

Lawrence SmartCode

Summary of revisions for the 05/07/08 Lawrence SmartCode draft

Article 1

Inserted CRC in Sections where Planning Commission or Planning Director was previously.

Inserted Planning Commission into the preliminary plat language instead of CRC.

1.3.2 – Added: “and Article 12 Floodplain Management Regulations of the Lawrence Development Code”

1.3.3 – New Section: Except where this Smart Code provides for an appeal to another quasi-judicial or administrative body, any person, official or agency aggrieved by a final decision on an application provided for in this Smart Code desiring to appeal said decision shall file the appeal in the district court of Douglas County within thirty (30) days of the making of the decision.

1.4.2 – Added: The City hereby creates a Consolidated Review Committee (CRC) comprised of a representative from: Planning and Development Services, Fire, Parks, Public Works, and Utilities. The CRC shall be the administrative approval body for SmartCode applications accept for rezoning and platting.

1.4.6 – Removed: “or Infill” and “or Article 4 respectively”.

1.4.7 – Added: For an Infill project meeting the minimum contiguous acreage requirement, the developer shall submit an Article 4 application, including a Transect Map in compliance with these sections, concurrently with a rezoning application. The Article 4 application shall be submitted for review to the CRC with final approval by the City Commission.

1.4.8 – Re-wrote: Upon re-zoning approval by the City, the developer shall submit SmartCode applications to the CRC for approval. For a lot-scale project, the developer shall submit an Article 5a (Sec. 5.1.5.a) and Article 5b (Sec. 5.1.5.b) applications to the CRC. For a Greenfield project meeting the minimum contiguous acreage requirement, the developer shall submit an Article 3 application, including a Transect Map in compliance with these sections to the CRC for approval, followed by Article 5a, and 5b applications. Following an approved Article 4 plan, the developer shall submit Article 5a, and 5b applications to the CRC.

1.4.9 – Deleted: The Planning Director will review the Article 3 and Article 4 applications and provide a report to the Planning Commission. The Planning Commission will review the Article 3 and Article 4 applications and recommend approval, approval with modifications or conditions, or recommend disapproval of the applications to the City Commission. Article 5a and 5b applications shall be processed for review and approval administratively by Planning and Development Services.

1.4.9 through 1.4.16 – Added: Notice and Appeals procedures

1.4.17 – Changed: A Preliminary Plat shall be submitted and demonstrate compliance with the platting procedures in Section 1.4.18 and 1.4.19.

1.4.18.e – Replaced: “Article 5a” with “Preliminary Plat”.

1.4.20 – Rewritten:

Vesting of Development Rights; Expiration

Upon recording of a Final Plat, development rights in land covered by that Plat shall vest in accordance with K.S.A 12-764.

a. In the event the Landowner fails to file an application for Building Permit within 18 months after final approval of the Article 5a or 5b submission has been granted, then such Article 5a or 5b submission shall expire in accordance with the following provisions:

(1) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 6 months. The application for extension or modification may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Article 5a or 5b submission. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.

The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties. Only one such extension may be granted;

(2) No action by the City shall be necessary to cause the Article 5a or 5b submission to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a Building Permit or for other Development Activity on the site shall be considered as though the Article 5a or 5b submission had not been granted.

b. Approval of an Article 5a or 5b submission does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related Building Permit is issued and substantial construction is begun in reliance on that permit.

c. Rights in an entire Article 5a or 5b submission shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial Building Permit and completion of construction in accordance with that Building Permit, or upon timely completion of substantial site improvements in reliance on the approved Article 5a or 5b submission.

1.5.2 – Rewritten: A Warrant is a minor, technical deviation that would permit a practice that is not consistent with a specific provision of this Code, but is justified by its Purpose (Section 1.2). The CRC shall have the authority to approve or disapprove a request for a Warrant.

1.5.5.e – Rewritten: The permission to build Outbuildings. The provision to build residential units in Outbuildings is contingent upon both the principle building

and outbuilding shall be owned by persons who are the record owner of the lot. Either the principle building or outbuilding shall be occupied by persons who are the owner of record of the lot.

1.6.1.a – Changed: points earned under Goal IV to 100 points for a LEED structure and to 15 points for each Energy Star residential structure.

1.7 – New Section (1.7.1 – 1.7.11): Violations, Penalties and Enforcement

1.6.1.c – Deleted this section because it is in the code (1.3.8).

Article 2

2.8.2 – Rewritten: Conditions of development for Districts shall be reviewed by the CRC who shall forward a recommendation to the City Commission for final approval be determined by the in public hearings of the Planning Commission and City Commission with a recommendation by the CRC and recorded on Table 16. Alternatively, the provisions of the Land Development Code shall remain applicable to Special Districts.

Article 3

3.1.3 – Replaced with: New Community Plans submitted in accordance with the provisions of this Code shall be approved administratively by the CRC.

Article 4

4.1.1 – Rewritten: Subject to Section 4.1.2 and 4.1.3, a Developer may prepare a proposed Infill Community Plan. In order to obtain approval of the proposed Infill Community Plan, the Developer shall submit the Infill Community Plan for the required rezoning approvals per 1.4.4 and 1.4.7 and for approval of the actual Infill Community Plan to the City Commission. The CRC will review the Article 4 applications and provide a report on the rezoning request to the Planning Commission and a provide report on the Infill Community Plan request to the City Commission.

Article 5

5.1.6 – Added: Building Scale Plans shall show and provide dimensions for topography, thoroughfares, sidewalks, utilities, and easements.

Tables

Table 11, T3a – Rewritten: Restricted Residential: The number of residential units on each lot is restricted to one within a principal building and one within an outbuilding, with 2.0 assigned parking places for each. Both the principle building and outbuilding shall be owned by persons who are the record owner of the lot. Either the principle building or outbuilding shall be occupied by persons who are the owner of record of the lot. The habitable area of the Outbuilding shall not exceed 500 square feet.

Article 7

Definition added – **Family:** (1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in a T1,T2, and T3 Transect Zone a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a residential unit, as distinguished from a group occupying a

lodging building; or (4) in a T4, T5 and T5.5 Transect Zone, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a residential unit, as distinguished from a group occupying a lodging building.

Definition added - **Housekeeping Unit:** A suite of one or more rooms having separate cooking facilities, used as the domicile of home of one Family.

Definition added - **Planning Director:** The Director of Planning and Development Services or his or her designee.

Definition changed: By Right: added "New" before "Community Plan".

Definition rewritten: **Community Type:** a category defining the physical form of a settlement. The two basic Community Types addressed in this Code are CLD, and TND.