of 7-2, to direct staff to draft language that generally implements the elements outlined in the September staff memo, including:

1. Language that revises the parking standards so that Multi-Dwelling Structures and Congregate Living structures have the same parking standard.
2. Language that allows relief for renovating (not building new) structures to the Congregate Living and Multi-Dwelling Structure uses when they are large structures (3,500 gross square feet) located on relatively small lots (8,775 square feet (equates to 1 and ½ typical lots in the Oread Neighborhood)). This upholds

- the desire to encourage renovation of large structures on small lots in established neighborhoods.
3. Reinserting the language that prohibits expanding an existing structure past 20% to discourage this practice, as it is a finding of the PC that such practice can be harmful to the character of established neighborhoods and is unnecessary.
 4. Language that exempts Congregate Living structures from Article 15, Nonconforming Structures section of the Development Code.

The draft language is attached.

Discussion

Parking: Staff proposes the size limitations of 8,775 sq ft for the lot and 3,500 gross square feet for the structure based on reviewing several approved site plans for the Boarding House use. Establishing a .5 space per bedroom standard for the renovation or conversion of both Congregate Living and Multi-Dwelling Structure uses on these smaller lots maintains equity between the two uses. The PC may want to discuss whether .5 spaces per bedroom is the appropriate standard in this case. The PC requested information on the size of the structures converted to Boarding Houses. Staff updated a list shared earlier in this process with applications approved in 2010. Nine structures, or 31%, are greater than 3,500 square feet according to the site plan record. The number of bedrooms in these structures ranges from 6 to 12.¹ Staff believes this structure size is appropriate for the new parking standard.

New Sections: Through reviewing several recent Boarding House applications, Staff has had the opportunity to review Section 20-912 of the Development Code related to accessible parking. By practice, accessible spaces have not been required for the Boarding House use. The code requires Multi-Dwelling Structures that contain 4 units or more to provide accessible spaces. The Development Code is less clear on whether Boarding Houses are required to provide such spaces. Staff has reviewed the matter against the Fair Housing Act and the city's adopted building codes and finds that the Boarding House use demands compliance with these regulations. Certain exemptions exist in the building code for providing accessibility. The proposed language clarifies that a Congregate Living use must comply with the Fair Housing Act and the adopted building codes of the city. Staff will work with applicants during the site planning process to determine when an accessible parking space and route to the structure are necessary, as this may impact the number of parking spaces on the site which will, in turn, affect the number of bedrooms of the structure.

City Commission direction: If the proposed language is accepted, the PC will have effectively addressed all of the City Commission's statements.

1. The language simplifies the 20% rule compared to the December 16, 2009 version.
2. The language creates a lesser parking standard for large structures on small lots.

¹ It should be noted that a Cooperative located at 1406 Tennessee is included in the calculations in this paragraph. This structure was renovated and totals 13,650 sq. ft. in size because it is essentially two structures combined into one. It has 33 bedrooms. It was determined to be a nonconforming use during its process of renovation.

3. The language permits the Congregate Living use by right and not through the SUP process.

Action Requested: Consider proposed language and recommend approval, if appropriate.



PLANNING COMMISSION MEETING
December 13, 2010
Meeting Minutes

December 13, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Culver, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton

Staff present: McCullough, Stogsdill, Day, Leininger, J. Miller, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 15, 2010.

Commissioners Blaser and Rasmussen said they would abstain from the vote since they were absent from the November meeting.

Commissioner Harris said the discussion regarding language on watersheds did not make sense the way it was written.

Mr. McCullough said it could be revised for clarification.

Motioned by Commissioner Liese, seconded by Commissioner Hird, to approve the November 15, 2010 Planning Commission minutes.

Approved 7-0-2, with Commissioners Blaser and Rasmussen abstaining.

COMMITTEE REPORTS

No reports from any committees that met over the past month.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:
Commissioner Finkeldei said he would abstain from Item 2 as he currently serves on the board.

PC Minutes 12/13/10

**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
BOARDING HOUSE (SDM)**

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses. *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration. Deferred by Planning Commission on 9/20/10.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Finkeldei asked if ADA was required then why put it in the Development Code.

Mr. McCullough said it would apply from the Building Code standpoint. It was of a practical nature and good to get it in the Development Code as a starting point for the development community. He said it would provide upfront notice to an applicant of congregate living that ADA accessibility may be an issue.

Commissioner Rasmussen inquired about the accessibility requirements of the Fair Housing Act in the International Building Code.

Mr. McCullough said it would depend on the project but the requirements include an accessible route for all elements of the residence, which include sleeping, living, eating, and dining areas. He said there could be exceptions such as historic structures or topography.

Commissioner Harris asked how the parking standards for boarding houses as proposed compare with multi-family structures.

Mr. McCullough said they would be the same, one space per bedroom, unless it was a large structure on a small lot, they both have the same reduction down to .5.

Commissioner Finkeldei said the Lawrence Preservation Alliance letter suggested limiting the height of the house.

Mr. McCullough said staff had not looked at that issue. He said staff tried to keep it simple per the direction of City Commission.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance, was pleased about limitations on expansion and liked the 20%. He stated the language regarding the building footprint included covered decks, patios, and porches. He was in favor of just using the language of roofed porches and striking decks and patios. He felt the height expansion should be no greater than the original structure. He said regarding parking he felt .5 parking spaces was less restricted than the current .75 parking spaces per bedroom. He proposed tiered parking standards.

Ms. Rose Moore expressed concern about increased parking. She said the assumption that everyone has a car was not true.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said over 20 neighborhoods supported their recommended conditions.

Ms. Marci Francisco, 1101 Ohio St, said the wording on the limits on expansion was confusing and felt they should clarify the 20% footprint. She felt they should leave the parking requirement at .75 per bedroom for larger structures for now, until overlay districts were created. She said there were built-in incentives for structures over 3,500 square feet which made them immediately more valuable

Mr. McCullough said he interpreted it that the footprint could expand 20%, not the structure.

Commissioner Finkeldei said he thought they wanted to incentivize redevelopment of the 3,500 square foot and larger houses because those were the ones that needed the work and could not otherwise be saved.

Ms. Francisco said over the years there have been people who have redeveloped houses and it was not a problem. She said now people are allowed to do that for apartments as well as boarding houses. It would reduce the amount of spaces for that size of a house to redevelop into apartments.

Ms. Fadila Boumaza said she opposed additional requirements and rules because no application takes less than 9 months. She said this issue has been worked on for months due to the shifting goals which was keeping the issue alive and difficult to resolve. She felt they needed to better define the goal and focus on a solution. She said at this point the text amendment would only benefit large structures being restored or renovated and that large structures needed to be financially feasible to make repairs and restore. She said the Oread neighborhood was also full of small houses mid-size homes and the text amendment should address those structures as well. She said essentially it would wipe out the ability to renovate small structures. She felt the ADA parking and trash requirements were too restrictive.

Ms. Candice Davis she said she would like to see a variety of housing, resident, and renter opportunities and felt that the lower parking standard would incentivize a boarding house. She said she was currently renovating a large house and that it could be done without spending a fortune. She felt the .75 parking space was reasonable for large homes. She said she supported the one parking space per bedroom.

Ms. Beth Reiber said she wanted to preserve the neighborhood and preserve small homes so they might revert back to single-family. She liked the changes that were made for the larger homes.

Mr. Tony Backus asked if the ADA compliance was required for duplexes and fourplexes in the neighborhood.

Mr. McCullough said he thought it took four units worth of residential intensity to kick in the ADA compliance.

Mr. Backus asked how many parking spaces on average could be in one of the 117 foot lots.

Mr. McCullough said typically it was about five spaces in the 50 feet.

Mr. Rick Hupper asked if this was approved would that mean every house that had more than four units in the Oread district had to retrofit their house for ADA compliance.

Mr. McCullough said it would be based on a change of occupancy, use, or building permit application.

Ms. Debbie Milks, 945 Ohio, thanked and supported staff for their work on this. She said she liked the grid with all the houses and changes on it.

Ms. Rose Moore said that renovated houses have had a positive impact to the neighborhood.

COMMISSION DISCUSSION

Commissioner Finkeldei said he was always leery of adding language in that was already the law. He asked if it was the City's position that Fair Housing Act and International Building Code applied to congregate living.

Mr. McCullough said yes.

Commissioner Finkeldei said he would support the text amendment because the current rules for congregate living are unlimited and he felt this was a good compromise in preserving small homes for single-family. He felt they should incentivize saving larger houses and without giving that incentive the houses tend to continue to go down in value. He felt it was good to apply the same rules to apartments that were applied to congregate living. He felt it was important to have non-conforming use language.

Commissioner Rasmussen inquired about the added language for the Fair Housing Act in the International Building Code and if it applied to multi-unit residential.

Mr. McCullough said multi-unit residential was an apartment building and congregate living was a single structure with more than four unrelated people in it. He said they were two different uses in the Zoning Code.

Commissioner Rasmussen asked if it would also apply to dormitory, scholarship halls, fraternity, and sorority houses.

Mr. McCullough said he would have to review the Building Code.

Commissioner Rasmussen said he could probably support the text amendment. He felt the congregate living houses were more like scholarship halls, fraternity, or sorority houses and he did not think the parking requirements should be any different than those. He said regarding the 20% expansion, a home could already expand upward as long as it did not exceed height restrictions in the neighborhood and he did not think that should be looked at here. He felt it was clear how it was calculated.

Commissioner Harris asked Commissioner Finkeldei about the language for calculating the expansion and what he thought about the Lawrence Preservation Alliance suggested language.

Commissioner Finkeldei said the December 13 letter suggested the height of a building expansion shall not be greater than the height of the original structure. He said his concern was if a dormer was added that was one foot high. He said he might be able to support the language in their November 9 letter.

Commissioner Harris said overall she liked the changes in the amendment. She would like to see some changes to the expansion language more in line with the Lawrence Preservation Alliance

suggested language. She did not think patios and outside structures without roofs should be included as part of the building footprint. She said regarding parking she thought it would be nice if the parking requirement was .75 or 1.5 for every two but she could live with .5 if the requirement of 1 per 1 was kept for the small dwellings.

Commissioner Finkeldei asked if story was a defined term.

Mr. McCullough said the quick reference table uses maximum height as the development standard for height. He said stories could vary in height.

Commissioner Rasmussen said he would support removing the proposed language about the Fair Housing Act in the International Building Code because it was redundant to restate something that already applied.

Commissioner Finkeldei said it would be helpful to have a memo from the City Legal Department stating that this was the City's opinion that they apply to congregate living.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve text amendment, TA-6-17-09, to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and expanded to consider parking standards for Multi-Dwelling structures and nonconforming standards for Boarding Houses, based on the staff report as drafted and forward to City Commission for approval.

Commissioner Hird said he hoped City Commission would look at Federal Laws. He hoped they would not see major height additions and felt City Commission should take note. He felt the parking was a compromise. He said he would support the motion.

Commissioner Harris said she would reluctantly vote against the motion. She said she could vote in favor if the language on expansion were different than what was written in the plan. She also felt patios and decks should not be considered part of the building footprint.

Mr. McCullough said the proposed language would include roofed decks, roofed patios, and roofed porches.

Commissioner Singleton said she appreciated staff putting in the non-conforming structure. She would also like the City to consider designating an onsite contact person.

Motion carried 8-1, with Commissioner Harris voting in opposition.



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Dear City Staff and City commissioners;

10-4-11

The members of the Lawrence Association of Neighborhoods have voted in favor of supporting the Oread Residents Association in their efforts to correct the square footage of single dwelling units that qualify for a parking exception as per the amendment passed on 1-25-11. We believe that the parking "exception" stated in the present amendment nullifies that standard parking requirement of one parking space per bedroom that both the Planning Commission and the City Commission supported. The original amendment was intended to provide a uniform parking standard for all multi-dwelling units. Reduced parking standards favor one type of unit over another by increasing the opportunity for financial gain. The "exception" of 3,500 sq ft, including unfinished basements, does not reflect an exceptional size house in the Oread Neighborhood. In fact most of the present congregate living units are 3,500 sq ft or larger. Given this consideration, nearly all congregate living units qualify for reduced parking. This is even less than the original boarding house parking standard of .75.

LAN believes that the 1-25-11 amendment can achieve its goal and benefit the Oread Neighborhood and the city by changing the interpretation of the size of structures that qualify for a parking exception to NOT include basements or attics. LAN supports the data and analysis presented by the planning staff and believes that 3% is a reasonable number to be considered for a parking exception. Thank you for your continuing efforts to assure fair and responsible planning.

Thank you for your consideration,

Gwendolyn L. Klingenberg
Lawrence Association of Neighborhoods - President

4 October 2011

Mayor Cromwell and Commissioners Amyx, Carter, Dever and Schumm:

I very much appreciate your once again addressing the issue of parking standards and this chance to share with you my understanding of the issue.

When parking standards were first adopted, a likely assumption was that students near campus who had meals provided where they lived would have less need for a car; lower parking requirements were adopted for fraternities, sororities, and boarding houses. Recently (12 years ago?) developers became aware of the opportunity to use these lower parking standards and began converting older properties into so-called boarding houses. Although these houses provided for group living, they did not have organized meal programs; most residents in these houses need transportation to access food and are likely to own cars.

The “boarding” houses (mainly due to frequent loud parties) attracted attention in the neighborhood. There was concern that lower parking standards for the boarding houses (.75 parking spaces per bedroom) created an incentive to convert and enlarge properties to that over apartment use which required 1 parking space per bedroom, and neighbors questioned why this should be the case.

Residents of the neighborhood asked the commission to consider changes to the parking requirements; it didn't make sense to have different parking standards for boarding houses than for apartments – without providing food there isn't an argument for a lesser need for parking - and it didn't make sense to have lower parking requirements allow for expansion of properties in a neighborhood that was developed without adequate parking. Those issues have been addressed.

There was agreement that there should be exceptions to redevelop very large older structures on small lots for both congregate living and for apartments, but this is where the misunderstandings occurred. Although it was requested and would have been a part of reasonable planning, the changes were proposed without information about the number and location of properties that would be eligible. No information was given as to why the exception should have a parking standard not of .75 but be further reduced to .5.

There was also agreement when the new Oread Neighborhood Plan was adopted that there were areas in the neighborhood that could be considered for higher density development. The exception allows for parking requirements to create greater density scattered throughout the neighborhood, not focused on the areas that were targeted. Of particular concern is the block of Tennessee between 10th and 11th Streets, an area designated for medium density where nine structures on the west side of Tennessee Street and five on the east side qualify for the exception and there is on-street parking only on one side of the street . How will the parking in this block be accommodated?

One commissioner has said that this is not the long-term solution, and that we need may change standards in overlay districts. In this case, maintaining the current staff interpretation may create non-conforming properties. I hope that you either ask the planning commission to create a new text amendment with a higher size for exceptions or direct staff to interpret the code in a manner to exclude existing unfinished basements and attics. Thank you once again for your help in maintaining a great Oread neighborhood.

marci francisco

Dear City Commissioners and City staff,

10-3-2011

On 6-7-2011 a second Congregate Living Amendment was proposed to correct errors in the Congregate Living Amendment of 1-25-2011 passed by the Lawrence City Commission. The 1-25-2011 amendment established a parking standard for congregate living of one parking space per bedroom. This standard conforms with parking standards for all other rental units, honors the Oread Neighborhood Plan and was also supported by the Planning Commission. ***Parking exceptions*** to the standard of one space per bedroom, however, are now viewed as problematic after a study of the impact of such an *exception*. Data, previously not available from the County Appraisers Office, was recently analyzed by the planning department. That new information now makes it possible to make effective and accurate planning decisions that reflect the intention of the original amendment.

The parking code *exception* of .5 spaces per bedroom was intended to be used for exceptionally large structures that make up a very small percentage of neighborhood dwelling units. The present Congregate Living/Boarding House Amendment passed on 1-25-2011 states that dwelling units that are 3,500sq feet or greater, including unfinished living space can qualify for a .5 parking *exception*. This translates to include units that are 2,500sq feet when counting unfinished dwelling areas. Adding an additional 1,000sq feet of unfinished living space to the stated dwelling unit size allows 20% of the dwelling units in the Oread Neighborhood to qualify for a parking *exception* (1 in 5 units). The selected numbers of sq ft that could qualify for an *exception* to the standard is in fact about the average size of most congregate living units, thus making the standard parking requirement essentially null and void. The resulting unintended negative consequences, especially concerning parking, place an additional burden on the Oread Neighborhood. The ORA would like to see this corrected to honor the standard parking code that conforms with all other rental parking code standards.

The ORA supports staff option # 3 that suggests an interpretation of the code that does **NOT** include basements or attics in the calculation of the size of a structure. We adamantly support the parking standard of one parking space per BR but would support a 3% consideration for exceptions to that standard.

Thank you for your time and thoughtful consideration,
Candice Davis, ORA Representative

Date: Oct. 2, 2011

To: City Commissioners

From: Linda Haskins

Oread Neighborhood Resident

Re: First Agenda item for Oct. 4, 2011 City Commission Meeting (Consider land use information related to recently adopted code amendments for Congregate Living and Multi-Dwelling Structures)

Dear City Commissioners,

As a resident and homeowner in the Oread Neighborhood for the past 30 years, I am concerned about parking problems that will occur by allowing boarding houses (congregate living structures) under the current text amendment to have exceptions from parking requirements of 1 space per bedroom to .5 if the houses are 3,500 sq. ft. including basements and attics. I favor the third option that Scott McCullough presented in his Sept. 19th staff memo to David Corliss:

Direct staff to interpret the code in a manner that does not include basements or attics when calculating the size of a structure. (administrative direction – would not require a text amendment process)

This would allow nearly 8% of all structures in the RM32 district of Oread Neighborhood to be boarding houses/congregate living structures (this includes those already converted to boarding houses and those that would be eligible in the future). This is a reasonable percentage considering the already dense population of the neighborhood.

The purpose of a parking exception was to help preserve large houses on small lots in the Oread Neighborhood. Boarding houses/congregate living units are not the only way to preserve large structures. Many houses have been rehabbed to accommodate a variety of styles of living needs.

Thank you for your consideration, Linda Haskins

AMENDMENT DISCUSSION 9-9-2011

On 6-7-11 a Congregate Living Amendment was proposed to honor the agreed upon parking code requirement (1-25-11) of one parking space per bedroom for Congregate Living/Boarding Houses. The 1-25-11 code conforms with parking requirements for all other rental units, honors the Oread Neighborhood Plan and was supported by the Planning Commission and the City Commission. ***Parking exceptions*** to the standard of one space per bedroom, however, are now viewed as problematic after a study of the impact of such an *exception*. Accurate data from the County Appraisers Office in 8-2011 and recently analyzed by the planning department is reflected in the following commentary:

The parking code *exception* of .5 spaces per bedroom should only be granted to a small percentage of dwelling units as it is the *exception* to the rule of one space per bedroom. The present Congregate Living/Boarding House Amendment passed on 1-25-2011 states that dwelling units that are 3,500sq feet or greater, including unfinished living space can qualify for a .5 parking *exception*. This translates to include units that are 2,500sq feet when counting unfinished dwelling areas. Adding an additional 1,000sq feet of unfinished living space to the stated dwelling unit size allows 20% of the dwelling units in the Oread Neighborhood to qualify for a parking *exception* (1 in 5 units). The average size of a single dwelling unit in Oread, RM32, is 2,171 square feet. Houses qualifying for an *exception* would only be slightly larger than an average size house. Most existing congregate living units are 3,500 sq ft or greater, making the *exception* now the rule. The additional parking required on the street will be untenable and unfair to existing residents.

The amendment for congregate living should read: Dwelling units built before 1950 that are identified as being greater than 3,500 gross sq feet NOT counting unfinished living areas (basements, attics, crawl spaces or porches), on lots 8,775 sq or less, 6 months from the date of this ordinance according to the records in the Douglas County Appraisers Office, and that are being renovated for congregate living or multi-family dwelling, shall provide parking at the overall rate of .5 parking spaces per 1 bedroom plus .5 spaces for every 10 ft of lot width beyond 50 ft.

Dwelling units that qualify for parking *exceptions* within the Oread Neighborhood should be identified in the Oread Neighborhood Overlay District Map. Additional *exceptions* that demonstrate special and unique circumstances may be noted in the overlay district study process. *Oread Residents Association*

(For Planning Commission meeting 11-14-11)

CONSIDERATIONS/REASONS TO ALTER THE 1-25-11 AMENDMENT

Dear City Staff and Planning Commissioners,

For over two years the City worked to formulate a boarding house/congregate living amendment that would provide a uniform parking standard of one parking space per bedroom for all multi-family rental units in the city. This was supported by both the Planning Commission and the City Commission. An “exception” of .5 spaces per BR to the standard of one space per BR was also granted in a footnoted portion of the code for structures greater than 3,500 sq feet and on a property 8,775 square feet in size or less. Serious problems have since been discovered, based on recent data, as to the size unit that qualifies for an “exception”. The “exception” of .5 parking spaces per BR has, by default, negated the use of the standard.

- Average size of present congregate living units is **3,365** sq ft.
- Average size house in Oread including basements is **3,104** sq ft.
- Boarding houses/congregate living units currently comprise 5.6% of units in Oread. More than 4 unrelated individuals live in a unit. (8 -10 is a common number).
- The .5 “exception” for parking applies to units that are **3,500** sq ft or greater and includes unfinished basements and attics. By considering unfinished spaces, units that are 2,500 sq ft of upper level finished space also qualify. **20%** of structures in the Oread Neighborhood qualify for this “exception”.
- Congregate living units will not need to follow the standard of one parking space per BR. The “exception” size is suitable and desirable to investor interests.
- This “exception” establishes a high incentive for redevelopment of congregate rental units and apartments. Other types of living units will have less opportunity to flourish and **parking problems will substantially increase**. The neighborhood has serious parking problems. Planning standards should address this problem, not make it worse.
- **This amendment now provides an even lower parking standard than the prior .75 standard for boarding house/congregate units.** This was not the intention of the Oread residents who initiated this effort to update the boarding house code 2-1/2 years ago.
- An “exception” was to consider special circumstances and sizes of structures that were **unusually large** and would warrant special parking consideration, a modest percent.

This most recent amendment request asks that the interpretation for an “exception” to the parking standard not count unfinished basements or attics. Appropriate “exceptions” to the parking standard could be easily identified in future planning of the Oread overlay district maps.

Thank you for your consideration, Oread Residents Association



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Dear Chair and Planning Commissioners;

11-14-11

The members of the Lawrence Association of Neighborhoods (LAN) have voted in favor of supporting the Oread Residents Association (ORA) in their efforts to correct the square footage of single dwelling units that qualify for a parking exception as per the amendment passed on 1-25-11. We believe that the parking exception stated in the present amendment nullifies that standard parking requirement of one parking space per bedroom that both the Planning Commission and the City Commission supported. The original amendment was intended to provide a uniform parking standard for all multi-dwelling units.

The exception of 3,500 sq ft, including unfinished basements and attics, does not reflect an exceptional size house in the Oread Neighborhood. Most of the present congregate living units are 3,500 sq ft or larger. Given this consideration, nearly all congregate living units qualify for reduced parking. This is even less than the original boarding house parking standard of .75. Parking problems will only increase if this exception remains in place.

LAN believes that the 1-25-11 amendment can achieve its goal and benefit the Oread Neighborhood and the City by changing the interpretation of the size of structures that qualify for a parking exception to NOT include unfinished basements or attics.

Thank you for your continuing efforts to assure responsible planning,

Gwen Klingenberg,
Lawrence Association of Neighborhoods, - President

10 November 2011

Chairman Hird and members of the Lawrence-Douglas County Planning Commission:

I appreciate all the attention you have given to planning for the Oread Neighborhood over the past two years, and especially this current review of the parking standards.

Residents of the neighborhood raised concerns about the lower requirement of .75 parking spaces per bedroom for boarding houses compared to the requirement of 1 space per bedroom for apartments. The "congregate living" amendment creates a uniform parking standard of 1 space per bedroom, but the exception and the interpretation to include unfinished basement and attic space goes much farther than many of us had imagined when "exceptionally large structures" were given lower parking standards.

The square footage number for the exception was proposed without information as to how many properties in the neighborhood would qualify. An interpretation has been made by staff that unfinished basements and attics should be included when determining if a structure is 3,500 sq. ft. or greater. With data provided by the Douglas County Appraiser's office, we have learned that planning staff now estimate that 89 structures, 20% of the properties in the RM -32 zoning district, qualify for the parking exception.

This "exception" establishes a significant incentive to redevelop properties without providing adequate parking. Rather than improving the situation, the standard of .5 spaces per bedroom is lower than the prior .75 spaces per bedroom that the original request was proposed to address. The parking impact will not be felt equally throughout the neighborhood – substantial parking pressure will be added to just one block on the west side of the 1000 block of Tennessee where nine out of eleven properties fit the exception. And although there is a restriction for expansion of congregate living structures, there is no such restriction for the expansion of apartment buildings that qualify for the exception.

I am very interested in working on ways to encourage the retention of the larger historic properties in our neighborhood, and I hope that we can find a way to do that without discouraging the renovation of existing smaller properties, or larger properties that are on two lots. I hope that you agree that the determination of gross square footage of a structure for the exception should not include unfinished basements or attics or that the size of a structure qualifying for an exception should be increased, as well as considering the standard of .75 parking spaces for the exception. I believe that exceptions to the parking standards would be more appropriately identified in future planning for the proposed overlay districts when the location and number of structures and mitigation of parking concerns could be addressed.

Thank you for your thoughtful consideration.

marci francisco
1101 Ohio
Lawrence, KS 66044

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
11/14/11

**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
INDUSTRIAL DISTRICTS (MJL)**

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district. (Initiated by the City Commission on October 4, 2011)

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-10-16-11 to the Land Development Code to the City Commission.

Reason for Request: The City Commission directed staff to provide a medium intensity industrial zoning district that precludes most commercial uses and the highest-intensity industrial uses.

RELEVANT GOLDEN FACTOR:

- This text amendment is consistent with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

– Staff met with the Chamber of Commerce, Scenic Riverway Community Association, and LAN to present the amendments and solicit initial comments. The proposed language was revised to address many of the comments received, though some comments were not accepted by staff. We anticipate receiving written communication on this revised draft.

OVERVIEW OF PROPOSED AMENDMENT

The amendments propose a new industrial zoning district to address issues with permitted uses within the city of Lawrence's existing industrial districts. The IL District permits many commercial and retail uses and the IG District permits some very intensive industrial uses. These uses may not be appropriate in every situation. Staff's direction is to create an industrial district that includes moderate-intensity industrial type uses but removes the commercial uses allowed in the IL District and the intensive industrial uses permitted in the IG District.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 discusses the need for the creation of new primary jobs in the community. This new district offers an industrial district that does not permit the potential for development of commercial uses and loss of industrial property but also provides for protection to the surround property owner from highly intensive industrial uses.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

The inconsistency in the code is that there is no industrial district that only permits industrial uses without permitting the most intense uses or permitting commercial uses. This issue results in insecurities in properties zoned either the IL or IG District because there is the potential for the loss of industrial land to commercial use and for the development of intensive industrial uses which may impact surrounding properties. This district should help alleviate these issues without having to use the option of conditional zoning.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

The comprehensive plan discusses compatibility, sustainability and diversity of employment. This new district creates the opportunity to zone property for industrial uses to create the opportunity for development of industry and employment in the community.

STAFF REVIEW

Staff is proposing to create a new industrial district, IM (Medium Industrial) District. Articles 2, 4, 5, 6, 9, 10, 13 and 17 are proposed to be amended with the creation of this district. Below is a summary of the proposed changes for each article and the textual changes are attached. Deletions are ~~struck~~ through in red and additions are underlined and in red. Certain articles have pending text amendments. The proposed language has been recommended for approval by the Planning Commission but has not yet been reviewed by the City Commission. These proposed changes are included in the newly proposed language for the IM District and are highlighted in blue.

- Article 2 – Base Districts

General changes to this article were made to add a base district description which then caused renumbering of certain sections of the article. The IM District description was added and is proposed to be the new Section 20-216. The majority of the text mimics the IL and IG Districts to include a purpose, principal uses, accessory uses and accessory structures, density and dimensional standards, street access, and other regulation sections which generally give direction as to where these standards can be found elsewhere in the code. Staff is proposing a change in the IL and IG District purpose statements to incorporate the new district between the two and to clarify the anticipated differences among the three districts. The terminology use specifically utilizes the land use categories found in the Use Tables in Article 4. These purpose statements are below. The existing is struck through and proposed is underlined

- IL District

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

The IL, Limited Industrial District, is intended to accommodate low-impact industrial facilities, and wholesale, storage and distribution operations, as well as limited commercial uses. Activity primarily occurs within enclosed structures.

- IM District

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

- IG District

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

The IG, General Industrial District, is intended to accommodate high-impact industrial facilities and wholesale, storage and distribution operations with external impacts such as exterior storage of materials on site, noise, vibration, and odors.

- Article 4 – Use Table

The addition of the IM District column was made to the table. In addition to assigning uses to the IM District, some changes to the uses permitted in the IL and IG Districts are proposed. These proposed changes should not have any effect on existing businesses. The revisions are proposed to create hierarchical differences amongst the districts and to eliminate the potential use of the industrially-zoned inventory for other uses. Though the intent was to create a hierarchical difference among the districts, certain uses could not be changed in the IL District in order to avoid creating nonconforming uses for existing businesses.

Some of the more intense uses permitted outright in IG District are permitted with a Special Use Permit in the IM District and are not permitted at all in IL District. This is by design, in that some industrial uses can be appropriate depending on the location of the use and its surroundings. In these instances, the IM District provides for certain, more intense uses with an SUP approval.

Below is a list of the uses permitted, permitted as an accessory use or with a special use permit in the IM District. Changes to the other districts are also highlighted.

- Day Care Center – Accessory use
- Detention Facility – Special use
- Postal and Parcel Service – Permitted
- Public Safety – Permitted
- Utilities, Minor – Permitted/Special Use
- Utilities and Service, Major – Permitted
- Passive Recreation
 - IL: Changed from permitted to accessory use
 - IM: Accessory use
 - IG: Changed from permitted to accessory use
- Nature Preserve/Undeveloped
 - IL: Changed from permitted to accessory use
 - IM: Accessory use
 - IG: Changed from permitted to accessory use
- Livestock Sale
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Administrative and Professional – Accessory use

- Office Other – Accessory use
- Accessory Parking – Accessory use
- Commercial Parking – Permitted use
- Building Maintenance – Permitted use
- Business Equipment – Permitted use
- Business Support – Permitted use
- Vehicle Cleaning – Accessory use
- Fleet Storage - Permitted use
- Gas and Fuel Sales
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Heavy Equipment Repair
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Heavy Equipment Sales/Rental
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Inoperable Vehicles Storage
 - IL: Changed from permitted to not permitted
 - IM: Special use
- RV and Boats Storage
 - IG: Changed from permitted use to not a permitted use
- General Industrial – Permitted use
- Laundry Service – Permitted use
- Manufacturing and Production, Limited – Permitted use
- Manufacturing and Production, Technological – Permitted use
- Research Service – Permitted use
- Scrap and Salvage Operation
 - IL: Changed from special use to not permitted
- Exterior Storage – Accessory use
- Heavy Wholesale, Storage and Distribution
 - IL: Changed from special use to not permitted
 - IM: Special use
- Light Wholesale, Storage and Distribution – Permitted use
- Adaptive Reuse Designated Historic Property – Special use
- Crop Agriculture – Permitted use
- Amateur and Receive-Only Antennas – Accessory use
- Broadcasting Tower – Permitted use
- Communications Service Establishment
 - IG: Changed from permitted use to not permitted use
- Telecommunications Antenna – Accessory use
- Telecommunications Tower
 - IM: Permitted use
 - IG: Changed from special use to permitted use
- Satellite Dish – Accessory use
- Large Collection Recycling Facility
 - IL: Changed from permitted to not permitted use
 - IM: Permitted use
- Small Collection Recycling Facility
 - IG: Changed from permitted use to not permitted use

- Processing Center Recycling Facility
 - IL: Changed from permitted use to not permitted use
 - IM: Special use
 - GPI: Changed from not permitted use to permitted use

• Article 5 – Use Regulations

Article 5 speaks to specific use regulations. Section 20-538, Exterior Storage, is the only section with proposed changes. This section specifically references industrial districts, where exterior storage can be located on the industrial lots, screening requirements, and the surfacing required. The IM District is proposed to be referenced where the IL and IG Districts are referenced.

• Article 6 – Density and Dimensional Standards

The proposed changes to the Density and Dimensional Standards article add standards for the IM District. Staff is proposing the IM District have the same Density and Dimensional Standards as the IL District. The items highlighted in blue are proposed changes with the RS protections (TA-8-12-11) text amendment that the PC recommended approval of in October. These amendments are tentatively scheduled to be considered the City Commission on December 6th.

| Standard | CN1 | CO | CN2 | CD | CC | CR | CS | IBP/GPI/ H [10] | IL/IM | IG | OS |
|--|----------------------|----------------------|----------------------|--------|----------------------------|----------------------------|----------------------|----------------------|-------------------------|-------------------------|--------|
| Min. Site Area | 5,000 sq. ft | 5,000 sq.ft. | 2 Ac. | 2,500 | 5 Ac. | 40 Ac | - | 5 Ac. | 20,000 sq.ft. | 5,000 sq.ft. | - |
| Max. Site Area | 1 Ac. | - | 15 Ac. | - | - | - | - | - | - | - | - |
| Min. Lot Area (sq. ft.) | 5,000 | 5,000 | 20,000 | 2,500 | 20,000 | 20,000 | 5,000 | 20,000 | 20,000 | 5,000 | - |
| Min. Lot Width (ft.) [12] [10] | 50 | 50 | 100 | 25 | 100 | 150 | 50/100 | 200 | 100 | 50 | - |
| Min. Setbacks (ft.) | | | | | | | | | | | |
| Front [9] | [6] | 20 | 20 | 0 | 25 | 25 | 25 | [1] | [1] | [1] | [3] |
| Side (Exterior) [2][9] [8] | [3]/20 | [3]/20 | [3]/20 | [3]/0 | [3]/20 | [3]/20 | [3]/15 | [1] | [1] | [1] | 35 |
| Side (Interior-adj. R) [9] [8] | 10 | 20 25 | 20 25 | 20 | 25 | 45 | 12 | [1] | [1] | [1] | 20 |
| Side (Interior-adj. Non-R) | 0 | 5 | 0 | 0 | 0 | 0 | 0 | [1] | [1] | [1] | 15 |
| Rear (adj. RS) [4] [8] | 25/[3] | 25/[3] | 25/[3] | 10/[3] | 25/[3] | 30/[3] | 25/[3] | [1] | [1] | [1] | 10/[3] |
| Rear (adj. Non-RS) [4][9] [8] | 20/25 | 15/25 | 20/25 | 0 | 12/25 | 30 | 12/25 | [1] | [1] | [1] | 0 |
| Max. Front Setback | [6] | NA | NA | 5[7] | 20 | 0 | NA | NA | NA | NA | NA |
| Max. Lot Coverage (%) | 65 | 65 | 75 | 100 | 85-80 | 80-75 | 80 | 65 | 85-75 | 85-75 | NA |
| Max. Bldg. Coverage (% of site) | [5][11] [9] | [5][11] [9] | [5][11] [9] | | [5][11] [9] | [5][11] [9] | [5][11] [9] | [5][11] [9] | [5][11] [9] | [5][11] [9] | |
| Max. Impervious Lot Surface Coverage (%) | 75 [5][11] [9] | 75 [5][11] [9] | 80 [5][11] [9] | 100 | 80 85[5] [8][11] [9] | 75 80[5] [8][11] [9] | 80 [5][11] [9] | 75 [5][11] [9] | 75-85 [5][11] [9] | 75-85 [5][11] [9] | NA |
| Min. Outdoor Area (per unit) | | | | | | | | | | | |
| Area (sq. ft.) | 50 | - | 50 | - | - | - | 50 [5][11] [9] | - | - | - | - |
| Dimensions (ft.) | 5 | - | 5 | - | - | - | 5 [5][11] [9] | - | - | - | - |
| Max. Height (ft.) [13] | 25 | 50 | 45 | 90 [7] | 50 | 75 | 45 | 60 | 45 60 | 75 | 35 |

[1] Minimum Setbacks are as follows:

| District | Abutting Street Right-of-Way | | Abutting Other Lot Lines | |
|----------|------------------------------|-----------------------------|--------------------------|----------------|
| | Across From R | Across From Non- R District | Abutting R | Abutting Non-R |

| | District | Arterial | Collector or Local | District or Lawrence SmartCode District | District |
|---------------------------|--------------------------------|----------|--------------------|---|----------|
| IBP/GPI/H [10] | 40 | 40 | 40-25 | 40 | 15 |
| IL/IM | 50 [14] [11] | 50 | 25 | 20 [15] [12] | 15 |
| IG | 50 [14] [11] | 50 | 25 | 50 [15] [12] | 15 |

- [2] First number represents minimum Exterior **Setback** to an abutting **Side Lot Line**. Second number represents minimum Exterior **Setback** to an abutting **Rear Lot Line**
- [3] Same as **Front Yard** of abutting **Lot**
- [4] First number represents minimum **Rear Setback** for Single **Frontage Lot**. Second number represents minimum **Rear Setback** for double **Frontage** (or through) **Lot**
- [5] Applies only to Lots platted after the **Effective Date**.
- [6] **Setback** of **Building** constructed after the **Effective Date** shall be within 1 foot of the average **Setback** of existing **Buildings** on the same **Block** on the same side of the Street.
- [7] Subject to location and **Height** limitations in Downtown Design Guidelines and Downtown Design Standards.
- ~~[8] Maximum Building coverage in CC and CR districts is 25%.~~
- ~~[9] [8] Additional Setback restrictions standards may be applicable apply to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307. where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.~~
- ~~[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.~~
- ~~[11] [9] Applies to any Significant Development Project.~~
- ~~[12] [10] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.~~
- ~~[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.~~
- ~~[14] [11] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.~~
- ~~[15] [12] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.~~

- Article 9 – Parking, Loading and Access**

The proposed changes to the parking standards add the IM District to the list in Section 20-908(c) which provides a standard as to where the off-street parking can be located and the parking lot setbacks. The IM District standard is proposed to be the same as the other industrial districts.

| District | Allowed Location | Minimum Setback (feet) | |
|--------------------|---|--|--|
| | | From Right-of-Way | From Residential Lot Lines |
| CN1 | Not allowed between the Facade of the Building with the main entrance and the Street. | 15 | 10 |
| CO | | | |
| CN2 | | | |
| CD | Prohibited between a Building and any Street | | |
| CC | No restriction except as specified in Article 5. | | |
| CR | | | |
| CS | | | |
| IBP | | | |
| IL | | | |
| IM | | | |
| IG | | | |
| H | | | |
| GPI | | | |
| OS | | | |
| MU | Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone . No restriction in a Tertiary Development Zone . | | |

- Article 10 – Landscaping and Screening

The proposed changes to Article 10 are to Section 20-1005 Bufferyards. This section outlines the type of bufferyard required for property adjacent to different zoned property. The IM District was added to this table.

| Developing Site's Zoning | Adjacent Site's Zoning | | | | | | |
|------------------------------------|------------------------|----|--------------------|-----------|---------------|-----------------------|--------|
| | RS | RM | CN1, CO, CN2 | MU, CD | CC, CR, CS | IBP, IL, IM, IG | GPI, H |
| RS Districts (Residential uses) | – | 1 | 1 | 2 | 2 | 3 | 3 |
| RS Districts (Nonresidential uses) | 1 | 1 | 1 | 1 | 2 | 3 | 2 |
| RM Districts | 1 | – | 1 | – | 2 | 3 | 2 |
| CN1, CO and CN2 Districts | 1 | 1 | – | – | 1 | 2 | 1 |
| MU and CD Districts | 2 | – | – | – | – | – | – |
| CC, CR and CS Districts | 2 | 2 | 1 | – | – | 1 | 1 |
| GPI and H Districts | 3 | 2 | 2 | – | – | 1 | – |
| IBP, IL, IM and IG Districts | 3 | 3 | 2 | – | 1 | – | 1 |

- Article 13 – Development Review Procedures

The proposed changes in Article 13 are in Section 20-1305 Site Plan Review. The section speaks to the criteria for the different types of site plans and what changes trigger these site plans. The code currently allows a larger site improvement in the IG District before the entire site is required to be brought up to city standards. The IM District is proposed to have these same allowances.

- Article 17 – Terminology

The proposed changes to Article 17 are in Section 20-1701 General Terms. The terms changed are Development Project, Major, Development Project, Standard, and Significant Development Project. These definitions include the same text giving the IG District more allowance for expansion as explained in Article 13. The proposed changes keep the text consistent through the code.

ARTICLE 2. BASE DISTRICTS

| | |
|----------------------|--|
| 20-201 | The Districts |
| 20-202 | RS, Single-Dwelling Residential Districts |
| 20-203 | RSO, Single-Dwelling Residential – Office District |
| 20-204 | RM, Multi-Dwelling Residential Districts |
| 20-205 | RMG, Multi-Dwelling Residential – Greek Housing District |
| 20-206 | RMO, Multi-Dwelling Residential – Office District |
| 20-207 | CN1, Inner Neighborhood Commercial District |
| 20-208 | CN2, Neighborhood Commercial Center District |
| 20-209 | CO, Office Commercial District |
| 20-210 | CD, Downtown Commercial District |
| 20-211 | CC, Community Commercial Centers District |
| 20-212 | CR, Regional Commercial District |
| 20-213 | CS, Commercial Strip District |
| 20-214 | IBP, Industrial/Business Park District |
| 20-215 | IL, Limited Industrial District |
| <u>20-216</u> | <u>IM, Medium Industrial District</u> |
| 20- | IG, General Industrial District |
| <u>216217</u> | |
| 20- | OS, Open Space District |
| <u>217218</u> | |
| 20- | GPI, General Public and Institutional Use District |
| <u>218219</u> | |
| 20- | H, Hospital District |
| <u>219220</u> | |
| 20- | U-, University District |
| <u>220221</u> | |
| 20- | PUD, PRD, PCD, PID, POD (Planned Development) Districts |
| <u>221222</u> | |
| 20- | UR, Urban Reserve District |
| <u>222223</u> | |
| 20- | MU, Mixed Use District |
| <u>223224</u> | |
| 20- | Lawrence Smart Code Districts |
| <u>224225</u> | |

20-201 THE DISTRICTS**(a) Base Districts**

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

(b) Districts Established

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

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

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

20-215 IL, LIMITED INDUSTRIAL DISTRICT

(a) Purpose

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

The IL, Limited Industrial District, is intended to accommodate low-impact industrial facilities, and wholesale, storage and distribution operations, as well as limited commercial uses. Activity primarily occurs within enclosed structures.

(b) Principal Uses

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

(c) Accessory Uses and Accessory Structures

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

(d) Density and Dimensional Standards

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

(e) Street Access

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

(f) Other Regulations

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

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

20-216 IM, MEDIUM INDUSTRIAL DISTRICT(a) Purpose

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

(b) Principal Uses

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

(c) Accessory Uses and Accessory Structures

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

(d) Density and Dimensional Standards

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

(e) Street Access

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

(f) Other regulations

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

- | | |
|---|------------------------------|
| <u>(1) General Development Standards</u> | <u>See Article 11.</u> |
| <u>(2) Landscaping</u> | <u>See Article 10.</u> |
| <u>(3) Off-Street Parking and Loading</u> | <u>See Article 9.</u> |
| <u>(4) Outdoor Lighting</u> | <u>See Section 20-1103.</u> |
| <u>(5) Overlay Districts</u> | <u>See Article 3.</u> |

~~20-202~~ 20-217 IG, GENERAL INDUSTRIAL DISTRICT

(a) Purpose

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

The IG, General Industrial District, is intended to accommodate high-impact industrial facilities and wholesale, storage and distribution operations with external impacts such as exterior storage of materials on site, noise, vibration, and odors.

(b) Principal Uses

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

(c) Accessory Uses and Accessory Structures

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

(d) Density and Dimensional Standards

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

(e) Street Access

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

(f) Other Regulations

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

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

~~20-203~~ 20-218 OS, OPEN SPACE DISTRICT

(a) Purpose

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

(b) **Principal Uses**

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

(c) **Accessory Uses** and **Accessory Structures**

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

(d) **Density** and Dimensional Standards

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

(e) Street **Access**

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

(f) Other Regulations

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

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

~~20-204~~ 20-219 GPI, GENERAL PUBLIC AND INSTITUTIONAL USE DISTRICT

~~(a)~~(g) Purpose

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

~~(b)~~(h) Principal Uses

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

~~(c)~~(i) Accessory Uses and Accessory Structures

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

~~(d)~~(j) Density and Dimensional Standards

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

~~(e)~~(k) Street Access

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

~~(f)~~(l) Development Standards Required

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

~~(g)~~(m) Expansions

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

~~(h)~~(n) Other Regulations

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

- | | | |
|------------|-------------------------------|-----------------|
| (1) | General Development Standards | See Article 11. |
| (2) | Landscaping | See Article 10. |

| | | | |
|--|-----|--------------------------------|-----------------------|
| | (3) | Off-Street Parking and Loading | See Article 9. |
| | (4) | Outdoor Lighting | See Section 20-1103. |
| | (5) | Overlay Districts | See Article 3. |

~~20-205~~ 20-220 H, HOSPITAL DISTRICT

(a) **Purpose**

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

(b) **Principal Uses**

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

(c) **Accessory Uses and Structures**

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

(d) **Density and Dimensional Standards**

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

(e) **Street Access**

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

(f) **Development Standards Required**

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

(g) **Expansion**

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

(h) **Other Regulations**

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

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

~~20-206~~ 20-221 U-, UNIVERSITY DISTRICT

(a) Purpose and Intent

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

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

~~20-207~~ 20-222 PUD, PRD, PCD, PID, POD (PLANNED DEVELOPMENT) DISTRICTS

(a) Purpose

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

(b) District Name

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

(c) Principal Uses

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

(d) Accessory Uses and Structures

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

(e) Density and Dimensional Standards

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

(f) Other Regulations

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

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

~~20-208~~ 20-223 UR, URBAN RESERVE DISTRICT

(a) Purpose

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

(b) Principal Uses

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

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

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

(c) Accessory Uses and Structures

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

(d) Density and Dimensional Standards

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

(e) Other Regulations

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

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

~~20-209~~ 20-224 MU, MIXED USE DISTRICT

(a) **Purpose**

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

(b) **Where Appropriate**

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

(c) **Compatibility**

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

(d) **Principal Uses**

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

(e) **Accessory Uses and Structures**

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

(f) **Density and Dimensional Standards**

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

(g) **Other Regulations**

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

(1) **General Development Standards**

Specific standards apply to Mixed-Use Developments. See Article 11.

(2) **Landscaping**

Specific standards apply to Mixed-Use Developments. See Article 10.

(3) **Off-Street Parking and Loading**

Specific standards apply to Mixed-Use Developments. See Articles 9 & 11.

(4) **Outdoor Lighting**

Specific standards apply to Mixed Use Developments. See Section 20-1103.

(5) **Overlay Districts**

See Article 3.

~~20-240~~ 20-225 Lawrence SmartCode Districts**(a) Purpose**

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

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

- (i) T1, The Natural Zone – consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.
- (ii) T2, The Rural Zone – consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, and grasslands.
- (iii) T3, Sub-Urban Zone – consists of low density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.
- (iv) T4, The General Urban Zone – consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.
- (v) T5, The Urban Center Zone – consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.
- (vi) T5.5, The Special Urban Center Zone – consists of the highest density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages. Because of its historic designation and character, it will be protected from competition in intensity.
- (vii) CIVIC, Civic Space – an outdoor area dedicated for public use.

20-401 USE TABLE

The Use Table of this article lists the **Principal Uses** allowed within all of the **Base Districts** except the UR District (See Section 20-~~222223~~(b) for UR District use regulations). The symbols used in the Use Table are defined in the following paragraphs.

(a) **[P] Permitted Uses**

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

(b) **[S] Special Uses**

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

(c) **[A] Accessory Uses**

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

(d) **Uses Not allowed**

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

(e) **Use-Specific Standards**

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

(f) **Unlisted Uses**

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

20-403 NONRESIDENTIAL DISTRICT USE TABLE

[illegible]

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-----------------------------------|-----------------------|-------|-------|-------|-------|-------|-------|-------|-----|-------|----|----|----|-----|-------|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Design | | | | | | | | | | | | | | | | |
| | Mobile Home | - | - | - | - | - | - | - | - | - | P | - | P | - | P | P | |
| | Mobile Home Park | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Multi-Dwelling Structure | - | P* | P* | - | P*/S* | P* | | P* | - | - | - | - | - | S | P | 517 |
| | Non-Ground Floor Dwelling | P* | P* | P* | - | P* | P* | - | P* | - | - | - | - | - | - | - | 517/542 |
| | Work/Live Unit | P* | P* | P* | - | P*/S* | P* | - | P* | - | P* | - | - | - | - | - | 517/541 |
| | Zero Lot Line Dwelling | P* | - | P | - | - | - | - | - | - | - | - | - | - | - | - | 531 |
| | Home Occupation, Type A or B | - | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | |
| Group Living | Assisted Living | - | - | P | - | - | - | - | - | - | - | - | - | - | S | S | |
| | Congregate Living | - | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 546 |
| | Dormitory | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | |
| | Fraternity or Sorority House | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Group Home, General (11 or more) | S | S | S | S | S | S | S | S | - | - | - | - | - | - | P | |
| | Group Home, Limited (10 or less) | P | - | P | - | - | - | - | - | - | - | - | - | - | - | - | |
| PUBLIC AND CIVIC USE GROUP | | | | | | | | | | | | | | | | | |
| Community Facilities | Cemetery | P* | P* | - | P* | - | P* | P* | P* | P* | P* | - | - | P* | P* | - | 505 |
| | College/University | S | P | P | P | P | P | P | P | P | P | - | P | - | P | P | |
| | Cultural Center/ Library | S | P | P | S | P | P | - | - | P | - | - | - | S | P | A | |
| | Day Care Center | S* | P* | S* | S* | S* | P* | P* | P* | P* | P* | A* | P* | - | - | - | 507 |
| | Day Care Home, Class A | P | P | P* | - | P | P | - | P | - | - | - | - | - | - | - | |
| | Day Care Home, Class B | S*/A* | P* | S* | - | P | P | - | P | - | - | - | - | - | - | - | 507 |
| | Detention Facilities | - | - | - | - | - | - | - | - | - | S | S | S | - | S | - | |
| | Lodge, Fraternal & Civic Assembly | S* | S* | S* | S* | P* | P* | P* | P* | - | P* | - | - | - | P* | - | 512 |
| | Postal & Parcel Service | - | P | P | P | P | P | P | P | P | P | P | P | - | P | - | |
| | Public Safety | S | P | P | P | P | P | P | P | P | P | P | P | - | P | - | |
| | School | P | P | P | P | P | P | P | P | - | - | - | - | - | P | - | |
| | Funeral and Interment | - | P* | - | P* | P* | P* | P* | P* | P* | P* | - | - | A* | - | - | 505 |
| | Temporary Shelter | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S* | S*/A* | - | S* | - | S* | S*/A* | 544/522 |
| | Social Service Agency | P | P | P | P | P | P | P | P | P | P | - | P | - | P | P | |

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|---|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------|----------|----------|----------|------|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Community Meal Program | S/A* | S/A* | S/A* | S/A* | S/A* | S/A* | S/A* | S/A* | S | S/A* | - | S | - | S | S/A* | 522 |
| | Utilities, Minor | P/ S* | P/ S* | P/ S* | P/ S* | P/ S* | P/ S* | P/ S* | P/ S* | P/ S* | P/ S* | P*/S* | P/ S* | P/ S* | P/ S* | - | 530 |
| | Utilities and Service, Major | S | S | S | S | S | S | S | S | S | S | P | P | S | P | - | |
| Medical Facilities | Extended Care Facility, General | - | S | - | S | - | - | - | - | S | - | - | - | - | - | P | |
| | Extended Care Facility, Limited | P | P | P | P | - | - | - | - | - | - | - | - | - | S | P | |
| | Health Care Office, Health Care Clinic | P | S | P | P | P | P | P | P | P | P | - | - | - | P | A | |
| | Hospital | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | |
| | Outpatient Care Facility | P* | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | P* | P* | 519 |
| Recreational Facilities | Active Recreation | S | P | P | S | S | P | P | P | P | P | - | S | S | A*/S* | A | 532 |
| | Entertainment & Spectator Sports, General | - | - | - | - | P | P | P | P | - | - | - | - | - | S | - | |
| | Entertainment & Spectator Sports, Limited | - | P | P | - | P | P | P | P | - | - | - | - | S | P | - | |
| | Participant Sports & Recreation, Indoor | - | P | P | - | P | P | P | P | P | P | - | - | - | P | A | |
| | Participant Sports & Recreation, Outdoor | - | - | S | - | - | P | P | P | P | P | - | - | - | A*/S* | - | 532 |
| | Passive Recreation | P | P | P | P | P | P | P | P | P | PA | A | PA | P | P | P | |
| | Nature Preserve/Undeveloped | P | P | P | P | P | P | P | P | P | PA | A | PA | P | P | P | |
| | Private Recreation | P | P | P | - | P | P | - | P | - | - | - | - | P | P | P | |
| Religious Assembly | Campus or Community Institution | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 522 |
| | Neighborhood Institution | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | - | 522 |
| COMMERCIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Animal Services | Kennel | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| | Livestock Sale | - | - | - | - | - | S | S | S | - | P | S | P | - | - | - | |
| | Sales and Grooming | P | P | P | P | P | P | P | P | - | P | - | P | - | - | - | |
| | Veterinary | - | P | P | P | P | P | P | P | P | P | - | P | - | - | - | |
| ki ng Es | Accessory Bar | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | - | - | - | - | - | 509 |
| | Accessory | - | - | - | - | - | - | - | - | A | - | - | - | - | - | - | |

| Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i> | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|------------------------------------|-----------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Restaurant | | | | | | | | | | | | | | | | |
| | Bar Or Lounge | - | - | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Brewpub | - | P* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Fast Order Food | P* | P* | P | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511 & 509 |
| | Fast Order Food, Drive-In | - | S | - | - | - | P | P | P | - | P | - | - | - | - | - | |
| | Nightclub | - | - | - | - | P* | - | P* | P* | - | - | - | - | - | - | - | 509 |
| | Private Dining Establishments | P* | P* | - | P* | P* | P* | P* | P* | P* | - | - | - | - | - | - | 539 |
| | Restaurant, Quality | P* | P* | P | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | 524 |
| Office | Administrative and Professional | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | - | P* | A* | 518 |
| | Financial, Insurance & Real Estate | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | A* | 510 |
| | Other | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | - | - | - | 537 |
| Parking Facilities | Accessory | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 535 |
| | Commercial | - | S | S | S | S | P | P | P | P | P | P | P | - | P | A | |
| Retail Sales & Service | Building Maintenance | - | P | S | - | P | P | P | P | - | P | P | P | - | A | A | |
| | Business Equipment | - | P | P | - | P | P | P | P | P | P | P | - | - | - | - | |
| | Business Support | - | P | P | P | P | P | P | P | P | P | P | P | - | - | A | |
| | Construction Sales and Service | - | - | - | - | - | P | P | P | - | P | - | P | - | - | A | |
| | Food and Beverage | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511 |
| | Mixed Media Store | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | - | 516 528 |
| | Personal Convenience | P* | P* | P* | - | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 520 |
| | Personal Improvement | P* | P* | P* | - | P* | P* | P* | P* | - | P* | - | - | - | A* | A* | 521 |
| | Repair Service, Consumer | P* | P* | P* | - | P* | P* | P* | P* | - | P* | - | - | - | - | - | 523 |
| | Retail Sales, General | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 525 |
| | Retail Establishment, Large | - | - | - | - | - | P* | P* | S* | - | - | - | - | - | - | - | 526 |
| | Retail Establishment, Medium | - | P* | P* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 526 |

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-------------------------------------|-----------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|---|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Retail Establishment, Specialty | - | P* | P* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 526 |
| Sexually Oriented Businesses | Sexually Oriented Media Store | - | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 528 |
| | Physical Sexually Oriented Business | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 528 |
| | Sex Shop | - | - | - | - | - | P* | P* | P* | - | - | - | - | - | - | - | 528 |
| | Sexually Oriented Theater | - | - | - | - | - | P* | P* | P* | - | - | - | - | - | - | - | 528 |
| Transient Accommodation | Bed and Breakfast | P* | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 20-504 |
| | Campground | - | - | - | - | - | P | P | P | - | - | - | - | S | - | - | |
| | Hotel, Motel, Extended Stay | - | - | P | - | P | P | P | P | - | P | - | - | - | - | A | |
| Vehicle Sales & Service | Cleaning (Car Wash) | - | S | - | - | - | P | P | P | - | P | A | P | - | - | - | |
| | Fleet Storage | - | - | - | - | - | P | P | P | - | P | P | P | - | - | A | |
| | Gas and Fuel Sales | - | S | S | - | - | P | P | P | - | -P | S | P | - | - | - | |
| | Heavy Equipment Repair | - | - | - | - | - | P | P | P | - | -P | S | P | - | - | - | |
| | Heavy Equipment Sales/Rental | - | - | - | - | - | P | P | P | - | -P | S | P | - | - | - | |
| | Inoperable Vehicles Storage | - | - | - | - | - | P | P | P | - | -P | S | P | - | - | - | |
| | Light Equipment Repair | - | S | - | - | S | P | P | P | - | P | - | P | - | - | - | |
| | Light Equipment Sales/Rental | - | P* | - | - | S | P | P | P | - | P | - | P | - | - | - | 545 |
| | RV and Boats Storage | - | - | - | - | - | P | P | P | - | P | - | -P | - | - | - | |
| INDUSTRIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Industrial Facilities | Explosive Storage | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | |
| | Industrial, General | - | - | - | - | - | - | - | - | - | P | P | P | - | - | - | |
| | Industrial, Intensive | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | |
| | Laundry Service | - | - | - | - | - | P | P | P | - | P | P | P | - | - | - | |

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|--------------------------------------|-----------------------|-----|----|----|----|----|----|----|-----|---------------------------|----|----------------------------|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Manufacturing & Production, Ltd. | - | - | P | - | S | S | S | S | P | P | P | P | - | - | - | |
| | Manufacturing & Production, Tech. | - | - | - | - | S | P | P | P | P | P | P | P | - | - | - | |
| | Research Service | - | - | - | S | S | P | P | P | P | P | P | P | - | - | - | |
| | Scrap and Salvage Operation | - | - | - | - | - | - | - | - | - | U ^S | - | S* | - | - | - | 527 |
| Wholesale, Storage & Distribution | Exterior Storage | - | - | - | - | - | A* | A* | A* | A* | A* | A* | A* | - | A* | A* | 538 |
| | Heavy | - | - | - | - | - | S | S | S | - | U ^S | S | P | - | - | - | |
| | Light | - | - | - | - | - | P | P | P | P | P | P | P | - | S | - | |
| | Mini-Warehouse | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| OTHER USES GROUP | | | | | | | | | | | | | | | | | |
| Adaptive Reuse | Designated Historic Property | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | 501 |
| | Greek Housing Unit | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Agriculture | Agricultural Sales | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| | Agriculture, Animal | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Agriculture, Crop | P | P | P | P | - | P | P | P | P | P | P | P | - | P | - | |
| Communications Facilities | Amateur & Receive-Only Antennas | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 536 |
| | Broadcasting Tower | - | - | - | - | S | - | - | - | P | P | P | P | - | - | A | |
| | Communications Service Establishment | P | P | P | P | P | P | P | P | P | P | - | U ^P | - | P | A | |
| | Telecommunications Antenna | A* | A* | A* | A* | S* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 529 |
| | Telecommunications Tower | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | P* | S ^{P*} | S* | A* | A* | 529 |
| | Satellite Dish | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 536 |
| Mining | Mining | - | - | - | - | - | - | - | - | - | - | - | S* | - | - | - | 515 |

| <div>Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed</div> | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-------------------|-----------------------|-----|----|----|----|----|----|----|-----|----------------|----|----------------|----|----------------|---|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| Recycling Facilities | Large Collection | - | - | - | - | - | P | P | P | - | L P | P | P | - | - | - | 540 |
| | Small Collection | P | P | P* | P | P | P | P | P | P | P | - | L P | - | A | A | 540 |
| | Processing Center | - | - | - | - | - | - | - | - | - | L P | S | P | - | L P | - | |

20-538 EXTERIOR STORAGE

(1) **Purpose**

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

(2) **Applicability**

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

(3) **Location of Exterior Storage on a Site**(i) **Location in Rear Yard**

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

(ii) **Location in Side Yard**

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

(iii) **Location in Front Yard**

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

(iv) **Minimum Setbacks**

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

| Zoning of Exterior Storage Area | Adjacent Site's Zoning | | | Adjacent to ROW |
|---|------------------------|------------|---------------------|-----------------|
| | CN1, CN2 | CR, CS, CC | IBP, IL, IG, GPI, H | |
| CR, CS, CC | 15' | 15' | -- | 50'[1] |
| IBP, IL, IM , IG, GPI, H | 15' | -- | 10' | 25'[1] |
| [1] or behind the front Building façade whichever is the greater distance. | | | | |

(4) **Screening Required**

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

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

(5) Area

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

(6) Surfacing Required

(i) In CR, CS, and CC Districts

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

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

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

(iii) [Exterior Storage](#) areas in [Floodplains](#)

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

Blue highlighting is pending text amendment TA-8-12-11

Yellow highlighting is newly proposed text amendment

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 | RM12D | 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 | 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 | 12 | 15 | 22 | 24 | 32 | 1 |
| Min. Lot Width (ft.) | 150 | 100 | 70 | 60 | 40 | 25 | 50 | 60 | 60 | 60 | 50 | 50 | 50 | 50 |
| Min. Lot Frontage | 40 | 40 | 40 | 40 | 40 | 25 | 40 | 60 | 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 | 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 | 25/10 |
| Side (Interior) [5] | 20 | 20 | 10 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Side (Interior-adj RS) [5] | -- | -- | -- | -- | -- | -- | -- | -- | 25 | 25 | 25 | 25 | 25 | 25 |
| Rear [3][5] | 30/35 | 30/35 | 30/25 | 30/25 | 20/25 | 20/25 | 20/25 | 20/25 | 20/25 | 25/25 | 20/25 | 20/25 | 20/25 | 20/25 |
| Max. Bldg. Coverage (% of site) | 15 [4] | 30 [4] | 40 [4] | 45 [4] | 50 [4] | 50 [4] | 50 [4] | 50 [4] | 50 [4] | 50 [4] | 50 [4] | 50 [4] | 60 [4] | 60 [4] |
| Max. Impervious Surface Coverage (% of site) | 25 [4] | 50 [4] | 70 [4] | 70 [4] | 75 [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 | 50 | None |
| Dimensions (ft.) | N/A | N/A | N/A | N/A | 12 | 10 | N/A | 5 | 5 | 5 | 5 | 5 | 5 | NA |
| Max. Height (ft.) | 35 | 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 standards may be applicable apply to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307, where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.

[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

(b) **Nonresidential Districts**

Unless otherwise expressly stated, all development in the Commercial and Industrial Districts shall comply with the Dimensional Standards of the following table:
to reflect the deleted footnotes.

| Standard | CN1 | CO | CN2 | CD | CC | CR | CS | IBP/GPI/H [10] | IL/IM | IG | OS |
|--|-------------------|-------------------|-------------------|-------------------|---------------------------------------|---------------------------------------|----------------------|----------------|------------------------------------|------------------------------------|-------------------|
| Min. Site Area | 5,000 sq. ft. | 5,000 sq. ft. | 2 Ac. | 2,500 | 5 Ac. | 40 Ac. | - | 5 Ac. | 20,000 sq. ft. | 5,000 sq. ft. | - |
| Max. Site Area | 1 Ac. | - | 15 Ac. | - | - | - | - | - | - | - | - |
| Min. Lot Area (sq. ft.) | 5,000 | 5,000 | 20,000 | 2,500 | 20,000 | 20,000 | 5,000 | 20,000 | 20,000 | 5,000 | - |
| Min. Lot Width (ft.) [12] [10] | 50 | 50 | 100 | 25 | 100 | 150 | 50/100 | 200 | 100 | 50 | - |
| Min. Setbacks (ft.) | | | | | | | | | | | |
| Front [9] | [6] | 20 | 20 | 0 | 25 | 25 | 25 | [1] | [1] | [1] | [3] |
| Side (Exterior) [2][9] [8] | [3]/20 | [3]/20 | [3]/20 | [3]/0 | [3]/20 | [3]/20 | [3]/15 | [1] | [1] | [1] | 35 |
| Side (Interior-adj. R) [9] [8] | 10 | 20 25 | 20 25 | 20 | 25 | 45 | 12 | [1] | [1] | [1] | 20 |
| Side (Interior-adj. Non-R) | 0 | 5 | 0 | 0 | 0 | 0 | 0 | [1] | [1] | [1] | 15 |
| Rear (adj. RS) [4] [8] | 25 /31 | 25 /31 | 25 /31 | 10 /31 | 25 /31 | 30 /31 | 25 /31 | [1] | [1] | [1] | 10 /31 |
| Rear (adj. Non-RS) [4][9] [8] | 20/25 | 15/25 | 20/25 | 0 | 12/25 | 30 | 12/25 | [1] | [1] | [1] | 0 |
| Max. Front Setback | [6] | NA | NA | 5[7] | 20 | 0 | NA | NA | NA | NA | NA |
| Max. Lot Coverage (%) | 65 | 65 | 75 | 100 | 85 80 | 80 75 | 80 | 65 | 85 75 | 85 75 | NA |
| Max. Bldg. Coverage (% of site) | [5][11] [9] | [5][11] [9] | [5][11] [9] | | [5][11] [9] | [5][11] [9] | [5][11] [9] | [5][11] [9] | [5][11] [9] | [5][11] [9] | |
| Max. Impervious Lot Surface Coverage (%) | 75 | 75 | 80 | 100 | 80 85[5] [8][11] [9] | 75 80[5] [8][11] [9] | 80 | 75 | 75 85 [5][11] [9] | 75 85 [5][11] [9] | NA |
| Min. Outdoor Area (per unit) | | | | | | | | | | | |
| Area (sq. ft.) | 50 | - | 50 | - | - | - | 50 [5][11] [9] | - | - | - | - |
| Dimensions (ft.) | 5 | - | 5 | - | - | - | 5 [5][11] [9] | - | - | - | - |
| Max. Height (ft.) [13] | 25 | 50 | 45 | 90 [7] | 50 | 75 | 45 | 60 | 45 60 | 75 | 35 |

[1] Minimum Setbacks are as follows:

| District | Abutting Street Right-of-Way | | | Abutting Other Lot Lines | |
|----------------|------------------------------|-----------------------------|--------------------|--|-------------------------|
| | Across From R District | Across From Non- R District | | Abutting R District or Lawrence SmartCode District | Abutting Non-R District |
| | | Arterial | Collector or Local | | |
| IBP/GPI/H [10] | 40 | 40 | 40 25 | 40 | 15 |
| IL/IM | 50 [14] [11] | 50 | 25 | 20 15 [12] | 15 |
| IG | 50 [14] [11] | 50 | 25 | 50 [15] [12] | 15 |

[2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line

[3] Same as Front Yard of abutting Lot

[4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot

[5] Applies only to Lots platted after the Effective Date.

- [6] **Setback** of **Building** constructed after the **Effective Date** shall be within 1 foot of the average **Setback** of existing **Buildings** on the same **Block** on the same side of the Street.
- [7] Subject to location and **Height** limitations in Downtown Design Guidelines and Downtown Design Standards.
- ~~[8] Maximum Building coverage in CC and CR districts is 25%.~~
- ~~[9] [8] Additional Setback restrictions standards may be applicable apply to properties developed adjacent to RS zoned properties. These standards include but are not limited to Section 20-1004, 20-1101, and 20-1307, where expressly required elsewhere in the Development Code. Where Bufferyards are required, the more restrictive standard shall apply.~~
- ~~[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.~~
- ~~[11] [9] Applies to any Significant Development Project.~~
- ~~[12] [10] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.~~
- ~~[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.~~
- ~~[14] [11] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.~~
- ~~[15] [12] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.~~

(c) **Mixed Use District**

Unless otherwise expressly stated, all new development in a Mixed Use District shall comply with the **Density** and Dimensional Standards of the following table. The standards are not applicable to existing development rezoned to the district:

| Standard | Mixed Use District Development Zones | | |
|--|--------------------------------------|-------------|--------------|
| | Primary | Secondary | Tertiary |
| Min. Site Area (sq. ft) | 20,000 | | |
| Max. Site Area (acres) | 20 | | |
| Min. Lot Area (sq. ft.) | 3,000 | | |
| Min. Lot Width (ft.) [12] | 25 | | |
| Max. Dwelling Units (per acre) | 32 | 15 | 12 |
| Setback Range: Minimum to Maximum (in feet) | | | |
| Front | 0-10 [1] | 0-20 [1] | 0-25 [1] |
| Side (Exterior) | 0-10 [1] | 0-20 [1] | 0-25 [1] |
| Side (Interior) | 0-5 | 0-5 | 0/5 [2] |
| Rear (when abutting Alley) | 0-10 [3] | 0-20 | 10-30 [4] |
| Rear (no Alley) [5] | 20/0-10 [1] | 20/0-20 [1] | 20/10-30 [1] |
| Max. Building Coverage (% of Lot) | 100 [6] | 85 [6] | 75 [6] |
| Max. Impervious Surface Coverage (% of Lot) | 100 [6] | 95 [6] | 85 [6] |
| Max. Height (ft.) | 48 [7] | 36 [7] | 24 [7] |
| Minimum Outdoor Area (per Dwelling Unit) | | | |
| Area (sq. ft.) | 50 [8] | 50 [8] | 50 [8] |
| Dimensions (ft.) | 4 [8] | 4 [8] | 4 [8] |
| Min. Dimensions of Ground Level Nonresidential Spaces in Mixed Use Buildings | | | |
| Floor to Floor Height (ft.) [9] | 12 | 12 | 12 |
| Area (sq. ft.) [9] | 800 [10] | 600 [10] | 500 [10] |
| [1] Corresponding Public Frontages shall be designed for each Development Zone. [2] First number represents the required Setback for all attached Structures , second number represents the required Setback for detached Structures . [3] May be up to 25 feet to accommodate service/delivery uses. [4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units . [5] First number represents the minimum Rear Setback for a Single Frontage Lot . Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The Rear Yard for double-Frontage lots shall be | | | |

- considered a [Public Frontage](#) and shall be designed as such in accordance with Section 20-1108(j).
- [6] Applies only to Lots platted after the [Effective Date](#).
- [7] Maximum [Height](#) may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.
- [8] Minimum Outdoor Area is not required for each Dwelling Unit onsite if a public park is located within $\frac{1}{4}$ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(gh).
- [9] Minimum dimensions for the floor to floor [Height](#) and [Gross Floor Area](#) for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.
- [10] Or 20% of the [Lot Area](#) when located on Lots whose width is less than 50 feet, whichever is greater.

20-602 MEASUREMENT OF AND EXCEPTIONS TO DENSITY AND DIMENSIONAL STANDARDS

(a) Generally

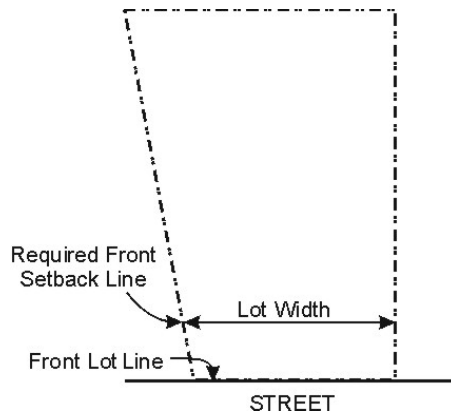
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) Lot Area

The area of a [Lot](#) includes the total horizontal surface area within the [Lot's](#) boundaries, not including submerged lands, public [Access Easements](#) or rights-of-way. For Nonconforming [Lots](#), see Section 20-1504.

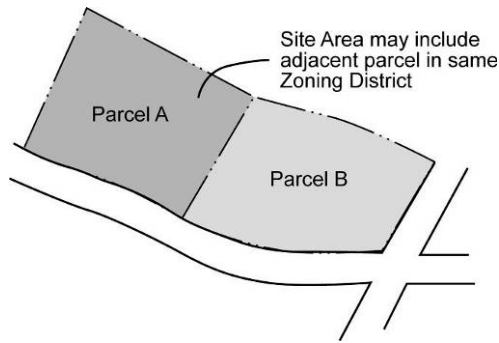
(c) Lot Width

[Lot Width](#) is the distance between [Side Lot Lines](#) measured at the point of the required [Front Setback](#) or chord thereof.



(d) Site Area

For purposes of Minimum and Maximum Site Area requirements, site area is the total contiguous land area included within a [Zoning District](#). For example, if the minimum site area requirement of a [Zoning District](#) is 2 acres, no property may be rezoned to that District unless it includes a minimum site area of 2 acres or it abuts another [Parcel](#) in the same [Zoning District](#) and the site area of the combined [Parcel](#) is at least 2 acres in area. If there is a maximum site area requirement, no property may be rezoned to that [Zoning District](#) unless the maximum site area, including the site area of abutting [Parcel](#) in the same [Zoning District](#), does not exceed the maximum site area for that [Zoning District](#).

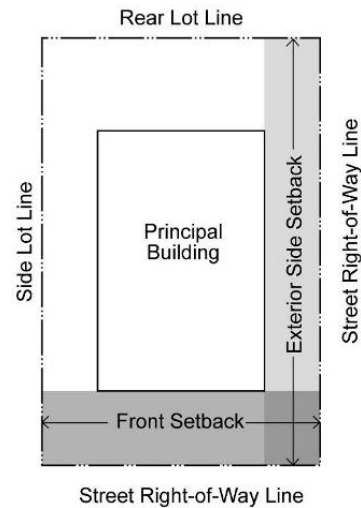


(e) **Setbacks** and **Required Yards**

(1) Front and **Exterior Side Setbacks**

Front and **Exterior Side Setbacks** extend the full width of a **Lot** and are measured from the Street right-of-way line. The Front and **Exterior Side Setbacks** will overlap at the outside corner of the **Lot**. The following exceptions apply:

- (i) In any District where 35% or more of the **Frontage** on one side of a Street between two intersecting Streets is improved with **Buildings** whose **Front Setbacks** do not vary more than 15 feet from the required **Front Setbacks** of the **Base District**, any new **Building** erected may comply with the average **Front Setback** of the existing **Buildings**.
- (ii) The widths of developed Lots will be used to determine the percentage of **Frontage** that is developed.
- (iii) The actual **Setbacks** of **Buildings** fronting on the Street will be used to determine the average **Front Setback**.



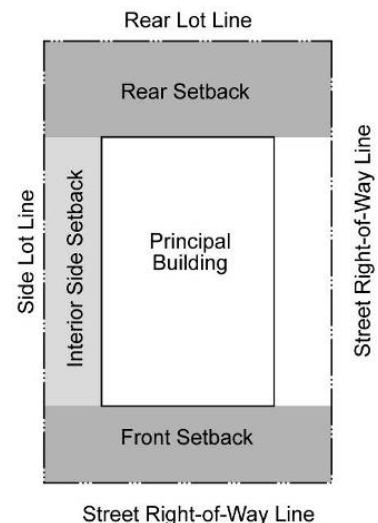
(2) Rule for **Through Lots**

A **Through Lot** shall have two **Front Setbacks**, at opposite ends of the **Lot**. The **Front Setback** provisions of this section shall apply to both. Other sides of a **Through Lot** shall be subject to **Side Setback** standards.

(3) **Interior Side Setbacks**

(i) Measurement

Interior Side Setbacks extend from the required **Front Setback** line to the required **Rear Setback** line and are measured from the **Side Lot Line**. If no Front or **Rear**



Setback is required, the required **Setback** area shall run to the opposite **Lot Line**.

(ii) Exception

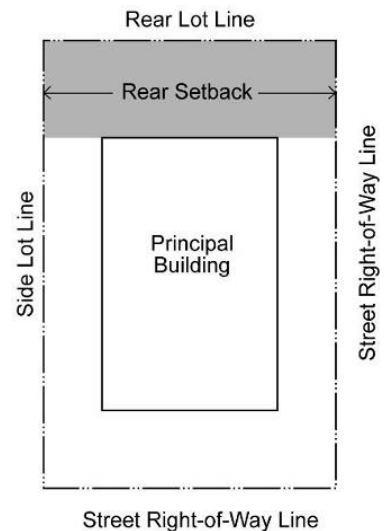
The width of one **Interior Side Setback** may be reduced by the **Planning Director** to a width of not less than 3 feet if the sum of the widths of the two **Interior Side Setbacks** on the same **Lot** is not less than the combined required minimum for both **Side Setbacks**. This reduction may be authorized only when the **Planning Director** finds the reduction is warranted by the location of existing **Buildings** or conducive to the desirable development of two or more **Lots**.

(4) Rear Setbacks

(i) Measurement

Rear Setbacks extend the full width of the **Lot** and are measured from the **Rear Lot Line**.

- a. In calculating the required depth of a **Rear Setback** abutting an **Alley**, the **Rear Setback** may be measured from the centerline of the abutting **Alley**.
- b. On **Corner Lots** in RS10 and RS7 Districts, **Structures** may be located at an angle, with the long axis of the **Lot** facing the intersecting **Street Lines**. In such cases, the **Front** and **Side Setback** standards of Section 20-216(d)601(a) apply, but the minimum **Rear Setback** is reduced to 20 feet.



(5) Setbacks for Speaker Box Systems

There shall be a minimum of one hundred (100) feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(i) Screening

- (ii)** Any area intended or employed for a use that requires Special Use approval under Article 4 shall be located at least 50 feet from any residential **Lot** or District or be so Screened as to provide visual and auditory privacy to such **Lot** or District.

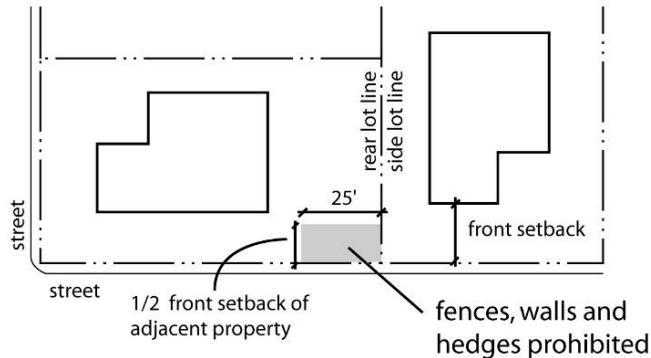
(6) Permitted Exceptions to Required Yard and Setback Standards

Required Yards and **Setbacks** shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

- (i) Cornices, canopies, eaves or other architectural features may project into **Required Yards** up to 2.0 feet.
- (ii) Unenclosed fire escapes may project into **Required Yards** and/or **Setbacks**, provided that they are set back at least 3 feet from all **Lot Lines**.
- (iii) An uncovered stair and necessary landings may project into **Required Yards** and/or **Setbacks**, provided that they are set back at least 3 feet from all **Lot Lines**, and the stair and landing may not extend above the entrance floor of the **Building** except for a railing not exceeding 4 feet in **Height**.
- (iv) Bay windows, balconies, and chimneys may project into **Required Yards** and/or **Setbacks** up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the **Building** wall on which they are located.
- (v) Mechanical **Structures** are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical **Structures** are not allowed in required Front or **Side Yards**, but they may be located in required **Rear Yards** if they are located at least 5 feet from the **Rear Lot Line**.
- (vi) Vertical **Structures** are items such as flag poles, trellises and other garden **Structures**, play **Structures**, radio **Antennas**, and lamp posts. Vertical **Structures** are allowed in **Required Yards** if they are no taller than 30 feet. If they are taller, they are not allowed in required **Setbacks**, except that flag poles are allowed in any **Required Yard**.
- (vii) Uncovered horizontal **Structures** are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required **Setbacks**; such **Structures** may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.
- (viii) Covered Accessory **Structures** (**Buildings**) are items such as garages, greenhouses, storage **Buildings**, wood sheds, covered decks, coops for fowl, and covered porches. Covered Accessory **Structures** that are six feet or less in **Height** are allowed in required Side and **Rear Yards**, and covered Accessory **Structures** greater than six feet in **Height** are allowed in the required **Rear Yard** where an **Alley** abuts the **Rear Lot Line**, but no covered Accessory **Structure** is allowed in a required **Front Yard**.

In addition, coops for fowl shall meet all **setback** requirements established in Article 5 of Chapter III of the City Code. **Setback** standards contained in Article 5 of Chapter III of the City Code are not subject to Board of Zoning Appeals review.

- (ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any **Required Yard**, except:
- as otherwise provided in City Code Chapter 16, Article 6; and
 - on **Corner Lots** with a **Rear Lot Line** that abuts a **Side Lot Line** of another **Lot** in a Residential District, no fence, wall or hedge within 25 feet of the common **Lot Line** may be closer to the **Exterior Side Lot Line** than one-half the depth of the actual **Front Setback** of the **Lot** that fronts on the side Street.



(7) **Setbacks Along Designated Thoroughfares**

The minimum Front and **Exterior Side Setbacks** for each **Lot** that abuts a Street shown on the Lawrence/Douglas County MPO Transportation Plan, as amended, shall be measured from the recommended ultimate right-of-way line for each classification of Street.

~~(f) Building Coverage~~

~~Building coverage refers to the total area of a Lot covered by Buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than Open Porches, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as Building coverage.~~

~~(g)~~(f) **Outdoor Area**

(1) **Purpose**

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

(2) **Requirements**

- The minimum outdoor area for each **Dwelling Unit** shall be a contiguous area and may be on the ground or above ground.
- The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter

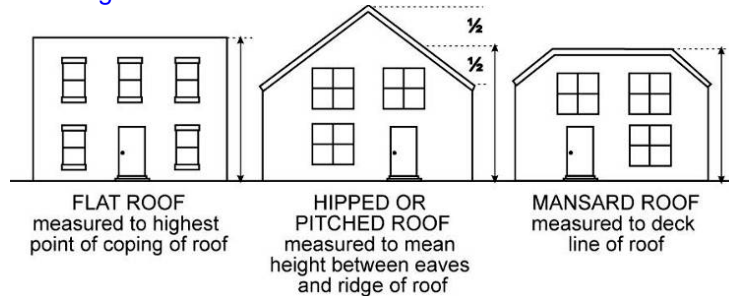
boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. [Driveways](#) and [Parking Areas](#) may not be counted toward fulfillment of the outdoor area requirement.

- (iii) The required outdoor area may not be located in the required [Front Setback](#) or [Exterior Side Setback](#).

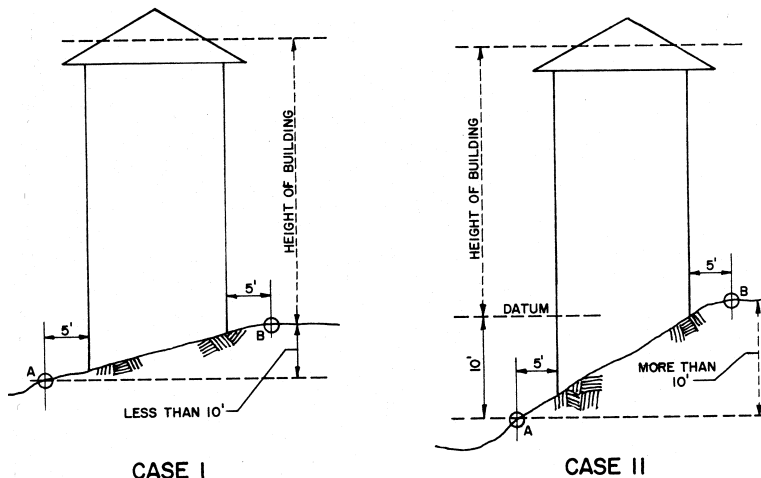
[\(h\)\(g\)](#) Height

(1) Measurement

[Building Height](#) is measured as the distance between a reference datum and (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average [Height](#) of the highest gable of a pitched or hipped roof. The reference datum is either of the following, whichever yields a greater [Height](#) of [Building](#):



- (i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the [Building](#) when such sidewalk or ground surface is not more than 10 feet above lowest [Grade](#). (See "Case I" in accompanying illustration.)
- (ii) An elevation 10 feet higher than the lowest [Grade](#) when the sidewalk or ground surface described in sub-paragraph Section 20-602([hg](#))(1)(i) above is more than 10 feet above lowest [Grade](#). (See "Case II" in accompanying illustration.)



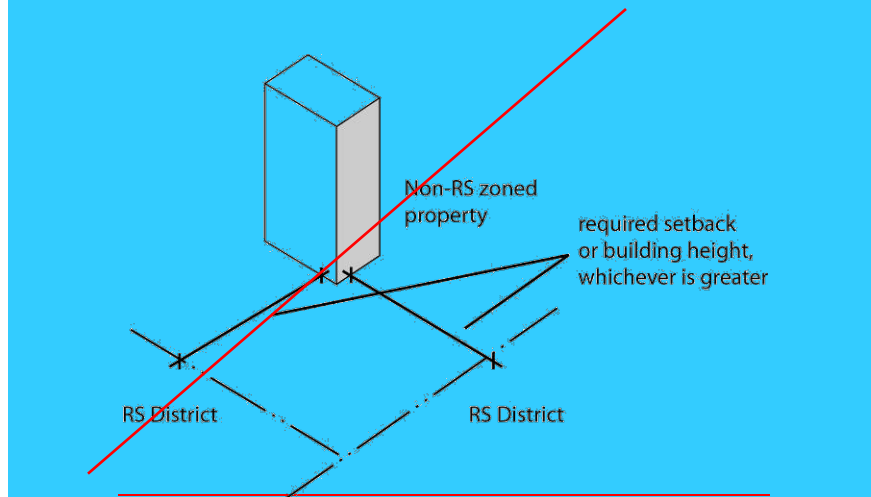
~~(2) Height Limit on Projects Adjoining Certain Residential Zoning Districts~~

~~(i) Applicability~~

~~The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.~~

~~(ii) Height Limit Related to Setback~~

~~Any Building or Structure to which this Section is applicable shall be set back from the Yard line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the Building or Structure on the adjoining RS Lot. When the Height of the Building or Structure exceeds the Height of the Building or Structure on the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.~~



~~(3)~~(2) Exceptions

- ~~(ii)~~ Except as specifically provided herein, the Height limits of this Development Code do not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a Building, provided that such Structures do not cover more than 33% of the roof area or extend over ten (10) feet in Height above the maximum Height allowed by the Base Districts.
- ~~(iii)~~ Except as specifically provided herein, the Height limitations of this Development Code do not apply to radio Antennas, television Antennas, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable Structures, which may be erected above the Height limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.

- (iv) [Telecommunication Towers](#) may exceed the [Zoning District Height](#) limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

20-908 LOCATION**(a) General**

Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same **Lot** as the **Principal Use** (See Section 20-909 for possible exceptions).

(b) Residential Districts

No part of a **Parking Area**, other than a **Driveway**, may be located within 25 feet of a Street right-of-way in any residential **Zoning District**.

- (1) No more than 4 vehicles may be parked on **Driveways** or turnarounds within the required Front or **Side Setback** of any **Lot** in a residential **Zoning District**. Single or double **Driveways** and turnarounds may not be used to provide required off-street parking within the required **Front** or **Exterior Side Setback** with the exception of when they are serving a **Duplex** or **Detached House**.
- (2) **Driveway** widths may not exceed 26 feet in residential Districts. All **Driveway** cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.
- (3) In RS3 and RS5 Districts, residential **Driveways** may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.

(c) Nonresidential Districts

The location of off-street **Parking Areas** in Commercial and Industrial **Zoning Districts** shall comply with the adopted city design standards and the following standards:

| District | Allowed Location | Minimum Setback (feet) | |
|-----------|---|-------------------------------|-----------------------------------|
| | | From Right-of-Way | From Residential Lot Lines |
| CN1 | Not allowed between the Facade of the Building with the main entrance and the Street. | 15 | 10 |
| CO | | | |
| CN2 | | | |
| CD | Prohibited between a Building and any Street | | |
| CC | No restriction except as specified in Article 5. | | |
| CR | | | |
| CS | | | |
| IBP | | | |
| IL | | | |
| IM | | | |
| IG | | | |
| H | | | |
| GPI | | | |
| OS | | | |
| MU | Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone . No restriction in a Tertiary Development Zone . | | |

20-1005 **BUFFER YARDS**(a) **Purpose**

The standards of this section are intended to mitigate the impacts associated with incompatible land uses on adjacent properties. The standards require landscape **Bufferyards** between such uses to minimize the harmful impacts of noise, dust/debris, glare and other objectionable activities.

(b) **Applicability**

The **Bufferyard** standards of this section apply to all development or redevelopment requiring site plan review.


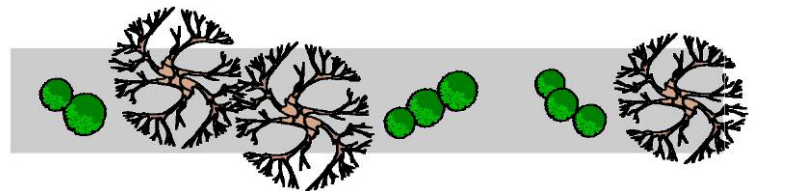

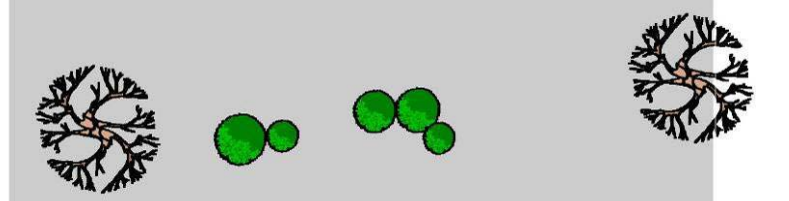
(c) **Table of Required Bufferyards**

Bufferyards are required in accordance with the following table. To determine the type of **Bufferyard** required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site and each adjacent site intersect on the table. If a **Bufferyard** is required, a numeral at the intersection will indicate the type of **Bufferyard** required. Width and landscape planting options for **Bufferyards** are explained in Section (d) through (f). Where the required **Bufferyard** is wider than the **Side Setback** required at that location, the **Side Setback** shall be expanded to accommodate the **Bufferyard**.

| Developing Site's Zoning | Adjacent Site's Zoning | | | | | | |
|-------------------------------------|------------------------|----|--------------------|-----------|------------------|----------------------------------|-----------|
| | RS | RM | CN1, CO, CN2 | MU, CD | CC, CR, CS | IBP, IL, <u>IM</u> , IG | GPI, H |
| RS Districts (Residential uses) | – | 1 | 1 | 2 | 2 | 3 | 3 |
| RS Districts (Nonresidential uses) | 1 | 1 | 1 | 1 | 2 | 3 | 2 |
| RM Districts | 1 | – | 1 | – | 2 | 3 | 2 |
| CN1, CO and CN2 Districts | 1 | 1 | – | – | 1 | 2 | 1 |
| MU and CD Districts | 2 | – | – | – | – | – | – |
| CC, CR and CS Districts | 2 | 2 | 1 | – | – | 1 | 1 |
| GPI and H Districts | 3 | 2 | 2 | – | – | 1 | – |
| IBP, IL, <u>IM</u> and IG Districts | 3 | 3 | 2 | – | 1 | – | 1 |

(d) **Type 1 Bufferyards**(1) **Options**

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 1 Bufferyard requirements.

| Buffer Width | 100 Linear Feet | Landscape Material Requirements | |
|--------------|--|---------------------------------|--------|
| | | Trees | Shrubs |
| 10 feet |  | 4 | 10 |
| 15 feet |  | 3 | 8 |
| 20 feet |  | 3 | 7 |
| 25 feet |  | 2 | 5 |

(2) **Trees and Shrubs**

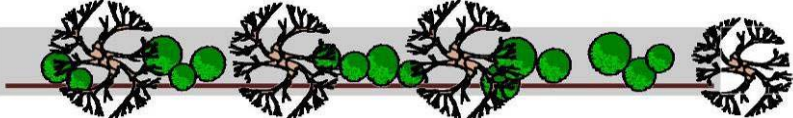
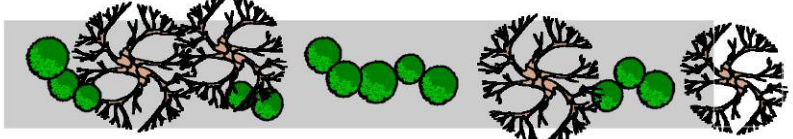
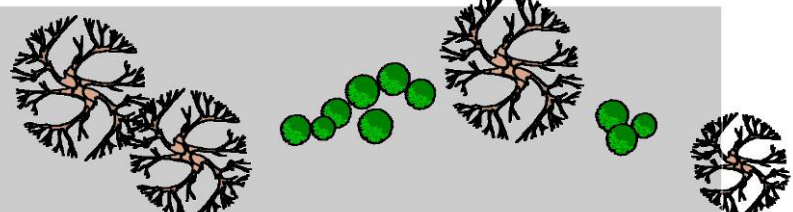
At least 50% of required trees and Shrubs shall be Evergreen Trees.

(3) **Fences, Walls and Berms**

A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(e) **Type 2 Bufferyards**(1) **Options**

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 2 Bufferyard requirements.

| Minimum Buffer Width | 100 Linear Feet | Landscape Material Requirements | |
|----------------------|--|---------------------------------|--------|
| | | Trees | Shrubs |
| 15 feet | Fence, wall or Berm required  | 4 | 15 |
| 20 feet |  | 4 | 13 |
| 25 feet |  | 4 | 10 |

(2) **Trees and Shrubs**

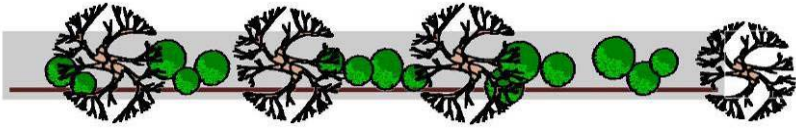
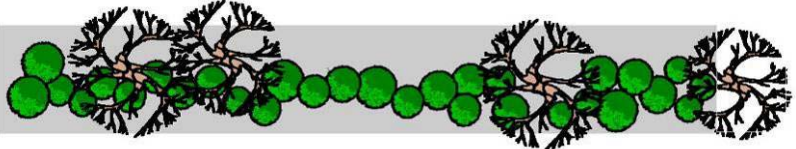
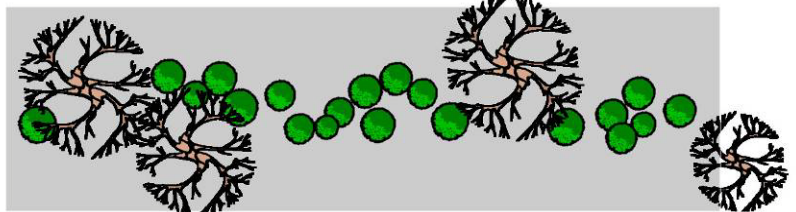
At least 50% of required trees and Shrubs shall be Evergreen Trees.

(3) **Fences, Walls and Berms**

If the proposed Bufferyard 2 is less than 20 feet in width, it shall include a wall at least three feet in Height. A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed Bufferyard from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(f) **Type 3 Bufferyards**(1) **Options**

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 3 Bufferyard requirements.

| Minimum Buffer Width | 100 Linear Feet | Landscape Material Requirements | |
|----------------------|---|---------------------------------|--------|
| | | Trees | Shrubs |
| 15 feet | Fence, wall or Berm required.  | 4 | 15 |
| 20 feet |  | 4 | 30 |
| 25 feet |  | 4 | 20 |

(2) **Trees and Shrubs**

At least 50% of required trees and Shrubs shall be Evergreen Trees.

(3) **Fences, Walls and Berms**

If the proposed Bufferyard 3 is less than 20 feet in width, it shall include a wall at least three feet in height. A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed Bufferyard from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(g) **Responsibility for Bufferyard Installation**

The developing property is responsible for providing required Bufferyards.

(1) **Location**

The Bufferyard, including any required Berm, shall be located entirely on the property on which the development which requires the Bufferyard is occurring.

(2) **Existing Bufferyards**

In those cases where a Bufferyard that complies with the standards of this section is already in place on the site of the developing property, the developer is not required to install another Bufferyard. The developer is only responsible for ensuring that the existing Bufferyard complies with the standards of this section.

(3) **Residential Bufferyards**

Bufferyards required for residential subdivisions shall be placed in landscape Easements.

20-1305 SITE PLAN REVIEW

(a) **Purpose**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of [Development Activity](#) and to encourage the compatible arrangement of [Buildings](#), off-street parking, lighting, [Landscaping](#), pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593.

For the purposes of this section:

- (1) A change to a less intensive use shall be defined as:
 - (i) a change in use of a site or [Structure](#) in which the Development Code requires less parking for the proposed new or modified use; or
 - (ii) that the operational characteristics of the proposed new or modified use are such that they generate less activity on the site, or result in a decrease in the number of days or hours of operation of the site.
- (2) A change to a more intensive use shall be defined as:
 - (i) change in use of a site or [Structure](#) in which the Development Code requires more parking for the proposed new or modified use; or
 - (ii) that the operational characteristics are such that they generate more activity on the site, or result in an increase in the number of days or hours of operation of the site.

(b) **Applicability**

In any [Zoning District](#), except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(1) **Minor Development Projects**

Any development proposing the minor modification of a site, as determined by the [Planning Director](#), which does not meet the criteria for a [Standard](#) or [Major Development Project](#), or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a [Minor Development Project](#).

(i) **Requirements of Site Plan Review**

- a. Amendments to an approved site plan depicting the proposed modification or improvements; and
- b. Verification that the use is permitted by zoning; and
- c. Verification that adequate parking is available.

(ii) **Public Notice**

The public notice procedures of Section 21-1305(g) are not applicable.

(iii) Compliance with City Codes

- a. Only those improvements or modifications proposed and approved as a **Minor Development Project** review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the **Planning Director** to be waived for good cause shown by the applicant. The **Planning Director** may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.
- b. Existing conditions of the site are not required to become compliant with all standards of this Development Code and/or the Community Design Manual other than those standards which are deemed necessary, by the **Planning Director**, to ensure the health, safety and welfare of the public and/or user of the site.

(2) Standard Development Projects

- (i) For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:
 - a. a change in use to a less intensive use and where physical modifications to the site, excluding interior **Building** modifications, are proposed; or
 - b. a change in use to a more intensive use regardless of whether physical modifications to the site are proposed; or
 - c. the substantial modification of a site, defined as:
 - 1. The construction of any new **Building(s)** on the site; or
 - 2. The construction of any **Building** addition that contains a **Gross Floor Area** of ten percent (10%) or more of the **Gross Floor Area** of existing **Building(s)**; or
 - 3. Separate incremental **Building** additions below ten percent (10%) of the **Gross Floor Area** of existing buildings if the aggregate effect of such **Development Activity** over a period of 24 months would trigger the 10% threshold; or
 - 4. The addition of **Impervious Surface** coverage that exceeds 10% of what exists; or
 - 5. Any modification determined by the **Planning Director** to be substantial.
- (ii) For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a **Major**

Development Project, any development proposing the following shall be considered a **Standard Development Project**:

- a. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or
- b. any modification of a site which meets the following criteria or proposes the following:
 1. A modification to a site which alters the **Parking Area**, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or
 2. A development, redevelopment, or modifications to the exterior style, design or material type of a **Structure** that is subject to the **Community Design Manual**; or
 3. An outdoor dining or hospitality use in the CD and CN1 **Zoning Districts** and any outdoor dining use located in any other **Zoning District** that would result in an increase of the number of **Parking Spaces** required; or
 4. In the **IM or** IG zoning districts, the construction of one or more new **Building(s)** or building additions that contain a **Gross Floor Area** of less than fifty percent (50%) of the **Gross Floor Area** of existing **Building(s)**; or
 5. In any zoning district other than **IM or** IG, the construction of one or more new **Buildings** or building additions that contain a **Gross Floor Area** of less than twenty percent (20%) of the **Gross Floor Area** of existing **Building(s)**; or
 6. In the **IM or** IG zoning districts, the installation or addition of less than fifty percent (50%) of existing **Impervious Surface** coverage; or
 7. In any zoning district other than **IM or** IG, the installation or addition of less than twenty percent (20%) of existing **Impervious Surface** coverage; or
 8. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the **Planning Director**.

(iii) Requirements of Site Plan Review

- a. For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.
- b. For sites with an approved site plan on file at the Planning Office, the existing plan if determined appropriate by the **Planning Director**, may be amended.

(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes

- a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the [Planning Director](#) to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.
- b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the Community Design Manual as determined by the [Planning Director](#) in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) **Major Development Projects**

Any development proposing the following:

- (i) Any [Development Activity](#) on a site that is vacant or otherwise undeveloped; or
- (ii) Any [Significant Development Project](#) on a site that contains existing development, defined as:
 - a. Any modification to a site that alters [Parking Area\(s\)](#), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns; that the [Planning Director](#) determines to be significant in terms of impacting adjacent roads or adjacent properties; or
 - b. In the [IM or](#) IG zoning districts, the construction of one or more [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of fifty percent (50%) or more of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - c. In any zoning district other than [IM or](#) IG, the construction of one or more [Building\(s\)](#) or building additions that contain a [Gross Floor Area](#) of twenty percent (20%) or more, of the [Gross Floor Area](#) of existing [Building\(s\)](#); or
 - d. Separate incremental [Building](#) additions below 50% for [IM or](#) IG zoning and 20% for all other zoning districts of the [Gross Floor Area](#) of existing [Building\(s\)](#) if the aggregate effect of such [Development Activity](#) over a period of 24 consecutive months would trigger the 50% (for [IM or](#) IG) or 20% (for all other zoning districts) threshold; or

- e. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.

(iii) Requirements of Site Plan Review

Submitted site plans shall meet all the specifications of Section 20-1305(f).

(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes

Full compliance with all City Codes, including this Development Code and the Community Design Manual, is required for the entire site, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

(c) Exemptions

The following are expressly exempt from the Site Plan Review procedures of this section:

- (1) changes to Detached Dwelling(s) or Duplex(es), as well as site improvements on Lots containing Detached Dwelling(s) and Duplex(es). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a Parking Area or private recreational area, and such complex contains a combined total of four (4) Dwelling Units or more, Site Plan Review is required.
- (2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or Planned Development procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures.
- (3) changes expressly exempted from Site Plan Review process by the underlying Zoning District.
- (4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type.
- (5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior Building modifications, are proposed and where an approved site plan is not on file with the Planning Office.

- (6) any **Development Activity** on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:
 - (i) The construction of any **Building** addition that contains less than ten percent (10%) of the current **Building's Gross Floor Area**; or
 - (ii) Separate incremental **Building** additions below 10% of the **Gross Floor Area** of existing **Buildings** if the aggregate effect of such **Development Activity** over a period of 24 consecutive months would trigger the 10% threshold; or
 - (iii) The addition of **Impervious Surface** coverage that does not exceed 10% of what exists.
 - (7) any change in use, regardless of whether it is less or more intense than the current use, or any **Development Activity** in the CD district of an existing developed site where the effect of the change in use or **Development Activity** does not increase a **Building's** footprint or the number of **Building** stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than fifty (50) square feet in area, and similar appurtenances, as determined by the **Planning Director**, shall not be considered as increasing the **Building's** footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the **Historic Resources Commission**. Outdoor dining uses and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.
 - (8) changes otherwise exempted from Site Plan Review by state or federal law.
- (d) **Pre-application Meetings**
A pre-application meeting with the **Planning Director** is required at least 7 **Working Days** prior to the formal submission of a Site Plan application. See Section 20-1301(d).
- (e) **Initiation and Application Filing**
Site Plan Review applications shall be filed with the **Planning Director**. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting.
- (f) **Application Contents**
- (1) A site plan shall:
 - (i) For any Standard or Major Development Project be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;

- (ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres or at a scale determined to be appropriate by the [Planning Director](#);
- (iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;
- (iv) Show boundaries and dimensions graphically;
- (v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;
- (vi) Show existing conditions of the site:
 - a. Show existing public and [Private Street](#) system,
 - b. platted or unplatted Ownership,
 - c. type and location of [Structures](#),
 - d. curb cuts on adjacent properties and along the opposite side of the street.
- (vii) Show topography extending 50 feet beyond the outside boundaries of the proposed site plan;
- (viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;
- (ix) Show the location of existing utilities and [Easements](#) on and adjacent to the site including
 - a. Show the location of power lines, telephone lines, & gas lines.
 - b. Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.
- (x) Show the location of ground mounted transformers and air conditioning units and how such units shall be screened if visible from the Street or when adjacent to a [Structure](#) on an adjoining [Lot\(s\)](#). In any instance, the location of such units shall occur behind the Front and [Side Setback](#) lines as set forth in Section 20-601 in the [Density](#) and Dimensional Standards Tables;
- (xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by [City Regulations](#), and provide on the site plan a site summary table, in the format noted below, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a [Building\(s\)](#); development as a paved surface; undeveloped and planted with grass, [Ground Cover](#), or similar vegetative surface.

| <i>PROPERTY SURFACE SUMMARY</i> | | | |
|--|---------------------------------|--|---------------------------------|
| <i>Summary of Existing Conditions</i> | | <i>Summary after project completion</i> | |
| <i>Total Buildings</i> | <i># ft.²</i> | <i>Total Buildings</i> | <i># ft.²</i> |
| <i>Total Pavement</i> | <i># ft.²</i> | <i>Total Pavement</i> | <i># ft.²</i> |
| <i>Total Impervious</i> | <i># ft.²</i> | <i>Total Impervious</i> | <i># ft.²</i> |
| <i>Total Pervious</i> | <i># ft.²</i> | <i>Total Pervious</i> | <i># ft.²</i> |
| <i>Total Property Area</i> | <i># ft.²</i> | <i>Total Property Area</i> | <i># ft.²</i> |

- (xii) Show the location of existing and proposed **Structures** and indicate the number of stories, **Floor Area**, and entrances to all **Structures**;
- (xiii) Show the location and dimensions of existing and proposed curb cuts, **Access** aisles, off-street parking, loading zones and walkways;
- (xiv) Indicate location, height, and material for **Screening** walls and fences;
- (xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;
- (xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior **Landscaping** including grass, **Ground Cover**, trees and **Shrubs**;
- (xvii) The proposed use, the required number of off-street **Parking Spaces**, and the number of off-street **Parking Spaces** provided shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;
- (xviii) Designate a trash storage site on each site plan appropriate for the number of occupants proposed. The size of the trash storage receptacle, its location and an elevation of the enclosure shall be approved by the Director of Public Works prior to approval of the site plan. If a modification to the location of the trash storage area is required during the construction phase or thereafter, both the Planning and Public Works Directors must approve the modification before a revised site plan can be approved.
- (xix) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that **Zoning District** under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be

developed in which order and showing in which phases the [Easements](#), [Driveways](#), [Parking Areas](#) and [Landscaping](#) will be included. The [Planning Director](#) may require adjustments in the provision of [Easements](#), [Driveways](#), [Parking Areas](#) and [Landscaping](#) among the various phases as a condition of approval;

(xx) Provide at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate [Building](#) shape, [Height](#), and [Screening](#) proposed and to determine compliance with the Community Design Manual.

a. Photographs of the property may be submitted when no physical changes to the building facades are proposed.

(xxi) Show the intersection visibility triangle required in Section 20-1102.

(xxii) Show the location and height of any sign structures that would not be located on a [building](#).

(2) A note shall be provided on the site plan for a public or governmental [Building](#)(s) and facility(ies) indicating that it has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for [Buildings](#) and facilities, appendix A to 28 CFR Part 36.

(3) If the site plan is for a multiple-[Dwelling](#) residential [Structure](#) containing at least four (4) [Dwelling Units](#), a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.

(4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on [Screening](#) proposed for the lighting and steps taken to prevent glare.

(g) **Public Notice**

(1) Notice of the proposed site plan shall be posted on the property covered by the site plan, in accordance with Section 20-1301(q)(4). In addition, written notice of the proposed site plan shall be mailed to the [Owner](#) of record of all property within 200 feet of the subject property, and to all [Registered Neighborhood Associations](#) whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the Site Plan application. An application for Site Plan Review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:

(i) a brief description of the proposed [Development Activity](#);

(ii) the projected date for construction of the proposed use;

- (iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;
- (iv) the date the site plan application will be submitted to the [Planning Director](#) for review; and a Statement with substantially the following information:

Notice of Site Plan Review pending before the Lawrence Douglas County Planning Office

This letter is being sent to the [Owner](#) of property within 200 feet of, or a [Registered Neighborhood Association](#) encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise nearby [Landowners](#) of the pending proposed development. This letter does not grant the recipient and/or [Landowners](#) any additional rights to challenge this proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Office at (785) 832-3150.

- (2) The failure to receive notice of Site Plan Review by an adjoining [Landowner](#) or [Registered Neighborhood Association](#) will not affect the validity of Site Plan approval or review.

(h) **Staff Review/Action**

The [Planning Director](#) will review each Site Plan application and, within 30 days, the [Planning Director](#) shall take one of the following actions:

- (1) approve the Site Plan application;
- (2) identify those modifications that would allow approval of the Site Plan application;
- (3) approve the Site Plan application with conditions; or
- (4) disapprove the Site Plan application.

(i) **Notice of Decision**

Notice of the decision, including the [Planning Director's](#) findings and basis for decision in light of the criteria of Section 20-1305(j), shall be mailed to the applicant and all other parties who have made a written request for notification.

(j) **Approval Criteria**

In order to be approved, a Site Plan shall comply with all of the following criteria:

- (1) the site plan shall contain only platted land;
- (2) the site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;
- (3) the proposed use shall be allowed in the District in which it is located or be an allowed nonconforming use;
- (4) vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or [Access Management](#) policies; and,
- (5) the site plan shall provide for the safe movement of pedestrians on the subject site.

(k) **Appeals**

Appeals of the [Planning Director](#)'s decision on a Site Plan application may be taken to the City Commission by filing a notice of appeal with the [Planning Director](#). Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(l) **Right to Appeal**

The following persons and entities have standing to appeal the action of the [Planning Director](#) on applications for Site Plan approval:

- (1) the applicant;
- (2) the City Commission;
- (3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or
- (4) record [Owner](#) of all property within 200 feet of the subject property.

(m) **Action on Appeal**

- (1) The City Commission shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the City Commission's meeting shall be provided to the appealing party and the applicant a minimum of 14 days prior to the Commission's meeting.
- (2) After considering the matter, the City Commission shall act on the original Site Plan application, applying the criteria of Section (j), taking action as provided in Section (h) and giving notice of its decision as provided in Section 20-1305(i).

(n) **Modifications to Approved Site Plans**

- (1) An applicant who wishes to alter or revise an approved Site Plan shall contact the [Planning Director](#).
- (2) The [Planning Director](#) is authorized to approve, without public notice, any modification that complies with the approval criteria of Section (j) as long as the [Planning Director](#) determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding [Landowners](#).
- (3) Any other modification may be approved only after re-notification in accordance with Section 20-1305(g). The action of the [Planning Director](#) on such an application shall be reported in a staff report at the next meeting of the City Commission and shall be appealable by any party aggrieved within 15 days of such meeting, in accordance with the appeal procedures of Section 20-1311.

(o) **Expiration; Vesting of Rights**

- (1) In the event the [Landowner](#) fails to obtain a [Building](#) Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:

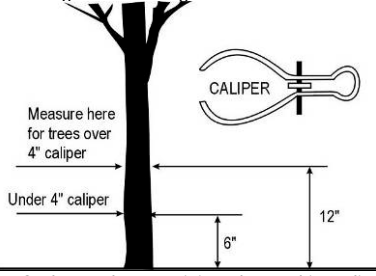
- (i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension or modification may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the Site Plan. The [Planning Director](#) shall place such request, with any recommendation of the [Planning Director](#) on the agenda of the City Commission.

The [Planning Director](#) shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the [Planning Director](#) and may hear from other interested parties.

- (ii) No action by the City shall be necessary to cause the Site Plan to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a [Building](#) Permit or for other [Development Activity](#) on the site shall be considered as though the Site Plan had not been granted.
- (2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related [Building](#) Permit is issued and substantial construction is begun in reliance on that permit.
- (3) Rights in an entire Site Plan shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial [Building](#) Permit and completion of construction in accordance with that [Building](#) Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

20-1701 GENERAL TERMS

| Term | Definition |
|---|---|
| Access | A way or means of approach to provide vehicular or pedestrian physical entrance to a property. |
| Access, Cross | A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system. |
| Access Management | The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed. |
| Accessory Dwelling Unit | A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling . |
| Accessory Structure | A subordinate Structure , the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use. |
| Accessory Use | A use that is clearly incidental to, customarily found in connection with, and (except in the case of off- Street Parking Space) located on the same Lot as the Principal Use to which it is related. |
| Accessway , also Access Drive | Any Driveway , Street , turnout or other means of providing for the movement of vehicles to or from the public roadway system. |
| Adult Care Home | See Group Home |
| Agent (of Owner or Applicant) | Any person who can show certified written proof that he or she is acting for the Landowner or applicant. |
| Airport/Lawrence Municipal Airport | The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas. |
| Airport Hazard | Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft. |
| Alley | A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property. |
| Antenna | Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building . The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure . |
| Antenna, Receive-Only | An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes . |
| Antenna, Amateur Radio | An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna . |
| Arterial | A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended. |
| Arterial Street, Minor | A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City. |
| Arterial Street, Principal | A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City. |
| Assisted Living | Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care. |
| Basement | Any floor level below the first Story in a Building , except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein. |
| Base Density | The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of dwelling units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property. |
| Base District | Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings , or use of land, and other regulations relating to the development or maintenance of existing uses or Structures , are uniform; but not including Overlay Zoning Districts . |

| Term | Definition |
|---|---|
| Base District, Special Purpose | A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas. |
| Berm | An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise. |
| Bicycle | A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel. |
| Bicycle- Parking Space | An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage. |
| Big Box | See Retail Establishment, Large . |
| Block | A Parcel of land entirely surrounded by public Streets , highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof. |
| Block Face | That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets . |
| Bufferyard | A combination of physical space and vertical elements, such as plants, Berms , fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other. |
| Build-to-Line (minimum Building setback) | An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way. |
| Building | Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building , except as regards minimum Side Setback requirements as herein provided. |
| Building Coverage (Changes pending TA-8-12-11) | Building coverage refers to the total area of a Lot covered by Buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than Open Porches, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as Building coverage. |
| Building Envelope | The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District , or as modified pursuant to a Variance , a site review, or prior City approval. |
| Building Frontage | That portion of a Building or Structure that is adjacent to or faces the Public Frontage. |
| Building, Principal | A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District , any Dwelling shall be deemed to be the Principal Building on the site on which the same is located. |
| Building Type (also referred to as housing type) | A residential Structure defined by the number of Dwelling Units contained within. |
| Caliper | The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes.  |
| City Regulations | Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City. |
| Clear Zone | An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade. |
| Cross Access Agreement | A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements , licenses or other continuing rights for Access across one property to one or more other properties. |

| Term | Definition |
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| Collector Street | A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets . |
| Collector Street, Minor | See Collector, Residential |
| Collector Street, Residential | Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system. |
| Collector Street System | A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets . |
| Common Open Space | Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space , except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements. |
| Comprehensive Plan also Comprehensive Land Use Plan | The Lawrence/Douglas County Comprehensive Plan , also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission , as amended or superceded by adoption of a replacement plan from time to time. |
| Congregate Living | A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory , fraternity or sorority house, Assisted Living , Extended Care Facility , Group Home or similar group living use. |
| Conservation Easement | A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code. |
| Deciduous | A tree or Shrub with foliage that is shed annually. |
| Deferred Item | An item that has been deferred from a published agenda by the Planning Director , Planning Commission or the City Commission (City or County Commission), or by the applicant. |
| Density | A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre. |
| Density Bonus | An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas. |
| Density Cap | Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre). |
| Density, Gross | The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets . |
| Density, Net | The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets . |
| Designated Transit Route | Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system. |
| Development Activity | Any human-made change to Premises , including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration , or partial or total demolition of Buildings and Structures ; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land. |

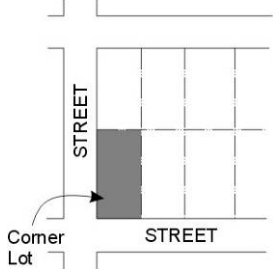
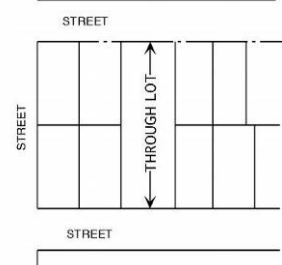
| Term | Definition |
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| Development Project, Major (Ord. 8465) | <p>Any development proposing the following:</p> <ol style="list-style-type: none"> a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: <ol style="list-style-type: none"> 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IM or IG zoning districts, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IM or IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage. |
| Development Project, Minor (Ord. 8465) | <p>Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.</p> |

| Term | Definition |
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| Development Project, Standard (Ord. 8465) | <ol style="list-style-type: none"> a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: <ol style="list-style-type: none"> 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: <ol style="list-style-type: none"> a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: <ol style="list-style-type: none"> 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: <ol style="list-style-type: none"> a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IM or IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IM or IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IM or IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director. |
| Development Zone, Primary | Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development. |
| Development Zone, Secondary | Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development. |
| Development Zone, Tertiary | Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development. |
| Dependent Living Facility | See Extended Care Facility |

| Term | Definition |
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| Director, Planning | See Planning Director |
| Distance Between Structures | The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls. |
| District, Zoning | A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter. |
| Dormitory | A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building . |
| Drip Line | An imaginary ground line around a tree that defines the limits of the tree canopy. |
| Driveway | A private drive or way providing Access for vehicles to a single Lot or facility. |
| Driveway, Joint-Use | A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park. |
| Driveway, Shared | A single Driveway serving two or more adjoining Lots . |
| Driveway Apron (or Approach) | The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line . |
| Dwelling | A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home . |
| Dwelling Unit | One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette. |
| Easement | A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access , and roadways. |
| Effective Date | The date the ordinance adopting this Development Code takes effect. |
| Elderhostel | A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building . |
| Evergreen (Coniferous) Tree | An Evergreen Tree , usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet. |
| Extended Care Facility (Dependent Living or Nursing Care Facility), General | A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services. |

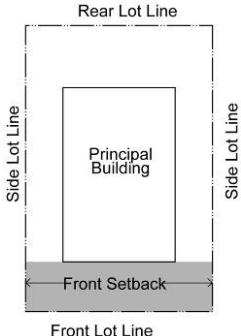
| Term | Definition |
|--|---|
| Extended Care Facility (Dependent Living or Nursing Care Facility), Limited | A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services. |
| Extended Stay Lodging | A Building , including a single Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City. |
| Exterior Storage | Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas. |
| Facade | Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details. |
| Family | (1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District , a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Congregate Living , motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit , as distinguished from a group occupying a Dormitory , Congregate Living , motel, hotel, fraternity house or sorority house. |
| Floodplain | The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study. |
| Floor Area | The sum of the horizontal areas of each floor of a Building , measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings . |
| Floor Area, Gross | The sum of the horizontal areas of the several stories of a Building , measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings , from the centerline of such common wall. |
| Floor Area, Net | The horizontal area of a floor or several floors of a Building or Structure ; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure , such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls. |
| Floor Area Ratio (F.A.R.) | The sum of the horizontal areas of the several floors inside the exterior walls (<i>excluding basements</i>) of a Building or a portion thereof divided by the Lot Area . |
| Foot-candle | A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot. |
| Frontage | All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended , then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End . |
| Frontage Road, Private | Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above. |
| Grade | The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building , between the Building and a line five feet from the Building . |
| Greek Housing | A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year. |
| Ground Cover | Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches. |
| Ground Floor | A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade . |

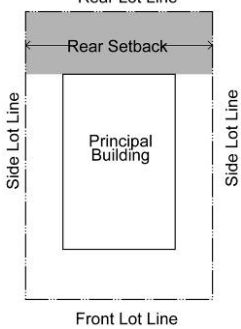
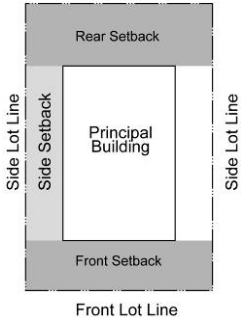
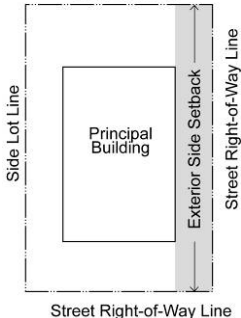
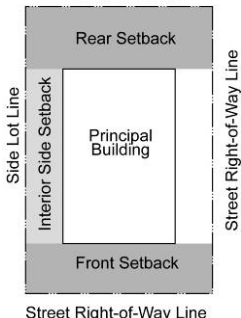
| Term | Definition |
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| Group Home (or Adult Care Home), General | Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin. |
| Group Home (or Adult Care Home), Limited | Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). |
| Growing or Planting Season | From the beginning of March to the end of June and from the beginning of September to the beginning of December. |
| Height (Building) | Refers to the vertical distance from the finished Grade , or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof. |
| Historic Resources Commission (HRC) | The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence |
| Home Occupation | An Accessory Use that complies with the provisions of Section 20-537. |
| Housekeeping Unit | A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family . |
| Housing for the Elderly | See Assisted Living or Extended Care Facility |
| HRC | See Historic Resources Commission |
| Hydrologic and Hydraulic Study | See Hydrologic and Hydraulic Study definition in Section 20-1205 |
| Impervious Surface | That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material. |
| Inactive File | An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis. |
| Infrastructure | Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops. |
| Jurisdictional Wetland | Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA). |
| Landowner | See Owner |
| Landscaped Peninsula | A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles. |
| Landscape Material | Such living material as trees, Shrubs , Ground Cover /vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc. |
| Landscaping | Any combination of living plants such as trees, Shrubs , plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches , topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees. |
| Licensed Premises | A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations . |

| Term | Definition |
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| 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. |
| Livestock | Any animal customarily kept for producing food or fiber. |
| Local Street | A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic. |
| Local Street System | A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood. |
| Lot | A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed. |
| Lot Area | The total horizontal area within the Lot Lines of a Lot . |
| Lot Frontage | See Frontage |
| Lot, Corner | <p>A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot.</p>  |
| Lot, Through | <p>A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot.</p>  |
| Lot Depth | The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot . |
| Lot Line | A boundary of a Lot . |
| Lot Line, Exterior Side | A Side Lot Line separating a Lot from a Street other than an Alley . |
| Lot Line, Front | The Street Line at the front of a Lot . On Corner Lots , the Landowner may choose either Street Frontage as the Front Lot Line . |
| Lot Line, Rear | The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line . A triangular Lot has no Rear Lot Line . |
| Lot Line, Side | A Lot Line that is not a Front Lot Line or Rear Lot Line . |
| Lot Width | Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof. |
| Manufactured Home | Any Structure that is manufactured to the standards embodied in 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, but does not comply with the standards and provisions of Section 20-513. |

| Term | Definition |
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| Manufactured Home, Residential-Design | Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098) |
| Massing | The size and shape of Structure(s) individually and their arrangements relative to other Structure(s) . |
| Mature Trees, Stand of | An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aeriels; and field surveys.) |
| Minimum Elevation of Building Opening | The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening. |
| Mixed Use | The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit. |
| Mixed Use Structure, Horizontal | A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure . |
| Mixed Use Structure, Vertical | A Building or Structure , a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure . |
| Mobile Home | Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park . |
| Moderately-Priced Dwelling Unit | A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines. |
| Mulch | Non-living organic material customarily used to retard soil erosion and retain moisture. |
| Native Prairie Remnants | Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office. |
| Natural Drainageway | Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character. |
| Natural Open Space | Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands . |
| Nodal Development Plan | A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node . |
| Node | An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses. |
| Non-encroachable Area | That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity , excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc. |
| Nursing Care Facility | See Extended Care Facility |
| Official Zoning District Map | A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas. |
| Open Porch | A roofed space attached to a Building on one side and open on the three remaining sides. |
| Open Use of Land | A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures . Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks. |
| Ornamental Tree | A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet. |

| Term | Definition |
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| Outdoor Use Zone | An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs . |
| Overlay Zoning District (or Overlay Zoning District) | Any Zoning District included in this Development Code with the word “overlay” in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code. |
| Owner | An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser’s assessment roll. |
| Parcel | A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity. |
| Parking Access | Any public or private area, under or outside a Building or Structure , designed and used for parking motor vehicles including parking Lots , garages, private Driveways and legally designated areas of public Streets . |
| Parking Area | An area devoted to off- Street Parking of vehicles on any one Lot for public or private use. |
| Parking Space | A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area . Typically Parking Spaces for private uses are located off the public right-of-way. |
| Peak Hour | The four (4) highest contiguous 15-minute traffic volume periods. |
| Pedestrian Scale (human scale) | Means the proportional relationship between the dimensions of a Building or Building element, Street , outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. |
| Planned Development | Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District , for a number of Dwelling Units , office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District. |
| Planning Commission | The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969. |
| Planning Director | The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee. |
| Premises | A Lot , together with all Buildings and Structures thereon. |
| Principal Building | See Building , Principal |
| Principal Use | The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use . |
| Public Frontage | The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture. |
| Public Frontage, Primary | The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures . Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture. |
| Public Frontage, Secondary | The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area. |
| Public Frontage, Tertiary | The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5’ wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination. |
| Recreational Open Space | Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables. |

| Term | Definition |
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| Recyclable Materials | Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes. |
| Registered Neighborhood Association | A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director . |
| Regulatory Flood | See Base Flood definition in Article 12. |
| Regulatory Floodplain | See Floodplain definition in Article 12. |
| Regulatory Floodway | See Floodway definition in Article 12. |
| Regulatory Floodway Fringe | See Floodway Fringe definition in Article 12. |
| Residential Collector | See Collector, Residential |
| Residential-Design Manufactured Home | See Manufactured Home, Residential-Design |
| Retail Establishment, Large | An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building . |
| Retail Establishment, Medium | An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area . |
| Retail Establishment, Specialty | An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building . A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it. |
| Root System Zone | A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone. |
| Sadomasochistic Practices | Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked. |
| Satellite Dish | A dish Antenna , with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building . |
| Scale | A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces. |
| Screen or Screening | A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms , or densely planted vegetation, or other means approved by the Planning Director . |
| Setback | The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e)) |
| Setback, Front | <p>The Setback required between a Building and the Front Lot Line.</p>  |

| Term | Definition |
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| Setback, Rear | <p>The Setback required between a Building and the Rear Lot Line.</p>  |
| Setback, Side | <p>The Setback required between a Building and the Side Lot Line.</p>  |
| Setback, Side (Exterior) | <p>The Setback required between a Building and the Exterior Side Lot Line.</p>  |
| Setback, Side (Interior) | <p>The Setback required between a Building and the Interior Side Lot Line.</p>  |
| Sexually Oriented Media | Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas . |
| Sexually Oriented Novelties | Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs. |
| Shade Tree | Usually a Deciduous tree, rarely an Evergreen ; planted primarily for its high crown of foliage or overhead Canopy . |
| Shared Parking | Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties. |

| Term | Definition |
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| 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. |
| Significant Development Project | <ol style="list-style-type: none"> Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or In the IM or IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IM or IG) or 20% (for all other zoning districts) threshold; or The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage. |
| Slip Road | A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads. |
| Special Purpose Base District | See Base District , Special Purpose |
| Specified Anatomical Areas | (1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered. |
| Specified Sexual Activities | Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast. |
| Story | That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story . |
| Stream Corridor | A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way. |
| Street, Arterial | Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations. |
| Street, Collector | A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets . Collectors do not typically accommodate long through trips and are not continuous for long distances. |
| Street, Cul-de-sac | A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end. |
| Street, Dead-End | A Street having only one outlet and which does not benefit from a Turnaround at its end. |
| Street, Expressway | Any divided Street or highway with no Access from Abutting property and which has either separated or at- Grade Access from other public Streets and highways. |
| Street, Freeway | Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways. |
| Street, Limited Local | A Local Street providing Access to not more than eight Abutting single-Family residential Lots . |

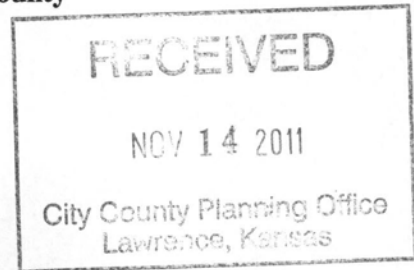
| Term | Definition |
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| Street, Local | Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged. |
| Street, Marginal Access | A Street that is generally parallel and 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 | Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public. |
| Street, Public | A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys. |
| Street, Ultimate Design | The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan . |
| Street Line | The line separating the Street right-of-way from the abutting property. |
| Street Tree and Furniture Zone | An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops. |
| Streetscape | The built and planned elements of a street that define the street's character. |
| Structural Alteration | Any change in the supporting or structural members of a Building , including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings. |
| Structure | A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes . |
| Subsurface Utility Zone | A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities. |
| Thoroughfare | Any public right-of-way that provides a public means of Access to abutting property. |
| Tract (of land) | An area, Parcel , site, piece of land or property that is the subject of a development application or restriction. |
| Transitional Use | A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses. |
| Tree Protection | Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects. |
| Trip Generation | The total number of vehicle trip ends produced by a specific land use or activity. |
| Unnecessary Hardship | The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship . |
| Vertical Mixed Use Structure | See Mixed Use Structure, Vertical |
| Woodlands | Natural hardwood forests, whether or not actively forested. |
| Working Days | Monday through Friday, 8AM to 5PM excluding city holidays |

| Term | Definition |
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| Yard | <p>Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. “Yard” refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard or open area (referred to as a “Setback”).</p> |
| Yard, Front | A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line . |
| Yard, Rear | A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line . |
| Yard, Required | The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot . |
| Yard, Side | A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard , or in the absence of either of such front or Rear Yards , to the front or Rear Lot Lines . Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot . |
| Zoning District | A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter. |

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

November 13, 2011



Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; INDUSTRIAL DISTRICTS (MJL)

Dear Chairman Hird and Planning Commissioners:

We support the concept of having a Medium Industrial District such as recommended here, an intermediate industrial district that accommodates less intensive and objectionable uses so as to be more compatible with a greater variety of environments. Preserving the industrial nature of the district by not including commercial uses is very important. Industrial districts are essential for the economic health of our community, but also, because industrial districts tend to develop over longer periods of time, their type of land use must be protected from incursive, non-industrial uses that would eliminate their original purpose. It is also very needful that the permitted uses, as well as those included as special uses in this medium industrial district, be compatible with a wider range of locations than the more intensive industrial district we now have.

In order to promote predictability and stability of other areas—residential neighborhoods, for example—we believe that it is very important for the type of uses permitted in this new district to truly reflect the original intention of the IM district. For this reason, we examined the uses, both permitted and those permitted with Special Use Permits, for what we consider consistency with these concepts. We found a number of uses that could be questionable. Because this IM District is intended to be compatible in more locations than is the IG District, it would be unfortunate to include uses that could be disruptive. We have created a partial list of what we consider questionable uses included in this new district, which is attached to this letter with our annotations. We suggest that you defer adopting this text amendment until you can study it in detail.

We also hope that the concept of attempting to create a more compatible industrial district will be successful because it is important for the efficient function of our city that these areas be in convenient locations to give employees easy access to public, bicycle and pedestrian transportation.

Thank you for considering our letter.

Sincerely yours,

Caleb Morse
Secretary and Board Member

Alan Black, Chairman
Land Use Committee

Attachment

Why remove
compatibility
as a concept?
The whole idea
of the Medium
Industrial
District is to
make it more
compatible and
stable than is
the IG District.

– IM District

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

– IG District

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

The IG, General Industrial District, is intended to accommodate high-impact industrial facilities and wholesale, storage and distribution operations with external impacts such as exterior storage of materials on site, noise, vibration, and odors.

• Article 4 – Use Table

SUPs work
only where
established
neighborhoods
exist. They are
useless in
newly
developing
areas for
integrating uses
compatibly.

The addition of the IM District column was made to the table. In addition to assigning uses to the IM District, some changes to the uses permitted in the IL and IG Districts are proposed. These proposed changes should not have any effect on existing businesses. The revisions are proposed to create hierarchical differences amongst the districts and to eliminate the potential use of the industrially-zoned inventory for other uses. Though the intent was to create a hierarchical difference among the districts, certain uses could not be changed in the IL District in order to avoid creating nonconforming uses for existing businesses.

Some of the more intense uses permitted outright in IG District are permitted with a Special Use Permit in the IM District and are not permitted at all in IL District. This is by design, in that some industrial uses can be appropriate depending on the location of the use and its surroundings. In these instances, the IM District provides for certain, more intense uses with an SUP approval.

Below is a list of the uses permitted, permitted as an accessory use or with a special use permit in the IM District. Changes to the other districts are also highlighted.

- Day Care Center – Accessory use
- Detention Facility – Special use
- Postal and Parcel Service – Permitted
- Public Safety – Permitted
- Utilities, Minor – Permitted/Special Use
- Utilities and Service, Major – Permitted
- Passive Recreation
 - IL: Changed from permitted to accessory use
 - IM: Accessory use
 - IG: Changed from permitted to accessory use
- Nature Preserve/Undeveloped
 - IL: Changed from permitted to accessory use
 - IM: Accessory use
 - IG: Changed from permitted to accessory use
- Livestock Sale
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Administrative and Professional – Accessory use

- Office Other – Accessory use
- Accessory Parking – Accessory use
- Commercial Parking – Permitted use
- Building Maintenance – Permitted use
- Business Equipment – Permitted use
- Business Support – Permitted use
- Vehicle Cleaning – Accessory use
- Fleet Storage – Permitted use
- Gas and Fuel Sales
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Heavy Equipment Repair
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Heavy Equipment Sales/Rental
 - IL: Changed from permitted to not permitted
 - IM: Special use
- Inoperable Vehicles Storage
 - IL: Changed from permitted to not permitted
 - IM: Special use
- RV and Boats Storage
 - IG: Changed from permitted use to not a permitted use
- General Industrial – Permitted use
- Laundry Service – Permitted use
- Manufacturing and Production, Limited – Permitted use
- Manufacturing and Production, Technological – Permitted use
- Research Service – Permitted use
- Scrap and Salvage Operation
 - IL: Changed from special use to not permitted
- Exterior Storage – Accessory use
- Heavy Wholesale, Storage and Distribution
 - IL: Changed from special use to not permitted
 - IM: Special use
- Light Wholesale, Storage and Distribution – Permitted use
- Adaptive Reuse Designated Historic Property – Special use
- Crop Agriculture – Permitted use
- Amateur and Receive-Only Antennas – Accessory use
- Broadcasting Tower – Permitted use
- Communications Service Establishment
 - IG: Changed from permitted use to not permitted use
- Telecommunications Antenna – Accessory use
- Telecommunications Tower
 - IM: Permitted use
 - IG: Changed from special use to permitted use
- Satellite Dish – Accessory use
- Large Collection Recycling Facility
- Small Collection Recycling Facility
 - IG: Changed from permitted use to not permitted use

Questionable. Needs to be for use of customers or employees in IM Districts only.

Why allow this here? Is potentially disruptive.

This is akin to commercial use

This is getting close to being a salvage yard

Change term to "Moderate Industrial"

This can be polluting: ex. processing

Is this defined?

Look up definition

20-1735 INDUSTRIAL, GENERAL
Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require Federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
(i) continuous, frequent, or repetitive noises or vibrations;
(ii) noxious or toxic fumes, odors, or emissions;
(iii) electrical disturbances; or
(iv) night illumination into residential areas.
(1) Exceptions
Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources. [Note: the exceptions could make this an intensive industrial use. Requires constant monitoring. Not good.]

(ii) Allowed collection facilities

- a. Mobile collection units such as all-weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;
- b. Reverse vending machines or kiosks that may include permanent Structures. Reverse vending machines and kiosks may be located indoors or outdoors adjacent to the main entryway of a Building and are not required to be located within the area designated on the site plan for the Small or Large Collection Recycling Facility.
- c. Indoor facilities, ancillary to the primary activity of a business or organization which is exempt from these standards.

– **Processing Center Recycling Facility**

- IL: Changed from permitted use to not permitted use
- IM: **Special use** This potentially could be a nuisance requiring constant monitoring.
- GPI: Changed from not permitted use to permitted use

• **Article 5 – Use Regulations**

Article 5 speaks to specific use regulations. Section 20-538, Exterior Storage, is the only section with proposed changes. This section specifically references industrial districts, where exterior storage can be located on the industrial lots, screening requirements, and the surfacing required. The IM District is proposed to be referenced where the IL and IG Districts are referenced.

• **Article 6 – Density and Dimensional Standards**

The proposed changes to the Density and Dimensional Standards article add standards for the IM District. Staff is proposing the IM District have the same Density and Dimensional Standards as the IL District. The items highlighted in blue are proposed changes with the RS protections (TA-8-12-11) text amendment that the PC recommended approval of in October. These amendments are tentatively scheduled to be considered the City Commission on December 6th.

| Standard | CN1 | CO | CN2 | CD | CC | CR | CS | IBP/GPI/ H [40] | IL/IM | IG | OS |
|---|----------------------|----------------------|------------------|--------|----------------------------|----------------------------|----------------------|--------------------|---------------------|-------------------------|--------|
| Min. Site Area | 5,000 sq. ft. | 5,000 sq. ft. | 2 Ac. | 2,500 | 5 Ac. | 40 Ac. | - | 5 Ac. | 20,000 sq. ft. | 5,000 sq. ft. | - |
| Max. Site Area | 1 Ac. | - | 15 Ac. | - | - | - | - | - | - | - | - |
| Min. Lot Area (sq. ft.) | 5,000 | 5,000 | 20,000 | 2,500 | 20,000 | 20,000 | 5,000 | 20,000 | 20,000 | 5,000 | - |
| Min. Lot Width (ft.) [42] [10] | 50 | 50 | 100 | 25 | 100 | 150 | 50/100 | 200 | 100 | 50 | - |
| Min. Setbacks (ft.) | | | | | | | | | | | |
| Front [9] | [6] | 20 | 20 | 0 | 25 | 25 | 25 | [1] | [1] | [1] | [3] |
| Side (Exterior) [2][9] [8] | [3]/20 | [3]/20 | [3]/20 | [3]/0 | [3]/20 | [3]/20 | [3]/15 | [1] | [1] | [1] | 35 |
| Side (Interior-adj. R) [9] [8] | 10 | 20 25 | 20 25 | 20 | 25 | 45 | 12 | [1] | [1] | [1] | 20 |
| Side (Interior-adj. Non-R) | 0 | 5 | 0 | 0 | 0 | 0 | 0 | [1] | [1] | [1] | 15 |
| Rear (adj. RS) [4] [8] | 25/[3] | 25/[3] | 25/[3] | 10/[3] | 25/[3] | 30/[3] | 25/[3] | [1] | [1] | [1] | 10/[3] |
| Rear (adj. Non-RS) [4][9] [8] | 20/25 | 15/25 | 20/25 | 0 | 12/25 | 30 | 12/25 | [1] | [1] | [1] | 0 |
| Max. Front Setback | [6] | NA | NA | 5[7] | 20 | 0 | NA | NA | NA | NA | NA |
| Max. Lot Coverage (%) | 65 | 65 | 75 | 100 | 85-80 | 80-75 | 80 | 65 | 85-75 | 85-75 | NA |
| Max. Bldg. Coverage (% of site) | [5][44] [9] | [5][44] [9] | [5][44][9] | | [5][44] [9] | [5][44] [9] | [5][44] [9] | [5][44][9] | [5][44][9] | [5][44] [9] | |
| Max. Impervious Lot Surface Coverage (%) | 75 [5][44] [9] | 75 [5][44] [9] | 80 [5][44][9] | 100 | 80 85[5] [8][44] [9] | 75 80[5] [8][44] [9] | 80 [5][44] [9] | 75 [5][44][9] | 75-85 [5][44][9] | 75-85 [5][44] [9] | NA |
| Min. Outdoor Area (per unit) | | | | | | | | | | | |
| Area (sq. ft.) | 50 | - | 50 | - | - | - | 50 [5][44] [9] | - | - | - | - |
| Dimensions (ft.) | 5 | - | 5 | - | - | - | 5 [5][44] [9] | - | - | - | - |
| Max. Height (ft.) [43] | 25 | 50 | 45 | 90 [7] | 50 | 75 | 45 | 60 | 45 60 | 75 | 35 |

[1] Minimum Setbacks are as follows:

| District | Abutting Street Right-of-Way | | Abutting Other Lot Lines | |
|----------|------------------------------|-----------------------------|--------------------------|----------------|
| | Across From R | Across From Non- R District | Abutting R | Abutting Non-R |

2012
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MEETINGS AND SUBMITTAL DEADLINES

| Submittal Deadline | | Planning Commission Meetings | | City Commission Meetings | | County Commission Meetings | |
|---|---|------------------------------|--------------|--------------------------|--------|----------------------------|--------|
| | | 6:30 PM | | Tuesdays ** | | Wednesdays ** | |
| Monday 3PM | | Monday | & Wednesday | | | | |
| Nov 21, 2011 | | Jan 23 | Jan 25 | Feb 7 | Feb 14 | Feb 8 | Feb 15 |
| Dec 19, 2011 | | --- | Feb 22 | Mar 6 | Mar 13 | Mar 7 | Mar 14 |
| Jan 23, 2011 | | Mar 26 | Mar 28 | Apr 10 | Apr 17 | Apr 11 | Apr 18 |
| Feb 21 | | Apr 23 | Apr 25 | May 8 | May 15 | May 9 | May 16 |
| Mar 19 | | May 21 | May 23 | Jun 5 | Jun 12 | Jun 6 | Jun 13 |
| Apr 23 | | Jun 25 | Jun 27 | Jul 10 | Jul 17 | Jul 11 | Jul 18 |
| May 21 | | Jul 23 | Jul 25 | Aug 7 | Aug 14 | Aug 8 | Aug 15 |
| Jun 18 | | Aug 20 | Aug 22 | Sep 4 | Sep 11 | Sep 5 | Sep 12 |
| Jul 23 | | Sep 24 | Sep 26 | Oct 9 | Oct 16 | Oct 10 | Oct 17 |
| Aug 20 | | Oct 22 | Oct 24 | Nov 6 | Nov 13 | Nov 7 | Nov 14 |
| Sep 10 | | Nov 12 | Nov 14 | Nov 27 | Dec 4 | Nov 28 | Dec 5 |
| Oct 8 | | Dec 10 | Dec 12 | --- | Jan 8 | Jan 2 | Jan 9 |
| Nov 19 | | --- | Jan 23, 2013 | Feb 5 | Feb 12 | Feb 6 | Feb 13 |
| Dec 17 | | Feb 25 | Feb 27, 2013 | Mar 5 | Mar 12 | Mar 6 | Mar 13 |
| | | | | | | | |
| | Complete applications submitted by the deadline day will be <i>tentatively</i> placed on the agenda as shown. More complex projects may take additional time. Deficiencies in submitted plans will be discussed at the applicant's review meeting and revised plans must be submitted by the deadline established by project planner to remain on the scheduled agenda. | | | | | | |
| | Deadlines pertain to submittal of completed applications including fees, property owner list, plan and electronic copies. Extensions will not be granted. Deadlines are on Tuesdays if the designated Monday is a holiday. | | | | | | |
| ** | Public Hearing items which have 14 day protest period will not be forwarded to Governing Body prior to dates listed and contingent upon PC meeting minutes preparation. Governing Body dates subject to change. | | | | | | |
| Written Communications | Communications must be received by the Planning Office by 10AM on the day of the first PC meeting. | | | | | | |
| Deferred Items | <i>New information or revised plans for deferred items must be submitted to the Planning Office for review by the submittal deadline dates established above to be place on a future PC meeting agenda.</i> | | | | | | |
| Meeting Locations | The Planning Commission and City Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets. The Board of County Commissioners meetings are on the 2 nd floor of the County Courthouse located on the southeast corner of 11 th & Massachusetts Streets. | | | | | | |
| Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds | | | | | | | |

Revised 10/13/11