



# The Research Gateway

## K-10 Highway & Bob Billings Parkway Interchange

### Lawrence, Kansas

## Appendix J

## Lawrence-Douglas County Land Development Code

The Land Development Code can be found at the following web address: <http://www.ci.lawrence.ks.us/pds/>.

Click “City Land Development Code” under “Resources”.



**City of Lawrence**  
PLANNING & DEVELOPMENT SERVICES

**Land Development Code**

Chapter 20 – Code of the City of Lawrence, Kansas

**Effective July 1, 2006**

Adopted by the Lawrence City Commission on April 4, 2006 [Ordinance No. 7985]  
Ordinance No. 8013, 8014, 8015, 8016, 8017, 8018 and 8019 adopted June 27, 2006

### **Amendments Following Effective Date**

- Ordinance No. 8039 & 8040 effective October 20, 2006
- Ordinance No. 8061 effective December 29, 2006
- Ordinance No. 8098 effective June 29, 2007
- Ordinance No. 8154 effective September 25, 2007
- Ordinance No. 8207 effective December 1, 2007
- Ordinance No. 8244 effective April 5, 2008
- Ordinance No. 8249 effective April 13, 2008
- Ordinance No. 8277 effective July 4, 2008
- Ordinance No. 8278 effective June 13, 2008
- Ordinance No. 8318 effective June 27, 2008
- Ordinance No. 8297 effective October 24, 2008
- Ordinance No. 8344 effective November 21, 2008
- Ordinance No. 8363 effective February 28, 2009
- Ordinance No. 8376 effective April 3, 2009
- Ordinance No. 8375 effective April 11, 2009
- Ordinance No. 8388 effective May 7, 2009
- Ordinance No. 8406 effective June 5, 2009
- Ordinance No. 8419 effective July 12, 2009
- Ordinance No. 8428 effective July 31, 2009
- Ordinance No. 8429 effective July 31, 2009
- Ordinance No. 8453 effective October 14, 2009
- Ordinance No. 8455 effective October 14, 2009
- Ordinance No. 8454 effective October 20, 2009
- Ordinance No. 8465 effective October 20, 2009
- Ordinance No. 8483, effective January 23, 2010
- Ordinance No. 8484, effective January 30, 2010
- Ordinance No. 8512, effective May 10, 2010
- Ordinance No. 8530, effective June 25, 2010
- Ordinance No. 8533, effective July 15, 2010
- Ordinance No. 8535, effective July 15, 2010
- Ordinance No. 8541, effective July 16, 2010
- Ordinance No. 8304, effective August 20, 2010
- Ordinance No. 8588, effective November 29, 2010
- Ordinance No. 8606, effective February 11, 2011
- Ordinance No. 8631, effective May 23, 2011
- Ordinance No. 8638, effective June 25, 2011
- Ordinance No. 8641, effective July 22, 2011
- Ordinance No. 8663, effective September 17, 2011

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## ARTICLE 1. INTRODUCTORY PROVISIONS

20-101	Official Title
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### 20-101 OFFICIAL TITLE

The official title of this document is the “Development Code of the City of Lawrence, Kansas.” For convenience, it is referred to throughout this document as the “Development Code.”

### 20-102 AUTHORITY

This Development Code is adopted under the powers granted by the laws of the State of Kansas, including the statutory authority granted in K.S.A. Chapter 12 and the Home Rule authority of the City as granted by the Kansas Constitution.

### 20-103 APPLICABILITY

The provisions of this Development Code apply to all [Development Activity](#), public and private, within the corporate limits of the City of Lawrence, to the extent permitted by law.

### 20-104 PURPOSE

This Development Code is intended to implement the Lawrence/Douglas County [Comprehensive Land Use Plan](#) and other applicable plans adopted by the City Commission, hereinafter collectively referred to as the “[Comprehensive Plan](#)” – in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence.

### 20-105 IMPLEMENTATION OF THE [COMPREHENSIVE PLAN](#)

This Development Code has been prepared in accordance with the [Comprehensive Plan](#). It is intended that decisions made pursuant to the Development Code will implement and be consistent with the [Comprehensive Plan](#) and with the stated purpose of this Development Code (See Section 20-104).

### 20-106 COMPLIANCE REQUIRED

All uses and [Development Activity](#) shall comply with the provisions of this Development Code, the City’s adopted development policy and with all other applicable City, County, State, and Federal regulations.

### 20-107 GENERAL RULES FOR INTERPRETING THE DEVELOPMENT CODE

#### (a) Numbering Style

The first two numerals in a section number correspond to the City Code chapter in which the section is located—Chapter 20, in the case of this Development Code. To the right of the dash, the first number(s) is the article number within Chapter 20. Thus, “20-1XX” indicates this section is in Article 1 of Chapter 20.

**(b) Meanings and Intent**

- (1) The language of the Development Code shall be read literally. Regulations are no more or less strict than stated. Words used in the Development Code have the standard dictionary definition unless they are defined in Article 17. Words defined in Article 17 have the specific meaning assigned, unless the context expressly indicates another meaning.
- (2) Words or terms that are specifically defined in this Development Code are distinguished by being in Title Case and in [Blue Text](#) in the original code document.

**(c) Tenses and Usage**

- (1) Words used in the singular include the plural. The reverse is also true.
- (2) Words used in the present tense include the future tense. The reverse is also true.
- (3) The words "shall," "will," "shall not" and "may not" are mandatory.
- (4) "May" is permissive.
- (5) When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.

**(d) Fractions****(1) Minimum Requirements**

When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot long [Bufferyard](#), the resulting fraction of 1.67 is rounded up to 2 required trees.

**(2) Maximum Limits**

When a regulation is expressed in terms of maximum limits, any fraction shall be disregarded and only the smallest applicable whole number shall be considered. For example, if a maximum limit of one [Dwelling Unit](#) for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction is ignored and the result is the whole number of 2, which will be the maximum number of allowed [Dwelling Units](#).

**(e) Conjunctions**

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- (1) "And" indicates that all connected items or provisions apply.
- (2) "Or" indicates that the connected items or provisions may apply singularly and in combination.

- (f) **Headings, Illustrations and Text**  
In case of any difference of meaning or implication between the text of this Development Code and any heading, drawing, table, figure, or illustration, the text controls.
- (g) **References to Other Regulations**  
All references in the Development Code to other City, County, State, or Federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of County, State, or Federal regulations.
- (h) **Current Versions and Citations**  
All references to other City, County, State, or Federal regulations in the Development Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, Development Code requirements for compliance are no longer in effect.
- (i) **Lists and Examples**  
Unless otherwise specifically indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.
- (j) **Delegation of Authority**  
Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Development Code expressly prohibit such a delegation.
- (k) **Public Officials and Agencies**  
All employees, public officials, bodies, and agencies to which references are made are those of the City of Lawrence unless otherwise expressly stated.

## 20-108 **OFFICIAL ZONING DISTRICT MAP**

- (a) **Adoption**  
The boundaries of the [Zoning Districts](#) established by this Development Code are shown on a map or series of maps designated the “[Official Zoning District Map](#),” [July 1, 2006], and as amended from time to time. The [Official Zoning District Map](#), including all notations, references, data and other information shown on the [Official Zoning District Map](#), is adopted and made a part of this Development Code as fully as if it were included in the pages of this Development Code. The [Official Zoning District Map](#) shall be maintained by the [Planning Director](#), in accordance with K.S.A. 12-753. In the case of any dispute regarding the zoning classification of property subject to this Development Code, the original maps maintained by the [Planning Director](#) shall govern. The [Planning Director](#) is responsible for producing all updates of the [Official Zoning District Map](#).
- (b) **Floodplain Maps**  
The [Floodplain \(FP\) Overlay District](#) is established in Article 12. The [Floodplain Overlay District](#) will be shown and identified on the [Official Zoning District Map](#) of the City of Lawrence. The [Floodplain Maps](#), which are maintained by the [Planning Director](#), shall be read in conjunction with the [Official Zoning District Map](#) for areas

lying within [Regulatory Floodways](#) and [Regulatory Floodway Fringes](#). The [Floodplain](#) management regulations Article 12 apply in addition to the [Base District](#) zoning regulations for areas within the [Regulatory Floodway](#). [Regulatory Floodway](#) and [Regulatory Floodway Fringe](#) boundaries are the same as provided by the Federal Insurance Administration on the Douglas County, Kansas and Incorporated Area Flood Insurance Rate Maps and in the Flood Insurance Study. Actual ground location of [Regulatory Floodway](#) and [Regulatory Floodway Fringe](#) boundaries shall be verified by the developer by field survey using the reference marks and/or vertical controls provided by the Federal Insurance Administration study.

**(c) District Boundaries**

Unless otherwise indicated on the [Official Zoning District Map](#), District boundaries follow [Lot](#) Lines, the center lines of [Streets](#) or [Alleys](#) or the specified distance from such features, railroad right-of-way lines, or [Lot](#) Lines.

**(d) Interpretation of [Zoning District](#) and [Floodplain](#) Boundaries**

- (1) Where uncertainty exists about the boundaries of a [Zoning District](#), or when the [Street](#) or property existing on the ground is at variance with that shown on the [Official Zoning District Map](#), the [Planning Director](#) is authorized to determine the location of such boundaries. The [Planning Director's](#) interpretation may be appealed to the Board of Zoning Appeals in accordance with Section 20-1311.
- (2) Where interpretation of [Regulatory Floodway](#) or [Regulatory Floodway Fringe Overlay District](#) boundaries is unclear or disputed, the [Planning Director](#) will make the necessary interpretation. The [Planning Director](#) may not delegate this authority. The [Planning Director's](#) interpretation may be appealed to the Board of Zoning Appeals in accordance with Section 20-1311. The [Regulatory Flood](#) elevation for the point in question will be the governing factor in locating the boundary.

**(e) Zoning of Newly Annexed Areas**

Within two (2) months of the annexation of any territory not classified in a zoning category established pursuant to this Development Code, the City Commission shall initiate consideration of a rezoning of the same annexed territory to a specific zoning category pursuant to this Development Code or to the UR, Urban Reserve, [Zoning District](#).

**20-109 CONFLICTING PROVISIONS**

**(a) Conflict with State or Federal Regulations**

If the provisions of this Development Code are inconsistent with those of the State or Federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls. Nothing in the Development Code shall be interpreted as requiring a violation of State or Federal law.

**(b) Conflict with Other [City Regulations](#)**

If the provisions of this Development Code are inconsistent with one another, or if they conflict with other [City Regulations](#), the more restrictive provision will control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls.



**(c) Conflict with Private Agreements and Covenants**

This Development Code is not intended to abrogate, annul, or otherwise interfere with any [Easement](#), covenant, or other private agreement or legal relationship otherwise in conformance with the Development Code.

**20-110 TRANSITIONAL PROVISIONS****(a) Violations Continue**

Any violation of the previous zoning regulations of the City will continue to be a violation under this Development Code and will be subject to penalties and enforcement under Article 16 unless the use or [Development Activity](#) is consistent with the express terms of this Development Code, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the [Effective Date](#). The adoption of this Development Code does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous City of Lawrence ordinances that occurred prior to the [Effective Date](#).

**(b) Applications Submitted Before the Effective Date**

Any use or [Development Activity](#) for which a complete application was submitted to the City before the [Effective Date](#) and pending approval on the [Effective Date](#) may, at the applicant's option, be reviewed wholly under the terms of the development code in effect immediately before the [Effective Date](#). If approved, such uses or [Development Activities](#) may be carried out in accordance with the standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

**(c) Permits Issued Before the Effective Date**

Any use or [Development Activity](#) for which a permit was duly issued before the [Effective Date](#) may be completed in conformance with the issued permit and other applicable permits and conditions, and such regulations that were in effect at the time the permit was issued, even if such use or [Development Activity](#) does not fully comply with provisions of this Development Code. If the use or [Development Activity](#) is not commenced or completed in accordance with the applicable permit terms, the director of the department responsible may, upon receipt of a written request and payment of the required fee, grant one 6-month time extension. If the use or [Development Activity](#) is not commenced or completed within the time allowed under the original permit or any extension granted, then the use or [Development Activity](#) may be completed or occupied only in strict compliance with the requirements of this Development Code.

**(d) Preliminary Plats Approved Before the Effective Date**

Preliminary plats approved before the [Effective Date](#) will remain valid until the approval expires even if the approved preliminary plat does not fully comply with the provisions of this Development Code. Preliminary plat approval expires one year after the date of approval unless all applicable conditions have been met and a complete final plat application has been filed. If preliminary plat approval expires, a new preliminary plat application shall be submitted and reviewed in accordance with this Development Code.

**(e) Zoning District Names**

The Official Zoning District Map designations in effect before the Effective Date are converted as follows:

Previous Map Designation	New Map Designation
<b>RS, Single-Dwelling Residential Districts</b>	
RS-A	RS40
RS-E	RS20
RS-1	RS10
RS-2	RS7
None (New)	RS5
None (New)	RS3
<b>RSO Single-Dwelling Residential-Office Districts</b>	
RO-1B and RO-2	RSO
<b>RM, Multi-Dwelling Residential Districts</b>	
RMD	RM12D
RM-1	RM12
None (New)	RM15
RM-2 and RM-2A	RM24
RM3 and RD	RM32
None (New)	RMG
<b>RMO, Multi-Dwelling Residential-Office Districts</b>	
RO-1 and RO-1A	RMO
<b>C, Commercial Districts</b>	
C-1	CN1
O-1	CO
C-2	CN2
C-3	CD
C-4	CS
C-5	CS
C-4A	CD
None (New)	CC200
None (New)	CC400
None (New)	CR
<b>I, Industrial Districts</b>	
M-1	IBP
M-1A	IL
M-2	IG
M-3	IG
M-4	IG
<b>Special Purpose Base Districts</b>	
None (New)	GPI
None (New)	H
None (New)	OS
None (New)	UR
None (New)	U/U-KU

Previous Map Designation	New Map Designation
Planned Unit Development (All: PUD, PRD, PCD, PID, POD)	PUD[name], PRD[name], PCD[name], POD [name] or PID[name]
<b>Overlay Districts</b>	
Airspace Control Overlay	-ASO
<a href="#">Floodplain Overlay District</a>	-FP
None (New)	-PD
South Lawrence Trafficway Overlay	-TC(SLT)
Downtown Urban Conservation Overlay	-UC(Downtown)

**20-111 SEVERABILITY**

If any portion of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the Development Code, and in no way affects the validity of any other portion of the Development Code.

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**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
20-216	IG, General Industrial District
20-217	OS, Open Space District
20-218	GPI, General Public and Institutional Use District
20-219	H, Hospital District
20-220	U-, University District
20-221	PUD, PRD, PCD, PID, POD (Planned Development) Districts
20-222	UR, Urban Reserve District
20-223	MU, Mixed Use District
20-224	Lawrence Smart Code Districts

**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
<b>RS, Single-Dwelling Residential Districts [square feet per Dwelling Unit]:</b>		
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
<b>RSO, Single-Dwelling Residential-Office District [square feet per Dwelling Unit]:</b>		
Single-Dwelling Residential-Office -- 2,500 sq. feet.	RSO	Low or Medium-Density
<b>RM, Multi-Dwelling Residential Districts [Dwelling Units per acre]:</b>		
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
<b>RMG, Multi-Dwelling Residential-Greek Housing District:</b>		
Multi-Dwelling Residential-Greek Housing	RMG	High-Density
<b>RMO, Multi-Dwelling Residential-Office District [Dwelling Units per acre]:</b>		
Multi-Dwelling Residential-Office–22 d.u. / acre	RMO	High-Density
<b>C, Commercial Districts:</b>		
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

District Name	Map Symbol	Corresponding Comprehensive Plan Designation
<b>I, Industrial Districts:</b>		
Industrial/Business Park	IBP	Office or Office/Research
Limited Industrial	IL	Warehouse and Distribution or Industrial
General Industrial	IG	Warehouse and Distribution or Industrial
<b>Special Purpose Base Districts:</b>		
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
<b>Lawrence SmartCode Districts (Chapter 21 of the Code of the City of Lawrence):</b>		
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

**20-202 RS, SINGLE-DWELLING RESIDENTIAL DISTRICT****(a) Purpose**

- (1) The primary purpose of the RS Districts is to accommodate predominantly single [Detached Dwelling Units](#) on individual [Lots](#). The Districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are compatible with residential neighborhoods.
- (2) The RS Districts are primarily differentiated on the basis of required minimum [Lot](#) size, as provided below:
  - (i) RS40, [Single-Dwelling](#) Residential District – 40,000 square feet.
  - (ii) RS20, [Single-Dwelling](#) Residential District – 20,000 square feet.
  - (iii) RS10, [Single-Dwelling](#) Residential District – 10,000 square feet.
  - (iv) RS7, [Single-Dwelling](#) Residential District – 7,000 square feet.
  - (v) RS5, [Single-Dwelling](#) Residential District – 5,000 square feet.
  - (vi) RS3, [Single-Dwelling](#) Residential District – 3,000 square feet.

**(b) Principal Uses**

[Principal Uses](#) are allowed in RS 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](#), including [Accessory Dwelling Units](#) and [Home Occupations](#), are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

Unless otherwise expressly stated, all development in RS Districts shall comply with the [Density](#) and Dimensional Standards of Article 6.

**(e) Street Access**

RS Districts are intended primarily for implementation along [Local](#) and [Residential Collector Streets](#).

**(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) <b>General Development Standards</b>  | <b>See Article 11.</b>      |
| (2) <a href="#">Landscaping</a>           | <b>See Article 10.</b>      |
| (3) <b>Off-Street Parking and Loading</b> | <b>See Article 9.</b>       |
| (4) <b>Outdoor Lighting</b>               | <b>See Section 20-1103.</b> |
| (5) <a href="#">Overlay Districts</a>     | <b>See Article 3.</b>       |



**(g) Occupancy Limits**

In RS, Single-Dwelling Residential Districts, a Dwelling Unit shall only be occupied by a Family as defined in Section 20-1701, Family (1), (2) or (3). On properties in RS Districts that have an Accessory Dwelling Unit established in accordance with Section 20-534, the total number of individuals that reside in both units shall not exceed the total persons allowed in a Dwelling Unit located in the RS District as defined in Section 20-1701, Family (1), (2) or (3), plus one additional person.

**20-203 RSO, SINGLE-DWELLING RESIDENTIAL – OFFICE DISTRICT****(a) Purpose**

The primary purpose of the RSO District is to accommodate low to medium-intensity [Administrative and Professional Offices](#) that are compatible with the character of low and medium-Density residential neighborhoods. The District is also intended to be used as a transitional [Zoning District](#) between higher intensity commercial areas and residential neighborhoods. The District allows [Detached Dwellings](#), [Duplexes](#), [Attached Dwellings](#) and [Administrative and Professional Offices](#) uses, which may be combined in the same [Structure](#) (e.g., office on the Ground Floor or at the front of the [Building](#) with [Dwelling Units](#) on upper floors or toward the rear of the [Building](#)).

**(b) Principal Uses**

[Principal Uses](#) are allowed in RSO 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](#), including [Home Occupations](#), are subject to the regulations Section 20-532 et seq.

**(d) Density and Dimensional Standards**

Unless otherwise expressly stated, all development in RSO Districts shall comply with the [Density](#) and Dimensional Standards of Article 6.

**(e) Street Access**

RSO Zoning is generally appropriate along [Collector Streets](#), although primary [Access](#) from RSO properties to such [Collector Streets](#) should be avoided where practicable.

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

**20-204 RM, MULTI-DWELLING RESIDENTIAL DISTRICT****(a) Purpose**

- (1) The primary purpose of the RM Districts is to accommodate multi-Dwelling housing. The Districts are intended to create, maintain and promote higher Density housing opportunities in areas with good transportation Access.
- (2) The RM Districts are primarily differentiated on the basis of maximum allowed Net Density as provided below:
  - (i) The RM12 and RM12D, Multi-Dwelling Residential Districts – 12 Dwelling Units per acre.
  - (ii) The RM15, Multi-Dwelling Residential District – 15 Dwelling Units per acre.
  - (iii) The RM24, Multi-Dwelling Residential District – 24 Dwelling Units per acre.
  - (iv) The RM32, Multi-Dwelling Residential District – 32 Dwelling Units per acre.
- (3) The RM12D District is differentiated from the other RM Districts on the basis of Building Type and the maximum allowed Net Density. In the RM12D district, the Building Type is restricted to Duplexes or Attached Dwellings of 2 units. Only one Principal Building per Lot is permitted in this District.

**(b) Principal Uses**

Principal Uses are allowed in RM 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, including Home Occupations are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

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

**(e) Street Access**

RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets.

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

**20-205 RMG, MULTI-DWELLING RESIDENTIAL – GREEK HOUSING DISTRICT**

**(a) Purpose**

The primary purpose of the RMG District is to provide areas for **Greek Housing** in proximity to a university or college that provides higher education to the public, preserves the architectural character and use of these existing **Buildings**, and protects nearby low-**Density** residential districts from incompatible uses and developments.

**Greek Housing** as specified herein shall be:

- (1) Occupied primarily by students;
- (2) Under the supervision of both a local residence manager and national organization which establishes policies and procedures to ensure good citizenship and the responsible use of the fraternity or sorority’s property; and
- (3) Certified or seeking certification by the Pan Hellenic Association or Intrafraternity Council at KU.

In furtherance of its primary purpose, the RMG District also provides for adaptive reuse of these existing **Buildings** for specified uses that also protect nearby low **Density** residential districts from incompatible developments.

**(b) Principal Uses**

**Principal Uses** are allowed in RMG 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**, including **Home Occupations** are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

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

**(e) Street Access**

RMG Districts are intended to be located along **Residential Collector**, **Collector** and some **Arterial Streets**.

**(f) Local Register of Historic Places**

If a **Greek Housing** unit qualifies for listing to the Local Register of Historic Places, an individual having legal or equitable interest in the **Greek Housing** unit must initiate the process for listing to this register.

**(g) Conversion of Existing Greek Housing**

(1) Existing **Greek Housing** units may be converted to the following specific Adaptive Reuses, subject to the terms and conditions set forth in this subsection:

- (i) Offices
- (ii) Home for Elderly Persons
- (iii) **Day Care Center** for Children
- (iv) **Adult Day Care Home**
- (v) Club or Community Center
- (vi) Student Housing Operated by the University or a college
- (vii) **Elderhostel** Operated by or associated with the University or a college

(2) An individual seeking to convert an existing **Greek Housing** unit, pursuant to this subsection shall be required to obtain Special Use approval in accordance with Section 20-1306 of this Development Code. Conversion of existing **Greek Housing** units shall be made only after the City Commission finds, in addition to the approval criteria provided in Section 20-1306(i), that the following standards and criteria have been satisfied:

- (i) Exterior alterations and additions to the **Building** or **Structure** shall be limited so that the impervious coverage shall not be increased by 10% or more. Proposed alterations to existing **Greek Housing** units shall be subject to review by the **Planning Director** and Stormwater Engineer. Proposed alterations to existing **Greek Housing** units that are listed on a historic register shall also be subject to review by the Historic Resources Administrator.
- (ii) Repair and maintenance work on the exterior of a **Building** or **Structure** subject to this subsection, which does not alter the design or appearance of the **Building** or **Structure**, shall not be considered an exterior alteration or addition under this subsection, and shall not be subject to the review by the **Planning Director**.
- (iii) All **Parking Areas** shall be confined to the Rear **Yard** and those **Parking Areas** shall not occupy more than 55% of the total **Lot Area**; provided, however, **Parking Areas** lawfully in existence prior to a conversion under this subsection, including **Driveways**, may be permitted to continue in use, if the **Parking Area** does not constitute a safety hazard.
- (iv) If the applicant for a conversion in conformance with this subsection desires a sign for the converted use, one (1) sign may be allowed, subject to the following conditions:
  - a. the sign shall not exceed twelve (12) square feet in area, nor shall it exceed six (6) feet in **Height**;

- b. the sign shall only display the name, address and type of business of the [Building](#) or [Structure](#); and
- c. the sign shall not include commercial advertising of products.

(3) A lawfully existing [Greek Housing](#) unit may be demolished and replaced with another [Greek Housing](#) unit, or may be enlarged without being subject to this section; provided, that the demolition and replacement or enlargement is executed in accordance with this Development Code.

**(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) <b>General Development Standards</b>     | <b>See Article 11.</b>      |
| (2) <b><a href="#">Landscaping</a></b>       | <b>See Article 10.</b>      |
| (3) <b>Off-Street Parking and Loading</b>    | <b>See Article 9.</b>       |
| (4) <b>Outdoor Lighting</b>                  | <b>See Section 20-1103.</b> |
| (5) <b><a href="#">Overlay Districts</a></b> | <b>See Article 3.</b>       |

**20-206 RMO, MULTI-DWELLING RESIDENTIAL – OFFICE DISTRICT****(a) Purpose**

The primary purpose of the RMO District is to accommodate **Mixed Use** development of low- and moderate-intensity **Administrative and Professional Offices** that are compatible with the character of medium- and high-**Density** residential neighborhoods. The District is also intended to be used as a transitional **Zoning District** between higher-intensity commercial areas and residential neighborhoods. The District allows residential uses and **Administrative and Professional Office** uses, which may be combined in the same **Structure** (e.g., office on the Ground Floor or at the front of the **Building** with **Dwelling Units** on upper floors or toward the rear of the **Building**).

**(b) Principal Uses**

**Principal Uses** are allowed in RMO Districts in accordance with the Use Table in 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**, including **Home Occupations**, are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

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

**(e) Street Access**

RMO zoning is generally appropriate for implementation along **Collector** or **Arterial Streets**.

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



**20-207 CN1, INNER NEIGHBORHOOD COMMERCIAL DISTRICT****(a) Purpose**

The CN1, Inner Neighborhood Commercial District is primarily intended to accommodate pedestrian-oriented, small-scale retail and service businesses that serve nearby residential areas, typically within a developed neighborhood. The District is restricted in use to unique situations where the Center is part of an overall planned neighborhood development or where the Center can easily be integrated into an existing neighborhood and where it can be served by [Collector](#) or [Arterial Streets](#) pursuant to adopted [Access Management](#) standards.

**(b) Principal Uses**

[Principal Uses](#) are allowed in CN1 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](#), including [Accessory Dwelling Units](#) and [Home Occupations](#), are subject to the regulations of Section 20-532, et seq.

**(d) Density and Dimensional Standards**

Unless otherwise expressly stated, all development in CN1 Districts shall comply with the City's [Comprehensive Land Use Plan](#) and the [Density](#) and Dimensional Standards of Article 6.

**(1) Site Requirements**

Site area of any development within the CN1 District shall not exceed 1 acre. See Article 6.

**(2) Lot Requirements**

No Additional Standards.

**(3) Floor Area Requirements**

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CN1 District shall not exceed 3,000 gross square feet.

**(e) Street Access**

Development in the CN1 District may take [Access](#) to local, [Collector](#) or [Arterial Streets](#) and to public [Alleys](#) (if they abut the property being developed).

**(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:

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

**20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT****(a) Purpose**

The CN2, Neighborhood Shopping Center District, is primarily intended to implement the [Comprehensive Plan](#)'s "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for [Collector/Arterial Street](#) intersections or at [Arterial/Arterial Street](#) intersections. Development is intended on only one corner of the intersection.

**(b) Principal Uses**

[Principal Uses](#) are allowed in CN2 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](#), including [Home Occupations](#), are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

Unless otherwise expressly stated, all development in CN2 Districts shall comply with the City's [Comprehensive Land Use Plan](#) and the [Density](#) and Dimensional Standards of Article 6.

**(1) Site Requirements**

Site area shall not exceed 15 acres for any CN2 development. See Article 6.

**(2) Lot Requirements**

[Lot Area](#) of any development within the CN2 District shall maintain a width-to-depth ratio between 1:1 and 3:2. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space, unless the Center contains a grocery ([Food and Beverage Retail Sales](#)) store that has over 60,000 gross square feet. In this case, the Center may contain no more than 125,000 gross square feet of commercial space.

**(3) Floor Area Requirements**

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CN2 District, other than a grocery ([Food and Beverage Retail Sales](#)) store, shall not exceed 40,000 gross square feet. A grocery ([Food and Beverage Retail Sales](#)) store shall not exceed 80,000 gross square feet.

**(e) Street Access**

Development in the CN2 District may take [Access](#) to [Local](#), [Collector](#) or [Arterial Streets](#) and to public [Alleys](#) (if they abut the property being developed).

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

**20-209 CO, OFFICE COMMERCIAL DISTRICT****(a) Purpose**

The CO, Office Commercial [Zoning District](#), is generally intended to function as a medium-intensity office [Zoning District](#). The District is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses and to serve as a land use buffer between [Arterial](#) or [Collector Streets](#) and residential neighborhoods. The District allows freestanding office [Buildings](#) as well as office parks.

**(b) Principal Uses**

[Principal Uses](#) are allowed in CO Districts in accordance with the Use Table 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 CO Districts shall comply with the City's [Comprehensive Land Use Plan](#) and the [Density](#) and Dimensional Standards of Article 6.

**(1) Site Requirements**

No Additional Standards.

**(2) Lot Requirements**

No Additional Standards.

**(3) Floor Area Requirements**

No Additional Standards.

**(e) Street Access**

Development in CO Districts shall take [Access](#) to [Collector](#) or [Arterial Streets](#).

**(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:

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

**20-210 CD, DOWNTOWN COMMERCIAL DISTRICT****(a) Purpose**

The CD, Downtown Commercial District, is primarily intended to implement the [Comprehensive Plan](#)'s Downtown Commercial Center policy of providing for a variety of land uses, including governmental, retail, office, public and [Community Facilities](#), institutional, churches, and residential and to accommodate new neighborhood, community and regional retail uses within the downtown area.

**(b) Principal Uses**

[Principal Uses](#) are allowed in CD District 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](#), including [Home Occupations](#), are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

Unless expressly stated below, all development in the CD District shall comply with the [Density](#) and Dimensional Standards of Article 6. The following additional [Density](#) and Dimensional Standards shall apply in the CD District:

**(1) Site Requirements**

No Additional Standards.

**(2) Lot Requirements**

No Additional Standards.

**(3) Floor Area Requirements**

[Floor Area](#) of any [Building](#) footprint for a [Principal Use](#) within the CD District shall not exceed 25,000 gross square feet.

**(e) Street Access**

No street [Access](#) shall be permitted to individual [Lots](#) along Massachusetts Street. [Lots](#) along numbered side Streets in the Downtown area shall take [Access](#) from the public [Alley](#) or at the mid-[Block](#) point where a public [Alley](#) would be. Street [Access](#) to New Hampshire and Vermont Streets shall only be approved where it is consistent with the Downtown Design Guidelines and established street patterns.

**(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:

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

**20-211 CC, COMMUNITY COMMERCIAL DISTRICT****(a) Purpose**

(1) The CC, Community Commercial Centers District, is primarily intended to implement the [Comprehensive Plan](#)'s Community Commercial Centers policy for commercial development at a community scale to serve multiple neighborhoods. Within the Community Commercial Center classification there are two categories of commercial centers; the CC200 Center and the CC400 Center. Permitted uses are the same in both categories; [Density](#) and dimensional standards are greater in the CC400 Center than in the CC200 Center.

(2) The Primary Purpose of the CC200 Center is to provide for the redevelopment of existing Community Commercial Centers and to provide an alternative for the existing highway strip commercial areas.

(3) The Primary Purpose of the CC400 Centers is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop.

**(b) Principal Uses**

[Principal Uses](#) are allowed in CC 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. Additionally, [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 Section 20-532 et seq.

**(d) Density and Dimensional Standards**

Unless otherwise expressly stated, all development in CC Districts shall comply with the City's [Comprehensive Land Use Plan](#) and [Density](#) and Dimensional Standards of Article 6, as modified by the design standards set forth in Section 20-526. The following additional [Density](#) and Dimensional Standards shall apply in the CC District:

**(1) Site Requirements**

Not all corners of a CC200 [Commercial Node](#) shall be devoted to commercial uses. For a Center that has [Buildings](#) between 40,000 and 100,000 gross square feet in size, the maximum gross square feet of the Center shall not exceed 50% of the allowable commercial square feet for a CC200 [Commercial Node](#).

A minimum of 95% of the commercial gross square feet of a new CC400 Center shall be located on two (2) or fewer corners of the [Commercial Node](#) intersection. If there are remaining allowable square feet at a [Node](#) (intersection) after two or fewer corners are developed, one of the remaining corners may have 50% or less of the remaining 400,000 gross square feet of allowable commercial space. Any corner of an intersection where the gross square feet of commercial space is 20,000 or more shall have a minimum site area of 20 acres and a width to depth ratio between 1:1 and 3:2.

**(2) Lot Requirements**

**Lot Area** of any development within the CC Centers District shall maintain a width-to-depth ratio between 1:1 and 3:2. A maximum **Building** coverage of 25% shall apply to all development within the CC Centers District.

**(3) Floor Area Requirements**

**CC200 Centers:** CC200 Centers shall contain no more than 200,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC200 Center shall not exceed 100,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment. General retail stores (including general merchandise and apparel) shall not exceed 65,000 gross square feet.

**CC400 Centers:** CC400 Centers shall contain no more than 400,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC400 Center shall not exceed 175,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment.

**(e) Street Access**

Development in the CC Centers District shall take **Access** from a **Collector Street**, **Arterial Street**, or designated highway. CC200 Centers shall be located at **Collector/Arterial Street** intersections or **Arterial/Arterial Street** intersections. CC400 Centers shall be located at the intersection of two **Arterial Streets** that have at least a four-lane cross section or at the intersection of a four-lane **Arterial Street** with a State or Federally designated highway. Whenever possible, CC Centers development shall share direct or indirect **Access** through common curb cuts or private **Access** roads. When the CC Center site abuts a controlled intersection, **Access** shall be directed to a side street with adequate distance between the intersection and the site **Access** point(s).

**(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:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(1) <b>General Development Standards</b></li> <li>(2) <b>Landscaping</b></li> <li>(3) <b>Off-Street Parking and Loading</b></li> <li>(4) <b>Outdoor Lighting</b></li> <li>(5) <b>Overlay Districts</b></li> </ul> | <ul style="list-style-type: none"> <li><b>See Article 11.</b></li> <li><b>See Article 10.</b></li> <li><b>See Article 9.</b></li> <li><b>See Section 20-1103.</b></li> <li><b>See Article 3.</b></li> </ul> |
|--|---|

**20-212 CR, REGIONAL COMMERCIAL DISTRICT****(a) Purpose**

The CR, Regional Commercial District, is primarily intended to implement the [Comprehensive Land Use Plan](#)'s Regional Commercial Center policy of providing the same services as a Community Commercial Center but for a regional market area, offering a greater variety and number of general merchandise, apparel, furniture stores and other tenants. Regional Commercial Centers shall contain no more than 1.5 million gross square feet of commercial space.

**(b) Principal Uses**

[Principal Uses](#) are allowed in CR 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 expressly stated, all development in CR Districts shall comply with the City's [Comprehensive Land Use Plan](#) and the [Density](#) and Dimensional Standards Article 6. The following additional [Density](#) and Dimensional Standards apply in the CR District:

**(1) Site Requirements**

Site area of any development within the CR District shall be no less than 40 acres and shall have a minimum primary street [Frontage](#) of 1,400 linear feet.

**(2) Lot Requirements**

[Lot Area](#) of any development within the CR District shall maintain a width-to-depth ratio between 1:1 and 3:2 with a maximum [Building](#) coverage not to exceed 25%.

**(3) Floor Area Requirements**

[Floor Area](#) of any [Structure](#) for a [Principal Use](#) within the CR District shall not exceed 175,000 gross square feet. Within a [Large Retail Establishment](#), no more than 15% of the [Floor Area](#) may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public [Access](#) internally from the larger Retail Establishment.

**(e) Street Access**

Development in the CR Districts shall be located at the intersection of two State or Federally designated highways or the intersection of a four-lane [Arterial Street](#) and a State or Federally designated highway. Whenever possible, such Commercial Development shall share direct or indirect [Access](#) through common curb cuts or private [Access](#) roads. When the Commercial Development abuts a controlled intersection, [Access](#) shall be directed to a side street with adequate distance between the intersection and the site [Access](#) point(s).



**(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) | <b>General Development Standards</b>     | <b>See Article 11.</b>      |
| (2) | <b><a href="#">Landscaping</a></b>       | <b>See Article 10.</b>      |
| (3) | <b>Off-Street Parking and Loading</b>    | <b>See Article 9.</b>       |
| (4) | <b>Outdoor Lighting</b>                  | <b>See Section 20-1103.</b> |
| (5) | <b><a href="#">Overlay Districts</a></b> | <b>See Article 3.</b>       |

**20-213 CS, COMMERCIAL STRIP DISTRICT****(a) Purpose**

The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City's Major [Arterial Streets](#). No new undeveloped [Parcel](#) shall be zoned CS, except in the case where an undeveloped [Parcel](#) is adjacent to an existing CS, then the adjacent undeveloped [Parcel](#) may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent [Parcel](#).

**(b) Principal Uses**

[Principal Uses](#) are allowed in CS 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](#), including [Home Occupations](#), are subject to the regulations of Section 20-532.

**(d) Density and Dimensional Standards**

Unless expressly stated, all development in CS Districts shall comply with the City's [Comprehensive Land Use Plan](#) and the [Density](#) and Dimensional Standards of Article 6.

(1) Unless otherwise expressly stated, all development in CS Districts shall comply with the [Density](#) and Dimensional of Article 6.

(2) Expansion of a Development in the CS District to an adjacent [Lot](#) may be allowed only to square off the boundaries of an area designated on the official zoning map as a CS District along the rear or [Side Setback](#) of the Development; provided, however, this expansion may not exceed twenty-five percent (25%) of the [Lot Area](#) of the development and provided, further, the expansion on the adjacent [Lot](#) must implement the goals, policies and strategies of the [Comprehensive Land Use Plan](#) by providing one of the following:

- (i) Shared [Access](#) with adjacent Development;
- (ii) Perimeter [Landscaping](#) between the street and the development;
- (iii) A [Bufferyard](#) or other landscape [Screening](#) between the development and any residential development; or
- (iv) A sidewalk or extension of a sidewalk, along the public right-of-way adjacent to the [Lot](#) being redeveloped.

**(e) Street Access**

(1) The creation of shared public [Access](#) or consolidation of multiple [Access](#) points shall be required where determined by access management policy or adopted corridor plans identify potential changes upon redevelopment of a Major Development Project in the CS District.

**(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) | <b>General Development Standards</b>     | <b>See Article 11.</b>      |
| (2) | <b><a href="#">Landscaping</a></b>       | <b>See Article 10.</b>      |
| (3) | <b>Off-Street Parking and Loading</b>    | <b>See Article 9.</b>       |
| (4) | <b>Outdoor Lighting</b>                  | <b>See Section 20-1103.</b> |
| (5) | <b><a href="#">Overlay Districts</a></b> | <b>See Article 3.</b>       |

**20-214 IBP, INDUSTRIAL/BUSINESS PARK DISTRICT****(a) Purpose**

The IBP, Industrial/Business Park District, is intended to provide space in attractive and appropriate locations for certain low-impact employment and manufacturing uses in a planned industrial/business park setting.

**(b) Principal Uses**

**Principal Uses** are allowed in IBP 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 IBP Districts shall comply with the **Density** and Dimensional Standards of Article 6.

**(e) Street Access**

The IBP District is intended for implementation along **Arterial Streets**. **Lot Access** shall be taken from internal roads and not directly from the **Arterial Streets**, wherever possible.

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

**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.

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

**20-216 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.

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

**20-217 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) <b>General Development Standards</b>  | <b>See Article 11.</b>      |
| (2) <b>Landscaping</b>                    | <b>See Article 10.</b>      |
| (3) <b>Off-Street Parking and Loading</b> | <b>See Article 9.</b>       |
| (4) <b>Outdoor Lighting</b>               | <b>See Section 20-1103.</b> |
| (5) <b>Overlay Districts</b>              | <b>See Article 3.</b>       |

**20-218 GPI, GENERAL PUBLIC AND INSTITUTIONAL USE DISTRICT****(a) 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) 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) 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) 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) 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 its 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) 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) 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) 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) <b>General Development Standards</b>  | <b>See Article 11.</b>      |
| (2) <b>Landscaping</b>                    | <b>See Article 10.</b>      |
| (3) <b>Off-Street Parking and Loading</b> | <b>See Article 9.</b>       |
| (4) <b>Outdoor Lighting</b>               | <b>See Section 20-1103.</b> |
| (5) <b>Overlay Districts</b>              | <b>See Article 3.</b>       |

**20-219 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) | <b>General Development Standards</b>  | <b>See Article 11.</b>      |
| (2) | <b>Landscaping</b>                    | <b>See Article 10.</b>      |
| (3) | <b>Off-Street Parking and Loading</b> | <b>See Article 9.</b>       |
| (4) | <b>Outdoor Lighting</b>               | <b>See Section 20-1103.</b> |
| (5) | <b>Overlay Districts</b>              | <b>See Article 3.</b>       |

**20-220 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.

**20-221 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
- (2) [Landscaping](#)
- (3) Off-Street Parking and Loading
- (4) Outdoor Lighting
- (5) [Overlay Districts](#)

See Article 11.  
See Article 10.  
See Article 9.  
See Section 20-1103.  
See Article 3.

**20-222 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:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(1) <b>General Development Standards</b></li> <li>(2) <a href="#">Landscaping</a></li> <li>(3) <b>Off-Street Parking and Loading</b></li> <li>(4) <b>Outdoor Lighting</b></li> <li>(5) <a href="#">Overlay Districts</a></li> </ul> | <ul style="list-style-type: none"> <li><b>See Article 11.</b></li> <li><b>See Article 10.</b></li> <li><b>See Article 9.</b></li> <li><b>See Section 20-1103.</b></li> <li><b>See Article 3.</b></li> </ul> |
|--|---|

**20-223 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.

**20-224 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.



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**ARTICLE 3. OVERLAY ZONING DISTRICTS**

- 20-301 The Districts
- 20-302 ASO, Airspace **Overlay District**
- 20-303 FP, Floodplain Management Regulations **Overlay District**
- 20-304 HD, Historic District Overlay
- 20-305 HL, Historic Landmark Designation
- 20-306 PD, Planned Development **Overlay District**
- 20-307 TC, Major Transportation Corridor Overlay
- 20-308 UC, Urban Conservation **Overlay District**
- 20-309 Incorporation By Reference of “The Downtown Design Guidelines 2009 Edition”
- 20-310 Incorporation By Reference of “The Design Guidelines 8<sup>th</sup> & Penn Neighborhood Redevelopment Zone”

**20-301 THE DISTRICTS**

**(a) Overlay Districts**

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

**(b) Districts Established**

The following **Overlay Zoning Districts** are included in this Development Code:

District Name	Map Symbol
<b>Overlay Districts</b>	
Airspace Overlay	-ASO
Floodplain Overlay	-FP
Historic District Overlay	-HD
Historic Landmark Designation	-HL
Planned Development Overlay	-PD
Major Transportation Corridor Overlay	-TC
Urban Conservation Overlay	-UC

**20-302 ASO, AIRSPACE OVERLAY DISTRICT**

**(a) Purpose**

The ASO, Airspace **Overlay District**, is intended to:

- (1) prevent the creation and establishment of hazards to life and property in the vicinity of any **Airport** owned, controlled or operated by the City of Lawrence;
- (2) protect users of the **Airport**; and
- (3) prevent any unreasonable limitation or impairment on the use and expansion of the **Airport** and the public investment therein.

**(b) Authority**

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

**(c) Applicability**

The Airspace [Overlay District](#) regulations apply to all land or water area lying within the established [Airport](#) control Instrument Approach Zones, Non-Instrument Approach Zones, Transition Zones, Horizontal Zones and Conical Zones as shown on the Airspace Control Zones overlay map.

**(d) Effect**

The Airspace [Overlay District](#) is a zoning classification that establishes additional restrictions and standards on those uses permitted by the [Base District](#). In the event of conflict between the Airspace [Overlay District](#) regulations and the regulations of the [Base District](#), the [Overlay District](#) regulations govern. In all other cases, both the [Overlay](#) and [Base District](#) regulations apply.

**(e) Sub-zones Established**

In order to carry out the provisions of this District, the following Airspace Zones are established within the Airspace District. The Airspace [Overlay District](#) and the Airspace Zones shall be shown on the [Official Zoning District Map](#).

**(1) Instrument Approach Zone**

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

**(2) Non-Instrument Approach Zone**

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

**(3) Transition Zone**

The Transition Zone is established adjacent to each instrument and non-instrument runway and approach zone as indicated on the [Official Zoning District Map](#). Transition Zones symmetrically located on either side of runways have variable widths as shown on the [Official Zoning District Map](#). Transition Zones extend outward from a line of 250 feet on either side of the centerline of a non-instrument runway for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of an instrument runway for the length of such runway plus 200 feet on each end; and are parallel and level with such runway centerlines. The Transition Zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the Horizontal Zone. Further, Transition Zones are established adjacent to both Instrument and Non-Instrument Approach Zones for the entire length of these Approach Zones. These Transition Zones have variable widths, as shown on the [Official Zoning District Map](#). Such transition zones flare symmetrically with either side of the runway Approach Zones from the base of such zones and slope upward and

outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the Horizontal and Conical Zones. Additionally, Transition Zones are established adjacent to the Instrument Approach Zone where it projects through and beyond the limits of the Conical Zone, extending a distance of 5,000 feet measured horizontally from the edge of the Instrument Approach Zones at right angles to the continuation of the centerline of the runway.

**(4) Horizontal Zone**

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

**(5) Conical Zone**

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

**(f) Height Limitations**

No [Structure](#) may be erected, altered, or maintained in any Airspace Zone to a [Height](#) in excess of the [Height](#) limit established for such Zone, except as otherwise provided in this section. The following [Height](#) limitations are hereby established for each of the Airspace Zones:

**(1) Instrument Approach Zone**

One foot in [Height](#) for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one foot in [Height](#) for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

**(2) Non-Instrument Approach Zone**

One (1) foot in [Height](#) for each 20 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway.

**(3) Transition Zone**

One (1) foot in [Height](#) for each seven (7) feet in horizontal distance beginning at any point 125 feet normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a [Height](#) of 150 feet above [Airport](#) elevation. In addition to the foregoing there are established [Height](#) limits of one (1) foot vertical [Height](#) for each seven (7) feet horizontal distance measured from the edges of all Approach Zones for the entire length of the Approach Zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the Instrument Approach Zone projects through and beyond the Conical Zone, a [Height](#) limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the Instrument Approach Zone and extending a distance of 5,000 feet from the edge of the Instrument Approach Zone measured normal to the centerline of the runway extended.

**(4) Horizontal Zone**

**Height** may not exceed 150 feet above the **Airport** elevation.

**(5) Conical Zone**

One (1) foot in **Height** for each 20 feet in horizontal distance beginning at the periphery of the Horizontal Zone, extending to a **Height** of 400 feet above the **Airport** elevation.

**(g) Performance Standards**

Notwithstanding any other provision of this section, no use or **Development Activity** may occur on land within any Airspace **Overlay District** that:

- (1) creates electrical interference with radio communications between the **Airport** and aircraft, including radio and television transmitting towers or studios and large radiation or X-ray equipment;
- (2) includes aboveground storage of petroleum or any other explosive material.
- (3) emits smoke or odor; emits smoke or odor;
- (4) contains lights or signals that may be confused with **Airport** navigational lights;
- (5) results in glare to pilots approaching, leaving or circling the **Airport** or that impairs visibility in the District;
- (6) provides private airfields or runways for the use of aircraft other than those used in the principal **Airport** in the District; or
- (7) otherwise endangers the landing, taking-off, or maneuvering of aircraft.

**(h) Nonconformities**

- (1) The regulations set forth in this section do not require the removal, lowering, or other change of any **Structure** not conforming to these regulations or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 20-302(h)(2) and 20-302(i)(6).
- (2) The City may require, upon 30-days written notice, any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line upon the roads and highways immediately adjoining the **Airport** to remove, lower, change, or alter said nonconforming pole or pole line. Prior to the removal, lowering, or changing of the pole or pole line, the **Owner** or **Owner** of the **Airport**, shall pay said person, firm, association or corporation the reasonable and necessary expense of removing, lowering or changing said pole or pole lines; or in lieu thereof shall execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering or changing such pole or pole lines. The reasonable and necessary expense of removing, lowering or changing said pole or pole lines may include, among other items of expense, the actual cost of:
  - (i) constructing underground conduits and the construction of such wires and equipment in such conduits; and

- (ii) rerouting wires together with the poles, cross arms, and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting.

(i) **Permits**

**(1) Future Uses**

Except as specifically provided by the exceptions stated in Section 20-302(i)(4), no material change may be made in the use of land and no **Structure** may be erected, altered, or otherwise established in any Airspace **Overlay District** unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or **Structure** would conform to the regulations set forth in this section. If such determination is in the affirmative, the permit shall be granted.

**(2) Existing Uses**

No permit may be granted that would allow the establishment or creation of an **Airport Hazard** or permit a nonconforming use, or **Structure** to be made or become higher, or become a greater hazard to air navigation than it was on the **Effective Date**, or the **Effective Date** of any amendments hereto, or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

**(3) Nonconforming Uses**

Before any nonconforming **Structure** may be replaced, substantially altered or repaired, rebuilt, or increased in **Height**, a permit shall be obtained authorizing such replacement, alteration, change or repair.

**(4) Exceptions**

- (i) In the area lying within the limits of the Horizontal Zone and the Conical Zone, no permit will be required for any **Structure** less than 75 feet in vertical **Height** above the ground, except where, because of terrain, land contour or topographic features, such **Structure** would extend above the **Height** limits prescribed for such Zones.
- (ii) In the areas lying within the limits of the Instrument and Non-Instrument Approach Zones but at a horizontal distance of not less than 4,200 feet from each end of the runways no permit will be required for any **Structure** less than 75 feet in vertical **Height** above the ground, except where, because of terrain, land contour or topographic features, such **Structure** would extend above the **Height** limits prescribed for the Instrument or Non-Instrument Approach Zone.
- (iii) In the areas lying within the limits of the Transition Zones beyond the perimeter of the Horizontal Zone, no permit will be required for any **Structure** less than 75 feet in vertical **Height** above the ground except where such **Structure**, because of terrain, land contour or topographic features would extend above the **Height** limit prescribed for such Transition Zones.
- (iv) Nothing contained in any of the foregoing exceptions will be construed as permitting or intending to permit any construction, or

alteration of any **Structure** in excess of any of the **Height** limits established by this section.

**(5) Variances**

Any person desiring to erect any **Structure** or increase the **Height** of any **Structure**, or otherwise use his property in violation of the Airspace **Overlay District** regulations, may apply to the City Commission of the City of Lawrence for a variance from the zoning regulations in question. Such variances will be allowed where a literal application or enforcement of the regulations would result in practical difficulty or Unnecessary Hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this section: Provided, that any variance may be allowed subject to any reasonable conditions that the City Commission may deem necessary to effectuate the purposes of this section.

**(6) Hazard Marking and Lighting**

Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this section and be reasonable in the circumstances, be so conditioned as to require the **Owner** of the **Structure** in question to permit the City of Lawrence, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an **Airport Hazard**.

**(j) Administration and Enforcement**

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

- (1) In particular, the **Airport Zoning Commission** shall review all permit applications and determine if such should be granted. If an application is found to conform to all the Airspace **Overlay District** regulations, the **Airport Zoning Commission** shall grant the permit.
- (2) Applications for permits and variances shall be made to the **Planning Director** upon forms furnished by the **Planning Director**.
  - (i) Applications for permits shall be submitted at least 35 days prior to a regular meeting of the **Planning Commission**.
  - (ii) Applications for variances shall be submitted at least 35 days prior to a regular meeting of the City Commission.

**(k) Conflicting Regulations**

In the event of conflict between the Airspace **Overlay District** regulations and any other regulations applicable to the same area, whether the conflict be with respect to the **Height** of **Structures**, use of land, or any other matter, and whether such other regulations were adopted by the City of Lawrence or any other unit of local government, the more stringent limitation or requirements as to **Airport Hazards** will govern and prevail.

**20-303 FP, FLOODPLAIN MANAGEMENT REGULATIONS OVERLAY DISTRICT**

The FP, Floodplain Management Regulations are implemented as an **Overlay District**. The established regulatory provisions affecting land in the FP District are set out in Article 12, Floodplain Management Regulations.

**20-304 HD, HISTORIC DISTRICT OVERLAY**

Historic Districts designated in accordance with the provisions of Chapter 22 of the City Code shall be submitted to the [Planning Commission](#) as a recommended Zoning Map Amendment and processed in accordance with Section 20-1303. If approved by the City Commission, the HD [Overlay District](#) shall be shown on the [Official Zoning District Map](#) with the map symbol “– HD” and shall be governed by the relevant provisions of Chapter 22.

**20-305 HL, HISTORIC LANDMARK DESIGNATION**

Historic Landmarks designated in accordance with the provisions of Chapter 22 of the City Code shall be shown on the [Official Zoning District Map](#) with the map symbol “– HL” and shall be governed by the relevant provisions of Chapter 22.

**20-306 PD, PLANNED DEVELOPMENT OVERLAY DISTRICT**

See Section 20-701 for purposes, standards and procedures for the PD District.

**20-307 TC, MAJOR TRANSPORTATION CORRIDOR OVERLAY****(a) Purpose**

The TC, Major Transportation Corridor [Overlay District](#), is intended to protect properties adjacent to the transportation corridors from the noise, activity, light and dust of vehicular traffic by requiring [Building Setbacks](#) and Landscaping along the corridors.

- (1) SLT/K10-TC, South Lawrence Trafficway Corridor [Overlay District](#), is designed to create an aesthetically pleasing corridor along the South Lawrence Trafficway, in keeping with the SLT policy of providing a park-like setting. The SLT Corridor [Overlay District](#) does not affect land use regulations or development standards of the [Base Districts](#) except as specifically specified in this section.
- (2) 23rd/K10-TC, 23rd Street/K10 Corridor [Overlay District](#) (section reserved)
- (3) Iowa/US 59-TC, Iowa Street/US Highway 59 Corridor [Overlay District](#) (section reserved)
- (4) 6th/US 40-TC, 6th Street/ US Highway 40 Corridor [Overlay District](#) (section reserved)
- (5) N. 2nd/US 24,40 & 59 -TC, N. 2nd Street/US Highways 24, 40 & 59 Corridor [Overlay District](#) (section reserved)
- (6) 31st Street Corridor [Overlay District](#) (section reserved)

**(b) Boundaries**

- (1) SLT/K10-TC: The boundaries of the SLT/K10 [Overlay District](#) are shown on the [Official Zoning District Map](#). The SLT [Overlay District](#) extends 500 feet on either side of the centerline of the SLT/K10 right-of-way within the city limits of Lawrence.
- (2) 23rd Street/K10-TC: The boundaries of the 23rd Street/K10 Corridor [Overlay District](#) are shown on the [Official Zoning District Map](#). (Section reserved for adoption of boundaries based on adopted 23rd Street Corridor Study)



- (3) Iowa/US 59-TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))
- (4) 6th Street/US 40-TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))
- (5) N. 2nd Street/US 24,40 & 59-TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))
- (6) 31st Street TC: (Section reserved for adoption of a major corridor plan and boundaries for this [Overlay District](#))

**(c) Development Standards**

- (1) SLT/K10-TC Development Standards: All [Significant Development Projects](#) within the SLT/K10 [Overlay District](#) shall be required to meet the following minimum standards:
  - (i) All new [Structures](#) and parking Lots shall be set back a minimum of 50 feet from the right-of-way line of the South Lawrence Trafficway/K10;
  - (ii) Improvements to existing [Structures](#) shall be set back a minimum of 50 feet, or the distance of the [Setback](#) of the existing [Structure](#), whichever is less; and
  - (iii) On properties lying directly adjacent to the South Lawrence Trafficway or its service roads, [Structures](#) shall be Screened from the Trafficway by continuous landscape [Screening](#) that meets the following standards:
    - a. Large [Shade Trees](#), a minimum 3-inch [Caliper](#), planted 40 feet on center;
    - b. [Ornamental Trees](#), a minimum 2-inch [Caliper](#), planted 20 feet on center;
    - c. Large [Evergreen Trees](#), a minimum of 6 feet in [Height](#), planted 30 feet on center;
    - d. Landscape [Screening](#) may be mixed in combinations of the above requirements;
    - e. The landscape [Screening](#) shall be placed within 50 feet of the boundary of the property that lies nearest to the Trafficway; and
    - f. Required Landscaping shall be installed, maintained and replaced in accordance with Section 20-1010.
- (2) 23rd Street/K10 Highway-TC Development Standards: All [Significant Development Projects](#) within the 23rd Street/K10 Transportation Corridor [Overlay District](#) shall be required to meet the following standards:
  - (i) Section held for [Setback](#) standards for new [Structures](#).

- (ii) Section held for [Setback](#) standards for existing [Structures](#).
  - (iii) Section held for Landscaping standards.
- (3) Iowa/US 59 Highway Development Standards: All [Significant Development Projects](#) within the Iowa/US 59 Highway [Overlay District](#) shall be required to meet the following standards:
  - (i) Section held for [Setback](#) standards for new [Structures](#).
  - (ii) Section held for [Setback](#) standards for existing [Structures](#).
  - (iii) Section held for Landscaping standards.
- (4) 6th Street/US 40 Highway Development Standards: All [Significant Development Projects](#) within the 6th Street/US 40 Highway [Overlay District](#) shall be required to meet the following standards:
  - (i) Section held for [Setback](#) standards for new [Structures](#).
  - (ii) Section held for [Setback](#) standards for existing [Structures](#).
  - (iii) Section held for Landscaping standards.
- (5) N. 2nd Street/US 24, 40 & 59 Highways: All [Significant Development Projects](#) within the N. 2nd Street/US 24, 40 & 59 Highways [Overlay District](#) shall be required to meet the following standards:
  - (i) Section held for [Setback](#) standards for new [Structures](#).
  - (ii) Section held for [Setback](#) standards for existing [Structures](#).
  - (iii) Section held for Landscaping standards.
- (6) 31st Street TC Development Standards: All [Significant Development Projects](#) within the 31st Street Corridor [Overlay District](#) shall be required to meet the following standards:
  - (i) Section held for [Setback](#) standards for new [Structures](#).
  - (ii) Section held for [Setback](#) standards for existing [Structures](#).
  - (iii) Section held for Landscaping standards.

**(d) Interpretation**

- (1) The provisions of this Section shall not be interpreted to deprive the [Owner](#) of any existing property or of its use or maintenance for the purpose to which that property is then legally devoted.
- (2) In the event that a governmental taking or acquisition for right-of-way, [Easement](#) or other governmental use would reduce a [Setback](#) that previously complied with this Section, that reduction in [Setback](#) shall not be deemed to constitute a violation of this Section.

**20-308 URBAN CONSERVATION OVERLAY DISTRICT****(a) Purpose**

The UC, Urban Conservation [Overlay District](#), is intended to:

- (1) encourage development that conforms to the size, orientation and setting of existing [Buildings](#) in a neighborhood or area;
- (2) reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing [Buildings](#) in a neighborhood or area;
- (3) provide [Building Setbacks](#), [Lot](#) dimensions and related physical characteristics;
- (4) foster development that is compatible with the [Scale](#) and physical character of original [Buildings](#) in a neighborhood or area through the use of Development/Design Standards and guidelines; and
- (5) conserve the cultural resources, historic resources and property values within an identified neighborhood or area.

**(b) Selection Criteria**

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

- (1) the general pattern of development, including [Streets](#), [Lots](#) and [Buildings](#), shall have been established at least 25 years prior to the [Effective Date](#);
- (2) the area shall possess built environmental characteristics that create an identifiable setting, character and association;
- (3) the designated area shall be a contiguous area of at least five (5) acres in size. Areas of less than five (5) acres may be designated as an UC [Overlay District](#) only when they abut an existing five (5) acre or greater UC [Overlay District](#).

**(c) Establishment of District**

UC [Zoning Districts](#) are established in accordance with the Zoning Map Amendment procedures of Section 20-1303, except as modified by the following provisions:

- (1) an application to establish a UC District may be initiated by the [Historic Resources Commission](#), the [Planning Commission](#) or the City Commission;
- (2) applications may also be initiated by petition when signed either by the [Owner](#) of at least 51% of the area within the proposed UC District or by at least 51% of total number of [Landowners](#) within the proposed District;
- (3) the [Historic Resources Commission](#) and the [Planning Commission](#) shall hold public hearings, and submit written recommendations to the City Commission, regarding each application to establish a UC District;

- (4) the [Historic Resources Commission](#) is responsible for reviewing UC zoning applications for compliance with the selection criteria of Section 20-308(b) and for recommending development/design standards and guidelines for the District;
- (5) the [Planning Commission](#) is responsible for reviewing UC applications for its planning and zoning implications; and
- (6) the City Commission is responsible for making a final decision to approve or deny the [Overlay District Zoning](#).

**(d) Procedure**

Upon receipt of an application for UC zoning or upon initiation of a UC zoning application by the City Commission, [Planning Commission](#) or [Historic Resources Commission](#), the following procedures apply:

- (1) unless otherwise expressly stated, the zoning map amendment procedures of Section 20-1303 apply;
- (2) public hearings on UC zoning applications shall be held by the [Historic Resources Commission](#) and the [Planning Commission](#) prior to consideration by the City Commission; and
- (3) the [Historic Resources Commission](#) shall make a recommendation that UC District zoning be approved, approved with conditions or denied. The [Historic Resources Commission's](#) recommendation shall be submitted to the [Planning Commission](#) and City Commission. The item shall be placed on the [Planning Commission](#) agenda after receipt of the [Historic Resources Commission's](#) recommendation. The recommendation shall be accompanied by a report containing the following information:
  - (i) an explanation of how the area meets or does not meet the selection criteria contained in Section 20-308(b);
  - (ii) in the case of an area found to meet the criteria in Section 20-308(b):
    - a. a description of the general pattern of development, including Streets, Lots and Buildings in the area; and
    - b. Development/Design Standards to guide development within the District;
  - (iii) a map showing the recommended boundaries of the UC District; and
  - (iv) a record of the proceedings before the [Historic Resources Commission](#);

**(e) Allowed Uses**

UC District Classifications do not affect the use of land, [Buildings](#) or [Structures](#). The use regulations of the [Base District](#) control.

**(f) Development/Design Standards**

In establishing a UC District, the [Historic Resources Commission](#) or [Planning Commission](#) are authorized to propose, and the City Commission is authorized to

adopt, by ordinance, District-Specific Development and Design Standards (referred to herein as “Development/Design Standards”) to guide development and redevelopment within UC Districts:

- (1) when Development/Design Standards have been adopted, all Alterations within the designated UC District shall comply with those standards. For the purposes of this section, “Alteration” means any [Development Activity](#) that changes one or more of the “Exterior Architectural Features” of a [Structure](#), as the latter term is defined in Chapter 22 of the City Code;
- (2) when there are conflicts between the Development/Design Standards of the [Base District](#) and adopted UC District Development/Design standards, the UC Development/Design Standards will govern;
- (3) the Development/Design Standards will be administered by City staff in accordance with adopted administrative policy.

**(g) Appeals**

- (1) Notwithstanding the procedure set forth in Section 20-1311, a person aggrieved by a decision of the City staff, determining whether the Development/Design Standards have been met, may file a written appeal with the [Historic Resources Commission](#). The appeal shall be filed within ten (10) [Working Days](#) after the decision has been rendered.
- (2) A person aggrieved by a decision of the [Historic Resources Commission](#), determining whether the Development/Design Standards have been met, may file a written appeal with the City Commission. The appeal shall be filed within ten (10) [Working Days](#) after the decision has been rendered.
- (3) the City Commission is the final decision-making authority in determining whether a proposed project meets the adopted Development/Design Standards.
- (4) the Board of Zoning Appeals has no authority to grant interpretations, exceptions or variances from the adopted Development/Design Standards.
- (5) within thirty days after the City Commission’s final decision, in passing upon an appeal pursuant to this Section, any person aggrieved by the decision may file an action in District Court to determine the reasonableness of the decision.

**(h) UC Districts Established**

The following UC Districts are established:

Conservation District Name	Boundaries
Downtown Urban Conservation <a href="#">Overlay District</a>	See Ord. No. 7395
8 <sup>th</sup> & Pennsylvania Urban Conservation <a href="#">Overlay District</a>	See Ord. No 8053

**(i) UC District Development/Design Standards Established**

The following UC District Development/Design Standards and Administrative Policies are established:

Conservation District Name	Development Standards and Administrative Policies
Downtown Urban Conservation <a href="#">Overlay District</a>	Downtown Design Guidelines 2009
8 <sup>th</sup> and Pennsylvania Urban Conservation <a href="#">Overlay District</a>	Design Guidelines 8 <sup>th</sup> and Penn Neighborhood Redevelopment Zone 2006

**20-309 INCORPORATION BY REFERENCE OF “THE DOWNTOWN DESIGN GUIDELINES 2009 EDITION”**

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

**20-310 INCORPORATION BY REFERENCE OF “THE DESIGN GUIDELINES 8<sup>TH</sup> AND PENN NEIGHBORHOOD REDEVELOPMENT ZONE”**

The “The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone” prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the “The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone” At least one copy of said text amendments shall be marked or stamped as “Official Copy as Adopted by Ordinance No. 8363 and to which shall be attached a copy of this ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such “The Design Guidelines 8<sup>th</sup> and Penn Neighborhood Redevelopment Zone”.

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**ARTICLE 4. USE TABLE**

<b>20-401</b>	<b>Use Table</b>
<b>20-402</b>	<b>Residential District Use Table</b>
<b>20-403</b>	<b>Nonresidential District Use Table</b>

**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 20-222(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**

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.

**20-402 RESIDENTIAL DISTRICT USE TABLE**

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO		
<b>RESIDENTIAL USE GROUP</b>																	
Household Living	Accessory Dwelling Unit	A*	A*	A*	A*	-	-	-	-	-	-	-	-	-	-	534	
	Attached Dwelling	-	-	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	-	P*	503	
	Cluster Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	702	
	Detached Dwelling	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	508	
	Duplex	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	-	P*	503	
	Manufactured Home	-	-	-	-	-	-	-	S	S	S	S	S	-	-		
	Manufactured Home, Residential-Design	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	513	
	Mobile Home	-	-	-	-	-	-	-	-	-	S	S	S	-	-		
	Mobile Home Park	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	-	514	
	Multi-Dwelling Structure	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	517	
	Non-Ground Floor Dwelling	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542	
	Work/Live Unit	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542	
	Zero Lot Line Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	531	
	Home Occupation, Type A or B	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	537	
Group Living	Assisted Living	S	S	S	S	S	S	P	P	P	P	P	P	P	P		
	Congregate Living	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	546	
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	P	-		
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	P	-		
	Group Home, General [11 or more]	S	S	S	S	S	S	S	S	S	S	S	S	P	S		
	Group Home, Limited [10 or fewer]	P	P	P	P	P	P	P	P	P	P	P	P	-	P		
<b>PUBLIC AND CIVIC USE GROUP</b>																	
Community Facilities	Adult Day Care Home	S	S	S	S	S	S	P	P	P	P	P	P	P	P		
	Cemeteries	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	505	
	College/University	S	S	S	S	S	S	S	S	S	S	S	S	P	S		
	School	S	S	S	S	S	S	S	S	S	S	S	S	P	S		
	Cultural Center/ Library	S	S	S	S	S	S	S	S	S	S	S	S	P	S		
	Day Care Center	S*/A*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*/A*	S*	507
	Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	507
	Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	-	S*	507
	Detention Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512
	Postal Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S		
	Funeral and Interment	-	-	-	-	-	-	-	P*	-	-	-	-	-	P*	505	



Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522
	Social Service Agency	--	--	--	--	--	--	P	--	--	--	--	--	--	P	
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	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	S	S	S	-	S
Medical Facilities	Extended Care Facility, General	-	-	-	-	-	-	S	P	P	P	P	P	P	P	
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Health Care Office, Health Care Clinic	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Outpatient Care Facility	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
	Entertainment & Spectator Sports, Gen.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Entertainment & Spectator Sports, Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Participant Sports & Recreation, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Participant Sports & Recreation, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Religious Assembly	Campus or Community Institution	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
<b>COMMERCIAL USE GROUP</b>																
Animal Services	Kennel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Livestock Sale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sales and Grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Veterinary	-	-	-	-	-	-	P	-	-	-	-	-	-	P	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Eating & Drinking Establishments	Accessory Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Bar or Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Brewpub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Fast Order Food	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Fast Order Food, Drive-in	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Private Dining Establishments	S*	S*	S*	S*	S*	-	S*	-	-	-	-	-	-	-	S*
	Restaurant, High-turnover	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurant, Quality	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Office	Administrative and Professional	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	518
	Financial, Insurance & Real Estate	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
	Other	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
Parking Facilities	Accessory	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-
Retail Sales & Service	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Business Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Business Support	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Food and Beverage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Mixed Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Personal Convenience	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Personal Improvement	-	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*
	Repair Service, Consumer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Sales, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Establishment, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Retail Establishment, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Establishment, Specialty	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sex Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Sexually Oriented Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transient Accommodation	Bed and Breakfast	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	-	P*	504
	Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Elderhostel	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-
	Hotel, Motel, Extended Stay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Sales & Service	Cleaning (e.g., car wash)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Gas and Fuel Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Heavy Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Heavy Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Inoperable Vehicles Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Light Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Light Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	RV and Boats Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>INDUSTRIAL USE GROUP</b>																
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Manufacturing & Production, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Manufacturing & Production, Technological	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Research Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Salvage Operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Wholesale, Storage & Distribution	Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>OTHER USES GROUP</b>																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	501
Agriculture	Agricultural Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Agriculture, Animal	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	502
	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	536
	Broadcasting Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Communications Service Establishment	-	-	-	-	-	-	P	-	-	-	-	-	-	P	-
	Telecommunications Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Recycling Facilities	Large Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Small Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**20-403 NONRESIDENTIAL DISTRICT USE TABLE**

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	IG	OS	GPI	H	
<b>RESIDENTIAL USE GROUP</b>																
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	P*	P*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	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	-	-	-	-	-	-	-	-	-	-		
<b>PUBLIC AND CIVIC USE GROUP</b>																
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*	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	-	

	Base Zoning Districts														Use-Specific Standards (Sec. 20-)		
	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H			
<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>	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	-		
	Public Safety	S	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		
	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	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*	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	P	P	P	P	P		
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	P	P	P		

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H	
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
<b>COMMERCIAL USE GROUP</b>																
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	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	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	
	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*	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*	P*	-	-	-	537
Parking Facilities	Accessory	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	A	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	P	P	P	P	P	P	P	P	-	-	A	
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	P	-	-	A	

	Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H		
<b>Key:</b> A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed	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
	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	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	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	IG	OS	GPI	H	
	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	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	P	P	P	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	-	S*	S*	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	A*	A*	A*	A*	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	S	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	P	P	-	S	-	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
<b>OTHER USES GROUP</b>																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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	IG	OS	GPI	H	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	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*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	P	P	-	-	-	

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**ARTICLE 5. USE REGULATIONS**

20-501	<b>Adaptive Reuse of Designated Historic Property</b>
20-502	<b>Agriculture, Animal</b>
20-503	<b>Attached Dwellings</b>
20-504	<b>Bed and Breakfast Establishment</b>
20-505	<b>Funeral and Interment</b>
20-506	<b>(Reserved)</b>
20-507	<b>Day Care Establishments</b>
20-508	<b>Detached Dwelling</b>
20-509	<b>Eating and Drinking Establishments</b>
20-510	<b>Financial, Insurance and Real Estate (F.I.R.E.) Services</b>
20-511	<b>Food and Beverage Sales</b>
20-512	<b>Lodge, Fraternal and Civic Assembly</b>
20-513	<b>Manufactured Homes, Residential-Design</b>
20-514	<b>Mobile Home Parks</b>
20-515	<b>Mining</b>
20-516	<b>Mixed Media Stores</b>
20-517	<b>Multi-Dwelling Structure, Non-Ground Floor Dwelling Units and Work/Live Units</b>
20-518	<b>Office, Administrative and Professional</b>
20-519	<b>Outpatient Care Facility</b>
20-520	<b>Personal Convenience Store</b>
20-521	<b>Personal Improvement Service</b>
20-522	<b>Religious Assembly</b>
20-523	<b>Repair Service, Consumer</b>
20-524	<b>Restaurant, Quality</b>
20-525	<b>Retail Sales, General</b>
20-526	<b>Retail Establishments</b>
20-527	<b>Scrap and Salvage Operations</b>
20-528	<b>Sexually Oriented Businesses</b>
20-529	<b>Telecommunications Facilities</b>
20-530	<b>Utility, Minor</b>
20-531	<b>Zero Lot Line Housing</b>
20-532	<b>Accessory Uses and Accessory Structures; Purpose</b>
20-533	<b>General Standards for Accessory Structures</b>
20-534	<b>Accessory Dwelling Units</b>
20-535	<b>Accessory Parking</b>
20-536	<b>Amateur Radio and Receive-Only Antennas</b>
20-537	<b>Home Occupations</b>
20-538	<b>Exterior Storage</b>
20-539	<b>General Standards for Private Dining Establishments</b>
20-540	<b>Small and Large Collection Recycling Facilities</b>
20-541	<b>Work/Live Units</b>
20-542	<b>Non-Ground Floor Dwelling Units</b>
20-543	<b>Office, Other</b>
20-544	<b>Temporary Shelters</b>
20-545	<b>Light Equipment Sales/Rental</b>
20-546	<b>Congregate Living</b>

**20-501 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY**

- (1) Special Use approval may be granted in any **Zoning District** for an Adaptive Reuse provided the property is listed individually or as a contributing **Structure** to a historic district in one or more of the following: the Lawrence Register of Historic Places; the Register of Historic Kansas Places; or the National Register of Historic Places.
- (2) Only properties that meet criteria (i) or (ii) below and the additional criteria below are eligible to pursue Adaptive Reuse:
  - (i) When such use can facilitate active renovation or restoration of the property and when the request for the Adaptive Reuse is submitted prior to the renovation or restoration commencing.
  - (ii) When such use can maintain an otherwise adequate property that has an existing Adaptive Reuse Special Use Permit.
  - (iii) When the property is located in a nonresidential **Zoning District**.
  - (iv) When the property is located in a single-dwelling residential **Zoning District** and the structure was built primarily for any use other than **Detached Dwelling** that has been substantiated through archival records, tax records, City directories, or other physical evidence and when the property is not being converted from **Detached Dwelling** to Adaptive Reuse.
  - (v) When the property is located in a multi-dwelling residential **Zoning District** and where the **Structure** on the property was built for any use other than **Detached Dwelling** that has been substantiated through archival records, tax records, City directories, or other physical evidence or where the **Structure** on the property has a minimum of 4,000 square feet of **Gross Floor Area** in living space. (Square footage shall include all finished living space excluding porches and garages).
- (3) Adaptive Reuse of a property shall not include a reduction in area or dimension of the existing **Front Yard** or Exterior **Side Yard**;
- (4) Adaptive Reuse of a residentially-designed **Structure** shall maintain the residential quality and character of the property;
- (5) Adaptive Reuse of a **Building** shall maintain the architectural character of the historic property, as established by the **Historic Resources Commission**, and the historic context within the neighborhood environs;
- (6) Prior to public hearing of an application for a Special Use for Adaptive Reuse by the **Planning Commission**, the Special Use application shall first be reviewed and a recommendation made by the Lawrence **Historic Resources Commission** at a regular meeting of the Lawrence **Historic Resources Commission** and, when applicable, the State Historic Preservation Officer. Mailed notice of the **Historic Resources Commission**'s meeting shall be provided pursuant to Section 20-1301(q)(3).
- (7) In addition to the Special Use review procedures of Section 20-1306, the following criteria shall apply:
  - (i) conformance with the regulations for redevelopment established in Chapter 22 of the City Code, as determined by the Lawrence **Historic Resources Commission** when the project is on the Lawrence Register of Historic Places;

- (ii) compliance with the Secretary of Interior Standards for Rehabilitation, as determined by the [Historic Resources Commission](#) and/or State Historic Preservation Officer, when a State or National Register property is involved; and,
  - (iii) adherence to other criteria established in this Development Code, as appropriate to the use proposed, when so determined by the [Planning Director](#) or the Historic Resources Administrator.
- (8) After the appropriate recommendation has been made pursuant to Section 20-501(6), the Special Use application shall be scheduled for public hearing before the [Planning Commission](#).
- (9) The recommendations of the [Historic Resources Commission](#) and the [Planning Commission](#) will be forwarded to the City Commission for consideration.

**20-502 AGRICULTURE, ANIMAL**

- (1) Animal husbandry, dairying, and pasturage, but not including the keeping of swine, shall have a minimum Lot Area of not less than five (5) acres and shall have not less than one (1) acre of Lot Area for each head of Livestock kept on the Premises. No feedlots shall be allowed.
- (2) No Animal Agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining Lot Line than 100 feet.
- (3) Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

## 20-503 ATTACHED DWELLINGS

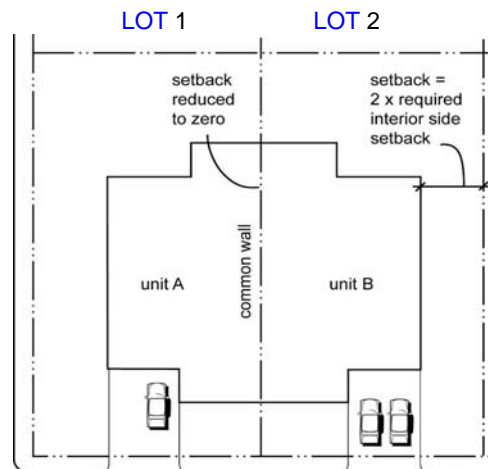
### (1) General

- (i) The common or abutting wall shall be shared for at least 50% of the length of the side of the [Dwelling Units](#) and shall have a maintenance agreement for the sharing of a common wall filed at the Register of Deeds.
- (ii) [Attached Dwellings](#) shall comply with the [Density](#) and Dimensional Standards of Article 6, except where such standards are expressly modified by the provisions of this section.
- (iii) [Attached Dwelling](#) developments in RS Districts are subject to the Site Plan Review procedures of Section 20-1305 and Special Use Permit (SUP) requirements of Section 20-1306.
- (iv) [Attached Dwelling](#) developments in the MU District are subject only to the Site Plan Review procedures of Section 20-1305.

### (2) Standards that Apply in RS-10, RS-7 and RS-5 Districts

The following standards apply to [Attached Dwellings](#) in the RS-10, RS-7 and RS-5 Districts.

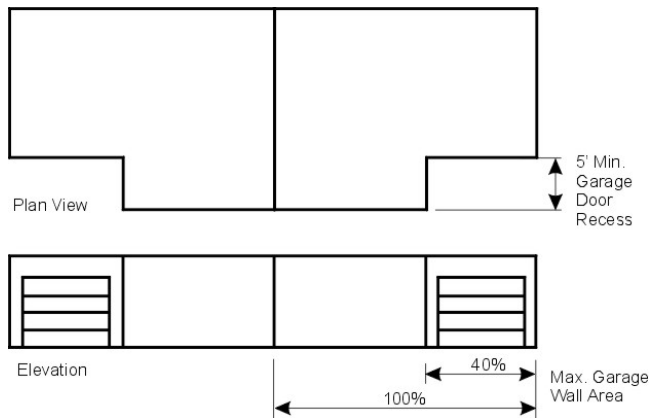
- (i) No more than 2 units may be attached by a common wall. [Structures](#) containing 3 or more [Attached Dwelling Units](#) are prohibited in these Districts.
- (ii) Each [Attached Dwelling](#) shall be on a [Lot](#) that complies with the [Lot Area](#) and width standard for new Lots in the [Base District](#).
- (iii) The minimum required [Interior Side Setback](#) on the side of the [Dwelling Unit](#) containing the common wall is reduced to zero. The minimum required [Interior Side Setback](#) on the side of the [Dwelling Unit](#) opposite the common wall shall be at least double the [Interior Side Setback](#) standard of the [Base District](#).



- (iv) On [Corner Lots](#), either the [Rear Setback](#) or [Interior Side Setback](#) may be reduced to zero. However, the remaining interior Side or [Rear Setback](#) shall comply with the interior Side or [Rear Setback](#) standards of the [Base District](#).



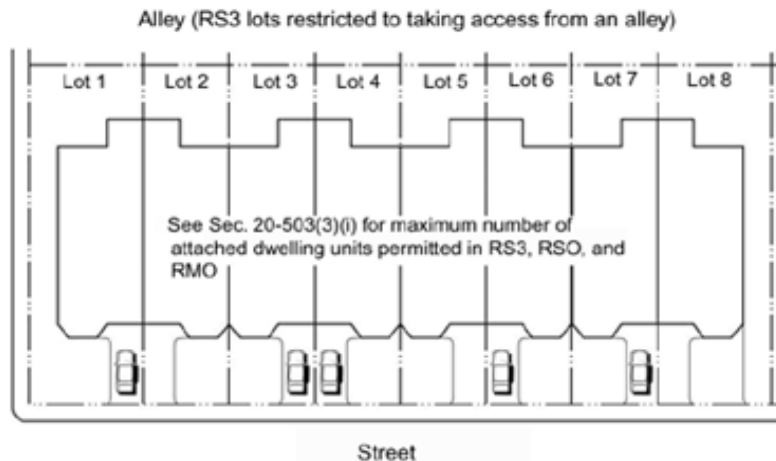
- (v) No more than 40% of the width of the front **Facade** of an **Attached Dwelling** may be comprised of garage door area, and all garage doors shall be recessed at least 5 feet from the front **Building** plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the **Structure**.



**(3) Standards that Apply in the RS3, RSO, and RMO Districts**

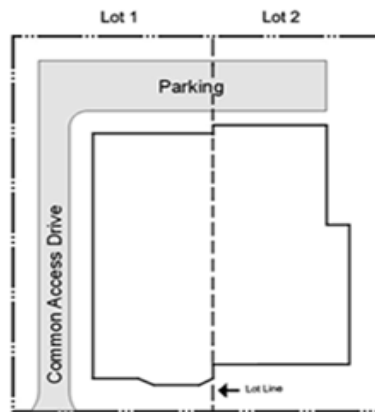
The following standards apply to **Attached Dwellings** in the RS3, RSO and all RMO Districts.

- (i) Up to 2 **Dwelling Units** may be attached (have common walls) in the RS3 District. **Structures** containing 3 or more **Attached Dwelling Units** are prohibited in the RS3 District. Up to 8 **Dwelling Units** may be attached (have common walls) in the RSO District. **Structures** containing 9 or more **Attached Dwelling Units** are prohibited in the RSO District. Up to 12 **Dwelling Units** may be attached (have common walls) in the RMO District. **Structures** containing 13 or more **Attached Dwelling Units** are prohibited in the RMO District. Each **Attached Dwelling** shall be on a **Lot** that complies with the **Lot Area** and width standard for new **Lots** in the **Base District**.



- (ii) The **Density** and **Lot size** (area and width) requirements of the **Base District** apply. Commonly owned areas, including **Common Open Space**, **Driveway**, or **Parking Areas** apply toward the overall **Density** standard.
- (iii) The front, side, and **Rear Setback** standards of the **Base District** apply around the perimeter of the project.

- (iv) The [Interior Side Setback](#) on the side containing a common wall is reduced to zero.
- (v) On [Corner Lots](#), either the [Rear Setback](#) or [Interior Side Setback](#) may be reduced to zero. However, the remaining interior side or [Rear Setback](#) shall comply with the [Rear Setback](#) standards of the [Base District](#).
- (vi) The roof of each [Attached Dwelling](#) shall be distinct from the others through separation of roof pitches or direction, or other variation in roof design.
- (vii) A common [Access Drive](#) providing [Access](#) to the Rear of the Lots for shared or individual [Parking](#) is required and shall take the form of a public right-of-way or private [Easement](#). Common [Access Drives](#) shall be at least 12 feet wide if designed for one-way traffic and 20 feet wide if designed for two-way traffic.



- (viii) All [Parking](#) other than the common [Access Drives](#) are prohibited in the front and side [Street Yards](#).

#### (4) Standards that Apply in the MU District

The following standards apply to [Attached Dwellings](#) in the MU District.

- (i) Up to 12 [Dwelling Units](#) may be attached (have common walls) in the MU District. Each [Attached Dwelling](#) shall be on a [Lot](#) that complies with the [Lot Area](#) and width standard for new Lots in the [Base District](#).
- (ii) [Attached Dwellings](#) shall be constructed in accordance with the form standards of the applicable zone, as per Section 20-1108(j).
- (iii) Vehicular [Access](#) to lots containing [Attached Dwellings](#) shall be from a rear [Alley](#).

**20-504 BED AND BREAKFAST ESTABLISHMENT**

- (1) A **Bed and Breakfast** with 3 or fewer guest bedrooms shall be operated as an incidental use to the **Principal Use** of an **Owner-occupied Structure**.
- (2) A **Bed and Breakfast** establishment with 4 or more guest bedrooms is considered a **Bed and Breakfast Inn**.
  - (i) A **Bed and Breakfast Inn** shall have a full-time resident manager or **Owner** on the site and be licensed by the State of Kansas to do business.
  - (ii) A **Bed and Breakfast Inn** shall only be permitted if it is adjacent to or within ready **Access** to an **Arterial** or **Collector Street**.
- (3) **Bed and Breakfast** establishments operated as part of an adaptive reuse within a Registered Historic Landmark or within a property located within a Registered Historic District shall not be restricted to a number of bedrooms.

**20-505 FUNERAL AND INTERMENT**

**Funeral and Interment Services** that are subject to this standard shall have direct **Access** to an **Arterial Street**, with ingress and egress so designed as to minimize traffic congestion.

- (1) **Cemeteries** and **Interment** services shall provide a wall or fence at least 6 feet in **Height** along all **Lot Lines**.
- (2) **Structures** used for **Interment** and Cremation services, such as mausoleums, columbariums, and crematories, when located in an OS District may not be located within 50 feet of any R District.
- (3) Funeral and Internment facilities, such as funeral homes and mortuaries, are only permitted in the OS District when accessory to a **Cemetery** use.

**20-506 (RESERVED)****20-507 DAY CARE ESTABLISHMENTS**

- (1) **Day Care Homes**
  - (i) **Class A Day Care Homes** are permitted as an **Accessory Use** in the MU and R Districts, provided that written notification is given by the operator to all adjacent **Landowners** before beginning operation of the Day Care home. The notice shall State the proposed use and times of operation.
  - (ii) **Class B Day Care Homes** require Special Use approval in all R Districts and in the MU and CN1 Districts.
- (2) **Day Care Centers**

**Day Care Centers** shall maintain a wall or fence at least 4 feet in **Height** between any play area and any other property in the CN1 and MU District or any R District. **Day Care Centers** require Special Use approval in the CN1 and MU District and all R Districts, except when they are an **Accessory Use** to a permitted **School**, religious institution, or allowed as a **Community Facility** (see Section 20-402).

**20-508 DETACHED DWELLING**

A [Detached Dwelling](#) shall only be permitted to be constructed in an RM or RMO district, after the [Effective Date](#), by approval of a Special Use Permit. A [Detached Dwelling](#) may be permitted to be constructed without approval of a Special Use Permit if it is located on its own platted [Lot](#), and if the majority of the properties on the [Block Face](#) are constructed as [Detached Dwellings](#).

**20-509 EATING AND DRINKING ESTABLISHMENTS**

The restrictions in (1) and (2) shall apply to a [Licensed Premises](#) use. The [Fast Order Food](#) establishments in 3 and 4 are not permitted to be a Licensed Premise:

**(1) Accessory Uses to Hotels**

A hotel with 50 or more rooms may have a restaurant as an [Accessory Use](#); a restaurant may be permitted as a second [Principal Use](#) on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 100 or more rooms may have a [Bar](#) as an [Accessory Use](#), subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 150 or more rooms may have a [Nightclub](#) or other live entertainment as an [Accessory Use](#).

**(2) Accessory Bars**

In any [Zoning District](#) allowing a Restaurant as a permitted use and allowing an [Accessory Bar](#), the [Accessory Bar](#) shall be allowed only subject to the following standards:

- (i) the [Accessory Bar](#) shall not constitute more than 25% of the [Floor Area](#) of the eating & drinking establishment;
- (ii) the [Accessory Bar](#) shall not have a separate Street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the [Bar](#) shall be deemed to be a [Principal Use](#) and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

**(3) Standards that Apply in CN1 and CN2 Districts**

[Fast Order Food](#) establishments shall be permitted in CN1 and CN2 Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**(4) Standards that Apply in CO District**

[Fast Order Food](#) establishments are permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of all floors of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

**(5) Standards that Apply in CD District**

The following restrictions apply to [Licensed Premises](#) in the CD district:

- (i) The [Licensed Premises](#) use in CD shall be required to derive from the sales of food for consumption on the [Premises](#) not less than 55% of all the [Licensed Premises](#)' gross receipts for a calendar year from sales of food and beverages on such [Premises](#).

- (ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from [Licensed Premises](#) governed by this Section.
- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 15 of this Code.

**(6) Standards that Apply in the MU District**

A [Bar or Lounge](#) use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A [Bar or Lounge](#) use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.

**20-510 FINANCIAL, INSURANCE AND REAL ESTATE (F.I.R.E.) SERVICES**

All uses in this use category shall be permitted in the RSO, RMG, RMO and CN1 Districts subject to the following standards:

- (1) No external drive-thru automated teller machine, drive-through windows, or night drop windows shall be permitted;
- (2) Total nonresidential [Gross Floor Area](#) is limited to 5,000 square feet in RSO, RMG, RMO and 3,000 square feet in CN1; and
- (3) Walk-up ATMs are allowed for all uses in this use category.

**20-511 FOOD AND BEVERAGE SALES**

**(1) Standards that Apply in MU, CN1 and CN2 Districts**

[Food and Beverage Sales](#) establishments shall be permitted in MU, CN1 and CN2 Districts provided the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**(2) Standards that Apply in CO District**

[Food and Beverage Sales](#) establishments are permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of all floors of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

**20-512 LODGE, FRATERNAL AND CIVIC ASSEMBLY**

- (1) Where permitted in R Districts, [Lodge, Fraternal and Civic Assembly](#) uses shall comply with the [Religious Assembly](#) supplemental design standards of Section 20-522.
- (2) A [Lodge, Fraternal and Civic Assembly](#) use in an R District shall be limited to a seating capacity of no more than 500 persons.
- (3) A swimming pool, tennis court, or other recreational facility that is accessory to a [Lodge, Fraternal and Civic Assembly](#) use may not be located nearer to other property in an R District than the required [Setback](#) for a [Principal Building](#), and wherever this type of facility is located in a [Yard](#) abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in [Height](#).

**20-513 MANUFACTURED HOMES, RESIDENTIAL-DESIGN**

The following standards apply to Residential-Design **Manufactured Homes**.

- (1) Such **Structures** shall provide all of the accommodations necessary to be a **Dwelling Unit** and shall be connected to all utilities in conformance with applicable **City Regulations**.
- (2) Such **Structures** shall be on a permanent-type, enclosed perimeter foundation.
- (3) The **Structure** shall have an entrance on the side of the **Structure** facing the **Front Lot Line**.
- (4) The roof shall be predominantly double-pitched and have a minimum vertical rise of 2.5 inches for every 12 inches of horizontal run, and shall be covered with material that is customarily used on site-built **Dwellings**, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches, which may include a gutter.
- (5) Exterior siding shall be of a non-reflective material customarily used on site-built **Dwellings** such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City-adopted **Building** codes.
- (6) The **Structure** shall be installed in accordance with the recommended installation procedure of the manufacturer and Chapter 5 of the City Code. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. The **Structure** shall be permanently mounted on either a **Basement** or foundation that complies with Chapter 5 of the City Code.
- (7) On level sites, the main floor shall be no greater than 24 inches above the finished **Grade** at the foundation. On sloping or irregular sites, the main floor at the side closest to **Grade** shall not be greater than 24 inches above the finished **Grade** at the foundation.
- (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards of Chapter 5 of the City Code and attached permanently to the primary **Structure** and anchored permanently to the ground.
- (9) If 70% or more of the **Structures** on the **Block Face**, and the **Block Face** opposite where the home is to be located, have attached garages, a garage constructed according to the provisions of Chapter 5 of the City Code (**Building Code**) shall be required to be attached to the Residential-design **Manufactured Home**.

**20-514 MOBILE HOME PARKS****(1) Purpose**

The purpose of these standards is to ensure and promote an acceptable living environment for occupants of **Mobile Home Parks** with **Mobile Home** spaces offered for rental or lease. No use shall be allowed other than those uses considered as an integral part of the **Mobile Home Park** as shown on the approved development plan.

**(2) Interpretation**

Nothing in this subsection shall be interpreted to prohibit a **Manufactured Home**, **Manufactured Homes**, **Residential Design** from being located in a **Mobile Home Park**.

**(3) Size of Park**

The minimum size of a **Mobile Home Park** shall be 5 acres.

**(4) Roads**

All **Mobile Homes** shall front upon a private road **Easement** within the **Mobile Home Park**.

**(5) Gross Density**

The **Gross Density** of a **Mobile Home Park** (including Streets and sidewalks) may not exceed 12 **Mobile Home** spaces per acre.

**(6) Access**

A **Mobile Home Park** shall have **Access** to an **Arterial** or direct **Access** to a **Collector Street**.

**(7) Mobile Home Park Plan**

A site plan on a scale of one inch (1") equaling 30 or 40 feet shall be submitted as part of the Special Use application. The site plan shall show roads, **Buildings**, land use, zoning, and other features inside and outside the park within 300 feet of the exterior boundaries. The site plan shall comply with the following design requirements:

**(i) Natural Features**

The design of the park shall preserve natural features.

**(ii) Spaces**

Each **Mobile Home Park** shall clearly define the **Mobile Home** spaces, and each such space shall have a minimum area of at least 3,000 square feet. There shall be a minimum distance of 20 feet between **Mobile Homes**.

**(iii) Private Roadways**

- a. Internal roadways shall be provided and all **Mobile Home** spaces shall face or abut a roadway. A roadway shall have at least 22 feet of unencumbered travel way.
- b. Such roadways shall be surfaced with 4 inches of Portland cement concrete or 5 inches of rock with 2 inches of asphalt.
- c. A minimum 50 foot radius paved turn-around shall be provided at the terminus of Dead-End roadways, sufficient to accommodate emergency vehicles.

**(iv) Sidewalks**

A minimum sidewalk width of 4 feet shall be provided on both sides of **Accessway** leading from **Mobile Home** spaces to service and recreational areas.

**(v) Lighting**

Both roadways and sidewalks shall be adequately lighted. Roadways shall be lighted with a minimum of one Street light at each roadway intersection and one Street light at the end of each [Cul-de-sac](#) that is three hundred feet or more from a roadway intersection. These lights shall meet the code requirements in Section 20-1103.

**(vi) Setbacks and Landscaping**

[Mobile Homes](#) shall be set back a minimum of 50 feet along the Street [Frontage](#) of [Arterial Streets](#) and a minimum of 25 feet from all other [Lot Lines](#). This [Setback](#) shall be planted with a Type 2 [Bufferyard](#) that has a mixture of grass, trees, and [Shrubs](#) to provide a park-like appearance. The interior of the [Mobile Home Park](#) shall have adequate grass, trees, and [Shrubs](#) to provide a dust-deterrent and shaded park-like atmosphere.

**(vii) Office and Management**

An area near the main entrance of the park shall be for office and management use only, with accessory off-Street Parking.

**(viii) Facilities**

Adequate provision shall be made for public water supply, sanitary sewers, fire protection, refuse collection and other necessary facilities to satisfy State and local codes, ordinances, and specifications.

**(ix) Emergency Shelters**

One or more Emergency Shelters shall be provided, with fifteen square feet of floor space for each [Mobile Home](#) space. An existing [Building](#) that complies with these provisions may serve as an Emergency Shelter. An Emergency Shelter shall:

- a. be a [Building](#) complying with Chapter 5 of the City Code and with the Association Standard for the Design, Construction, and Performance of Storm Shelters produced by the National Storm Shelter Association;
- b. be clearly marked with a sign at or near its entrance; and
- c. be accessible at all times, either by being kept unlocked or by a person with [Access](#) being present at the [Mobile Home Park](#) at all times.

**(x) Recreational Space**

One or more recreational areas shall be provided and equipped with suitable play equipment and other [Recreational Facilities](#). There shall be at least 200 square feet of developed recreation area per [Mobile Home](#) space. Calculations of [Recreational Open Space](#) shall not include the minimum Setbacks required in Section 20-514(7)(vi) above.

**(xi) Boat and Trailer Storage**

Each [Mobile Home Park](#) shall provide Screened areas with an aggregate size of at least 100 square feet per [Mobile Home](#) space for the storage of boats and trailers (travel, horse, or utility). This requirement shall be waived if the covenants filed for the [Mobile Home Park](#) prohibit the storage of boats and trailers.



**20-515 MINING**

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

**(1) A Special Use Permit for a temporary basis.**

**Mining** may be approved as a Special Use that is to be allowed on a temporary basis in accordance with the Special Use procedures of Section 20-1306. Such a Special Use approval is revocable and valid for specified periods of time, to permit **Mining** or extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or **Building** or construction materials; and,

**(2) The following activities shall not be considered Mining:**

- (i) Excavations for the foundation or **Basement** of any **Building** or for a swimming pool for which a **Building** Permit has been issued, or deposits on the earth of any **Building** or construction materials to be used on-site in a **Structure** for which a **Building** Permit has been issued.
- (ii) Grading of any **Parcel** of land for a permitted use where no bank of more than 4 feet in vertical **Height** is left standing and exposed.
- (iii) Grading in a subdivision that has been approved by the City in accordance with Article 8, Subdivision Regulations, of this development code and any amendments thereto.
- (iv) Temporary crushing of excavated stone on-site for use within the development or hauled off-site for another construction-related use.
- (v) Any extractive operation existing and operating as such on the **Effective Date** shall conform to the provisions set forth herein within one year of the **Effective Date**.

**20-516 MIXED MEDIA STORES****(1) Standards that Apply in CN1 District**

In addition to the district standards, a **Mixed Media Store** shall be permitted in the CN1 District; however, no drive-through windows shall be permitted.

**(2) Standards that Apply in CO District**

In addition to the district standards, a **Mixed Media Store** shall be permitted in the CO District provided that the **Gross Floor Area** shall not exceed 5,000 square feet.

**20-517 MULTI-DWELLING STRUCTURE, NON-GROUND FLOOR DWELLING UNITS AND WORK/LIVE UNITS****(1) Standards that Apply in RMO District**

A [Multi-Dwelling Structure](#), [Non-Ground Floor Dwelling Units](#) and [Work/Live Units](#) shall only be permitted in the RMO District provided that the residential units are constructed as part of a [Mixed-Use](#) project when at least 25% of the [Gross Floor Area](#) is developed with nonresidential uses.

**(2) Standards that Apply in CN2 District**

- (i) A [Multi-Dwelling Structure](#), [Non-Ground Floor Dwelling Units](#) and [Work/Live Units](#) shall only be permitted in the CN2 District provided that the residential units are constructed as part of a [Mixed-Use](#) project when at least 50% of the [Gross Floor Area](#) is developed with nonresidential uses.

**(3) Standards that Apply in CD District**

- (i) A [Multi-Dwelling Structure](#), [Non-Ground Floor Dwelling Units](#) and [Work/Live Units](#) shall be permitted in the CD District provided that the residential units are situated above the [Ground Floor](#) when located on Massachusetts Street.
- (ii) A [Multi-Dwelling Structure](#) and [Work/Live Units](#) require a Special Use Permit in the CD District when [Ground Floor](#) residential uses are proposed along numbered streets, Vermont or New Hampshire Streets.

**(4) Standards that Apply in CC and CS District**

A [Multi-Dwelling Structure](#), [Non-Ground Floor Dwelling Units](#) and [Work/Live Units](#) shall only be permitted in the CC and CS Districts provided that the residential units are constructed as part of a [Mixed-Use](#) project when at least 50% of the [Gross Floor Area](#) is developed with nonresidential uses.

**(5) Standards that Apply in the MU District**

- (i) A [Multi-Dwelling Structure](#) shall only be permitted within designated Primary Zone of the MU District if it is a part of a [Vertical Mixed Use Structure](#).
- (ii) A [Multi-Dwelling Structure](#) shall only be permitted within a designated Tertiary Zone of the MU District if surrounding existing development consists of [multi-Dwelling](#) residential uses.

**20-518 OFFICE, ADMINISTRATIVE AND PROFESSIONAL****(1) Standards that Apply in RSO and CN1 Districts**

- (i) An [Administrative and Professional Office](#) shall be permitted in the RSO and CN1 Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.
- (ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

**(2) Standards that Apply in RMO and RMG Districts**

- (i) An [Administrative and Professional Office](#) shall be permitted in the RMO and RMG Districts.
- (ii) No external automated teller machine, drive-through windows, or night drop window shall be permitted.

**(3) Standards that Apply in the MU District**

- (i) In designated Primary Zones, such offices shall be permitted to be located on the ground level of a [Structure](#) only when they do not occupy the [Building Frontage](#).

**20-519 OUTPATIENT CARE FACILITY**

An [Outpatient Care Facility](#) shall be permitted in the MU, RMO, RSO, and CN1 Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**20-520 PERSONAL CONVENIENCE STORE**

A personal convenience store shall be permitted in the CN1 District provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**20-521 PERSONAL IMPROVEMENT SERVICE****(1) Standards that Apply in RMO, RSO and RMG Districts**

A [Personal Improvement Service](#) shall be permitted in the RMO, RSO and RMG Districts; however, no external automated teller machine, drive-through windows, or night drop windows shall be permitted.

**(2) Standards that Apply in CN1 District**

A [Personal Improvement Service](#) shall be permitted in the CN1 District provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

## 20-522 RELIGIOUS ASSEMBLY

## (1) Neighborhood Religious Institutions

## (i) Size

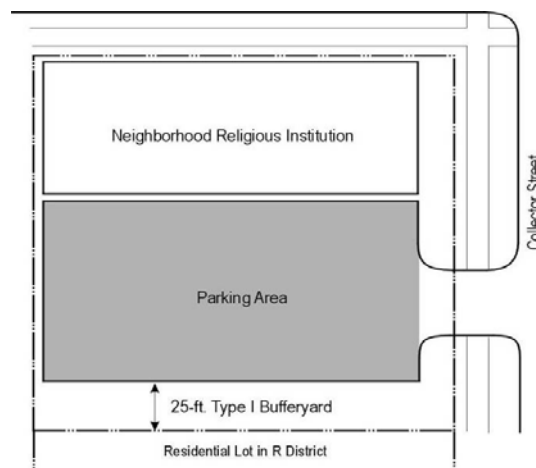
- a. A **Neighborhood Religious Institution** in an R District shall be limited to a seating capacity of no more than 500 persons in the sanctuary or other principal place of worship or assembly; and
- b. The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the **Lot Area** (expressed in square feet) divided by 100.

## (ii) Supplemental Design Standards

## a. In R Districts

The following supplemental design standards shall apply only to a **Neighborhood Religious Institution** in an R District:

1. the nearest edge of an on-site **Parking Area** shall be set back at least 25 feet from the nearest residential **Lot** in an R District;
2. where practicable, **Access** to the on-site **Parking Area** will be to a **Collector Street**;
3. the on-site **Parking Area** will be buffered from any adjoining **Lot** in an R District by a Type 1 **Bufferyard**, as set forth in Section 20-1005(d); and
4. outdoor lighting shall meet the standards of Section 20-1103(d).



## b. In Other Base Districts

A **Neighborhood Religious Institution** located in any other **Base District** shall be subject to the **Density**, dimensional and design standards applicable to other uses in that **Base District**.

- c. A swimming pool, tennis court, or other recreational facility that is accessory to a **Neighborhood Religious Institution** use may not be located nearer to other property in an R District than the required **Setback** for a **Principal Building**, and wherever this type of facility is

located in a [Yard](#) abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in [Height](#).

**(iii) Accessory Uses Permitted by Right**

Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the following [Accessory Uses](#) shall be permitted by right to a [Neighborhood Religious Institution](#):

- a. a [Temporary Shelter](#) with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

**(iv) Accessory Uses Permitted Only with a Special Use Permit**

The following [Accessory Uses](#) may only be permitted with a Special Use Permit as an accessory use to any [Neighborhood Religious Institution](#):

- a. a [Temporary Shelter](#) that exceeds the shelter occupant or calendar day limitations of Section 20-522(1)(iii)(a). Such [Temporary Shelter](#) shall meet the requirements of Section 20-544; or
- b. a community meal program.

**(2) Campus or Community Religious Institution**

**(i) Size**

The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the [Lot Area](#) (expressed in square feet) divided by 100. [Accessory Uses](#) shall require additional [Lot Area](#) to meet the dimensional, intensity, parking and design standards applicable to the use and the [Base District](#).

**(ii) Accessory Uses Permitted by Right**

- a. Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the following [Accessory Uses](#) shall be permitted by right to a [Campus or Community Religious Institution](#) if they comprise a gross square footage of 25% or less of the [Principal Use](#) on the site:
  1. all [Accessory Uses](#) permitted on a [Lot](#) where the [Principal Use](#) is a detached residence;
  2. any other use permitted as a [Principal Use](#) or an [Accessory Use](#) in the [Base District](#) in which the institution is located, subject to applicable [Density](#), parking and dimensional standards.
  3. educational uses incidental to the [Religious Assembly](#);
  4. [Schools](#);
  5. colleges;
  6. day-care centers;
  7. [Group Living](#) incident to the religious institution;
  8. indoor [Recreational Facilities](#) not used for commercial purposes;
  9. dormitories incident to any [School](#), college or other educational use on the property; and

- b. Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the following [Accessory Uses](#) shall be permitted by right to a [Campus or Community Religious Institution](#):
  - 1. a [Temporary Shelter](#) with no more than 20 occupants (15 shelter clients and five support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive order per calendar year.

**(iii) [Accessory Uses Permitted with Special Use Permit](#)**

Subject to the [Lot Area](#), [Density](#) and Dimensional and Parking standards, the [Accessory Uses](#) set forth in Section 20-522(2)(ii)(a)(1-9) shall be permitted by Special Use Permit to a [Campus or Community Religious Institution](#) if they comprise a gross square footage of more than 25% of the [Principal Use](#) on the site.

**(iv) [Accessory Uses Permitted Only with a Special Use Permit](#)**

Regardless of the proposed size of the following [Accessory Uses](#), they may only be permitted with a Special Use Permit as an accessory use to any [Campus or Community Religious Institution](#):

- a. outdoor [Recreational Facilities](#) not used for commercial purposes, provided that these facilities shall be buffered from any adjoining property in an R District by a Type 2 [Bufferyard](#), Section 20-1005(e);
  - b. a [Temporary Shelter](#) that exceeds the shelter occupant or calendar day limitations of Section 20-522(2)(ii)(b)(1). Such [Temporary Shelter](#) shall meet the requirements of Section 20-544; or
  - c. a community meal program.
- (v)** A swimming pool, tennis court, or other recreational facility that is accessory to a [Campus or Community Religious Institution](#) may not be located nearer to other property in an R District than the required [Setback](#) for a [Principal Building](#), and wherever this type of facility is located in a [Yard](#) abutting property in an R District, it shall be Screened by a fence or wall at least 6 feet in [Height](#).

**20-523 [REPAIR SERVICE, CONSUMER](#)**

A [Consumer Repair Service](#) shall be permitted in the CN1 District provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**20-524 [RESTAURANT, QUALITY](#)**

**(1) [Standards that Apply in CN1 and IBP Districts](#)**

A [Quality Restaurant](#) is permitted in the CN1 and IBP Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**(2) [Standards that Apply in CO District](#)**

A [Quality Restaurant](#) is permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

**20-525 RETAIL SALES, GENERAL****(1) Standards that Apply in CN1 District**

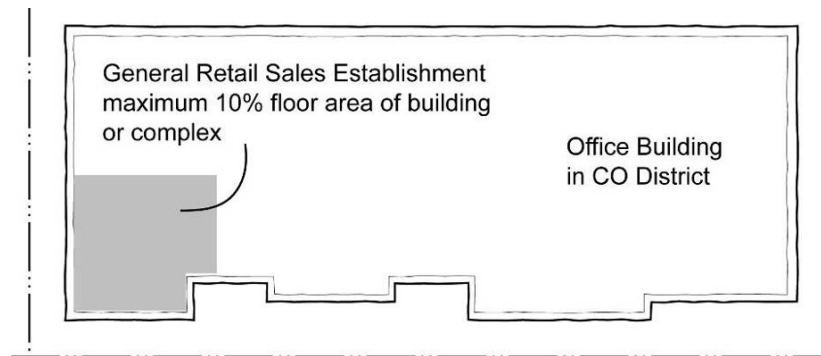
A [General Retail Sales](#) establishment shall be permitted in the CN1 District provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

**(2) Standards that Apply in CC District**

A [General Retail Sales](#) establishment shall be permitted in the CC District provided that the [Gross Floor Area](#) shall not exceed 65,000 square feet.

**(3) Standards that Apply in CO District**

A [General Retail Sales](#) establishment is permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

**20-526 RETAIL ESTABLISHMENTS****(1) Purpose**

These standards are intended to ensure that development of Retail Establishments, including large, medium, and specialty sales establishments, is compatible with its surrounding area and contributes to the unique community character of Lawrence. All development and redevelopment of Retail Establishments shall exhibit uniform design characteristics based on commercial development design standards adopted by the City Commission.

**(2) Market Impact Analysis**

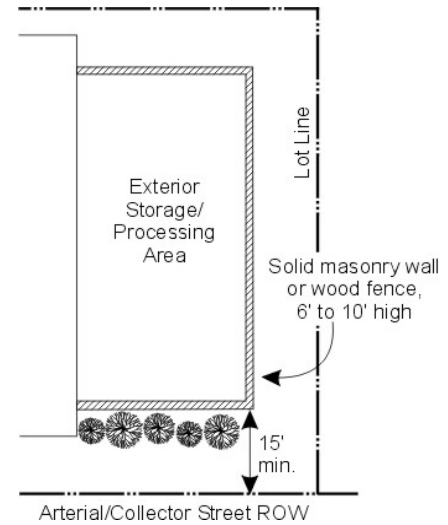
A Commercial Center proposed for more than 50,000 gross square feet of commercial space is required to have a market impact analysis submitted at the time of application for rezoning in accordance with Section 20-1107.

**(3) Standards that Apply in the MU District**

Retail Establishments, Medium and Retail Establishments, Specialty shall be permitted in the MU District provided that such establishments are located in a [Vertical Mixed Use Structure](#) in a designated Primary Zone.

20-527 **SCRAP AND SALVAGE OPERATIONS**

- (1) All Exterior Storage and processing areas abutting an Arterial or Collector Street shall be screened by a solid masonry wall or solid wood fence at least 6 feet in Height and be designed and located to prevent visibility of stored or stacked material and such fence shall be located no closer than 15 feet to any Street right-of-way. The fence shall have a gate to permit Access for maintenance of property and Landscaping on both sides of the fence. In no case shall the Height of the solid fence exceed 10 feet and no stored or stacked material shall exceed the Height of the fence. Fencing shall be placed along the side and rear of all processing areas and may be of any approved type including live Screening where deemed appropriate.



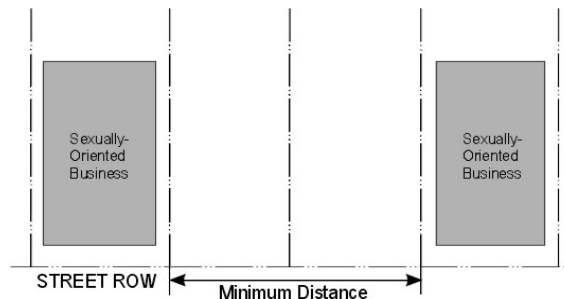
- (2) No open burning of junked, salvaged, or discarded materials is permitted. Incinerators may be used for burning of wastes or the conducting of salvage operations if such incinerators are of a type approved by the Kansas State Department of Health and Environment.
- (3) A Special Use Permit is required for the operation of this type of use.



## 20-528 SEXUALLY-ORIENTED BUSINESSES

### (1) Minimum Distance & Location

- (i) No **Sexually Oriented Business** may be located within 1,500 feet of another **Sexually Oriented Business**, regardless of whether such uses are located in the same facility or separate facilities.
- (ii) No **Sexually Oriented Business** may be located on the same **Block** as property in an R **Zoning District**, or a **Religious Assembly, School, Day Care, Community Recreation, or Cultural Exhibits and Libraries** use, and shall also be at least the following distances from said **Zoning Districts** and uses:
  - a. for a **Sexually Oriented Media Store**, 600 feet;
  - b. for a **Sex Shop**, 800 feet; and
  - c. for a **Sexually Oriented Theater**, 1,000 feet.
- (iii) The distances mandated above shall be measured in a straight line along Street rights-of-way between the **Lot Lines** of the two relevant properties. For leased spaces in multi-tenant properties, the measurements shall be from the outer boundaries of the leased space, projected to ground level, if applicable. For leased space in single-tenant properties, the measurements shall be from the **Lot Lines**.



- (iv) All **Sexually Oriented Businesses**, except **Mixed Media Stores**, shall be located along State highways.
- (v) Pursuant to the provisions of K.S.A. 12-770, **Sex Shops** not located along a State highway shall have until July 30, 2005 (five years from the enactment of Ordinance No. 7226) to comply with the provisions of this Development Code.

### (2) Display Standards for **Mixed Media Stores**

The **Owner** or operator of a **Mixed Media Store** shall have the affirmative duty to prevent the display of **Sexually Oriented Media** at or within the portions of the business open to, or visible by, the general public. A store conforming to these standards shall be considered a **Mixed-Media Store** and shall not be considered a **Sexually Oriented Business**. Failure to conform to the standards set forth in this section shall result in classification of the store as a **Sexually Oriented Media Store**, which is a **Sexually Oriented Business**. **Sexually Oriented Media** in a **Mixed Media Store** shall be kept in a separate room or section of the store, which room or section shall:

- (i) not be open to any person under the age of 18;
- (ii) be physically and visually separated from the rest of the store by an opaque wall reaching at least eight feet high or to the ceiling, whichever is less;

- (iii) be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
- (iv) have [Access](#) controlled by electronic or other means to provide assurance that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section.

**(3) Additional District Standards for [Sexually Oriented Media Stores](#)**

**(i) Standards that Apply in CC and CR Districts**

In addition to the standards above, a [Sexually Oriented Media Store](#) shall be permitted in the CC and CR Districts provided that the [Gross Floor Area](#) shall not exceed 5,000 square feet.

**(ii) Additional District Standards for [Sex Shops and Theaters](#)**

In addition to the standards above, a [Sex Shop](#) or theater shall be permitted in the CC and CR Districts provided that the [Gross Floor Area](#) shall not exceed 5,000 square feet.

**20-529 TELECOMMUNICATIONS FACILITIES**

In lieu of other Dimensional and [Density](#) standards, [Telecommunications Facilities](#) shall be subject to the following standards.

**(1) Applicability of Regulations**

In Districts where Telecommunications Towers are allowed as a Special use (S), if there is already a lawful Telecommunications Tower on the site, a [Telecommunication Antenna](#) may be allowed as an [Accessory Use](#) if installed on that [Telecommunication Tower](#). In Districts where a Telecommunications Tower is allowed as an [Accessory Use \(A\\*\)](#), a Telecommunications [Antenna](#) is allowed as an [Accessory Use](#) affixed to an existing [Telecommunication Tower, Building](#) or other [Structure](#), subject to the criteria set forth in this section and applicable dimensional requirements of this Development Code.

**(2) Standards Applicable to Construction of All [Telecommunications Facilities](#)**

The following standards shall apply to any Telecommunications Tower or Telecommunications [Antenna](#):

- (i) No commercial advertising shall be allowed on a Telecommunications Facility, unless such Telecommunications [Antenna](#) is actually located on an existing, approved sign. Telecommunications Towers may have safety or warning signs in appropriate places;
- (ii) No signals, lights or illumination shall be permitted on a Telecommunications Facility, unless required by the FAA. Should lighting be required by State or Federal law, the lighting shall be placed on the Telecommunications Tower and designed in such a way as to minimize to the fullest extent possible glare onto adjacent residential properties;
- (iii) Light fixtures may be attached if it is part of the design incorporated into the Telecommunications Tower [Structure](#) to be used for the illumination of athletic fields, [Parking Lots](#), Streets or other similar areas. Lighting of the accessory [Buildings](#) for basic security purposes is permissible but may not result in glare on adjacent properties;
- (iv) The [Height](#) of a Telecommunications Facility shall conform to the [Height](#) limitations of an applicable Airspace Control Overlay District as defined in Section 20-302;

- (v) All **Telecommunications Facilities** shall be sited to have the least adverse visual effect as is practical on the environment. Telecommunications Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Telecommunications Towers shall be a galvanized finish or painted gray or light blue unless other standards are required by the FAA. Where possible, monopole Telecommunications Towers shall be preferable to guyed Telecommunications Towers. Telecommunications Towers shall be designed and sited to avoid, whenever possible, application of FAA lighting and painting requirements. For existing Tower sites, if redevelopment is considered, guyed Telecommunications Towers are the least desirable option and should be avoided where feasible;
- (vi) Subject to the requirements of this Chapter, more than one Telecommunication Facility may be attached to, or placed upon, the same **Structure**.

### (3) Maintenance Standards Applicable to All **Telecommunications Facilities**

The following maintenance and operating standards shall apply to any Telecommunications Tower or Telecommunications **Antenna**:

- (i) Any Telecommunications Facility that is not in use for a period of three full years or more shall be removed by the **Owner** at the **Owner's** expense. Failure to remove the Telecommunications Facility pursuant to non-use may result in removal and assessment of cost to the property pursuant to K.S.A. 12-6a17.
- (ii) Any **Owner** of a Telecommunications Tower shall submit a letter to the **Planning Director** by July 1 of each year listing the current users and types of Telecommunications **Antennas** located on the Facility.
- (iii) A sign shall be posted on every Telecommunications Facility, or on the exterior fence around the Telecommunications Facility, noting the name and telephone number of the Telecommunications Facility **Owner** and operator.
- (iv) The **Owner/operator** shall at all times employ at least ordinary care and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

### (4) Inspections

All **Telecommunications Facilities** shall be inspected annually at the **Owner's** expense and an inspection report shall be filed with the Director of Planning. All **Telecommunications Facilities** may be inspected at any time by the Codes Enforcement Officer in order to determine compliance with original construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this Code.

Notice of violations will be sent by registered mail to the Telecommunications Facility operator who will have 30 days from the date the notification is issued to make adjustments or repairs. The operator shall notify the Codes Enforcement Officer in writing that the adjustments or repairs have been made, and, as soon as reasonably possible thereafter, another inspection will be made by the Codes Enforcement Officer to assess compliance. The operator shall then be notified of the results of the second inspection. An appeal of the decision of the Codes Enforcement Officer can be made to the Board of Zoning Appeals in accordance with Section 20-1311.

### (5) **Telecommunications Antennas Attached to Existing Structures**

The following standards shall apply to any proposal to attach a Telecommunications **Antenna** to an existing **Structure**:

- (i) Any **Structure** shall be at least 40 feet in **Height** before a Telecommunications **Antenna** may be erected upon, or attached to, it;
- (ii) Said attachment **Structure** may not be one designated by the **Historic Resources Commission** as a historic **Structure** or be in a designated Historic Resources Overlay District unless the **HRC** approves such arrangement;
- (iii) The addition of a Telecommunications **Antenna** to an existing **Structure** shall not cause the **Height** of said **Structure** to increase by more than 20% or to the maximum **Height** allowed in that **Zoning District**, whichever is less;
- (iv) Telecommunications **Antennas** erected upon, or attached to, existing **Structures** shall not be subject to standard **Setback** requirements;
- (v) When the arrangement is deemed safe by the Codes Enforcement Officer, all accessory **Buildings** and other **Structures** to be located on the same property as a Telecommunications **Antenna** under this Subsection shall be located on the roof of the **Structure** whenever possible. If the accessory equipment, **Buildings** and other **Structures** are able to be safely located on the roof of the **Structure**, the area of said equipment, accessory **Buildings** and other **Structures** shall not occupy more than 25 percent of the total roof area; and
- (vi) The addition of any related equipment or accessory **Building** to an existing **Structure** shall not cause the **Height** of said **Structure** to increase by more than 20 percent or to the maximum **Height** allowed in that **Zoning District**, whichever is less.

**(6) New Telecommunications Towers and Antennas – Review Fee**

In addition to the Special Use Permit filing fee applicable to all requests for Special Use Permits, an applicant for a Telecommunications Tower and **Antenna** (other than an Amateur or **Receive-Only Antenna** less than 75 feet in **Height**), shall make a deposit with the **Planning Director** of a fee sufficient to cover the cost of an independent study and shall sign a form authorizing the City to use those funds to hire consulting engineers to review the application and to advise the City on the extent to which the applicant has, or has not, met the Burden of Proof, required by the following sub-section (20-529(7)). The fee shall be set by the City Commission based upon: a list of city-approved consultants; and, the standard industry fee for the study required to make a determination. Upon the conclusion of the review process, any funds remaining unexpended shall be refunded to the applicant, and the applicant shall be provided with an accounting for the funds expended.

**(7) New Telecommunications Towers – Burden of Proof**

The following standards shall apply to a determination of whether Telecommunications Towers will be permitted. These standards are in addition to those in the next sub-section, Section 20-529(8): No new Telecommunications Tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing Telecommunications Tower or other **Structure** can accommodate the applicant's proposed Telecommunications **Antenna**. Evidence submitted to demonstrate that no existing Telecommunications Tower or **Structure** can accommodate the applicant's proposed Telecommunications **Antenna** may consist of any of the following (the claimed "hardship" may not be created by the applicant):

- (i) No existing Telecommunications Towers or **Structures** are located within the geographic area required to meet the applicant's engineering requirements;
- (ii) Existing Telecommunications Towers or **Structures** are not of sufficient **Height**, and could not be extended to become sufficient in **Height**, to meet the applicant's engineering requirements;

- (iii) Existing Telecommunications Towers or **Structures** do not have sufficient structural capacity to support the applicant's proposed Telecommunications **Antenna** and related equipment; and the existing or approved Telecommunications Tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
- (iv) The proposed Telecommunications **Antenna** would cause excessive electromagnetic interference with an existing Telecommunications **Antenna** on the Telecommunications Tower or **Structure**, or the Telecommunications **Antenna** on the existing Telecommunications Tower or **Structure** would cause interference with the proposed Telecommunications **Antenna**; and reconfiguration would not resolve the interference problem; or
- (v) The applicant demonstrates that there are other limiting factors, not including the provisions of this Article, that render existing Telecommunications Towers or **Structures** unsuitable for its proposed Telecommunications **Antenna**.

**(8) New Telecommunications Facilities – Additional Criteria for Review**

In addition to the standards and conditions listed in Sections 20-529(2) and 20-529(9), the City Commission shall consider the following factors in determining whether or not to issue a Special Use Permit:

- (i) **Height** of proposed Telecommunications Facility;
- (ii) proximity of Telecommunications Facility to residential **Structures** and residential district boundaries;
- (iii) technical or engineering requirements limiting placement of the Telecommunications Facility in other areas in order to provide coverage;
- (iv) nature of uses on adjacent and nearby properties;
- (v) surrounding topography, tree coverage and foliage;
- (vi) design of the Telecommunications Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and making the proposed Telecommunications Tower or Telecommunications **Antenna** a stealth or disguised facility;
- (vii) availability of suitable existing Telecommunications Towers or other **Structures** for placement of proposed Telecommunications **Antenna**; and
- (viii) whether the character of the proposed site and the proposed Telecommunications Tower will facilitate maximum utilization of space for placement of Telecommunications **Antennas** serving multiple users.

**(9) New Telecommunications Towers – Design Standards**

The following standards shall apply to Telecommunications Tower to be used to hold or support one or more Telecommunications **Antennas**, in addition to the standards to be used in determining whether to permit such Telecommunications Tower under Sections 20-529(7) and 20-529(8).

- (i) No free-standing Telecommunications Tower shall exceed 180 feet in **Height**;
- (ii) **Setbacks**
  - a. The Telecommunications Towers shall be **Setback** from the property line in all directions a distance equal to at least one-half the **Height** of the Telecommunications Tower if the site is in or adjoins an R **Base District**;

- b. In any other **Base District**, the Telecommunications Tower shall be **Setback** from the property line in all directions the distance established by the fall zone of the tower;
- (iii) **Telecommunication Towers** shall not be located closer than one-half (1/2) mile from another **Telecommunication Tower**, except when the two are located on the same site and the second Telecommunications Tower is approved with a Special Use Permit.
- (iv) All Telecommunications Towers and the base of the **Structure** shall be designed and built to allow expansion at a later date to accommodate at least three two-way Telecommunications **Antennas** for every 150 feet of Telecommunications Tower **Height**, or at least one two-way Telecommunications **Antenna** and one microwave facility for every 150 feet of Telecommunications Tower **Height**. The above requirements may be modified by the **Planning Director** to allow for the maximum number of compatible users within the radio frequency emission levels.
- (v) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any Telecommunications Facility, nor any lines, cable, equipment, wires or braces in connection with the Facility, shall at any time extend across or over any part of the right-of-way, **Public Street**, highway, sidewalk or property line.
- (vi) All signal and remote control conductors of low energy between a Telecommunications Tower or Telecommunications **Antenna** and a **Structure**, or between Telecommunications Towers, shall be hidden from plain view and shall be underground whenever possible. If impossible to bury underground, said conductor shall be at least eight feet above the ground at all points.
- (vii) All Telecommunications Towers or Telecommunications **Antennas** shall conform to the requirements of the Occupational Safety and Health Administration (OSHA).
- (viii) Telecommunications Towers shall be of a monopole design.
- (ix) The use of guyed or lattice Telecommunications Towers is prohibited.
- (x) Every Telecommunications Tower shall be protected from trespass by unauthorized persons to discourage the climbing of the Tower.
- (xi) Telecommunications Towers shall be constructed so that if a failure does occur, the Telecommunications Tower will collapse into itself and will not fall onto **Structures** near the site.
- (xii) Mobile or immobile equipment not used in direct support of a Telecommunications Tower facility shall not be stored or parked on the site, unless repairs to the Telecommunications Tower or Telecommunications **Antenna** are being made.
- (xiii) No Telecommunications Tower shall have a platform, crow's nest or like **Structure** around it, or attached to it, except while under construction or repair.
- (xiv) Lighting of the accessory **Buildings** for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties.
- (xv) All accessory **Buildings** or **Structures** shall meet all **Building** design standards as listed in this Chapter, shall require a **Building** Permit issued by the Codes Enforcement Officer and shall conform with the **Height** restrictions and Setbacks established for the site's district.

- (xvi) All **Buildings, Structures** and equipment accessory to a Telecommunications Tower or Telecommunications **Antenna** shall be designed to blend in with the surrounding environment through the use of color, camouflage and architecture.
- (xvii) If located in or adjoining an R **Base District**, the Telecommunications Tower shall be surrounded by a Type 3 **BufferYard**, Section 20-1005.
- (xviii) The Telecommunications Tower site may not be situated in a designated Historic Resource Overlay District unless the **Historic Resources Commission** approves the location and design.

#### (10) City Commission Action

- (i) A request for the placement, construction, or modification to a Telecommunications **Antenna**, Telecommunications Tower, or Telecommunications Facility shall be acted upon within a reasonable period of time from the receipt of a complete submittal of an application, site plan and supporting documentation as required in this section.
- (ii) Denial of a request or application to place, construct or modify a Telecommunications **Antenna**, Telecommunications Tower, or Telecommunications Facility shall be supported by findings based on substantial evidence and shall be provided in written form to the applicant.

#### (11) Telecommunications **Antennas** – Site Plan Review

- (i) Telecommunications **Antennas**, wherever located, shall be reviewed as a permitted use through the Site Plan Review provision, Section 20-1305.
- (ii) Telecommunications **Antennas** to be attached to an existing **Structure** in any **Zoning Districts** permitting a Telecommunications **Antenna** as an **Accessory Use** shall be reviewed as an amendment to the site plan, through the Site Plan Review provision, Section 20-1305.

#### (12) Plan and Application

At the time of application for a Special Use or Site Plan Review for a Telecommunications Facility, the applicant shall submit a site plan in sufficient detail, as determined by the **Planning Director**, to evaluate its conformance with applicable standards and guidelines. The development plan shall include:

- (i) written authorization from the **Landowner** of the proposed Telecommunications Facility site.
- (ii) a site plan drawn to scale showing the property boundaries, Telecommunications Tower, guy wire anchors and other apparatus, existing and proposed **Structures**, proposed transmission **Buildings** and/or other **Accessory Uses**, **Access** road(s) location, **Access** road surface material, **Parking Area**, fences, location and content of warning signs, exterior lighting specifications, a **Landscaping** plan, land elevation contours, and existing land uses surrounding the site. If any **Accessory Structure** is proposed, details of the **Structure**, including elevations and proposed use of the **Structure**, shall be included.
- (iii) A signed and sealed report from a qualified professional structural or electrical engineer, licensed to practice in Kansas, that:
- (iv) describes Telecommunications Tower **Height** and design, including cross section and elevation;

- (v) describes [Height](#) for all potential mounting positions for Telecommunications [Antennas](#) and minimum separation distances between Telecommunications [Antennas](#);
- (vi) describes the Telecommunications Tower's capacity, including number and type of Telecommunications [Antennas](#) that can be accommodated; and
- (vii) includes other information necessary to evaluate the request.
- (viii) The site plan/area map included in the application shall also contain a drawing and a description of the lease area for the proposed Telecommunications [Antenna](#) including, but not limited to, colors and [Screening](#) devices;
- (ix) An affidavit of intent committing the site [Owner](#), his successors and assigns and the operator and his successors and assigns to allow the shared use of the Telecommunications Tower and to offer a potential additional user reasonable terms and conditions for co-location. Failure to follow through with this commitment constitutes a violation of this Chapter and may result in the revocation of the permit associated with the site in violation hereof; and
- (x) Proof of bonding, as required by Section 20-529(13).

### **(13) Bonding Required**

#### **(i) Safety**

Before a Telecommunications Facility is erected, the operator of the Telecommunications Facility must file with the City Clerk a written indemnification of the City and proof of liability insurance sufficient to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of [Telecommunications Facilities](#) within the City, both subject to the approval of the Director of Legal Services.

#### **(ii) Removal**

Before a permit is issued, the applicant shall present a bond to the Director of Legal Services in the amount of \$20,000 which shall be available for use by the City for the removal of the Telecommunications Facility should said Telecommunications Tower ever be abandoned. The bond shall contain the following endorsement: "It is hereby understood and agreed that this instrument may not be canceled nor any intention not to renew be exercised until 60 days after receipt by the City, by registered mail, of written notice of such intent."

### **(14) Amateur and [Receive-Only Antennas](#)**

This Section shall not govern any Telecommunications Facility that is:

- (i) less than 75 feet in [Height](#);
- (ii) located in the [Rear Yard](#) of a residentially zoned [Parcel](#); and
- (iii) Owned and operated by a federally licensed amateur radio operator.

Telecommunications Towers covered under this Paragraph shall not be available for co-location.



**20-530 UTILITY, MINOR**

A minor utility that serves a specific development is permitted by right. All other [Minor Utilities](#) require special use approval.

**20-531 ZERO LOT LINE DWELLINGS****(1) General**

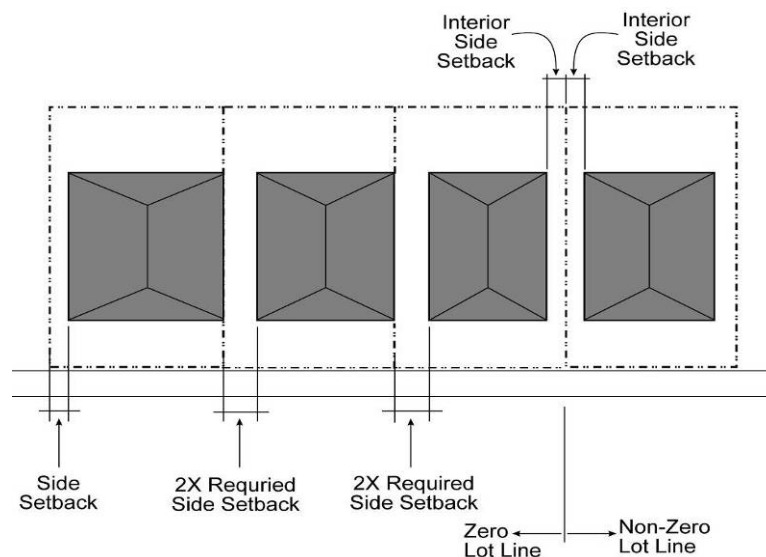
[Zero Lot Line Dwellings](#) shall comply with the [Density](#) and Dimensional Standards of Article 6, except where those standards are expressly modified by the provisions of this section.

**(2) Approval Procedure**

Review for compliance with the standards of this section will occur during the subdivision platting process if platting is required. If platting has already occurred, the [Zero Lot Line](#) development will be subject to Site Plan Review in accordance with Section 20-1305. Restrictions that assure the minimum distance between [Detached Dwellings](#) and any required [Easements](#) shall be noted on the subdivision plat, or in a separate instrument in a form approved by the City, that is recorded with the Register of Deeds. Proof of recording shall be submitted with the [Building](#) Permit application.

**(3) Standards**

- (i) The [Side Setback](#) on one side of the [Detached Dwelling](#) may be reduced to zero. [Exterior Side Setbacks](#) or [Interior Side Setbacks](#) adjacent to Lots that are not part of the [Zero Lot Line](#) project, may not be reduced.
- (ii) The minimum distance between all [Detached Dwellings](#) in the project shall be equal to twice the required [Interior Side Setback](#) required by the applicable Base and [Overlay Zoning District](#). A deed restriction shall be recorded with the Register of Deeds to ensure continued compliance with this [Setback](#). [See Section 20-531(2)]
- (iii) Eaves and other (e.g., fireplaces, bay windows, Juliet balconies) [Building](#) projections on the side of a [Detached Dwelling](#) with a reduced [Setback](#) may project a maximum of 18 inches over the adjacent [Lot Line](#) if they are located at least 9 feet above the ground. In this case, an [Easement](#) for the projection shall be noted on the plan and recorded with the Register of Deeds. [See Section 20-531(2)]



- (iv) An **Easement** between the two **Landowners** to allow for maintenance or repair of the **Detached Dwelling** is required when the eaves or side wall of the **Detached Dwelling** are 4 feet or closer to the adjacent **Lot Line**. The **Easement** on the adjacent property shall provide at least Five (5) feet of unobstructed space between the furthestmost projection of the **Structure** (including the eave) and the edge of the **Easement**.
- (v) If the side wall of the **Detached Dwelling** is on the **Lot Line**, or within three (3) feet of the **Lot Line**, windows or other openings that allow for visibility into the **Side Yard** of the adjacent **Lot** are not allowed. Windows that do not allow visibility into the **Side Yard** of the adjacent **Lot**, such as a clerestory window or a translucent window, are allowed.

### 20-532 **ACCESSORY USES AND ACCESSORY STRUCTURES, PURPOSE**

This section regulates uses and **Structures** that are incidental to **Principal Uses** and **Buildings** to prevent them from becoming the predominant element of the site. The standards provide for necessary **Access** around **Structures**, help maintain privacy to abutting Lots, and maintain open **Front Setbacks**.

- (1) A use which is permitted in the GPI District as an **Accessory Use** must be accessory to a **Principal Use** on the site. Two or more institutions may enter into a partnership to utilize the site without affecting the accessory status of the use; further, an institution may partner with a non-institutional entity as long as the **Institutional Use** remains the **Principal Use** on the site.

### 20-533 **GENERAL STANDARDS FOR ACCESSORY STRUCTURES**

The standards of this subsection apply to all **Accessory Uses** and **Structures**.

#### (1) **Time of Construction**

**Accessory Structures** shall be constructed in conjunction with or after the **Principal Building**. They shall not be built prior to the construction of the **Principal Building**.

#### (2) **Subordinate Nature**

- (i) **Accessory Uses** shall be a subordinate part of a **Principal Use** and be clearly incidental to a **Principal Use**.
- (ii) **Accessory Structures** shall be of secondary importance and subordinate in size and **Scale** to the **Principal Building** on a site.

#### (3) **Density and Dimensional Standards**

Unless otherwise expressly stated, the **Setback**, **Height**, and **Building** coverage standards of the **Base District** apply to both principal and **Accessory Structures** (See **Density** and **Dimensional Standards**, Article 6). **Accessory Structures** in residential districts shall be located to the rear of the front **Building** line and may be located as close as 5' to interior and **Rear Lot Lines**. Setbacks from interior **Side Lot Lines** shall not apply to accessory **Buildings** placed on lots that abut **Alleys**. An **Accessory Structure** may be located up to the rear property line when the **Lot** abuts an **Alley** and when the doors to the **Building** do not open directly onto the **Alley**. There shall be no **Setback** required between an **Accessory Structure** and an **Alley** when **Access** to the **Structure** is parallel to the **Alley**, except that no part of the **Structure** shall overhang or otherwise encroach onto the **Alley**.

**(4) Building Coverage**

- (i) A detached **Accessory Structure** may not have a larger footprint than the **Building** footprint of the **Principal Building**.
- (ii) The combined footprint of all **Accessory Structures** may be equal to the footprint of the **Principal Building** or 20% of the **Lot Area**, provided the total footprint of all **Structures** does not exceed the maximum **Building** coverage as permitted by Sec. 20-601(a) or (b) for the corresponding **Zoning District**.

**(5) Height of Accessory Structures**

Unless otherwise expressly stated, **Accessory Structures** may not exceed 25 feet in **Height**, or the **Height** of the **Principal Building** on the same **Lot**, whichever is less.

**20-534 ACCESSORY DWELLING UNITS** (Permitted only in RS40, RS20, RS10, RS7, MU and CN1)

**(1) Purpose**

**Accessory Dwelling Units** are allowed in certain situations to:

- (i) create new housing units while preserving the look and **Scale** of single-**Family Detached Dwelling** neighborhoods; subject to the procedures established in Section 20-534(2)(xi);
- (ii) allow more efficient use of the City's existing housing stock and **Infrastructure**;
- (iii) provide a mix of housing types that responds to changing **Family** needs and smaller households;
- (iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (v) provide a broader range of accessible and more affordable housing.

**(2) Design Standards****(i) Purpose**

These design standards are intended to ensure that **Accessory Dwelling Units**:

- a. are compatible with the desired character and livability of the **Zoning Districts**;
- b. respect the general **Building Scale** and placement of **Structures** to allow sharing of common space on the **Lot**, such as **Driveways** and **Yards**; and
- c. are 960 square feet or smaller in size.

**(ii) Generally**

The design standards for **Accessory Dwelling Units** are stated in this section. If not addressed in this section, the **Base District** standards apply.

**(iii) Methods of Creation**

An **Accessory Dwelling Unit** may only be created through one of the following methods:

- a. converting existing living area within a [Detached Dwelling](#), [Attached Dwelling](#) (e.g., attic, [Basement](#) or attached garage); or
- b. adding [Floor Area](#) to an existing [Detached Dwelling](#), [Attached Dwelling](#) or detached garage; or
- c. constructing a new [Detached Dwelling](#), [Attached Dwelling](#) or detached garage with an internal [Accessory Dwelling Unit](#).

**(iv) Owner Occupancy Required in RS Districts**

Either the principal [Dwelling Unit](#) or the [Accessory Dwelling Unit](#) must be occupied by one or more of the persons who is/are the record [Owner](#) of the [Premises](#).

If at any time, neither of the [Dwelling Units](#) in a [Building](#) that contains an [Accessory Dwelling Unit](#) is the principal residence of one of the [Owner](#) of the property, then the property shall be considered a [Duplex](#). If a [Duplex](#) is not permitted in the [Zoning District](#) in which the property is located, the [Owner](#) shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the [Premises](#) to lawful status, conforming with the uses permitted in the [Zoning District](#).

**(v) Number of Residents**

The total number of individuals that reside in both units (principal + accessory) may not exceed the number that is allowed for a household, plus one additional person.

**(vi) Other Uses**

An [Accessory Dwelling Unit](#) is prohibited in a house with a Type B [Home Occupation](#).

**(vii) Location of Entrances**

- a. Only one entrance to the [Principal Building](#) may be located on the front [Facade](#) that faces the Street, unless the [Principal Building](#) contained an additional Street-facing entrance before the [Accessory Dwelling Unit](#) was created.
- b. When the [Accessory Dwelling Unit](#) is located behind the rear wall of the [Principal Building](#), the accessory [Dwelling](#) entrance shall face the [Front Lot Line](#).
- c. An exception to subsection(b), above, is [Dwelling Units](#) that do not have [Access](#) from the ground such as [Dwelling Units](#) with entrances from balconies or elevated decks.

**(viii) Parking**

The following Parking requirements apply to [Accessory Dwelling Units](#).

- a. Lots containing [Accessory Dwelling Units](#) shall contain a minimum of two off-Street [Parking Spaces](#).
- b. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is at least 27 feet wide, no additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).
- c. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is less than 27 feet wide, or if the [Accessory Dwelling Unit](#) is created at the same time as the principal [Dwelling Unit](#), one additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).

- d. One additional **Parking Space** is required for the **Accessory Dwelling Unit** if the **Lot** containing the **Accessory Dwelling Unit** abuts only a **Collector** or **Arterial Street**.

**(ix) Size**

The maximum size of an **Accessory Dwelling Unit** may be no more than (33%) of the living area of the **Detached Dwelling** or **Attached Dwelling**, or 960 square feet, whichever is less.

**(x) Floor Area Additions**

**Accessory Dwelling Units** created through the addition of habitable **Floor Area** to an existing **Structure** shall comply with the following standards:

- a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing **Structure**;
- b. the roof pitch shall be the same as the predominant roof pitch of the house or existing **Structure**;
- c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing **Structure**;
- d. windows shall match those in the house in proportion (relationship of width to **Height**) and orientation (horizontal or vertical);and
- e. eaves shall project from the **Building** walls the same distance as the eaves on the rest of the house or existing **Structure**.

**(xi) Registration; Affidavit**

- a. **Accessory Dwelling Units** shall be registered with the **Planning Director** prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing **Accessory Dwelling Units**; that the City has all information necessary to evaluate whether the **Accessory Dwelling Unit** initially meets and continues to meet Development Code requirements; and that the distribution and location of **Accessory Dwelling Units** is known.
- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the **Accessory Dwelling Unit** standards of this section. The affidavit shall specify which of the **Dwelling Units** will be occupied by an **Owner** of the property; if at any time such **Owner** moves to the other **Dwelling Unit**, the **Owner** shall be responsible for filing an updated affidavit, recording such change.
- c. Permits for **Accessory Dwelling Units** may be issued after the **Planning Director** determines that the proposal complies with all applicable Development Code requirements.

**20-535 ACCESSORY PARKING**

Accessory Parking shall be located in the same [Zoning District](#) as the use to which it is accessory. Accessory Parking may be permitted in a different [Zoning District](#) by site plan approval, subject to the following limitations:

- (1) accessory Parking for a nonresidential use shall in no case be allowed in an RS [Zoning District](#);
- (2) accessory Parking for a use permitted in a C [Zoning District](#) may be permitted in an RO or RM [Zoning District](#), provided that the total area of such Parking shall not be greater than 10,000 square feet; and
- (3) approval of any such accessory Parking in a different [Zoning District](#) shall be made subject to appropriate [Bufferyard](#) or other [Screening](#) requirements to limit the impact of the accessory Parking on the other [Zoning District](#).

**20-536 AMATEUR RADIO AND RECEIVE-ONLY ANTENNAS****(1) Amateur Radio and Receive-Only Antennas**

Amateur Radio and [Receive-Only Antennas](#) may be installed and operated as permitted [Accessory Uses](#), subject to the following conditions:

- (i) a single ground or [Building](#) mounted [Receive-Only Antenna](#) including any mast, for the sole use of the principal occupant(s) of the residential [Parcel](#) on which the [Receive-Only Antenna](#) is located; with a [Receive-Only Antenna Height](#) not exceeding twenty-five feet (25') or the [Building Height](#) allowed in the [Zoning District](#), whichever is higher;
- (ii) a ground, [Building](#), or tower mounted [Amateur Radio Antenna](#) if the [Height](#) (post and [Antenna](#)) does not exceed thirty-five feet (35'); and
- (iii) a ground, [Building](#), or tower-mounted Amateur Radio or [Receive-Only Antenna](#) up to 75 feet tall as a Special Use, subject to the following additional standards:
  - a. the applicant shall provide certification from a civil engineer licensed in Kansas that the tower design is such that it will not fall on adjacent property or on any [Building](#) on the property on which it is located;
  - b. the tower installation shall include a Type 2 [BufferYard](#) to [Screen](#) it from any adjoining property in an RS zone that is located within 20 feet of the proposed tower site; and
  - c. the tower may be limited to a [Height](#) of less than 75 feet if the [Planning Commission](#) finds that it will otherwise protrude above the tree Canopy or otherwise create an unnecessary and unacceptable visual impact.

**(2) Satellite Dishes****(i) General**

- a. No [Satellite Dish](#) shall block any entrance or required emergency egress of any [Building](#).

- b. Any [Satellite Dish](#) in a HL or HD Overlay District shall be subject to Chapter 22 of the City Code, and shall specifically require a Certificate of Appropriateness under Chapter 22.

**(ii) [Satellite Dishes One Meter or Smaller](#)**

[Satellite Dishes](#) one meter or less in diameter are a permitted [Accessory Structure](#) in all [Base Districts](#).

**(iii) [Satellite Dishes Two Meters or Smaller](#)**

[Satellite Dishes](#) more than one meter, up to and including two meters, in diameter are a permitted [Accessory Structure](#) in all Commercial and Industrial [Zoning Districts](#) and a Special Use (under Section 20-1306) in all Residential [Zoning Districts](#), and are subject to the following:

- a. such a [Satellite Dish](#) shall not be located in the [Front Setback](#) or [Front Yard](#);
- b. such a [Satellite Dish](#) shall not be located in a [Side Setback](#); and
- c. such a [Satellite Dish](#) in a Residential or Commercial [Zoning District](#), or the IBP [Zoning District](#), shall be Screened from view off [Premises](#) by a fence, wall, [Berm](#), or [Landscaping](#).

**(iv) [Satellite Dishes Larger Than Two Meters](#)**

[Satellite Dishes](#) more than two meters in diameter are a permitted [Accessory Structure](#) in all Industrial [Zoning Districts](#) and all Commercial [Zoning Districts](#) except for CN1. Such [Satellite Dishes](#) are a Special Use (under Section 20-1306) in any Residential [Zoning District](#) or in the CN1 [Zoning District](#). Such [Satellite Dishes](#) are subject to the following:

- a. Such a [Satellite Dish](#) shall not be located in a [Front Setback](#) or [Front Yard](#);
- b. such a [Satellite Dish](#) shall not be located in a Side or [Rear Setback](#); and
- c. such a [Satellite Dish](#) in a Commercial [Zoning District](#) or the IBP [Zoning District](#), or where adjoining property is in a Residential or Commercial [Zoning District](#) or the IBP [Zoning District](#), shall be Screened from view off [Premises](#) by a fence, wall, [Berm](#), or [Landscaping](#).

**20-537 HOME OCCUPATIONS****(1) Purpose**

**Home Occupations** are activities accessory to uses in the **Household Living** category. Special regulations apply to such activities to ensure that **Home Occupations** will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the **Home Occupation** remains subordinate to the residential use, and that the residential viability of the **Dwelling** is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

**(2) Applicability**

Uses are allowed as **Home Occupations** only if they comply with all of the requirements of this section.

**(3) Exemptions****(i) Day Care Homes**

Day Care homes are not regulated as a **Home Occupation** and are exempt from the **Home Occupation** regulations of this section.

**(ii) Bed and Breakfast and Bed and Breakfast Inns**

**Bed and Breakfasts** and **Bed and Breakfast Inns** are not regulated as **Home Occupations** and are exempt from the regulations of this section.

**(4) Description of Type A and Type B Home Occupations**

There are two types of **Home Occupations**: Type A **Home Occupations** and Type B **Home Occupations**.

**(i) Type A**

A Type A **Home Occupation** is one where residents use their home as a place of work, with no employees or customers/clients coming to the site. Examples include artists, crafts people, writers, and consultants.

**(ii) Type B**

A Type B **Home Occupation** is one where an employee and/or customers/clients come to the site. Examples are counseling, tutoring, and hair cutting/styling.

**(5) Use-Related Regulations****(i) Allowed Uses**

The intent of the regulations of this section is to establish performance standards for all **Home Occupations** rather than to limit uses and activities to a specific list. **Home Occupations** that comply with the performance standards of this section are allowed by-right unless otherwise expressly stated.

**(ii) Prohibited Uses**

- a. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to vehicles and their parts is prohibited.
- b. **Home Occupations** may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.



- c. [Funeral and Interment Services](#) are not allowed as [Home Occupations](#).
- d. [Animal Services](#) are not allowed as [Home Occupations](#).
- e. Restaurants are not allowed as [Home Occupations](#); catering for off-premise consumption is not prohibited.
- f. A Type B [Home Occupation](#) is prohibited on a [Lot](#) where an [Accessory Dwelling Unit](#) exists.
- g. More than two garage sales within a calendar year is a prohibited use.

**(6) Site-Related Standards**

**(i) Signs**

One non-animated, non-illuminated, accessory identification sign of no more than 2 square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, displayed in a window, or within ten feet (10') of the [Building](#) entrance.

**(ii) Outdoor Activities**

- a. All activities shall be in completely enclosed [Structures](#).
- b. [Exterior Storage](#) or display of goods or equipment is prohibited.

**(iii) Appearance**

The [Dwelling](#) and site shall remain residential in appearance and characteristics. Internal or external changes that will make the [Dwelling](#) appear less residential in character or function are prohibited. Examples of such prohibited alterations include construction of [Parking Lots](#), paving of required Setbacks, or the addition of commercial-like exterior lighting.

**(7) Impact-Related Standards**

**(i) Hazardous Substances**

Hazardous substances are prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.

**(ii) Noise**

The maximum noise level associated with a [Home Occupation](#) shall not violate the provisions of the City’s noise ordinance.

**(iii) Trucks and Vehicles**

No more than one vehicle advertising or displaying the name of the [Home Occupation](#) may be parked at the site. The maximum size of a vehicle that may be parked in association with a [Home Occupation](#) is a [Light Truck](#).

**(iv) Deliveries**

Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the [Home Occupation](#) only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

**(8) Additional Type B Home Occupation Regulations**

The following are additional regulations that apply to Type B [Home Occupations](#). Waivers or variances from this section of the regulations are prohibited.

**(i) Hours**

Customers or clients may visit the site only during the hours of 7 a.m. to 7 p.m.

**(ii) Nonresident Employees**

One nonresident employee is allowed with a Type B [Home Occupation](#). For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-[Owner](#), or other person affiliated with the [Home Occupation](#) who does not live at the site but who regularly visits the site as part of the [Home Occupation](#).

**(iii) Customers/Clients**

Only 10 customers or clients may visit the site in a day.

**(iv) Retail Sales**

Retail sales of goods shall be entirely accessory to any services provided on the site (such as hair care products sold to hair cutting clients).

**(v) Number**

No more than one Type B [Home Occupation](#) is permitted per [Dwelling Unit](#).

**(9) Type B [Home Occupation](#) Permit****(i) Purpose**

Permits for Type B [Home Occupations](#) shall be obtained, prior to their establishment, from the [Planning Director](#). The permit requirements are intended to ensure:

- a. that the applicant is aware of the provisions of this Development Code governing [Home Occupations](#);
- b. that the City has all information necessary to evaluate whether the proposal initially meets, and continues to meet, Development Code regulations; and
- c. that the distribution and location of Type B [Home Occupations](#) is known.

**(ii) Procedure and Renewal Process**

Type B [Home Occupations](#) are required to register with the [Planning Director](#) prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation that the proposal is a Type B [Home Occupation](#). A [Home Occupation](#) permit for Type B [Home Occupations](#) will be issued by the [Planning Director](#) for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The permit is tied to the applicant and to the [Lot](#) occupied by the Type B [Home Occupation](#). Permits are not transferable to other sites or to other operators. The applicant shall also demonstrate at the time of registration compliance with the following neighborhood notice requirements.

**(iii) Neighborhood Notice**

- a. The purpose of this requirement is to notify the Registered Neighborhood Association and nearby [Landowners](#) of the establishment of a Type B [Home Occupation](#), the type of activities that will occur, and the regulations under which the use shall operate.
- b. The applicant shall prepare a notice that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis.
- c. The applicant shall send notice to all [Registered Neighborhood Associations](#) whose boundaries include the site and to all [Owner](#) of property within 200 feet of the subject site. At the time of application

submittal, the applicant shall submit to the [Planning Director](#) a list of the [Owner](#) and addresses notified, a copy of the notice that was sent, and a signed Statement verifying that notice requirements have been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

- d. The notice shall provide information on the proposed [Home Occupation](#) and at least the following additional information:

**Notice of Proposed Home Occupation**

*This letter is being sent to [Landowners](#), or a Registered Neighborhood Association, near the site of a proposed [Home Occupation](#). It is being sent for the purpose of informing the [Landowner](#) and other interested parties about the proposed home-based business. This letter does not grant the recipient and/or [Landowner](#) any legal rights to challenge the proposed development, instead, it is being provided solely to inform nearby [Landowners](#) of the proposed plans of one of your neighbors. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Department at (785) 832-XXXX.*

**(iv) Revocation**

A Type B [Home Occupation](#) permit may be revoked for failure to comply with the regulations of this section, through the procedures identified in Section 20-1605(e). When a Type B [Home Occupation](#) permit has been revoked, a new Type B [Home Occupation](#) permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

**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, 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 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 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, 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 <b>Exterior Storage</b> 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, 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, 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.

**20-539 GENERAL STANDARDS FOR PRIVATE DINING ESTABLISHMENTS**

- (1) The operation of a **Private Dining Establishment** in RS, RSO and RMO Districts shall be limited to:
  - (i) Service to no more than 30 guests per seating.
  - (ii) One seating per service day.
  - (iii) 5 service days in a standard 7-day week.
  - (iv) Service shall be provided to the general public by reservation only.
  - (v) Shall be located in Mixed-Use neighborhoods.
  - (vi) No drive-in, drive-through or carry-out facilities are permitted.
  - (vii) The service of beverages may include alcoholic beverages subject to approval of a City Liquor License.
  - (viii) The **Planning Commission** and City Commission have the discretion to place additional restrictions upon the use or the site based upon the Review and Decision-Making Criteria set forth in Sec. 20-1306(i), but shall not be precluded from consideration from other factors which may be relevant to a particular application including but not limited to hours of operation, lighting, and noise.
- (2) **Off-street Parking**
  - (i) **Principal Residential Use**

Off-street parking shall be provided in accordance with the applicable provisions of Article 9 of Chapter 20 of the Development Code for the primary use as a residence.
  - (ii) **Accessory Private Dining Use**

The **Planning Commission** and City Commission shall have the discretion to adjust the amount of parking required and/or the permitted location and site design of off-street **Parking Facilities** dedicated to **Private Dining Establishments** as a condition of Special Use Permit approval.
  - (iii) **Standards for the Location of Off-Street Parking**

Off-street parking shall be provided in such a way as to maintain the residential pattern and character of the neighborhood in which the use is proposed to occur.
- (3) **Site-Related Standards**
  - (i) **Owner-Occupancy Required**

A **Private Dining Establishment** shall be accessory to an **Owner**-occupied principal residential use.
  - (ii) **Location**
    - a. The use shall be contained in neighborhoods that include **Mixed Use** Lots, Tracts, **Parcels** or **Buildings** or **Structures** as the term **Mixed Use** is defined in Sec. 20-1701. Neighborhoods which are predominantly single-**Dwelling** residential in nature shall not be considered for **Private Dining Establishments**. The use shall be contained within or adjacent to **Blocks** with non-residential uses in a neighborhood with **Mixed Uses** or **Zoning Districts**.

- b. The use shall have direct [Access](#) to a [Public Street](#) or right-of-way. [Private Dining Establishments](#) shall not be permitted on [Private Streets](#).

**(iii) Screening**

The [Planning Commission](#) shall have the discretion to require [Landscaping](#) and [Screening](#) as deemed necessary given the operational, neighborhood and site characteristics for the use as a condition of Special Use Permit approval.

**(iv) Appearance**

- a. The exterior of the residence shall remain consistent with the primary function as a [Dwelling Unit](#).
- b. No exterior signage or advertising material permitted in residential districts.

**(v) Operating Characteristics**

The [Planning Commission](#) and City Commission shall have the discretion to determine if the serving and consumption of any food and/or beverage may occur outdoors.

**20-540 SMALL AND LARGE COLLECTION RECYCLING FACILITIES****(1) Purpose**

Small and Large Collection [Recycling Facilities](#) are centers or facilities for the acceptance by donation, redemption, or purchase, of [Recyclable Materials](#) from the public. Special regulations apply to such centers or facilities to ensure public and user safety as well as to ensure adequate and on-going maintenance of such facilities and general aesthetic appeal. Areas designated for such facilities shall obtain site plan approval by the [Planning Director](#).

**(2) Applicability**

Uses are allowed as Small or Large Collection [Recycling Facilities](#) only if they comply with all of the requirements of this section.

**(3) Exemptions**

Any indoor Small or [Large Collection Recycling Facility](#) located within a [Building](#).

**(4) Use-Related Regulations****(i) Allowed Uses**

The intent of the regulations of this section is to establish performance and use standards for all Small and Large Collection [Recycling Facilities](#). Such Facilities which comply with the performance and use standards of this section are permitted by-right upon site plan review and approval by the [Planning Director](#).

**(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.

**(5) Site-Related Standards****(i) Area**

One Small or one [Large Collection Recycling Facility](#) shall be permitted per property or [Parcel\(s\)](#) or [Tract\(s\)](#) of land under common [Ownership](#). In the case of a commercial/shopping center with multiple tenants and/or multiple property [Owners](#), only one Small or [Large Collection Recycling Facility](#) may be permitted. Small and Large Collection [Recycling Facilities](#) shall be limited to one area per property, [Parcel\(s\)](#) or [Tract\(s\)](#) of land under common [Ownership](#) dedicated to such facilities. Small Collection Facilities are limited to 500 square feet in area whereas Large Collection Facilities may be contain a larger area.

Any use meeting the definition of a Small or [Large Collection Recycling Facility](#) shall be located within the designated area as shown on the approved site plan or development plan. Kiosks and reverse vending machines may be located outside the designated area when located adjacent to the public entrance of the principal [Structure](#).



**(ii) Location and Placement**

- a. Small or Large Collection **Recycling Facilities** shall be located on a paved surface.
- b. All **Density** and Dimensional Standards as provided in Article 6, such as **Building** setbacks, shall apply to the placement and location of areas designated for Small or Large Collection **Recycling Facilities**.
- c. Whenever possible, Small or Large Collection **Recycling Facilities** should not be located between the public right-of-way and the front façade of a **Building**.
- d. Small or Large Collection **Recycling Facilities** shall not be located in **Parking Lots** when its placement in such a location will result in a reduction in available parking below the amount required for the **Principal Use** of the property or site.
- e. Small or Large Collection **Recycling Facilities** shall not be located in **Parking Lots** when its placement in such a location will result in impeding safe and orderly pedestrian and vehicular movement.
- f. The location and placement of the area designated for Small or Large Collection **Recycling Facilities** shall be safe for public use. Prior to site plan approval, the applicant shall provide evidence to the Planning Department that the designated site is safely accessed by the general public.

**(iii) Appearance****a. Screening**

The designated area for Small or Large Collection **Recycling Facilities** may be screened from public rights-of-way by a landscape **Screen** or **Berm**. Such **Screening** may be required to obtain site plan approval and is encouraged in all instances. **Screening**, regardless of the method, shall not exceed 4 feet in **Height**, at any time, for security and **Public Safety** purposes.

**b. Maintenance**

The designated area for Small or Large Collection **Recycling Facilities** shall be kept clean from debris, **Recyclable Materials**, or garbage at all times. Collection of **Recyclable Materials** shall occur only within mobile collection units, reverse vending machines and kiosks which include permanent **Structures**. All facilities, collection units, vending machines, and kiosks shall be properly maintained.

**(iv) Site Plan Review**

Small and Large Collection **Recycling Facilities** shall only be permitted upon site plan review and approval by the **Planning Director**.

**20-541 WORK/LIVE UNITS****(1) Purpose**

**Work/Live Units** are distinguished from **Home Occupations** in that in the case of **Home Occupations**, the business or commercial use is accessory to the residential use. In the case of **Work/Live Units**, the residential use is accessory to the business or commercial use. **Work/Live Units** are permitted in certain **Zoning Districts** to:

- (i) Provide for the appropriate development of units that incorporate both living and working space;
- (ii) Encourage the development of new business by allowing a business **Owner** to live in the same location as the business;
- (iii) Provide opportunities for people to live in mixed-use areas;
- (iv) Ensure that the exterior design of **Work/Live Buildings** is compatible with the exterior design of commercial, industrial, and residential **Buildings** in the area.

**(2) Standards**

- (i) **Work/Live Units** shall consist of a nonresidential use, permitted in the **Base District** and a residential **Dwelling**.
- (ii) **Work/Live Units** shall be designed to accommodate a permitted nonresidential use, such as a business and the residential **Dwelling** of the business **Owner** or operator.
- (iii) The residential **Dwelling** shall have direct internal **Access** to the permitted nonresidential use.

**20-542 NON-GROUND FLOOR DWELLING UNITS**

- (1) **Non-Ground Floor Dwellings** shall be located in a **Vertical Mixed Use Structure**, either above ground level or below ground level. Such **Dwelling Units** shall not have direct internal **Access** to a nonresidential use within the **Structure**. For **Dwelling Units** which are accessory to or have direct internal **Access** to a nonresidential use, see **Work/Live Unit**.
- (2) **Non-Ground Floor Dwelling Units** are commonly considered to be apartments, lofts, condominiums or flats located above or below a nonresidential use within the same **Structure**. **Non-Ground Floor Dwelling Units** are distinguished from multi-**Dwelling Units** or **Multi-Dwelling Structures**, as defined in Section 20-1724, on the basis that **Multi-Dwelling Structures** must contain at least three (3) **Dwelling Units**. **Structures** containing **Non-Ground Floor Dwelling Units** may contain more or less **Dwelling Units** based on density, dimensional and parking standards of the particular **Zoning District** in which they are proposed.

**20-543 OFFICE, OTHER****(1) Standards that Apply in the MU District**

In designated Primary Zones, such offices shall be permitted to be located on the ground level of a **Structure** only when they do not occupy the **Building Frontage**.

**20-544 TEMPORARY SHELTERS****(1) Purpose**

The purpose of this subsection is to set forth standards for the location and operation of [Temporary Shelters](#).

**(2) Exemptions****i. Residential Uses**

Any permitted residential use listed in Section 20-402 shall be exempt from the regulations of this subsection.

**(3) Standards for [Temporary Shelters](#)****i. Use Standards**

[Temporary Shelters](#) require a Special Use Permit in accordance with the procedures of Section 20-1306. In addition to the standards of Section 20-1306, the following standards shall apply to all Special Use Permits granted for [Temporary Shelters](#):

- a. At least once every five (5) years the operator shall make a presentation to the City Commission and the Commission shall review the Special Use Permit for compliance with original conditions of approval and use standards.
- b. A minimum of 1 toilet per 15 beds shall be provided.
- c. Shall be staffed in compliance with the staffing requirements of the approved management plan.
- d. All uses and activities conducted outdoors shall be shown on the site plan.

**(4) Management Plan**

The operator of a [Temporary Shelter](#) shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

- i. Narrative description of the nature and characteristics of the use and descriptions of all services provided.
- ii. Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.
- iii. Rules of conduct for guests.
- iv. Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter.
- v. Communications plan that establishes how the shelter will regularly communicate with neighbors and police.
- vi. Response plan for emergencies that may occur at the site.
- vii. Adequate staffing levels given the number of guests served and the nature of the facility and population served.

**(5) Design Standards**

[Temporary Shelter](#) site design shall incorporate design features that contribute to the livability and safety for guests, efficient use of space, ease of emergency access, and compatibility with nearby land uses. In furtherance of this purpose, the following design standards shall apply, to the extent practicable, to Special Use Permits granted for [Temporary Shelters](#):

- i. Building entrances shall be clearly defined and visible from the public right-of-way or from an occupied area of the building such as administrative offices or staffed reception areas.
- ii. Building entrances, outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.
- iii. Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.
- iv. Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.
- v. The exterior of the building shall be designed to ensure that all outside areas surrounding the building are clearly visible either from public right-of-way or through the use of design features such as windows or video surveillance.
- vi. Landscaping shall be designed to not obstruct the view of sidewalks, parking areas or outdoor children/adult recreational areas.
- vii. Effort through design to minimize loitering in the vicinity of the shelter through careful site design, building design, or by providing site features or amenities on the property which attract guests to a specific location on the property.

**20-545 LIGHT EQUIPMENT SALES/RENTAL****(1) Purpose**

The purpose of these use-specific standards are to ensure that [Vehicle Sales and Service](#) uses permitted in the CN2 District conform to the intent of the purpose of the CN2 District as set forth in Section 20-208 of this Development Code.

**(2) Applicability**

The use-specific standards of this section shall apply to any [Vehicle Sales and Service](#) uses listed below.

**(3) Light Equipment Sales/Rental**

- (i) Shall be limited to automobile sales and/or rental.
- (ii) Shall permit a maximum of 12 vehicles to be stored onsite for sale or rental.
- (iii) Accessory vehicle wash bays are permitted but may not be made available for public use and shall be limited to one wash bay.
- (iv) Accessory vehicle wash bays shall be located within enclosed [Structures](#).
- (v) Automobile [Cleaning](#) and detail activity shall be conducted in enclosed [Structures](#).

**20-546 CONGREGATE LIVING****(1) Applicability**

The use-specific standards of this section shall apply to any [Congregate Living](#) use or structure.

**(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, 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.
  - 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 February 11, 2011 (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.

**ARTICLE 6. DENSITY AND DIMENSIONAL STANDARDS**

- 20-601 Density and Dimensional Standards Tables**
- 20-602 Measurement of and Exceptions to Density and Dimensional Standards**

**20-601 DENSITY AND DIMENSIONAL STANDARDS**

**(a) Residential Districts**

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

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

- [1] Minimum garage entrance Setback = 20 feet
- [2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.
- [3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.
- [4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.
- [5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

**(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:

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL	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]	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]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]20	[3]15	[1]	[1]	[1]	35
Side (Interior-adj. R) [9]	10	20	20	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 [4] [9]	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 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	-	50	-	-	-	50 [5][11]	-	-	-	-
Dimensions (ft.)	5	-	5	-	-	-	5 [5][11]	-	-	-	-
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45	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		
IBP [10]	40	40	40	40	15
IL	50[14]	50	25	20[15]	15
IG	50 [14]	50	25	50 [15]	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] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
- [11] Applies to any Significant Development Project.
- [12] 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] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.  
 [15] 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 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 ¼ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(g).  
 [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**

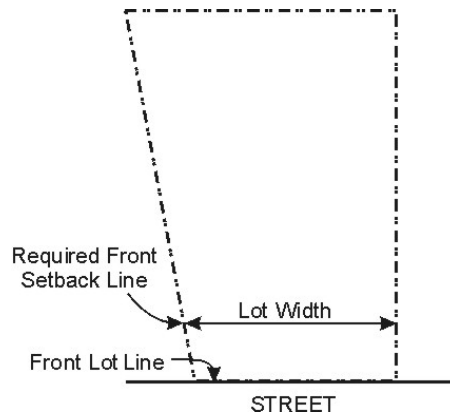
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

**(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.

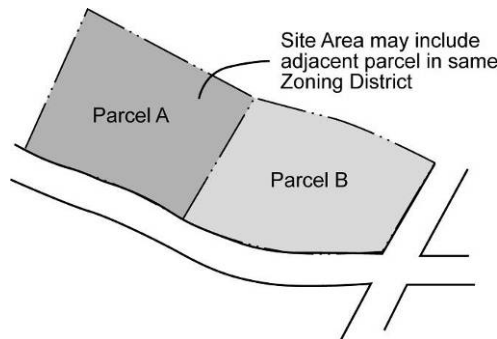
**(c) Lot Width**

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.

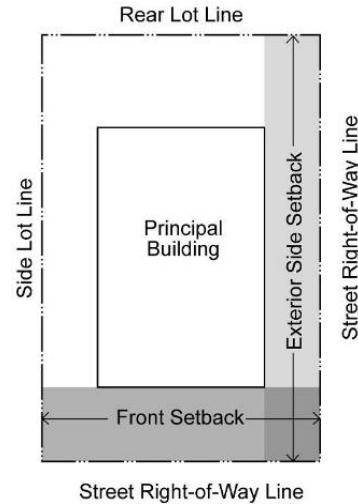


**(e) Setbacks and Required Yards**

**(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.

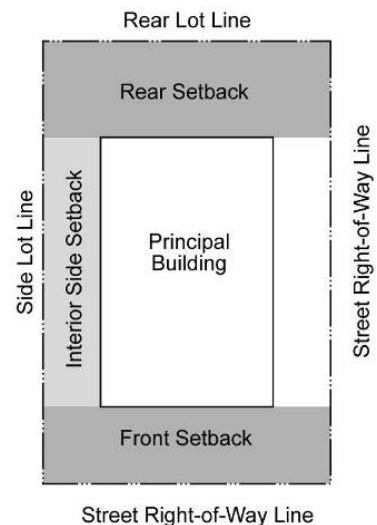
**(3) Interior Side Setbacks**

**(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.

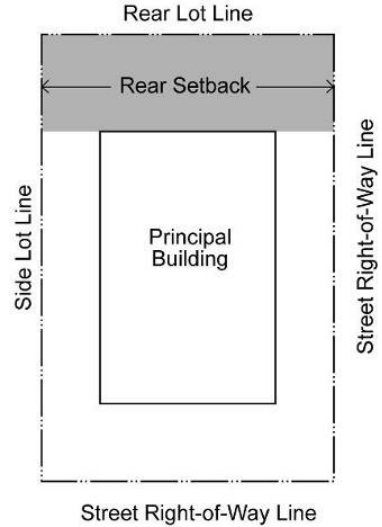


**(4) Rear Setbacks**

**(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) 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**

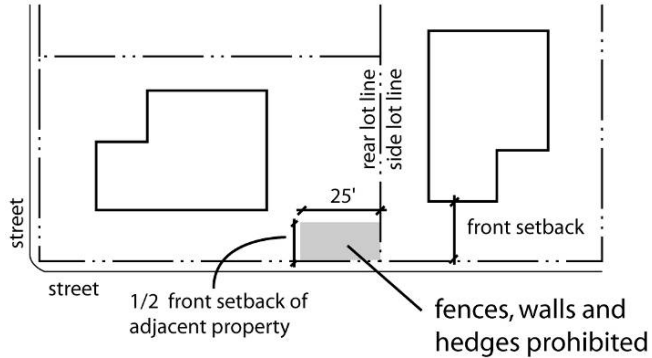
Required Yards and Setbacks shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

- (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:
  - a. as otherwise provided in City Code Chapter 16, Article 6; and
  - b. 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) 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**

- (i) The minimum outdoor area for each Dwelling Unit shall be a contiguous area and may be on the ground or above ground.
- (ii) 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

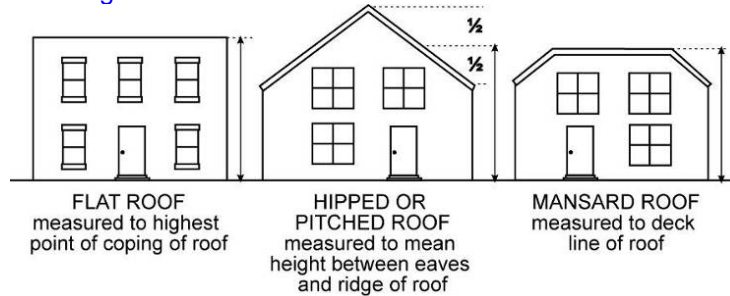
boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Driveways and Parking Areas may not be counted toward fulfillment of the outdoor area requirement.

- (iii) The required outdoor area may not be located in the required Front Setback or Exterior Side Setback.

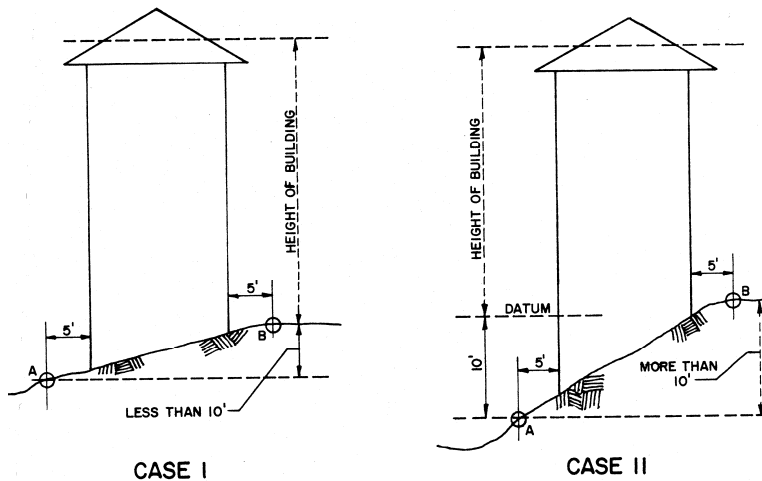
**(h) Height**

**(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(h)(1)(i) above is more than 10 feet above lowest Grade. (See “Case II” in accompanying illustration.)



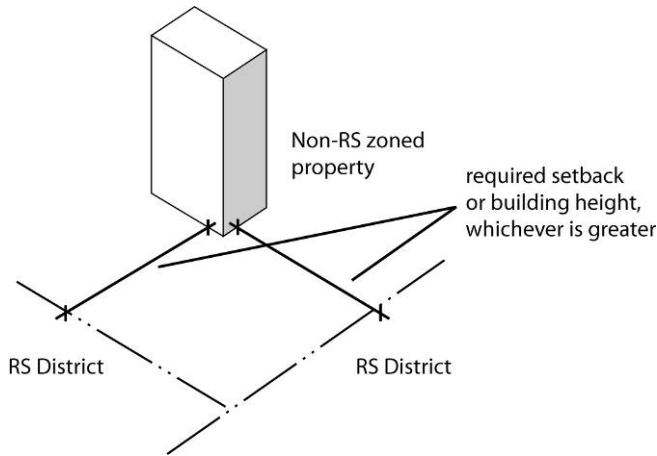
(2) **Height Limit on Projects Adjoining Certain Residential Zoning Districts**

(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) **Exceptions**

- (i) 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.
- (ii) 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.
- (iii) Telecommunication Towers may exceed the Zoning District Height limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

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**ARTICLE 7. PLANNED DEVELOPMENTS**

- 20-701 PD, **Planned Development** Overlay District  
20-702 Cluster Housing Projects  
20-703 Open Space Standards in Cluster and **Planned Developments**

**20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT****(a) Purpose**

The PD, **Planned Development** regulations are intended to:

- (1) ensure development that is consistent with the **Comprehensive Plan**;
- (2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;
- (3) allow design flexibility that results in greater public benefits than could be achieved using conventional **Zoning District** regulations;
- (4) preserve environmental and historic resources; and
- (5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

**(b) Procedure**

PDs shall be reviewed and approved in accordance with the procedures of Section 20-1304.

**(c) Developer's Statement of Intent**

Each PD application shall include a comparison of the proposed development with the standards of the **Base District** and the otherwise applicable standards of this Development Code. Applications shall also include a Statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

**(d) Effect of Other Development Code Standards**

Except as expressly authorized by the regulations of this section and approved as part of a PD plan (in accordance with the procedures of Section 20-1304), all of the standards of this Development Code apply to development within a PD District.

**(e) Minimum District Size**

Minimum area for a PD district shall be ½ acre. The minimum district size may be reduced by the City Commission, provided that such a decrease is warranted to support the public benefit likely to result from the proposed development.



**(f) Standards Eligible for Modification**

As a condition of approval, the [Planning Commission](#) or City Commission may designate by ordinance or as a note on the face of the development plan, any specific use, [Structure](#) or [Building Type](#) which shall be restricted and excluded as part of the [Planned Development Overlay District](#). The City Commission may modify the following standards during the PD approval process. Standards not listed are not eligible for modification.

**(1) Allowed Uses**

The [Planning Commission](#) shall recommend, and the City Commission shall approve, a list of uses allowed in a PD at the time of PD preliminary approval. Regardless of the fact that the approved uses may be determined by reference to a [Base District](#), the list of approved uses shall be incorporated into and made a condition of the PD approval. The City Commission may approve only uses that are allowed in the [Base District](#), provided that:

- (i) PDs in [Single-Dwelling](#) and [Multi-Dwelling](#) (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per [Dwelling Unit](#).
- (ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 [Dwelling Units](#).

**(2) Lot Size**

The minimum [Lot](#) size standards of the [Base District](#) may be reduced by the City Commission, provided that [Lot](#) sizes shall be adequate to safely accommodate all proposed [Buildings](#) and site features.

**(3) Residential Density****(i) Density Increase**

The City Commission may increase the maximum [Net Density](#) beyond that of the [Base District](#) by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

**(ii) Density Calculation**

For the purpose of calculating Net Density in Multi-Dwelling Structures, a studio or 1-bedroom unit shall count as .4 Dwelling Unit, a 2-bedroom shall count as .6 Dwelling Unit, a 3-bedroom unit shall count as .8 Dwelling Unit, and 4 or more bedroom units shall count as 1 Dwelling Unit. Minimum outdoor area, as required in Article 20-601(a), shall be met based on the total calculated Dwelling Unit count and not the actual number of Dwelling Units.

**Example of Actual and Calculated Dwelling Unit Count**

Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (sq ft) (Calc du * 50 sf)
20 4-bedroom units	20	$20 * 1 = 20$	$20 * 4 = 80$	$20 * 50 = 1,000$ sf
26 3-bedroom units (.8)	26	$26 * .8 = 20$	$26 * 3 = 78$	$20 * 50 = 1,000$ sf
34 2-bedroom units (.6)	34	$34 * .6 = 20$	$34 * 2 = 68$	$20 * 50 = 1,000$ sf
52 1-bedroom units (.4)	52	$52 * .4 = 20$	$52 * 1 = 52$	$20 * 50 = 1,000$ sf

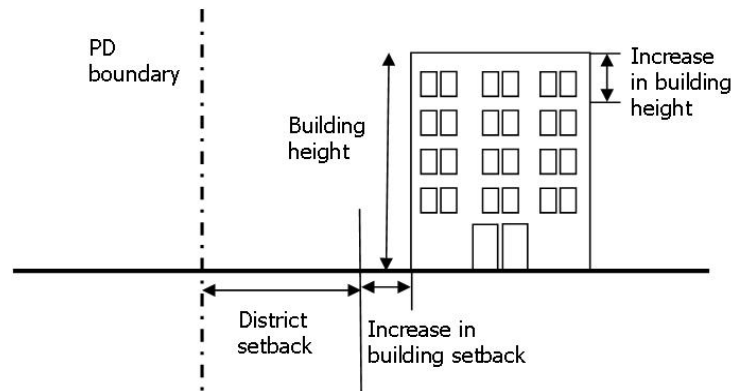
**(4) Setbacks**

The minimum **Setback** standards of the **Base District** may be reduced by the City Commission, provided that:

- (i) The zoning district adjacent to the PD districts is more intense than the **Base District** of the PD according to the Lesser Change Table in Section 20-1303; and
- (ii) All exterior walls of detached **Buildings** shall be separated by a minimum distance of 10 feet.
- (iii) Balconies shall not be located along peripheral site **Setbacks** adjacent to RS zoned properties unless privacy **Screening** and Landscaping is included in the design.

**(g) Height**

The City Commission may increase maximum **Height** limits of the **Base District** if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. **Height** increases shall be permitted only for **Buildings** set back from the boundary of the PD by the **Base District Setback** plus the increase in the **Height** of the **Building**, so that the primary impact of the increased **Height** is on property within the PD.



**(h) Balconies**

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a Planned Development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum Height) or a masonry wall (6' minimum Height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

**(i) Parking and Loading**

The City Commission may decrease or increase the number of off-Street Parking and loading spaces required for residential uses for good cause shown. The City Commission may decrease the number of off-Street Parking for non-residential uses with the submission of a parking study prepared by the applicant as outlined in Section 20-905(b). Parking and loading areas shall comply with all otherwise applicable design standards.

**(j) Common Open Space****(1) Amount Required**

The PD shall include at least 20% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 50% of the Common Open Space shall be developed as Recreational Open Space unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

**(2) General Provisions**

See Section 20-703 for General Provisions applicable to Open Space in a PD or Cluster Development.

**(k) Additional Requirements and Standards****(1) Unified Control**

No application for a PD will be accepted or approved unless all of the property included in the application is under unified Ownership or a single entity's control.

**(2) Street Access**

PDs that will generate 100 or more average daily trips (based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual, 7th edition, or subsequent edition, or based on local estimates provided by the City) shall have Access to an Arterial Street using a Frontage or rear Access road or by taking direct Access to a Collector Street.

Individual residential Building Lot shall not take direct Access to an Arterial Street or a non-Residential Collector Street. Each individual residential Lot shall have Frontage on a public or Private Street that has been constructed to the Public Street standards of the City.

**(3) Sidewalks**

Sidewalks built to City specifications shall be built along both sides of all public and [Private Streets](#). On [Local Streets](#), sidewalks shall be at least 5 feet in width; on all other Streets sidewalks shall be at least 6 feet in width.

**(4) Landscaping**

The Landscaping and [Screening](#) standards of Article 10 apply to PDs. In addition, any part of the development area not used for [Buildings](#), [Structures](#), [Parking](#), [Streets](#), or [Accessways](#) shall be landscaped with a sufficient mixture of grass, vegetative Ground Cover, trees, and [Shrubs](#), except those areas designated to be preserved with natural vegetation.

**(5) Preservation of Natural Features**

Mature stands of trees or individually significant mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. At a minimum the common open space provisions in this section and the standards of Article 10 apply.

**(6) Zoning Map**

Approved PDs shall be identified on the [Official Zoning District Map](#).

**(7) Additional Conditions**

The [Planning Commission](#) may recommend, and the City Commission may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this Development Code. Such conditions may include limitations on the types of uses, [Structures](#) or [Building Types](#) to be allowed in the PD. When such conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

**(I) Additional Standards for PD's with Residential and Nonresidential Uses**

In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/[Bicycle](#) and automobile [Access](#) by way of improved sidewalks or paths and Streets that do not involve leaving the PD or using a major [Thoroughfare](#). "Directly accessible" does not necessarily mean that nonresidential uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.

**20-702 CLUSTER HOUSING PROJECTS****(a) Purpose**

The cluster housing regulations of this section have several potential public benefits. They:

- (1) provide flexible development options where the standard **Lot** and **Block** pattern is not practical because of physical constraints;
- (2) promote the preservation of open space and natural areas;
- (3) allow for grouping of development on a portion of the site while using the entire site area to calculate **Density** of the **Base District**.
- (4) support reductions in development costs.

**(b) General**

- (1) A Cluster Housing Project is a subdivision containing five (5) or more detached **Dwellings** each on its own **Lot** with some or all of the **Lots** reduced below required minimum **Lot Area** and width requirements, but where the overall project complies with the maximum **Density** standard of the **Base District**. Cluster Housing Projects require that planning for **Lots** and the locations of houses on the **Lots** be done at the same time. Because the allowable **Building Envelope** of each house is predetermined, greater flexibility in development standards is possible while assuring that the single-**Dwelling** character of the **Zoning District** is maintained.
- (2) Under the cluster housing option, a subdivision can contain no more **Lots** than would otherwise be allowed for a conventional subdivision in the same **Zoning District**, but the individual **Lots** within the development can be smaller than required in a conventional subdivision. Smaller **Lot** sizes within a Cluster Housing Project are required to be offset by a corresponding increase in **Common Open Space**.

**(c) Where Allowed; Procedure**

Cluster Housing Projects are allowed by right in all residential **Zoning Districts** and in the CN1 District, as provided below.

- (1) In RS Districts and the CN1 District, Cluster Housing Projects shall not include more than 35 **Dwelling Units**. Larger projects in said Districts are subject to the **Planned Development** regulations of Section 20-701 and shall be reviewed and approved in accordance with the procedures of **Section 20-1304**.
- (2) Cluster Housing Projects allowed by-right will be evaluated for compliance with applicable regulations and reviewed and approved in accordance with the subdivision procedures of Article 8 review process.

**(d) Lot Area and Lot Width Requirements**

There are no minimum Lot Area or Lot Width requirements for Cluster Housing Projects. Lots shall be adequate to meet all applicable standards of this Development Code.

**(e) Housing Types**

Detached Dwelling Units on individual Lots are the only type of housing allowed in a Cluster Housing Project. The proposed Building Envelope for all houses shall be shown on the subdivision plat with enough detail so that compliance with required Density and Dimensional Standards can be determined.

**(f) Setbacks**

- (1) A Setback equal to the minimum Front Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is adjacent to any Street or right-of-way.
- (2) A Setback equal to the minimum Rear Setback of the Base District shall be provided along the entire perimeter of the Cluster Housing Project that is not adjacent to any Street or right-of-way.
- (3) Within the project, the distance between houses shall be at least 10 feet (to be measured in accordance with the Setback measurement provisions of Section 20-602(e)).

**(g) Building Coverage**

The Building coverage standards of the Base District do not apply to each individual Lot, but the total Building coverage of all Lots (in aggregate) may not exceed the maximum Building coverage standard of the Base District.

**(h) Outdoor Area**

The required minimum outdoor area standard per Dwelling Units of 240 Sq. Ft. shall be on each Lot.

**(i) Common Open Space****(1) Amount Required**

The Cluster Housing Project shall include at least 10% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 30% of the Common Open Space shall be developed as Recreational Open Space, unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

**(2) General Provisions**

See Section 20-703 for General Provisions applicable to Open Space in a Planned Development or Cluster Housing Project.

**20-703 OPEN SPACE STANDARDS IN CLUSTER AND PLANNED DEVELOPMENTS****(a) Preservation Required**

The Open Space land shall be preserved and maintained solely for the purposes specified in this Section and in such a manner as may be acceptable to the City Commission. The method for accomplishing such preservation and maintenance of Open Space land shall be limited to one of the following:

- (1) establishment of a mandatory-membership homeowner's association to own and maintain the land in common for the Open Space purposes intended; or
- (2) transfer of the land to a conservation trust or an institution, person, organization or other conservation-oriented entity together with the requisite requirements for maintenance of the land for the Open Space purposes intended; or
- (3) dedication of the land to the City with executed deed restrictions that the City is party to, which ensure the land shall remain as dedicated open space, subject to City Commission acceptance of such dedication.

**(b) Execution of Instruments**

The City Commission shall require the Developer or Owner of the Open Space land to execute, acknowledge and file at the Register of Deeds office such maps and documents as, in the opinion of the Director of Legal Services, will effectively create a trust, Easement or covenant running with the land, for the benefit of the property owners in the development and of the City, which:

- (1) will be binding on all future Owners of the Open Space land;
- (2) will not be affected by any subsequent changes in zoning;
- (3) may be enforced by property owners in the development or the City by appropriate action in court for damage or equitable relief;
- (4) will be perpetual;
- (5) will assure appropriate maintenance of the Open Space land to the satisfaction of the City Commission;
- (6) shall provide that if maintenance, preservation and/or use of the Open Space land no longer complies with the provisions of the trust, Easement or covenant, the City may take all necessary actions to effect compliance and assess the costs against the Owner in default;
- (7) shall provide that such trust, Easement or covenant may not be modified, altered, amended or changed without written approval of the City Commission, and all beneficiary property Owners in the PD or Cluster Housing Project except in the case of City-owned land in which case deed restrictions shall be binding.

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**ARTICLE 8. SUBDIVISION DESIGN AND IMPROVEMENTS**

- 20-801 General**
- 20-802 General Review and Approval Procedures**
- 20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area**
- 20-804 Cluster Developments in Urban Growth Areas**
- 20-805 Large Parcel Property Divisions in Urban Growth Areas**
- 20-806 Property Divisions in the Rural Area (Outside Urban Growth Areas)**
- 20-807 Certificate of Survey, Administrative Review Procedures**
- 20-808 Minor Subdivisions**
- 20-809 Major Residential and Nonresidential Subdivisions**
- 20-810 Subdivision Design Standards**
- 20-811 Public Improvements**
- 20-812 Contents of Plats**
- 20-813 Administration and Enforcement**
- 20-814 Building Setbacks, Enforcement and Exceptions**
- 20-815 Interpretations, Rules of Construction and Definitions**

See Subdivision Regulations for Lawrence and Unincorporated Douglas County.



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## ARTICLE 9. PARKING, LOADING AND ACCESS

20-901	General
20-902	Off-Street Parking Schedule A
20-903	Off-Street Parking Schedule B
20-904	Off-Street Parking Schedule C
20-905	Off-Street Parking Schedule D
20-906	Off-Street Loading
20-907	Rules for Calculating Requirements
20-908	Location
20-909	Shared and Off-Site Parking
20-910	Use of Off-Street Parking and Loading Areas
20-911	Vehicle Stacking Areas
20-912	Accessible Parking for Physically Disabled Persons
20-913	Parking and Loading Area Design Standards
20-914	Landscaping
20-915	Driveways and Access
20-916	Traffic Impact Study

### 20-901 GENERAL

#### (a) Purpose

The regulations of this article are intended to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading, and Access demand.

#### (b) Applicability

##### (1) New Development

Unless otherwise expressly stated, the parking and loading standards of this article apply to all new structures built and all new uses established in all zoning districts.

##### (2) Enlargements and Expansions

(i) Unless otherwise expressly stated, the parking and loading standards of this article apply whenever an existing Building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measure used for establishing off-street parking and loading requirements.

(ii) In the case of enlargements or expansions of Buildings or uses triggering requirements for additional parking or loading, additional off-street parking and loading spaces are required only to serve the enlarged or expanded area or use, not the entire existing Building or use. There is no requirement to address lawfully created non-conforming existing parking or loading deficits.

**(3) Change of Use or Occupancy**

Unless otherwise expressly stated, when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the **Building**, based on the standards of this development code.

**(c) Parking in Excess of Required Standard**

- (i) Developments that provide parking in excess of the required standards must mitigate the impacts of the increased **Impervious Surface** through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual. [Mid-America Regional Council and American Public Works Association Manual for Best Management Practices for Stormwater Quality – Sept. 2003 and subsequent updates].
- (ii) **Detached Dwellings, Attached Dwellings** and **Duplex** residential uses shall be exempt from the requirements of 20-901(c)(i).

**(d) Reductions Below Minimums**

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this Section, except:

- (i) When waived by the **Planning Director** on sites where a property owner creates a shared access point or where multiple access points on a property are consolidated consistent with adopted access management policies;
- (ii) For good cause shown, when waived by the **Planning Director** as part of Site Plan approval in accordance with 20-1305 and based upon a parking study submitted in accordance with 20-905; or
- (iii) When a variance from the parking requirements is granted by the Board of Zoning Appeals based upon the specific circumstances of the property.

**(e) Issuance of **Building Permits** or **Certificates of Occupancy****

No **Building** permits or certificates of occupancy shall be issued unless the minimum parking standards are being complied with or those standards have been waived in accordance with 20-901(d).

**(f) Exemption for CD District**

Due to the unique characteristics of the Downtown Commercial District, allowed uses in the CD **Zoning District** are exempt from the requirement to provide off-street parking and off-street loading spaces.

**(g) Parking Requirements in PRDs, PCDs and PIDs established before July 1, 2006**

Parking standards for uses listed in 20-902, 20-903 or 20-904 of this Development Code shall be applied when establishing minimum requirements for New Developments, Expansions or Enlargements, or Change of Use or Occupancy in these established Planned Unit Developments.

**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
<b>RESIDENTIAL USE GROUPS</b>		
<b>HOUSEHOLD LIVING</b>		
<a href="#">Accessory Dwelling Unit</a>	See 20-534 for standards	None
<a href="#">Attached Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Cluster Dwelling</a>		
<a href="#">Detached Dwelling</a>	1 per bedroom	
<a href="#">Duplex</a>		
<a href="#">Manufactured Home</a>		
<a href="#">Manufactured Home, Residential-Design</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Mobile Home</a>	2 per <a href="#">Dwelling Unit</a> (1 may be located in common area)	
<a href="#">Mobile Home Park</a>		
<a href="#">Multi-Dwelling Structure</a>	1 per bedroom, + 1 per 10 units (visitors and guests) <sup>[1]</sup>	
<a href="#">Non-Ground Floor Dwelling</a>	1 per bedroom	None
<a href="#">Work/Live Unit</a>	1 per <a href="#">Dwelling Unit</a>	
<a href="#">Zero Lot Line Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Home Occupation, Type A or B</a>	See 20-537 for standards	
<b>GROUP LIVING</b>		
<a href="#">Assisted Living</a>	1 per independent living unit; 0.5 per Assisted Living unit	None
<a href="#">Congregate Living</a>	1 per bedroom <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Dormitory</a> and Scholarship Halls	0.75 lawful occupant	
Fraternity and Sorority Houses	0.75 lawful occupant	
<a href="#">Group Homes, General</a>	1 + 1 per employee	None
<a href="#">Group Homes, Limited</a>	2 per <a href="#">Dwelling Unit</a>	
<b>PUBLIC AND CIVIC USE GROUPS</b>		
<b>COMMUNITY FACILITIES</b>		
<a href="#">Adult Day Care</a>	1 per 1.5 employees	None
<a href="#">Cemetery</a>	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
<a href="#">Cultural Center / Library</a>	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater
<a href="#">Day Care Center</a>	1 per 1.5 employees + 4 spaces	None
<a href="#">Day Care Home, Class A</a>	1 per 1.5 employees	
<a href="#">Day Care Home, Class B</a>		
<a href="#">Detention Facilities</a>	per Schedule D (Section 20-905)	1 per 10 auto spaces

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K-9	1 per 1.5 teachers and employees	1 per 5 students
Grades 10+	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
<b>MEDICAL FACILITIES</b>		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
<b>RECREATIONAL FACILITIES</b>		
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)	
Passive Recreation		
Private Recreation		
<b>RELIGIOUS ASSEMBLY</b>		
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses	5 or 1 per 10 auto spaces, whichever is greater
Neighborhood Institution		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>COMMERCIAL USE GROUPS</b>		
<b>ANIMAL SERVICES</b>		
Kennel	1 per 500 square feet	None
Livestock Sales	1 per 600 square feet	None
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces
Veterinary	1 per 400 square feet	None
<b>EATING AND DRINKING ESTABLISHMENTS</b>		
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
Brewpub		
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Fast Order Food, Drive-In		
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	
Private Dining Establishment	Per Section 20-539	Per Section 20-539
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
<b>OFFICE</b>		
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces
Financial, Insurance and Real Estate		
Other		
<b>PARKING FACILITIES</b>		
Accessory	None	None
Commercial		
<b>RETAIL SALES AND SERVICE</b>		
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Food and Beverage Retail Sales	1 per 300 square feet	5 or 1 per 10 auto spaces

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Service	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Service	1 per 200 square feet	
Repair Service, Consumer	1 per 400 square feet	1 per 10 auto spaces
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large		
Retail Establishment, Medium	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Specialty		
<b>SEXUALLY ORIENTED BUSINESSES</b>		
Sexually Oriented Media Store		
Physical Sexually Oriented Business	1 per 300 square feet	5 or 1 per 10 auto spaces
Sex Shop		
Sexually Oriented Theater	1 per 4 seats	
<b>TRANSIENT ACCOMMODATION</b>		
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees	as required for associated uses
Hotel, Motel, Extended Stay	for associated uses	as required for associated uses
<b>VEHICLE SALES AND SERVICE</b>		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	None
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	
<b>INDUSTRIAL USE GROUPS</b>		
<b>INDUSTRIAL FACILITIES</b>		
Explosive Storage		
Industrial, General		
Industrial, Intensive		
Laundry Service		
Manufacturing and Production, Limited		
Manufacturing and Production, Technological	per Schedule C (Section 20-904)	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<a href="#">Research Service</a>	per Schedule C (Section 20-904)	1 per 10 auto spaces
<a href="#">Scrap and Salvage Operation</a>	1 per acre	None
<b>WHOLESALE, STORAGE AND DISTRIBUTION</b>		
<a href="#">Exterior Storage</a>	per Schedule C (Section 20-904)	None
<a href="#">Heavy</a>		
<a href="#">Light</a>		
<a href="#">Mini-Warehouse</a>	4 + 1 per 25 rental spaces	
<b>OTHER USE GROUPS</b>		
<b>ADAPTIVE REUSE</b>		
<a href="#">Designated Historic Property</a>	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
<a href="#">Greek Housing Unit</a>		
<b>AGRICULTURE</b>		
<a href="#">Agricultural Sales</a>	1 per 500 square feet of <a href="#">Building</a> area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
<a href="#">Agricultural Services</a>	1 per 1.5 employees	1 per 10 auto spaces
<a href="#">Agriculture, Animal</a>	None	None
<a href="#">Agriculture, Crop</a>	None	None
<b>COMMUNICATIONS FACILITIES</b>		
<a href="#">Amateur and Receive Only Antennas</a>	None	None
<a href="#">Broadcasting Tower</a>	1 space	None
<a href="#">Communications Service Establishment</a>	1 per 400 square feet	1 per 10 auto spaces
<a href="#">Telecommunications Antenna</a>	None	None
<a href="#">Telecommunications Tower</a>	1 space	None
<a href="#">Satellite Dish</a>	None	None
<b>MINING</b>		
<a href="#">Mining</a>	per Schedule D (Section 20-905)	None
<b>RECYCLING FACILITIES</b>		
<a href="#">Large Collection</a>	per Schedule C (Section 20-904)	None
<a href="#">Small Collection</a>		
<a href="#">Processing Center</a>	per Schedule C (Section 20-904)	None
<b>Footnotes:</b>		
<p>[1] Whenever a structure 3,500 gross square feet or larger as of February 11, 2011 on a property 8,775 square feet in size or less is renovated as a <a href="#">Multi-Dwelling Structure</a> or <a href="#">Congregate Living</a> use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom.</p>		



**20-903 OFF-STREET PARKING SCHEDULE B**

(a) Off-street **Parking Spaces** for Schedule B uses shall be provided in accordance with the following standards. These standards shall be minimum standards for the provision of off-street **Parking Spaces**.

Gross Floor Area (Sq. Ft.)	Off-Street <b>Parking Spaces</b> Required
1-45,000	1 per 300 square feet
45,001-100,000	150 + 1 per 400 square feet of <b>Gross Floor Area</b> between 45,001 and 100,000 square feet
100,001+	288 + 1 per 500 square feet of <b>Gross Floor Area</b> above 100,000 square feet

(b) The maximum number of off-street **Parking Spaces** for a Schedule B use shall not exceed 120% of the minimum required number of **Parking Spaces** for such a use.

**20-904 OFF-STREET PARKING SCHEDULE C**

Off-street **Parking Spaces** for Schedule C uses shall be provided in accordance with the following standards:

Gross Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing <b>Floor Area</b> Manufacturing or Other <b>Floor Area</b>	Outdoor Storage Area
1-20,000	1 per vehicle used in the business +	1 per 1,000 square feet +	1 per acre
20,001 - 120,000		1 per 5,000 square feet +	1 per acre
120,001 +		1 per 10,000 square feet +	1 per acre
If business is employee intensive, parking may be based on ratio of employees	1 per vehicle used in the business +	1 per 1.5 employees on largest shift	1 per acre

**20-905 OFF-STREET PARKING SCHEDULE D**

Schedule “D” uses have widely varying **Parking** demand characteristics, making it difficult to specify a single off-street parking standard.

**(a) Standards**

Upon receiving a development application for a use subject to “Schedule D” standards, the **Planning Director** shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements.

**(b) Parking Study**

The decision of the **Planning Director** shall be based upon a **Parking** study prepared by the applicant.

- (1) The study shall include estimates of **Parking** demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the **Planning Director**, and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.
- (2) Comparability will be determined by **Density**, **Scale**, bulk, area, type of activity, and location.

- (3) The study shall document the source of data used to develop the recommendations.

**20-906 OFF-STREET LOADING**

**(a) General**

Goods may not be loaded or unloaded from the right-of-way of a Collector or Arterial Street and no part of any vehicle may extend into the right-of-way of a Collector or Arterial Street while being loaded or unloaded; provided that, routine deliveries, such as U.S. Mail, Federal Express, Parcel Post and similar services, for reasonable durations, are not hereby prohibited.

**(b) Loading Schedule**

Off-Street loading spaces shall be provided in accordance with the minimum ratios shown in the following table:

Use	Building Floor Area (gross sq. ft.)	Required Loading Spaces	Space Size (feet)
Public and Civic	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Commercial (except Retail Sales, General)	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Retail Sales, General	1-4,999	None	N/A
	5,000+	[1]	[1]
Industrial	1-4,999	None	N/A
	5,000+	1 up to 40,000 sq. ft. + 1 addl up to 100,000 sq. ft. + 1 per 100,000 sq. ft. above 100,000	10 x 25; 10 x 50 for bldgs. over 20,000 sq. ft.

[1] The following standards apply:

Building Floor Area (square feet)	Required Loading Spaces	Space Size (feet)
5,000 to 10,000	1	10 x 25
10,001 to 25,000	2	10 x 25
25,001 to 40,000	2	10 x 50
40,001 to 100,000	3	10 x 50
100,001 to 250,000	4	10 x 50
+250,000	1 per 200,000 above 250,000	10 x 50

**20-907 RULES FOR CALCULATING REQUIREMENTS**

The following rules apply when calculating off-street parking and loading requirements.

**(a) Multiple Uses**

Unless otherwise approved, **Lots** containing more than one use shall provide Parking and loading in an amount equal to the total of the requirements for all uses. (See the **Shared Parking** provisions of Section 20-909 for possible exceptions.)

**(b) Fractions**

When measurements of the number of required spaces result in a fractional number, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of 1 space per 200 square feet is applied to a 900 square foot **Building**, 5 spaces are required, since the fraction of 4.25 is rounded up to 5 spaces.

**(c) Area Measurements**

- (1) Unless otherwise specifically noted, all Parking and loading standards given in square feet shall be computed on the basis of **Gross Floor Area**, which is to be measured using all of the **Floor Area** on each floor of the **Building**, whether or not such area is enclosed by walls. Interior areas used for off-street parking or off-Street loading facilities are not counted in calculating the number of **Parking Spaces** required.
- (2) For outdoor areas, calculations will be based on the portion of the **Lot** actually being used for the specified purpose.

**(d) Occupancy- or Capacity-Based Standards**

For the purpose of calculating Parking requirements based on employees, students, residents or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

**(e) Bench Seating**

When seating consists of benches, pews or other similar seating facilities, each 24 linear inches of seating space counts as 1 seat.

**(f) Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the **Planning Director** shall apply the off-street parking standard specified for the listed use that the **Planning Director** deems most similar to the proposed use or the requirements of off-street parking schedule D, Section 20-905.

**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.		
CO			
CN2			
CD	Prohibited between a Building and any Street		
CC	No restriction except as specified in Article 5.	15	10
CR			
CS			
IBP			
IL			
IG			
H			
GPI			
OS			
MU			

**20-909 SHARED AND OFF SITE PARKING****(a) Purpose**

The shared and off-site off-street parking provisions of this section are intended to encourage efficient use of land and resources by allowing users to share off-street parking facilities in situations where a mix of uses creates staggered peak periods of parking demand and to locate off-street parking facilities on a different site than the uses served by the Parking.

**(b) Approval Procedure**

Shared or off-site off-street parking arrangements require review and approval in accordance with the Site Plan Review procedures of Section 20-1305.

**(c) Location**

All shared or off-site off-street [Parking Spaces](#) shall be located no further than 600 feet from the main entrance of the [Buildings](#) or uses they are intended to serve, measured along the shortest legal, practical walking route. This distance limitation may be waived as part of the Site Plan Review process if sufficient assurances are offered that adequate van or shuttle service will be operated between the shared or off-site [Lot](#) and the [Principal Use](#) or uses.

**(d) Zoning Classification**

Shared and off-site [Parking Areas](#) require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared or off-site [Parking Area](#), except as permitted in Section 20-535. Shared and off-site [Parking Areas](#) are to be considered [Accessory Uses](#) to the [Principal Uses](#) that the [Parking Spaces](#) serve.

**(e) Required Shared Parking Study and Analysis**

For proposed [Shared Parking Areas](#), the applicant shall submit a [Shared Parking](#) analysis to the [Planning Director](#) that clearly demonstrates the feasibility of shared or off-site Parking. The study shall be provided in a form established by the [Planning Director](#) and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants and customers, the anticipated rate of Parking turnover and the anticipated peak Parking and traffic loads for all uses that will be sharing off-street [Parking Spaces](#).

**(f) Parking Agreement**

The sharing or off-site location of required Parking shall be guaranteed by a legally binding agreement, duly executed and acknowledged, between the [Owner](#) of the [Parking Area](#) and the [Owner](#) of all uses that are located on a different [Lot](#) and served by the [Parking Area](#).

- (1) The agreement shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Director of Legal Services. Approved shared or off-site Parking agreements shall be recorded with the Register of Deeds.
- (2) The applicant for a [Building](#) Permit or certificate of occupancy for the use that is served by [Parking Spaces](#) on the other [Lot](#) shall submit a copy of such agreement along with the application for the permit or certificate.
- (3) Any violation of the agreement required under this subsection constitutes a violation of this Development Code.

**20-910 USE OF OFF-STREET PARKING AND LOADING AREAS**

**(a) Parking for Motor Vehicles Only**

Required off-street parking and loading areas are to be used solely for loading, unloading, and the Parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, truck trailers, motor homes, campers, [Mobile Homes](#), [Manufactured Homes](#), or components thereof, or [Building](#) materials.

**(b) Weight Limit**

In residential [Zoning Districts](#), required off-street [Parking Areas](#) may only be used by vehicles of up to one ton manufacturer's rated capacity.

**20-911 VEHICLE STACKING AREAS**

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the City Engineer.

**(a) Minimum Number of Spaces**

Off-Street stacking spaces shall be provided as follows:

Activity Type	Minimum Number of Stacking Spaces
Bank teller lane	4 per teller or window
Automated teller machine	2 per machine
Restaurant drive-through	4 at each order box and 4 at each pick-up window
Car wash stall, automatic	4 at each entrance
Car wash stall, self-service	4 at each entrance
Gasoline pump island	1 at end of each pump island
Schools	10 on each elementary and junior high school <a href="#">Driveway</a> 5 on each senior high school <a href="#">Driveway</a>
Other	As determined by the City Traffic Engineer based on a traffic impact analysis

**(b) Design and Layout**

Required stacking spaces are subject to the following design and layout standards.

**(1) Size**

Each stacking space shall be a minimum of 8 feet by 20 feet in size.

**(2) Location**

Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street [Parking Spaces](#).

**(3) Design**

Stacking spaces shall be separated from other internal [Driveways](#) by raised medians if deemed necessary by the City Engineer for traffic movement and safety.

**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.



**20-913 PARKING AND LOADING AREA DESIGN STANDARDS**

The design standards of this section apply to all [Parking Areas](#), including commercial parking lots and “non-required” [Parking Areas](#).

**(a) General Layout Principles**

There shall be safe, adequate, well-lit, and convenient arrangement of pedestrian pathways, bikeways, roads, [Driveways](#), and off-street parking and loading spaces within off-street [Parking Areas](#). Streets, pedestrian walks, and [Parking Areas](#) shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed [Buildings](#), adjacent uses and landscaped areas. There shall be defined pedestrian ways connecting all public entrances of [Buildings](#) to all modules of the [Parking Area](#), to the required [Bicycle Parking Area](#), to any adjacent bus stop and to the nearest public sidewalks. Such pedestrian ways shall, to the maximum extent practicable, be separated from driving lanes with curbs or other devices. At locations where walkways cross [Driveways](#) or travel lanes, the crossings shall be clearly marked with both signage and pavement markings.

**(b) Approval**

The layout and design of all off-street [Parking Areas](#) shall be approved by the City Engineer prior to the issuance of a [Building Permit](#). Before approving any off-street parking plan, the City Engineer shall find that the spaces provided are useable and that they comply with the City’s standard design criteria.

**(c) Appearance**

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be easily maintained and designed to be indicative of their function.

**(d) Maintenance**

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards. Striping and other pavement markings shall be maintained in an easily readable condition.

**(e) Surfacing**

- (1) All off-street [Parking Areas](#) and [Driveways](#), including those serving [Attached Dwellings](#), [Detached Dwellings](#) and Duplexes, shall be surfaced with a minimum of one of the following:
  - (i) 4 inches of reinforced Portland cement concrete;
  - (ii) 5 inches of granular rock base with 2 inches of asphalt;
  - (iii) 7 inches of granular rock with a double asphaltic prime and seal;
  - (iv) 5 inches of full depth asphalt; or
  - (v) 4 inches of compacted gravel for residential [Driveways](#) constructed in [Floodplains](#) areas with a paved [Driveway Apron](#) constructed to city residential [Driveway](#) standards.

(2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed by right within residential Districts or areas of low off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow [Parking Areas](#)), may be surfaced with the following alternative methods of paving. The surfacing shall be installed per the manufacturer’s recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.

- (i) Grid unit pavers with grass; or
- (ii) Concrete, brick, or clay interlocking paver units.

(3) [Private Streets](#) shall be built to City Street standards and maintained by the [Landowner](#).

(4) [Driveway](#) approaches (aprons) shall be built to City standards, including, where applicable, the Residential [Driveway](#) Requirements adopted by the City Commission on July 10, 1996 as amended, and maintained by the [Landowner](#).

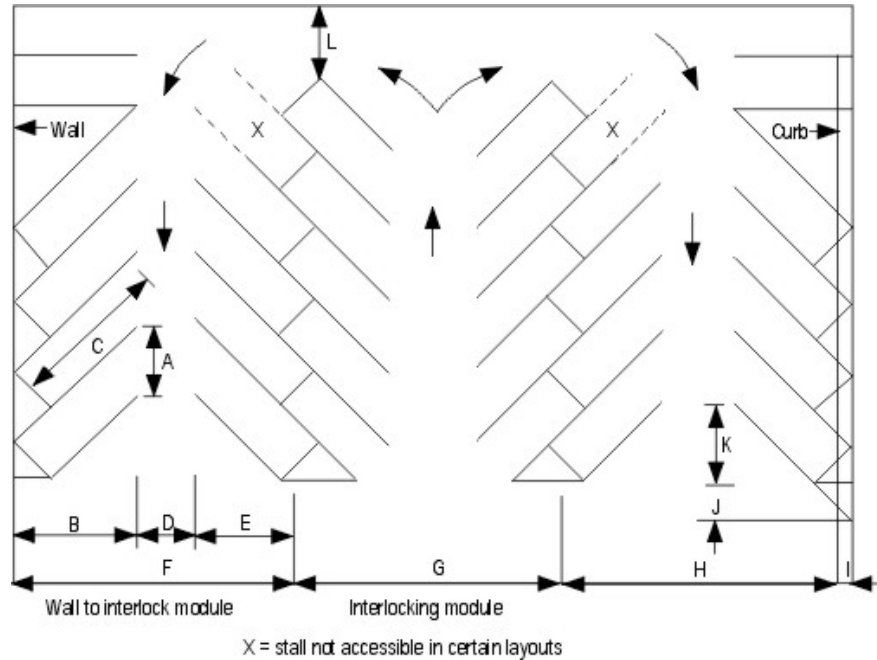
(f) **Dimensions**

(1) **Automobile Parking**

All off-street [Parking Areas](#) shall comply with the following dimensional standards:

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle				
		0	45	60	75	90
Stall width (parallel to aisle)	A	8.5	12.2	9.9	8.8	8.5
Stall length	B	24.0	24.5	21.4	19.5	18.0
Stall length of line	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0
<a href="#">Setback</a>	K	24.0	11.0	8.3	5.0	0.0
Cross-aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross-aisle, two-way	—	24.0	24.0	24.0	24.0	24.0

Where natural and/or man-made obstacles, obstructions or other features such as but not limited to [Landscaping](#), support columns or [Grade](#) difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle [Access](#) shall be considered and incorporated into the Parking lot design.



**(2) Loading**

Required loading spaces shall have a minimum vertical clearance of 15.5 feet. See Section 20-906 for other dimensional standards.

**(g) Bicycle Parking**

Every [Bicycle Parking Space](#), whether used publicly or privately and including a commercial [Bicycle Parking Space](#), shall be designed, built and maintained in accordance with the following specifications:

**(1) Surfacing**

A [Bicycle Parking Space](#) shall be surfaced with a minimum of:

- (i) 4 inches of concrete, or
- (ii) 4 inches of asphalt, or
- (iii) 2 inches of concrete with a 2-inch brick overlay, or similar material for overlay.

**(2) Lighting**

[Bicycle Parking Space](#) shall be located within a lighted area and within clear view of passersby.

**(3) Barriers**

If [Bicycle](#) and automobile [Parking Areas](#) or [Accessways](#) abut each other, there shall be provided a physical barrier between the [Bicycle](#) and automobile areas to prevent a [Bicycle](#) or its operator from being hit by a motor vehicle.

**(4) Structure**

Each [Bicycle Parking Space](#) shall provide for a secure method of locking a [Bicycle](#) and be located to accommodate [Bicycle](#) Parking in a manner that is convenient to use and does not interfere with other uses of the property.

**(h) Striping**

To facilitate movement and to help maintain an orderly parking arrangement, all **Parking Spaces** shall be clearly striped, with a minimum width of 4 inches. The width of each **Parking Space** shall be computed from the centers of the striping.

**(i) Curbs**

The perimeter of the parking lot shall have a curb and gutter in accordance with City standards for concrete curbs.

**(j) Large Parking Lots**

- (1) Parking lots of 220 **Parking Spaces** or more shall be divided into smaller Parking modules containing no more than 72 spaces. Landscape strips, Peninsulas, or **Grade** separations shall be used to reduce the adverse visual impacts of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. Protected pedestrian walkways, leading to **Building** entrances, shall be provided within such parking lots.
- (2) Parking lots of 450 **Parking Spaces** or more shall place **Landscaping** and trees on both sides of entrance drives to create tree-lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicle stacking at exits onto perimeter roadways.

**(k) Pedestrian Connections**

Parking lots shall be designed to provide designated walkways for pedestrians. Walkways shall connect **Building** entrances with **Parking Areas** and with public sidewalks along adjacent streets.

**20-914 LANDSCAPING**

Parking lot **Landscaping** shall be provided in accordance with Article 10.

**20-915 DRIVEWAYS AND ACCESS**

The standards of this section apply to all **Driveways** providing **Access** to multi-Family or nonresidential uses.

**(a) General Standards**

- (1) **Access** to property is allowed only by way of **Driveways**. No other portion of the **Lot Frontage** may be used for vehicle ingress or egress, nor may any **Parking Area** or **Access Drive** be arranged so that any vehicle may back directly onto a **Street**. All **Driveway** cuts into the **Street** shall require a permit from the Public Works department unless approved through site or development plan approval.
- (2) **Driveway** designs shall allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through **Street** traffic. Radii of **Driveway** shall be sufficient to achieve this standard for the types of vehicles that the **Driveway** is intended to serve.
- (3) There shall be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with **Street** traffic.
- (4) Provisions for circulation between adjacent **Parcel** should be provided through coordinated planning or **Cross Access Agreements**.
- (5) **Driveways** shall be placed and designed so that loading and unloading activities will not hinder vehicle ingress or egress, and that vehicles entering the **Driveway** from the **Street** will not encroach upon the exit lane of a two-way **Driveway**. Also, a right-turning exiting vehicle shall be able to use only the first through-traffic lane available without encroaching into the adjacent through-lane.
- (6) No **Lot** that is less than 51 feet in width and that was created (by subdivision or re-subdivision) after the **Effective Date**, shall have a **Driveway Access** to a **Public Street**. **Driveway Access** to such a **Lot** shall be from an **Alley** or by a **Shared Driveway**.
- (7) **Driveways** shall intersect the **Street** at right angles.

**(b) Turn Lanes and Tapers**

Turn lanes and tapers are required, unless determined to be unnecessary by the City Engineer, when:

- (1) **Driveways** intersect **Arterial Streets**. Turn lanes shall be a minimum of 150 feet in length plus the taper;
- (2) **Driveways** serving non-residential uses intersect **Collector Streets**. Left-turn lanes shall be a minimum of 100 feet in length plus the taper. Right-turn lanes shall be required when the projected or existing right-turning volume equals or exceeds 100 vehicles per hour;
- (3) The City Engineer determines, based on a traffic impact analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the **Public Street**.

**(c) Driveway Grade**

The **Grade** of a two-way, one-way or divided **Driveway** shall not exceed four percent (4%) for a minimum distance of 25 feet from the edge of the Street pavement.

**(d) Sight Distance**

Direct-**Access Driveways** shall be located to allow the following minimum sight distance based on the intersection type (full or partial **Access**) and the Street type. Sight distances shall be determined by a professional engineer licensed by the State of Kansas and shall be based on the design speed of the Street or on the 85th percentile speed, whichever is higher.

Street Type	Speed		Minimum Sight Distance ( in Feet)		
	miles per hour	feet per second	8 seconds	9 seconds	10 seconds
Arterial	45	66	529	594	660
	40	59	472	531	590
Collector	35	51	408	459	510
	30	44	352	396	440
Residential	25	37	296	333	370

**(e) Driveway Spacing**

All Direct **Access** to any **Public Street** shall be in accordance with the City’s adopted **Access Management Policy**.

**(1) Arterial Streets**

Direct **Access** to an **Arterial Street** is prohibited except in redevelopment or infill situations where the subject property has no other reasonable **Access** to the Street system and the City Engineer determines that **Access** onto the **Arterial Street**, based on the **Street’s Ultimate Design**, can be safely accommodated.

When direct **Access** to an **Arterial Street** is approved by the City Engineer pursuant to the requirements of this section, the following standards apply. In the event that such standards cannot be met because of an unusually narrow or shallow **Lot** size, the City Engineer may reduce the spacing between cuts as long as the reduction does not result in an unsafe traffic condition. A **Driveway Access** allowed under this section shall be used only to serve a **Detached Dwelling** on the property or an existing business and will be reevaluated when the use or **Lot** size changes.

**(i) Spacing from Signalized Intersections**

All **Driveways** providing **Access** to **Arterial Streets** shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of the intersecting Street.

**(ii) Spacing from Other (Non-signalized) Access Points**

All **Driveways** providing **Access** to **Arterial Streets** shall be constructed so that the point of tangency of the curb return radius closest to all non-signalized Street or **Driveway** intersections is at least 300 feet from the perpendicular curb face of the intersecting Street or **Driveway**.

**(2) Collector Streets**

Direct Access to Collector Streets shall be regulated in accordance with the following standards. In the event that such standard cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition.

**(i) Attached Dwelling, Detached Dwelling and Duplex Lots**

Direct Access to Collector Streets from Attached Dwellings, Detached Dwellings and Duplex Lots is prohibited except when the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access can be safely accommodated.

**(ii) Spacing from Signalized Intersections**

All Driveways providing Access to Collector Streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of an intersecting Arterial Street or 250 feet from the perpendicular curb face of an intersecting Collector or Local Street.

**(iii) Spacing from Other (Non-signalized) Access Points**

All Driveways providing Access to Collector Streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized Street or Driveway intersection is at least 250 feet from the perpendicular curb face of the intersecting Street or Driveway.

**(3) Waivers**

- (i)** Waivers from these Access standards may be approved by the City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.
- (ii)** The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section (g)(1) if it is determined that such an analysis is necessary in order to render a competent decision on the requested waiver.
- (iii)** A Driveway Access allowed with a waiver shall be used only to serve an existing Detached Dwelling or business on the property and for no other purpose.
- (iv)** The action of the City Engineer in granting or denying a waiver under this section shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days appeal period or, in case of an appeal, until the City Commission has acted on the appeal.

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- (v) A Landowner granted an Access waiver shall submit a letter to the City Engineer acknowledging the waiver and the fact that if circumstances change such that the property can meet the city's Access standards, the Access shall be immediately revised to comply with the city's Access standards.
- (f) **Driveways per Parcel along Local and Residential Collector Streets**
- (1) Unless otherwise specifically restricted, one Driveway opening shall be allowed per 200 feet of continuous Street Frontage. At least one Driveway shall be permitted for any Lot.
  - (2) Parcel with 200 feet of Frontage or less may apply for a second Driveway if it is to be shared with an adjoining Parcel, provided that the required minimum spacing is maintained. In such cases, only one Joint-Use Driveway will be permitted.
  - (3) Alleys are permitted and preferred Access alternatives.
- (g) **Use of Joint-Use Driveways**
- (1) Joint-Use Driveways shall not be used as aisles for Access to Parking Spaces.



**20-916 TRAFFIC IMPACT STUDY**

The City requires that a Traffic Impact Study (TIS) be prepared and submitted to the City for development or redevelopment, based on thresholds established in the adopted administrative policy. Preparation of a TIS, as part of an application for a permit or plan approval, shall be based upon adopted standards that have been established by Administrative Policy for a TIS adopted by the City Commission from time to time. A list of Engineering Consultants that are approved by the City to prepare a TIS is available from the City Engineer. Only engineers on this approved list meet the criteria established in the Administrative Policy to prepare a Traffic Impact Study.

**(a) Purpose**

The purpose of requiring a Traffic Impact Study is to provide the City with the information necessary to evaluate and make a determination about the impact of a proposed land use change or development project on adjacent land uses, on the existing and Ultimate Street Design, and on the entire transportation network.

**(b) When Required**

- (1) Applicants are required to follow the Traffic Impact Study (TIS) analysis set forth in Ordinance No. 7650, unless waived with respect to the development because:
  - (i) the development is covered by a modified site plan, pursuant to Section 20-1305(n)(2), that has been determined not to constitute a material change; or
  - (ii) the development is covered by a modified final development plan, pursuant to Section 20-1304(n)(4), that has been determined not to constitute a major change; or
  - (iii) the development involves the reuse of existing Structures or modification of existing Structures, but does not involve a change in existing use or intensity of use;
  - (iv) the development is a residential development with ten (10) or fewer Lots or Dwelling Units; or
  - (v) the development has been determined by the City Engineer not to generate traffic impacts sufficient to justify the preparation of a TIS.
- (2) The applicant for a development that generates 100 or more trips in a Peak Hour shall be responsible for the preparation and submittal of a TIS. TIS submittals shall be in accordance with the most recent version of the Traffic Impact Study Standards adopted by the City Commission.
- (3) The extent of the analysis required for a TIS shall conform to the following:
  - (i) the study shall be confined to the Street or Streets from which Access is taken or is proposed and to the first major intersection in each direction, for developments that generate 100 to 499 vehicle trips in a Peak Hour;

- (ii) the study area shall be extended to the next major Street intersection beyond the Streets onto which direct development Access is taken and may extend beyond the Streets onto which Access is taken or is proposed, for developments that generate 500 or more trips in a Peak Hour.
- (4) Land use applications that deviate from the recommended land uses in the Comprehensive Land Use Plan or adopted area or neighborhood plan shall be required to provide a comparative analysis of the traffic that would be generated from the site, based on the adopted plan(s) land uses and the traffic that would be generated by the proposed development.

**(c) Additional Analysis**

When Access points are not defined or a site plan is not available at the time the Traffic Impact Study is prepared, additional analysis shall be conducted or required when a site plan becomes available or the Access points are defined.

**(d) Expense**

**(1) Applications by Review or Decision-Making Bodies**

The Owner or developer shall not be obligated to pay for a Traffic Impact Study where not required, pursuant to Section 20-1301(f), to pay an application filing fee;

**(2) Notice if at Owner's or Developer's Expense**

If the City determines that it is appropriate to engage an engineer or engineering firm to conduct a Traffic Impact Study, the City shall give the Owner or developer written notice of that determination, ten (10) Business Days before work on the TIS begins. This study shall be conducted for the City at the Owner or developer's expense.

**(3) Payment as Permit Condition**

In such instance, payment of a Traffic Impact Study shall be a condition of the issuance of any required permit or approval, pursuant to this Development Code, unless exempted in Section 20-916(d)(1).

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## ARTICLE 10. LANDSCAPING AND SCREENING

20-1001	General
20-1002	Street Trees
20-1003	Interior Parking Lot Landscaping
20-1004	Parking Lot Perimeter Landscaping
20-1005	Bufferyards
20-1006	Additional Screening Requirements
20-1007	Alternative Compliance
20-1008	Existing Trees and Vegetation
20-1009	Landscape Material Standards
20-1010	Installation, Maintenance and Replacement

### 20-1001 GENERAL

#### (a) Purpose

The regulations of this article are intended to:

- (1) maintain the City's quality, heritage and character by enhancing its visual appearance through the use of Landscaping;
- (2) enhance environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, filtering of stormwater runoff, abatement of noise, glare and heat;
- (3) replenish the local stock of native trees by encouraging the use of plant materials that are native to or generally suitable for planting in the region;
- (4) Screen large off-street Parking Areas and other unsightly equipment and materials from view of persons on Streets or adjoining properties;
- (5) buffer incompatible uses;
- (6) help prevent light spillover; and
- (7) preserve and protect mature stands of existing trees, where the trees have a minimum Caliper of 12" or larger from destruction and removal.

#### (b) Applicability

Unless otherwise expressly stated, the Landscaping and Screening standards of this article apply to any Development Activity that requires Site Plan Review in accordance with Section 20-1305 of this Development Code.

#### (c) Exemptions

The following are expressly exempt from compliance with the Landscaping and Screening standards of this article:

- (1) the construction or expansion of a single Detached Dwelling;
- (2) the construction or expansion of a Duplex; and
- (3) agricultural uses.

**(d) Contents of a Landscape Plan**

All Landscaping plans shall include at least the following information:

- (1) the location, size, planting type and quantity of all proposed Landscape Materials along with common and botanical names of all species. The size, grading and condition shall be specified according to American Association of Nurseryman Standards;
- (2) the location, size and common name of all existing plant material to be retained on the site and a copy of the Tree Protection plan for implementation during construction;
- (3) mature sizes of plant material shall be drawn to Scale and identified on the plan by a name or appropriate key;
- (4) the location of hose connection, spigots and other watering sources;
- (5) the location of all trees, 12 inch Caliper or larger, that are proposed for removal; and
- (6) the location, dimensions, and design of all Screening required by this chapter.

**20-1002 STREET TREES**

Street trees shall be provided at a rate of at least one **Shade Tree** per 40 feet of public or **Private Street Frontage**, or portion thereof. Street trees may be clustered when circumstances prevent 40-foot spacing, such as **Corner Lots** where trees would conflict with the sight triangle of motorists on the Streets, overhead utility lines, utility **Easements**, existing mature trees or topographic features. Street Trees may also be clustered in groups of 3, 5 or 7 where such clustering is combined with Berming, trees and **Shrubs** in a planned manner and shown on the approved site or development plan. If possible, it is encouraged that Street trees be planted between the back of curb and the sidewalk. In cases where Street trees may be planted between the back of curb and sidewalk, the planting strip shall be a minimum of 8 feet in width.

**(a) In RS and RM12D Zoning Districts**

- (1) Street trees shall be located a maximum of 10' from the boundary line of the right-of-way when no utility **Easement** is present. If a utility **Easement** is present, Street trees shall be located a maximum of 18' from the boundary line of the right-of-way.
- (2) In the case of Lots which are located on the radius of a **Cul-de-sac**, Street trees shall be located a maximum of 25' from the boundary line of the right-of-way when no utility **Easement** is present. If a utility **Easement** is present, Street trees shall be located a maximum of 33' from the boundary line of the right-of-way.

**(b) In Other Zoning Districts**

Street trees shall be located a maximum of 30' from back of curb, with the exception of **Lots** on the radius of a **Cul-de-sac** which shall be located no greater than 45' from the back of curb.

**20-1003 INTERIOR PARKING LOT LANDSCAPING****(a) Purpose**

The parking lot Landscaping standards of this section require interior Landscaping within parking lots to break up large expanses of pavement; to provide relief from the heat island effect associated with paved areas; and to safely direct traffic flows within the lot.

**(b) Applicability**

The interior parking lot Landscaping standards of this section apply to all off-street parking lots containing 11 or more off-street Parking Spaces; provided, however, that for Lots that are less than one hundred fifty (150) feet deep, the interior Landscaping requirements may be waived in conformance with the Alternative Compliance procedure provided in Section 20-1007 with all Landscaping being concentrated in the Setback from public rights of way or from residentially zoned property.

**(c) Landscape Area**

- (1) Parking lots shall contain at least 40 square feet of Landscaping area per Parking Space.
- (2) Required minimum parking lot perimeter Landscaping and required Bufferyards may not be used to satisfy minimum interior parking lot Landscaping requirements.
- (3) Landscape areas within the Parking Area shall be constructed with concrete curbing to minimize damage to plant material, except that concrete curbing may be reduced or eliminated to account for landscape areas that are used as bio-swales or other alternative systems of storm water management where curbing would impede the flow of water.
- (4) Landscape areas to be credited toward meeting these standards shall have minimum dimensions of 8.5 feet in all directions and the landscape areas shall be contained within the parking lot. The parking lot shall be established by the perimeter parking lot curb, excluding landscape area peninsulas that meet the minimum dimensions.
- (5) Landscape medians in parking lots shall be planted with a mixture of two or more plant materials: Ground Cover, trees or Shrub. The landscape median may contain a pedestrian walk that separates the total area into mowable strips of three or more feet on either side of the walk.
- (6) Interior rows of Parking Spaces located in the Parking Area shall terminate with landscape areas.

**(d) Trees and Shrubs**

At least one Shade Tree and three Shrubs shall be provided per ten Parking Spaces within off-street Parking Areas. One Shade Tree or Ornamental Tree may be substituted for three Shrubs, but Shrubs may not be substituted for Shade Trees.

**(e) Other Landscaping**

In addition to required Shade Trees and Shrubs, landscape areas within the interior of off-street Parking Areas shall be planted with turf, Ground Cover, Ornamental Trees, or Shrubs.

**(f) Location and Arrangement of Landscaping**

Landscaping and planting areas shall be reasonably dispersed throughout parking lots to break up long rows of Parking Spaces. Landscape areas and plantings shall be located and arranged to provide shade to parked vehicles, to safely direct traffic flows within the lot, to allow the Principal Building to be seen from the Street and for the Street to be seen from the Principal Building and/or to provide Landscaping and shade along protected pedestrian walkways within the interior of the parking lots. Landscaping location and arrangement of plant materials shall be designed with consideration given to the adjacent zonings, plantings and land uses.



**20-1004 PARKING LOT PERIMETER LANDSCAPING****(a) Purpose**

The parking lot perimeter Landscaping standards of this section are intended to Screen views of parking lots from streets and roads.

**(b) Applicability**

- (1) The parking lot perimeter Landscaping standards of this section apply to all off-street parking lots containing 5 or more off-street Parking Spaces.
- (2) The parking lot perimeter Landscaping standards of this section shall apply to all new development and to redevelopment of existing parking lots which result in an increase of 20% or greater of the number of spaces in the existing parking lot.

**(c) Landscape/Screening Material**

Parking lots shall be landscaped and screened from view of street rights-of-way with a minimum of one Shade Tree or Ornamental Tree per 25 linear feet of parking lot Frontage (required Street trees may be counted toward satisfying this requirement) and at least one of the following:

- (1) a solid masonry wall with a minimum Height of three feet (3') and a maximum Height of four feet (4'); or
- (2) a Berm with a minimum height of two feet (2'), a maximum height of three feet (3') and a maximum 3:1 slope. The Berm shall be located entirely on the property with the parking lot. Where Parking is allowed on a site and it is impracticable to provide a 15-foot wide buffer on a side adjoining residential uses or across an Alley from residential uses, with the approval of the Planning Director as part of the Site Plan Review process, a solid fence or wall at least six (6) feet in Height may be substituted for the buffer on the side adjoining or across the Alley from the residential uses.
- (3) Provided that, the Planning Director may waive this parking lot perimeter Landscaping and Screening requirement if the Director determines that the purpose of this requirement is otherwise met or that the overall spirit and intent of this Development Code is not undermined by granting the waiver.

**(d) Landscape Area**

Required landscape/Screening material shall be located between the street right-of-way and the parking lot. This landscape area shall have a minimum width of ten feet (10'), although a buffer width of five feet (5') is permitted if it is provided in conjunction with a solid masonry wall of a minimum height of three feet (3').

**20-1005 BUFFERYARDS**

**(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**

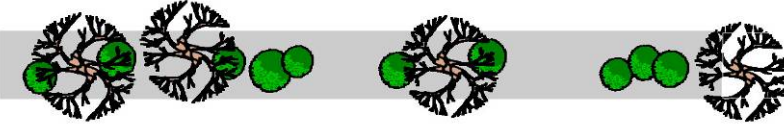
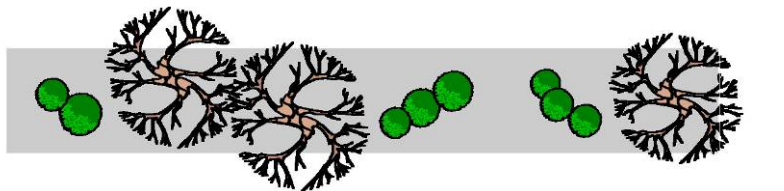

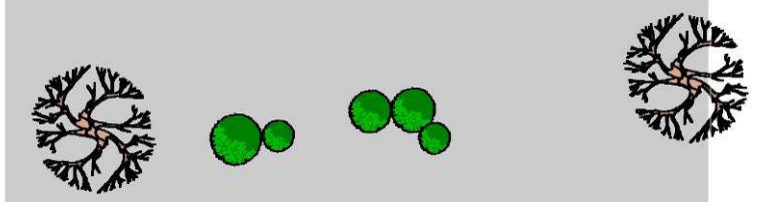
Bufferyards are required in accordance with the following table. To determine the type of Bufferyard required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site 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, 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 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.


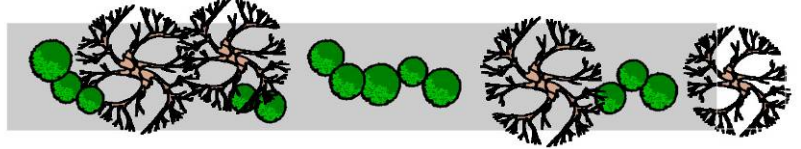
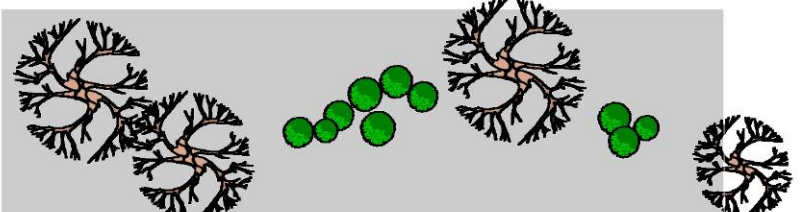
**(3) Fences, Walls and Berms**

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.

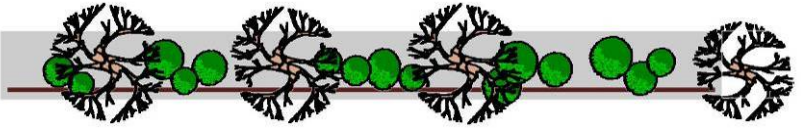
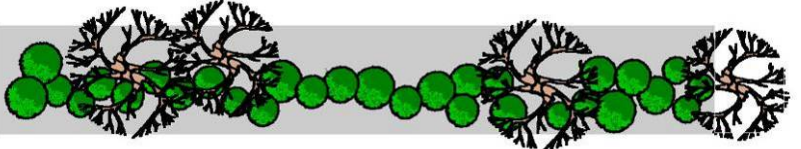
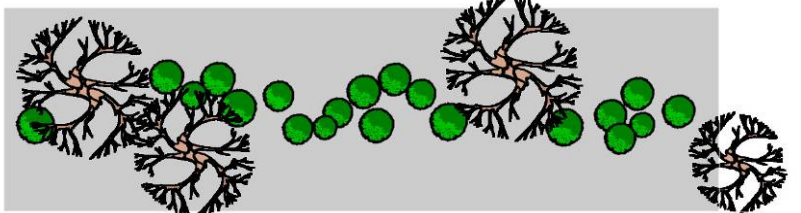
(3) Fences, Walls and Berms

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**

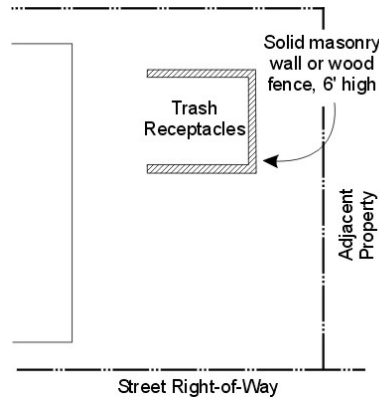
Bufferyards required for residential subdivisions shall be placed in landscape Easements.

**20-1006 ADDITIONAL SCREENING REQUIREMENTS**

All multi-Dwelling residential, and nonresidential, developments shall provide additional Screening as follows:

**(a) Dumpsters and Trash Receptacles**

Dumpsters and trash receptacles shall be screened from view of adjacent properties and street rights-of-way on at least three sides with a 6-foot solid fence constructed of cedar, redwood, masonry or other compatible Building material.



**(b) Mechanical Equipment**

Exterior ground-mounted or Building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 feet above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the Principal Building.

**20-1007 ALTERNATIVE COMPLIANCE****(a) Applicability**

Alternative methods of compliance with the standards of this article may be used when one or more of the following conditions exist:

- (1) Topography, soil, vegetation, space constraints or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from the alternative compliance.
- (2) Safety considerations make alternative compliance necessary.

**(b) Approval Criteria**

To be approved, an alternative compliance landscape plan shall be equal to or exceed traditional compliance in terms of quality of materials and visual effect, effectiveness in meeting the purpose established in Section 20-1001, and material durability and hardiness. Alternative compliance is limited to the specific site under consideration and does not establish precedent for acceptance of alternative compliance plans on other sites.

**(c) Procedure**

- (1) A request for alternative compliance shall be accompanied by a landscape plan with sufficient explanation and justification (written, graphic, or both) to allow appropriate evaluation and decision.
- (2) A request for alternative compliance shall be submitted to the [Planning Director](#) at the time the landscape plan is submitted. The [Planning Director](#) is authorized to approve the alternative compliance plan if the Director determines that one or more of the conditions of Subsection (a) hereof exist, the approval criteria of Subsection (c) hereof are satisfied and the purposes and overall standards of this Article will be met by implementation of the plan.
- (3) Appeals of the decisions of the [Planning Director](#) may be filed with the Board of Zoning Appeals.



**20-1008 EXISTING TREES AND VEGETATION****(a) Generally**

Vegetation and plant material that exists on a site prior to its development may be used to satisfy the Landscaping standards of this section provided that they meet the size, variety and locational requirements of this Article.

**(b) Tree Size**

Existing trees saved on the site during construction will be credited toward satisfying the tree planting requirements of this Article, provided that such trees are a minimum of 2-inch Caliper for Shade Trees or 1.5-inch Caliper for Ornamental Trees or five feet (5') in height for Evergreen Trees. The Planning Director is authorized to grant additional credit for the preservation of trees that are 12 inches or more in diameter at a ratio of 3:1 to encourage the preservation of existing mature trees.

**(c) Standards**

The following standards shall be met to receive credit for preserved trees:

- (1) Preserved trees shall be healthy and free of mechanical injury, and may not be damaged by skinning, barking, bumping or similar induced wounds.
- (2) A protection area of ten feet (10') outside the entire area within the Drip Line of the tree shall be naturally preserved or provided with pervious Landscape Material and shall be maintained at its original Grade with no trenching or cutting of roots in this area. Within this area, there may be no storage of fill or compaction of the soil, as from heavy construction equipment, or any evidence of concrete, paint, chemicals, or other similar foreign substances in the soil.
- (3) Soil may not be removed from within the Drip Line of any tree that is to remain at its original location.
- (4) There shall be no evidence of active insect infestation or disease.
- (5) Impervious Surfaces and changes in Grade are not allowed within 10 feet of the trunk.
- (6) Cutting and ditching for underground utility lines shall be done in such a way as to preserve and protect the root system of the tree.

**(d) Damaged or Destroyed Trees**

If trees identified for preservation and credit are destroyed or damaged, they shall be replaced by other trees on a 1:1 basis. Replacement trees shall be a minimum of 4-inch Caliper Deciduous trees or 8 feet in height for Ornamental Trees and Evergreen Trees.

**20-1009 LANDSCAPE MATERIAL STANDARDS**

The following standards are the minimum required planting standards for all trees and Landscape Material.

**(a) Plant Quality**

Plants installed to satisfy the requirements of this Article shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.

**(b) Artificial Plants**

No artificial plants or vegetation may be used to meet any standards of this section.

**(c) Trees**

**(1) Types**

**(i) Required**

Where required or permitted, trees shall be of Ornamental Trees, Evergreen Trees, or large Deciduous types, such as oak, maple, ash, hickory, or thornless honey locust. Use of the following trees is discouraged and may not be used to satisfy the standards of this Article: box elder, soft maple, hackberry, American elm, poplar, ailanthus (tree of heaven), willow or mimosa.

**(ii) Species Mix**

When more than ten (10) trees are required to be planted to meet the standards of this Article, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted varies according to the overall number of trees required to be planted in accordance with the following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	6

**(2) Sizes**

**(i) Shade Trees**

Shade Trees planted to satisfy the standards of this Article shall have a minimum Caliper size of two and one-half (2½) inches.

**(ii) Ornamental Trees**

Ornamental Trees planted to satisfy the standards of this Article shall have a minimum Caliper size of one and three-fourths (1¾) inches.

**(iii) Upright Evergreens and Conifers**

Upright Evergreen Trees planted to satisfy the standards of this article shall have a minimum planted height of six (6) feet above Grade.

**(d) Shrubs (Deciduous, Broadleaf and Evergreen)**

**Shrubs** shall have a minimum planted height of 24 inches above **Grade**. **Deciduous** and Broadleaf **Shrubs** shall be a minimum container size of 2 gallons. Evergreens shall be a minimum 5-gallon container size or balled and burlapped.

**(e) Ground Treatment**

The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards apply to the design of ground treatment:

**(1) Ground Cover**

**Ground Cover** appropriate for the area may be planted in lieu of turf grass. **Ground Cover** shall be of a size and spacing to provide a minimum of 50% coverage after the first full **Growing Season** and complete coverage at maturity. Edging material shall be provided for all **Ground Cover**.

**(2) Mulch**

**Mulch** shall be installed and maintained at a minimum depth of 2 inches and a maximum depth of 4 inches on all planted areas except where **Ground Cover** plants are fully established. **Mulch** may be used as a permanent ground treatment in those landscape designs where **Ground Cover** or grass is inappropriate.

**(3) Grass Seed and Sod**

Turf areas shall be planted with species suitable as permanent lawns in Lawrence. Turf areas may be sodded or seeded.

- (i) In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full **Growing Season**.
- (ii) Erosion control methods shall be installed in drainage swales and areas with a gradient of 5 percent (5%) or greater. The method of erosion control shall be approved by the City Engineer prior to obtaining a **Building** Permit.

**(f) Fences and Walls**

Fences and walls used to meet the standards of this Article shall be of uniform appearance and design throughout the subject development.

**20-1010 INSTALLATION, MAINTENANCE AND REPLACEMENT****(a) Installation**

- (1) All Landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth.
  - (i) At a minimum all trees shall have root balls sized to meet American Nurseryman's Association's guidelines. All trees shall be Mulched and staked.
  - (ii) Landscape plant material suitable for planting shall be balled and burlapped or container grown. In both cases, a planting area that is at least twice the diameter of the root system or the container shall be prepared.
  - (iii) All required Landscape Materials shall be installed using planting soil of a type appropriate to the individual plant material and the soil conditions in which the planting is occurring.
  - (iv) A minimum of 2 inches of organic Mulch shall be placed over all newly installed tree and Shrub planting areas.
  - (v) Soil amendments for landscape planting beds shall be provided on the landscape plan.
- (2) All Landscape Material, including trees, plant material and structural elements, shall be in place and healthy prior to issuance of a final Certificate of Occupancy. The Planning Director may authorize issuance of a temporary Certificate of Occupancy prior to installation of required Landscaping, when seasonal conditions render installation impractical based on the following criteria:
  - (i) To be eligible for a temporary Certificate of Occupancy the applicant shall provide the Planning Director with a bona fide executed contract with a landscape contractor or nursery.
  - (ii) The contract shall authorize the City to request completion of the installation work.
  - (iii) Funds to cover the cost of the contract shall be placed in escrow or provided as a letter of credit that runs to the City.
  - (iv) In no case shall installation be delayed more than 120 days after occupancy.

**(b) Maintenance, Replacement and Enforcement**

Trees, Shrubs and other Landscape Materials depicted on plans approved by the City are considered elements of the project in the same manner as Parking, Building materials and other details are elements of the plan. Regulations for enforcement of the landscape requirements are as follows:

- (1) When, in the opinion of the **Planning Director**, **Landscaping** has not been installed, maintained, or replaced to comply with the approved final plan or landscape plan, then the **Planning Director** shall issue a written order to the alleged violator. The order shall specify the sections of the Development Code of which the individual is in violation.
- (2) All **Landscaping** on public and private property will be subject to periodic inspection by the **Planning Director**, to detect diseased, dead, or hazardous **Shrubs**, trees, or plants.
- (3) Plant material that exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced with healthy plant material, of the same or other approved species, within the next **Planting Season**.
- (4) Should **Landscaping** not be installed, maintained and replaced as needed to comply with the approved plan, the **Owner** will be considered in violation of the terms of the approved landscape plan. Violations of the terms and conditions of the approved landscape plan will be considered a violation of this Development Code subject to the penalties established in this Development Code.

## ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

- 20-1101 Protection Standards for Residential Districts
- 20-1102 Intersection Visibility
- 20-1103 Outdoor Lighting
- 20-1104 Performance Agreements; Guarantees
- 20-1105 Sidewalks
- 20-1106 Agreement Not to Protest Formation of a Benefit District
- 20-1107 Retail Market Impact Analysis
- 20-1108 General Development Standards for **Mixed Use(MU)** Districts

### 20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

#### (a) Design and Operational Compatibility Standards—Discretionary Approvals

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:

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

#### (b) Height Limit on Projects Adjoining Certain Residential Zoning Districts

See Section 20-701(g) for Height limits in the PD district.

**(c) Balconies of a multi-Dwelling Unit Building**

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a RM development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

**(d) Standards for Environmentally Sensitive Lands****(1) Applicability**

The provisions of this Article regarding environmental protection for sensitive lands shall apply to all construction and development in all RS and RM Districts, with the exception of individually platted lots for single or duplex dwellings which were platted prior to (the effective date of this Text Amendment).

**(2) Environmentally Sensitive Lands****(i) Protected Areas.**

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

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

- a. Regulatory Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on 100 year storm and identified on the City GIS Baseline Environmentally Sensitive Areas Map;
- b. Jurisdictional Wetlands, as determined by the Army Corps of Engineers;
- c. Stream Corridors as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map;
- d. Stands of Mature Trees as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map; and
- f. Archaeological and Historic Sites listed on local, state, or federal registers.

**(ii) Determination of Development Land Area**

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

**(2) Procedures to be Followed****(i) Platted Lots -- Amount Required**

For all types of developments, required protection of environmentally sensitive lands shall be limited to a maximum protection area of 20% of the total land area. The protected environmentally sensitive lands shall be set aside as private Common Open Space or dedicated to the City as parkland or open space. Incentives for protection of environmentally sensitive lands in amounts above 20% of the total land area are included in Section 20-1101(f).

**(ii) Development Process**

Development on land which contains more than 500 square feet of sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], and may proceed through one of the following processes:

- a. Site Planning. Development on properties containing more than 500 square feet of environmentally sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], which may be consolidated with any other required site plan submitted, but will be, in any event, required prior to approval of a development proposal. The plan shall clearly delineate the environmentally sensitive lands to be protected and shall include information regarding protection measures and maintenance.
- b. Platting. Environmentally sensitive lands to be protected shall be located within tracts and/or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures, shall be included on the preliminary and final plat.
- c. Planned Development. Development standards in Section 20-701 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.
- d. Cluster Housing Project. Development standards in Section 20-702 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.

**(4) Effect on Development Density**

Where the types of lands listed in Section 20-1101(d)(2)(i) are included in a proposed development, that land may be included in determining the allowable Density or intensity of development and the allowable density, calculated on the total land area, may be transferred to other developable portions of the property



**(e) Density Bonus Incentives for Protection of Additional Lands**

Density bonuses are available to encourage the protection of environmentally sensitive lands in a greater amount than required.

**(1) Applicability**

A development shall qualify for a density bonus if environmentally sensitive lands noted in this Section are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(3)(a) with the following exceptions or additions:

- (i) The density bonus incentives do not apply to the protection of regulatory floodway above the amount required in this Section.
- (ii) Slopes of 25% or greater may be included in the environmentally sensitive lands for the density bonus incentives, provided the required area being protected with features listed in Section 20-1101(d)(2)(i) equals or exceeds 20% of the total developable area.
- (iii) Native prairie remnants may be included in the environmentally sensitive lands for the purpose of these incentives. The protection of any amount of native prairie remnant qualifies for the density bonus incentives, regardless of what amounts of other environmentally sensitive lands have been protected. If native prairie remnants are protected, the density bonus is calculated per Table 1 and 2 in Section 20-1101(e) as if the 20% of developable area has been protected.

**(2) Approval Criteria**

- (i) In addition to these regulations, development on properties with certain environmentally sensitive lands, such as jurisdictional wetlands, may be restricted by state or federal regulations.
- (ii) In order for a density bonus to be approved, City planning staff must determine that utilities and infrastructure are available to serve the additional density proposed and the design of the development does not negatively impact adjacent properties.
- (iii) Land offered for dedication shall be subject to approval by the Governing Body.

**(3) Density Bonus -- Increase in Number of Dwelling Units****(i) Determination of Base Density**

The Base Density, the number of dwelling units which can be developed on a property, will be determined from a 'concept plat' or sketch plan provided by the applicant which shows the basic street layout and rights-of-way, the areas necessary for stormwater detention (based on an approved conceptual drainage study), the 20% of the site which is being protected with environmentally sensitive lands, and proposed lot layout in conformance with density and dimensional standards in Section 20-601.

**(ii) Determination of Density Bonus**

If the density bonus meets the criteria noted in Section 20-1101(e)(1), the density bonus to be applied to the base density shall be calculated using the proportions in Table 1.

- a. The density may exceed the Density Cap in multi-dwelling districts.
- b. The density may equal but may not exceed the Density Cap for single-family and duplex districts.
- c. Density Caps set by the Comprehensive Plan are noted in Table 2.

<b>20-1101(e) TABLE 1</b>			
<b>Density Bonus—Increase in number of dwelling units</b>			
% of property that is protected	% increase in Dwelling Units	% of property that is protected	% increase in Dwelling Units
21	1	31	11
22	2	32	12
23	3	33	13
24	4	34	14
25	5	35	15
26	6	36	16
27	7	37	17
28	8	38	18
29	9	39	19
30	10	40	20

<b>20-1101(e) TABLE 2</b>			
<b>Density Cap per Zoning District</b>			
Comprehensive Plan Designation	Density Cap Horizon 2020 (du/acre)	Zoning District	Max. Density per Code (du/acre)
Very-low density: single dwelling	1	RS40	1.09
Low-density: single dwelling	2-6	RS20	2.18
		RS10	4.26
		RS7	6.22
Medium density: single dwelling	7-15	RS5	8.7
		RS3	14.52
		RSO	14.52
Medium density: multi dwelling	7-15	RM12,	12
		RM12D,	12
		RM15	15
High-density: multi-dwelling	16-21 du / acre	RM24,	24 du / acre
		RM32	32 du / acre

**(iii) Standards Adjustment**

- a. In single-dwelling and duplex-dwelling zoning districts, it may be necessary to reduce the lot area and/or lot width requirements to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

- b. In multi-dwelling districts, it may be necessary to increase the height limitation, in addition to adjustments to the lot area and/or lot width requirements, to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

**(4) Density Bonus -- Increase in Developable Square Footage**

This bonus permits the construction of larger structures, and/or the addition of more impervious surface on a lot, rather than an increase in the number of dwelling units. The proportions listed in Table 3 apply to the increase in developable square footage. Each 1% of protected environmentally sensitive lands protected above that required by Code results in a 1% increase in the building or impervious surface coverage up to a maximum of 40%. (In no case shall the building coverage or impervious surface coverage exceed 90% of the lot).

20-1101(e)-TABLE 3 Density Bonus — Increase in Developable Area						
Zoning District	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Min Outdoor Area per Dwelling (sq ft)	Int Side Setback (ft)	Front Setback (ft)	Rear setback (ft) Single frontage / double frontage
RS40	15	25	--	20	25	30/35
RS20	30	50	--	20	25	30/35
RS10	40	70	--	10	25	30/25
RS7	45	70	--	5	25	30/25
RS5	50	75	240	5	20	20/25
RS3	50	75	150	5	15	20/25
RSO	50	75	--	5	25	20/25
RM12D	50	75	50	5	25	20/25
RM12	50	75	50	5	25	20/25
RMO	50	75	50	5	25	20/25
RM15	50	75	50	5	25	25/25
RM24	50	75	50	5	25	20/25
RM32	60	80	50	5	25	20/25
*	1% increase	1% increase	1% decrease	Adjusted as needed -- not less than 5	Adjust as needed—not less than 15	Adjust as needed—not less than 15

\*for each 1% protection above the required 20% (to maximum of 40%)

**(i) Standards Adjustment**

In some cases the minimum outdoor area or setbacks may need to be reduced to accommodate the additional building or impervious surface coverage. This reduction may be made to the minimum degree necessary to accommodate the additional building or impervious surface coverage.

**(f) Sensitive Areas Site Plan Required**

Prior to development on land containing more than 500 square feet of environmentally sensitive lands listed in Section 20-1101(d)(2)(i) a Sensitive Areas Site Plan shall first be submitted to and approved by the City in accordance with the requirements of Site Plan Review, Section 20-1305 including the public notice procedures of Section 20-1305(g).

**(1) Sensitive Areas Site Plan Contents**

The Sensitive Areas Site Plan must be prepared in accordance with the requirements in Section 20-1305(f) with the exception that a Sensitive Areas Site Plan is not required to be completed by an engineer, architect or other qualified professional. In addition to the contents noted in Section 20-1305(f), the site plan shall:

- (i) Clearly delineate the property boundaries.
- (ii) Clearly delineate the boundaries of the environmentally sensitive lands listed in Section 20-1101(d)(2)(i).
- (iii) Designate protected lands per the priority order in Section 20-1101(d)(2)(i).
- (iv) Provide information on the ownership and maintenance responsibility for the protected lands.
- (v) Provide information on the methods to be used to protect environmentally sensitive lands, both during construction and after.

**(g) Drainage Easements**

All express drainage Easements dedicated, purchased or otherwise granted to the City in writing are governed by the standards of this section. No person may construct, maintain, or allow any natural or non-natural Structures or vegetative barriers (including but not limited to trees, Shrubbery, Berms, fences, and walls) upon drainage Easements that the Director of Public Works finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.

**(h) Administration and Enforcement of Drainage Easements**

The Director of Public Works may enter upon the drainage Easement, at any time and without notice, to inspect the drainage Easement.

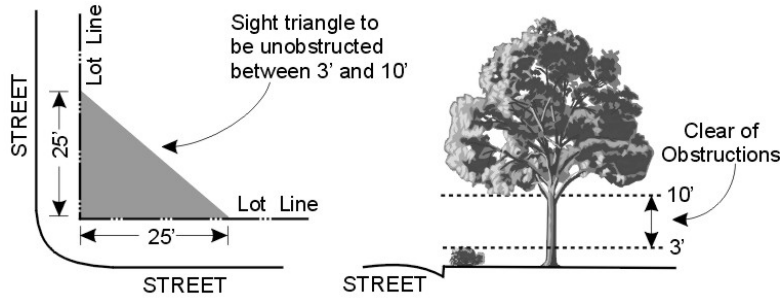
- (1) If the Director of Public Works finds that any natural or non-natural Structure or vegetative barrier impedes, detains, retains, or otherwise interferes with the drainage of stormwater, the Director of Public Works shall issue a notice to the Landowner to abate that condition within 30 days or such longer time period as the Director of Public Works deems appropriate. Within 14 days of the mailing of the notice to abate, the Landowner may request a hearing before the City Commission. If the Landowner requests a hearing, the City Commission shall determine the appropriateness of the order to abate, make findings as are appropriate, and order any necessary action as appropriate. The time period set by the Director of Public Works to abate the nuisance shall be stayed from the date the notice is filed until the City Commission has acted on the appeal. If the abatement is not completed within the time frame allowed by the notice to abate, including the period of time a stay is in effect, if any, or by the direction of the City Commission, the Director of Public

Works will proceed with the abatement action. Pursuant to K.S.A. 12-6a17, the Director of Public Works shall order collection of the cost of this abatement upon the [Landowner](#).

- (2) This section does not create liability upon the City or its employees regarding the creation, dedication, inspection and maintenance of drainage [Easements](#).

**20-1102 INTERSECTION VISIBILITY**

No fence, wall, hedge, [Landscaping](#), sign or other material or [Structure](#) that will obstruct vision between a height of 3 feet and 10 feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of [Corner Lot Lines](#) and extending 25 feet from their point of intersection. Visibility triangle requirements may be increased by the City Traffic Engineer when deemed necessary for traffic safety.



**20-1103 OUTDOOR LIGHTING****(a) Purpose**

The outdoor lighting standards of this section are intended to eliminate spillover light and light glare on motor vehicle operators, pedestrians, and land uses near light sources. Safety considerations are a primary basis for the regulations, especially pedestrian, motor vehicle and traffic safety. In other cases, the regulations are intended to protect property values and the general welfare by controlling the nuisance aspects of glare or spillover light.

**(b) Applicability**

The regulations of this section apply to all uses except:

- (1) **Public Street** lights, which are exempt from the standards of this section but are subject to all applicable standards of the Kansas Department of Transportation and the City of Lawrence Public Works Department;
- (2) residential uses, which are exempt from the outdoor lighting standards of this section except that spot lights or flood lights that create a glare on neighboring property are prohibited. Off-Street Parking **Lots** associated with residential uses are not exempt from the outdoor lighting standards of this section;
- (3) holiday lighting;
- (4) outdoor recreation uses, which are subject only to the standards of Section 20-1103(e); and
- (5) **Telecommunication Towers** and **Antennas**.

**(c) Exterior Lighting (Photometric) Plan****(1) When Required**

An outdoor lighting plan shall be submitted to the **Planning Director** whenever outdoor lighting is to be installed or whenever Site Plan Review is required. The lighting plan shall be reviewed to determine whether the proposed outdoor lighting complies with the standards of this section.

**(2) Information Required**

Outdoor lighting plans shall include a photometric plan and data on the types of lighting fixtures to be used. The photometric plan includes all of the following unless the **Planning Director** determines that a thorough review and determination is possible without such information:

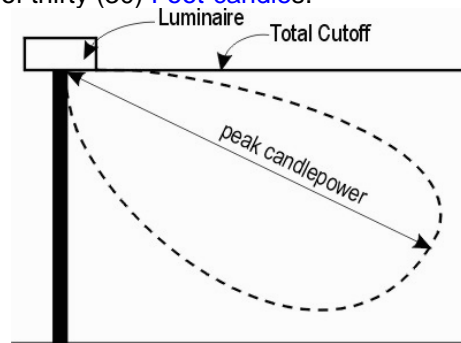
- (i) Scaled drawing of the site with all outdoor lighting fixture locations identified;
- (ii) Fixture specifications, such as catalog cut-sheets. The lighting fixture data shall be based on the photometric plan and shall indicate type of fixture, Height, shielding, luminaire type and wattage.
- (iii) Lamp type and size.

- (iv) A point-by-point illumination array for the major **Parking Area** or areas. The point-by-point array shall indicate site illumination along the **Lot Line** at 10-foot intervals and on the interior of the site at 20-foot intervals.

#### (d) Lighting Standards

##### (1) Light Confinement

- (i) All outdoor lights shall, to the maximum extent feasible, confine emitted light to the property on which the light is located and not be directed upwards toward the sky.
- (ii) All fixtures shall be cut-off fixtures that confine lighting to the subject site and shield the light source from view. Cut-off fixtures are not required when the luminaries are less than 150 watt incandescent.
- (iii) Under-Canopy or downcast, roof-mounted lights shall be recessed from the lowest point of the ceiling plane and shall not exceed a maximum of thirty (30) **Foot-candles**.



##### (2) Visible Light Sources

Outdoor light sources that are visible within the normal range of vision from any R-zoned property are prohibited, unless the luminaries are less than 150 watt incandescent.

##### (3) Spillover Light

Spillover light is measured at **Grade** and is regulated as follows:

- (i) Spillover light onto R-zoned property may not exceed 0.2 **Foot-candles**, measured at the residential **Lot Line**.
- (ii) Spillover light onto **Public Street** rights-of-way or properties in a nonresidential **Zoning District** may not exceed 3 **Foot-candles**, measured at the **Lot Line** of the illuminated site.
- (iii) When outdoor lighting is used on property that is across the Street from R-zoned property, the maximum illumination at the **Lot Line** (abutting the Street right-of-way) of the illuminated site may not exceed one **Foot-candle**.



**(e) Special Standards for Outdoor Recreation Uses**

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreation uses are exempt from the preceding outdoor lighting standards of this section. Instead, outdoor recreation uses are subject to the following standards:

- (1) Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.
- (2) No flickering or flashing lights are permitted.
- (3) Lights may not be illuminated after 11:30 p.m.
- (4) As-built lighting and photometric plans are required.
- (5) Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra [Landscaping](#), earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.

**20-1104 PERFORMANCE AGREEMENTS; GUARANTEES****(a) Generally**

Performance Agreements are required to guarantee compliance and completion of required improvements as provided on approved applications and plans. If a site plan is to be developed in phases allowing temporary occupancy of a portion of the site, or if review and decision-making bodies determine that other aspects of a proposed or approved plan require alternate performance assurance, supplemental forms of performance assurance may also be required, including performance bonds, escrow accounts and other forms of surety acceptable to the Director of Legal Services. Financing required improvements shall be in accordance with the City's adopted development policy.

**(b) Performance Before Occupancy**

In general, no temporary occupancy of industrial, commercial, office or residential property may take place before all of the conditions of the site plan and other provisions of this Development Code have been satisfied unless some form of financial assurance is provided, except that:

- (1) In **Planned Developments**, approved for phased development by the City Commission, such activity may commence as each phase or portion is completed if the conditions of the plan relating to the particular phase or portions of the total project have been completed. (Such conditions shall be considered to mean off-street parking and loading areas, **Screening**, drainage, stormwater detention, lighting and trash storage facilities.)
- (2) Consideration will be given to seasons of the year and adverse weather conditions in requiring completion of **Landscaping** plans before initiation of such activity, provided that **Landscaping** shall be completed within 120 days following commencing of such activity. Such conduct of an activity on a **Parcel** of ground or occupancy of a property having an approved site plan without completion of site plan conditions, except as noted above, and/or Development Code provisions, shall be considered a violation of this Development Code.

**20-1105 SIDEWALKS**

**(a) Applicability**

Sidewalks shall be installed for any [Significant Development Project](#), provided, that if sidewalks currently exist at the site, the [Landowner](#) will not be required to install new sidewalks at the site unless the existing sidewalk is recommended for condemnation by the Public Works Department pursuant to K.S.A. 12-1808. Financing of sidewalks shall be in accordance with the City’s adopted development policy.

**(b) Design and Construction Standards**

- (1) Sidewalks shall be installed according to specifications adopted by the City Commission.
- (2) Minimum widths are as follows:

Street Type	Minimum Sidewalk Width (in feet)
Local	5; Minimum width of 4 feet allowed in Original Townsite Area
<a href="#">Collector</a>	5
<a href="#">Arterial</a>	6; A designated 10' <a href="#">Bicycle/Recreation Path</a> on one side of the Street and a 6' sidewalk on the other side

- (3) The City Engineer is authorized to vary minimum sidewalk width and construction standards when the standards would be:
  - (i) impractical because of topography or site conditions;
  - (ii) inconsistent with the width of sidewalks on abutting sites; or
  - (iii) inconsistent with the pattern or material of sidewalks in older neighborhoods or historic districts.

**(c) Relationship to Standards under Americans with Disabilities Act**

Where compliance with design standards established in accordance with the Americans with Disabilities Act conflict with design standards set forth in this Article, the standards under the Americans with Disabilities Act will control. Where it is possible to comply with both the design standards under this Article and design standards established under the Americans with Disabilities Act by providing additional facilities or by otherwise modifying the design, then compliance with both sets of standards shall be required.

**20-1106 AGREEMENT NOT TO PROTEST FORMATION OF A BENEFIT DISTRICT**

As an alternative to the construction of a public improvement pursuant to a site plan or other requirement of an approval, the City may accept from the applicant an executed "Agreement Not to Protest Formation of a benefit district" for improvements including, but not limited to, streets, sidewalks, and utilities. An executed "Agreement Not to Protest Formation of a benefit district" shall contain provisions whereby the applicant and all successors in title to the applicant are bound not to protest inclusion of the legally described property in a properly constituted benefit district pursuant to K.S.A. 12-6a01 et seq., as amended, for the required improvement. An executed "Agreement Not to Protest Formation of a benefit district" shall be recorded at the Register of Deeds. The requirement for the execution of an "Agreement Not to Protest" the formation of the District shall not affect the maker's political or legal rights to challenge the amounts of assessments by such a district or to exercise other legal rights regarding the district. In any case, the establishment of benefit districts shall be in accordance with the City's adopted development policy.

**20-1107 RETAIL MARKET IMPACT ANALYSIS****(a) Applicability**

An independent market impact analysis shall be required for any application for site plan or zoning that could result in 50,000 square feet or more of additional [Floor Area](#) for retail businesses in the City. Developments that would create less than 50,000 square feet of added retail space in the City or those that would reoccupy retail space that is already part of the City's retail database (whether currently occupied or currently vacant) shall be exempt from the independent market impact analysis.

**(b) Definitions**

- (1) A retail business shall be defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:
  - (i) Sector 44-4S: Retail Trade;
  - (ii) Subsector 722: Food Services and Drinking Places;
  - (iii) Subsector 811: Repair and Maintenance; and
  - (iv) Subsector 812: Personal and Laundry Services.
- (2) Retail space shall be defined as enclosed [Floor Area](#) that is principally intended for occupancy by any of the above kinds of retail businesses regardless of whether that space is vacant or occupied by other types of business.

**(c) Criteria for Independent Market Impact Analysis**

- (1) The independent market impact analysis will be undertaken by an independent consultant of the choosing of the applicant from a list of approved consultants certified for this analysis by the City of Lawrence.
- (2) The applicant shall have the cost of the independent market impact analysis and may choose the certified consultant based on competitive cost proposals.
- (3) The market impact analysis shall provide at least the following information:
  - (i) Verification that the facts and assumptions utilized by the applicant to determine market penetration and growth are valid and reasonable. The independent consultant will not be required to repeat or create a market penetration or growth study, but will verify or criticize relevant studies that must be submitted by the applicant.
  - (ii) Computation of a hypothetical citywide retail space vacancy rate using current (i.e., at time of application) data on the City's existing retail space vacancy rates. The independent consultant shall assume that the new retail space will either be entirely vacant when opened or will cause an equal amount of space elsewhere in the city to become vacant.

- (iii) Determination of the possible impact on the citywide retail vacancy rate of phased approaches to development of the proposed project. The independent consultant shall consider such factors as documented population and per capita income trends and projections in the City to determine if and when phases of development might be possible without exceeding the citywide vacancy rate threshold of 8.0 percent.
- (iv) Determination of the ratio of total citywide retail space (both occupied and vacant, whether by retail businesses or not), including all of the proposed retail space, to the City's population at the projected time of occupancy of the proposed new retail space. The independent consultant shall utilize the latest available citywide retail database, U.S. Census counts or estimates of the City's population and independent projections (including the consultant's own projections if properly documented). If this ratio of occupied space to population at the projected time of occupancy of the new space exceeds a value of one hundred (100) square feet per resident, the application may be denied or the applicant may be required to develop in phases to maintain the ratio at no more than 100.
- (v) Comparison of the mix of retail businesses proposed for the new retail space to the existing mix of retail businesses in (1) the Downtown Lawrence retail district, and (2) in the remainder of the City. The comparison will be based on NAICS codes to at least the five-digit level. This analytical comparison will be for economic development and planning information purposes only and will not singularly be the cause for denial of the application.
- (vi) Analysis of any other additional information that is reasonably required by the Lawrence Douglas County Metropolitan [Planning Commission](#), including, but not limited to analysis of the potential collective impacts of multiple and simultaneous retail development proposals.

**(d) Responsibilities of the City**

- (1) The Lawrence/Douglas County Metropolitan Planning Office will maintain a list of not less than three independent consultants who are certified by the Planning Office to conduct the research and analysis necessary for the market impact analysis reports. The Planning Office will, from time to time, require these consultants to participate in appropriate training and informational sessions both to retain certification and to learn about new data and techniques suitable for the market impact analyses.
- (2) The Lawrence/Douglas County Planning Office will maintain a database of retail space and retail businesses in the City. This database will contain non-proprietary information, such as business name (or vacancy), address of the space, estimated [Floor Area](#) and land/[Parcel](#) area of the space, NAICS code of the establishment, general physical condition of the exterior of the space, zoning of the land/[Parcel](#), and related information that is readily [Accessible](#) and useable by the public, by City officials, applicants for retail space development or occupancy, and independent consultants. The database should undergo annual

updating, including field research, at least annually, but may be subject to periodic updating as revised information is obtained during normal city government operations.

**(e) Relationship of Market Impact Analysis to Project Approval**

The market impact analysis shall be used in conjunction with the appropriate review and decision making criteria in the evaluation of zoning map amendment applications and decisions and approvals of development plans and site plans.

**20-1108 GENERAL DEVELOPMENT STANDARDS FOR MIXED USE(MU) DISTRICTS****(a) Where Appropriate**

The **Mixed Use** District zoning classification may not be appropriate in all areas of the City of Lawrence. To be eligible for rezoning to the Mixed Use District, a site proposed for Mixed-Use development shall be:

- (1) Within one-quarter of a mile of **Designated Transit Route** at the time the rezoning is initiated; and
- (2) Near or adjacent to the intersection of **Arterial Streets** as per the adopted Major **Thoroughfares** Map; or
- (3) Within one-quarter of a mile of university campuses; or
- (4) Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or
- (5) Immediately adjacent to public parks or open space; or
- (6) An existing nonresidential development proposed for redevelopment.

**(b) Alterations to Designated Transit Routes**

The provisions of Section 20-1108(a)(1) shall apply to **Mixed Use** development in the MU **Zoning District**. If the **Designated Transit Route** is altered such that it is no longer within one-quarter of a mile of a Mixed-Use development, then an approved **Mixed Use** development shall not be made a nonconforming use.

**(c) Compatibility**

**Mixed Use** developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Compatibility is best achieved through a transition in **Building** form, **Scale** and intensity rather than through uses, peripheral buffers or **Landscaping**. In furtherance of this purpose, development zones shall be designated on the property proposed for the **Mixed Use** development. Such zones shall be designated to govern the permitted **Density**, **Building Height** and **Building Scale** and to assure compatibility between the proposed development and surrounding existing development.

**(d) Applicability**

The provisions of this section shall apply to all construction and development in the **Mixed Use** District, except as expressly exempted in this section.

- (1) Any **Structure(s)** which existed prior to being rezoned to the **Mixed Use** District may become nonconforming with regard to the Development standards of Section 20-1108. Such **Structures**, if involuntarily damaged or destroyed may be reconstructed as they existed if and only if a building permit for the restoration is obtained within 12 months of the date of the occurrence of the damage and once issued, construction shall be diligently pursued.
- (2) **Structures** which existed prior to being rezoned to the **Mixed Use** District shall be allowed to remain as developed until such Structure is proposed to be demolished and redeveloped, improved or modified as a **Major Development Project**. Improvements or modifications proposed and approved as a Minor or **Standard Development Project** are required to be



compliant with the standards of this section, the Development Code and/or the Commercial Design Standards, unless otherwise determined by the [Planning Director](#).

- (3) The intensification of the use in [Structures](#) which existed prior to being rezoned to the MU District that increases the off-street parking requirements shall not constitute a [Major Development Project](#).
- (4) If a use exists at the time of a zoning map amendment to the MU district, but is regulated as a Special Use upon adoption of the zoning map amendment to the MU District, the use will be considered an approved Special Use and will be allowed to continue without a separate public hearing for the Special Use. Any alterations or expansions of the use are subject to the Special Use amendment procedures of Section 20-1306.

**(e) Mixed Use Development**

Development in the [Mixed Use](#) District shall include a mixture of residential and nonresidential uses together in one [Structure](#) or in separate [Structures](#), designed to form a pedestrian-[Scale](#) environment.

**(f) Development Zones**

Development zones govern permitted [Density](#) on the site as well as [Building Height](#), [Scale](#) and form. The three development zones are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. In cases where a rezoning to the MU District is proposed for a site which is surrounded by existing detached residential development, a [Tertiary Development Zone](#) shall be required to be designated adjacent to such existing development in order to ensure compatibility of [Height](#), [Scale](#) and form.

**(1) Primary Development Zone**

The [Primary Development Zone](#) is that area of land within a [Mixed Use](#) development which is designated for the most intense development allowed by the [District](#). [Primary Development Zones](#) shall contain [Vertical Mixed Use Structures](#) with a mixture of both residential and nonresidential uses and no interruption of [Building Frontage](#) along the [Public Frontage](#). Where a [Primary Development Zone](#) fronts upon a [Public Frontage](#), such area shall be designated as [Primary Public Frontage](#). A [Primary Public Frontage](#) shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of [Structures](#) in the [Primary Development Zone](#).

**(2) Secondary Development Zone**

The [Secondary Development Zone](#) is that area of land within a [Mixed Use](#) development which is designated for less-intense development, relative to that permitted by a [Primary Development Zone](#). [Secondary Development Zones](#) may contain [Vertical Mixed Use Structures](#), [Horizontal Mixed Use Structures](#) or single-use [Structures](#) with interruption of [Building Frontage](#) along the [Public Frontage](#) allowed only for [Access to Parking Areas](#), for [Alleys](#) or service lanes. Where a [Secondary Development Zone](#) fronts a [Public Frontage](#) such area shall be designated as [Secondary Public Frontage](#). A [Secondary Public Frontage](#) shall be designed to accommodate moderate amounts of pedestrian

traffic, and if planned, vehicular [Access](#) to [Parking Areas](#) and service lanes in a manner that minimizes pedestrian-vehicular conflict. [Secondary Development Zones](#) may contain both nonresidential ground-level uses as well as ground level residential uses.

**(3) Tertiary Development Zone**

The [Tertiary Development Zone](#) is that area of land within a Mixed Use development which is designated for the least-intense development, relative to that permitted in the other zones. [Tertiary Development Zones](#) shall permit a development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two-[Story](#) detached residential [Dwellings](#) across the street from existing [Structures](#) which are of the same form, etc.). Nonresidential uses shall only be permitted in a [Tertiary Development Zone](#) if the existing surrounding development contains such nonresidential uses. A [Tertiary Development Zone](#) shall only permit a residential use type which exists in surrounding development.

**(g) Designation of Development Zones**

The applicant for any rezoning to the MU District shall propose development zones for the entire site proposed to be rezoned. The proposed designation shall be included with the application for rezoning. No application for rezoning to the MU District shall be considered complete and sufficient without this information. The proposed designation shall include, at a minimum, the following information:

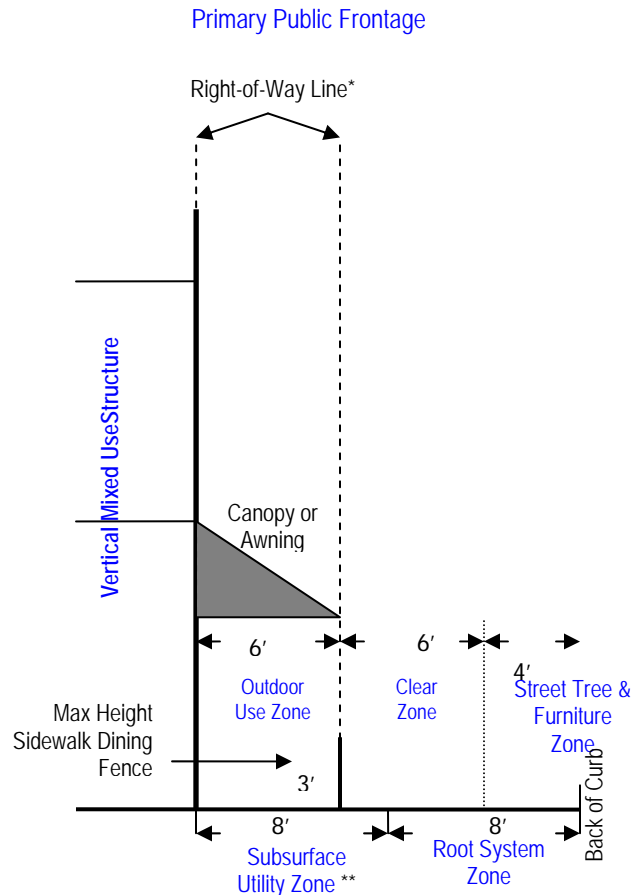
- (1)** A plan or graphic representation depicting the location and arrangement of each proposed development zone for the entire site proposed to be rezoned. The plan or graphic shall include the following:
  - (i)** A general location map showing the subject property's location;
  - (ii)** Existing and proposed [Lot](#) lines on the subject property;
  - (iii)** Existing and proposed rights-of-ways of the subject property;
  - (iv)** The existing zoning and land use of the subject property;
  - (v)** The existing zoning and land use of surrounding properties;
  - (vi)** The [Height](#) and [Floor Area](#) footprint of individual [Structures](#) in surrounding existing development;
  - (vii)** The [Building](#) form (i.e. [Vertical Mixed Use Structure](#), [Horizontal Mixed Use Structure](#), [Attached Structure](#) or [Detached Structure](#)) of surrounding existing development;
  - (viii)** A written narrative describing how each development zone proposed is compatible with surrounding existing development in terms of [Building Height](#), [Building](#) form, and land use.

**(h) Public Frontage Form Standards**

In order to ensure the design of pedestrian-oriented **Mixed Use** developments, each development proposed shall comply with the following standards based upon the applicable **Public Frontage**. The site plan proposed shall clearly demonstrate that the following **Public Frontage** form standards are satisfied.

**(1) Primary Public Frontages**

A **Primary Public Frontage** shall be planned and designed for all **Public Frontages** in association with any designated **Primary Development Zone**. The site plan shall demonstrate that each **Primary Public Frontage** is planned and designed in accordance with the standards shown below.

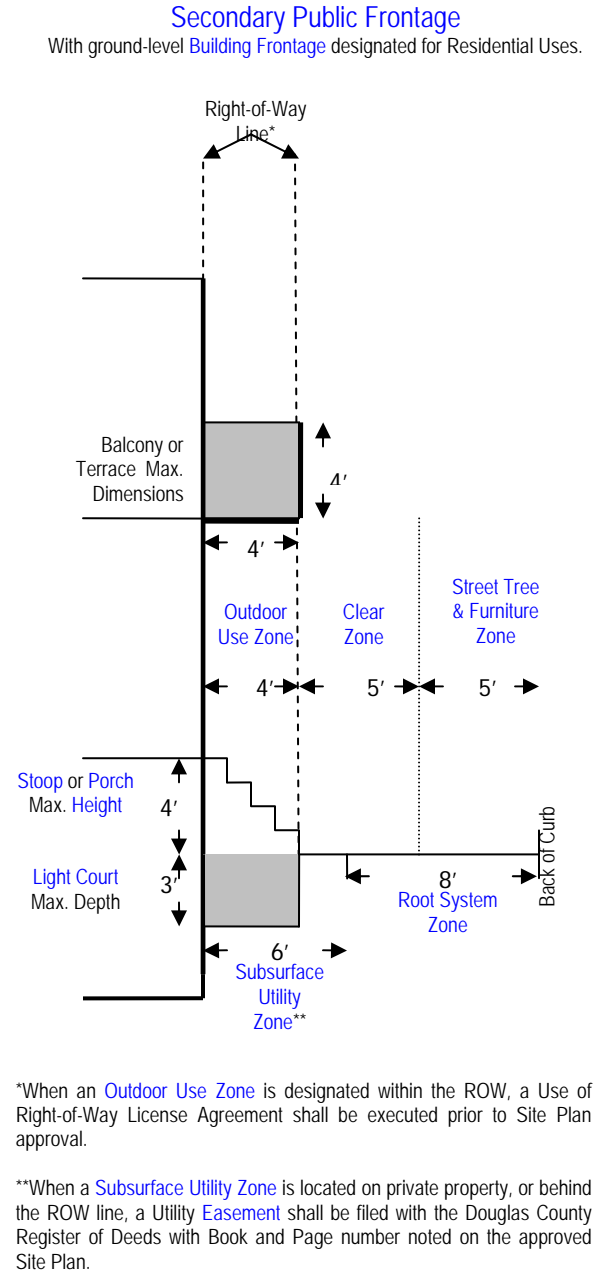
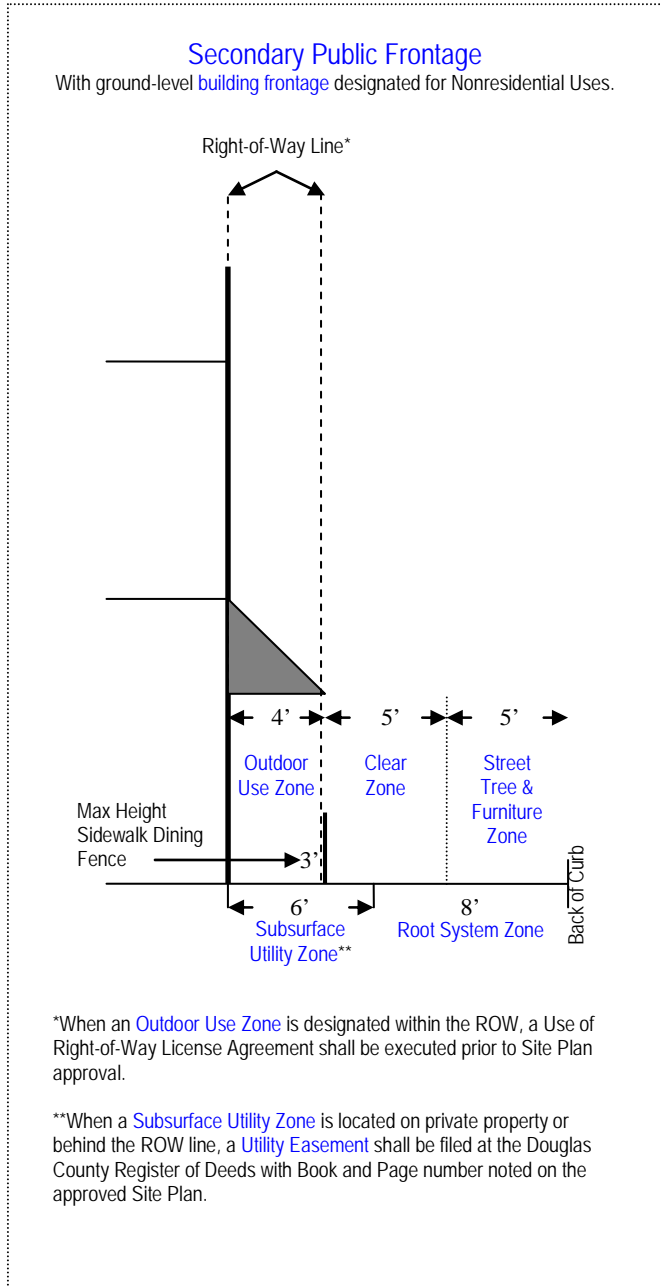


\*When an **Outdoor Use Zone** is designated within the ROW a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

\*\* When a **Subsurface Utility Zone** is located on private property or behind the ROW line, a Utility **Easement** shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

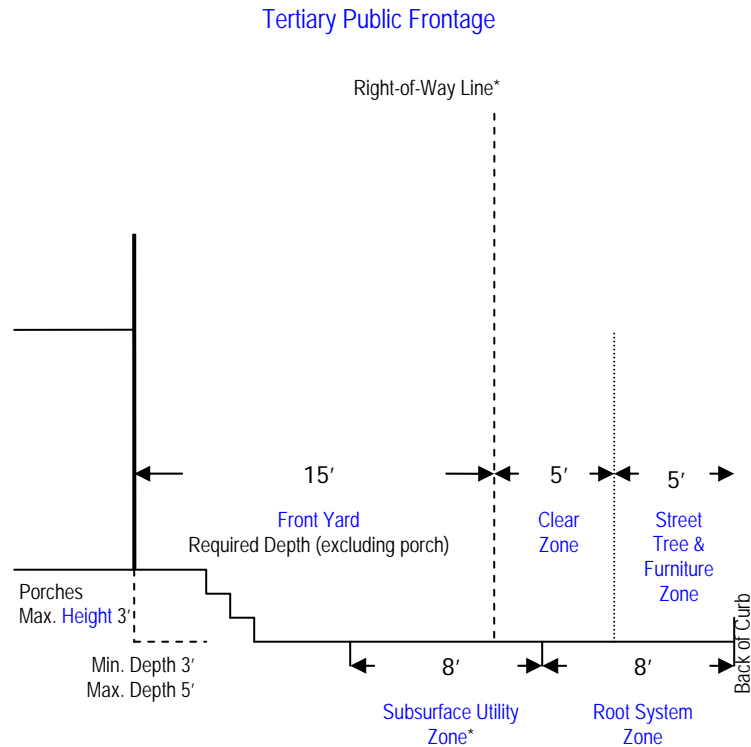
**(2) Secondary Public Frontages**

A **Secondary Public Frontage** shall be planned and designed for all **Public Frontages** in association with any designated **Secondary Development Zone**. The site plan shall demonstrate that each **Secondary Public Frontage** is planned and designed in accordance with the standards shown below.



**(3) Tertiary Public Frontages**

A Tertiary Public Frontage shall be planned and designed for all Public Frontages in association with any designated Tertiary Development Zone. The site plan shall demonstrate that each Tertiary Public Frontage is planned and designed in accordance with the standards shown below.



\*When a Subsurface Utility Zone is located on private property or behind the ROW line, a Utility Easement shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

**(4) Deviations**

Deviations from these Public Frontage form standards may be granted by the Planning Director during site plan review in the following circumstances:

- (i) The width of the Subsurface Utility Zone and Root System Zone may be altered based upon a recommendation by the City Utility Department and/or Parks and Recreation Department staff in order to resolve a conflict between placement of trees, Landscaping and utilities;
- (ii) The width of the any above-surface zone may be altered by the Planning Director if he/she determines that such alteration promotes pedestrian safety.

**(i) Pedestrian and Vehicular Access**

In areas designated as the **Primary Public Frontage**, vehicular **Access** to individual **Lots** may be permitted only from a public **Alley**. In areas designated as **Secondary Public Frontage** or **Tertiary Public Frontage**, vehicular **Access** may be permitted from the **Alley** or **Street**. Pedestrian **Access** shall be permitted from the **Street**, public **Alley** or pathway.

**(j) Building Form & Use Standards**

The following **Building** forms shall be permitted in the **Mixed Use** District:

**(1) Vertical Mixed Use Structures**

Such **Structures** shall be a minimum of two stories in **Height** above **Grade** and shall contain both nonresidential uses and residential uses distributed vertically throughout the **Structure**.

**(i) Where Permitted**

**Vertical Mixed Use Structures** shall only be permitted in the **Primary Development Zone** and **Secondary Development Zone**. The **Density** and dimensional standards of Article 6 for each development zone shall apply.

**(ii) Nonresidential Uses**

Any permitted nonresidential use may be located in a **Vertical Mixed Use Structure**.

**(iii) Location of Nonresidential Uses**

The ground-level or street-level of **Vertical Mixed Use Structures** shall be designed, constructed, and reserved for occupation by nonresidential uses.

**(iv) Residential Uses**

**Non-Ground Floor Dwelling(s)** shall be permitted in **Vertical Mixed Use Structures**. **Work/Live Units** are permitted when the nonresidential component of the unit occupies the **Building Frontage**.

**(2) Horizontal Mixed Use Structures**

Such **Structures** shall contain a mixture of nonresidential uses and residential uses distributed horizontally throughout the **Structure**. The location of the uses within as **Horizontal Mixed Use Structure** shall be as follows.

**(i) Where Permitted**

**Horizontal Mixed Use Structures** shall only be permitted in the **Secondary Development Zone** and the **Tertiary Development Zone**. The **Density** and dimensional standards of Article 6 for each development zone shall apply.

**(ii) Nonresidential Uses**

Any permitted nonresidential use may be located in a **Horizontal Mixed Use Structure**.

**(iii) Location of Nonresidential Uses**

The **Building Frontage** of a **Horizontal Mixed UseStructure** shall be designed, constructed, and reserved for occupation by nonresidential uses.

**(iv) Residential Uses**

Attached Dwellings shall be permitted in **Horizontal Mixed UseStructures**. Live/Work Unit(s) are permitted in **Horizontal Mixed UseStructures** with direct internal **Access** between the residential and nonresidential components of the unit, however, the nonresidential component of the unit must occupy the **Building Frontage** with the residential component of the unit located behind the nonresidential component.

**(3) Attached Structures**

Such **Structures** are designed to contain either nonresidential or residential use(s). Such **Structures** are not designed to contain both residential and nonresidential uses and therefore are not considered to be **Mixed UseStructures**. Attached **Structures** may contain a variety of nonresidential uses (such as retail and office) or a variety of residential uses (such as townhomes or rowhomes, i.e. **Attached Dwellings**).

**(i) Where Permitted**

Attached **Structures** shall only be permitted in the **Secondary Development Zone** and the **Tertiary Development Zone**. The **Density** and dimensional standards of Article 6 for each development zone shall apply.

**(4) Detached Structures**

Such **Structures** are designed to contain either a single nonresidential or a single residential use. Such **Structures** are designed to contain a single use.

**(i) Where Permitted**

Detached **Structures** shall only be permitted in the **Tertiary Development Zone**. Detached residential **Structures** (i.e. Detached Dwellings) shall be required in **Tertiary Development Zones** when surrounding existing **Structures** are of the same form.

**(k) Parking Area Standards**

The following Automobile and **Bicycle** Parking provisions apply to all development in the MU District in addition to the provisions of Article 9 not described below. If the provisions of Article 9 conflict or are inconsistent with any of the provisions within this Section, the regulations of this Section shall apply.

**(1) Required Automobile Parking****(i) Provision of On-Street Parking**

On-Street parking shall be counted toward the minimum off-Street parking requirements for a given use as per Section 20-902. On-Street Parking may be provided on all Streets forming the perimeter boundary of or within a **Mixed Use** development with the exception of Streets classified as **Principal Arterial Streets** according to the adopted Major **Thoroughfares** Map of the City of Lawrence. When a **Principal Arterial Street** forms the perimeter boundary of, or is contained within a **Mixed**

Use development parking may be designed in the form of a [Slip Road](#) as approved by the City Engineer.

**(ii) Shared Off-Street Parking**

The applicant may elect to use the [Shared Parking](#) provisions of Section 20-909 to calculate the required parking for the [Mixed Use](#) development. All uses within [Mixed Use](#) development, except Detached Dwellings on individual [Lots](#) are encouraged to share parking rather than provide parking on a use by use basis on individual properties.

**(iii) Location of Off-Street Parking Areas**

[Parking Areas](#) shall not be permitted in a designated [Primary Development Zone](#). All [Parking Areas](#) shall be located within the site area of the [Mixed Use](#) development and within 1,320 feet of any use for which it is designated to provide parking. [Parking Areas](#) shall be located in accordance with the provisions of Section 20-908(c).

**(iv) Access to Off-Street Parking Areas**

[Access](#) to a [Parking Area](#) shall not be permitted through a designated [Primary Public Frontage](#).

**(2) Bicycle Parking Areas**

The provisions of Article 9 shall apply.



**(I) Development Bonuses**

A development bonus is an incentive-based tool that permits an increase in the allowable development potential of a property in exchange for helping the community achieve goals as stated in the Lawrence/Douglas County [Comprehensive Land Use Plan](#). [Mixed Use](#) developments in the MU District which contain features it identified as public goals in the table below may be eligible to increase development potential based upon the number of points earned. The applicant shall make a request for development bonus(es) in writing with the site plan application. The request shall state the goal(s) provided, points earned and development bonus redeemed for the points earned. Such information shall also be stated on the approved site plan.

Public Goal	Points Earned
<b>Goal I: Provision of Moderately-Priced Dwelling Units</b>	
Percentage of all <a href="#">Dwelling Units</a> which are considered to be <a href="#">Moderately-Priced Dwelling Units</a>	100 points for the first 10%; PLUS 10 points for each 1% provided in addition to 10%
<b>Goal II: Provision of a variety of housing types</b>	
At least two (2) of the following five (5) housing types must be provided in order to redeem points.	
<a href="#">Non-Ground Floor Dwellings</a>	25 if two (2) of the types are provided; 50 if three (3) of the types are provided; 75 if four(4) of the types are provided; 100 if five (5) of the types are provided;
<a href="#">Attached Dwellings</a>	
<a href="#">Live/Work Units</a>	
<a href="#">Assisted Living</a> or Independent Living	
<a href="#">Zero-Lot Line Dwellings</a>	
*The points earned for provision of the above-mentioned goals may be combined	
<b>Goal III: Provision of transit-supportive development</b>	
Location adjacent to <a href="#">Designated Transit Stop</a>	100 points if located directly adjacent to a transit stop and if stop is integrated into the <a href="#">Mixed Use</a> Development and transit stop/pedestrian amenities are provided.
<b>Goal IV: Ensuring availability of adequate public facilities</b>	
Location within ½ mile of a fire station	10 points
Location within 1 mile of a police station	10 points
Location within ¼ mile of a public park or open space	25 points
Location within ¼ mile of a school or cultural center	25 points
Redevelopment of an existing commercial or nonresidential center with adequate utility and transportation <a href="#">InfraStructure</a> to support redevelopment	75 points
Location adjacent to the intersection of two streets classified as either Minor <a href="#">Arterial</a> or Principal <a href="#">Arterial</a> according to the adopted Major <a href="#">Thoroughfares</a> Map	15 points
<b>Goal V: Ensuring Protection of Environmental Quality</b>	
Provision of a green roof or rooftop garden to control stormwater runoff (determination of materials used to constitute a green roof or rooftop garden shall be made by the City Stormwater Engineer)	75 points
Provision of a stormwater best management practice as per the adopted BMP Manual	25 to 50 points (as determined by the City's Stormwater Engineer)
Construction of a <a href="#">Structure</a> with LEED (Leadership in Energy Efficient Design) Certification	100 points per mixed-use <a href="#">Structure</a> certified;
Construction of a residential <a href="#">Structure</a> with ENERGY STAR Certification	25 points per attached or detached <a href="#">Dwelling</a> certified;
Protection of Sensitive Land Features as per Section 20-1101(d)(4) otherwise not required to be protected or preserved	25 points per feature preserved

**(m) Redemption of Development Bonus**

**(1) Increase in Residential Density**

In a designated **Primary Development Zone**, the maximum residential **Density** permitted as stated in Section 20-601(c) may be increased at the rate of 1 additional **Dwelling Unit** per acre for every 10 points earned. For instance, if a development proposal earns 20 points an additional 2 **Dwelling Units** per acre may be constructed (for a total of 34) in the **Primary Development Zone**. Points earned in any development zone may be transferred to the **Primary Development Zone** for redemption.

**(2) Increase in Building Height**

In a designated **Primary Development Zone**, **Building Height** may be increased above the permitted maximum **Height** as stated in Section 20-601(c) at the rate of 12 feet for every 100 points earned. Points earned in any development zone may be transferred to the **Primary Development Zone** for redemption.

**(3) Increase in Building Coverage above Maximum**

In the **Secondary Development Zone**, **Building** coverage may be increased above the maximum permitted as per Section 20-601(c) up to 100% coverage for 75 points earned. Only those points earned through provision of features of Goal V may be redeemed for an increase in **Building** coverage.

**(4) Reduction in Minimum Parking Requirement**

The minimum number of **Parking Spaces** required may be reduced at a rate of 1 **Parking Space** for every 5 points earned. Only those points earned through provision of features of Goal III may be redeemed for a reduction in the minimum parking requirement.

**(5) Increase in Impervious Surface Coverage above Maximum**

In the **Secondary Development Zone**, **Impervious Surface** coverage may be increased above the maximum permitted as per Section 20-601(c) up to 100% coverage for 75 points earned. Only those points earned through provision of a feature of Goal V may be redeemed for an increase in **Building** coverage.

**(n) Terms Defined**

The following terminology is used frequently in this Section and is provided below for reference.

<b>Building Frontage</b>	That portion of a <b>Building</b> or <b>Structure</b> that is adjacent to or faces the <b>Public Frontage</b> .
<b>Clear Zone</b>	An area designated within the <b>Public Frontage</b> of a <b>Mixed Use</b> Project which reserves space for a sidewalk. The <b>Clear Zone</b> shall be clear of any obstruction to a minimum height of eight (8) above <b>Grade</b> .
<b>Designated Transit Route</b>	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
<b>Development Zone, Primary</b>	Land area in a <b>Mixed Use</b> development designated at time of rezoning to the <b>Mixed Use</b> District and reserved for the most intense development proposed for the <b>Mixed Use</b> development.
<b>Development Zone, Secondary</b>	Land area in a <b>Mixed Use</b> development designated at time of rezoning to the <b>Mixed Use</b> District and reserved for less intense development than the <b>Primary Development Zone</b> , but more intense development than the <b>Tertiary Development Zone</b> . The <b>Secondary Development Zone</b> may serve as a transitional zone within a larger <b>Mixed Use</b> Development.
<b>Development Zone, Tertiary</b>	Land area in a <b>Mixed Use</b> development designated at time of rezoning to the <b>Mixed Use</b> District and reserved for the least intense development proposed for the <b>Mixed Use</b> development.

<b>Light Court</b>	An area within the <b>Public Frontage</b> in a <b>Mixed Use</b> development adjacent to the <b>Building Frontage</b> which provides a means of outdoor light to reach an underground level of a <b>Structure</b> . It may also provide a means of emergency exit from the <b>Structure</b> but shall not serve as a primary entrance or exit to the <b>Structure</b> .
<b>Massing</b>	The size and shape of <b>Structure(s)</b> individually and their arrangements relative to other <b>Structure(s)</b> .
<b>Mixed Use Structure, Horizontal</b>	A <b>Building</b> or <b>Structure</b> containing two or more different uses distributed horizontally throughout the <b>Structure</b> .
<b>Mixed Use Structure, Vertical</b>	A <b>Building</b> or <b>Structure</b> , a minimum of two stories in <b>Height</b> , containing two or more different uses distributed vertically throughout the <b>Structure</b> .
<b>Moderately-Priced Dwelling Unit</b>	A <b>Dwelling Unit</b> 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.
<b>Non-Ground Floor Dwelling(s)</b>	Residential <b>Dwelling(s)</b> permitted in any <b>Vertical Mixed Use Structure</b> which are located above the ground level or first level of the <b>Structure</b> or below the ground level or first level of a <b>Structure</b> and do not have direct internal <b>Access</b> to a nonresidential use.
<b>Outdoor Use Zone</b>	An area designated for outdoor use by a nonresidential or residential tenant within the <b>Public Frontage</b> in a <b>Mixed Use</b> development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use <b>Accessory</b> and incidental to a permitted nonresidential use in the <b>Mixed Use</b> District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as <b>Building-mounted</b> signs.
<b>Public Frontage</b>	The publicly-owned layer between the <b>Lot</b> line or <b>Street Line</b> and the edge of the vehicular lanes. The <b>Public Frontage</b> may include sidewalks, street planters, trees and other vegetated <b>Landscaping</b> , benches, lamp posts, and other street furniture.
<b>Public Frontage, Primary</b>	The <b>Public Frontage</b> along a designated <b>Primary Development Zone</b> . <b>Primary Public Frontages</b> are commonly associated with pedestrian-oriented urban commercial and retail areas in <b>Mixed Use</b> settings. They are commonly served by or are <b>Accessible</b> to public transit and may contain medium to high residential densities and <b>Vertical Mixed Use Structures</b> . <b>Primary Public Frontages</b> 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 <b>Thoroughfare</b> to the <b>Building Frontage</b> or Right-of-way line, reserving space for street furniture.
<b>Public Frontage, Secondary</b>	The <b>Public Frontage</b> along a designated <b>Secondary Development Zone</b> . <b>Secondary Public Frontages</b> are commonly associated with pedestrian-oriented <b>Thoroughfares</b> and <b>Mixed Use</b> settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the <b>Building Frontage</b> or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the <b>Thoroughfare</b> and the sidewalk or clear area.
<b>Public Frontage, Tertiary</b>	The <b>Public Frontage</b> along a designated <b>Tertiary Development Zone</b> . <b>Tertiary Public Frontages</b> are commonly associated with pedestrian-friendly <b>Thoroughfares</b> in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. <b>Tertiary Public Frontages</b> are designed to accommodate pedestrians who seek to walk to a nearby destination.
<b>Root System Zone</b>	A subsurface area designated within the <b>Public Frontage</b> in a <b>Mixed Use</b> development. Such zones shall reserve space for the root system of street trees and <b>Landscaping</b> planted in the Street Tree & Furniture Zone.
<b>Scale</b>	A quantitative measure of the relative <b>Height</b> and Massing of <b>Structure(s)</b> <b>Building(s)</b> and spaces.
<b>Slip Road</b>	A road which provides <b>Access</b> to and runs a course parallel to an <b>Arterial Street</b> or other limited <b>Access</b> street or highway. <b>Slip Roads</b> are commonly used along boulevards to provide <b>Access</b> to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. <b>Slip Roads</b> may also be known as <b>Access</b> roads.
<b>Subsurface Utility Zone</b>	A subsurface area designated within the <b>Public Frontage</b> in a <b>Mixed Use</b> development. Such zones shall reserve space for public utilities.
<b>Street Tree and Furniture Zone</b>	An area designated within the <b>Public Frontage</b> in a <b>Mixed Use</b> development. Such zones shall reserve space for street trees and other <b>Landscaping</b> as well as street furniture including, but not limited to benches, street lights and transit stops.
<b>Work/Live Unit</b>	A space within a <b>Building</b> that consists of a <b>Non-Ground Floor Dwelling</b> which is <b>Accessory</b> to a nonresidential use and has direct internal <b>Access</b> to the nonresidential use.

**(o) Other Regulations**

There are a number of other development standards that may apply to [Mixed Use](#) development, including but not limited to the following:

**(1) Use Standards**

For standards applicable to uses in the [Mixed Use](#) District see Article 5.

**(2) Density and Dimensional Standards**

For [Density](#) and Dimensional Standards of the [Mixed Use](#) District see Article 6.

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

For parking standards not provided in this Section see Article 9.

**(4) Landscaping & Screening**

For [Landscaping](#) & [Screening](#) requirements see Article 10.

**(5) Outdoor Lighting**

See Section 20-1103.

**ARTICLE 12. FLOODPLAIN MANAGEMENT REGULATIONS**

- 20-1201 General**
- 20-1202 Application**
- 20-1203 Administration**
- 20-1204 Provisions for Flood Hazard Reduction**
- 20-1205 Definitions**

**20-1201 GENERAL****(a) Findings of Fact**

- (1)** The **Areas of Special Flood Hazard** of Lawrence, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **Flood** protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare.
  
- (2) These Flood losses are caused by:**
  - (i)** the cumulative effect of **Development** in any delineated **Floodplain** causing increases in **Flood** Heights and velocities;
  - (ii)** urbanization of upstream areas, resulting in increased Impervious Surface and increased stormwater runoff;
  - (iii)** the occupancy of **Flood** hazard areas by uses vulnerable to Floods, hazardous to others, inadequately elevated, or otherwise unprotected from **Flood** damages; and
  - (iv)** the modification of the **Floodplain** by grading or filling.
  
- (3)** The **Flood Insurance Study (FIS)** that is the basis of the National **Flood** Insurance Program uses a standard engineering method of analyzing **Flood** hazards, which consists of a series of interrelated steps:
  - (i)** Selection of a **Base Flood** that is based upon engineering calculations, which permit a consideration of such **Flood** factors at its expected frequency of occurrence, the area inundated, and the depth of inundation. The **Base Flood** selected for this Article is representative of large Floods, which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is in the general order of a **Flood** which could be expected to have a one percent (1%) chance of occurrence in any one year as delineated in the Federal Insurance Administrator's **FIS**, and illustrative materials dated August 5, 2010, as amended, and any future revisions thereto;
  - (ii)** Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the **Regulatory Flood**;

- (iii) Computation of a **Floodway** required to convey this **Flood** without increasing **Flood** Heights more than one (1) foot at any point;
  - (iv) Delineation of **Floodway Encroachment Lines** within which no **Development** is permitted that would cause any increase in **Flood** Height; and
  - (v) Delineation of **Floodway Fringe**, i.e., that area outside the **Floodway Encroachment Lines**, but still subject to inundation by the **Base Flood**.
- (b) Floodplain Overlay District – Property within the City Limits on 03/01/03**
- (1) The **Floodplain Overlay District** boundaries for properties within the city's corporate limits as of March 1, 2003 shall be consistent with the **Base Flood Elevations** and **Floodplain** widths identified by the **FIS** and **Flood Insurance Rate Map (FIRM)** for "Douglas County Kansas and Incorporated Areas dated August 5, 2010".
- (c) Floodplain Overlay District – Property Annexed into the City after 03/01/03**
- (1) The **Base Flood Elevations** and **Floodplain** widths identified by the **FIS** and **Flood Insurance Rate Map (FIRM)** for "Douglas County, Kansas, and Incorporated Areas dated August 5, 2010," may increase over time as a result of additional watershed **Development**; therefore the City has identified the **Floodplain (FP) Overlay District** for property annexed into the city's corporate limits after March 1, 2003, as the area that includes:
    - (i) All **Zones A** on the current **FIRM**;
    - (ii) All **Zones AE** and **AH** on the current **FIRM** and all adjacent areas inundated by a **Flood** having an elevation of the **FIS Base Flood Elevation** plus an additional two feet of **Freeboard**. If an approved **Hydrologic and Hydraulic Study** has been completed, the boundary information provided in that study will be utilized to amend the **Floodplain Overlay District** boundaries;
    - (iii) All **Zones AO** on the current **FIRM** and all adjacent areas inundated by a **Flood** having an elevation of the **FIS** average depth of **Flooding** plus an additional two feet of **Freeboard**. If an approved **Hydrologic and Hydraulic Study** has been completed, the boundary information provided in that study will be utilized to amend the **Floodplain Overlay District** boundaries; and
    - (iv) All stream tributaries having a drainage area of 240 acres or more regardless of the limits of the **FIS**. Upstream of the limits of the **FIS**, the width of the **Floodplain Overlay District** shall be determined by the City using recognized engineering practices.
  - (2) The **Floodplain Overlay District** will be shown and identified on the Official Zoning Map of the City of Lawrence.

**(d) Floodway**

Floodways are located within the **Floodplain Overlay District** established in Section 20-1201 and Section 20-1201(e) as designated on the **FIRM**. Since the **Floodway** is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the City hereby adopts a **Regulatory Floodway** based on the principle that the area identified for the **Regulatory Floodway** must be designed to carry the waters of the **Base Flood** without increasing the **Water Surface Elevation** of that **Flood** more than one (1) foot at any point.

- (1) The **Regulatory Floodway** includes:
  - (i) **Floodway** areas shown within **Zone AE** on the current **FIRM** or as modified by a Letter of Map Revision (LOMR); and
  - (ii) **Floodway** areas outside **Zone AE** as defined by an approved **Hydrologic and Hydraulic Study**.

**(e) Statement of Purpose**

It is the purpose of this Article to promote the public health, safety, and general welfare; to minimize those losses described in Section 20-1201(a)(2); to establish or maintain the **Community's** eligibility for participation in the National **Flood** Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 512.22 (a) (3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this Article to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of **Flooding** or cause undue increases in **Flood** Heights or velocities;
- (2) Require uses vulnerable to Floods, including public facilities that serve such uses, to be provided with **Flood** protection at the time of initial construction;
- (3) Protect individuals from unknowingly buying land that is unsuited for the intended **Development** purposes due to the potential **Flood** hazard;
- (4) Protect individuals from unknowingly buying or leasing property that is prone to **Flooding**;
- (5) With the exception of certain previously platted properties, allow **Development** in the **Floodplain** only when the **Development** will not increase the **Base Flood Elevation** or **Flood** velocities; and
- (6) Promote conservation and restoration of natural vegetation in riparian areas.

**20-1202 APPLICATION****(a) Lands to Which the Ordinance Applies**

This Article shall apply to all lands within the [Floodplain Overlay District](#).

**(b) Compliance**

No [Development](#) shall be located, extended, converted, or structurally altered within the [Floodplain Overlay District](#) without full compliance with the terms of this Article and all other applicable regulations.

**(c) Abrogation and Greater Restrictions**

It is not intended by this Article to repeal, abrogate, or impair any existing Easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other Articles inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

**(d) Interpretation**

In their interpretation and application, the provisions of this Article shall be held to be minimum requirements, shall be liberally construed in favor of the City Commission, and shall not be deemed a limitation or repeal of any other powers granted by Kansas Statutes.

**(e) Warning and Disclaimer of Liability**

The degree of [Flood](#) protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger Floods may occur on rare occasions or the [Flood](#) Heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the [Floodplain Overlay District](#), [Floodway](#) and [Floodway Fringe](#) or land uses permitted within such areas will be free from [Flooding](#) or [Flood](#) damage. This ordinance shall not create a liability on the part of the City of Lawrence, Kansas, or any officer or employee thereof, for any [Flood](#) damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.

**(f) Severability**

If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Article shall not be affected thereby.



**20-1203 ADMINISTRATION****(a) Floodplain Development Permit**

A Floodplain Development permit shall be required for all proposed construction or other Development, including the placement of Mobile Homes, in the Floodplain Overlay District. No Person, FIRM, corporation, or unit of government shall initiate any Development or Substantial Improvement or cause the same to be done without first obtaining a separate Floodplain Development permit for each Structure or other Development.

**(b) Designation of Floodplain Administrator**

The Director of Planning is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this article.

**(c) Duties and Responsibilities of Floodplain Administrator**

Duties of the Floodplain Administrator shall include, but not be limited to:

- (1) Review of all applications for Floodplain Development permits to assure that the requirements of this Article have been satisfied;
- (2) When an application for a Floodplain Development permit requires the submittal of a Hydrologic and Hydraulic Study, coordinate the review and approval of the study by the City Stormwater Engineer to assure that the requirements of this Article have been satisfied;
- (3) Issue Floodplain Development permits for all approved applications;
- (4) Notify adjacent communities, impacted Drainage Districts, and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (5) Verify through an "Elevation Certificate" and maintain a record of the actual elevation (in relation to Mean Sea Level) of the Lowest Floor, of all new or substantially improved residential Structures;
- (6) Verify through an "Elevation Certificate" the actual elevation (in relation to Mean Sea Level) that the new or substantially improved non-residential Structures have been Floodproofed;
- (7) Maintain a record of the actual elevation (in relation to Mean Sea Level) that the new or substantially improved non-residential Structures have been Flood-proofed; and
- (8) When Floodproofing techniques are utilized for a particular non-residential Structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

**(d) Floodplain Development Permit**

- (1) To obtain a Floodplain Development permit, the applicant shall first file an application in writing, on a form furnished for that purpose, with the Floodplain Administrator. Every Floodplain Development permit application shall:
  - (i) When required pursuant to Section 20-1204, provide two copies of the Hydrologic and Hydraulic Study for the proposed Development;
  - (ii) Identify the Base Flood Elevation;
    - a. When required pursuant to Section 20-1204 identify the Water Surface Elevation of the Base Flood as determined by both the Flood Insurance Study and the Hydrologic and Hydraulic Study. The higher of these elevations shall be the Base Flood Elevation for compliance with the provisions of this article; or,
    - b. When a Hydrologic and Hydraulic Study is not required, identify the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study.
    - c. When the Water Surface Elevation of the Base Flood is not provided by the Flood Insurance Study or an approved Hydrologic and Hydraulic Study, the applicant shall provide a signed study by a registered, professional engineer that states the Water Surface Elevation of the Base Flood for the property.
  - (iii) Provide a legal description of the land on which the proposed work is to be done by Lot, Block and Tract, Street address, and description of Structures or provide a similar description that will readily identify and specifically locate the proposed Structure or work;
  - (iv) Identify and describe the work to be covered by the Floodplain Development permit;
  - (v) Provide verification that all necessary permits from Federal, State, and local government agencies have been obtained;
  - (vi) Indicate the use or occupancy for which the proposed work is intended;
  - (vii) Indicate the county appraiser's assessed value of the existing Structure(s) and the Market Value of the improvement;
  - (viii) Specify whether Development is located in designated Floodway Fringe, Floodway, or an Unmapped Floodplain Area;
  - (ix) Show existing contours lines and proposed contours;
  - (x) Give such other information as reasonably may be required by the Floodplain Administrator;

- (xi) Be accompanied by scaled plans and engineering specifications for proposed construction; and
  - (xii) Be signed by the permittee or his authorized Agent who may be required to submit evidence to indicate such authority.
- (2) Before a final inspection, the Floodplain Administrator must be provided with a completed FEMA “Elevation Certificate” stating the finished construction elevation of the Lowest Floor in relation to Mean Sea Level signed by a land surveyor or professional engineer licensed by the State of Kansas.

**(e) Expiration of Floodplain Development Permits**

Floodplain Development permits expire 18 months from the date of issuance if a certificate of elevation has not been received. If requested, and for good cause shown, the Floodplain Administrator may grant a 6-month extension.

**20-1204 PROVISIONS FOR FLOOD HAZARD REDUCTION****(a) Development of Property in the Floodplain Overlay District**

- (1) **Development** of land or subdivision of property (including Lot splits) into a **Buildable Lot(s)** within the **Floodplain Overlay District** shall be permitted only where an approved **Hydrologic and Hydraulic Study** demonstrates that there will be no rise in the **Base Flood Elevation** and no increase in **Flood** velocities at any point resulting from the proposed **Development**.
- (2) Property platted prior to December 31, 2003, may Develop and/or replat or subdivide (including Lot splits) for non-residential uses without conducting a **Hydrologic and Hydraulic Study**. Such **Development** is still subject to the remaining sections of this Article [Article 12].
- (3) **Development** of undeveloped residential property that was platted prior to December 31, 2003, may occur without conducting a **Hydrologic and Hydraulic Study** until December 31, 2008. Such **Development** is still subject to the remaining sections of this Article [Article 12]. After December 31, 2008, **Development** of the property is subject to all sections contained within this Article [Article 12].

**(b) Floodway Restrictions**

Any encroachment, including fill, **New Construction**, substantial improvements, or other **Development** is prohibited within the **Regulatory Floodway**, except for the following **Structures**:

- (1) **Flood** control and stormwater management **Structures**;
- (2) Road improvements and repair;
- (3) Utility Easements/Rights-of-Way; and
- (4) Public improvements or public **Structures** for bridging the **Floodway**.

**(c) Hydrologic and Hydraulic Study**

- (1) Hydrologic and Hydraulic Studies shall comply with the following standards:
  - (i) The study shall be signed and sealed by a professional engineer, licensed by the State of Kansas;
  - (ii) The study shall be submitted for approval by the City Stormwater Engineer concurrent with the initial submittal of a **Floodplain Development** permit application, preliminary plat, **Development** plan or site plan;
  - (iii) Hydrologic and hydraulic methods of analysis shall be consistent with those used in the current **Flood Insurance Study** for Douglas County, and shall comply with the City "Stormwater Management Criteria";

- (iv) The study shall extend an adequate distance upstream and downstream of the proposed **Development** to encompass the hydraulic effects of the proposed **Development**;
  - (v) The study shall assume full **Development** of the watershed based on the current Comprehensive Land Use Plan or other reasonable assumptions of impervious cover. Full **Development** of the watershed shall be assumed in all calculations, for either existing conditions or proposed modifications;
  - (vi) The study shall determine the **Water Surface Elevations** of the **Base Flood** for the existing stream and for any proposed **Development**. Based on the assumption of full watershed **Development** and other factors, the findings of the **Hydrologic and Hydraulic Study** may differ from the **Flood Insurance Study**. At a given location, the higher **Water Surface Elevation** shall be the **Base Flood Elevation** for compliance with the provisions of this Article;
  - (vii) The study shall identify the velocities of the **Base Flood** for the existing stream and for any proposed **Development**;
  - (viii) The study shall determine the areas of inundation of the **Base Flood** for the existing stream and for any proposed **Development**. The area of inundation shall be dimensioned to the property corners for use in revising the **Floodplain Overlay District** on all property within the extent of the study; and
  - (ix) In areas outside **Zone AE**, the study shall also identify the **Floodway** for the proposed **Development**.
- (2) Once a study is approved, the City shall initiate the rezoning of any property in and around the **Floodplain Overlay District** to reflect the limits of **Flooding** determined by the study based on full **Development** of the watershed.
  - (3) For a **Hydrologic and Hydraulic Study** that proposes an alteration of FEMA's designated **Floodplain** or **Floodway**, a letter of map revision (LOMR) must be obtained from FEMA before a Building permit will be issued for any Lot containing a **Zone A**, AE, AH or AO of the current **FIRM**.

**(d) Land Disturbance**

Land disturbance or removal of vegetation within the **Floodplain Overlay District** shall be minimized to the extent possible. When excavation, grading, removal of vegetation or other modifications to the cross-sectional geometry of the **Floodplain** are proposed in order to meet the requirements set forth in Section 20-1204 those modifications shall comply with the following:

- (1) Construction plans shall be prepared for the proposed modifications and shall be submitted for review and approval by the City Engineer. Design and plan preparation shall comply with the "City of Lawrence Design Guidelines and Standard Specifications" and the City "Stormwater Management Criteria".

- (2) As approved by the City Engineer, pursuant to the “Stormwater Management Criteria”:
- (i) Channel lining materials shall be limited to native vegetation, stabilized as necessary to prevent erosion. The use of concrete lining, pipe or other structural materials shall be minimized;
  - (ii) Within the area of inundation, all disturbed areas above the channel lining shall be restored with native vegetation, including trees, to promote wildlife habitat; and
  - (iii) Channel designs shall preserve existing low-flow channels to the extent possible.

**(e) General Development Standards**

The following standards apply to any and all **Development** that is proposed within the **Floodplain Overlay District**.

- (1) All **Development** shall comply with the following standards:
- (i) Fill shall not be placed in the Setback areas except at approved Access points;
  - (ii) **Structures** must be designed and constructed with adequate anchorage to prevent flotation, collapse, or lateral movement of the **Structure** resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (iii) **Structures** must be designed and constructed with materials resistant to **Flood** damage using methods and practices that minimize **Flood** damages;
  - (iv) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and/or located to prevent water from entering or accumulating within the mechanical components during conditions of **Flooding**;
  - (v) New or replacement water supply systems and/or sanitary sewage systems must be designed to eliminate infiltration of **Flood** waters into the systems and discharges from the systems into **Flood** waters, and on-site waste disposal systems must be located so as to avoid impairment or contamination;
  - (vi) All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to eliminate **Flood** damage;
  - (vii) Fully enclosed areas below the **Lowest Floor** that are used solely for Parking of vehicles, Building Access, or storage in an area other than a **Basement** and that are subject to **Flooding** must be designed to automatically equalize hydrostatic **Flood** forces on exterior walls by allowing for the entry and exit of **Flood** waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to **Flooding** shall be provided; and,
- b. The bottom of all openings shall be no higher than one foot above Grade. Openings may be equipped with Screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**(viii) Storage of Material and Equipment;**

- a. The storage or processing of materials within the **Floodplain Overlay District** area that are in time of **Flooding** buoyant, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited; and
- b. Storage of other material or equipment may be allowed if not subject to major damage by Floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a **Flood** warning.

**(2) Additional Standards for Residential Construction**

- (i)** Proposed **New Construction** or **Substantial-Improvement** of any residential **Structures**, including **Mobile Homes** or Manufactured Homes, shall comply with the following:
  - a. The **Lowest Floor** shall be elevated a minimum of two (2) feet above the **Base Flood Elevation**. A licensed land surveyor or licensed professional engineer shall provide written certification of the **Lowest Floor** elevation to the **Floodplain Administrator** as set out in Section 20-1203(c)(7).
  - b. For the portion of a property within the **Floodplain Overlay District**, the maximum impervious surface coverage shall not exceed 30%.
- (ii)** Fill on individual Lots shall meet the following requirements:
  - a. No fill dirt shall be placed closer than five (5) feet to perimeter Lot Line(s) of the property;
  - b. No fill dirt shall be placed greater than 20 feet from the **Structure**;
  - c. Fill dirt shall be placed on a Lot so that it does not exceed a 3:1 slope; and
  - d. Where additional elevation over the Height that can be achieved from a 3:1 slope is needed to meet the requirements of this Article, the additional elevation shall be met through the use of vertical walls and the construction of non-residential areas, such as garages, crawl spaces with gravel floors, or similar structurally sound designs, as part of the residential **Structure**.

**(3) Additional Standards for Non-Residential Construction**

- (i) Any proposed **New Construction** or **Substantial-Improvement** of any non-residential **Structures** shall meet the following standards:
- a. Either of the following:
    1. The **Lowest Floor**, including **Basement**, shall be elevated a minimum of one (1) foot above the **Base Flood Elevation**. A licensed land surveyor or licensed professional engineer shall certify the elevation of the **Lowest Floor**. Such certifications shall be provided to the **Floodplain Administrator** as set forth in Section 20-1203(c)(7); or
    2. Together with attendant utility and sanitary facilities, the **Structure** shall be **Floodproofed** to at least one foot above the **Base Flood Elevation**. The portion of the **Structure** below this level is to be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
  - b. For the portion of a property within the **Floodplain Overlay District**, the maximum impervious surface coverage shall not exceed 60%.

**(f) Duties of a Landlord**

A landlord, or any **Person** authorized to enter a rental agreement on the landlord's behalf, of rental property that is located within the **Floodplain Overlay District** shall, before the signing of a lease agreement, provide the prospective tenant(s) the following information in writing:

- (1) The property is within the City's **Floodplain Overlay District**;
- (2) There is the possibility that **Structures** within the **Floodplain Overlay District** may be inundated with water during a **Flood**;
- (3) There is the possibility of the loss of life and/or the loss of **Personal** property as a result of a **Flood**;
- (4) Insurance against the loss of **Personal** property due to a **Flood** may be available and is typically the responsibility of the tenant to obtain; and
- (5) Such notice shall be in 12-point bold type, signed by all parties to the rental agreement, and retained by the landlord as long as the rental agreement is in full force and effect.

**(g) Duties of a Seller**

A seller, or any **Person** authorized to represent the seller in the sales transaction of property that is located within the **Floodplain Overlay District** shall, before the sale of the property, provide the prospective buyer(s) the following information in writing:



- (1) The property is within the City's Floodplain Overlay District;
- (2) There is the possibility that Structures within the Floodplain Overlay District may be inundated by water during a Flood;
- (3) There is the possibility of the loss of life and/or the loss of Personal property as a result of a Flood;
- (4) Insurance against the loss of Personal property or structural damage due to a Flood may be available and is typically the responsibility of the property Owner to obtain; and
- (5) Such notice shall be in 12-point bold type, signed by all buyers, and retained by the seller for five years following the closing of the sale.

**(h) Mobile Homes or Manufactured Homes**

- (1) All Mobile Homes or Manufactured Homes to be placed within the Floodplain Overlay District shall be required to be installed using methods and practices that minimize Flood damage. For the purposes of this requirement, Mobile Homes or Manufactured Homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) Mobile Homes or Manufactured Homes to be placed or substantially improved on sites in an Existing Mobile Home Park or Subdivision within the Floodplain Overlay District must be elevated so that either:
  - (i) The Lowest Floor of the Mobile Home or Manufactured Home shall be a minimum of two (2) feet above the Base Flood Elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor; or
  - (ii) The Mobile Home or Manufactured Home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in Height above Grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed land surveyor or licensed professional engineer shall certify the elevation of the Lowest Floor.

**(i) Areas of Shallow Flooding (Zones AO and AH)**

The following provisions apply to areas designated as Zone AO and Zone AH:

**(1) Zone AO**

- (i) All Development and Substantial-Improvements of residential Structures, including Mobile Homes and Manufactured Homes, shall have the Lowest Floor, including Basement, elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the Community's FIRM (at least two feet if no depth number is specified);

- (ii) All **Development** and **Substantial-Improvements** of any commercial, industrial, or other non-residential **Structures** shall have the **Lowest Floor**, including **Basement**, elevated above the **Highest Adjacent Grade** at least as high as the depth number specified in feet on the **Community FIRM** (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely Floodproofed so that the **Structure** is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (iii) Drainage paths must be provided to adequately guide floodwaters around **Structures**.
- (2) **Zone AH**
  - (i) The **Development** standards for all **Areas of Special Flood Hazard** where **Base Flood Elevation** has been provided shall be required as set forth in Section 20-1204; and
  - (ii) Drainage paths must be provided to adequately guide floodwaters around **Structures**.
- (j) **Recreational Vehicles**  
**Recreational Vehicles** placed on sites in the **Floodplain Overlay District** shall either:
  - (1) Be on the site for fewer than 180 consecutive days; or
  - (2) Be fully licensed and ready for highway use; or
  - (3) Meet the permitting, elevation, and anchoring requirements For **Mobile Homes** or **Manufactured Homes** of this Article [Article 12].

**20-1205 DEFINITIONS**

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

Term	Definition
100-year Flood	see "Base Flood"
Agency	means the Federal Emergency Management Agency (FEMA)
Appeal	means a request for review of the Floodplain Administrator's interpretation of any provision of this Article [Article 12] or a request for a variance
Areas of Special Flood Hazard	is the land in the Floodplain within a Community subject to a one percent (1%) or greater chance of Flooding in any given year
Base Flood	means the Flood having a one percent (1%) chance of being equaled or exceeded in any given year
Base Flood Elevation	means the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study, whichever is higher
Basement	means any area of the Structure having its floor sub-Grade (below ground level) on all sides
Buildable Lot	a Lot for which a Building permit can be obtained. Property that is designated as a "Tract" of land is not a Buildable Lot.
Community	means any State or area or political subdivision thereof, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction
Development	means any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.
"Eligible Community" or "Participating Community"	means a Community for which the Administrator has authorized the sale of Flood insurance under the National Flood Insurance Program (NFIP)
Existing Construction	means for the purposes of determining rates, Structures for which the "Start of Construction" commenced before the Effective Date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing Construction" may also be referred to as "existing Structures"
Existing Mobile Home Park or Subdivision	means a Mobile Home Park or subdivision for which the construction of facilities for servicing the Lots on which the Mobile Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the Effective Date of the Floodplain Management Regulations adopted by a Community
"Flood" or "Flooding"	means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash Flood, or by some similarly unusual and unforeseeable event which results in Flooding as defined above in item (1)
Flood Insurance Rate Map (FIRM)	means an official map of a Community, on which the Administrator has delineated both the Special Flood Hazard Areas and the risk premium Zones Applicable to the Community
Flood Insurance Study (FIS)	means an examination, evaluation and determination of Flood hazards and, if appropriate, corresponding Water Surface Elevations
Floodplain or Regulatory Floodplain	means the land inundated by a Flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study
Floodplain Management	means the operation of an overall program of corrective and preventive measures for reducing Flood damage, including but not limited to emergency preparedness plans, Flood control works, and Floodplain Management Regulations
Floodplain Management Regulations	means zoning ordinances, subdivision regulations, Building codes, health regulations, special purpose ordinances (such as Floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of Flood damage prevention and reduction
Floodproofing	means any combination of structural and nonstructural additions, changes, or adjustments to Structures that reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, or Structures and their contents

Term	Definition
"Floodway" or "Regulatory Floodway"	means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the <b>Base Flood</b> without cumulatively increasing the <b>Water Surface Elevation</b> more than one foot
Floodway Encroachment Lines	means the lines marking the limits of floodways on Federal, State and local <b>Floodplain</b> maps
Floodway Fringe or Regulatory Floodway Fringe	means the area outside the <b>Floodway Encroachment Lines</b> , but still subject to inundation by the <b>Regulatory Flood</b>
Freeboard	means a factor of safety usually expressed in feet above a <b>Flood</b> level for purposes of <b>Floodplain Management</b> . "Freeboard" tends to compensate for the many unknown factors that could contribute to <b>Flood</b> Heights greater than the Height calculated for a selected size <b>Flood</b> and <b>Floodway</b> conditions, such as bridge openings and the hydrological effect of urbanization of the watershed
Highest Adjacent Grade	means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a <b>Structure</b>
Historic Structure	means any <b>Structure</b> that is:(a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places / communities with historic preservation programs that have been certified with (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.
Hydrologic and Hydraulic Study	means an engineering study that is done in accordance with 20-1204(c).
Lowest Floor	means the <b>Lowest Floor</b> of the lowest enclosed area, including a <b>Basement</b> ; an unfinished or <b>Flood</b> -resistant enclosure, usable solely for Parking of vehicles, Building Access, or storage, in an area other than a <b>Basement</b> area, is not considered a Building's <b>Lowest Floor</b> , provided that such enclosure is not built so as to render the <b>Structure</b> in violation of the applicable <b>Floodproofing</b> design requirements of this Article.
Manufactured Home or Mobile Home	means a <b>Structure</b> , transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term " <b>Mobile Home</b> " or "Manufactured Home" does not include a " <b>Recreational Vehicle</b> ".
Manufactured Home Park or Mobile Home Park	means a Parcel (or contiguous Parcel) of land divided into two or more <b>Manufactured Home</b> or <b>Mobile Home</b> Lots for rent or sale.
Market Value	means an estimate of what is fair, economic, just and equitable value under normal local market conditions.
Mean Sea Level	means, for purposes of the National <b>Flood</b> Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which <b>Base Flood Elevations</b> shown on a <b>Community's Flood Insurance Rate Map (FIRM)</b> are referenced
New Construction	means, for the purposes of determining insurance rates, <b>Structures</b> for which the "start of construction" commenced on or after the Effective Date of an initial <b>FIRM</b> (March 2, 1981) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such <b>Structures</b> . For <b>Floodplain Management</b> purposes, " <b>New Construction</b> " means <b>Structures</b> for which the " <b>Start of Construction</b> " commenced on or after the Effective Date of the <b>Floodplain Management Regulations</b> adopted by a <b>Community</b> and includes any subsequent improvements to such <b>Structures</b>
Overlay District	means a special Zoning District that has been "overlaid" on a base zoning classification to alter some or all the Base District zoning regulations
Participating Community	also known as an " <b>Eligible Community</b> ," means a <b>Community</b> in which the Administrator has authorized the sale of <b>Flood</b> insurance
Person	includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies
Principally above Ground	means that at least 51% of the actual cash value of the <b>Structure</b> , less land value, is above ground

Term	Definition
Recreational Vehicle	means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A <b>Recreational Vehicle</b> is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
Regulatory Flood	see "Base Flood"
Special Flood Hazard Area (SPFA)	see "Area of Special Flood Hazard"
Start of Construction	Includes <b>Substantial-Improvements</b> , and means the date the Building permit was issued, provided the actual <b>Start of Construction</b> , repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a <b>Structure</b> on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a <b>Mobile Home</b> on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of Streets and/or walkways, excavation for a <b>Basement</b> , footings, piers, foundations, the erection of temporary forms, nor installation on the property of Accessory <b>Structures</b> , such as garages or sheds not occupied as Dwelling Units or not part of the main <b>Structure</b> . For a <b>Substantial-Improvement</b> , the actual <b>Start of Construction</b> means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building
State Coordinating Agency	means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the State or by State statute at the request of the Administrator to assist in the implementation of the National <b>Flood</b> Insurance Program (NFIP) in that State
Structure	means, for <b>Floodplain Management</b> purposes, a walled and roofed Building, including a gas or liquid storage tank, that is <b>Principally above Ground</b> , as well as a <b>Mobile Home</b> . "Structure" for insurance purposes, means a walled and roofed Building, other than a gas or liquid storage tank that is <b>Principally above Ground</b> and affixed to a permanent site, as well as a <b>Mobile Home</b> on a permanent foundation. For the latter purpose, the term includes a Building while in the course of construction, alteration or repair, but does not include Building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed Building on the Premises
Substantial-Damage	means, for <b>Floodplain Management</b> purposes, damage of any origin sustained by a <b>Structure</b> whereby the cost of restoring the <b>Structure</b> to pre-damaged condition would equal or exceed fifty percent (50%) of the <b>Market Value</b> of the <b>Structure</b> before the damage occurred
Substantial-Improvement	means any reconstruction, rehabilitation, addition, or other improvement of a <b>Structure</b> , the cost of which equals or exceeds fifty percent (50%) of the <b>Market Value</b> of the <b>Structure</b> before "Start of Construction" of the improvement. This term includes <b>Structures</b> , which have incurred " <b>Substantial-Damage</b> ," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a <b>Structure</b> to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a " <b>Historic Structure</b> ," provided that the alteration will not preclude the <b>Structure's</b> continued designation as a " <b>Historic Structure</b> "
Unmapped Floodplain Area	means all stream tributaries having a drainage area of 240 acres or more regardless of the limits of the <b>FIS</b>
Water Surface Elevation	means the Height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the <b>Floodplain</b>
Zone A	means <b>Special Flood Hazard Areas</b> inundated by <b>100-year Flood</b> where no <b>Base Flood Elevations</b> have been determined
Zone AE	means <b>Special Flood Hazard Areas</b> inundated by <b>100-year Flood</b> where <b>Base Flood Elevations</b> have been determined
Zone AH	means <b>Special Flood Hazard Areas</b> inundated by <b>100-year Flood</b> with <b>Flood</b> depths of one (1) to three (3) feet (usually areas of ponding), where <b>Base Flood Elevations</b> have been determined
Zone AO	means <b>Special Flood Hazard Areas</b> inundated by <b>100-year Flood</b> with <b>Flood</b> depths of one (1) to three (3) feet (usually sheet flow on sloping terrain), where average depths have been determined. For areas of alluvial fan <b>Flooding</b> velocities have also been determined

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**ARTICLE 13 DEVELOPMENT REVIEW PROCEDURES**

- 20-1301 General**
- 20-1302 Text Amendments**
- 20-1303 Zoning Map Amendments (Rezoning)**
- 20-1304 Planned Developments**
- 20-1305 Site Plan Review**
- 20-1306 Special Uses**
- 20-1307 Institutional Development Plan**
- 20-1308 Floodplain Development Permit**
- 20-1309 Zoning Variances**
- 20-1310 Written Interpretations**
- 20-1311 Appeals of Administrative Orders, Requirements, Decisions, or Determinations**

**20-1301 GENERAL**

**(a) Summary of Procedures**

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies				Notice
	Staff	PC	BZA	CC	[2]
Text Amendments (§0)	R	<R>		DM	N
Zoning Map Amendments (§0) [3]	R	<R>		DM	N/P/M
<b>Planned Developments (§ 20-1303(l)(2)(v))</b>					
Preliminary Development Plan	R	<R>		DM	N/P/M
Final Development Plan	DM			<A>	M
Site Plan Review (§0)	DM			<A> [4]	P/M
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM	N/P/M
Zoning Variances (§0)	R		<DM>		N/M
Written Interpretations (§0)	DM		<A> [5]		
Appeals of Administrative Decisions (§0)			<DM>		N/M
PC = <b>Planning Commission</b> BZA = Board of Zoning Appeals CC = City Commission <=> Public Hearing Required					
[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.					
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (p)(3) of this section)					
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.					
[4] City Commission is authorized to hear and decide appeals of <b>Planning Director's</b> decision on Site Plans.					
[5] Appeals processed as "Appeals of Administrative Decisions."					

**(b) Authority to File Applications**

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the **Owner** of the property that is the subject of the application; (2) the **Landowners'** authorized **Agent**; or (3) any review or decision-making body.

**(c) Form of Application**

Applications required under this Development Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Officials responsible for accepting applications shall develop checklists of submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the office of the [Planning Director](#).

**(d) Pre-application Meetings**

- (1) All applicants for matters that require a public hearing are required to attend a pre-application meeting with staff. Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required. Pre-application meetings shall be scheduled by the applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 [Working Days](#) before submitting an application.
- (2) All other applicants are encouraged to arrange a pre-application meeting with City staff. The [Planning Director](#) will provide assistance to applicants and ensure that appropriate City staff members are involved in pre-application meetings.

**(e) Application Processing Cycles**

The [Planning Director](#) may, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

- (1) deadlines for receipt of complete applications;
- (2) dates of regular meetings;
- (3) the scheduling of staff reviews and staff reports on complete applications; and
- (4) any required time-frames for action by review and decision-making bodies.

**(f) Application Filing Fees**

Applications shall be accompanied by the fee amount that has been established by the City Commission. Fees are not required with applications initiated by review or decision-making bodies. Application fees are nonrefundable.

**(g) Application Completeness, Accuracy and Sufficiency**

- (1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- (2) Within 5 [Working Days](#) of application filing, the [Planning Director](#) shall determine whether the application includes all information required for processing (See Section 20-1301(c)). If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If the application is deemed incomplete, written notice shall be provided to the applicant and the applicant's [Agent](#). The notice shall include an explanation of the application's deficiencies.



- (3) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant and the applicant's [Agent](#).
  - (4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with the procedures of this Article and the processing cycles established under Section 20-1301(d)(2).
  - (5) The [Planning Director](#) may require that applications or plans be revised before being placed on the agenda of the [Planning Commission](#) or City Commission if the [Planning Director](#) determines that:
    - (i) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
    - (ii) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards;
    - (iii) the application or plan cannot be approved without a variance or some other change or modification that the decision-making body for that application or plan does not have the authority to make.
  - (6) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with Development Code standards shall be revised before they will be placed on agenda of the [Planning Commission](#) or City Commission.
  - (7) Action or inaction by the [Planning Director](#) under this section may be appealed to the Board of Zoning Appeals.
- (h) Continuation of Public Hearings**
- (1) A public hearing for which proper notice was given may be continued by the Board of Zoning Appeals or [Planning Commission](#) to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
  - (2) If a public hearing is tabled or deferred by the Board of Zoning Appeals or [Planning Commission](#) for an indefinite period of time or postponed more than three (3) months from the date of the originally scheduled public hearing, new public notice shall be given, in accordance with the notice requirements of the respective procedure, before the rescheduled public hearing.

- (3) The applicant or [Landowner](#) who requests the postponement is responsible for paying the cost of re-notification per the adopted schedule of fees for publication, and payment of re-notification costs shall be made before the item is placed on the agenda.

**(i) Action by Review Bodies**

- (1) Review bodies may take any action that is consistent with:
  - (i) the regulations of this Article;
  - (ii) the City's adopted Development Policy;
  - (iii) any by-laws that may apply to the review body; and
  - (iv) the notice that was given.
- (2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.
- (3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or [Zoning District](#) than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.
- (4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the Director of Legal Services and/or compliance with the [Access Management Standards](#) and the Community Design Manual adopted by the City Commission from time to time.
- (5) Review bodies may not recommend a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was indicated in the public notice.
- (6) Review bodies are not required to recommend approval of the maximum [Density](#) or intensity of use allowed.

**(j) Action by Decision-Making Bodies**

- (1) Decision-making bodies may take any action that is consistent with:
  - (i) the regulations of this Article;
  - (ii) the City's adopted development policy;
  - (iii) any by-laws that may apply to the decision-making body; and
  - (iv) the notice that was given.
- (2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.

- (3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or [Zoning District](#) than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.
- (4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the Director of Legal Services and/or compliance with the [Access Management](#) Standards and the Community Design Manual adopted by the City Commission from time to time.
- (5) Decision-making bodies may not approve a greater [Density](#) of development; a more intensive use or a more intensive [Zoning District](#) than was specified in the public notice.
- (6) Decision-making bodies are not required to approve the maximum [Density](#) or intensity of use allowed.

**(k) Lesser Change Table**

Pursuant to K.S.A. 12-757, the [Planning Commission](#) may adopt a “Lesser Change Table.” The Lesser Change Table is for the use of the [Planning Commission](#) in determining the hierarchy of [Zoning Districts](#) and for determining when public notification or re-notification is required. Such a table lists zoning classifications, by category, in ascending order from the least intense to the most intense. The [Planning Commission’s](#) Lesser Change Table shall identify only the hierarchy of [Zoning Districts](#) within each of the three categories of [Base Districts](#)—Residential, Commercial and Industrial. It is not intended to identify hierarchical arrangements among Districts in different categories. For example, the Lesser Change Table may classify the RS40 District as less intense than the RS20 District, but it may not classify (R) Residential Districts as less intense than (C) Commercial Districts, or vice-versa. The Lesser Change Table shall be filed with the [Planning Director](#).

**(l) Burden of Proof or Persuasion**

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

**(m) Conditions of Approval**

When the procedures of this Article allow review bodies to recommend or decision-making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

**(n) Deferred Items**

Once on a published and distributed agenda, [Planning Commission](#) action is required to defer an item. If an application is requested for deferral from the next [Planning Commission](#) agenda prior to publication of the agenda, the applicant may defer an item by submitting a written request to the [Planning Director](#). For [Deferred Items](#), the [Landowner](#) or applicant shall provide an updated property Ownership list from the County Clerk’s office for items that have been deferred from an agenda for 3 or more months. If deferred at the applicant or [Landowner’s](#) request, the cost of republication of legal notice in the newspaper shall be paid by the applicant or [Landowner](#). If an item is deferred by the [Planning Commission](#), no republication fee will be charged.

**(o) Inactive Files**

For **Inactive Files**, the **Planning Director** may notify the applicant and applicant's **Agent** in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

**(p) Inaction by Review/Decision-Making Bodies**

- (1) When a review or decision-making body fails to take action on an application within any time limit that is specified in or under this Article (as with an application processing cycle), that inaction will be interpreted as a recommendation of approval or a decision to approve, respectively. The **Effective Date** of such a “non-action” approval or recommendation of approval will be the date that action was required to have occurred under the required time limit.
- (2) Time limits for action may be extended if the applicant gives written consent to the extension or the applicant submits a written request for a deferral and agrees in writing to an extension of the time for action.
- (3) When a review body fails to take action on an application within any time limit that is specified in this Article, the decision-making body is free to proceed with its own action on the matter without awaiting a recommendation.

**(q) Notices**

The notice provisions of this section apply except as otherwise expressly stated.

**(1) Content****(i) Newspaper and Mailed Notice**

All Newspaper and Mailed Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. describe the property involved in the application by Street address or by general description;
- c. describe the nature, scope and purpose of the application or proposal; and
- d. indicate where additional information on the matter can be obtained.

**(ii) Posted Notice**

All Posted Notices shall:

- a. indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. state the language “**Development Activity Proposed**”, and

- c. indicate where additional information on the matter can be obtained.

**(2) Newspaper Notice**

When the provisions of this Development Code require that “Newspaper Notice” be provided, the City is responsible for ensuring that notice is published in the official newspaper of the City of Lawrence. The notice shall appear in the newspaper at least 20 days before the date of the public hearing.

**(3) Mailed Notice**

When the provisions of this Development Code require that “Mailed Notice” be provided:

**(i) Owner Notice; Radius**

The official responsible for accepting the application shall mail notice to the record **Owner** of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property abuts the City limits, the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

**(ii) Notice to Registered Neighborhood Associations**

The official responsible for accepting the application shall mail notice to any **Registered Neighborhood Associations** whose boundaries include or are contiguous to the subject property.

**(iii) Ownership Information**

The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

**(iv) Timing of Notice**

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

**(4) Posted Notice**

**(i)** When the provisions of this Development Code require that “Posted Notice” be provided, the applicant shall ensure that notice is posted on the subject property.

**(ii)** Posted notice shall be in the form of official signs provided by the City.

**(iii)** Posted notice shall be clearly visible to neighboring residents and passers-by from each **Public Street** bordering the subject property. At least one sign shall be posted on each Street **Frontage**. The **Planning Director** is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street **Frontage** may be required.

- (iv) Posted notice shall remain in place for at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice.
- (v) During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through Act of God, vandalism, defect in installation or vegetative growth.
- (vi) For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice no sooner than the date the sign is posted but no later than seven (7) days prior to the scheduled public hearing, meeting, or date of action that is the subject of the notice. Failure to make timely delivery of such affidavit to the [Planning Director](#) shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the [Planning Commission](#).
- (vii) The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn. Failure to properly post or maintain such signs is grounds for deferral or denial of the application.
- (viii) For applications that do not abut [Public Streets](#), the [Planning Director](#) is authorized to approve an alternative form of posted notice that will be visible to passers-by.
- (ix) The public may submit written statements regarding a specific development proposal that, when the written statement is submitted by the published deadline for receiving public comment, will become a part of the official record in the planning department.
- (x) Parties affected by the actions of a decision making body have the right to appeal the action taken in accordance with the procedures set out in Article 13 of this Chapter.

**(r) Written Findings**

Unless otherwise specifically provided in this ordinance, written findings are not required for a final decision on any application. Provided, however, that any decision may be expressly made subject to the subsequent adoption of written findings and, in such cases, the decision shall not be considered final until such findings are adopted. Provided further, that where an appeal of any quasi-judicial decision has been filed in the District Court of Douglas County pursuant to K.S.A. 12-760 or K.S.A. 60-2101(d) in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within 45 days of service of the appeal on the City and thereafter shall be certified to the District Court as part of the administrative record. The 45-day time period for adoption and certification of findings may be extended with the permission of the District Court.

**(s) Where Ordinance Required**

Adoption of an ordinance is required in the case of a zoning text amendment, rezoning and special use permit. In such instances, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper.

**(t) Planning Director as Administrative Official**

Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

**20-1302 TEXT AMENDMENTS****(a) Initiation**

An amendment to the text of the Development Code may be initiated by the City Commission, the [Planning Commission](#), or, as to provisions affecting Urban Conservation Districts, by the [Historic Resources Commission](#); and adopted in accordance with the rules of that body. Applications for text amendments may also be initiated by private parties and shall be filed with the [Planning Director](#). The application shall be in writing and shall include the proposed text and the reasons for proposing the amendment. The [Planning Director](#) shall forward the application to the City Commission for review and consideration of initiating the amendment taking into consideration the need for the amendment. Any proposed amendment shall follow the process set forth in this section after initiation.

**(b) Public Hearing Notice**

Newspaper notice of the [Planning Commission](#)'s public hearing shall be provided in accordance with Section 20-1301(q).

**(c) Staff Review/Report**

The [Planning Director](#) will review each proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment to the [Planning Commission](#) and City Commission.

**(d) Planning Commission's Review/Recommendation**

The [Planning Commission](#) shall hold a public hearing on the proposed text amendment, review the proposed text amendment in accordance with the review and decision-making criteria of subsection (f) of this Section and recommend in writing that the City Commission approve, approve with modifications or deny the proposed amendment. The [Planning Commission](#) is also authorized to forward the proposed amendment to the City Commission with no recommendation.

**(e) City Commission Decision**

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed text amendment:

- (1) approve, approve with modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
  - (i) The [Planning Commission](#), after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.

- (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed text amendment, approve it with modifications, or deny it.
  - (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission's](#) next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for action pursuant to Section 20-1302(e)(1) that is contrary to the [Planning Commission's](#) recommendations, in which case the action shall be by a 2/3 majority vote of the full membership of the City Commission.

**(f) Review and Decision-Making Criteria**

In reviewing and making decisions on proposed zoning text amendments, 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
- (2) whether the proposed text amendment is consistent with the [Comprehensive Plan](#) and the stated purpose of this Development Code (See Section 20-104).

**(g) Date of Effect**

The Development Code text amendment will become effective upon publication of the adopting ordinance.



**20-1303 ZONING MAP AMENDMENTS (REZONINGS)****(a) Initiation**

An amendment to the zoning map may be initiated by the City Commission, the [Planning Commission](#), or, as to Urban Conservation district, by the Historic Resource Commission; and adopted in accordance with the rules of that body. Applications for zoning map amendments initiated by the [Landowner](#) shall be filed with the [Planning Director](#). Any proposed amendment shall follow the process set forth in this section after initiation.

**(b) Application Contents**

- (1) An application for amendment shall be accompanied by a conceptual plan and data necessary to demonstrate that the proposed amendment is in general conformance with the [Comprehensive Plan](#) and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.
- (2) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as [Collector](#) or [Arterial Streets](#) on the City's Major Thoroughfares Map of the [Comprehensive Plan](#).
- (3) Each application for an amendment to the [Zoning Districts](#) map shall be accompanied by a certified list of all property [Owner](#) within the notification area. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to a published notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all [Owner](#) of record of lands located within at least 200 feet of the area proposed to be altered for regulations of the city. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

**(c) Public Hearing Notice**

Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(p)(3). For purposes of K.S.A. §12-757, any [Zoning District](#) listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the [Zoning District](#) listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" [Zoning District](#) to the land, rather than the [Zoning District](#) advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any [Zoning District](#) other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the [Planning Commission](#) or the City Commission shall be construed as an instruction to the [Planning Director](#) to set a new hearing and to give notice of the proposed hearing, including the new [Zoning District](#) in the notice.

Table of Lesser Changes	
Advertised/Proposed Zoning District	Districts to be Considered a "Lesser Change"
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
CR	CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IG	IL, IBP, or CN2
Other Zoning Districts	Not Applicable

**(d) Staff Review/Report**

The **Planning Director** will review each proposed zoning map amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the **Planning Director** will provide a report on the proposed amendment to the **Planning Commission** and City Commission. The report will include documentation proof of posting and other required notice.

**(e) Planning Commission’s Review/Recommendation**

The **Planning Commission** shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications or deny the proposed amendment. The **Planning Commission** is also authorized to forward the proposed amendment to the City Commission with no recommendation.

**(f) City Commission Decision**

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

- (1) approve, approve with conditions or modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
  - (i) The [Planning Commission](#), after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.
  - (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.
  - (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission](#)'s next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for the following cases:
  - (i) action that is contrary to the [Planning Commission](#)'s recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
  - (ii) approval, or approval with modifications, when a valid protest petition has been submitted in accordance with subsection (g)(9) of this Section, in which case a decision approving the application shall be effective only if supported by the votes of at least 3/4 of the members of the entire City Commission.
- (4) The City Commission shall:
  - (i) State the reasons for its decision on the minutes or official record; and
  - (ii) notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

**(g) Review and Decision-Making Criteria**

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies shall consider at least the following factors:

- (1) conformance with the [Comprehensive Plan](#);
- (2) zoning and use of nearby property, including any overlay zoning;
- (3) character of the neighborhood;
- (4) plans for the area or neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property;
- (5) suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- (6) length of time the subject property has remained vacant as zoned;
- (7) the extent to which approving the rezoning will detrimentally affect nearby properties;
- (8) the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the [Landowner](#), if any, as a result of denial of the application; and
- (9) the recommendation of the City’s professional staff.

**(h) Protest Petitions**

A valid protest petition opposing a zoning map amendment may be submitted to the City Clerk within 14 days of the conclusion of the [Planning Commission](#)’s public hearing.

- (1) A protest petition will be considered “valid” if it is signed by the [Owner](#) of 20% or more of:
  - (i) any real property included in the proposed amendment; or
  - (ii) the total real property within the area required to be notified of the proposed rezoning, excluding streets and public ways.
- (2) In the case of joint Ownership, all [Owner](#) shall sign the petition.
- (3) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the [Owner](#) of the specific property subject to the rezoning, or the [Owner](#) of the specific property subject to the rezoning does not oppose in writing such rezoning, such property shall be excluded when calculating the total real property within the area required to be notified.

**(i) Date of Effect**

The zoning map amendment will become effective upon publication of the adopting ordinance.

**(j) Limitation on Successive Applications**

- (1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;
- (2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;
- (3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:
  - a. A different **Zoning District** category has been applied for;
  - b. The same **Zoning District** category has been applied for and the **Density** of use is at least 25% greater or less than the original petition;
  - c. The same **Zoning District** category has been applied for and the intensity of use is at least 25% greater or less than the original petition; or
  - d. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the **Planning Director**, addressed in the resubmission.
- (4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.

**(k) Appeals**

Within 30 days of the City Commission's decision on the zoning map amendment, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

**(l) Plans**

- (1) A plan shall be prepared and adopted prior to review of a petition for map amendment when:
  - (i) No water or sanitary sewer mains exist or are planned to serve the proposed site;
  - (ii) The request is not consistent with adopted plans; or,
  - (iii) In-fill development is proposed and, at the discretion of the **Planning Commission**, additional information is needed specific to unanswered questions or concerns related to transportation, compatibility of land use(s), or adequacy of transitions between established and proposed land uses.

- (2) Depending on the size or type of request, the plans to be prepared include:
- (i) Watershed or Sub-basin Plan. This Plan will encompass an entire watershed or sub-basin.
  - (ii) Sector Plan. This Plan includes approximately one square mile.
  - (iii) Neighborhood Plan. This Plan encompasses a specific neighborhood.
  - (iv) Special Area Plan. This includes a Nodal Plan which plans for an area immediately surrounding an intersection. A Corridor Plan is a type of linear area plan that generally encompasses a roadway or specific feature.
  - (v) Specific Issue/District Plan. Deals with a specific issue or project that does not fall into any of the above listed categories.

**20-1304 PLANNED DEVELOPMENTS****(a) Description**

PD, [Planned Development Overlay Districts](#) are established through the approval of zoning map amendments, in accordance with the hearing and notice requirements of Section 20-1303. PD zoning map amendments shall only be processed concurrently with a Preliminary Development Plan application. Final Development Plan approval is required after approval of the zoning map amendment and Preliminary Development Plan. This section sets forth the required review and approval procedures for PD Preliminary and Final Development Plans.

Development 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 which is comprised of the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593. Sections of the Community Design Manual pertaining to site layout will be reviewed with the Preliminary Development Plan and sections pertaining to building detail will be reviewed with the Final Development Plan.

**(b) Concurrent Processing**

Concurrent submission and processing of Preliminary and Final Development Plans is allowed for a single-use [Structure](#) as long as individual plans are submitted that meet the Preliminary and Final Development Plan standards and criteria. All other developments (those that involve multiple [Structures](#) or multiple uses) require review and approval of a Preliminary Development Plan before submittal of a Final Development Plan.

**(c) Prerequisite to [Building Permit](#)**

Approval of PD Preliminary and Final Development Plans, and recording with the Register of Deeds, shall occur before any [Building Permit](#) is issued and before any [Development Activity](#) takes place in a PD [Overlay District](#).

**(d) Preliminary Development Plans****(1) Application Filing**

Preliminary Development Plan applications shall be filed with the [Planning Director](#) at the same time as a PD zoning map amendment application. The application shall be accompanied by required fees.

**(2) Neighborhood Input**

- (i) During the design process for the Preliminary Development Plan, the applicant shall make a reasonable effort to meet with individuals, required to be mailed notice under Section 20-1301(q)(3), to present their project in conceptual fashion and to solicit input on the proposed design.
- (ii) A statement describing the reasonable effort(s) made to meet with and receive input from individuals required to receive notice shall be submitted with the Preliminary Development Plan application when it is filed for review at the Planning Department.

**(3) Application Contents**

- (i) The application shall include a General Location Map, which shall show the location of the property in relation to at least one

intersection of two streets shown as [Collector](#) or [Arterial Streets](#) on the City's Major Thoroughfares Map of the [Comprehensive Plan](#).

- (ii) The application shall include a statement by the [Landowner](#) setting forth the reasons why, in his or her opinion, a [Planned Development](#) would be in the public interest and would be consistent with the Developer's Statement of Intent for [Planned Development](#).
- (iii) The Preliminary Development Plan submitted by the [Landowner](#) as part of his or her application for tentative approval shall be prepared at a scale no smaller than one inch to 50 feet and shall include all of the area proposed to comprise the [Planned Development](#). The plan and supporting documents shall include the following information:
  - a. A legal description of the site;
  - b. The dimensions of all property boundaries;
  - c. The [Owner](#) of record and any other parties having an interest in the proposed development;
  - d. A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Public Works Department;
  - e. The location of all existing [Structures](#), [Easements](#), utilities, proposed utilities, and public dedication either through, adjacent to or on the site;
  - f. The existing public and [Private Street](#) system, platted or unplatted ownership, type and location of [Structures](#), curb cuts on adjacent properties and along the opposite side of the [Street](#) and topography extending 100 feet beyond the outside boundaries of the proposed development;
  - g. The width, [Grade](#), location and ownership of all proposed public and [Private Streets](#) and sidewalks in the area to be developed;
  - h. The use, [Height](#), [Floor Area](#), and approximate location of all proposed [Buildings](#) and other [Structures](#);
  - i. The number of [Dwelling Units](#) to be contained in each [Building](#) proposed for residential use;
  - j. The location, dimension and capacity of all proposed off-Street [Parking Areas](#) in the area to be developed;
  - k. The location, dimension, acreage, and Ownership of all proposed public and private recreation areas, Open Space and [Non-encroachable Areas](#);
  - l. Dimensions and notes as deemed necessary to show compliance with the development standards of this Article;



- m. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the **Planned Development** are intended to be filed. The **Planning Commission** may either approve or modify the submitted development time schedule. The development phases as shown on the time schedule shall also be indicated on the plan;
- n. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of **Dwelling Units**, the acreage devoted to residential, non-residential, commercial, recreation, Open Space, **Non-encroachable Area**, streets (both public and private), off-street parking, and other major land uses, **Density**, public lands (existing and proposed), and the total number of acres contained in each development phase;
- o. A summary of the total number of units of each type of use, number of **Dwelling Units**, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public Ownership, the acreage of the total area proposed to be developed, and the overall **Net Density** of the development;
- p. A statement as to the feasibility of proposals for the disposition of sanitary waste and storm water, and how all utilities are to be provided including sewerage, water, storm drainage, gas and electricity, and how completion of all improvements is to be guaranteed;
- q. A statement as to the form of Ownership proposed to own and maintain the **Common Open Space**, recreation facilities, **Non-encroachable Area** and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessee and **Owner** of the **Planned Development**;
- r. A statement as to the substance of the covenants, grants of **Easements** or other restrictions to be imposed upon the use of the land; **Buildings** and **Structures**, including proposed **Easements** or grants for public utilities;
- s. The **Landowner** shall also submit a tentative dedication clause including dedication of public utility and drainage **Easements**, street rights-of-way and the following statement: "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as **Common Open Space**, open air recreation area, and **Non-encroachable Area** and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and **Owner** of the **Planned Development**;"
- t. A statement specifying those variances, modifications, reductions and waivers being requested as part of the plan

- approval and setting forth reasons why, in the opinion of the [Landowner](#), such should be allowed;
- u. At least one north-south and one east-west elevation across the site to show typical site layout, [Grade](#), etc.; and
  - v. Submission of a landscape plan in conformance with Section 20-1001(d).
- (iv) The plan shall be submitted so as to conform with the requirements for the submission of a Preliminary Plat in the Subdivision Regulations, except where such requirements conflict with the requirements of this Article.
- (v) Approval of the Preliminary Development Plan shall constitute approval of a Preliminary Plat. A preliminary plat review fee shall not be required.
- (vi) Provide the supplemental stormwater information required by [City Regulations](#), and provide on the development plan a site summary table which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a [Building\(s\)](#); development as a paved surface; undeveloped and planted with grass, [Ground Cover](#), or similar vegetative surface. When a development is proposed to be phased, the entire detention basin shall be provided during phase one of the project unless otherwise approved.

**(4) Phased Development Schedule**

If the applicant proposes to develop a PD in phases, the application shall contain a proposed phasing schedule. In a phased development, Open Space and site amenities shall be apportioned among the phases in proportion to the amount of development occurring in each phase, so that, for example, when the development is 40% complete, 40% of the Open Space and amenities will be complete, transferred to the association or other permanent [Owner](#), and properly restricted as required by this Code.

**(5) Public Hearing Notice**

Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(q).

**(6) Staff Review/Report**

The [Planning Director](#) shall review each proposed PD zoning map amendment and Preliminary Development Plan in accordance with the review and decision-making criteria of Section (9) and distribute the proposed plan to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment/plan to the [Planning Commission](#) and City Commission.

**(7) Planning Commission's Review/Recommendation**

- (i) The [Planning Commission](#) shall hold a public hearing on the proposed amendment/plan, review the proposed amendment/plan in accordance with the review and decision-making criteria of Section (9) and recommend that the City Commission approve, approve with conditions or deny the proposed amendment/plan. The [Planning Commission](#) is also authorized to forward the

proposed amendment/plan to the City Commission with no recommendation.

- (ii) The recommendation on the Preliminary Development Plan shall include findings of fact and set forth reasons for the recommendation, including but not limited to findings of fact on the review and approval criteria of Section (9).
- (iii) The [Planning Director](#) shall give written notice of the [Planning Commission's](#) recommendation to the applicant and the applicant's [Agent](#).

**(8) City Commission Decision**

After receiving the [Planning Commission's](#) recommendation, the City Commission shall take one of the following actions on the proposed amendment/plan:

- (i) approve, approve with conditions or modifications, or deny; or
- (ii) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
  - a. The [Planning Commission](#), after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new and amended recommendation.
  - b. Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed amendment/plan, approve it with conditions or modifications, or deny it.
  - c. If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission's](#) next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (iii) The City Commission may act by a simple majority vote, except for the following cases:
  - a. action that is contrary to the [Planning Commission's](#) recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
  - b. approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.
- (iv) The City Commission shall:

- a. State the reasons for its decision in writing; and
- b. notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

**(9) Review and Decision-Making Criteria**

In reviewing and making decisions on proposed Preliminary Development Plans, review and decision-making bodies shall consider at least the following factors:

- (i) the Preliminary Development Plan's consistency with the [Comprehensive Plan](#);
- (ii) the Preliminary Development Plan's consistency with the PD standards of Section 20-701 including the statement of purpose;
- (iii) the nature and extent of [Common Open Space](#) in the PD;
- (iv) the reliability of the proposals for maintenance and conservation of [Common Open Space](#);
- (v) the adequacy or inadequacy of the amount and function of [Common Open Space](#) in terms of the densities and [Dwelling](#) types proposed in the plan;
- (vi) whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
- (vii) whether the Preliminary Development Plan will measurably and adversely impact development or conservation of the neighborhood area by:
  - a. doubling or more the traffic generated by the neighborhood;
  - b. proposing housing types, [Building Heights](#) or [Building Massing\(s\)](#) that are incompatible with the established neighborhood pattern; or
  - c. increasing the residential [Density](#) 34% or more above the [Density](#) of adjacent residential properties.
- (viii) whether potential adverse impacts have been mitigated to the maximum practical extent; and,
- (ix) the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PD in the case of a plan that proposes development over a period of years.

**(10) Effect of Preliminary Development Plan Approval**

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

**(11) Status of Preliminary Development Plan after Approval**

- (i) The applicant and the applicant's [Agent](#) shall be given written notice of the action of the City Commission.
- (ii) Approval of a Preliminary Development Plan does not qualify as a plat of the [Planned Development](#) for [Building](#) and permitting purposes.
- (iii) An unexpired approved Preliminary Development Plan, including one that has been approved subject to conditions provided that the [Landowner](#) has not defaulted on or violated any of the conditions, may not be modified or revoked by the City without the consent of the [Landowner](#).
- (iv) If a [Landowner](#) chooses to abandon a plan that has been given preliminary approval, he or she may do so prior to Final Development Plan approval, provided that he or she notifies the [Planning Commission](#) in writing.
- (v) Major Changes in the [Planned Development](#) (see Section 20-1304(e)(2)(iv)) may be made only after rehearing and reapproval of the entire Preliminary Development Plan under the terms and procedures specified in this section. All [Landowners](#) within the entire Preliminary Development Plan boundary shall be notified in writing of any proposed Major Change at the time of submittal of the revised Preliminary Development Plan to the [Planning Director](#).
- (vi) An approved Preliminary Development Plan with multiple [Parcel](#) and multiple [Landowners](#) may only be altered or modified if all [Landowners](#) of [Parcel](#) within the Preliminary Development Plan consent to the proposed alterations or modifications.
- (vii) A Preliminary Development Plan may be explicitly conditioned with a provision on the face of the Preliminary Development Plan that all [Landowners](#) of all properties waive their right to approve or disapprove any alterations or modifications to the Preliminary Development Plan.
- (viii) In the absence of the explicit condition contained in subsection (8)(iv)b, the provision of subsection (v) will govern Preliminary Development Plan alterations or modifications.

**(12) Expiration of Approval**

In the event the [Landowner](#) fails to file an application for Final Development Plan approval within 24 months after final approval of the Preliminary Development Plan has been granted or within 6 months after the date shown on an approved development schedule, in accordance with Section 20-1304(d)(4), then such approval 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, or the proposed phasing schedule may be modified to extend all dates by a period not to exceed one-half the original period allowed for development of that phase. The application for extension may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the approval. The [Planning Director](#) shall forward such request, with any recommendation of the [Planning Director](#), to the City Clerk for scheduling on the agenda of the City Commission. The [Planning Director](#) shall notify the applicant by first class 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) If the approval of the Preliminary Development Plan for a phased development expires after the completion of one or more phases, the Preliminary Development Plan will remain in full effect as to those portions of the development that are subject to Final Development Plans in which the developer has acquired vested rights, in accordance with Section 20-1304(e)(2)(vii), but the remaining portions of the Preliminary Development Plan shall expire.
- (iii) No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for Final Development Plan or for other [Development Activity](#) on the site shall be considered as though the Preliminary Development Plan had not been granted.
- (iv) After expiration of a Preliminary Development Plan, or any portion thereof, the PD Overlay zoning shall remain in effect for the affected property, but further development on the property shall require the approval of a new Preliminary Development Plan, in accordance with the procedures and standards in effect at the time of the new application. If a Preliminary Development Plan has expired for any part of a phased development, consistency with the developed parts of the Preliminary Development Plan shall be an additional criterion for consideration of a new proposed Preliminary Development Plan.
- (v) Approval of a Preliminary Development Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764.

**(e) Final Development Plan****(1) Application Filing**

Final Development Plan applications shall be filed with the [Planning Director](#) after approval of and before the expiration of a Preliminary Development Plan. A Final Development Plan may be submitted for a portion of the area in the approved Preliminary Development Plan.

**(2) Application Contents**

- (i)** Final Development Plan, in its entirety or in phases, drawn at a scale of one inch to 40 feet and supportive documents shall show or contain at least the following:
  - a.** all information required of the Preliminary Development Plan;
  - b.** the placement of all principal and [Accessory Structures](#);
  - c.** the entrances to all [Structures](#);
  - d.** the location and dimensions of all existing and proposed curb cuts, [Driveways](#) and aisles, public and [Private Streets](#), off-street parking and loading space areas, sidewalks and pedestrianways, sanitary sewers, storm sewers and drainageways, power lines, gas lines, and fire hydrants;
  - e.** the location, height and material of [Screening](#) walls and fences;
  - f.** the type of surfacing and base course proposed for all [Private Streets](#), [Driveways](#), off-street parking and loading space areas, and sidewalks and pedestrianways;
  - g.** the location of all utilities in and adjacent to the property. (No overhead lines, with the exception of high voltage power lines, shall be permitted in [Planned Developments](#));
  - h.** a location map of one inch equals 200 feet or less showing the site of the proposed development in relationship with major [Thoroughfares](#) in the city;
  - i.** a landscape plan in accordance with Section 20-1001(d);
  - j.** the proposed topography or grading of the area at a contour interval of not more than two feet;
  - k.** the location of each outdoor trash storage facility;
  - l.** proof of the establishment of an agency or entity to own, manage and maintain the [Common Open Space](#), open air recreation areas, recreation facilities, [Non-encroachable Areas](#), [Private Streets](#) and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and [Owner](#);
  - m.** copies of all restrictions or covenants that are to be applied to the development area;

- n. proof that no [Lot](#), [Parcel](#), [Tract](#) or other portion of the development area has been conveyed or leased prior to the recording of any restrictive covenants, Final Development Plan, or final plat;
  - o. such other drawings, specifications, covenants, [Easements](#), conditions, and performance bonds as set forth in the granting of preliminary approval; and
  - p. 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.
- (ii) A plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval. Modification by the [Landowner](#) of the plan as preliminarily approved may not:
- a. Increase the proposed gross residential [Density](#) or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for [Common Open Space](#), open air recreation area or [Non-encroachable Area](#), nor the substantial relocation of such areas; nor,
  - b. Increase by more than 10 percent (10%) the total [Floor Area](#) proposed for non-residential or commercial uses; nor,
  - c. Increase by more than 5 percent (5%) the total ground area covered by [Buildings](#) nor involve a substantial change in the [Height](#) of [Buildings](#).

**(iii) Consistency with Preliminary Development Plan; Major Changes**

A Final Development Plan will not be considered complete and ready for processing if all approved conditions have not been met or if the Final Development Plan constitutes a Major Change from the approved Preliminary Development Plan. Major Changes may be made only after rehearing and reapproval of the Preliminary Development Plan, and the [Planning Director](#) shall notify the applicant of the provisions of this section.



**(iv) Major Changes**

A Major Change is one that:

- a. increases the proposed gross residential **Density** or intensity of use by more than five percent (5%)
- b. involves a reduction in the area set aside for **Common Open Space** in general, or **Recreational Open Space** or **Natural Open Space** in particular, or the substantial relocation of such areas;
- c. increases by more than 10 percent (10%) the total **Floor Area** proposed for nonresidential uses;
- d. increases by more than 5 percent (5%) the total ground area covered by **Buildings**;
- e. changes a residential use or **Building Type**;
- f. increases the **Height** of **Buildings** by more than 5 feet; or
- g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding **Landowners**.
- h. changes a residential **Building Type** or a non-residential **Structure** by more than 10% in size.

**(v) Review and Action by **Planning Director**; Appeals**

- a. Within 45 days of the filing of a complete Final Development Plan application, the **Planning Director** shall review and take action on the Final Development Plan. The **Planning Director** shall approve the Final Development Plan if it complies with the approved Preliminary Development Plan, all conditions of Preliminary Development Plan approval and all applicable standards of this Development Code. If the submitted Final Development Plan does not so comply, the **Planning Director** shall disapprove the Final Development Plan and advise the **Landowner** in writing of the specific reasons for disapproval.
- b. In the event that the **Planning Director** does not approve the Final Development Plan, the **Landowner** may either: (1) resubmit the Final Development Plan to correct the plan's inconsistencies and deficiencies, or (2) within 45 days of the date of notice of refusal, appeal the decision of the **Planning Director** to the City Commission. In the event such an appeal is filed, a public hearing before the City Commission shall be scheduled with such notice as is required for the Preliminary Development Plan/Zoning Map Amendment.
- c. Notice shall be given of the **Planning Directors'** action to adjacent property **Owner** or Neighborhood Associations if such request for notice has been made in writing from the adjacent property **Owner** or Neighborhood Associations.

**(vi) Effect of Approval**

- a. A Final Development Plan or any part thereof that has received final approval shall be so certified by the **Planning Director**, and shall be filed by the **Planning Director** with the Register of Deeds immediately upon compliance with all conditions of approval. If the **Landowner** chooses to abandon a Final Development Plan or portion thereof after it has been given final approval, he or she shall notify the **Planning Director** in writing.
- b. The filing of a Final Development Plan for a **Planned Development** with the Register of Deeds does not constitute the effective dedication of **Easements**, rights-of-way or **Access** control, nor will the filed plan be the equivalent of, nor an acceptable alternative for, the final platting of land prior to the issuance of **Building Permits** in the **Planned Development**.
- c. The **Planning Director** shall file the final plats and all supportive documents concerning the **Planned Development** with the Register of Deeds. The **Landowner** is responsible for all costs incurred in filing such documents and the Final Development Plan.

**(vii) Expiration of Approval**

In the event the **Landowner** fails to obtain a building permit for development shown on the Final Development Plan within 24 months after final approval of the Final Development Plan has been granted, the approval shall expire in accordance with the following provisions:

- a. 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 may be made by letter to the **Planning Director** and will be considered only if received before the expiration date of the approval. The **Planning Director** shall forward such request, with any recommendation of the **Planning Director**, to the City Clerk for scheduling on the agenda of the City Commission. The **Planning Director** shall notify the applicant by first class 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.
- b. No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for subdivision review, for a **Building Permit** or for other **Development Activity** on the site shall be considered as though the Final Development Plan had not been granted.
- c. After expiration of a Final Development Plan and related portions of the Preliminary Development Plan, the PD

Overlay zoning shall remain in effect, but further development on the property shall require the approval of a new Preliminary Development Plan and Final Development Plan, in accordance with the procedures and standards in effect at the time of the new application.

- d. Rights to the development pattern shown in a Final Development Plan shall vest in accordance with K.S.A. Sect. 12-764 upon approval of a final subdivision plat. If such subdivision plat expires in accordance with K.S.A. Sect. 12-764(a), then the related portions of the Final Development Plan shall also expire at the same time.

**(f) Enforcement and Modifications of Final Development Plan**

**(1) Enforcement by the City**

The provisions of a Final Development Plan relating to: (1) the use of land and the use, bulk and location of **Buildings** and Structures; (2) the quality and location of **Common Open Space**; and, (3) the intensity of use or the **Density** of residential units, run in favor of the municipality and are enforceable in law or in equity by the City, without limitation on any powers or regulations otherwise granted the City by law.

**(2) Enforcement by Residents and Landowners**

All provisions of the Final Development Plan run in favor of the residents and **Landowners** of the **Planned Development**, but only to the extent expressly provided in, and in accordance with, the Final Development Plan. To that extent, the Final Development Plan provisions, whether recorded by plat, covenant, **Easement** or otherwise, may be enforced at law or equity by said residents and **Landowners**, acting individually, jointly, or through an organization designated in the Final Development Plan to act on their behalf. No provisions of the Final Development Plan will be implied to exist in favor of residents and **Landowners** of the **Planned Development** except those portions of the Final Development Plan that have been finally approved and have been recorded.

**(3) Modifications of the Final Development Plan by the City**

All those provisions of the Final Development Plan authorized to be enforced by the City may be modified, removed or released by the City (except grants or **Easements** relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- (i) no such modification, removal or release of the provisions of the Final Development Plan by the City may affect the rights of the residents and **Landowners** of the **Planned Development** to maintain and enforce provisions, at law or equity; and
- (ii) no modification, removal or release of the provisions of the Final Development Plan by the City may be permitted, except upon a finding by the City, following a public hearing, that the same is consistent with the efficient development and preservation of the entire **Planned Development**, does not adversely affect either the enjoyment of land abutting upon or across a Street from the **Planned Development** or the public interest, and is not granted solely to confer a special benefit upon any person.

**(4) Modifications by the Residents**

Residents and **Landowners** of the **Planned Development** may, to the extent and in the manner expressly authorized by the provisions of the Final Development Plan, modify, remove or release their rights to enforce the provisions of the Final Development Plan, but no such action will affect the right of the City to enforce the provisions of the Final Development Plan.

**(5) Modification Procedures**

Modification of approved **Planned Development** plans may be initiated as follows:

- (i) By the **Landowners** or residents of the property within the **Planned Development**, provided that the right to initiate modification has been expressly granted to or retained by the **Landowners** or residents under the provisions of the plan;
- (ii) By the City Commission upon its own motion, duly made and carried by a two-thirds majority vote of the City Commission, when modification appears strictly necessary to implement the purpose of this article and such modification would not impair the reasonable reliance interests of the **Landowners** and residents of the **Planned Development**.
- (iii) Modifications of the provisions of the Final Development Plan that constitute Major Changes may be approved by an affirmative vote of a majority of all members of the City Commission upon a finding, after a public hearing, that the modification complies with Section 20-1304(f)(3). Newspaper, posted, and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).
- (iv) Modifications to the Final Development Plan that do not constitute Major Changes as defined in Section 20-1304(e)(2)(iv) may be approved by the **Planning Director**.

**(6) Modifications to Final Development Plans Approved Prior to the Effective Date**

Final Development Plans, which were approved prior to the **Effective Date** of this Development Code, shall be modified only in accordance with this Development Code, as amended.

**(g) Interpretations****(1) Purpose**

Because the very specific nature of the Development Plans approved for **Planned Developments** may result in unforeseen circumstances, particularly through the passage of time, the purpose of this sub-section is to provide a formal method for interpreting Final Development Plans and related provisions of Preliminary Development Plans.

**(2) Applicability and Authority**

This sub-section shall apply to any application or request to interpret a Development Plan. The **Planning Commission** shall have the authority to make such interpretations, subject to appeal as set forth herein. This procedure shall apply only when the effect of the Development Plan is unclear because of the passage of time or as applied to particular circumstances. In most cases, this procedure will be initiated by referral from the **Planning Director**, when, upon receipt of an application for a permit or interpretation, such official determines that the Development Plan is unclear or otherwise requires interpretation.

**(3) Initiation**

The interpretation process may be initiated by:

- (i) Any **Owner** of real property included within the land area of the original Development Plan to be interpreted;
- (ii) The **Planning Director**, by referral, or upon the Director's initiative;
- (iii) The Director of Neighborhood Resources, by referral;
- (iv) The City Commission; or
- (v) The **Planning Commission**.

**(4) Procedure****(i) Public Hearing to be Scheduled**

At the next meeting following the initiation of the process for interpretation of a Development Plan (or, if initiated by the **Planning Commission**, at the same meeting), the **Planning Commission** shall schedule a public hearing on the matter, which hearing shall occur within 45 days of the date of the meeting at which the hearing date is set.

**(ii) Notice**

If there are 20 or fewer separately owned **Parcel** of property within the area affected by the Preliminary Development Plan (or comparable document) governing the **Planned Development**, the **Planning Director** shall cause written notice of the hearing to be given to the **Owner(s)** of each such **Parcel** and to property **Owner** within 200 feet of the Preliminary Development Plan. If there are more than 20 separately owned **Parcel**, then the **Planning Director** shall cause notice of the hearing to be published in accordance with Section 20-1301(q)(1).

**(iii) Public Hearing**

At the scheduled time and place, the [Planning Commission](#) shall hold a public hearing on the interpretation of the Final Development Plan. The [Planning Commission](#) may at that time consider all evidence reasonably brought before it, including but not limited to:

- a. Copies of the original plans, as approved;
- b. Copies of documents recorded in the chain of title of the [Planned Development](#);
- c. Minutes of the meeting(s) of the City Commission and [Planning Commission](#) at which the original plans were approved;
- d. Copies of pertinent sections of the zoning or development ordinance in effect at the time that the original plans were approved;
- e. The [Comprehensive Plan](#) in effect on the date of interpretation and, if different, relevant provisions of the [Comprehensive Plan](#) in effect at the time of approval of the original plans;
- f. Explanation of the applicant (if any), the [Planning Director](#) and others regarding the reasons why the Preliminary and/or Final Development Plan or comparable documents are unclear or inadequate to address the issue raised in the request for interpretation;
- g. Testimony of persons owning property within the area affected by the Preliminary Development Plan;
- h. Testimony of other interested persons;
- i. Recommendation of the [Planning Director](#); and/or
- j. Such other evidences as the [Planning Commission](#) may find relevant to the interpretation of the Plan.

**(iv) Criteria for Decision**

The criteria for the decision of the [Planning Commission](#) in interpreting the Development Plan shall be, in priority order:

- a. Consistency with the literal provisions of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;
- b. Consistency with the stated purpose of the original approval of the Preliminary Development Plan, Final Development Plan and/or comparable official approval;
- c. Where the original plans referred to or depended upon provisions of the Zoning Ordinance then in effect, consistency with those provisions; and

- d. Interpretation of the original plans as reflected in the development of the project and reliance on it by property [Owner](#) within it.

**(v) Decision**

At the same meeting at which the hearing is held, or at its next meeting, the [Planning Commission](#) shall render a decision. If it is unable to render an interpretation that resolves the issue placed before it, it shall recommend that the interested parties file an application to amend the Development Plan, in accordance with (f)(5) of this section.

**(5) Appeal**

An appeal of an interpretation by the [Planning Commission](#) under this subsection shall be to the City Commission. The action, if any, by the City Commission shall be final. Any person aggrieved may file an application for a permit to undertake the proposed action and may follow the appeal process for any action on that, or any person aggrieved may file an application to modify the development plan, in accordance with (f)(5) of this section.

**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 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
  5. In any zoning district other than 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 IG zoning district, the installation or addition of less than fifty percent (50%) of existing [Impervious Surface](#) coverage; or
  7. In any zoning district other than 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 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
  - c. In any zoning district other than 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 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 IG) or 20% (for all other zoning districts) threshold; or
  - e. The installation or addition of more than 50% for 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.

<b><i>PROPERTY SURFACE SUMMARY</i></b>			
<b><i>Summary of Existing Conditions</i></b>		<b><i>Summary after project completion</i></b>	
<b><i>Total Buildings</i></b>	<b><i># ft.<sup>2</sup></i></b>	<b><i>Total Buildings</i></b>	<b><i># ft.<sup>2</sup></i></b>
<b><i>Total Pavement</i></b>	<b><i># ft.<sup>2</sup></i></b>	<b><i>Total Pavement</i></b>	<b><i># ft.<sup>2</sup></i></b>
<b><i>Total Impervious</i></b>	<b><i># ft.<sup>2</sup></i></b>	<b><i>Total Impervious</i></b>	<b><i># ft.<sup>2</sup></i></b>
<b><i>Total Pervious</i></b>	<b><i># ft.<sup>2</sup></i></b>	<b><i>Total Pervious</i></b>	<b><i># ft.<sup>2</sup></i></b>
<b><i>Total Property Area</i></b>	<b><i># ft.<sup>2</sup></i></b>	<b><i>Total Property Area</i></b>	<b><i># ft.<sup>2</sup></i></b>

- (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.

**20-1306 SPECIAL USES****(a) Purpose**

The Special Use review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at-large.

**(b) Automatic Special Use Status**

If an existing use was allowed by-right at the time it was established, but is now regulated as a Special Use, the use will be considered an approved Special Use and will be allowed to continue without a public hearing. Any alterations or expansions of the use are subject to the Special Use amendment procedures of Section 20-1306.

**(c) Application and Site Plan Filing**

Special Use applications shall be filed with the [Planning Director](#). An application for a Special Use shall include the submittal of a site plan that meets the requirements of Section 20-1305(f).

**(d) Public Hearing Notice**

Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(q).

**(e) Staff Review/Report**

The [Planning Director](#) will review each proposed Special Use application in accordance with the review and decision-making criteria of Section (i), below. Based on the results of that review, the [Planning Director](#) will provide a report on the Special Use application to the [Planning Commission](#) and City Commission.

**(f) Planning Commission's Review/Recommendation**

The [Planning Commission](#) shall hold a public hearing on the proposed Special Use, review the proposed Special Use in accordance with the review and decision-making criteria of Section (i) and recommend that the City Commission approve, approve with conditions or deny the Special Use application.

**(g) Protest Petitions**

A valid protest petition opposing a Special Use may be submitted to the City Clerk within 14 days of the conclusion of the [Planning Commission's](#) public hearing.

- (1) A protest petition will be considered "valid" if it is signed by the [Owner](#) of 20% or more of:
  - (i) any real property included in the proposed plan; or
  - (ii) the total real property within the area required to be notified of the proposed Special Use excluding Streets and public ways.
- (2) In the case of joint Ownership, all [Owners](#) shall sign the petition.
- (3) For the purpose of determining the sufficiency of a protest petition, if the proposed Special Use was requested by the [Owner](#) of the specific property, that property shall be excluded when calculating the total real property within the area required to be notified.

**(h) City Commission Decision**

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed Special Use:

- (1) Approve, approve with conditions or modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
  - (i) The [Planning Commission](#), after considering the explanation of the City Commission, may resubmit its original recommendations with its reasons for doing so or submit new and amended recommendations.
  - (ii) Upon the receipt of such recommendations, the City Commission may, by a simple majority vote, approve the proposed Special Use, approve it with conditions or modifications, or deny it.
  - (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission](#)'s next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for the following cases:
  - (i) action that is contrary to the [Planning Commission](#)'s recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
  - (ii) approval, or approval with conditions or modifications, when a valid protest petition has been submitted in accordance with Section 20-1306(g), in which case the decision shall be by a 3/4 majority vote of the full membership of the City Commission.

**(i) Review and Decision-Making Criteria**

In reviewing and making decisions on proposed Special Uses, review and decision-making bodies shall consider at least the following factors:

- (1) whether the proposed use complies with all applicable provisions of this Development Code;
- (2) whether the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics, including hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts;
- (3) whether the proposed use will cause substantial diminution in value of other property in the neighborhood in which it is to be located;
- (4) whether public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

- (5) whether adequate assurances of continuing maintenance have been provided; and
- (6) whether the use will cause significant adverse impacts on the natural environment; and
- (7) whether it is appropriate to place a time limit on the period of time the proposed use is to be allowed by special use permit and, if so, what that time period should be.

**(j) Date of Effect**

Decisions on Special Uses become effective on the date of the publication of the adopting ordinance; provided that, if findings and conclusions are prepared pursuant to Section 20-1301(r), the **Effective Date** shall be the date the City Commission adopts the findings and conclusions. No Certificate of Occupancy may be issued by Development Services until all conditions of approval have been met.

**(k) Expiration of Approval**

- (1) In the event the **Landowner** fails to obtain a **Building** Permit within 24 months of the **Effective Date** the decision on Special Use became effective, the approval will be deemed to have expired and the Special Use approval will be deemed null and void.
  - (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 may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Special Use Permit Site Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.
  - (ii) 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.
- (2) The Special Use approval shall expire at the conclusion of any specific period of time stated in the permit. A Special Use approval may be renewed upon application to the City, subject to the same procedures, standards and conditions as an original application.

**(l) Amendment, Suspension and Revocation**

The City Commission is authorized to amend, suspend or revoke an approved Special Use in accordance with this subsection.

- (1) Upon its own initiative, or upon the recommendation of City staff or the **Planning Commission**, the City Commission may establish a public hearing date to consider a proposed amendment, suspension or revocation of an approved Special Use. Newspaper, posted and mailed notice of the City Commission's public hearing shall be provided in accordance with Section 20-1301(q).

- (2) At the public hearing, the City Commission shall accept and consider all relevant information and evidence concerning the Special Use.
- (3) After the conclusion of the public hearing, the City Commission will consider all relevant evidence and information. The City Commission may amend, suspend or revoke the Special Use if it finds, based upon a preponderance of the information and evidence, that such action is supportable in fact.
- (4) Any motion for the amendment, suspension or revocation of a Special Use shall clearly State the grounds, which may include incorporation of findings presented by City staff. Any motion for the amendment of a Special Use shall clearly State the terms and conditions of suspension and at what time further review is appropriate. Any motion for the amendment of a Special Use shall clearly State the terms and conditions of the amendment to the Special Use.
- (5) The City Commission shall make one or more of the following findings if it seeks to amend, suspend, or revoke the Special Use:
  - (i) a condition of the Special Use has been violated;
  - (ii) violation of City Code provisions governing zoning regulations; [Building](#) (Chapter 5); Housing (Chapter 5); or the environmental code (Chapter 9); and/or
  - (iii) violation of any other applicable City Code provisions or any State or Federal law or regulation by the [Landowner](#) or Agents thereof, provided that such violations relate to the conduct or activity authorized by the Special Use or the qualifications of the [Landowner](#) or Agents thereof to engage in such conduct or activity.
- (6) As a complete alternative to the amendment procedures and requirements of this subsection and with the written consent of the [Landowner](#), the [Planning Director](#) may approve minor changes to an approved Special Use plan. Minor changes are those that (1) will not alter the basic relationship of the proposed development to surrounding properties; (2) will not violate any of the standards and requirements of this Development Code; and (3) will not circumvent any conditions placed on the original approval. The following are changes that will always be considered minor changes:
  - (i) replacement of a detached [Dwelling](#) destroyed by more than 60% when Setbacks and parking requirements are met;
  - (ii) a reduction in the area of any [Building](#);
  - (iii) an increase in the [Floor Area](#) of a [Building](#) by no more than 5 percent (5%) or 500 square feet, whichever is less;
  - (iv) replacement of plantings approved as part of the landscape plan by similar types of [Landscaping](#) on a one-to-one or greater basis;
  - (v) rearrangement of parking layout that does not affect the number of required [Parking Spaces](#) or alter [Access](#) locations or design; and
  - (vi) changes required by the City to address public safety concerns.

**(m) Limitation on Successive Applications**

- (1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;
- (2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;
- (3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:
  - a. The same special use has been applied for and the **Density** of use is at least 25% greater or less than the original application;
  - b. The same special use has been applied for and the intensity of use is at least 25% greater or less than the original application;
  - c. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the **Planning Director**, addressed in the resubmission; or
  - d. The special use operators or location has changed substantially from the original application. Substantial change shall be determined by the **Planning Director** using the findings adopted by the City Commission for denial of the original application as the gauge for measurement.
- (4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.
- (5) **Appeals**  
Within 30 days of the **Effective Date** of the Special Use decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.



**20-1307 INSTITUTIONAL DEVELOPMENT PLAN****(a) Purpose**

The purpose is to provide a community vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. Providing this community vision for institutional **Buildings** and sites also allows adjacent and nearby property **Owner** to anticipate future non-residential development patterns and plan for the use and enjoyment of their property accordingly.

**(b) Phasing of Development**

For multiple uses or multiple **Building** developments, sites may be phased based on needs established through capital improvements programming. The phasing sequence shall be submitted with the site plan or special use permit development application.

**(c) Development Standards**

Standards for institutional site development are established to ensure long-term compatibility of use, consistency with the character of the area, and to minimize negative impacts from institutional development on surrounding neighborhoods.

- (1)** Sites of ten (10) acres or smaller shall be required to submit a site plan application with supporting material for administrative review and approval. Criteria to be included on the site plan shall include:
  - (i)** if traffic generation exceeds 100 vehicles per day, **Access** shall be taken from a **Residential Collector**, **Collector** or **Arterial Street**;
  - (ii)** separate **Access** points shall be provided for pedestrians/bikes and vehicular traffic generated to and from the site;
  - (iii)** development of the site shall occur in one phase; and
  - (iv)** exterior lighting shall occur only where needed for safe **Access** to and from the **Parking Area** to a **Building** entrance.
- (2)** Sites over ten (10) acres shall be required to submit an application for a Special Use Permit, which includes a site plan, and supporting material necessary to meet the following criteria:
  - (i)** Landscape **Bufferyards** shall be required on all sides of the site based on the most intense use proposed.
    - a.** For utility and large plant development sites a type 3 landscape **Bufferyard** shall be required.
    - b.** For office and educational development sites a type 2 landscape **Bufferyard** shall be required.
    - c.** For park and recreational development sites a type 1 landscape **Bufferyard** shall be required.

- (ii) **Access** shall be planned for the entire site based on the traffic anticipated to be generated from the site. **Access** may be taken from **Collector** or **Arterial Streets** for utility and large plant development sites. At least two **Access** points shall be provided for office and educational development sites and park sites, one of which is from a **Residential Collector Street**.
- (iii) Sidewalks shall be provided along all street frontages as part of the first phase of a multi-phase development project or, if the project is not phased, at the time of development of the site.
- (iv) **Bicycle** lanes or recreational paths shall be planned and provided as part of the institutional master plan for sites that include public facilities such as schools, parks, recreation centers and public offices where customers are anticipated to come to the site. **Comprehensive Plans** for **Bicycle** and pedestrians shall be followed in providing and planning for these **Infrastructure** improvements.
- (v) Sports fields and other large traffic generation activities shall be located on the site furthest from RS zoned areas and designed to reduce noise or light pollution from creating negative impacts on the adjacent neighborhood(s).
- (vi) Exterior lighting, if provided, may be prohibited between the hours of 10 PM and 7AM.
- (vii) Parking facilities shall be designed to be shared between multiple users and, where environmentally sensitive lands are involved or may be impacted, alternatives to paving **Parking Areas** may be approved.
- (viii) Bus stops shall be included in the planning and development of the site.

**(d) Revisions to Phasing Sequence and Institutional Development Plan**

Revisions to the phasing sequence may be administratively approved by the **Planning Director** based on the review and approval of revisions to the Capital Improvements Programming for **Infrastructure** and site development by the governing body or administrative board responsible for funding institutional development of the site. Revisions to the Institutional Development Plan may be reviewed and approved administratively when revisions are consistent with the original development plan's approval and evidence has been submitted to the **Planning Director** that the revision will not increase traffic, noise or light pollution or runoff from the site.

**(e) Filing of Institutional Development Plan**

Within 24 months of approval and after completion of all conditions of approval and prior to issuance of a building permit, a Mylar copy of the Institutional Development Plan shall be recorded at the Register of Deeds office. Any supplemental covenants, restrictions, **Conservation Easements** or public **Access Easements** shall be on file at the time of recordation of the Institutional Development Plan.

**(f) Date of Effect**

Approval of an institutional development plan shall be valid from the date all conditions are met and the Institutional Development Plan is filed at the Register of Deeds office. Approved revisions to the institutional development plan shall also be filed at the Register of Deeds office.

**(g)** Expiration of Approval

- (1)** In the event the Landowner fails to obtain a building permit for the development shown on the institutional development plan within 24 months after final approval of the Institutional Development Plan has been granted, the approval shall expire and the Landowner shall seek approval of the proposed development in accordance with the procedures and standards in effect at the time of the new application.
  - (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 may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Institutional Development Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.
  - (ii)** 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).

**20-1308 FLOODPLAIN DEVELOPMENT PERMIT****(a) Initiation**

A Floodplain development permit shall be initiated by any person, firm, corporation or unit of government proposing any construction, Substantial Improvement or other development in the Floodplain Overlay District by the filing of an application in writing on a form furnished for that purpose with the Floodplain Administrator.

**(b) Application Contents**

An application for a Floodplain development permit shall be accompanied by and contain the information set forth in Section 20-1202.

**(c) Floodplain Administrator Review Action**

The Floodplain Administrator shall review and take action on all Floodplain development permit applications and, where required, coordinate the review and approval of a Hydrologic and Hydraulic Study with the City Stormwater Engineer.

**(d) Approval Criteria**

The Floodplain Administrator shall approve the application for a Floodplain development Permit if the application satisfies all the requirements of Article 12 and its spirit and intent are met.

**(e) Expiration of Permit**

Floodplain development permits expire 18 months from the date of issuance if a certificate of elevation has not been received. If requested, and good cause is shown, the Floodplain Administrator may grant a 6-month extension.

**20-1309 ZONING VARIANCES****(a) Authority and Applicability**

The zoning variance procedures of this section authorize the Board of Zoning Appeals to approve, in specific cases, variances from specific zoning standards of this Development Code or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in [Unnecessary Hardship](#).

**(b) Prohibited Zoning Variances**

- (1) The Board of Zoning Appeals is not authorized to approve a variance that would allow a use that is not allowed in the [Base District](#).
- (2) The Board of Zoning Appeals is not authorized to approve a variance from the standards of Article 7.
- (3) The Board of Zoning Appeals is not authorized to approve a variance from the standards specifically identified in what is listed in Chapter 21, Article 100.5.

**(c) Application Filing**

Zoning variance applications shall be filed with the [Planning Director](#).

**(d) Public Hearing Notice**

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with Section 20-1301(q).

**(e) Staff Review/Report**

The [Planning Director](#) will review each proposed variance application in accordance with the review and decision-making criteria of Section 20-1309(g) and, if deemed necessary, distribute the variance application to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the variance application to the Board of Zoning Appeals.

**(f) Board of Zoning Appeals' Hearing and Decision**

The Board of Zoning Appeals shall hold a public hearing on the proposed variance and review the application in accordance with the applicable review and decision-making criteria of Section (g). Following the public hearing, the Board of Zoning Appeals shall take one of the following actions:

- (1) approve the variance;
- (2) approve the variance with conditions;
- (3) deny the variance.

**(g) Review and Decision-Making Criteria****(1) Outside the [Regulatory Floodway \(Unnecessary Hardships\)](#)**

The Board of Zoning Appeals may approve a zoning variance, but not a variance from the [Floodplain](#) management regulations of Article 12 upon the finding of the Board that all of the following conditions have been met:

- (i) That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property Owner or applicant;
  - (ii) That granting the variance would not adversely affect the rights of adjacent property Owner or residents;
  - (iii) That strict application of the provisions of this chapter for which the variance is requested would constitute Unnecessary Hardship upon the property Owner represented in the application;
  - (iv) That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
  - (v) That granting the variance desired would not be opposed to the general spirit and intent of this chapter.
- (2) **Flood Protection Regulations**
- (i) The Board of Zoning Appeals may approve a variance from the flood protection regulations of Article 12 only after finding that the requested variance meets all of the following criteria:
    - a. a determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;
    - b. a showing of good and sufficient cause;
    - c. a determination by the Board of Zoning Appeals that failure to grant the variance would result in an Unnecessary Hardship to the applicant, as that term is defined in Section 20-1309(g)(1); and
    - d. a determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.
  - (ii) The Board of Zoning Appeals may approve a zoning variance from the flood protection regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12 and meeting the terms of K.S.A. 12-734. In addition, the following factors shall be considered:
    - a. the danger of injury from materials swept onto other lands;
    - b. the danger of life and property due to flooding or erosion damage;
    - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual Owner or occupant;

- d. the importance of the services provided by the proposed facility to the community;
  - e. the necessity to the facility of a waterfront location, where applicable;
  - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. the compatibility of the proposed use with existing and anticipated development;
  - h. the relationship of the proposed use to the [Comprehensive Plan](#) and [Floodplain](#) management program for that area;
  - i. the safety of [Access](#) to the property in times of flood for ordinary and emergency vehicles;
  - j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (iii) Generally, variances from flood protection standards may be issued for a [Significant Development Project](#) to be erected on a [Lot](#) of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the [Regulatory Flood](#) level, providing items Section 20-1309(g)(2)(ii)(a) through Section 20-1309(g)(2)(ii)(j) have been fully considered. As the [Lot](#) size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (iv) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (v) The [Planning Director](#) shall maintain the records of all variances and report any variances to the Federal Insurance Administration upon request.

**(h) Findings of Fact**

All decisions on zoning variances shall be supported by an affirmative finding of fact on each of the applicable approval criteria of Section (g). Each finding shall be supported by substantial evidence in the record of proceedings.

**(i) Filing and Mailing of Decision**

Every decision or determination by the Board of Zoning Appeals shall be:

- (1) filed in the office of the City Clerk by the [Planning Director](#) not more than seven (7) [Working Days](#) following the date of hearing; and
- (2) mailed to the applicant and all other parties who have made a written request for notification.

**(j) Date of Effect**

Decisions on variances become effective on the date the Board of Zoning Appeals makes its decision.

**(k) Expiration of Approval****(1) Failure to Obtain a Building Permit**

In the event the [Landowner](#) fails to obtain a [Building](#) Permit within 24 months after final approval of the variance has been granted, then such variance shall expire in accordance with the following provisions:

- (i) For good cause shown, the expiration date may be extended by the Board of Zoning Appeals for a period not to exceed 24 months. The application for extension or modification may be made by letter to the [Planning Director](#) and will be considered only if received before the expiration date of the variance. The [Planning Director](#) shall place such request, with any recommendation of the [Planning Director](#) on the agenda of the Board of Zoning Appeals. The [Planning Director](#) shall notify the applicant by first class mail of the date of the proposed consideration by the Board. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the Board 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 variance to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a [Building](#) Permit or for other [Development Activity](#) on the site shall be considered as though the variance had not been granted.
- (iii) Approval of a variance does not, in itself, vest any rights under K.S.A. Sec. 12-764. Rights vest only after the related [Building](#) Permit is issued and substantial construction is begun in reliance on that permit.
- (iv) A variance will also expire upon expiration of a [Building](#) Permit.

**(l) Appeals**

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.



**20-1310 WRITTEN INTERPRETATIONS****(a) Application Filing**

Applications for written interpretations of this Development Code shall be submitted to the [Planning Director](#).

**(b) Planning Director’s Review and Decision**

Following receipt of a complete application for a written interpretation, the [Planning Director](#) shall: (1) review and evaluate the application for compliance with this Development Code and consistency with the [Comprehensive Plan](#) and any other relevant documents; (2) consult with other staff, as necessary; (3) request additional information or documentation, as necessary, and (4) render a written interpretation within 30 calendar days following receipt of a complete application.

**(c) Form**

The interpretation shall be provided to the applicant in writing and be filed in the official record of interpretations.

**(d) Official Record of Interpretations**

An official record of interpretations shall be kept on file by the [Planning Director](#). The record of interpretations shall be available for public inspection from the [Planning Director](#) during normal business hours.

**(e) Appeals**

Appeals of the [Planning Director](#)’s written interpretation may be taken to the Board of Zoning Appeals in accordance with procedures of Section 20-1311. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations maintained by the [Planning Director](#). Staff review/reports required by the Development Code shall not be considered a written interpretation of the Development Code and are not appealable to the Board of Zoning Appeals.

**20-1311 APPEALS OF ADMINISTRATIVE ORDERS, REQUIREMENTS, DECISIONS, OR DETERMINATIONS****(a) Authority and Applicability**

Unless specifically provided for otherwise in this Development Code, the Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of the provisions of this Development Code. Staff review/reports required by the Development Code and considered by the Planning Commission at a public hearing shall not be considered an order, requirement, decision or determination and shall not be appealable to the Board of Zoning Appeals. The [Planning Commission](#) is not an “administrative official” for purposes of this Development Code and the Board of Zoning Appeals shall have no jurisdiction to consider an appeal from any action, determination or failure to act by the [Planning Commission](#). Development Review Procedures of Article 13 of the Development Code are not administrative orders, requirements, decisions or determinations and the Board of Zoning Appeals shall have no jurisdiction to consider an appeal from any of the development review procedures.

**(b) Application Filing**

Appeals of administrative decisions shall be filed with the [Planning Director](#). The appeal shall be filed within 10 [Working Days](#) after the administrative official's order, requirement, decision, or determination. Appeals may be filed by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of an administrative official.

**(c) Effect of Filing**

The filing of an application for an appeal of administrative order, requirement, decision, or determination stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that, because of facts stated in the certification that (a) a stay would cause immediate peril to life or property or (b) the situation appealed from is transitory in nature, and therefore, an appeal would seriously interfere with enforcement of this Development Code. In each instance, the official whose decision is being appealed shall place in the certificate facts to support the conclusion. In such case, proceedings will not be stayed other than by a restraining order, which may be granted by a court of record.

**(d) Record of Administrative Decision**

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all documents constituting the record upon which the action appealed is taken.

**(e) Public Hearing Notice**

Newspaper and mailed notice of the Board of Zoning Appeals' public hearing on the appeal shall be provided in accordance with Section 20-1301(q). A copy of the notice shall also be mailed to each party to the appeal and to the [Planning Commission](#) at least 20 days before the date of the hearing.

**(f) Review and Decision**

- (1) The Board of Zoning Appeals shall hold a public hearing on the appeal and, following the close of the public hearing, take final action based on the procedures and requirements of this section.
- (2) In exercising the appeal power, the Board of Zoning Appeals has all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm wholly or in part or may modify the decision being appealed.
- (3) If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain the needed evidence and to reconsider the decision in light of that evidence.

**(g) Approval Criteria; Findings of Fact**

The Board of Zoning Appeals may reverse an order, requirement, decision, or determination of any administrative official only when the Board of Zoning Appeals finds substantial, factual evidence in the official record of the application that the administrative official erred. The decision of the Board of Zoning Appeals shall be supported by written findings of fact prepared by the Board of Zoning Appeals.

**(h) Filing and Mailing of Decision**

Every decision or determination by the Board of Zoning Appeals shall be:

- (1) filed in the office of the City Clerk not more than seven (7) [Working Days](#) following the date of hearing; and
- (2) mailed to the applicant and all other parties who have made a written request for notification not more than seven (7) [Working Days](#) following the date of the hearing.

**(i) Date of Effect**

Decisions on appeals become effective on the date the Board of Zoning Appeals makes its decision.

**(j) Appeals**

Within 30 days of the date of effect of the Board of Zoning Appeals' decision, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

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**ARTICLE 14 BOARDS AND COMMISSIONS****20-1401 Planning Commission****20-1402 Board of Zoning Appeals****20-1401 PLANNING COMMISSION****(a) Joint Commission Created**

The creation of the Lawrence-Douglas County Metropolitan **Planning Commission** as authorized by K.S.A. 12-744 through 747, as amended, is hereby reaffirmed.

- (1) The term "**Planning Commission**" as it appears throughout this Development Code means the Lawrence-Douglas County Metropolitan **Planning Commission**.
- (2) Nothing in this section shall be construed to abolish or to affect the authority of the County Board of Zoning Appeals or the Lawrence City Board of Zoning Appeals.

**(b) Membership**

- (1) The **Planning Commission** shall consist of ten members, five of whom shall be appointed by the mayor of the City of Lawrence and five by the chairman of the Douglas County Board of Commissioners. In each case, appointments shall be made by and with the consent of their respective governing bodies.
- (2) All appointments shall be for terms of three years, except that appointments made to fill a vacancy that occurs before the expiration of a member's term shall be for the remainder of that unexpired term only. The term of a member of the **Planning Commission** shall commence on the 1st day of June in the year in which he or she is appointed.
- (3) Every member of the **Planning Commission** shall be a resident of Douglas County and shall hold no salaried or elected office with either the City or County government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties.

**(c) Meetings; Officers**

- (1) The **Planning Commission** shall elect officers and determine times and places of future meetings. The **Planning Commission** shall meet at least once a month.
- (2) The **Planning Commission** shall elect one member as chairperson and one member as vice-chairperson.
- (3) The terms of the chairperson and vice-chairperson shall be for one year or until a successor shall have been elected and qualified.
- (4) Special meetings of the **Planning Commission** may be called by the chairperson, or in the chairperson's absence, by the vice chairperson.
- (5) The **Planning Director** shall serve as secretary of the **Planning Commission**.

- (6) A quorum of the Lawrence-Douglas County Metropolitan [Planning Commission](#) shall consist of six members.

**(d) Powers; Duties**

- (1) The [Planning Commission](#) shall have such powers and duties as are authorized by State law, and provided for herein. As a primary function the [Planning Commission](#) shall be responsible for the preparation, adoption, and maintenance of long-range [Comprehensive Plans](#) and other plans to guide the future development of the Lawrence-Douglas County land area.
- (2) The [Planning Commission](#) shall see that the comprehensive and other plans are altered as necessary to serve as a continuous guide to future long range planning. At least once each year, the [Planning Commission](#) shall review or reconsider the plans or any part thereof and may propose amendments to the same. The procedure for adoption of any such amendment shall be the same as required for the adoption of the original plan.
- (3) The City Commissioners of the City of Lawrence, Kansas, shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City; and the Board of County Commissioners shall exercise similar authority over the unincorporated area of Douglas County, Kansas. However, the [Planning Commission](#) shall inform both governing bodies of recommendations made to either of them, and it may recommend that they meet in joint session to consider matters that appear to call for parallel legislation.
- (4) The comprehensive and other plans, and any amendments thereto, shall become effective upon publication of the respective adopting ordinance by the City Commission. An attested copy of the comprehensive and other plans and amendments thereto shall be sent to all other taxing subdivisions in the planning area that request a copy of such plans.
- (5) The [Planning Commission](#) shall have authority to negotiate and enter into agreements with other incorporated areas in Douglas County or with other planning agencies outside Douglas County to provide or receive planning services; provided, that any such agreement shall become effective upon approval of the Lawrence City Commission and Douglas County Board of Commissioners, and of the governing authority of the other governments concerned.

**(e) Annual Budget**

- (1) The Board of County Commissioners and the City of Lawrence shall, by agreement, provide for an annual budget, and pursuant to said agreement shall appropriate funds for the expenses and costs of staff services, office space and equipment, contractual services, and other relevant expenses required to carry out the purposes and functions of the [Planning Commission](#).
- (2) The City of Lawrence shall employ the necessary staff personnel and shall provide office space; and except as otherwise agreed upon for any Fiscal year the Board of County Commissioners shall direct the County Treasurer to pay semiannually to the City Finance Director one-sixth of

the agreed budget; provided, that either the City or the County may authorize, on its own initiative or in conjunction with the other, expenditures for special purposes in addition to the amounts specified in the agreed budget.

**(f) Prior Actions Ratified**

All planning and zoning actions of every kind or character heretofore taken by the Lawrence City [Planning Commission](#) and by the Douglas County [Planning Commission](#) shall be continued in full force and effect and shall in no way be affected by this joint resolution and ordinance.

**(g) Joint Agreement**

This joint resolution and ordinance shall constitute an agreement between the City of Lawrence and Douglas County as contemplated in K.S.A. 12-2901 et seq. and shall also constitute a resolution of the Board of County Commissioners and an ordinance of the City of Lawrence, Kansas. A fully executed and attested copy has been filed with the County Clerk of Douglas County, Kansas, and with the City Clerk of Lawrence, Kansas.

**(h) Severability**

If this joint resolution and ordinance, or any part thereof shall be held or determined to be unconstitutional, illegal, ultra vires, or void, the same shall not be held or construed to change or annul any provisions hereof that may be legal or lawful; and in the event this joint resolution and ordinance or any part thereof, shall be held unconstitutional, illegal, ultra vires, or void, the same shall not affect any action heretofore taken by the City [Planning Commission](#) or the Douglas County [Planning Commission](#) as heretofore established and constituted.

**20-1402 BOARD OF ZONING APPEALS**

**(a) Appointment**

A Board of Zoning Appeals is hereby created.

- (1) The Board of Zoning Appeals shall consist of seven members to be appointed by the Mayor with the approval of the City Commission. All of the members of the Board of Zoning Appeals shall be residents of the City. None of the members shall hold any other public office of the City except that one member may be a member of the Lawrence [Planning Commission](#). A member shall be appointed for a term of three years.
- (2) It is specifically provided that on the [Effective Date](#) such Board of Zoning Appeals, as was legally in existence immediately prior to such date, shall be constituted as the Board of Zoning Appeals hereby created, and the terms of the then members of the Board of Zoning Appeals shall expire on the same dates as were established at the time of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three years.
- (3) One member of the [Planning Commission](#) may be appointed to the Board of Zoning Appeals in the same manner as other members of the Board of Zoning Appeals. In the event such member's term on the [Planning Commission](#) shall expire prior to the expiration of the term on the Board of Zoning Appeals, and in the event such member is not re-appointed on the [Planning Commission](#), his position on the Board of

Zoning Appeals shall become vacant simultaneously with the expiration of his appointment to the [Planning Commission](#).

**(b) Replacement of Board of Zoning Appeals Members**

A member of the Board of Zoning Appeals, once qualified, can thereafter be removed during his term of office only for cause and after public hearing. In the event of the death, resignation, or removal of any such member before the expiration of his term, a successor shall be appointed by the mayor and confirmed by the City Commission to serve his unexpired term.

**(c) Officers**

The Board of Zoning Appeals shall annually elect a chairperson, a vice-chairperson, and secretary. The secretary may be an officer or employee of the City.

**(d) Duties of Officers**

The chairperson, or in the chairperson's absence, the vice-chairperson, shall preside at all meetings, shall decide all points of order or procedure, and as necessary, shall administer oaths and compel the attendance of witnesses.

**(e) Rules and Meetings**

- (1) The Board of Zoning Appeals may adopt rules to govern its proceedings in accordance with the provisions of this article.
- (2) Meetings of the Board of Zoning Appeals shall be held at least once a month but may be held at any time at the call of the chairperson and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be held at such place or places within the City as the Board of Zoning Appeals may designate and shall be open to the public.
- (3) The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board of Zoning Appeals, decisions of the Board of Zoning Appeals, and the vote upon each question. Records of all official actions of the Board of Zoning Appeals shall be filed with the [Planning Director](#).

**(f) Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall administer the details of appeals from the provisions of this chapter (except for the provisions of Articles 7 and 8), or other matters referred to it regarding the application of this chapter or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) as hereinafter provided. In exercising these powers, the Board of Zoning Appeals, in conformity with the provisions of this chapter or of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence), may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and attach appropriate conditions, and may issue or direct the issuance of a permit.

**(g) Powers Specified Elsewhere in this Development Code**

The Board of Zoning Appeals shall also have those powers and duties specifically set forth in other parts of this Development Code and of the Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence).



**(h) Quorum of the Board of Zoning Appeals**

A quorum of the Board of Zoning Appeals is four members of the seven member Board. If a meeting is called and a quorum is not present at the specified meeting time, the chairperson of the Board or his designee shall immediately declare a lack of quorum and schedule a new meeting date and time for continuance of the published meeting and public hearings.

**(i) Tie Vote of the Board of Zoning Appeals**

A tie vote of the Board of Zoning Appeals on a variance request, or the lack of approval of a motion by a majority of members present and voting shall be considered a denial of the appeal request.

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**ARTICLE 15 NONCONFORMITIES**

<b>20-1501</b>	<b>General</b>
<b>20-1502</b>	<b>Nonconforming Uses</b>
<b>20-1503</b>	<b>Nonconforming Structures</b>
<b>20-1504</b>	<b>Nonconforming Lots</b>
<b>20-1505</b>	<b>Registration of Nonconforming Uses</b>

**20-1501 GENERAL****(a) Scope**

The regulations of this article govern uses, [Structures](#), [Lots](#) and other situations that came into existence legally, but that do not conform to one or more requirements of this Development Code. These are referred to in this Development Code as “nonconformities.” Nonconformities are legal situations and have legal status under this Development Code.

**(b) General Policy**

To encourage development consistent with this Development Code and provide [Landowners](#) with reasonable use of their land, it is the general policy of the City to allow uses, [Structures](#), [Lots](#) and other situations that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of these situations into compliance with existing regulations over time as is reasonably possible. Provided, however, that where previously complying property no longer complies with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, [Easement](#) or other governmental use, the failure to comply created by the taking or acquisition shall not constitute a nonconformity.

**(c) Intent**

The regulations of this article are intended to:

- (1) recognize the interests of [Landowners](#) in continuing to use their property;
- (2) promote reuse and rehabilitation of existing [Buildings](#); and
- (3) place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

**(d) Authority to Continue**

Any nonconformity that existed on the [Effective Date](#), or that becomes nonconforming upon the adoption of any amendment to this Development Code, may be continued in accordance with the provisions of this article.

**(e) Determination of Nonconformity Status**

The burden of proving, by clear and convincing evidence, that a nonconformity exists rests with the subject [Landowner](#).

**(f) Repairs and Maintenance**

- (1) Incidental repairs and normal maintenance necessary to keep a nonconforming [Structure](#) in sound condition are permitted, unless those repairs are otherwise expressly prohibited by this Development Code.

- (2) Nothing in this article will be construed to prevent **Structures** from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.
- (3) **Change of Tenancy or Ownership**  
Nonconformity status runs with the land and is not affected by changes of tenancy, Ownership, or management.

## 20-1502 NONCONFORMING USES

### (a) Definition

A nonconforming use is a land use that was legally established, but that is no longer allowed by the use regulations of the **Zoning District** in which it is located.

### (b) Expansion

#### (1) When and How Allowed

A nonconforming use may not be expanded except as follows:

- (i) expansions that eliminate or reduce the nonconforming aspects of the situation are allowed;
- (ii) expansions into a part of a **Building** or other **Structure** that was lawfully and manifestly designed or arranged for this use may be approved by the City Commission, if reviewed and approved in accordance with the Special Use procedures of Sec. 20-1306; and
- (iii) expansions that are necessary and incidental to the existing nonconforming use may be approved by the City Commission if reviewed and approved in accordance with the Special Use procedures of Section 20-1306.

#### (2) Standards and Limitations

Nonconforming use expansions are subject to the following limitations.

- (i) Nonconforming use expansion in residential Districts may be allowed only when the expansion:
  - a. does not increase the number of **Dwelling Units**;
  - b. does not exceed 50% of the **Floor Area** of the original use;
  - c. complies with all **Setback** and **Height** standards of the **Base District**; and
  - d. complies with all off-street parking and loading requirements.
- (ii) Nonconforming use expansion in nonresidential Districts may be allowed only when the expansion:
  - a. does not exceed 25% of the **Floor Area** of the original use;
  - b. does not encroach into a residential **Zoning District**;

- c. complies with all applicable **Setback** and **Height** standards of the **Base District**; and
- d. complies with all off-street parking and loading requirements.

(iii) With the approval of the Board of Zoning Appeals, an expansion under this section may exceed 25% of the **Floor Area** of the original use but may not exceed 50% of the **Floor Area** of the original use. In reviewing and making decisions on a proposed expansion of a nonconforming use that will exceed 25% of the **Floor Area** of the original use, the Board of Zoning Appeals shall consider at least the following factors:

- a. that the expansion request arises from conditions that are unique to the property in question and not ordinarily found in the same **Zoning District** and are not created by action(s) of the property **Owner** or applicant;
- b. that granting the expansion request would not adversely affect the rights of adjacent property **Owners** or residents;
- c. that strict application of the provisions of this chapter would constitute **Unnecessary Hardship** upon the property **Owner** requesting the expansion;
- d. that the expansion request desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
- e. that granting the request would not be opposed to the general spirit and intent of this chapter; and
- f. the recommendation of the City's professional staff.

### (3) Change of Use

- (i) A nonconforming use may not be changed to any use other than a use allowed in the **Zoning District** in which it is located, except as provided in paragraph (ii), below.
- (ii) A nonconforming use may be changed to another similar or less intensive use if reviewed and approved by the **Planning Director** upon a finding that the new use is no more intensive in character than the original nonconforming use. The following additional rules apply:
  - a. A nonconforming residential use may not be changed to another nonconforming residential use that would increase the number of **Dwelling Units** on the site.
  - b. A nonconforming nonresidential use being changed to a residential use shall comply with the minimum **Lot Area** and **Density** standards of the **Base District**.

**(4) Moving**

A nonconforming use may not be moved in whole or in part to another location on the **Lot** or **Parcel** unless the movement or relocation eliminates or decreases the extent of nonconformity.

**(c) Loss of Nonconformity Status**

- (1)** Once a nonconforming use is abandoned, the use's nonconforming status is lost and any subsequent use of the property shall comply with the regulations of the **Zoning District** in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:
  - (i)** the intent of the **Owner** to discontinue the use is apparent;
  - (ii)** with respect to any use other than a **Detached single-Dwelling** residential use, the use has been discontinued for a period of 12 months or more and no concerted effort has been undertaken by the **Owner** to continue the use;
  - (iii)** a demolition permit has been applied for;
  - (iv)** the characteristic equipment and furnishings associated with the nonconforming use have been removed from the **Premises** and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;
  - (v)** the nonconforming use has been replaced by a conforming use;
  - (vi)** the nonconforming use has been changed to another use in accordance with Section (b)(3); or
  - (vii)** a **Building** Permit to reconstruct a damaged nonconforming use in accordance with Section 20-1502(c)(4) has not been secured within 12 months of the date of occurrence of that damage or construction has not been diligently pursued.
- (2)** When a **Building** or **Structure**, the use of which does not conform to the provisions of this Development Code, is damaged to the extent of more than 60% of its fair market value, the use may not be restored, except in conformity with the regulations of the **Base District** and any applicable **Overlay District**.
- (3)** The exception to the above paragraph is that a detached **Detached Dwelling Structure**, when registered as a nonconforming use, is permitted to be rebuilt, unless it is located within the **Floodway** or **Regulatory Floodway**. Nonconforming **Detached Dwelling Structures** cannot be rebuilt to a greater **Density** than existed before the damage. Rebuilding shall only be allowed if off-street parking and **Setback** requirements of the current **Zoning District** are met. Reconstruction must be commenced within 12 months of the time the damage occurred.
- (4)** A **Building** Permit to reconstruct a damaged **Structure** pursuant to (2) shall be obtained within 12 months of the date of occurrence of the

damage or demolition, and once issued, construction shall be diligently pursued.

**(d) Discontinuance of Nonconforming Open Uses of Land**

A nonconforming commercial or industrial [Open Use of Land](#) shall be discontinued, including the removal of all above-surface improvements and [Structures](#) accessory to the [Open Use of Land](#), but not to the permitted uses, by November 1, 2008. Any [Open Use of Land](#) that becomes nonconforming because of subsequent amendments to this Development Code shall also be discontinued on the same basis within 3 years of the [Effective Date](#) of the amendment that renders the use nonconforming.

**(e) Accessory Uses and Structures**

A use or [Structure](#), accessory to a principal nonconforming use or [Structure](#), may not be continued after the [Principal Use](#) or [Structure](#) has been abandoned, unless the use or [Structure](#) is also an [Accessory Use](#) or [Structure](#) to the [Principal Uses](#) permitted in the [Base District](#) and any applicable [Overlay District](#).

## 20-1503 NONCONFORMING STRUCTURES

**(a) Definition**

A nonconforming [Structure](#) is any [Building](#) or [Structure](#) that was legally established, but no longer complies with the [Density](#) and Dimensional Standards of this Development Code; provided, however, that where a previously conforming [Structure](#) no longer conforms with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, [Easement](#) or other governmental use, the failure to conform created by the taking or acquisition shall not constitute a nonconformity. Nonconforming [Structures](#) may remain, subject to the regulations of this section.

**(b) Structural Alterations**

[Structural Alterations](#), including enlargements, are permitted if the [Structural Alteration](#) does not increase the extent of nonconformity.

- (1) When a [Structure](#) is nonconforming because it encroaches into a required side or Rear [Setback](#), this provision will be interpreted as allowing other portions of the [Structure](#) to be expanded out to the extent of the existing encroachment, as long as there is no greater encroachment into a required [Setback](#).
- (2) When a [Structure](#) is nonconforming because it encroaches into a required Front [Setback](#), this provision will be interpreted as prohibiting other portions of the [Structure](#) from being expanded out to the extent of the existing encroachment.

**(c) Use**

A nonconforming [Structure](#) may be used for any use allowed in the [Base District](#) and any applicable [Overlay District](#).

**(d) Moving**

A nonconforming [Structure](#) may be moved in whole or in part to another location on the subject [Parcel](#) only if the movement or relocation decreases or eliminates the noncompliance.

**(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.



**20-1504 NONCONFORMING LOTS****(a) Definition**

A nonconforming Lot is a Tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means, that was established prior to adoption of the City's first zoning ordinance or Development Code, or that complied with all applicable Lot Area, Lot Width and Lot Depth standards of the Zoning District in which it was located at the time of its creation, but which does not comply with the minimum Lot Area, Lot Width or Lot Depth requirements of the Zoning District in which it is now located. Provided, however, that where a previously complying Lot no longer complies with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, Easement or other governmental use, the failure to comply created by the taking or acquisition shall not constitute a nonconforming Lot.

**(b) Use of Nonconforming Lots**

- (1) In residential Zoning Districts, a nonconforming Lot may be used for Detached Dwellings and related Accessory Structures.
- (2) In nonresidential Zoning Districts, a nonconforming Lot may be used for uses allowed within the Base District and any applicable Overlay District.
- (3) Nonconforming Lots that have Access only to a Street that is shown on a plat, but that has not been improved, shall not be protected by this article. Owner of these Lots shall replat the Lots in conformity with the subdivision regulations and the applicable zoning regulations of this Code before seeking a Building Permit or otherwise seeking to use one or more of these Lots.

**(c) Dimensional Standards**

Development on nonconforming Lots shall comply with the Dimensional Standards of the Base District, except as expressly stated in this section. This provision will not be interpreted as requiring a greater Setback than specified for the Base District and any applicable Overlay District.

**(1) Standards Applicable in All Zoning Districts**

The following standards shall apply to development on nonconforming Lots in all Zoning Districts.

**(i) Minimum Lot Area****a. Development Permitted**

A Lot that is nonconforming as to the required minimum Lot Area for the Base District may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Section.

**b. Reduction not Permitted**

The Owner of a nonconforming Lot shall not take any voluntary action that will further reduce the Lot Area. Any such action by the Owner may be prosecuted as a violation of this Code and shall deprive the Owner and any subsequent Owner of the protection afforded by this Section.

**c. Choice of Uses**

Where the **Lot Area** of a nonconforming **Lot** or **Parcel** is conforming for some use in the applicable **Base District**, but not for others, that **Lot** shall be used for a use for which it is conforming. If a **Lot** fails to conform to the applicable requirements of the **Base District**, then the **Lot** may be used only for those permitted uses in that **Zoning District** requiring the smallest minimum **Lot Area**, which, in most cases, will be a **Detached single-Dwelling** residential use.

**(ii) Lot Width**

**a. Development Permitted**

A **Lot** that is nonconforming as to the required minimum **Lot Width** for the **Base District** may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Section.

**b. Improved Street Access Required**

If the actual **Lot Width** is inadequate to provide for **Driveway Access** to the **Lot** from an improved Street, the protection of this Section shall not apply.

**c. Reduction not Permitted**

The **Owner** of a non-conforming **Lot** shall not take any voluntary action that will further reduce the **Lot Width**. For purposes of this Section, the **Owner's** involvement in a governmental taking or acquisition of property for right-of-way, **Easement** or other governmental use shall not be deemed a voluntary action. An **Owner's** voluntary action to further reduce the **Lot Width** may be prosecuted as a violation of this Code and shall deprive the **Owner** and any subsequent **Owner** of the protection afforded by this Section.

**d. Choice of Uses**

Where a nonconforming **Lot** or **Parcel** is conforming for some uses in the applicable **Base District**, but not for others, that **Lot** shall be used for a uses for which it is conforming. If a **Lot** fails to conform to the applicable requirements of the **Base District**, then that **Lot** may be used only for those permitted uses in that **Base District** requiring the smallest minimum **Lot Width**, which, in most cases, will be a **Detached single-Dwelling** residential use.

**(2) Residential Zoning Districts**

The following dimensional standards apply to development on non-conforming **Lots** located in RS and RM Districts.

**(i) Front Setbacks**

The minimum **Front Setback** shall be at least 20% of the **Lot Depth** or the applicable **Zoning District Setback**, whichever is less. **Double-Frontage** (through) **Lots** shall maintain a **Front Setback** from both streets.

**(ii) Interior Side and Rear Setbacks**

The minimum **Interior Side** and **Rear Setback** for **Principal Buildings** is 5 feet or 10 percent (10%) of the **Lot Width**, whichever is greater. This provision will not be interpreted as requiring a greater **Setback** than specified for the **Base District** and any applicable **Overlay District**.

**(iii) Street Side Setbacks**

The minimum Exterior Side street Setback on non-conforming Lots is 5 feet, plus ½ foot for each foot of Lot Width above 28 feet.

**(iv) Height and Building Coverage**

Non-conforming Lots shall comply with the Height and Building coverage requirements of the Base District and any applicable Overlay District.

**(3) Nonresidential Zoning Districts**

The following dimensional standards apply to development on non-conforming Lots located in all Zoning Districts, except the RS and RM Districts. This provision will not be interpreted as requiring a greater Setback than specified for the Base District and any applicable Overlay District.

**(i) Front Setbacks**

The minimum Front Setback is 20% of the Lot Depth or the applicable Zoning District Setback, whichever is less. Double-Frontage (through) Lots shall maintain a Front Setback from both streets.

**(ii) Interior Side Setbacks**

The minimum Side Setback is 5 feet unless a smaller Side Setback is allowed by the Base District and any applicable Overlay District.

**(iii) Rear Setback**

Non-conforming Lots shall comply with the Rear Setback requirements of the Base District and any applicable Overlay District.

**(iv) Street Side Setback**

The minimum Exterior Side street Setback is 5 feet, plus ½ foot of additional Setback for each foot of Lot Width above 28 feet.

**(v) Height and Building Coverage**

Development on non-conforming Lots shall comply with the Height and Building coverage standards of the Base District and any applicable Overlay District.

**20-1505 REGISTRATION OF NONCONFORMING USES****(a) Rights Conditional**

The rights given to those using or owning property involving a nonconforming use to expand or alter that nonconforming use are specifically conditioned on the registration of the nonconforming use with the [Planning Director](#).

**(b) Registration Process**

The [Planning Director](#) shall establish a process for the registration of nonconforming uses and publish notice of the registration requirements and when they apply to existing nonconforming uses.

**(c) Registration Database**

For nonconforming uses that are known to the Planning Office to be in existence on the [Effective Date](#), the [Planning Director](#) shall develop a database of these uses for the tracking of nonconformities.

- (1) [Landowners](#) of nonconforming uses arising because of an amendment to this Development Code or because of a change in jurisdictional boundaries, will be required to register their nonconforming use before altering or expanding that use.
- (2) Subject to the verification procedures established by the [Planning Director](#), nonconforming uses so registered will be deemed to be nonconforming uses, to the extent documented on the registration form. All rights to continuance, maintenance, or repair of the nonconforming use shall be allowed regardless of registration as a nonconforming use.

**(d) Effect of Not Registering; Appeals**

The [Planning Director](#), and all other designated City officials, shall not permit the expansion or alteration of a nonconforming use not registered in accordance with this section. An aggrieved party may appeal this denial to the Board of Zoning Appeals. The Board of Zoning Appeals may grant late registration status to the nonconforming use, in which case the [Owner](#) is entitled to all of the rights accorded to the nonconforming use as though it were registered in accordance with the requirements of this article, if it finds that:

- (1) the failure to register the nonconforming use occurred because the [Owner](#) was unaware that the situation was nonconforming or from excusable neglect; or
- (2) the nonconforming use was lawful on the date that the provisions of this Development Code first became applicable to it or is otherwise entitled to protection under this article.

**ARTICLE 16 VIOLATIONS PENALTIES AND ENFORCEMENT**

<b>20-1601</b>	<b>Responsibility of Enforcement</b>
<b>20-1602</b>	<b>Violations</b>
<b>20-1603</b>	<b>Continuing Violations</b>
<b>20-1604</b>	<b>Liability</b>
<b>20-1605</b>	<b>Remedies and Enforcement Powers</b>
<b>20-1606</b>	<b>Enforcement by Others</b>
<b>20-1607</b>	<b>Continuation of Previous Enforcement Actions</b>
<b>20-1608</b>	<b>Remedies Cumulative</b>
<b>20-1609</b>	<b>Procedure for Failure to Construct or Install Improvements in the Public Right-of-Way.</b>

**20-1601 RESPONSIBILITY FOR ENFORCEMENT**

The [Planning Director](#) is responsible for enforcing this Development Code, except as otherwise expressly stated.

**20-1602 VIOLATIONS****(a) Compliance Required**

All [Buildings](#) and land used and all [Buildings](#) and [Structures](#) erected, converted, enlarged, reconstructed, moved or structurally altered shall comply with all applicable provisions of this Development Code.

**(b) Types of Violations**

Unless otherwise expressly stated by this Development Code or State law, any violation of this Development Code, including but not limited to the following, will be subject to the remedies and penalties provided for in this article:

- (1) to use land or [Buildings](#) in any way not consistent with the requirements of this Development Code;
- (2) to engage in [Development Activity](#) in any way not consistent with the requirements of this Development Code;
- (3) to transfer title to any [Lots](#) or parts of a development unless the subdivision has received all approvals required under this Development Code and an approved plan or plat, if required, has been filed in the appropriate office;
- (4) to submit for recording, any subdivision plat, land division or other development plan that has not been approved in accordance with the procedures of this Development Code or that does not qualify for an exemption under the Subdivision regulations of this Development Code;
- (5) to engage in the use of a [Building](#) or land, the use, or [Development Activity](#) requiring one or more permits or approvals under this Development Code without obtaining all such required permits or approvals;
- (6) to engage in the use of a [Building](#) or land, the use, or [Development Activity](#) requiring one or more permits under this Development Code in any way inconsistent with any such permit or approval or any conditions imposed thereon;

- (7) to violate the terms of any permit or approval granted under this Development Code or any condition imposed on such permit or approval;
- (8) to obscure, obstruct or destroy any notice required to be posted or otherwise given under this Development Code; or
- (9) to violate any lawful order issued by any person or entity under this Development Code.

#### **20-1603 CONTINUING VIOLATIONS**

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this Development Code for purposes of calculating cumulative penalties.

#### **20-1604 LIABILITY**

The **Owner**, tenant or occupant of any land or **Structure**, shall be presumed to know of activity occurring on the **Premises** and thus may be charged with a violation of this Code for any violation found on any **Premises** subject to this Code. Where an architect, contractor, builder, **Agent** or other person appears to have participated directly in a violation of this Code, the Codes Enforcement Manager may also charge such person with a violation of this Code. Any person charged with a violation of this Code shall be entitled to personal notice of the violation, in accordance with Section 20-1605, and to a hearing before the Board of Zoning Appeals, in accordance with Section 20-1311. All persons found to be responsible for the actions or inactions leading to a violation may be charged jointly and severally with violations as a result of the same incident or circumstances.

#### **20-1605 REMEDIES AND ENFORCEMENT POWERS**

The **Planning Director** may use any of the following remedies and enforcement powers:

##### **(a) Withhold Permits & Approvals**

The **Planning Director** may deny or withhold all permits, certificates or other forms of authorization on any land, or **Structure** or improvements thereon:

- (1) upon which there is an uncorrected violation of a provision of this Development Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City; and
- (2) owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this Development Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City.

##### **(b) Approval of Permits & Approvals with Conditions**

Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization only if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety or general welfare.

##### **(c) Revoke Permits & Approvals**

Any permit or other form of authorization required under this Development Code may be revoked by the **Planning Director** or by any City official with authority to issue such permit when the **Planning Director** or other City official determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was

issued by mistake, or (3) that any of the provisions of this Development Code are being violated.

- (1) Where permits are mistakenly issued, an applicant will be entitled to appeal the permit revocation to the Board of Zoning Appeals.
- (2) Written notice of revocation shall be served upon the [Owner](#), the [Owner's Agent](#) or contractor, or upon any person employed on the [Building](#) or [Structure](#) for which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.

**(d) Stop Work**

Whenever a [Building](#) or part thereof is being constructed, reconstructed, altered or repaired in violation of this Development Code, the [Planning Director](#) may order the work to be immediately stopped.

- (1) The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall State the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- (2) Violation of a stop-work order constitutes a misdemeanor.

**(e) Revoke Plans or Related Approvals**

Where a violation of this Development Code involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the City may, upon notice to the applicant and other known parties in interest (including any holders of [Building](#) Permits affected), revoke the plan or other approval or condition its continuance on strict compliance with this Development Code, the provision of financial security to ensure that construction is completed in compliance with approved plans, or such other conditions as the City may reasonably impose. Any required financial security shall be in a form approved by the City.

**(f) Legal Relief**

Pursuant to K.S.A. 12-761(b), the City may commence a civil action or proceeding in District Court to stop any violation of this Development Code or of a permit, certificate or other form of authorization granted hereunder, to remove a violation, or to restore the [Premises](#) in question to the condition in which they existed prior to violation. The relief sought may include:

- (1) an injunction or other equitable relief;
- (2) an order in the nature of mandamus or abatement;
- (3) a judgment or order enforcing any requirement of, or under, this Development Code to pay a fee or reimburse or compensate the City, including when the City is required or authorized to take specified action at the expense of the [Landowner](#); or
- (4) any other judgment or order available under Kansas law.

**(g) Criminal Penalties**

Pursuant to K.S.A. 12-761(a), any person, firm, or corporation who shall violate any of the provisions of this Development Code, or fail to comply with any order or regulation thereunder, or who shall engage in [Development Activity](#) in violation of any specifications or plans submitted and approved thereunder, or any certificate or

permit issued thereunder, shall, for each and every violation and non-compliance respectively be deemed guilty of a misdemeanor, and upon conviction therefore shall be, for each offense:

- (1) fined in a sum not less than \$10 nor more than \$500;
- (2) imprisoned for not more than six months; or
- (3) both fined and imprisoned.

**(h) Other Penalties and Remedies**

The City may seek such other penalties and remedies, and employ such other enforcement powers, as are provided by Kansas law for violations of zoning, subdivision, sign, or related provisions.

**20-1606 ENFORCEMENT BY OTHERS**

**(a) Citizens**

Pursuant to K.S.A. 12-761(b), any person, the value or use of whose property is or may be affected by a violation of this Development Code, is authorized to maintain a suit or action in any court of competent jurisdiction to enforce the provisions of this Development Code and to abate nuisances maintained in violation thereof.

**(b) State Officials**

Pursuant to K.S.A. 12-761(c) and in the case of violations to the [Floodplain](#) management regulations of Article 12 of this Development Code, the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas Board of Agriculture are authorized, in addition to other remedies, to institute injunction, mandamus, or other appropriate action or proceeding to prevent, correct or abate the violation.

**20-1607 CONTINUATION OF PREVIOUS ENFORCEMENT ACTIONS**

Nothing in this Development Code prohibits the City's continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid ordinances and laws.

**20-1608 REMEDIES CUMULATIVE**

The remedies and enforcement powers established in this Development Code are cumulative, and the City may exercise them in any order.

**20-1609 PROCEDURE FOR FAILURE TO CONSTRUCT OR INSTALL IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY**

The failure to construct or install a required improvement located in the public right-of-way as established in an approved Site Plan, Preliminary or Final Development Plan or Special Use permit, within one year of issuance of a [Building](#) permit, or failure to construct or install a required improvement located in the public right-of-way as otherwise required in this Development Code, constitutes a failure to perform a lawfully required duty pursuant to K.S.A. 12-6a17.

- (1) Prior to the City Commission making a finding for a particular property or properties, the City Commission will provide written notice of an opportunity for a hearing to the [Landowner](#) of record.
- (2) After written notice to the [Landowner](#), the City Commission may determine, at a public hearing, that the failure to construct or install a required improvement located in the public right-of-way requires that the City Commission construct or install the improvement, or contract for the construction or installation of the improvement.



- (3) The construction or installation shall be performed pursuant to all lawfully required procedures.
- (4) The cost of the construction or installation shall be assessed pursuant to K.S.A. 12-6a17, provided that the City Commission may only use the authority of this section for the following improvements: installation of sidewalks or [Bicycle](#) or pedestrian paths or trails on public right-of-way; installation or removal, or both, of curbing and pavement adjacent to a [Public Street](#) and within the public right-of-way; and installation of required [Landscaping](#) improvements in the public right-of-way.

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**ARTICLE 17 TERMINOLOGY**

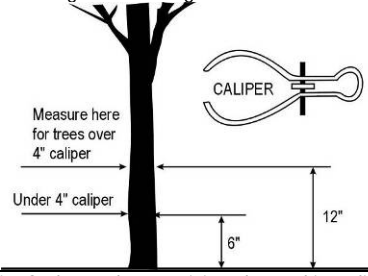
20-1701	General Terms
20-1702	Use Categories in General
20-1703	Adaptive Reuse of Designated Historic Property
20-1704	Adaptive Reuse of <b>Greek Housing</b>
20-1705	Agricultural Sales
20-1706	Agricultural Services
20-1707	Agriculture
20-1708	Agriculture, Animal
20-1709	Agriculture, Crop
20-1710	Animal Services
20-1711	Big Box
20-1712	<b>Building</b> Maintenance Services
20-1713	Business Equipment Sales and Services
20-1714	Business Support Services
20-1715	Commercial Node
20-1716	Communication Service Establishments
20-1717	Community Facilities
20-1718	Construction Sales and Services
20-1719	Cultural Exhibits and Libraries
20-1720	Day Care
20-1721	Detention Facilities
20-1722	<b>Dwelling</b> , Attached
20-1723	<b>Dwelling</b> , Detached
20-1724	Eating and Drinking Establishments
20-1725	Entertainment and Spectator Sports
20-1726	Explosive Storage
20-1727	Financial, Insurance and Real Estate (F.I.R.E.) Services
20-1728	Food and Beverage Retail Sales
20-1729	Funeral and Interment Services
20-1730	Gasoline and Fuel Sales
20-1731	Group Living
20-1732	Health Care Office; Health Care Clinic
20-1733	Hospital
20-1734	Household Living
20-1735	Industrial, General
20-1736	Industrial, Intensive
20-1737	Laundry Service
20-1738	Lodge, Fraternal and Civic Assembly
20-1739	Manufacturing and Production, Limited
20-1740	Manufacturing and Production, Technological
20-1741	Medical Facilities, (Health Center, Clinic, Hospital)
20-1742	Mining
20-1743	Mobile Home Park
20-1744	Office, Administrative and Professional
20-1745	Outpatient Care Facilities
20-1746	Parking Facilities
20-1747	Parking <b>Lot</b>
20-1748	Personal Convenience Services
20-1749	Personal Improvement Services
20-1750	Postal & Parcel Services
20-1751	Public Safety
20-1752	Recycling Facilities
20-1753	Religious Assembly
20-1754	Repair Services, Consumer
20-1755	Recreational Facilities

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20-1756	Research Services
20-1757	Retail Sales and Service
20-1758	Retail Sales, General
20-1759	School
20-1760	Scrap and Salvage Operations
20-1761	<a href="#">Sexually Oriented Businesses</a>
20-1762	Sports and Recreation, Participant
20-1763	Transient Habitation
20-1764	Utilities and Services, Major
20-1765	Utilities, Minor
20-1766	Vehicle Sales and Service
20-1767	Wholesale, Storage, and Distribution
20-1768	Telecommunications Facilities
20-1769	Institutional Use

**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 <a href="#">Access</a> between two or more contiguous sites so the driver need not enter the public <a href="#">Street</a> system.
Access Management	The process of managing <a href="#">Access</a> to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A <a href="#">Dwelling Unit</a> that is incidental to and located on the same <a href="#">Lot</a> as the <a href="#">Principal Building</a> or use, when the <a href="#">Principal Building</a> or use is a <a href="#">Dwelling</a> .
Accessory Structure	A subordinate <a href="#">Structure</a> , the use of which is clearly incidental to, or customarily found in connection with, and located on the same <a href="#">Lot</a> as the <a href="#">Principal Building</a> or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off- <a href="#">Street Parking Space</a> ) located on the same <a href="#">Lot</a> as the <a href="#">Principal Use</a> to which it is related.
Accessway , also Access Drive	Any <a href="#">Driveway</a> , <a href="#">Street</a> , turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See <a href="#">Group Home</a>
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the <a href="#">Landowner</a> 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 <a href="#">Structure</a> or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any <a href="#">Airport</a> 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 <a href="#">Access</a> 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 <a href="#">Antenna</a> support <a href="#">Structure</a> or attached to the exterior of any <a href="#">Building</a> . 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 <a href="#">Antenna</a> support <a href="#">Structure</a> .
Antenna, Receive-Only	An <a href="#">Antenna</a> capable of receiving but not transmitting electromagnetic waves, including <a href="#">Satellite Dishes</a> .
Antenna, Amateur Radio	An <a href="#">Antenna</a> owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio <a href="#">Antenna</a> .
Arterial	A <a href="#">Street</a> classified as an <a href="#">Arterial</a> in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A <a href="#">Street</a> 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 <a href="#">Thoroughfares</a> Map of the City.
Arterial Street, Principal	A <a href="#">Street</a> 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 <a href="#">Thoroughfares</a> Map of the City.
Assisted Living	<a href="#">Building</a> or group of <a href="#">Buildings</a> containing <a href="#">Dwellings</a> designed for occupancy by persons 55 years or older where the <a href="#">Dwelling Units</a> are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first <a href="#">Story</a> in a <a href="#">Building</a> , except that a floor level in a <a href="#">Building</a> having only one floor level shall be classified as a <a href="#">Basement</a> unless such floor level qualifies as a first <a href="#">Story</a> 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 <a href="#">Zoning District</a> delineated on the <a href="#">Official Zoning District Map</a> under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of <a href="#">Buildings</a> , or use of land, and other regulations relating to the development or maintenance of existing uses or <a href="#">Structures</a> , are uniform; but not including <a href="#">Overlay Zoning Districts</a> .

Term	Definition
<b>Base District, Special Purpose</b>	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 <b>Effective Date</b> of this Development Code or newly annexed urban reserve areas.
<b>Berm</b>	An earthen mound at least two feet (2') above existing <b>Grade</b> designed to provide visual interest, <b>Screen</b> undesirable views and/or decrease noise.
<b>Bicycle</b>	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
<b>Bicycle- Parking Space</b>	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
<b>Big Box</b>	See <b>Retail Establishment, Large</b> .
<b>Block</b>	A <b>Parcel</b> of land entirely surrounded by public <b>Streets</b> , highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
<b>Block Face</b>	That portion of a <b>Block</b> or <b>Tract</b> of land facing the same side of a single <b>Street</b> and lying between the closest intersecting <b>Streets</b> .
<b>Bufferyard</b>	A combination of physical space and vertical elements, such as plants, <b>Berms</b> , fences, or walls, the purpose of which is to separate and <b>Screen</b> changes in land uses from each other.
<b>Build-to-Line (minimum Building setback)</b>	An imaginary line on which the front of a <b>Building</b> or <b>Structure</b> must be located or built and which is measured as a distance from a public right-of-way.
<b>Building</b>	Any <b>Structure</b> 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 <b>Structure</b> 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 <b>Building</b> , except as regards minimum <b>Side Setback</b> requirements as herein provided.
<b>Building Envelope</b>	The three-dimensional space on a <b>Lot</b> on which a <b>Structure</b> can be erected consistent with existing regulations, including those governing maximum <b>Height</b> and bulk and the <b>Setback</b> lines applicable to that <b>Lot</b> consistent with the underlying <b>Zoning District</b> , or as modified pursuant to a <b>Variance</b> , a site review, or prior City approval.
<b>Building Frontage</b>	That portion of a <b>Building</b> or <b>Structure</b> that is adjacent to or faces the Public Frontage.
<b>Building, Principal</b>	A <b>Building</b> in which is conducted the <b>Principal Use</b> of the <b>Building</b> site on which it is situated. In any residential <b>District</b> , any <b>Dwelling</b> shall be deemed to be the <b>Principal Building</b> on the site on which the same is located.
<b>Building Type (also referred to as housing type)</b>	A residential <b>Structure</b> defined by the number of <b>Dwelling Units</b> contained within.
<b>Caliper</b>	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 <b>Caliper</b> size, and as measured at 12 inches above the ground for larger sizes. 
<b>City Regulations</b>	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
<b>Clear Zone</b>	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.
<b>Cross Access Agreement</b>	A document signed and acknowledged by <b>Owner</b> of two or more adjoining pieces of property establishing <b>Easements</b> , licenses or other continuing rights for <b>Access</b> across one property to one or more other properties.
<b>Collector Street</b>	A <b>Street</b> 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 <b>Streets</b> and <b>Arterial Streets</b> .
<b>Collector Street, Minor</b>	See Collector, Residential

Term	Definition
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 <b>Collector Streets</b> that allow traffic to be distributed to at least two (2) <b>Arterial Streets</b> .
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 <b>Landowners</b> of the Development. <b>Common Open Space</b> , except for <b>Common Open Space</b> designated as Environmentally Sensitive may contain such supplementary <b>Structures</b> and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and <b>Landowners</b> 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 <b>Comprehensive Plan</b> , also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan <b>Planning Commission</b> , as amended or superceded by adoption of a replacement plan from time to time.
Congregate Living	A <b>Dwelling Unit</b> 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 <b>Dormitory</b> , fraternity or sorority house, <b>Assisted Living</b> , <b>Extended Care Facility</b> , <b>Group Home</b> 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 <b>Shrub</b> with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the <b>Planning Director</b> , <b>Planning Commission</b> or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of <b>Dwelling Units</b> 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 <b>Dwelling Units</b> in a development by the total area of land upon which the <b>Dwelling Units</b> are proposed to be located, including rights-of-way of publicly dedicated <b>Streets</b> .
Density, Net	The numerical value obtained by dividing the total number of <b>Dwelling Units</b> in a development by the area of the actual <b>Tract</b> of land upon which the <b>Dwelling Units</b> are proposed to be located, excluding rights-of-way of publicly dedicated <b>Streets</b> .
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 <b>Premises</b> , including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or <b>Structural Alteration</b> , or partial or total demolition of <b>Buildings</b> and <b>Structures</b> ; (b) the subdivision of land; (c) changing the use of land, or <b>Buildings</b> or <b>Structures</b> on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or <b>Landscaping</b> of land or bodies of water on land.

Term	Definition
<p><b>Development Project, Major</b> (Ord. 8465)</p>	<p>Any development proposing the following:</p> <ul style="list-style-type: none"> <li>a. Any <b>Development Activity</b> on a site that is vacant or otherwise undeveloped; or</li> <li>b. Any <b>Significant Development Project</b> on a site that contains existing development, defined as:                             <ul style="list-style-type: none"> <li>1. Any modification to a site that alters <b>Parking Areas</b>, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the <b>Planning Director</b> determines to be significant in terms of impacting adjacent roads or adjacent properties; or</li> <li>2. In the IG zoning district, the construction of one or more <b>Building(s)</b> or building additions that contain a <b>Gross Floor Area</b> of fifty percent (50%) or more of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>3. In any zoning district other than IG, the construction of one or more <b>Building(s)</b> or building additions that contain a <b>Gross Floor Area</b> of twenty percent (20%) or more of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>4. Separate incremental <b>Building</b> additions below 50% for IG zoning and 20% for all other zoning districts of the <b>Gross Floor Area</b> of existing <b>Building(s)</b> if the aggregate effect of such <b>Development Activity</b> over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or</li> <li>5. The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing <b>Impervious Surface</b> coverage.</li> </ul> </li> </ul>
<p><b>Development Project, Minor</b> (Ord. 8465)</p>	<p>Any development proposing the minor modification of a site, as determined by the <b>Planning Director</b>, which does not meet the criteria for a <b>Standard</b> or <b>Major Development Project</b>, 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>

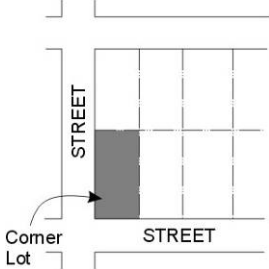
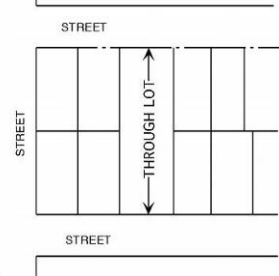


Term	Definition
<p><b>Development Project, Standard</b> (Ord. 8465)</p>	<p>a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:</p> <ol style="list-style-type: none"> <li>1. a change in use to a less intensive use and where physical modifications to the site, excluding interior <b>Building</b> modifications, are proposed; or</li> <li>2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or</li> <li>3. the substantial modification of a site, defined as:                             <ol style="list-style-type: none"> <li>a. The construction of any new <b>Building(s)</b> on the site; or</li> <li>b. The construction of any <b>Building</b> addition that contains a <b>Gross Floor Area</b> of ten percent (10%) or more of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>c. Separate incremental <b>Building</b> additions below ten percent (10%) of the <b>Gross Floor Area</b> of existing buildings if the aggregate effect of such <b>Development Activity</b> over a period of 24 months would trigger the 10% threshold; or</li> <li>d. The addition of <b>Impervious Surface</b> coverage that exceeds 10% of what exists; or</li> <li>e. Any modification determined by the <b>Planning Director</b> to be substantial.</li> </ol> </li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or</li> <li>2. any modification of a site which meets the following criteria or proposes the following:                             <ol style="list-style-type: none"> <li>a. A modification to a site which alters the <b>Parking Area</b>, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or</li> <li>b. A development, redevelopment, or modifications to the exterior style, design or material type of a <b>Structure</b> that is subject to the Community Design Manual; or</li> <li>c. An outdoor dining or hospitality use in the CD and CN1 <b>Zoning Districts</b> and any outdoor dining use located in any other <b>Zoning District</b> that would result in an increase of the number of <b>Parking Spaces</b> required; or</li> <li>d. In the IG zoning district, the construction of one or more new <b>Building(s)</b> or building additions that contain a <b>Gross Floor Area</b> of less than fifty percent (50%) of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>e. In any zoning district other than IG, the construction of one or more new <b>Building(s)</b> or building additions that contain a <b>Gross Floor Area</b> of less than twenty percent (20%) of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>f. In the IG zoning district, the installation or addition of less than fifty percent (50%) of existing <b>Impervious Surface</b> coverage; or</li> <li>g. In any zoning district other than IG, the installation or addition of less than twenty percent (20%) of existing <b>Impervious Surface</b> coverage; or</li> <li>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 <b>Planning Director</b>.</li> </ol> </li> </ol>
<p><b>Development Zone, Primary</b></p>	<p>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.</p>
<p><b>Development Zone, Secondary</b></p>	<p>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.</p>
<p><b>Development Zone, Tertiary</b></p>	<p>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.</p>
<p><b>Dependent Living Facility</b></p>	<p>See <b>Extended Care Facility</b></p>

Term	Definition
Director, Planning	See <a href="#">Planning Director</a>
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two <a href="#">Structures</a> 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 <a href="#">Building</a> 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 <a href="#">Building</a> , provided that the main entrance to these facilities is from within the <a href="#">Building</a> .
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing <a href="#">Access</a> for vehicles to a single <a href="#">Lot</a> or facility.
Driveway, Joint-Use	A privately-owned <a href="#">Driveway</a> that provides <a href="#">Access</a> to 2 or more <a href="#">Lots</a> in a commercial or industrial Development, such as in a shopping center (without <a href="#">Lots</a> ) or a business or industrial park.
Driveway, Shared	A single <a href="#">Driveway</a> serving two or more adjoining <a href="#">Lots</a> .
Driveway Apron (or Approach)	The <a href="#">Driveway</a> 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 <a href="#">Lot Line</a> .
Dwelling	A <a href="#">Building</a> 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 <a href="#">Mobile Home</a> .
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one <a href="#">Family</a> or <a href="#">Housekeeping Unit</a> for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property <a href="#">Owner</a> to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian <a href="#">Access</a> , and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A <a href="#">Building</a> 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 <a href="#">Buildings</a> 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 <a href="#">Building</a> , provided that the main entrance to these facilities is from within the <a href="#">Building</a> .
Evergreen (Coniferous) Tree	An <a href="#">Evergreen Tree</a> , usually of pine, spruce or juniper genus, bearing cones and generally used for its <a href="#">Screening</a> qualities. A <a href="#">Coniferous Tree</a> may be considered a <a href="#">Shade Tree</a> if it is at least five (5) feet in <a href="#">Height</a> when planted and reaches a mature <a href="#">Height</a> 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 <a href="#">Extended Care Facility</a> 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.

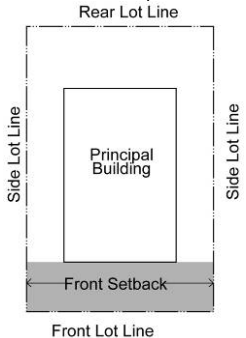
Term	Definition
<b>Extended Care Facility (Dependent Living or Nursing Care Facility), Limited</b>	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, 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 <b>Extended Care Facility</b> 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). <b>Extended Care Facilities</b> include facilities for the provision of skilled nursing care, hospice care and similar services.
<b>Extended Stay Lodging</b>	A <b>Building</b> , including a single- <b>Family</b> residence, or group of <b>Buildings</b> 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- <b>Family Dwellings</b> are not considered rental housing and are not subject to the rental licensing provisions of the City.
<b>Exterior Storage</b>	Outdoor storage of any and all materials related to the principal use of the <b>Lot</b> 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 <b>Exterior Storage</b> areas.
<b>Facade</b>	Exterior face (side) of a <b>Building</b> which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
<b>Family</b>	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an <b>RS Zoning District</b> , a group of not more than three persons not related by blood or marriage, living together as a single <b>Housekeeping Unit</b> in a <b>Dwelling Unit</b> , as distinguished from a group occupying a <b>Dormitory, Congregate Living</b> , motel, hotel, fraternity house or sorority house; or (4) in a <b>Zoning District</b> other than <b>RS</b> , a group of not more than four persons not related by blood or marriage, living together as a single <b>Housekeeping Unit</b> in a <b>Dwelling Unit</b> , as distinguished from a group occupying a <b>Dormitory, Congregate Living</b> , motel, hotel, fraternity house or sorority house.
<b>Floodplain</b>	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
<b>Floor Area</b>	The sum of the horizontal areas of each floor of a <b>Building</b> , measured from the interior faces of the exterior walls or from the centerline of walls separating two <b>Buildings</b> .
<b>Floor Area, Gross</b>	The sum of the horizontal areas of the several stories of a <b>Building</b> , measured from the exterior faces of exterior walls, or in the case of a common wall separating two <b>Buildings</b> , from the centerline of such common wall.
<b>Floor Area, Net</b>	The horizontal area of a floor or several floors of a <b>Building</b> or <b>Structure</b> ; excluding those areas not directly devoted to the principal or <b>Accessory Use</b> of the <b>Building</b> or <b>Structure</b> , such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
<b>Floor Area Ratio (F.A.R.)</b>	The sum of the horizontal areas of the several floors inside the exterior walls ( <i>excluding basements</i> ) of a <b>Building</b> or a portion thereof divided by the <b>Lot Area</b> .
<b>Foot-candle</b>	A unit of measurement referring to the illumination incident to a single point. One (1) <b>Foot-Candle</b> is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
<b>Frontage</b>	All the property on one side of a <b>Thoroughfare</b> between two intersecting <b>Thoroughfares</b> (crossing or terminating), or if the <b>Thoroughfare</b> is <b>Dead-Ended</b> , then all of the property abutting on one side between an intersecting <b>Thoroughfare</b> and the <b>Dead-End</b> .
<b>Frontage Road, Private</b>	Any <b>thoroughfare</b> that is not publicly owned and maintained and that is parallel and adjacent to any <b>Lot Frontage</b> as defined above.
<b>Grade</b>	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the <b>Building</b> and the <b>Lot Line</b> or, when the <b>Lot Line</b> is more than 5 feet from the <b>Building</b> , between the <b>Building</b> and a line five feet from the <b>Building</b> .
<b>Greek Housing</b>	A group living <b>Structure</b> 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.
<b>Ground Cover</b>	<b>Living Landscape Materials</b> 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 <b>Height</b> of not greater than 24 inches.
<b>Ground Floor</b>	A level of <b>Building</b> floor which is located not more than 2 feet below nor 6 feet above finished <b>Grade</b> .

Term	Definition
<b>Group Home (or Adult Care Home), General</b>	Any <b>Dwelling</b> 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 <b>Dwelling</b> 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.
<b>Group Home (or Adult Care Home), Limited</b>	Any <b>Dwelling</b> 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 <b>Dwelling</b> 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).
<b>Growing or Planting Season</b>	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
<b>Height (Building)</b>	Refers to the vertical distance from the finished <b>Grade</b> , 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 <b>Height</b> of the highest gable of a pitch or hip roof.
<b>Historic Resources Commission (HRC)</b>	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
<b>Home Occupation</b>	An <b>Accessory Use</b> that complies with the provisions of Section 20-537.
<b>Housekeeping Unit</b>	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one <b>Family</b> .
<b>Housing for the Elderly</b>	See <b>Assisted Living</b> or <b>Extended Care Facility</b>
<b>HRC</b>	See <b>Historic Resources Commission</b>
<b>Hydrologic and Hydraulic Study</b>	See Hydrologic and Hydraulic Study definition in Section 20-1205
<b>Impervious Surface</b>	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and <b>Buildings</b> ) which either prevent or retard the entry of water into the soil material.
<b>Inactive File</b>	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.
<b>Infrastructure</b>	Those man-made <b>Structures</b> 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, <b>Bicycle</b> paths or trails, pedestrian sidewalks, paths or trails and transit stops.
<b>Jurisdictional Wetland</b>	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).
<b>Landowner</b>	See <b>Owner</b>
<b>Landscaped Peninsula</b>	A concrete curbed planting area typically found in <b>Parking Lots</b> to provide areas for trees and <b>Shrubs</b> between <b>Parking Spaces</b> and along the terminus of single and double <b>Parking</b> aisles.
<b>Landscape Material</b>	Such living material as trees, <b>Shrubs</b> , <b>Ground Cover</b> /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.
<b>Landscaping</b>	Any combination of living plants such as trees, <b>Shrubs</b> , plants, vegetative <b>Ground Cover</b> or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. <b>Landscaping</b> shall also include irrigation systems, <b>Mulches</b> , topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
<b>Licensed Premises</b>	A <b>Premises</b> 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 <b>Premises</b> 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 <b>City Regulations</b> .

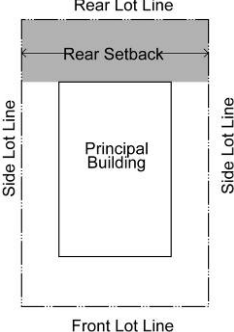
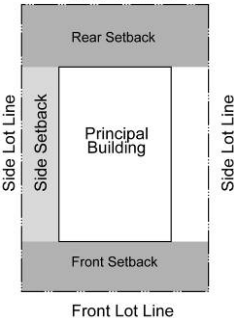
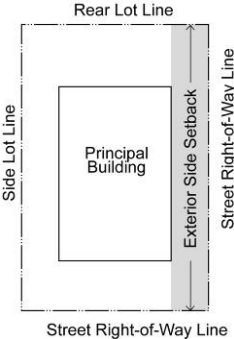
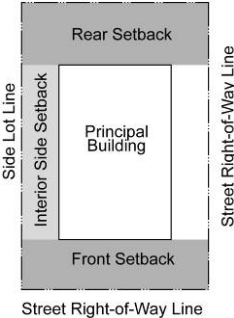
Term	Definition
<b>Light Court</b>	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure.
<b>Light Truck</b>	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
<b>Livestock</b>	Any animal customarily kept for producing food or fiber.
<b>Local Street</b>	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.
<b>Local Street System</b>	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
<b>Lot</b>	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.
<b>Lot Area</b>	The total horizontal area within the Lot Lines of a Lot.
<b>Lot Frontage</b>	See Frontage
<b>Lot, Corner</b>	<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> 
<b>Lot, Through</b>	<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> 
<b>Lot Depth</b>	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.
<b>Lot Line</b>	A boundary of a Lot.
<b>Lot Line, Exterior Side</b>	A Side Lot Line separating a Lot from a Street other than an Alley.
<b>Lot Line, Front</b>	The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street Frontage as the Front Lot Line.
<b>Lot Line, Rear</b>	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.
<b>Lot Line, Side</b>	A Lot Line that is not a Front Lot Line or Rear Lot Line.
<b>Lot Width</b>	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
<b>Manufactured Home</b>	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, but does not comply with the standards and provisions of Section 20-513.

Term	Definition
<b>Manufactured Home, Residential-Design</b>	Any <b>Structure</b> that is manufactured to the standards embodied in the National <b>Manufactured Home Construction and Safety Standards</b> (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)
<b>Massing</b>	The size and shape of <b>Structure(s)</b> individually and their arrangements relative to other <b>Structure(s)</b> .
<b>Mature Trees, Stand of</b>	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
<b>Minimum Elevation of Building Opening</b>	The minimum elevation above sea level at which a <b>Building</b> located in the <b>Floodplain</b> may have a door, window, or other opening.
<b>Mixed Use</b>	The development of a <b>Lot, Tract or Parcel</b> of land, <b>Building</b> or <b>Structure</b> 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.
<b>Mixed Use Structure, Horizontal</b>	A <b>Building</b> or <b>Structure</b> containing both nonresidential and residential uses distributed horizontally throughout the <b>Structure</b> .
<b>Mixed Use Structure, Vertical</b>	A <b>Building</b> or <b>Structure</b> , a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the <b>Structure</b> .
<b>Mobile Home</b>	Any vehicle or similar portable <b>Structure</b> having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for <b>Dwelling</b> or sleeping purposes. <b>Mobile Home</b> includes any <b>Structure</b> that otherwise meets this description, but that was not subject to the National <b>Manufactured Home Construction and Safety Standards</b> (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. <b>Mobile Homes</b> are considered to be <b>Dwelling Units</b> only when they are parked in a <b>Mobile Home Park</b> .
<b>Moderately-Priced Dwelling Unit</b>	A <b>Dwelling Unit</b> 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.
<b>Mulch</b>	Non-living organic material customarily used to retard soil erosion and retain moisture.
<b>Native Prairie Remnants</b>	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.
<b>Natural Drainageway</b>	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.
<b>Natural Open Space</b>	<b>Common Open Space</b> that includes undisturbed natural resources, such as <b>Floodplains, Wetlands, steep slopes, and Woodlands</b> .
<b>Nodal Development Plan</b>	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 <b>Lot Depth</b> developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the <b>Node</b> .
<b>Node</b>	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
<b>Non-encroachable Area</b>	That portion of a <b>Lot</b> or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by <b>Building</b> or <b>Development Activity</b> , excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
<b>Nursing Care Facility</b>	See <b>Extended Care Facility</b>
<b>Official Zoning District Map</b>	A map or maps outlining the various <b>Zoning District</b> boundaries of the City of Lawrence, Kansas.
<b>Open Porch</b>	A roofed space attached to a <b>Building</b> on one side and open on the three remaining sides.
<b>Open Use of Land</b>	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or <b>Accessory Structures</b> . 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.
<b>Ornamental Tree</b>	A <b>Deciduous</b> tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature <b>Height</b> generally under 40 feet.

Term	Definition
<b>Outdoor Use Zone</b>	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 <b>Building-mounted signs</b> .
<b>Overlay Zoning District (or Overlay Zoning District)</b>	Any <b>Zoning District</b> included in this Development Code with the word "overlay" in its title. The <b>Overlay Zoning District</b> regulations are found in Article 3 of this Development Code.
<b>Owner</b>	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 <b>Owner</b> may be determined using the latest Douglas County Appraiser's assessment roll.
<b>Parcel</b>	A <b>Lot</b> or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
<b>Parking Access</b>	Any public or private area, under or outside a <b>Building</b> or <b>Structure</b> , designed and used for parking motor vehicles including parking <b>Lots</b> , garages, private <b>Driveways</b> and legally designated areas of public <b>Streets</b> .
<b>Parking Area</b>	An area devoted to off- <b>Street Parking</b> of vehicles on any one <b>Lot</b> for public or private use.
<b>Parking Space</b>	A space for the parking of a motor vehicle or <b>Bicycle</b> within a public or private <b>Parking Area</b> . Typically <b>Parking Spaces</b> for private uses are located off the public right-of-way.
<b>Peak Hour</b>	The four (4) highest contiguous 15-minute traffic volume periods.
<b>Pedestrian Scale (human scale)</b>	Means the proportional relationship between the dimensions of a <b>Building</b> or <b>Building</b> element, <b>Street</b> , outdoor space or <b>Streetscape</b> element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
<b>Planned Development</b>	Developments processed and considered in accordance with the procedures specified in the Planned Development <b>Overlay Zoning District</b> provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the <b>Landowner</b> to be developed as a single entity, commonly pursuant to an <b>Overlay Zoning District</b> , for a number of <b>Dwelling Units</b> , 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.
<b>Planning Commission</b>	The Lawrence-Douglas County Metropolitan <b>Planning Commission</b> established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
<b>Planning Director</b>	The Director of the Lawrence-Douglas County Metropolitan <b>Planning Commission</b> or her or his designee.
<b>Premises</b>	A <b>Lot</b> , together with all <b>Buildings</b> and <b>Structures</b> thereon.
<b>Principal Building</b>	See <b>Building</b> , Principal
<b>Principal Use</b>	The primary purpose for which land or a <b>Structure</b> is utilized, based in part on the amount of <b>Floor Area</b> devoted to each identifiable use. The main use of the land or <b>Structures</b> as distinguished from a secondary or <b>Accessory Use</b> .
<b>Public Frontage</b>	The publicly-owned layer between the <b>Lot</b> 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.
<b>Public Frontage, Primary</b>	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 <b>Structures</b> . 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 <b>Building</b> Frontage or Right-of-way line, reserving space for street furniture.
<b>Public Frontage, Secondary</b>	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 <b>Building</b> 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.
<b>Public Frontage, Tertiary</b>	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.
<b>Recreational Open Space</b>	<b>Common Open Space</b> 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.

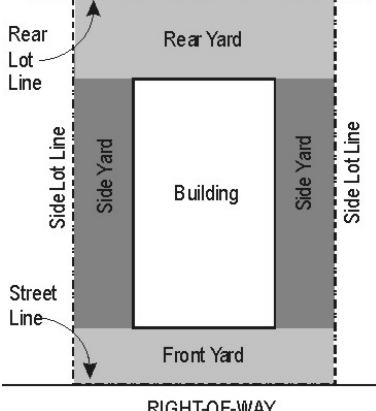
Term	Definition
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. <a href="#">Recyclable Materials</a> do not include refuse or hazardous materials. <a href="#">Recyclable Materials</a> may include used motor oil collected and transported in accordance with environmental and sanitation codes.
<a href="#">Registered Neighborhood Association</a>	A neighborhood or local interest group that represents a defined area of the City and that has registered with the <a href="#">Planning Director</a> in accordance with the applicable registration procedures of the <a href="#">Planning Director</a> .
<a href="#">Regulatory Flood</a>	See <a href="#">Base Flood</a> definition in Article 12.
<a href="#">Regulatory Floodplain</a>	See <a href="#">Floodplain</a> definition in Article 12.
<a href="#">Regulatory Floodway</a>	See <a href="#">Floodway</a> definition in Article 12.
<a href="#">Regulatory Floodway Fringe</a>	See <a href="#">Floodway Fringe</a> definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See <a href="#">Manufactured Home, Residential-Design</a>
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a <a href="#">Building</a> is 100,000 or more gross square feet of <a href="#">Floor Area</a> that may or may not include ancillary uses with internal <a href="#">Access</a> from the <a href="#">Principal Use Building</a> .
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a <a href="#">Building</a> is less than 100,000 gross square feet of <a href="#">Floor Area</a> .
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 <a href="#">Building</a> . A specialty retail sales establishment shall not exceed 100,000 gross square feet of <a href="#">Floor Area</a> and may have an unlimited number of individual vendors within it.
<a href="#">Root System Zone</a>	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.
<a href="#">Sadomasochistic Practices</a>	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.
<a href="#">Satellite Dish</a>	A dish <a href="#">Antenna</a> , 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 <a href="#">Building</a> .
<a href="#">Scale</a>	A quantitative measure of the relative <a href="#">Height</a> and <a href="#">Massing</a> of <a href="#">Structure(s)</a> <a href="#">Building(s)</a> and spaces.
<a href="#">Screen or Screening</a>	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or <a href="#">Structure</a> from another by fencing, walls, <a href="#">Berms</a> , or densely planted vegetation, or other means approved by the <a href="#">Planning Director</a> .
<a href="#">Setback</a>	The minimum horizontal distance by which any <a href="#">Building</a> or <a href="#">Structure</a> must be separated from a street right-of-way or <a href="#">Lot</a> line. (See also 20-602(e))
<a href="#">Setback, Front</a>	The <a href="#">Setback</a> required between a <a href="#">Building</a> and the <a href="#">Front Lot Line</a> . 



Term	Definition
<p><b>Setback, Rear</b></p>	<p>The <b>Setback</b> required between a <b>Building</b> and the <b>Rear Lot Line</b>.</p> 
<p><b>Setback, Side</b></p>	<p>The <b>Setback</b> required between a <b>Building</b> and the <b>Side Lot Line</b>.</p> 
<p><b>Setback, Side (Exterior)</b></p>	<p>The <b>Setback</b> required between a <b>Building</b> and the <b>Exterior Side Lot Line</b>.</p> 
<p><b>Setback, Side (Interior)</b></p>	<p>The <b>Setback</b> required between a <b>Building</b> and the <b>Interior Side Lot Line</b>.</p> 
<p><b>Sexually Oriented Media</b></p>	<p>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 <b>Specified Sexual Activities</b> or <b>Specified Anatomical Areas</b>.</p>
<p><b>Sexually Oriented Novelties</b></p>	<p>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.</p>
<p><b>Shade Tree</b></p>	<p>Usually a <b>Deciduous</b> tree, rarely an <b>Evergreen</b>; planted primarily for its high crown of foliage or overhead <b>Canopy</b>.</p>
<p><b>Shared Parking</b></p>	<p>Development and use of <b>Parking Areas</b> on two (2) or more separate properties for joint use by the businesses or <b>Owner</b> of these properties.</p>

Term	Definition
<b>Shrub</b>	A <b>Deciduous</b> , Broadleaf, or <b>Evergreen</b> plant, smaller than an <b>Ornamental Tree</b> and larger than <b>Ground Cover</b> , consisting of multiple stems from the ground or small branches near the ground, which attains a <b>Height</b> of 24 inches.
<b>Significant Development Project</b>	<ol style="list-style-type: none"> <li>Any modification to a site that alters <b>Parking Areas</b>, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the <b>Planning Director</b> determines to be significant in terms of impacting adjacent roads or adjacent properties; or</li> <li>In the IG zoning district, the construction of one or more <b>Building(s)</b> or building additions that contain a <b>Gross Floor Area</b> of fifty percent (50%) or more of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>In any zoning district other than IG, the construction of one or more <b>Building(s)</b> or building additions that contain a <b>Gross Floor Area</b> of twenty percent (20%) or more of the <b>Gross Floor Area</b> of existing <b>Building(s)</b>; or</li> <li>Separate incremental <b>Building</b> additions below 50% for IG zoning and 20% for all other zoning districts of the <b>Gross Floor Area</b> of existing <b>Buildings</b> if the aggregate effect of such <b>Development Activity</b> over a period of 24 consecutive months would trigger the 50% (for IG) or 20% (for all other zoning districts) threshold; or</li> <li>The installation or addition of more than 50% for IG zoning and 20% for all other zoning districts of existing <b>Impervious Surface</b> coverage.</li> </ol>
<b>Slip Road</b>	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.
<b>Special Purpose Base District</b>	See <b>Base District</b> , Special Purpose
<b>Specified Anatomical Areas</b>	(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.
<b>Specified Sexual Activities</b>	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.
<b>Story</b>	That portion of a <b>Building</b> included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost <b>Story</b> shall be that portion of a <b>Building</b> included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a <b>Basement</b> or unused under-floor space is more than six (6) feet above <b>Grade</b> as defined herein for more than 50% of the total perimeter or is more than 12 feet above <b>Grade</b> as defined herein at any such point, or unused under-floor space shall be considered a <b>Story</b> .
<b>Stream Corridor</b>	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.
<b>Street, Arterial</b>	<b>Arterial Streets</b> are the highest level of <b>Street</b> classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal <b>Arterials</b> permit traffic flow through the urban area and between major destinations. Minor <b>Arterials</b> collect and distribute traffic from principal <b>Arterials</b> and expressway to <b>Streets</b> of lower classification, and, in some cases, allow traffic to directly <b>Access</b> destinations.
<b>Street, Collector</b>	A <b>Collector Street</b> provides for land <b>Access</b> and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the <b>Arterial Streets</b> . <b>Collectors</b> do not typically accommodate long through trips and are not continuous for long distances.
<b>Street, Cul-de-sac</b>	A <b>Street</b> having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
<b>Street, Dead-End</b>	A <b>Street</b> having only one outlet and which does not benefit from a Turnaround at its end.
<b>Street, Expressway</b>	Any divided <b>Street</b> or highway with no <b>Access</b> from Abutting property and which has either separated or at- <b>Grade Access</b> from other public <b>Streets</b> and highways.
<b>Street, Freeway</b>	Any divided <b>Street</b> or highway with complete <b>Access</b> Control and <b>Grade</b> separated interchanges with all other public <b>Streets</b> and highways.
<b>Street, Limited Local</b>	A <b>Local Street</b> providing <b>Access</b> to not more than eight Abutting single- <b>Family</b> residential <b>Lots</b> .

Term	Definition
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
Yard	<p>Any <b>Open Space</b> located on the same <b>Lot</b> with a <b>Building</b>, unoccupied and unobstructed from the ground up, except for accessory <b>Buildings</b>, or such projections as are expressly permitted by these regulations. “<b>Yard</b>” refers to the actual open area that exists between a <b>Building</b> and a <b>Lot Line</b>, as opposed to the <b>Required Yard</b> or <i>open area</i> (referred to as a “<b>Setback</b>”)</p>  <p>The diagram illustrates a rectangular lot with a central building. The lot is bounded by a <b>Rear Lot Line</b> at the top, a <b>Street Line</b> at the bottom, and two <b>Side Lot Lines</b> on the left and right. The area between the building and the <b>Rear Lot Line</b> is labeled <b>Rear Yard</b>. The area between the building and the <b>Street Line</b> is labeled <b>Front Yard</b>. The areas between the building and the <b>Side Lot Lines</b> are labeled <b>Side Yard</b>. The area between the building and the <b>Street Line</b> is also labeled <b>RIGHT-OF-WAY</b>.</p>
Yard, Front	A space extending the full width of a <b>Lot</b> between any <b>Building</b> and the <b>Front Lot Line</b> and measured perpendicular to the <b>Building</b> at the closest point to the <b>Front Lot Line</b> .
Yard, Rear	A space extending the full width of a <b>Lot</b> between the <b>Principal Building</b> and the <b>Rear Lot Line</b> and measured perpendicular to the <b>Building</b> at the closest point to the <b>Rear Lot Line</b> .
Yard, Required	The unobstructed <b>Open Space</b> measured from a point on a <b>Principal Building</b> to the <b>Lot Line</b> from the ground upward, within which no <b>Structure</b> shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required <b>Setbacks</b> for every <b>Lot</b> .
Yard, Side	A space lying between the side line of the <b>Lot</b> and the nearest line of the <b>Principal Building</b> and extending from the <b>Front Yard</b> to the <b>Rear Yard</b> , or in the absence of either of such front or <b>Rear Yards</b> , to the front or <b>Rear Lot Lines</b> . Side-yard widths shall be measured perpendicular to the side <b>Lot Lines</b> of the <b>Lot</b> .
<b>Zoning District</b>	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.

**20-1702 USE CATEGORIES IN GENERAL****(1) Purpose**

This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of present and future uses to [Zoning Districts](#).

**(2) Classification Considerations**

- (1) Uses are assigned to the use category that most closely describes the nature of the [Principal Use](#), based on the "Characteristics" description of each use category. Developments may have more than one [Principal Use](#) (see paragraph (3), below).
- (2) The following factors are considered to determine what use category the use is in, and whether the activities constitute Principal Uses or [Accessory Uses](#):
  - a. The description of each activity in relationship to the characteristics of each use category;
  - b. The relative amount of site or floor space and equipment devoted to each activity;
  - c. Relative amounts of sales from each activity;
  - d. The customer type for each activity;
  - e. The relative number of employees in each activity;
  - f. Hours of operation;
  - g. Classification of the use in the North American Industry Classification System (NAICS);
  - h. [Building](#) and site arrangement;
  - i. Number and type of vehicles used with each activity;
  - j. The relative number of vehicle trips generated by each activity;
  - k. Signs;
  - l. How the use advertises itself; and
  - m. Whether each individual activity would be likely to be found independent of the other activities on the site.

**(3) Developments with Multiple Principal Uses**

When all Principal Uses of a development fall within one use category, then the development is assigned to that use category. When the Principal Uses of a development fall within different use categories, each Principal Use is classified in the applicable category and is subject to the regulations for that category.

**20-1703 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY**

Conversion of a [Structure](#) listed individually or as a contributing [Structure](#) to a historic district in the National, State or local register to another specified use, with the intent of preserving the listed [Structure](#).

**20-1704 ADAPTIVE REUSE OF GREEK HOUSING**

Conversion of a [Greek Housing](#) unit to another specified use, with the intent of preserving its architectural character and protecting nearby low-[Density](#) residential districts from incompatible developments.

**20-1705 AGRICULTURAL SALES**

On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

**20-1706 AGRICULTURAL SERVICES**

Provision of agriculturally related services with incidental storage on [Lots](#) other than where the service is rendered. Typical uses include crop dusting and tree service firms.

**20-1707 AGRICULTURE**

Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

**20-1708 AGRICULTURE, ANIMAL**

Activities that primarily involve raising, producing or keeping of animals. Examples include breeding or raising of fowl or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use.

**20-1709 AGRICULTURE, CROP**

Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.

**20-1710 ANIMAL SERVICES**

The following are Animal Services use types:

**(1) Sales and Grooming**

Sales, grooming and day time care of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.

**(2) Kennels/Day Care**

Kennel services for dogs, cats, and small animals, including day care and overnight care. Typical uses include boarding kennels and dog training centers.

**(3) Veterinary**

Typical uses include veterinary offices, pet clinics, and animal hospitals.

**(4) Livestock Sales**

Typical uses includes [Livestock](#) auction sales.

**20-1711 BIG BOX**

Refer to Retail Establishments.

**20-1712 BUILDING MAINTENANCE SERVICES**

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

**20-1713 BUSINESS EQUIPMENT SALES AND SERVICES**

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, computer repair shops and hotel equipment and supply firms.

**20-1714 BUSINESS SUPPORT SERVICES**

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trade schools that do involve outdoor storage or manufacturing processes are classified as "Limited Manufacturing and Production."

**20-1715 COMMERCIAL NODE**

A node, which is located at the intersections of streets set forth in Chapter 6 of Horizon 2020, and which is designed to integrate commercial uses with the surrounding neighborhoods through [Mixed Use](#) development.

**20-1716 COMMUNICATIONS SERVICE ESTABLISHMENTS**

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "Major Utilities and Services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

**20-1717 COMMUNITY FACILITIES**

**Community Facilities** are uses of a public, publicly funded, nonprofit, or charitable nature, not including recreational uses, which provide a variety of services to the general public on a regular basis including but not limited to educational, technical or vocational training, day care, cultural, civic or social services, or utility services.

**(1) Temporary Shelter**

A building operated by a public, publicly funded, nonprofit, charitable organization, or religious institution that provides day and/or overnight shelter to one or more persons who lack a fixed, regular, and adequate nighttime residence. The **Temporary Shelter** may provide accessory food services, social services, counseling, medical services, personal hygiene, life skills training, employment training and assistance, educational assistance, mail or delivery services, telephone or computer services, storage of personal belongings, and a workplace for shelter occupants that may consist of any use permitted by the zoning district in which it is located.

**(2) Social Service Agency**

A service operated by a public, publicly funded, nonprofit, or charitable organization providing services undertaken to advance the welfare of citizens in need which typically includes supporting office uses. Typical uses include employment counseling, life skills training, counseling, food banks, and blood banks. **Social Service Agencies** shall not include **Temporary Shelters**, **Group Homes**, commercial uses such as medical, professional, financial, real estate offices, or religious institutions providing these services as accessory to their religious assembly use.

**(3) Community Meal Program**

A program operated and staffed by a public, publicly funded, nonprofit, or charitable or religious organization that provides prepared meals onsite on a regularly scheduled basis for the welfare of citizens in need.

**20-1718 CONSTRUCTION SALES AND SERVICES**

Construction activities and incidental storage on **Lots** other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail or wholesale sale, from the **Premises**, of materials used in the construction of **Buildings** or other **Structures** including the retail sale of paint, fixtures, and hardware, but excludes those uses classified as "Automotive" and/or "Heavy Equipment" use types. Typical uses include Home Improvement or **Building** materials stores, tool and equipment rental or sales, **Building** contracting/construction offices with shops and/or outside storage yards and landscape maintenance/contractor offices with shops and/or outside storage yards.

**20-1719 CULTURAL EXHIBITS AND LIBRARIES**

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, live performances, art centers, or library collection of books, manuscripts, etc., for reading, studying and research.



**20-1720 DAY CARE**

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are 3 types of [Day Care](#) uses:

**(1) Day Care Home, Class A**

The care of 12 or fewer individuals as an [Accessory Use](#) to an occupied residence in which the occupant is the primary provider of the care, not including the care of members of the provider's own [Family](#). "Primary provider" means an individual who has the ongoing responsibility for the health, safety and well-being of individuals in care.

**(2) Day Care Home, Class B**

The care of 12 or fewer individuals as an [Accessory Use](#) to an occupied residence in which the occupant is not the primary provider of the care, not including the care of members of the provider's own [Family](#). "Provider" means an individual who has the ongoing responsibility for the health, safety and well-being of individuals in care.

**(3) Day Care Center**

The care of 13 or more individuals. Typical uses include: [Day Care Centers](#) for children or adults, preschools, play groups, kindergartens not operated by public schools, and other establishments offering care to groups of children or adults for part or all of the day or night, with specific exclusion of temporary or seasonal religious instructional schools, including summer Bible school and church school classes.

**20-1721 DETENTION FACILITIES**

A detention facility is a facility for the housing of persons in the custody of a government agency awaiting trial or serving a sentence after being found guilty of a criminal offense.

**20-1722 DWELLING, ATTACHED**

A [Dwelling](#) that is joined to another [Dwelling](#) at one or more sides by a party wall or walls.

**20-1723 DWELLING, DETACHED**

A [Dwelling](#) that is entirely surrounded by open space on the same [Lot](#).

**20-1724 EATING AND DRINKING ESTABLISHMENTS**

Sale of prepared food and beverages for on- and off-Premises consumption. The following are eating and drinking establishment use types:

**(1) Accessory Restaurant**

An accessory restaurant is not required to be separated by a permanent wall from the Principal Use to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. No sales of alcoholic beverages shall be permitted. Accessory restaurants include, but are not limited to, snack bars, school cafeterias, and supermarket delicatessens.

**(2) Accessory Bar**

An accessory bar is a part of a quality restaurant or high turnover restaurant offering alcoholic beverages. An accessory bar is not separated by a permanent wall from the restaurant to which it is accessory, and generally shares one or more entrances, as well as restrooms, coatrooms and other facilities, with the restaurant. An establishment with an accessory bar will generally characterize itself in its signs, advertising and other promotions as a restaurant or food-service establishment rather than as a bar.

**(3) Bar or Lounge**

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the Premises. Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

**(4) Brewpub**

A bar or accessory bar in a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on Premises for either consumption on Premises in hand-capped or sealed containers in quantities up to one-half barrel or 15 and one-half gallons sold directly to the consumer.

**(5) Nightclub**

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

**(6) Fast Order Food**

An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the Premises where it is sold. This use category includes both establishments that have seating areas for consumption of prepared food on the Premises and those that provide food only for consumption off the Premises; this category does not include drive-in fast order food establishments.

**(7) Fast Order Food, Drive-In**

Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long Driveway that provides adequate room for vehicle stacking at a drive-up service window or on a Parking Area near a walk-up service window. This use category includes uses commonly called “drive-ins” or “drive-in restaurants,”

“drive-up restaurants,” “drive-through food or beverage stands,” and restaurants with “drive-through” facilities. If a fast-food establishment has both seating areas inside the establishment and drive-up or drive-through facilities, it shall be considered Fast Order Food, Drive-In for use purposes; parking standards, however, shall consider the inside dining area.

**(8) Restaurant, Quality**

An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage at tables, not including bars, brewpubs or nightclubs. Table service by food & beverage servers is available at “quality restaurants”.

**(9) Private Dining Establishment**

A dining establishment where the principal business is the dispensing and consumption of prepared food and/or beverage at tables, not including [Bars or Lounges](#), [Brewpubs](#) or [Nightclubs](#). A [Private Dining Establishment](#) is differentiated from other eating and drinking establishments on the basis that it is open to guests by invitation only and/or to the general public by reservation only and seats no more than 30 guests at once. Typically table service is provided by food and beverage servers.

**20-1725 ENTERTAINMENT AND SPECTATOR SPORTS**

Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. For participant sports, see Section 20-1762. The following are spectator sports and entertainment use types:

**(1) Limited**

Those uses conducted within an enclosed [Building](#) with a capacity of 500 or less people. Typical uses include small theaters and meeting halls.

**(2) General**

Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes.

**20-1726 EXPLOSIVE STORAGE**

Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives, or in the course of blasting operations.

**20-1727 FINANCIAL, INSURANCE AND REAL ESTATE [F.I.R.E.] SERVICES**

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

**(1) Financial Institutions**

Banks, savings & loan banks, credit unions, and other similar facilities open to the public and engaged in deposit banking and related functions such as making loans and fiduciary activities.

**(2) Other**

All Financial, Insurance, and Real Estate Services that are not a Financial Institution.

**20-1728 FOOD AND BEVERAGE RETAIL SALES**

Retail sale of food and beverages for home consumption. Typical uses include grocery stores, convenience stores, butcher shops, and package liquor stores.

**20-1729 FUNERAL AND INTERMENT SERVICES**

Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services use types:

**(1) Cemeteries**

Land used for burial of the dead.

**(2) Cremating**

Crematory services involving the purification and reduction of the bodies by fire. Typical uses include crematories and crematoriums.

**(3) Interring**

Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums and mausoleums.

**(4) Undertaking**

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

**20-1730 GASOLINE AND FUEL SALES**

Retail sale from the [Premises](#) of petroleum products with incidental sale of tires, batteries and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations and truck stops.

**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](#), and [Congregate Living](#).

**20-1732 HEALTH CARE OFFICE; HEALTH CARE CLINIC**

Medical facilities containing space for waiting rooms, patient rooms, laboratory space, or other necessary accommodations for use by physicians, dentists, therapists, and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these facilities are typically rendered and completed in three (3) hours or less.

**20-1733 HOSPITAL**

Hospital means an institution that: (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

**20-1734 HOUSEHOLD LIVING**

Residential occupancy of a [Dwelling Unit](#) by a household with tenancy arranged on a month-to-month or longer basis.

**(1) Attached Dwelling**

A [Dwelling Unit](#), located on its own [Lot](#), that shares one or more common or abutting walls with one or more [Dwelling Units](#). An [Attached Dwelling](#) does not share common floor/ceilings with other [Dwelling Units](#). An [Attached Dwelling](#) is also called a townhouse or a row house.

**(2) Detached Dwelling**

A [Dwelling Unit](#) located on its own [Lot](#) that is not attached to any other [Dwelling Unit](#).

**(3) Cluster Dwelling**

A subdivision or development project containing [Detached Dwellings](#) where some or all [Lots](#) are smaller than the required minimum [Lot Area](#) and width requirements but the overall project complies with the maximum [Density](#) requirements of the applicable Base and [Overlay Zoning Districts](#).

**(4) Duplex**

A single [Structure](#) that contains two (2) primary [Dwelling Units](#) on one (1) [Lot](#). The units may share common walls or common floor/ceilings.

**(5) Multi-Dwelling (Structure)**

A [Structure](#) that contains three (3) or more [Dwelling Units](#) that share common walls or floor/ceilings with one (1) or more units. The land underneath the [Structure](#) is not divided into separate [Lots](#). A [Multi-Dwelling](#) includes [Structures](#) commonly called garden apartments, apartments and condominiums.

**(6) Zero Lot Line Dwelling**

[Detached Dwellings](#) that are located to one side of [Lot](#) on which they are located, in accordance with the standards of Section 20-531.

**(7) Non-Ground Floor Dwelling**

Residential [Dwelling\(s\)](#) permitted in any Vertical Mixed Use [Structure](#) which are located above the ground level or first level of the [Structure](#) or below the ground level or first level of a [Structure](#) and do not have direct internal access to a nonresidential use.

**(8) Work/Live Unit**

A space within a [Building](#) that consists of a [Dwelling Unit](#) which is accessory to a nonresidential use and has direct internal access to the nonresidential use.

**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.

**20-1736 INDUSTRIAL, INTENSIVE**

Manufacturing, processing, or assembling of materials (for uses described above in the "General Industrial" use type classification) in a manner that would create any of the commonly recognized nuisance conditions or characteristics.

**20-1737 LAUNDRY SERVICE**

Laundering, dry cleaning, or dyeing services other than those classified as "Personal Convenience Services." Typical uses include laundry or dry cleaning agencies, diaper services and linen supply services.

**20-1738 LODGE, FRATERNAL AND CIVIC ASSEMBLY**

Meetings and activities primarily conducted for members of these groups. Excludes "Group Living" and "Transient Habitation" use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. Lodge, Fraternal and Civic Assembly uses are small-scale, and shall not exceed a capacity of 500 people.

**20-1739 MANUFACTURING AND PRODUCTION, LIMITED**

Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require Federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

- (1) On-site production of goods by hand manufacturing involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on-site, but if so, this is a subordinate part of total sales. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or
- (2) Manufacturing or assembling of electronic components, medical and dental supplies, computers, computer components, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on-site, but if so, this is a subordinate part of total sales.
- (3) Manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations.

**20-1740 MANUFACTURING AND PRODUCTION, TECHNOLOGICAL**

Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require Federal air quality discharge permits.

**20-1741 MEDICAL FACILITIES (HEALTH CENTER, CLINIC, HOSPITAL)**

Uses providing medical, physical rehabilitation or surgical care to patients. Some uses may offer overnight care.

**20-1742 MINING**

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

**20-1743 MOBILE HOME PARK**

Any [Lot](#) upon which are located one or more [Manufactured Homes](#) or [Mobile Homes](#), occupied for [Dwelling](#) purposes, regardless of whether or not a charge is made for each accommodation.

**20-1744 OFFICE, ADMINISTRATIVE AND PROFESSIONAL**

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural, engineering or other professional consulting firms.

**(1) Administrative and Professional**

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms.

**(2) Financial, Insurance and Real Estate Services**

Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

**(3) Other**

Office uses for businesses that primarily provide administrative, consulting or other professional services that do not include construction space or equipment/storage yards.

**20-1745 OUTPATIENT CARE FACILITIES**

Medical facilities containing space for waiting rooms, patient rooms, operating rooms, recovery rooms, sleep clinics, laboratory space or other necessary accommodations for use by physicians, dentists, therapists, nurses, technicians and other similar health personnel in the provision of health services related to the prevention, diagnosis, treatment, rehabilitation, testing and analysis of medical conditions. Services provided in these medical facilities are typically more intense than those provided in a Health Care Office; Health Care Clinic, but are less intense than those available in a hospital. Services provided in these medical facilities are typically rendered and completed in more than three (3) hours, but in twelve (12) or less hours, and may include one (1) night of overnight care.

**20-1746 PARKING FACILITIES**

Commercial parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory Parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial parking use.

**20-1747 PARKING LOT**

An area used for or intended to be used for the off-street parking of operable motor vehicles on a temporary basis.

**20-1748 PERSONAL CONVENIENCE SERVICES**

Provision of small personal items or consumer-oriented, personal services. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood grocery stores, drugstores, laundromats/ dry cleaners and barbershops.

**20-1749 PERSONAL IMPROVEMENT SERVICE**

Informational, instructional, personal improvement, and similar services of a nonprofessional nature. Excludes services classified as "Spectator Sports and Entertainment", "Sports and Recreation, Participant" or "Transient Habitation." Typical uses include fine arts studios, martial arts centers, yoga meditation or diet centers.



**20-1750 POSTAL & PARCEL SERVICES**

Mailing services and processing as traditionally operated or leased by postal and Parcel service companies.

**20-1751 PUBLIC SAFETY**

Services that provide protection to a district or entity according to Fire, Life, and Safety Code Sections, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

**20-1752 RECYCLING FACILITIES**

A facility for the collection and/or processing of [Recyclable Materials](#). A recycling facility does not include storage containers or processing activity located on the [Premises](#) of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

**(1) Collection Facilities**

A center or facility for the acceptance by donation, redemption, or purchase of Recyclable Materials from the public. A Small Collection Facility may occupy a maximum area of 500 square feet. Large Collection Facilities may occupy greater land area. Both facilities may include:

- (i) Attended or unattended mobile collection units such as all weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;
- (ii) Reverse vending machines or kiosks that may include permanent [Structures](#);
- (iii) Indoor facilities, ancillary to the primary activity of a business or organization.

**(2) Processing Center**

A [Building](#) or enclosed space used for the collection and processing of Recyclable Materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

**20-1753 RELIGIOUS ASSEMBLY**

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques and churches.

**(1) Neighborhood Religious Institution**

A Neighborhood Religious Institution is an institution of which the primary use is holy day worship services, with incidental educational programs, some weekday services and accessory uses identified in Section 20-522. It is a small-scale use, seating 500 or fewer people. [Accessory Uses](#) are limited. The small scale of the institution and the limitation on extensive non-worship uses make the institutional use generally compatible with residential neighborhoods.

**(2) Campus or Community Religious Institution**

A Campus or Community Religious Institution is a religious institution of larger scale than a Neighborhood Religious Institution. Campus or Community Religious Institution uses shall have a minimum capacity of 501 persons, but may include a larger worship or assembly space, possibly seating several thousand people. It may include accessory uses identified in Section 20-522 including, but not limited to, extensive facilities for educational and recreational programming that is separate from or only loosely related to religious worship; on-site group living for students or for groups of religious leaders; and storage space for buses used to transport persons to and from programming at the institution.

**20-1754 REPAIR SERVICES, CONSUMER**

Provision of repair services to individuals and households but not to firms. Excludes "Automotive and Equipment" use types. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

**20-1755 RECREATIONAL FACILITIES**

Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation [Buildings](#).

**(1) Active Recreation**

Areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with such facilities. Such areas include but are not limited to:

- (i) athletic fields and courts, playgrounds and play apparatus;
- (ii) skating rinks and swimming pools;
- (iii) boat docks and launches;
- (iv) zoos;
- (v) community recreation [Buildings](#), including but not limited to meeting rooms, class or lecture rooms, band shelters or gazebos, and gymnasiums; and
- (vi) [Structures](#) accessory to community recreation uses, such as public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.

**(2) Passive Recreation**

Areas used or designed for passive and individual sports and recreational activities. Such areas include but are not limited to:

- (i) greens and commons;
- (ii) gardens, arboretums, and conservatories;
- (iii) pedestrian, Bicycle, and equestrian paths, trails and walkways;
- (iv) benches, plaza or seating areas, and picnic areas; and
- (v) golf courses.

**(3) Nature Preserve/Undeveloped**

Areas generally or predominantly remaining in a natural or undeveloped State, including natural wildlife and plant habitat areas. Such areas may include:

- (i) hiking, bicycling, and equestrian trails; and
- (ii) sitting and picnic areas.

**(4) Private Recreational Area**

Areas provided or set aside as open or recreational uses as part of a residential development, including but not limited to Common Open Space.

**20-1756 RESEARCH SERVICES**

Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

**20-1757 RETAIL SALES AND SERVICE**

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.

**20-1758 RETAIL SALES, GENERAL**

Businesses, not exceeding 65,000 gross square feet of [Floor Area](#), involved in the sale, lease or rent of new or used products to the general public. Excludes "[Agricultural Sales](#)," "[Animal Services](#)," "[Automotive and Equipment](#)," "[Business Equipment Sales and Services](#)," "[Construction Sales and Services](#)", "[Food and Beverage Retail Sales](#)", "[Gasoline and Fuel Sales](#)" and "[Swap Meets](#)". Typical uses include general merchandise, apparel stores and furniture stores.

**20-1759 SCHOOL**

A public, private or parochial educational institution offering instruction in the branches of learning and study required to be taught in the public schools at the elementary, middle and senior high school levels.

**20-1760 SCRAP AND SALVAGE OPERATIONS**

Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yards, but not including “Recycling Facilities.”

**20-1761 SEXUALLY ORIENTED BUSINESSES**

Physical [Sexually Oriented Business](#), [Sexually Oriented Theater](#), [Sex Shop](#), [Sexually Oriented Media Store](#), and [Mixed Media Store](#).

**(1) Physical [Sexually Oriented Business](#)****(i) Massage Parlor**

An establishment or business with a fixed place of business having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, Lotion, ointment or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity, provided that this term shall not include any establishment operated by a medical practitioner, professional physical therapist licensed by the State of Kansas, or a certified massage therapist.

**(ii) Modeling Studio**

An establishment or business that provides the services of modeling for the purposes of reproducing the human body, wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. These uses do not include fine arts studios where models are hired to meet program goals. Any other modeling establishment is not permitted by the zoning regulations in any district.

**(iii) Motion Picture Arcade**

An establishment or business containing one or more booths, cubicles, stalls or compartments that are designed, constructed or used to hold or seat patrons and used for presenting [Sexually Oriented Media](#) for observation by patrons therein.

**(2) [Sexually Oriented Theater](#)**

An establishment or business featuring primarily:

**(i) Sexually Oriented Cabaret**

Dancing or other live entertainment distinguished or characterized by an emphasis on exhibiting [Specific Sexual Activities](#) or [Specified Anatomical Areas](#) for observation by patrons therein; or

**(ii) Sexually Oriented Motion Picture Theater**

The display to an audience of films, tapes or motion pictures that are rated X by the Motion Picture Association of America (MPAA) and depict [Specific Sexual Activities](#) or [Specified Anatomical Areas](#).

**(iii) “Primarily”**

Primarily refers to the entertainment that characterizes a particular establishment or business, and may be determined from a pattern of advertising as well as from actual performances or displays.

**(3) Sex Shop**

An establishment or business offering goods for sale or rent where:

- (i) it offers for sale items from any two of the following categories: **Sexually Oriented Media**, lingerie, or leather goods marketed or presented in a context to suggest their use for **Sadomasochistic Practices**; and the combination of such items constitute more than 10 percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its gross public **Floor Area**;
- (ii) more than five percent (5%) of its stock in trade consists of **Sexually Oriented Novelties**; or
- (iii) more than five percent (5%) of its gross public **Floor Area** is devoted to the display of **Sexually Oriented Novelties**.

**(4) Sexually Oriented Media Store**

An establishment or business offering goods for sale or rent where:

- (i) more than 40% of the gross public **Floor Area** is devoted to **Sexually Oriented Media**;
- (ii) more than 40% of the stock in trade consists of **Sexually Oriented Media**; or
- (iii) it advertises or holds itself out in any forum as “XXX,” “sexually oriented,” “sex” or otherwise as a **Sexually Oriented Business**.

**(5) Mixed Media Store**

An establishment or business offering goods for sale or rent that is not a **Sex Shop** or **Sexually Oriented Media Store** but where:

- (i) more than 10 percent (10%) of the gross public **Floor Area** is devoted to **Sexually Oriented Media**; or
- (ii) more than 10 percent (10%) of the stock in trade consists of **Sexually Oriented Media**.

**20-1762 SPORTS AND RECREATION, PARTICIPANT**

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

**(1) Indoor**

Those uses conducted within an enclosed **Building**. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

**(2) Outdoor**

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

**20-1763 TRANSIENT HABITATION**

Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are transient habitation use types:

**(1) Campground**

Transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreation vehicle parks.

**(2) Bed and Breakfast**

An establishment located within a [Detached Dwelling](#) that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

**(3) Lodging**

Provision of room or room and board. Typical uses include hotels and motels.

**20-1764 UTILITIES AND SERVICES, MAJOR**

Services and utilities that have substantial impacts. Such uses may be permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and community-wide interest. Typical uses include: water and wastewater treatment facilities, major water storage facilities, airports, and power generation plants.

**20-1765 UTILITIES, MINOR**

Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, water towers. Excludes "Wireless Telecommunication Facilities" use types.

**20-1766 VEHICLE SALES AND SERVICE**

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

**(1) Cleaning**

Washing and polishing of automobiles. Typical uses include car washes.

**(2) Fleet Storage**

Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

**(3) Heavy Equipment Repairs**

Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

**(4) Light Equipment Repairs**

Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include tire repair and alignment, muffler shops, auto or motorcycle repair garages and auto glass shops.

**(5) Heavy Equipment Sales/Rentals**

Sale, retail or wholesale, and/or rental from the [Premises](#) of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

**(6) Light Equipment Sales/Rentals (including automobiles)**

Sale, retail, wholesale, or rental from the [Premises](#) of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies with accessory wash bays and vehicle storage and recreational vehicles sales and rental agencies.

**(7) Storage of Non-operating Vehicles**

Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

**(8) Storage of Recreational Vehicles and Boats**

Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

**20-1767 WHOLESALE, STORAGE, AND DISTRIBUTION**

Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

**(1) Mini-Warehouses**

Storage or warehousing service within a [Building](#) for individuals to store personal effects. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant; but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, retail sales or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.

**(2) Light**

Wholesaling, storage, and warehousing services within enclosed [Structures](#). Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

**(3) Heavy**

Open-air storage, distribution, the handling of materials and equipment or bulk storage of fuel. Typical uses include monument or stone yards, train yards, grain elevators and large-scale fuel storage.

**20-1768 TELECOMMUNICATIONS FACILITIES**

The fixed or permanent site, [Structures](#), equipment, and appurtenances used to send radio frequency transmissions. Such facilities include, but are not limited to: [Antennas](#), poles, towers, cables, wires, conduits, ducts, pedestals, vaults, [Buildings](#), electronics and switching equipment.

**(1) Telecommunications Antenna**

A Telecommunications Facility for such services as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services, that is attached to a pole, tower, or other [Structure](#) including, but not limited to, a [Structure](#) that can accommodate the future installation of two or more [Antenna](#) systems.

**(2) Telecommunications Tower**

A Telecommunications Facility for such services as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services, that consists of a new tower, monopole, or other unattached [Structure](#) erected to support wireless communication [Antennas](#) and connecting appurtenances.

**20-1769 INSTITUTIONAL USE**

A use, typically not for profit, of a governmental, educational, or cultural nature. An institution is typically operated by a government, utility, school, public agency, or tax-exempt organization.



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<b>Appendix of Amendments to Development Code</b>				
<b>Section Amended</b>	<b>Ordinance</b>		<b>Case File Number</b>	<b>Effective Date</b>
	<b>No.</b>	<b>Date of 2nd Reading</b>		
107(b)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
108(a)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
110(e)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
110(e)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
201(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
201(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
201(b)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
201(b)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
201 (b)	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	<i>Added reference to MU District</i>			
202(a)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
202(g)	8249	April 8, 2008	TA-12-25-07	Apr 13, 2008
203(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
203(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
204(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
204(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
204(f)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
205(a)	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
205(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
205(g)(2)	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
205(g)(3)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
205(g)(4) (deleted)	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
206(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
207(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
207(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards</i>			
207(d)(1)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
208(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
208(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
208(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
208(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards</i>			
208(e)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
209(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
209(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
209(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards</i>			
210(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
211(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
211(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards</i>			
211(d)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
212(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
212(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
212(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards</i>			

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Section Amended	Ordinance		Case File Number	Effective Date
	No.	Date of 2nd Reading		
213(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
213(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
213(d)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
213(d)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards</i>			
213(d)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
213(d) & (e)	8453	October 6, 2009	TA-4-4-09	October 14, 2009
	<i>Eliminated parking standards that were repeated in Article 9</i>			
214(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
214(e)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
215(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
215(e)	8098	Jun 26, 2007	TA-09-09A-06	Jun 29, 2007
216(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
216(e)	8098	Jun 26, 2007	TA-09-09A-06	Jun 29, 2007
217(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
217(e)	8098	Jun 26, 2007	TA-09-09A-06	Jun 29, 2007
218(b)	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
218(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
218(d)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
218(e)	8154	Sep 20, 2007	TA-06-12-08	Sep 25, 2007
219(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
219(d)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
219(f)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
222(b)(1)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
223 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
223	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	<i>Relocated standards to 20-1108</i>			
224 (added)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
301(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
302(i)(6)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
302(k)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
304	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
307(a)(6) (added)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
307(b)(6) (added)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
307(c)(6) (added)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
308(c)(1)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
308(g)	8363	Feb 24, 2009	TA-10-18-08	Feb 28, 2009
308(h) and (i) 309 (added) 310 (added)	8363	Feb 24, 2009	TA-10-19-08	Feb 28, 2009
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	<i>Detached Dwellings; Manufactured Home; Manufactured Home, Residential Design; Fraternity or Sorority House</i>			
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add RM12D district column			

Appendix of Amendments to Development Code				
Section Amended	Ordinance		Case File Number	Effective Date
	No.	Date of 2nd Reading		
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add reference to use standards for <i>Funeral &amp; Interment</i>			
402	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	<i>Hospital</i>			
402	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
	Add reference to use standards for adaptive reuse of <i>Greek Housing Unit</i>			
402	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
	Add <i>Boarding Houses and Cooperatives</i> as permitted uses in RM12, RM15, RM24, RM32 and RMO			
402	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Replace <i>Soup Kitchen</i> with <i>Community Meal Program</i>			
402	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Delete <i>Repair Service, Consumer and Retail Sales, General</i> from RSO District as permitted uses			
402	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Corrected spelling of "interment" in <i>Funeral and Interment</i>			
402	8061	Dec 26, 2006	TA-10-12-06	Dec 29, 2006
	Add <i>Private Dining Establishment</i> as a special use permit in RS40, RS20, RS10, RS7, RS5, RSO, and RMO			
402	8388	April 28, 2009	TA-04-03-08	May 7, 2009
	Replace <i>Transient or Homeless Shelter</i> with <i>Temporary Shelter</i> & add 544 std. Add <i>Social Service Agency</i> as permitted use in RSO and RMO			
	8406	June 2, 2009	TA-04-03-08	June 5, 2009
Allow <i>Temporary Shelter</i> as accessory use & add 522 standards				
402	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	Delete term <i>Husbandry</i> from the <i>Agriculture, Animal use</i>			
402	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Added <i>Non-Ground Floor &amp; Work/Live</i> to RSO, RMO and added reference to 20-517			
402	8483	January 19, 2010	TA10-21-09	January 23, 2010
	Deleted <i>Communications</i> from Retail Sales & Services and standard (506) for <i>Communications Services</i> in Communications Facilities			
402	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Replace <i>Boarding Houses &amp; Cooperatives</i> with <i>Congregate Living</i> and add 546 standards			
403	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add reference to use standards for <i>Funeral &amp; Interment</i>			
403	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	Add <i>Funeral and Interment Services</i> to CN2 and CD as a permitted use			
403	8015	June 27, 2006	TA-03-02C-06	July 1, 2006
	<i>Retail Establishment, Large</i>			
403	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
403	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
	Amend <i>Sexually Oriented Media Store</i> so they are not permitted in CD district			
403	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Replace <i>Transient Shelter</i> with <i>Homeless or Transient Shelter</i>			
403	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	Replace <i>Soup Kitchen</i> with <i>Community Meal Program</i>			

Appendix of Amendments to Development Code				
Section Amended	Ordinance		Case File Number	Effective Date
	No.	Date of 2nd Reading		
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Corrected spelling of "interment" in <i>Funeral and Interment</i>			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Add <i>Cultural Center/Library</i> as a permitted use in IBP District			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Eliminate <i>Outpatient Care Facility, Fast Order Food, Fast Order Food With Drive-in, Building Maintenance, Construction Sales and Service, Food and Beverage, Mixed Media Store, Personal Convenience, Repair Service, Consumer, Retail Sales General, Cleaning (car wash), Fleet Storage, Gas and Fuel Sales, Heavy Equipment Repair, Heavy Equipment Sales/Rental, Inoperable Vehicle Storage, Light Equipment Repair, Light Equipment Sales/Rental, RV and Boats Storage, Industrial General, Laundry Service, Heavy Warehousing, Mini Warehousing, and Large Collection Recycling Facilities</i> as permitted uses from the IBP District			
403	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	Add <i>Accessory Bar</i> and <i>Accessory Restaurant</i> as permitted accessory uses in the IBP District			
403	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Add <i>Agriculture, Crop</i> as a permitted use in GPI District			
403	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
	Add <i>Nightclub</i> as a permitted use in CS District			
403	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
	<i>Small Collection Recycling Facilities</i>			
403 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Add MU District column to use table with various uses permitted and add <i>Non-Ground Floor Dwelling</i> and <i>Work/Live Unit</i> as new uses in use table permitted in MU, CN1, CN2, and CD			
403	8154	Sep 20, 2007	TA-06-11-08	Sep 25, 2007
	Make <i>Accessory Bar</i> as a permitted accessory use in CO and IL. Make <i>Quality Restaurant</i> a permitted use in IL			
403	8207	Nov 27, 2007	TA-08-16-07	Dec 1, 2007
	Add <i>Veterinary Clinic</i> as a permitted use in IBP			
403	8278	Jun 10, 2008	TA-04-02-08	Jun 13, 2008
	Add <i>Extended Care Facilities General</i> as a use permitted by special use permit in the IBP District			
403	8318	Sep 23, 2008	TA-07-14-08	Sep 27, 2008
	Correct error created by Ord No. 8277 where <i>Retail Establishments Large</i> were permitted while <i>Retail Establishments Medium</i> were not permitted. The table was corrected to show that Large establishments are not permitted but Medium establishments are permitted			
403	8344	Nov 18, 2008	TA-08-15-08	Nov 21, 2008
	Add <i>Light Equipment Sales/Rental</i> as a permitted use with use standards in the CN2 District (and reference to new use standards Section 20-545)			
403	8388	April 28, 2009	TA-04-03-08	May 7, 2009
	Replace <i>Transient or Homeless Shelter</i> with <i>Temporary Shelter</i> , allow with SUP in most non-res districts & add 544 std. Add <i>Social Service Agency</i> as permitted use in most non-res districts			
403	8406	June 2, 2009	TA-04-03-08	June 5, 2009
	Allow <i>Temporary Shelter</i> as accessory use & add 522 standards			

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403	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	Delete term <i>Husbandry</i> from the <i>Agriculture, Animal use</i>			
403	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Added <i>Non-Ground Floor &amp; Work/Live</i> to <i>CD, CC, CS &amp; IL</i> ; added reference to <i>20-517</i> ; and deleted <i>Multi-Dwelling Structures</i> from <i>CN1 &amp; CN2 Districts</i> . Also deleted <i>Manufactured Home IL &amp; IG</i>			
403	8483	January 19, 2010	TA-10-21-09	January 23, 2010
	Deleted <i>Communications</i> from <i>Retail Sales &amp; Services</i> and standard (506) for <i>Communications Services</i> in <i>Communications Facilities</i>			
403	8512	May 4, 2010	TA-1-2-10	May 10, 2010
	Added <i>Hotel, Motel, Extended Stay</i> to the <i>IL District</i>			
403	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	Added <i>Bar or Lounge</i> to <i>MU District</i> ; removed * from <i>Fast Order Food &amp; Quality Restaurant</i> in <i>MU District</i>			
	Corrected error made in previous update – removed an erroneous <i>S*</i> shown in <i>Fast Order Food</i> , with <i>Drive-in</i> which was never permitted in <i>MU</i> and removed * from <i>Fast Order Food</i> that should have been removed with previous <i>TA</i> . Correction made January 3, 2011.			
403	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Replace <i>Boarding Houses &amp; Cooperatives</i> with <i>Congregate Living</i> and add 546 standards			
403	8631	May 17, 2011	TA-2-2-11	May 23, 2011
	Add <i>Active Recreation</i> as a <i>Special Use</i> in the <i>IG District</i>			
403	8638	June 21, 2011	TA-3-5-11	June 25, 2011
	Change <i>Detention</i> from a <i>Permitted Use</i> to a <i>Special Use</i> in the <i>IG District</i>			
403	8663	September 13, 2011	TA-6-9-11	September 17, 2011
	Add <i>Detention Facilities</i> as a <i>Special Use</i> in the <i>GPI District</i> & housekeeping changes to terms <i>Utility to Utilities, Facilities</i> in both 402 & 403			
501	8533	July 6, 2010	TA-7-20-09	July 15, 2010
	<i>Revisions to Adaptive Reuse</i>			
503(1)(iii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
503(1)(iv) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
503(2)(iii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
503(4) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
505(3)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
506 (deleted)	8483	January 19, 2010	TA10-21-09	January 23, 2010
507(1)(i)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
507(1)(ii)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
507(2)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
508	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
509(3)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
509((3)	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	<i>Remove MU District</i> from standard for <i>square footage limitation</i>			
511(1)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
515(2)(iv)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
517(4)(ii)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006

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517(6) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
517	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	<i>Added Non-Ground Floor Dwellings and Work/Live Units and modified standards in subsections 1, 2, 3 &amp; 4</i>			
518(3) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
519	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
519	8277	July 1, 2008	TA-04-05-07	July 4, 2008
522(2)(iv)(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
522(2)(iv)(c)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
522	8406	June 2, 2009	TA-04-03-08	June 5, 2009
524(1)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
525(4) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
525(4) (deleted)	8318	Sep 23, 2008	TA-07-14-08	Sep 27, 2008
526(3) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
526(3)	8318	Sep 23, 2008	TA-07-14-08	Sep 27, 2008
528(3)(i)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
528(3)(ii)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
529(3)(i)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
529(7)(iv)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
529(9)(iv)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
532(1) (added)	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
533(3)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
533(4)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
534	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
534(1)(i)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
534(2)(i)(a)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
534(2)(iii)(a)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
534(2)(iii)(b)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
534(2)(iii)(c)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
537(5)(ii)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
539 (added)	8061	Dec 26, 2006	TA-10-12-06	Dec 29, 2006
541 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
542 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
542 (2)	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	<i>Modified standards for Non-Ground Floor Units so that they are not only two units or less</i>			
543 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
544 (added)	8388	April 28, 2009	TA-04-03-08	May 7, 2009
545 (added)	8344	Nov 18, 2008	TA-08-15-08	Nov 21, 2008
546 (added)	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	<i>Added standards for Congregate Living uses</i>			
601(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
601(a)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
601(a)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
601(a)	8098	Jun 26, 2007	TA-01-01-07	Jun 29, 2007
601(a)	8098	Jun 26, 2007	TA-05-07-07	Jun 29, 2007
601(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006

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601(b)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
601(b)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
601(b)	8098	Jun 26, 2007	TA-05-07-07	Jun 29, 2007
601(b)	8244	April 1, 2008	TA-07-14-07	April 5, 2008
601(b)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
601(b)	8512	May 4, 2010	TA-1-2-10	May 10, 2010
	<i>Modified max height and setbacks in IL District</i>			
601(c) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
602(e)(6)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
602(e)(6)(vii)	8098	Jun 26, 2007	TA-05-07-07	Jun 29, 2007
602(e)(6)(viii)	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	<i>Modifications for keeping of fowl</i>			
701(f)	8039	Oct 17, 2006	TA-05-03A-06	Oct 21, 2006
701(f)(1)(ii)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
701(j)(1)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
701(l)(2)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
701(k) & (l)	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	<i>Changes related to Environmentally Sensitive Lands &amp; Common Open Space</i>			
701(e), (f), (g), (i), (j), (k), (l), (m)	8641	July 19, 2011	TA-3-4-11	July 22, 2011
	<i>Modified minimum PD District size, Residential Density Calculations, Setbacks, Height &amp; Parking and Loading requirements. Deleted setback-height diagram and deleted Buffer Areas.</i>			
702(c)(1)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
702(c)(2)	8016	June 27, 2006	TA-03-02E-06	July 1, 2006
702(i)	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	<i>Changes related to Environmentally Sensitive Lands &amp; Common Open Space</i>			
703(b)	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	<i>Clarifications related to Environmentally Sensitive Lands &amp; Open Space</i>			
901(b)(1)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
901(c)	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
901 (b), (c), (d), (e) modified & (g) added	8453	October 6, 2009	TA-4-4-09	October 14, 2009
	<i>Modified parking standards</i>			
902(a)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
902, 903 & 904	8453	October 6, 2009	TA-4-4-09	October 14, 2009
	<i>Modified non-residential parking standards and reconfigured table to include all uses as indicated in 20-402 &amp; 20-403</i>			
902	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	<i>Modified parking standards for Congregate Living and added Footnote [1] to both Multi-Dwelling Structures and Congregate Living uses. Changed display of parking for dorms &amp; Greek houses from 1.5 per 2 occupants to 0.75 per occupant (does not change standard) [also did general term cleanup to be consistent with other terminology changes made such as Detention Facilities, Utility to Utilities]</i>			
908(b)(2)	8017	June 27, 2006	TA-03-02F-06	July 1, 2006
908(b)(3)	8017	June 27, 2006	TA-03-02F-06	July 1, 2006



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908(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Revise the name of the table to say Nonresidential Districts			
908(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Add the H, GPI and OS Districts to the Nonresidential Districts off-street parking area setback table			
908(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Correct reference to Section "o" in table (corrected to read Article 5)			
908(c)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Add MU District to Nonresidential Districts off-street parking area setback table			
912(c)	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	<i>Added requirement for Congregate Living uses</i>			
915(f)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	8455	October 6, 2009	TA-6-15-09	October 14, 2009
1001 (b) & (d)	<i>Cross-referenced requirements in 20-1305 and removed requirement for landscape plan to be prepared by licensed landscape architect.</i>			
	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
1003(a),(b),(c)&(f)	8429	July 28, 2009	TA-5-5-09	July 31, 2009
	Modified interior parking lot landscaping requirements			
1005(c)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
	Add H and GPI Districts to table of Bufferyards			
1005(c)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Add MU District to table of Bufferyards			
1101(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1101(d)(2)(i)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1101(d)(4)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1101	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	<i>Changes related to Environmentally Sensitive Lands</i>			
1105(b)(2)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1105(b)(3)(iii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1108 (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
1108	8530	June 22, 2010	TA-1-1-10	June 25, 2010
	<i>Revised Applicability section, reordered much of section and added MU standards that had been in 20-223</i>			
1201	8541	July 13, 2010	TA-4-6-10	July 16, 2010
	<i>Referenced new map date of August 5, 2010</i>			
1203 (d)(2) and 1203 (h)(2)(i) & (ii)	8484	January 26, 2010	TA-11-23-09	January 30, 2010
	Added 'or licensed professional engineer' to qualified individual who can certify elevations			
1204(e)(2)(i) & (3)(i)	8484	January 26, 2010	TA-11-23-09	January 30, 2010
	Clarified when additional standards are triggered			
1301(i)(4)&(j)(4)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1301(n)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1301(q)(1)(i)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007

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1301(q)(1)(ii)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1301(q)(3)(i)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1301(q)(3)(iii)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
1301(t) (added)	8376	March 31, 2009	TA-1-2-09	April 3, 2009
1302 (various subsections)	8465	October 13, 2009	TA-7-18-09	October 20, 2009
	<i>Modified development review process and added exemptions for downtown development projects.</i>			
1303(c)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1304(a)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Added reference to Community Design Manual for Commercial &amp; Industrial Uses</i>			
1304(d)(9)(vii)(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1304(d)(11)(v)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
1304(d)(12)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1304(e)(2)(iv)(h)	8018	June 27, 2006	TA-03-02H-06	July 1, 2006
1304(e)(2)(vii)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1304(e)(2)(ip)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Added requirement for elevations and reference to Community Design Manual</i>			
1304(q)(4)(vi)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(a)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1305(a)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(a)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1305(b)(1) (added)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(b)(1)(iii)a. & b.	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1305(b)(2) (added)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(2)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Renumbered section per outline format [(i) for a., a. for 1.]</i>			
1305(2)(ii)(b)(2)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1305(2)(v)a. & b.	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1305(b)(3) (added)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(b)(3)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Renumbered section per outline format [(i) for a., a. for 1.]</i>			
1305(b)(3)(v)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1305(c)(1)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1305(c)(3) (delete)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(c)(4)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1305(f)(1)(vii)	8154	Sep 20, 2007	TA-06-13-07	Sep 25, 2007
1305(f)(1)(xx)	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	<i>Deleted reference to Commercial Design Standards &amp; added Community Design Manual</i>			
1305(g)(1)	8419	July 7, 2009	TA-5-7-09	July 12, 2009

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1305(m)(1)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(m)(2)	8098	Jun 26, 2007	TA-10-10-06	Jun 29, 2007
1305(m)(2)	8098	Jun 26, 2007	TA-10-11-06	Jun 29, 2007
1305(o)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1305 (various subsections)	8465	October 13, 2009	TA-7-18-09	October 20, 2009
	<i>Modified development review process and added exemptions for downtown development projects</i>			
1306(h)(3)(ii)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1306(k)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1307(c)(2)(ii)	8154	Sep 20, 2007	TA-06-12-07	Sep 25, 2007
1307(c)(2)(vi)	8154	Sep 20, 2007	TA-06-12-07	Sep 25, 2007
1307(g)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1308(d)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1309(a)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1309(b)(3) (added)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1309(k)	8419	July 7, 2009	TA-5-6-09	July 12, 2009
1310(b) & (e)	8535	July 6, 2010	TA-7-20-09	July 15, 2010
	<i>Clarified Written Interpretation procedures</i>			
1311(a),(b),(c) & (h)	8535	July 6, 2010	TA-7-20-09	July 15, 2010
	<i>Clarified applicability &amp; process issues related to Appeals</i>			
1402(f)	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1402(f)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1402(g)	8375	April 7, 2009	TA-1-1-09	April 11, 2009
1502(c)(3)	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
1503(e)(2)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1503(e)(2)	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	<i>Added Congregate Living Structures with site plan on file to section regarding rebuilding</i>			
1504(c)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1504(c)(3)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1606(b)	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
1701	8013	June 27, 2006	TA-03-02A-06	July 1, 2006
	<i>Access Management; Alley; Building Type (added); Collector Street, Residential; Common Open Space; Emergency or Temporary Shelter (changed to Transient or Temporary Shelter); Natural Drainageway; Planned Development; Setback; Street (deleted); Street, Private (added); Street, Public (added); Yard, Required.</i>			
1701	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
	<i>Manufactured Home</i>			
1701	8098	Jun 26, 2007	TA-07-06-06	Jun 29, 2007
	<i>Hydrologic and Hydraulic Study</i>			
1701	8098	Jun 26, 2007	TA-12-14-06	Jun 29, 2007
	<i>Extended Care Facility General, Extended Care Facility Limited, Group Home General, Group Home Limited</i>			
1701	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
	<i>Define Exterior Storage</i>			

<b>Appendix of Amendments to Development Code</b>				
<b>Section Amended</b>	<b>Ordinance</b>		<b>Case File Number</b>	<b>Effective Date</b>
	<b>No.</b>	<b>Date of 2nd Reading</b>		
1701	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	<i>Define Building Frontage, Clear Zone, Designated Transit Route, Development Zone Primary, Development Zone Secondary, Development Zone Tertiary, Light Court, Massing, Mixed Use Structure Horizontal, Mixed Use Structure Vertical, Moderately Priced Dwelling Unit, Non-Ground Floor Dwelling, Outdoor Use Zone, Public Frontage, Public Frontage Primary, Public Frontage Secondary, Public Frontage Tertiary, Root System Zone, Scale, Slip Road, Street Tree and Furniture Zone, Subsurface Utility Zone, Work/Live Unit</i>			
1701	8277	July 1, 2008	TA-04-05-07	July 4, 2008
	Modify definition of <i>Floor Area Ratio</i>			
1701	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008
	Modify definition of <i>Mobile Home</i> .			
1701	8388	April 28, 2009	TA-04-03-08	May 7, 2009
	Deleted definition of <i>Temporary Shelter and Transient Shelter</i>			
1701	8454	October 13, 2009	TA-6-10&11-09	October 20, 2009
	Deleted definitions of <i>Non-Ground Floor Units and Work/Live Units</i>			
1701	8465	October 13, 2009	TA-7-18-09	October 20, 2009
	Revised definitions of <i>Development Projects based on changes made in 20-1305</i>			
1701	8304	August 17, 2010	TA-12-27-07	August 20, 2010
	<i>Changes related to Environmentally Sensitive Lands including Base Density, Common Open Space, Density Bonus, Density Cap, Jurisdictional Wetlands, Stand of Mature Trees, Native Prairie Remnants, Stream Corridor and deletion of 'Rocky Outcroppings'</i>			
1701	8588	November 23, 2010	TA-4-5-10	November 29, 2010
	Deleted reference to <i>Commercial Design Standards &amp; added Community Design Manual in definition of Development Project, Standard</i>			
1701	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Added definition of <i>Congregate Living</i> , deleted <i>Boarding Houses</i> , modified definition of <i>Family</i>			
1703	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
1703	8533	July 6, 2010	TA-7-20-09	July 15, 2010
	Modified definition of <i>Adaptive Reuse</i>			
1704	8014	June 27, 2006	TA-03-02B-06	July 1, 2006
1708	8428	July 28, 2009	TA-4-3-09	July 31, 2009
	Modified for keeping of fowl			
1717(1) & (2)(added)	8388	April 28, 2009	TA-04-03-08	May 7, 2009
1717(3)	8406	June 2, 2009	TA-04-03-08	June 5, 2009
1718	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1721	8663	September 13, 2011	TA-6-9-11	September 17, 2011
	Modified term <i>Detention to Detention Facilities</i>			
1724(9) (added)	8061	Dec 26, 2006	TA-10-12-06	Dec 29, 2006
1725	8098	Jun 26, 2007	TA-06-04-06	Jun 29, 2007
1731	8606	February 8, 2011	TA-6-17-09	February 11, 2011
	Modified definition of <i>Group Living to replace Boarding Houses and Cooperatives with Congregate Living</i>			
1734(7) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
1734(8) (added)	8277	July 1, 2008	TA-04-05-07	July 4, 2008
1739	8019	June 27, 2006	TA-03-02B-06	July 1, 2006

**Appendix of Amendments to Development Code**

Section Amended	Ordinance		Case File Number	Effective Date
	No.	Date of 2nd Reading		
1744	8040	Oct 17, 2006	TA-05-03B-06	Oct 21, 2006
1744(3)	8388	April 28, 2009	TA-04-03-08	May 7, 2009
1752(2)	8098	Jun 26, 2007	TA-03-02-07	Jun 29, 2007
1753(1) & (2)	8406	June 2, 2009	TA-04-03-08	June 5, 2009
1764	8663	September 13, 2011	TA-6-9-11	September 17, 2011
	<i>Modify definition of Utilities and Service, Major to delete Detention and Correctional Institutions [and to change terms from Utility to Utilities]</i>			
1766	8344	Nov 18, 2008	TA-08-15-08	Nov 21, 2008
1769 (added)	8297	Oct 21, 2008	TA-03-01-08	Oct 24, 2008