

**DEVELOPMENT CODE OF THE CITY OF LAWRENCE, KANSAS,
TEXT AMENDMENTS TA-12-27-07, JANUARY 27, 2009 EDITION**

**Amending Sections
20-701, 20-702, 20-1101, 20-1701**

**Enacting Section
20-1109**

OF THE CODE OF THE CITY OF LAWRENCE, KANSAS



Incorporated By Reference Pursuant to K.S.A. 12-3009, *et seq.* K.S.A. 12-3301
et seq. and the Home Rule Authority of the City

Approved by the Governing Body of the City of Lawrence, Kansas on
January 27, 2009

Ordinance No. 8304

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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. **If Environmentally Sensitive Areas defined in Section 20-1109(c) are present, a Sensitive Areas Site Plan shall be submitted per the regulations in Section 20-1109.**

(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 five acres.

(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

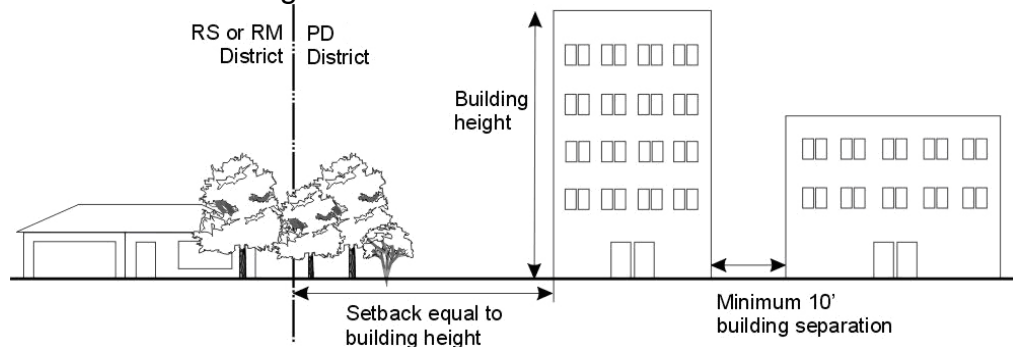
The City Commission may increase the maximum [Net Density](#) beyond that of the [Base District](#) by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed

development.

(4) Setbacks

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

- (i) **Buildings** located within the PD, and along any District boundary that is adjacent to RS and or RM **Zoning Districts** shall be **Setback** a distance at least equal to the **Height** of the proposed **Building**; 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 **Height** of the proposed **Building** plus 25 feet, 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 **multi-dwelling development Planned Development** that are adjacent to RS zoning or

to detached [Dwelling Units](#).

(i) Parking and Loading

The City Commission may decrease the number of off-Street Parking and loading spaces required. Parking and loading areas shall comply with all otherwise applicable design standards.

(j) Buffer Areas

Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:

- (1) use category, [Heights](#), [Setbacks](#) and minimum [Lot](#) sizes permitted in the [Zoning District](#) immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and
- (2) a landscaped buffer, including a [Berm](#) (minimum 4' in [Height](#)), a masonry wall (minimum of 6' in [Height](#)) or a fence (minimum 6' in [Height](#)).

(k) Common Open Space

(1) Amount Required

The PD shall include at least the amount of [Common Open Space](#) computed using one of the following formulas, whichever produces the largest number:

- (i) (20%) of the total area included in the PD; or
- (ii) 300 square feet for each proposed [Dwelling Unit](#) in the PD.

(2) Recreational Open Space

At least one-half of the proposed [Common Open Space](#) shall be suitable for use as and proposed for development as [Recreational Open Space](#).

(3) Natural Open Space

To the maximum extent practicable, the **Environmentally Sensitive Areas listed in Section 20-1109(c)** following types of lands shall be included in the [Common Open Space](#) as [Natural Open Space](#). To the extent that it is not practicable to include all of such **Environmentally Sensitive Areas** in the [Common Open Space](#), the **Environmentally Sensitive Areas shall be included based on the priority ranking listed in Section 20-1109(i)(1-3)** order of types of lands included in this list shall be considered a priority list, with the first item being the most important, the last

being the least important:

- (i) ~~Floodway, based on a 100-year storm;~~
- (ii) ~~Floodplain outside the floodway, based on a 100-year storm;~~
- (iii) ~~Jurisdictional Wetlands;~~
- (iv) ~~Stream Corridors;~~
- (v) ~~Stand of Mature Trees or individually significant mature trees;~~
- (vi) ~~Prominent Geographic Features with Rocky Outcroppings; and~~
- (vii) ~~Archeological and Historic Sites~~

(4) General Provisions

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

(I) 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 Environmentally Sensitive Areas

Environmentally Sensitive Areas listed in Section 20-1109(i)(2) and (3) as 'important' and 'desirable' sensitive areas ~~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~~ **10% of these sensitive areas shall be preserved.** ~~the standards of Article 10 apply. In addition, 100% of~~ **Environmentally Sensitive Areas listed in Section 20-1109(i)(1) as 'Critical' must be preserved.**

(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.

(m) 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](#) **unless Environmentally Sensitive Areas are present.** Larger Projects **which propose more than 35 dwelling units** in said Districts **without Environmentally Sensitive Areas present** 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 the amount of [Common Open Space](#) computed using whichever of the following formulas produces the largest number:

- (i) The total area resulting from the sum of the following: the difference between the minimum [Lot Area](#) required for the [Base District](#) and the actual [Lot Area](#) proposed for each [Lot](#) in the Cluster Development; or
- (ii) Ten percent (10%) of the total site area included in the Cluster Housing Project.

(2) Recreational Open Space

At least one-third of the proposed [Common Open Space](#) shall be suitable for use as and proposed for development as [Recreational Open Space](#).

(3) Natural Open Space

To the maximum extent practicable, the **Environmentally Sensitive Areas** following types of lands shall be included in the [Common Open Space](#) as [Natural Open Space](#). To the extent that it is not practicable to include all of such **Environmentally Sensitive Areas** Areas in the [Common Open Space](#), the **Environmentally Sensitive Areas shall be included based on the priority ranking listed in Section 20-1109(i)(1-3)**. order of types of lands included in this list shall be considered a priority list, with the first item being the most important, the last being the least important and so on:

- ~~(i) floodway, based on a 100-year storm;~~
- ~~(ii) Floodplain Outside The Floodway, based on a 100-year storm;~~
- ~~(iii) jurisdictional Wetlands;~~
- ~~(iv) Stream Corridor;~~
- ~~(v) significant Stand of Mature Trees or individually significant mature trees;~~
- ~~(vi) Prominent Geographic Features with Rocky Outcroppings; and~~
- ~~(vii) archeological and historic sites.~~

(4) 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 **Owner** 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 abutting **Dwelling Unit Owner** and of the City, which:

- (1) will be binding on all future **Owner** of the Open Space land;
- (2) will not be affected by any subsequent changes in zoning;
- (3) may be enforced by adjoining property **Owner** 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 action 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 **Owner** in the PUD or cluster development except in the case of City-owned land in which case deed restrictions shall be binding.

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
- 20-1109 Protection Standards for Environmentally Sensitive Areas**

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 **multi-dwelling development** [Planned-Development](#) that are adjacent to RS zoning or to detached [Dwelling Units](#).

~~(d) Implementation of Sensitive Land Standards~~

~~(1) **Applicability of Environmental Design Standards — Generally**~~

~~The provisions of this Article regarding environmental protection for sensitive lands shall apply to all construction and development in all RS and RM Districts, except as expressly exempted in this paragraph.~~

~~(2) **Applicability of Environmental Design Standards — Effect on Development Type**~~

~~(i) **Principal**~~

~~If a significant portion of a proposed development, as specified in this sub-section (d), consists of lands falling in the following categories, any proposed development may proceed only in accordance with the processes allowed by this sub-paragraph. Lands affected by this section shall include the following lands:~~

~~a. [Floodways](#), based on 100-year storm;~~

~~b. [Floodplain](#) outside the [Floodway](#), based on 100-year storm;~~

- e. ~~Jurisdictional Wetlands;~~
- d. ~~Stream Corridors;~~
- e. ~~Stands of Mature Trees or Individually Significant Mature Trees;~~
- f. ~~Prominent Geographic Features with Rocky Outcroppings;~~ and
- g. ~~Archaeological and Historic Sites.~~

(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.~~

(iii) ~~**Procedures to be Followed**~~

a. ~~**Platted Lots**~~

~~Development on a platted Lot or Parcel including more than 500 square feet of sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(e)], which shall be consolidated with any other required site plan submitted. The development shall be subject to any conditions related to the sensitive lands included in approval of the subdivision or any Planned Development application including the platted Lot(s).~~

b. ~~**Land not Previously Subdivided**~~

~~Development on land not previously subdivided and including more than 500 square feet of sensitive lands shall follow the procedures required by this paragraph:~~

1. ~~If less than five percent (5%) of the land area consists of sensitive lands, the property may be developed through a conventional subdivision, a cluster subdivision or a Planned Development;~~

2. ~~If five percent (5%) or more of the land area but less than 15% of the land area consists of sensitive lands, the property may be developed through a cluster subdivision or a [Planned Development](#), but may not be otherwise subdivided or developed;~~
3. ~~If 15% or more of the land area consists of sensitive lands, the property may be developed only through a [Planned Development](#).~~

(3) ~~**Applicability of Environmental Design Standards -- Effect on Development Plan for Sensitive Lands**~~

~~(i) **Dedication**~~

~~Where the following types of lands are included in a proposed development, such lands shall be included in any land dedicated to the City as part of any required Open Space dedication, in the priority order set forth in this paragraph, up to the required land dedication for the development:~~

- a. ~~[Floodways](#), based on 100 year storm;~~
- b. ~~[Floodplain](#) outside the [Floodway](#), based on 100 year storm;~~
- c. ~~Jurisdictional [Wetlands](#);~~
- d. ~~[Stream Corridors](#);~~
- e. ~~[Stand of Mature Trees](#) or individually significant mature trees;~~
- f. ~~[Prominent Geographic Features with Rocky Outcroppings](#); and~~
- g. ~~Archaeological and Historic Sites.~~

~~(ii) **Private Open Space**~~

~~Where the following types of lands are included in a proposed development and will not be dedicated to the City, such lands shall be included in required Open Space for the development, in the priority order set forth in this paragraph, up to one-half the required Open Space for the development, with the remaining one-half of the Open Space to be suitable for active recreation:~~

- ~~a. **Floodways**;~~
- ~~b. **Floodplains** outside the **Floodway**, based on 100 year storm;~~
- ~~c. **Jurisdictional Wetlands**;~~
- ~~d. **Stream Corridors**;~~
- ~~e. **Stand of Mature Trees** or Individually Significant Mature Trees;~~
- ~~f. **Prominent Geographic Features with Rocky Outcroppings**; and~~
- ~~g. **Archaeological and Historic Sites.**~~

~~(iii) **Other**~~

~~Where the following types of lands are included in a proposed development and will not be dedicated to the City or included in private Open Space, the development plan shall be arranged so that every proposed **Lot** has a **Building Envelope** meeting the other design standards of this Code without encroaching on the designated sensitive lands:~~

- ~~a. **Floodways**;~~
- ~~b. **Floodplain** outside the **Floodway**, based on 100 year storm;~~
- ~~c. **Jurisdictional Wetlands**;~~
- ~~d. **Stream Corridors**;~~

- e. ~~Stand of Mature Trees~~ or Individually Significant Mature Trees;
- f. ~~Prominent Geographic Features with Rocky Outcroppings~~; and
- g. ~~Archaeological and Historic Sites.~~

(4) ~~Applicability of Environmental Design Standards — Effect on Development Intensity or Density~~

Where the following types of lands are included in a proposed development, that land, or a portion of that land, may be included in determining the allowable **Density** or intensity of development, in accordance with the following table. The percentage appearing in a cell at the intersection of a type of sensitive land and its proposed disposition shall be multiplied by the land area of that site to determine the land area which may be considered in the computation of the allowed **Density** or intensity of development:

Sensitive Land Features	Proposed for Dedication of Open Space	Percentage for Density Calculation
Floodways	100%	50%
Floodplains outside the Floodway, based on 100-year storm	50%	10%
Stream Corridors beyond Floodways	100%	50%
Jurisdictional Wetland	50%	10%
Stand of Mature Trees	100%	100%
Prominent Geographic Features and Rocky Outcroppings	50%	10%
Archaeological and Historic Sites	100%	50%

(e) ~~Sensitive Areas Site Plan Required~~

Prior to development on tracts or portions of tracts of land where sensitive features specified above exist, 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. This application process may occur as part of a **Planned Development** overlay zoning and/or subdivision review.

(d) ~~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.

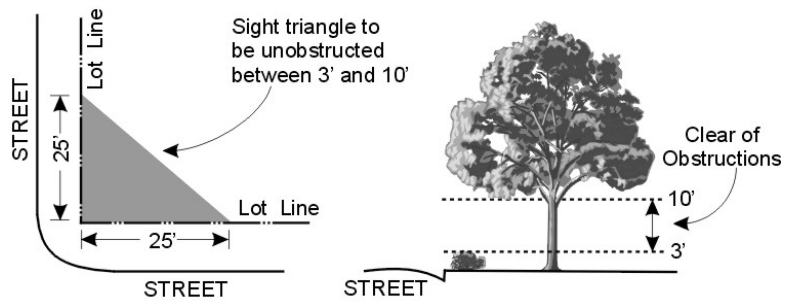
(e) Administration and Enforcement of Drainage Easements

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:

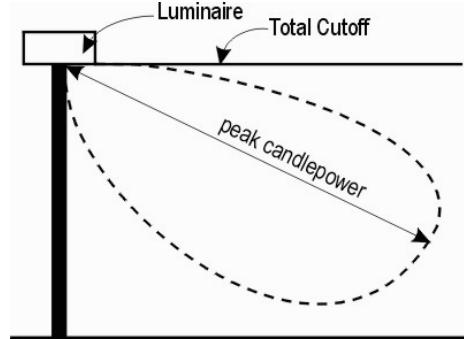
- (i) Scaled drawing of the site with all outdoor lighting fixture locations identified;
- (ii) Fixture specifications, such as catalog cut-sheets. The lighting fixture data shall be based on the photometric plan and shall indicate type of fixture, Height, shielding, luminaire type and wattage.
- (iii) 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
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path 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) Applicability

Development constituting a **Major Development Project** shall comply with the General Development Standards for **Mixed Use** Districts (Section 20-1108). 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 the conditions of Section 20-1503(e)(2) are satisfied. The following situations are exempt from these Development Standards:

- (1) **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;
- (2) The intensification of the use of property in the MU District that increases the off-street parking requirements shall not constitute a **Major Development Project**.

Development constituting a **Major Development Project** shall include a mixture of residential and nonresidential uses together in one **Structure** or in separate **Structures**, designed to form a **Pedestrian-Scale** environment. All **Mixed Use** developments shall require site plan review and approval.

(b) Terms Defined

The following terminology is used frequently in this Section and is provided below for reference.

Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage .
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above Grade .
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the Mixed Use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone , but more intense development than the Tertiary Development Zone . The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the Mixed Use development.
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure . It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure .
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s) .
Mixed Use Structure, Horizontal	A Building or Structure containing two or more different uses distributed horizontally throughout the Structure .
Mixed Use Structure, Vertical	A Building or Structure , a minimum of two stories in Height , containing two or more different uses distributed vertically throughout the Structure .
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Non-Ground Floor Dwelling(s)	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.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use Accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building -mounted signs.
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The Public Frontage may include sidewalks, street planters, trees and other vegetated Landscaping , benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone . Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are Accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures . Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.

Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone . Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone . Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and Landscaping planted in the Street Tree & Furniture Zone.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Slip Road	A road which provides Access to and runs a course parallel to an Arterial Street or other limited Access street or highway. Slip Roads are commonly used along boulevards to provide Access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip Roads may also be known as Access roads.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
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.
Work/Live Unit	A space within a Building that consists of a Non-Ground Floor Dwelling which is Accessory to a nonresidential use and has direct internal Access to the nonresidential use.

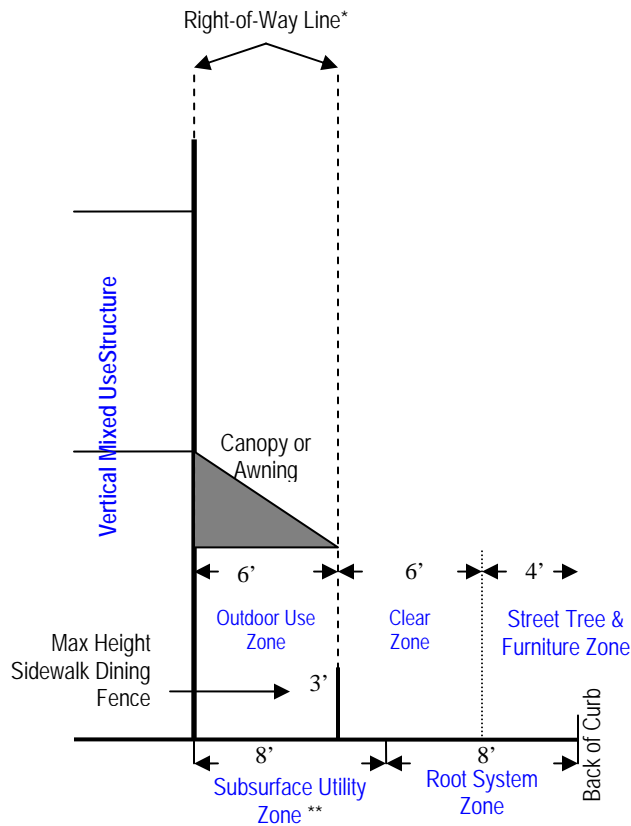
(c) **Public Frontage Form Standards**

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.

Primary Public Frontage



*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.

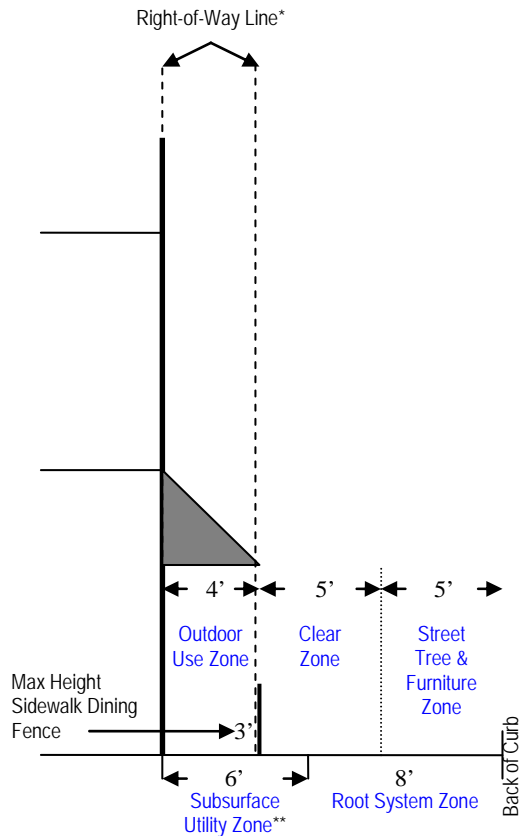
** When a **Subsurface Utility Zone** is located on private property or behind the ROW line, a **Utility Easement** shall be filed at the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(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.

Secondary Public Frontage

With ground-level **building frontage** designated for Nonresidential Uses.

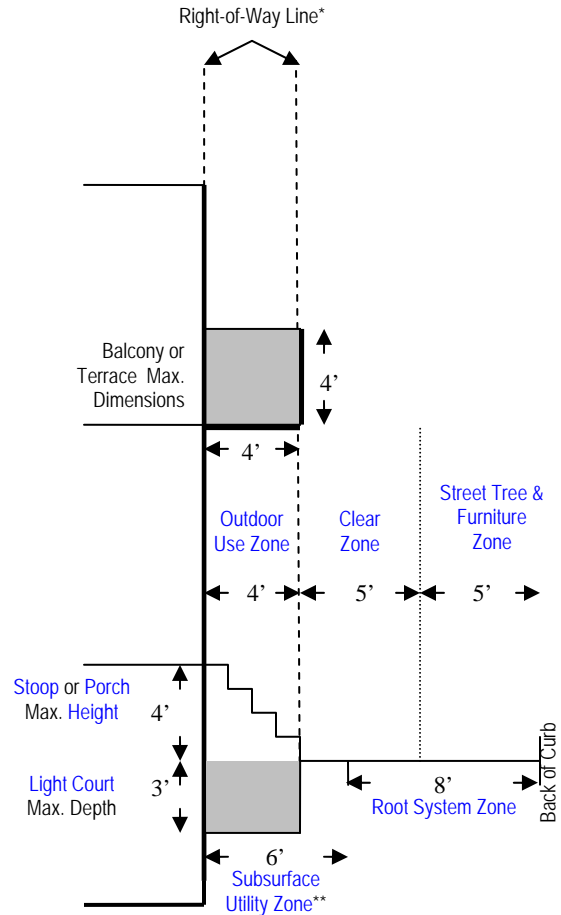


*When an **Outdoor Use Zone** is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

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.

Secondary Public Frontage

With ground-level **Building Frontage** designated for Residential Uses.

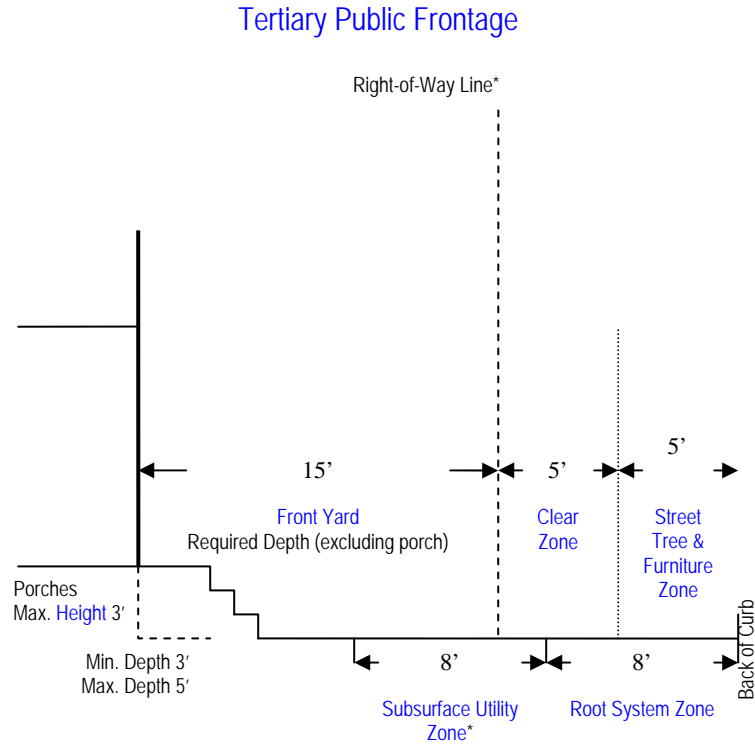


*When an **Outdoor Use Zone** is designated within the ROW, a Use of Right-of-Way License Agreement shall be executed prior to Site Plan approval.

When a **Subsurface Utility Zone is located on private property, or behind the ROW line, a **Utility Easement** shall be filed with the Douglas County Register of Deeds with Book and Page number noted on the approved Site Plan.

(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.

(d) 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 Use Structure](#) shall be designed, constructed, and reserved for occupation by nonresidential uses.

(iv) **Residential Uses**

Attached Dwellings shall be permitted in [Horizontal Mixed Use Structures](#). Live/Work Unit(s) are permitted in [Horizontal Mixed Use Structures](#) 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 Use Structures](#). 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.

(e) **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.

(f) 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
Goal I: Provision of Dwellings	
Percentage of all Dwelling Units which are considered to be Moderately-Priced Dwelling Units	100 points for the first 10%; PLUS 10 points for each 1% provided in addition to 10%
Goal II: Provision of a variety of housing types	
At least two (2) of the following five (5) housing types must be provided in order to redeem points.	
Non-Ground Floor Dwellings	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;
Attached Dwellings	
Live/Work Units	
Assisted Living or Independent Living	
Zero-Lot Line Dwellings	
*The points earned for provision of the above-mentioned goals may be combined	
Goal III: Provision of transit-supportive development	
Location adjacent to Designated Transit Stop	100 points if located directly adjacent to a transit stop and if stop is integrated into the Mixed Use Development and transit stop/pedestrian amenities are provided.
Goal IV: Ensuring availability of adequate public facilities	
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 InfraStructure to support redevelopment	75 points
Location adjacent to the intersection of two streets classified as either Minor Arterial or Principal Arterial according to the adopted Major Thoroughfares Map	15 points
Goal V: Ensuring Protection of Environmental Quality	
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 Structure with LEED (Leadership in Energy Efficient Design) Certification	100 points per mixed-use Structure certified;
Construction of a residential Structure with ENERGY STAR	25 points per attached or detached Dwelling certified;

Public Goal	Points Earned
Certification	
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

(g) 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.

(h) 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.

20-1109 PROTECTION STANDARDS FOR ENVIRONMENTALLY SENSITIVE AREAS

(a) Purpose

(1) The Environmentally Sensitive Areas Standards are intended to protect sensitive natural and historic features of the City of Lawrence as the City meets its urban development goals.

(2) These standards are intended to provide flexibility in the design of developments on lands with environmentally sensitive areas in order to use land efficiently and to preserve environmentally sensitive areas. Environmentally sensitive areas left in their natural state provide many benefits to the community including flood control, erosion control, water filtration, storm water runoff areas, passive recreation, wildlife protection, etc. Recognizing and protecting these benefits decreases the City's losses and improves the quality of life.

(3) These standards are intended to allow modifications of the requirements of the base zoning district and subdivision regulations. During the review process, the specific circumstances surrounding each application, such as the

types and amounts of sensitive features that are present; special constraints to the development such as being in an infill location; and the need for the extension of public utilities or infrastructure will be considered. The Environmentally Sensitive Areas standards shall be applied in an effort to achieve development solutions that best promote the spirit, intent and purpose of protecting environmentally sensitive lands.

(b) Objectives

The objectives of these standards are:

- (1) To identify and prioritize environmentally sensitive areas during the initial stages of the development review process.
- (2) To establish levels of protection for environmentally sensitive areas which vary with the priority ranking of each feature or combination of features.
- (3) To aid developers in the creation of plans so that negative impacts to the environmentally sensitive areas are avoided or minimized to the greatest extent possible.
- (4) To coordinate sensitive areas protection with other City environmental programs such as the Floodplain Management Regulations, and the City Stormwater Ordinance.
- (5) To encourage the use of innovative development techniques and to provide flexibility in the planning process when needed to balance environmental and economic goals.
- (6) To establish levels of protection for existing sensitive areas and institute requirements for the restoration of sensitive areas found to be prematurely destroyed or altered.

(c) Applicability of Environmental Design Standards

The provisions of this Article regarding environmental protection for sensitive areas shall apply to all construction and development activity except as expressly exempted in Section 20-1109(e). If a proposed development, as specified in this section, contains any of the environmentally sensitive areas described below, the environmentally sensitive design standards and guidelines shall apply. Where disagreements occur regarding the presence or amount of environmentally sensitive areas contained on a property, the Planning Director's determination on the Sensitive Areas Site Plan may be

appealed to the City Commission.

(1) Environmentally Sensitive Areas include the following:

(i) Regulatory Floodplain:

a. Regulatory Floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County.

b. Regulatory Floodway Fringe (*100 year flood*), designated on the FEMA Flood Insurance Rate Map for Douglas County.

(ii) Wetlands, including jurisdictional wetlands as determined and regulated by the U.S. Army Corps of Engineers.

(iii) Streams, shown on the United States Geological Survey Quadrangle (USGS Quad) Maps as blue solid or dashed lines, and their corridors.

(iv) Woodland Areas: Any tract of land containing one (1) acre or more which is shown as 'woodland' or 'forest' on the City GIS Woodland Baseline Map.

(v) Individually Significant Trees: an existing healthy tree which, when measured four feet above grade, has a minimum diameter at breast height, (54 in.) of 8 inches for evergreen trees, or 12 inches for deciduous trees. Significant trees may be of any species listed in the Northeast Kansas Preferred Species List (available at the Planning Office) or any native species. A list of native trees (including both indigenous and naturalized species) is available at the Planning Office.

(vi) Prominent Geologic Features with Rocky Outcroppings: A rocky protrusion of 50% or more exposed rock having greater than a 3:1 slope, a minimum height of 20' above the surrounding grade and covering an area of 1 or more acres.

(vii) Archaeological and Historic Sites listed on local, state, or federal registers or *those that* have an application on file for listing which was submitted prior to the sensitive area site plan.

(viii) **Prairie remnant of one (1) acre or larger:** Prairie areas that have remained *intact* on undeveloped, untilled portions of properties and containing Prairie Remnant of one (1) acre or larger. Prairie areas will be determined 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.

(ix) **Slopes:**

- a. **Steep Slopes:** A slope of fifteen percent (15%) but less than twenty five percent (25%).
- b. **Critical Slopes:** A slope of twenty five percent (25%) but less than forty percent (40%)
- c. **Protected slopes:** Any slope of forty percent (40%) or steeper.

(d) The presence of environmentally sensitive areas shall be determined from an examination of the site and the following resources:

- (1)** FEMA Flood Insurance Rate Map for Douglas County
- (2)** USGS Quad Maps
- (3)** City GIS Woodland Baseline Map
- (4)** US Fish and Wildlife Service National Wetland Inventory Maps
- (5)** Douglas County Natural Areas Inventory Map
- (6)** City GIS Map, including baseline woodland map and contour map.
- (7)** Douglas County Soil Survey
- (8)** Other resources which may be appropriate

(e) Determination of Development Land Area

In determining whether a proposed development contains sensitive areas, all contiguous lands under the same ownership or control shall be considered. Lands owned or controlled by a partnership, trust or corporation 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.

(f) Exemptions.

The following activities are exempt from the requirements of this section:

- (1) Extension of public utilities and infrastructure: A written request for exemption must be submitted to the Planning Director. Development activity may occur only after the Planning Director has determined that the amount of damage to the environmentally sensitive areas is minimized either through construction methods or location and has provided written approval of the exemption request.
- (2) Existing Single-Dwelling and Duplex Residences: Normal maintenance/expansion of single-family or duplex residences, including exterior remodeling, reconstruction, construction, or replacement of single-family or duplex residences and accessory structures.
- (3) Existing Subdivisions for Single-Dwelling and Duplex Residences: Construction of new single-family or duplex residences in platted subdivisions that are in existence, or for which applications for plats have been submitted, prior to the effective date of this Text Amendment.
- (4) Woodland Management Activities. Practices associated with 'timber management standards' as defined by the International Society of Arboriculture, or its successor, or existing tree farming operations, such as Christmas tree farming, fruit, or nut production and tree nurseries, during such time as the land is used for tree farming operations are exempt.

(f) Sensitive Areas Site Plan

Development activity on lands with environmentally sensitive areas as set forth in Section 20-1109(c) shall require submission and approval of a Sensitive Areas Site Plan.

- (1) A Sensitive Areas Site Plan must be approved by the Planning Director prior to woodland clearing, grading or any

development activity on lands that contain environmentally sensitive areas specified in Section 1109(c). Appeals from the Planning Director's determination on the Sensitive Areas Site Plan shall be made to the City Commission. An appeal must be filed within 9 calendar days of the Planning Director's determination.

- (2) The Sensitive Areas Site Plan may be submitted concurrent with the submittal of any other site plan or development plan; however, revisions to the development plans may be necessary in order to comply with the approved Sensitive Areas Site Plan. To avoid revisions, prior submittal of the Sensitive Areas Site Plan is recommended with a concept development plan. The Sensitive Areas Site Plan will be incorporated with other development or site plans for the property. The designated protected areas must be clearly shown on all associated development plans, including public improvement plans.

(g) Non-compliant Development Activity

If development occurs which is not compliant with an approved Sensitive Areas Site Plan or if clearing, grading or other development activity occurs on lands determined to contain environmentally sensitive areas as of the effective date of this text amendment without prior approval of a Sensitive Areas Site Plan, the sensitive areas will be determined for the property using the best available data (aerials, surveys, baseline maps, etc.) and the property shall be made whole to the extent required in Section 20-1101(i) under the following guidelines prior to building permits being granted:

- (1) Removal of trees from woodland areas: If woodland areas are altered by human activity such as clearcutting or removal of trees to the degree that the property no longer meets the definition of 'woodland', the property owner shall protect the area that would have been required to be protected with a Sensitive Areas Site Plan. The property owner shall replace the trees at a ratio of 1 tree per every 200 sq. ft. of prior woodland area to the extent required in Section 20-1109(i). Replacement trees shall meet the following size standards: a minimum caliper of two and one-half inches (2.5") for deciduous trees and a minimum planted height of six feet (6') for evergreen species. The replacement trees shall consist of a minimum of 6 species which may be native or selected from the Northeast Kansas Preferred Species Tree List. Trees which are considered native are listed on the Kansas Native Tree List which is available in the Planning

Office. (This requirement is in addition to any street tree, buffering, or other landscaping that is required by the Development Code.)

- (2) Damage to Stream Corridor: If the stream or stream corridor is altered by human activity, such as the removal of trees or vegetation with the exception of poisonous or noxious weeds, or in anyway altering the channel, the property owner shall reestablish the channel per the approval of the City Stormwater Engineer and replace the trees at a ratio of 1 tree per every 200 sq. ft. of area of stream corridor and shall reestablish ground cover per the approval of the City Stormwater Engineer. In addition, modification of the stream channel may be in violation of Section 404 of the Clean Water Act as well as the Stream Obstruction Act of the Division of Water Resources.
- (3) Destruction of remnant prairie. If an area that has been determined by the KS Biological Survey, or approved consulting firm, as having remnant prairies is plowed or otherwise destroyed, the area of the former remnant prairie, as defined by the KS Biological Survey or approved consulting firm must be preserved as open space and replanted with prairie vegetation to the extent required in Section 20-1109(i). At least 75% of the native species that were likely at the site, as determined by the Kansas Biological Survey or consulting firm, will be reseeded. The restoration area will be maintained until the reseeded native vegetation reaches a minimum of 75% cover (which typically takes three years after planting) as determined by the SK Biological Survey or approved consulting firm. A three year restoration and maintenance plan shall be developed by the property owner with the assistance of the KS Biological Survey or approved consulting firm and will be filed with the Planning Office.
- (4) Other features If environmentally sensitive features other than those specifically listed in this sub-section are destroyed or damaged, the property shall be reviewed as if the sensitive feature were intact using the best available data and the area required to be protected shall be repaired through restoration. A restoration plan shall be developed by the Planning Director.

(h) **Sensitive Areas Site Plan Procedure**

A Sensitive Areas Site Plan shall be submitted and approved prior to any development activity, including vegetation removal or grading. The Sensitive Areas Site Plan may be submitted prior to, or concurrent with, another development application, i.e. plat, site plan, rezoning, etc. The Sensitive Areas Site Plan shall delineate and note all sensitive areas and designate protected sensitive areas and associated buffers.

A Sensitive Areas Site Plan shall be reviewed by the Planning Director in accordance with the Site Plan review procedure listed in Section 20-1305.

A Sensitive Areas Site Plan is normally submitted in preparation for another development proposal, such as a plat, development plan or site plan; therefore, there is no review fee for a Sensitive Areas Site Plan.

(1) Sensitive Areas Site Plan Contents:

(i) The site plan shall be arranged so the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked.

(ii) The site plan shall clearly delineate the property boundaries, all of the environmentally sensitive areas located on the property, and designate protection buffers for sensitive areas as prescribed below.

a. Regulatory Floodplain, including Floodway and Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County.

b. Wetlands. The site plan shall show the delineation of any jurisdictional wetlands that has been determined per the US Army Corps of Engineers regulations and guidance prior to submittal of the Sensitive Areas Site Plan. The site plan shall also show any area that is included on the U.S. Fish and Wildlife Service National Wetlands Inventory Map, as a potential wetland area, along with a 100' buffer area unless the Natural Resource Conservation Service, the Kansas Biological Survey, the Army Corps of Engineers or a professional wetland scientist, certified by the Society of Wetland Scientists, or the Army Corps of Engineers, determine that the area is not a wetland.

- c. Streams and stream corridors. Streams that are shown in solid or dashed blue lines on the USGS Quad Map shall be included with their corridors. Unless exempt under the provisions of this Section, the following protective buffer requirements shall be maintained:
- d. The stream corridor shall be a 200 ft. wide area, centered on the stream. If an ordinance establishing stream corridor widths for individual streams is adopted by the City, the stream corridor width in the ordinance will apply.
- e. Woodland Areas. A sensitive Areas Site Plan shall be approved for any property containing a woodland area prior to woodland clearing or any development activity. The City Woodland Baseline Map shall be used to determine the amount of wooded areas on site. The following requirements apply to development on properties with woodland areas:
 - f. The woodland area required to be retained shall be delineated to include a buffer area by measuring fifty feet (50') outward from the trunks of trees intended to be preserved.
 - g. Individually significant trees. The species and size (*dbh*) of the tree(s) shall be noted on the plan.
 - h. Archaeological and Historic Sites.
 - i. Prairie remnants one acre in area or larger. If development is proposed on a property which is shown on the Douglas County Natural Areas Inventory Map as containing remnant prairies these areas must be delineated and noted on the Sensitive Areas Site Plan, if confirmed by the Kansas Biological Survey or consulting agency with local expertise. A list of approved consulting agencies is maintained in the Planning Office.
 - j. Steep slopes, slopes with grades of 15% or higher
 - 1. A Sensitive Areas Site Plan is required prior to any development activity on property containing slopes with grades greater than

15% which indicates the areas containing slopes of 15% to 25%, 25% to 40% and above 40%.

2. A grading plan shall be submitted in addition to a Sensitive Areas Site Plan prior to any development activity on property containing slopes with grades between 25% and 40%.

3. A buffer will be required around any slopes of 40% grade or more. Two feet (2') of buffer will be provided for each foot of vertical rise of the slope up to a maximum buffer of fifty feet (50').

k. A site summary table shall be provided which includes the total site area, the area of each environmentally sensitive area delineated on the site plan, and the percentage of the total site which is included in each area. Areas with overlapping environmentally sensitive features shall be listed along with the percentage of the total.

(i) Ranking and Required Protection of Environmentally Sensitive Areas

Protection of certain environmentally sensitive areas in their natural state is more critical than others. The following priority scheme will serve as a 'ranking sequence' and will assist in the determination of environmentally sensitive areas in which protection is 'critical', those in which protection is important and shall be achieved to the greatest extent possible and those for which protection is desirable.

The total amount of the site which shall be required to be protected depends on the type and amount of features present.

(1) Critical Environmentally Sensitive Areas are required to be protected in their entirety. All protected areas together shall not be required to exceed 30% of gross land area unless critical sensitive areas exist. 10% of the designated sensitive area shall serve, and may be improved, as an open space amenity to the development as passive or active recreation.

(2) When determining which environmentally sensitive areas shall be protected, protection will be required in the following ranking order:

(i) **Critical Sensitive Areas.** Areas containing the following: regulatory floodway, stream corridors, jurisdictional wetlands, slopes with greater than 40% grade, or archaeological and historic sites. Protection of 100% of these sensitive areas is required regardless of the percentage of the total site area which is included.

(ii) **Important Sensitive Areas.** Areas containing the following: non-jurisdictional wetlands, slopes between 25% and 40% grade, regulatory floodway fringe, native prairie remnants, woodlands that are contiguous with other off-site woodland areas that may function as wildlife corridors, and two or more environmentally sensitive areas, other than those listed as 'critical sensitive areas', occurring together. Environmentally sensitive areas that occur together are of higher priority than any one sensitive area occurring singularly. The priority increases with the number of environmentally sensitive areas occurring together. Protection of these areas is required to the maximum extent noted above.

(iii) **Desirable Sensitive Areas.** Areas in which the following occur singularly: slopes between 15% and 25%, isolated woodland areas, and individually significant trees. Protection of areas containing these features is required to the maximum extent noted above.

(3) Environmentally sensitive areas shown on the site plan are prioritized for protection by the ranking scheme above in combination with an evaluation of the development proposal, the surrounding area (to determine connectivity) and the mix of sensitive features present on the site.

(j) Development Options

The following development options are available for properties containing environmentally sensitive areas:

(1) May develop as a Planned Development, per standards in Section 20-701, to protect the greatest amount of environmentally sensitive areas possible while accommodating development. The minimum amount of natural open space to be preserved will be determined after a review of the Sensitive Areas Site Plan. Planned Developments provide the following additional flexibility: reduced lot sizes, increase in maximum net residential density by up to 25%, reduction in minimum setback

standards of the base district with some restrictions, increase in the height of the buildings, and reduction in the number of off-street parking spaces required.

(2) May develop as a Cluster Development per standards listed in Section 20-702. If environmentally sensitive areas are present, a Cluster Development may exceed the 35 lots permitted in Section 20-702(c)(1). Cluster Development allows the property to develop at the same maximum density as the base zoning district permits, but with no minimum lot area or lot width requirements. Special setbacks for the perimeter apply and 10' separation is required between all detached dwellings.

(3) May develop with a site plan, or single-dwelling or duplex residential development may occur through a traditional subdivision, when a review of the Sensitive Areas Site Plan indicates that it is possible to develop the property according to the regulations of the base zoning district while protecting the sensitive areas through easements, building envelopes, common-ownership tracts, or other means. The development proposal shall be reviewed with the approved Sensitive Areas Site Plan to insure that the proposed development will preserve the amount of sensitive areas necessary. The Sensitive Areas Site Plan shall be incorporated with any submitted development proposal, i.e. plat, site plan, development plan, etc. The protected sensitive areas and building envelopes must be shown on the preliminary and final plat to insure that buildings and construction activity do not encroach into the sensitive areas. A note must be included on the plat or site plan noting the party responsible for the maintenance of the protected environmentally sensitive areas and stating that all development activity, including grading and construction, is prohibited within the protected sensitive areas.

(k) Sensitive Areas Development Design Standards and Guidelines:

(1) Street rights-of-way, public utility corridors and building sites shall be located so as to minimize their impact on environmentally sensitive areas.

(2) Where possible, environmentally sensitive areas to be protected shall be located within designated public or private

open space, either through dedication, a conservation easement, or control by a homeowner's association.

- (3) If a review of the Sensitive Areas Site Plan and proposed development indicates that it is not possible or reasonable to protect the required amount of sensitive areas, mitigation may be possible. A mitigation plan shall be submitted to the Planning Commission for review. Any appeals from the Planning Commission's determination on the mitigation plan shall be heard by the City Commission.
- (4) When other sensitive features are located within a stream corridor, the most stringent required protective buffer shall apply.
- (5) Prairie remnants associated with other sensitive features shall be treated as environmental assets, and shall be considered no-build areas to the extent possible, and used for buffers, filter strips along waterways and/or neighborhood open space.
- (6) Disturbance of slopes with 25% to 40% grades requires approval of the City Stormwater Engineer.
- (7) Slopes greater than 40% grade shall not be graded and shall remain in the existing state, except that natural vegetation may be supplemented by other plant material.
- (8) No development activity, including removal of trees and other vegetation, shall be allowed within the buffer with the exception of the removal of noxious or poisonous weeds.

(I) Modifications to the Sensitive Area Design Standards and Guidelines

The development standards and guidelines contained in this section are to be used as minimum requirements for evaluating development plans on lands containing environmentally sensitive areas. However, the standards and guidelines are not intended to restrict creativity or prohibit reasonable economic returns on developing property.

- (1) An applicant may request modifications of the sensitive areas design standards and guidelines, such as, but not limited to, a reduction in the area required to be preserved, or a change in the hierarchy ranking of protected features, if all the following criteria are met:

- (i) The modification will be in harmony with the purpose and intent of this section.
 - (ii) The modification will generally enhance the sensitive areas site or development plan and will not have an adverse impact on its physical, visual or spatial characteristics.
 - (iii) The modification shall not result in a configuration of lots or a street system which is impractical.
 - (iv) The modification shall not threaten or diminish the public's health, safety or welfare.
 - (v) The modification shall not include or alter critical environmentally sensitive areas for which protection is required, such as 'floodway' or 'jurisdictional wetlands'. Modification to critical features, exclusive of 'floodway' would be possible only through the appeal process and would be limited to no more than 15% of the feature. Development in the floodway is prohibited by other sections of the Code.
- (2) Prior to the adoption of the City Stream Ordinance, the amount of stream corridor required may be reduced by the City Stormwater Engineer if requiring the full stream corridor buffer would preclude reasonable use of the property, and enhanced vegetative cover will be provided in any remaining buffer area to the extent possible. A waiver request must be provided in writing to the City Stormwater Engineer which explains how the provision of the full required stream corridor precludes reasonable use of the property. Following the adoption of the City Stream Ordinance, the modification process for stream corridor would be the same as for other critical environmentally sensitive areas.
- (3) If a modification request is submitted to the Planning Commission and the Planning Commission determines that the required woodland area cannot be retained due to site constraints or infrastructure requirements, replacement trees will be required. Deciduous replacement trees shall have a minimum 2.5 in. caliper and evergreen replacement trees shall have a minimum planted height of 6 ft. One tree shall be planted for every two hundred (200) square feet of woodland removed from the otherwise required retention area and shall be a minimum of 6 species. Species which

are either native to Kansas or are included in the Northeast Kansas Preferred Species List shall be used for replacement trees. The Northeast Kansas Preferred Species List and a list of native Kansas species is available in the Planning Office. The replacement of trees may be waived by the Planning Commission if it is determined that site constraints prohibit the replacement of trees on site.

- (4) Modification requests will be reviewed by Planning Staff and presented to the Planning Commission. The Planning Commission shall make the determination on the modification request. Appeals of the Planning Commission's decision shall be made to the City Commission.

(m) Appeals

- (1) From Planning Director's determination on the Sensitive Area Site Plan. The following persons and entities have standing to appeal the Planning Director's determination on Sensitive Areas Site Plans: the applicant, the property owner, the City Commission, and adjacent property owners. The appeal must be filed with, and received by, the Planning Office within 9 days of the Planning Director's determination.
- (2) From Planning Commission's decision on mitigation and modification requests. The following persons and entities have standing to appeal the Planning Commission's decision on mitigation and modification requests: the applicant; the City Commission; and adjacent property owner. The appeal must be filed with, and received by, the Planning Office within 14 calendar days of the Planning Commission's decision.

ARTICLE 17 TERMINOLOGY

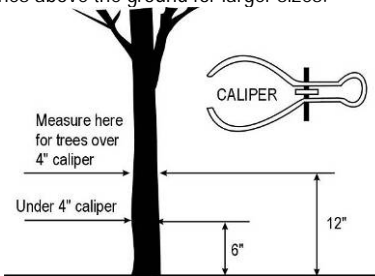
20-1701	General Terms
20-1702	Use Categories in General
20-1703	Adaptive Reuse of Designated Historic Property
20-1704	Adaptive Reuse of Greek Housing
20-1705	Agricultural Sales
20-1706	Agricultural Services
20-1707	Agriculture
20-1708	Agriculture, Animal
20-1709	Agriculture, Crop
20-1710	Animal Services
20-1711	Big Box
20-1712	Building 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
20-1722	Dwelling , Attached
20-1723	Dwelling , 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 Lot
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
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	Sexually Oriented Businesses
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

20-704 GENERAL TERMS

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling .
Accessory Structure	A subordinate Structure , the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off- Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway , Street , turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.

Term	Definition
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building . The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure .
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes .
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna .
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building , except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings , or use of land, and other regulations relating to the development or maintenance of existing uses or Structures , are uniform; but not including Overlay Zoning Districts .
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment , Large.
Block	A Parcel of land entirely surrounded by public Streets , highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets .
Boarding House	A Dwelling or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms , fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building , except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District , or as modified pursuant to a Variance , a site review, or prior City approval.

Term	Definition
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District , any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	<p>The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes.</p>  <p>The diagram shows a tree trunk with a caliper measuring its diameter. Two measurement points are indicated: one at 6 inches above the ground for trees with a diameter of 4 inches or less, and another at 12 inches above the ground for trees with a diameter greater than 4 inches. A separate drawing of a caliper tool is also shown.</p>
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clearcutting	The removal of all trees on a site, or the removal of more than one-half (0.5) acre of trees in an area determined to be sensitive by this section, during a single timber harvesting operation or within a three (3) year period.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements , licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets .
Collector Street, Minor	See Collector, Residential
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets .
Common Open Space	A Parcel of land, water, water course, or drainageway within a site designated for a Planned Development or Cluster Housing Project, designed and intended for the use or enjoyment of all the residents and Landowners of the Planned Development or Cluster Housing Project. Common Open Space , except for Common Open Space designated as Natural Open Space , may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Planned Development or Cluster Housing Project. Common open space shall not include space devoted to streets and parking areas.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan , also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission , as amended or superseded by adoption of a replacement plan from time to time.

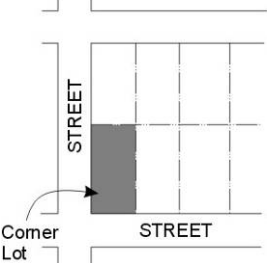
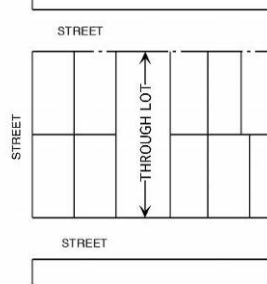
Term	Definition
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director , Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets .
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets .
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises , including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration , or partial or total demolition of Buildings and Structures ; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.
Development Project, Major (Ord. 8098)	Any modification to a site that alters parking Lots , drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns, that the Planning Director determines to be significant; or: Any Significant Development Project ; defined as: (1) The construction of one or more new Buildings with a gross Floor Area of 1,500 square feet or more; (2) The construction of additions with a gross Floor Area of 1,500 square feet or more, or twenty percent (20%) or more, of the existing Building ; (3) Separate incremental additions below the 1,500 square feet or 20% amount if the aggregate effect of such Development Activity over a period of 18 consecutive months would trigger the 1,500 square feet or 20% threshold; (4) The alteration or intensification of any use that increases off-Street Parking requirements pursuant to Article 9; or (5) The installation or addition of more than 1,500 square feet of impervious site cover.
Development Project, Minor (Ord. 8098)	Any development proposing the minor modification of a site 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.

Term	Definition
Development Project, Standard (Ord. 8098)	Any development proposing the modification of a site which does not have an approved site plan on file with the Planning Office, or a change in use on a site with an approved site plan on file with the Planning Office which meets the following criteria or proposes the following: <ul style="list-style-type: none"> (a) Any change in use to a more intensive use; or (b) A change in use to a less intensive use on a site without an approved site plan on file with the Planning Office; or (c) A modification to a site which alters the Parking Area, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns; or (d) A development in commercial zoning districts including redevelopment or modifications to the exterior style, design or material type of a Structure that is subject to the Commercial Design Standards; or (e) An outdoor dining 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 (f) The construction of one or more new Buildings with a Gross Floor Area of 1,499 square feet or less; or (g) The construction of additions with a Gross Floor Area of 1,499 square feet or less, or less than twenty percent (20%) of the existing Building; or (h) The installation or addition of less than 1,499 square feet of Impervious Surface coverage; or (i) Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots .
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line .
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home .
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.

Term	Definition
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access , and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building , provided that the main entrance to these facilities is from within the Building .
Environmentally Sensitive Areas	Areas containing natural features and/or natural resources which include regulatory floodplain, jurisdictional wetlands, streams and their corridors, woodland areas, individually significant trees, prominent geologic features with rocky outcroppings, archaeological and historic sites, prairie remnants and steep slopes.
Evergreen (Coniferous) Tree	An Evergreen Tree , usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building , including a single- Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single- Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.

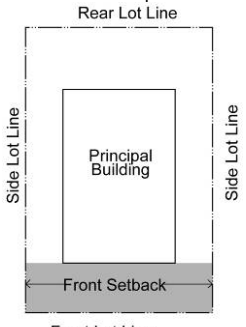
Term	Definition
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, lodging house, motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings.
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls (excluding basements) of a Building or a portion thereof divided by the Lot Area.
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building, between the Building and a line five feet from the Building.
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade.
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.

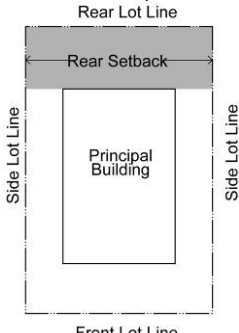
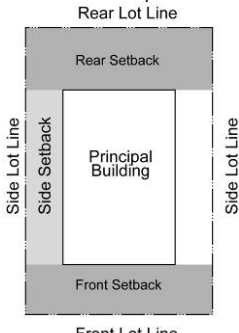
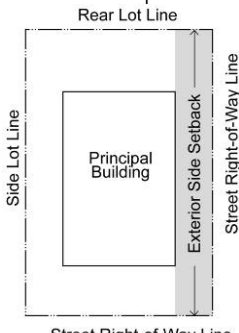
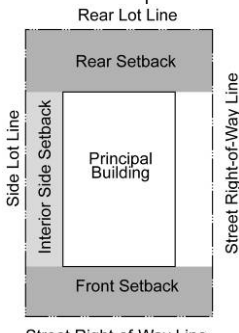
Term	Definition
Height (Building)	Refers to the vertical distance from the finished Grade , or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family .
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Individually Significant Tree	A significant tree is an existing healthy tree which, when measured four feet above grade, has a minimum diameter of 8 inches for evergreen trees, or 12 inches for deciduous trees. Significant trees may be of any species listed in the Northeast Kansas Preferred Species List (available at the Planning Office) or any native species. A list of native species, including both indigenous and naturalized species, is available at the Planning Office.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Jurisdictional wetlands are wetlands that are subject to Section 404 of the Clean Water Act per the US Army Corps of Engineers regulations and guidelines.
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs , Ground Cover /vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs , plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches , topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations .
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure . It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure .
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.

Term	Definition
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot .
Lot Frontage	See Frontage
Lot, Corner	<p>A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot.</p> 
Lot, Through	<p>A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot.</p> 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot .
Lot Line	A boundary of a Lot .
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley .
Lot Line, Front	The Street Line at the front of a Lot . On Corner Lots , the Landowner may choose either Street Frontage as the Front Lot Line .
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line . A triangular Lot has no Rear Lot Line .
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line .
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally 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.
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098)
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s) .
Mature Trees, Stand of	An area of ½ acre or more covered by densely wooded growth of mature trees having a minimum Height of 25 feet.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.

Term	Definition
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure.
Mixed Use Structure, Vertical	A Building or Structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park.
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands.
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node.
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity, excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Non-Ground Floor Dwelling(s)	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.
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Space	An area of land or water, either landscaped or essentially unimproved, which is used to meet human recreational or spatial needs, or for resource protection. Open space areas may or may not be improved but can include playfields, trails, greenbelts/greenways, community gardens, farmed areas, buffers between land uses of differing intensities, areas within community or neighborhood parks and other environmentally sensitive areas.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.

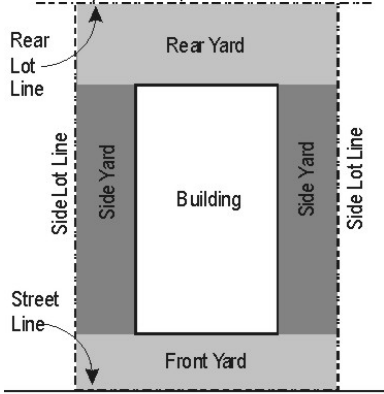
Term	Definition
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure , designed and used for parking motor vehicles including parking Lots , garages, private Driveways and legally designated areas of public Streets .
Parking Area	An area devoted to off- Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area . Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street , outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District , for a number of Dwelling Units , office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Prairie Remnants	Prairie areas that have remained intact on undeveloped, untilled portions of properties and containing Prairie Remnant of one (1) acre or larger: Prairie 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)
Premises	A Lot , together with all Buildings and Structures thereon.
Principal Building	See Building , Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use .
Prominent Natural Geographic Features with Rocky Outcropping	A rocky protrusion having greater than a 3:1 slope, a minimum Height of 20' above the surrounding Grade and covering an area of one (1) or more acres. Exposed rock area is 50% or more limestone or sandstone.
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures . Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.

Term	Definition
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director.
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building.
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area.
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building. A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna, with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms, or densely planted vegetation, or other means approved by the Planning Director.
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))
Setback, Front	The Setback required between a Building and the Front Lot Line. 

Term	Definition
<p>Setback, Rear</p>	<p>The Setback required between a Building and the Rear Lot Line.</p> 
<p>Setback, Side</p>	<p>The Setback required between a Building and the Side Lot Line.</p> 
<p>Setback, Side (Exterior)</p>	<p>The Setback required between a Building and the Exterior Side Lot Line.</p> 
<p>Setback, Side (Interior)</p>	<p>The Setback required between a Building and the Interior Side Lot Line.</p> 
<p>Sexually Oriented Media</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 Specified Sexual Activities or Specified Anatomical Areas.</p>
<p>Sexually Oriented Novelties</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>

Term	Definition
Shade Tree	Usually a Deciduous tree, rarely an Evergreen ; planted primarily for its high crown of foliage or overhead Canopy .
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.
Shrub	A Deciduous , Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover , consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.
Significant Development Project	(1) The construction of one or more new Buildings with a gross Floor Area of 1,500 square feet or more; (2) The construction of additions with a gross Floor Area of 1,500 square feet or more, or twenty percent (20%) or more, of the existing Building ; (3) Separate incremental additions below the 1,500 square feet or 20% amount if the aggregate effect of such Development Activity over a period of 18 consecutive months would trigger the 1,500 square feet or 20% threshold; (4) The alteration or intensification of any use that increases off- Street Parking requirements pursuant to Article 9; or (5) The installation or addition of more than 1,500 square feet of impervious site cover. (Ord. 8098)
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District , Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story .
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an intermittent stream or an intermittent stream specifically identified in the Comprehensive Plan as a significant intermittent stream subject to protection. — A stream corridor is a stream shown on the USGS Quad Map as a solid or dashed blue line and a 200' vegetated buffer area, which is centered on the stream. When a Stream Ordinance establishing a corridor or buffer width for each stream in the City has been adopted, the width of each stream corridor will be as set out in the Ordinance .
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets . Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at- Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single- Family residential Lots .
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.

Term	Definition
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.
Temporary Shelter	See Emergency Shelter
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.
Transient (or temporary) Shelter	Facility providing temporary housing for one (1) or more individuals who are otherwise homeless.
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
Wetlands	Any Parcel or portion of a Parcel which meets the state or federal definition of Wetlands that are under the jurisdiction of state or federal laws. Synonymous with "jurisdictional wetland".
Woodlands	Natural hardwood forests, whether or not actively forested. Any tract of land with a contiguous wooded area not less than one (1) acre and containing not less than one hundred (100) trees per acre that are two inches (2 in.) in diameter or greater measured at diameter breast height (dbh) which is a point 54 in. above the ground. The extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in such plant community. Woodland shall include any area where clearcutting has occurred within the previous three years.

Term	Definition
Woodland Area	Area of 1 acre or more which is denoted as ‘woodland’ or ‘forest’ on the City Woodland Baseline Map. Data for the woodland baseline map is taken from City-wide aerial photography. For recently annexed properties the City Woodland Baseline Map is based on data developed from satellite imagery provided by the Kansas Applied Remote Sensing Program and the Kansas Biological Survey. This map serves as the baseline for woodland area and will serve as the basis for Sensitive Areas Site Plans, or for determining if woodland was present on land which was disturbed prior to the submittal of a Sensitive Areas Site Plan. A tree inventory may be conducted by the property owner using the definition of ‘woodland’, to refine the limits of the woodland area.
Woodland Clearing	The removal of trees to the extent that the area no longer meets the definition of woodland.
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.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays
Yard	<p>Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. “Yard” refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard or open area (referred to as a “Setback”)</p> 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line.
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line.
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard, or in the absence of either of such front or Rear Yards, to the front or Rear Lot Lines. Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot.
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

20-702 USE CATEGORIES IN GENERAL

(a) 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](#).

(b) 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.

20-703 ADAPTIVE REUSE OF DESIGNATED HISTORIC PROPERTY

Conversion of a designated local, State or national historic landmark [Structure](#) to another specified use, with the intent of preserving the landmark.

20-704 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.

20-705 AGRICULTURAL SALES

On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

20-706 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.

20-707 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.

20-708 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.

20-709 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.

20-710 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.

20-711 BIG BOX

Refer to Retail Establishments.

20-712 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.

20-713 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.

20-714 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."

20-715 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.

20-716 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.

20-717 COMMUNITY FACILITIES

Uses of a public, nonprofit, or charitable nature providing ongoing education, training, counseling, [Day Care](#), or utility service to the general public on a regular basis.

20-718 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.

20-719 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.

20-720 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.

20-721 DETENTION

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.

20-722 DWELLING, ATTACHED

A [Dwelling](#) that is joined to another [Dwelling](#) at one or more sides by a party wall or walls.

20-723 DWELLING, DETACHED

A [Dwelling](#) that is entirely surrounded by open space on the same [Lot](#).

20-724 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”.

20-725 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.

20-726 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.

20-727 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.

20-728 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.

20-729 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.

20-730 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.

20-731 GROUP LIVING

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

20-732 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.

20-733 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.

20-734 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.

20-735 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. This use includes Community Facilities that are public, non-profit or charitable in nature and provide education, training and counseling services.

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 and some weekday services. 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 extensive facilities for educational and recreational programming that is separate from or only loosely related to religious worship. It may include on-site group living for students or for groups of religious leaders. It may also include 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, power generation plants and detention and correction institutions.

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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