

Memorandum
City of Lawrence
Planning Department

Date: March 24, 2006

The following table of recommended revisions is the result of staff and legal counsel review of additional public comment and staff review since the draft development code was posted on November 11, 2005. The table of proposed revisions includes the outcome from Planning Commission discussion on March 8, 2006 at the PC mid-month meeting. These proposed changes have been published for public hearing on April 19, 2006 with the intention that approved changes would be considered by the City Commission and approved revisions would be incorporated into the Development Code prior to the recommended effective date of July 1, 2006.

These revisions are provided to inform the public of the anticipated changes that may be recommended prior to the anticipated effective date. Deleted text is shown with ~~strikethrough~~; additional text is shown in *italics*. The [blue text](#) represents additions to this table since the 02/22/06 PC staff report was published.

**TA-03-02-06: PROPOSED REVISIONS TABLE FOR DEVELOPMENT CODE,
NOVEMBER 11, 2005 EDITION**

Pg No.	Section No. 20-	Recommended Text Change
Article 1. Introductory Provisions		
1-2	107(b)(1)	Modify reference to specific definition: Words used in the Development Code have the <i>standard dictionary definition</i> the meaning given in the latest edition of the Oxford English Dictionary unless they are defined in Article 17 (Terminology).
1-7	110(e)	Modify table to indicate C-4 & C-5 converts to CS and indicate previous map designation for CC should be NONE (New)
Article 2. Base Districts		
2-1	201(a)	<p style="text-align: center;">Base Districts</p> The Zoning Districts presented in this chapter are referred to as "Base Districts" because they establish the basic zoning regulations that apply to all properties: <i>classified in, or shown on, the Official Zoning District Map as in that Zoning District.</i> All land in the City has a Base District classification. Base

		District regulations control the types of uses allowed and the way in which uses and Buildings may be developed on a site. The Base District regulations are the default regulations—they always control unless expressly overridden by <i>or pursuant to</i> any applicable Overlay Zoning District regulations.
2-1	201(b)	Include RM12D in table of districts established
2-2	202(a)(1)	Clarify purpose: The primary purpose of the RS Districts is to accommodate <i>predominantly</i> single <i>detached</i> Dwelling Units on individual Lots.
2-3	203(a)	Remove second 'and' in third sentence
2-4 & 2-5	204(a)	Renumber ii, iii, iv. Insert text at end of (3): <i>Only one principal building per lot is permitted in this district.</i>
2-5	204(f)	Renumber 2, 3, 4, 5 modify (2) Landscaping <i>See Article 10</i>
2-7	205(a)	<p><i>(a) Purpose</i></p> <p><i>The primary purpose of the RMG District is to provide areas for Greek Housing in proximity to a university or college that provides higher education to the public, preserve the architectural character and use of these existing buildings, and protect nearby low-density residential districts from incompatible uses and developments.</i></p> <p><i>Greek Housing as specified herein shall be:</i></p> <p><i>(1) Occupied primarily by students;</i></p> <p><i>(2) Under the supervision of both a local residence manager and national organization which establishes policies and procedures to ensure good citizenship and the responsible use of the fraternity or sorority's property; and</i></p> <p><i>(3) Certified or seeking certification by the Pan Hellenic Association or Intrafraternity Council at KU.</i></p> <p><i>In furtherance of its primary purpose, the RMG District also provides for adaptive reuse of these existing Buildings for specified uses that also protect nearby low density residential districts from incompatible developments.</i></p>
2-7	205(g)(2)	<p>(g) Conversion of Existing Greek Housing</p> <p>(2) An individual seeking to convert an existing Greek Housing unit, pursuant to this subsection, shall be required to obtain <i>Special Use</i> approval of a Site Plan in accordance with Section 20-1305 <i>1306</i> of this Development Code. Conversion of existing Greek Housing units shall be made only after the Planning Director <i>City Commission</i> finds, in addition to the</p>

		<p>approval criteria provided in Section 20-1305,1306 (i), that the following standards and criteria have been satisfied:</p> <p>(i) Exterior alterations and additions to the Building or Structure shall be limited so that the impervious coverage shall not be increased by 10% or more. Proposed alterations to existing Greek Housing units shall be subject to review by the Planning Director and Stormwater Engineer. Proposed alterations to existing Greek Housing units that are listed on a historic register shall also be subject to review by the Historic Resources Administrator.</p> <p>(ii) Repair and maintenance work on the exterior of a Building or Structure subject to this subsection, which does not alter the design or appearance of the Building or Structure, shall not be considered an exterior alteration or addition under this subsection, and shall not be subject to the review by the Planning Director.</p> <p>(iii) All Parking Areas shall be confined to the Rear Yard and those Parking Areas shall not occupy more than 55% of the total Lot Area; provided, however, Parking Areas lawfully in existence prior to a conversion under this subsection, including Driveways, may be permitted to continue in use, if the Parking Area does not constitute a safety hazard.</p> <p>(iv) If the applicant for a conversion in conformance with this subsection desires a sign for the converted use, one (1) sign may be allowed, subject to the following conditions:</p> <ol style="list-style-type: none"> the sign shall not exceed twelve (12) square feet in area, nor shall it exceed six (6) feet in Height; the sign shall only display the name, address and type of business of the Building or Structure; and the sign shall not include commercial advertising of products.
2-8	205(g)(4)	Delete provision [appeal to Director no longer needed, with SUP requirement]
2-9	207(a)	Add <i>and pursuant to adopted access management standards.</i>
2-10	208(a)	Move 209(e) to end of Purpose: <i>Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections and are intended for development on only one corner of the intersection.</i>
2-11	208(e)	Substitute text from 207(e): <i>Development in the CN2 District may take Access to local, Collector or Arterial Streets and to public Alleys (if they abut the property being developed).</i>
2-14	211(d)(1)	Revise first sentence: No <i>Not all</i> corners of CC200 commercial node
2-17	213(b) & (d)(1)	Delete Article IV and second Article 6
2-24	219(f)	Modify to clarify when plan is required: <i>Subject to the</i>

		standards of this Article, the institution responsible for the property within the H District shall from time to time prepare and update an Institutional Development Plan for all of the property contained within the H District <i>when a Significant Development Project is proposed.</i>
2-26	222(b)(1)	Delete With the exception of Crop Agriculture and Communications Facilities uses, and uses and Structures accessory to them. Section to read: <i>Any use or Development Activity that requires Site Plan Review and approval (see Sec. 20-1305) will be allowed only after the property is rezoned to the appropriate City zoning classification (in accordance with Sec. 20-1303).</i>
Article 3. Overlay Zoning Districts		
3-1	301(a)	Modify second sentence: As the name implies, Overlay Districts are "overlaid" on Base District classification to alter some or all of the Base District regulations.
Article 4. Use Table		
4-3	402	Change P* to S* for Detached Dwellings in RM districts; add S for Manufactured Home in RM12 and delete * for this use in all districts; change P* to S* for Manufactured Home, Residential-Design in RM districts (to be consistent with Detached Dwellings); and delete P for Fraternity or Sorority House in all RM districts except RMG.
4-3 / 4-7	402	Add RM12D column to all tables; provide same uses as permitted in RM12 except Multi-Dwelling Structures
4-4	402	Add <i>20-505</i> to standards column for Funeral and Internment
4-4	402	Delete S in all RM districts for Hospital (only permitted in H)
4-7	402	Change P* to S* for Adaptive Reuse of Greek Housing in RMG and add 20-501 to standards column
4-9	403	Change S to P for Funeral and Internment in CN2 and CD
4-10	403	Change P* to S* for Retail Establishment, Large in the CS District to require a Special Use Permit [this will not allow big box by-right in CS, but will allow for the review of a specific proposal]
Article 5. Use Regulations		
5-3	503(iii)	Add <i>and Special Use Permit (SUP) requirements of Sec. 20-1306.</i>
5-4	503(2)(iii)	Modify diagram to label Lot 1 & Lot 2 (clarify attached dwellings are each on individual lot)
5-12	515(2)(iv)	Add <i>Temporary</i> to beginning to clarify that only temporary

		crushing is not considered mining
5-14	519	Delete RMG to clarify that Outpatient Care Facility is not permitted in this district
5-16	522(2)(iv)b	Clarify use allowed: a temporary homeless <i>or transient</i> shelter; [transient shelter is term in use tables]
5-16	522(2)(iv)c Salvation Army to provide term	Change term <i>soup kitchen</i>
5-21	529(3)(i)	Any Telecommunications Facility that is not in use for a period of three <i>full</i> years or more shall be removed
5-23	529(7)(iv)	Insert excessive: The proposed Telecommunications Antenna would cause <i>excessive</i> electromagnetic interference with an existing Telecommunications Antenna on the Telecommunications Tower or Structure,
5-24	529(9)(iv)	All Telecommunications Towers <i>and the base of the structure</i> shall be designed <i>and built to allow expansion at a later date</i> to accommodate at least three two-way Telecommunications Antennas ...
5-29	533(3)	Add text to clarify the permitted location of accessory structures: Unless otherwise expressly stated, the Setback, Height and Building coverage standards of the Base District apply to both the principal and Accessory Structures (See Density and Dimensional Standards, Article 6). <i>Accessory Structures in residential districts shall be located to the rear of the front building line and may be located as close as 5' to interior and rear lot lines. Setbacks from interior side lot lines shall not apply to accessory buildings placed on lots that abut alleys. An accessory structure may be located up to the rear property line when the lot abuts an alley and when the doors to the building do not open directly onto the alley.</i>
5-29	534(1)(i)	Accessory Dwelling Units are allowed in certain situations to: (i) create new housing units while preserving the look and scale of single-Family detached Dwelling neighborhoods; allowed in RS zones, only as part of an adopted Urban Conservation Overlay District, for a defined neighborhood; <i>subject to the procedures established in Section (xi) Registration; Affidavit. [Staff does not recommend approval of ADUs in RS5 & RS3 Districts without further study of potential impacts. Staff does not recommend allowance of ADUs without owner occupancy. Staff does not recommend changes to parking or design standards at this time. If after the code is adopted, we determine that parking or design standards result in negative impacts or inhibit the establishment of these uses, text amendments will be proposed addressing those issues.]</i>
Article 6. Density and Dimensional Standards		

6-1	601(a)	Delete lot area per dwelling unit in RSO [2500]and RMO [2900] districts and change maximum dwelling units per acre to 22 in RMO and 1 in RMG districts
6-2	601(b)	Delete reference to Max. Lot area per dwelling unit in CN1
6-6 & 6-7	602(e)(6)	<p>(e) Setbacks <i>and Required Yards</i> (6) Permitted Exceptions to <i>Required Yard and Setback Standards</i> <i>Required Yards and</i> Setbacks shall be unobstructed from the ground to the sky, except that the following features may be located within required Setbacks<i>therein</i> to the extent indicated:</p> <p>(i) Cornices, canopies, eaves or other architectural features may project into required Setbacks<i>Required Yards</i> up to 2.0 feet.</p> <p>(ii) Unenclosed fire escapes may project into required<i>Required Yards and/or</i> Setbacks, provided that they are set back at least 3 feet from all Lot Lines.</p> <p>(ii) An uncovered stair and necessary landings may project into required<i>Required Yards and/or</i> Setbacks, provided that they are set back at least 3 feet from all Lot Lines, and the stair and landing may not extend above the entrance floor of the Building, except for a railing not exceeding 4 feet in Height.</p> <p>(iv) Bay windows, balconies, and chimneys may project into required<i>Required Yards and/or</i> Setbacks up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the Building wall on which they are located.</p> <p>(v) <i>(v)</i>—Mechanical Structures are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical Structures are not allowed in required Front or Side Setbacks<i>Yards</i>, but they may be located in <i>required</i> Rear Setbacks<i>Yards</i> if they are located at least 5 feet from the Rear Lot Line.</p> <p>(vi) <i>(vi)</i>—Vertical Structures are items such as flag poles, trellises and other garden Structures, play Structures, radio Antennas, and lamp posts. Vertical Structures are allowed in required Setbacks<i>Required Yards</i> if they are no taller than 30 feet. If they are taller, they are not allowed in required Setbacks, except that flag poles are allowed in any Setback<i>Required Yard</i>.</p> <p>(vii) Uncovered horizontal Structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis that extend no more than 2.5 feet above the ground are allowed in required Setbacks; such</p>

		<p>Structures may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed.</p> <p>(viii) Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in <i>required</i> Side and Rear <i>Setbacks Yards</i>, and covered Accessory Structures greater than six feet in Height are allowed in the <i>required</i> Rear <i>Setback Yard</i> where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a <i>required</i> Front <i>Setback Yard</i>.</p> <p>(ix) Fences up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any required <i>Setback Required Yard</i>, except:</p>
Article 7. Planned Developments		
7-2	701(f)(1)(ii)	<p>Redrafted to clarify:</p> <p>(f) <i>Standards Eligible for Modification</i> The City Commission may modify the following standards during the PD approval process. Standards not listed are not eligible for modification.</p> <p>(1) <i>Allowed Uses</i> 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:</p> <p>(ii) no <i>commercial uses, in addition to those otherwise permitted by right, may be permitted approved in a PD in an RS or RM District unless, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units. This provision shall not apply to commercial uses permitted by right in RS or RM Districts.</i></p>
7-4	701(j)(1)	<p>Development within 60 feet of the peripheral boundary of the PD shall be limited to the following: (1) use <i>category</i>, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of the preliminary development plan approval of the PD; and</p>
7-4	701(l)(2)	Change 250 to <i>100</i> average daily trips

7-6	702(c)1 & 2	<p>Cluster Housing Projects (c)Where Allowed; Procedure Cluster Housing Projects are allowed by right in all residential Zoning Districts and in the CN1 District, as provided below.</p> <p>In RS Districts and the CN1 District, Cluster Housing Projects shall not include more than 35 Dwelling Units. Larger projects in said Districts are subject to the Planned Development regulations of Sec. 701 Error! Reference source not found. <i>701 and shall be reviewed and approved in accordance with the procedures of Sec. 20-1304.</i></p> <p>Cluster Housing Projects allowed by-right will be reviewed <i>evaluated</i> for compliance with applicable regulations <i>and reviewed and approved in accordance with</i> as part of the subdivision <i>procedures of Article 8. review process.</i></p>
Article 8. Subdivision Design and Improvements – Reserved		
Article 9. Parking, Loading and Access		
9-4	902(a)	Change parking standard for Fraternity, Sorority from Max. 1 per 2 lawful occupants to <i>Min. 1.5 per 2 lawful occupants</i>
9-11	908(b)(2)	Reference standards utilized by Public Works Department: Driveway widths may not exceed 26 feet in residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer <i>in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.</i>
9-11	908(b)(3)	Add a minimum standard for driveway widths in RS3 & RS5 lots so that driveways are constructed in character with the neighborhood: <i>In RS3 and RS5 Districts, residential driveways may be constructed a minimum of 12' wide to reduce pavement width and maintain the character of the neighborhood.</i>
9-22	915(f)(3)	Add (3) <i>Alleys are permitted and preferred access alternatives.</i>
Article 10. Landscaping and Screening		
Article 11. General Development Standards		

11-1		Correct Table of Contents
11-2	1101(b)	Correct reference. 20-602(h)(2) , replace with <i>20-701(g)</i>
11-2	1101(d)(2)(i)	Change reference: Principle <i>Principal</i>sub-section— € <i>(d)</i>
11-5	1101(d)(4)	Reverse entries for Floodways [<i>100% & 50%</i>] and Floodplains outside of the floodway [<i>50% & 10%</i>]
11-9	1105(b)(3)(iii)	Modify: inconsistent with the pattern or material of sidewalks in <i>older neighborhoods</i> or historic districts.
11-10 & 11	1107	Redrafted text to be provided [see separate attachment from Ad Hoc sub-committee]
11-10 & 11	1107 Staff alternate text	Strike sub-sections c & d so that the Section only provides (a) Applicability, (b) Definitions and (e) Relationship of Market Impact Analysis to Project Approval STAFF COMMENT: [This change provides the authority to require Market Impact Analysis as part of the site plan or zoning process and leaves the discussion of criteria to a future date and time when additional discussion is possible.]
Article 12. Floodplain Management Regulations		
		General comment: any modifications to this article must include review by DWR. Revisions to be considered at later date.
Article 13. Development Review Procedures		
13-6	1301(n)	Clarify when agenda is published: Once on a published <i>and distributed</i> agenda, ...
13-7	1301(q)(3)(i)	Clarification in last sentence: ... If the subject property is adjacent to <i>abuts</i> the City limits,
13-11	1303(c)	Add <i>RM12D</i> to table on same line with RM12
13-14	1303(l)(1)	Clarify status of plan to be prepared: A plan developed by staff shall be required <i>prepared and adopted</i> prior to review of a petition for map amendment when:
13-20	1304(d)(9)(vii)b	Add text: proposing <i>housing types</i> , Building Heights or Building massing(s) that are incompatible with the established neighborhood pattern; or
13-24	1304(e)(2)(iv) h	Major Changes A Major Change is one that: a. increases the proposed gross residential Density or intensity of use by more than five percent (5%) b. involves a reduction in the area set aside for Common Open Space in general, or Recreational Open Space or Natural Open Space in particular, or the substantial relocation of such areas; c. increases by more than 10 percent (10%) the total Floor

		Area proposed for nonresidential uses; d. increases by more than 5 percent (5%) the total ground area covered by Buildings; e. changes a residential use or Building type; f. increases the Height of Buildings by more than 5 feet; or g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding Landowners; <i>or</i> <i>h. changes a non-residential Building type by more than 10% in size.</i>
13-38	1306(h)(3)(ii)	Delete error message
13-44	1308(d)	Correct typo:development Permit is <i>if</i> the application ...
Article 14. Boards and Commissions		
Article 15. Nonconformities		
15-6	1503(e)(2)	Clarify intent in last sentence: When a Detached Dwelling located in an RS Base District is damaged to any extent, it may be restored <i>at its former location without first being required to obtain a variance</i> , provided that, a Building Permit for the restoration is obtained within 12 months of the date of the occurrence of the damage, in accordance with Sec. (3).
Article 16. Violations, Penalties and Enforcement		
16-4	1606(b)	Correct typo: ... to the flood plain <i>floodplain</i> management ...
Article 17. Terminology		
17-2	1701	Revise definition of Access Management: The process of managing Access to land development while preserving <i>the regional flow of traffic in terms of safety, capacity and speed capacity and improving safety.</i>
17-3	1701	Revise definition of Alley: A public or private way not more than 20 feet wide affecting only <i>primarily designed to serve as a secondary means of Access to abutting property.</i>
17-3	1701	Definition of Basement – [no change recommended now since definition is consistent with UBC definitions, however revision may be required when City adopts the International Construction Codes]
17-4	1701	Add definition for Building Type from Horizon 2020: <i>Building Type (also referred to as housing type) is a residential structure defined by the number of dwelling units contained within.</i>

17-4	1701	<p>Revise definition of Collector Street, Residential to reflect latest revision to Chapter 8, Transportation in Horizon 2020: <i>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.</i></p> <p>Delete current definition: A Street in a residential neighborhood area which is more than two (2) lanes in width that is anticipated to carry less than 2,500 vehicles per day in traffic volume at desirable speeds of up to 25 mph. Connects Local Streets and traffic within a neighborhood or with a Collector Street that connects to an Arterial Street. Bicycle and pedestrian activity that serve the neighborhood are encouraged along this type of Street.</p>
17-5	1701	<p>Clarify Common Open Space. Add at the end of definition: <i>Common Open Space shall not include space devoted to streets and parking areas.</i></p>
17-6	1701	<p>Change terminology: <i>Emergency Transient</i> (or temporary) Shelter</p> <p>STAFF COMMENT: [Transient shelter is term used in use tables. Emergency shelter is only used in terminology section.]</p>
17-10	1701	<p>Revise definition of 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 <i>is unaltered and</i> retains a predominantly natural character.</p>
17-11	1701	<p>Revise definition of Planned Development: An<i>Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay 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 district, for a number of Dwelling of Dwelling Units, office uses, commercial uses, or combination thereof, if any, the Plan for which does not correspond in Lot size, bulk or type of Dwelling or commercial use, Density, Lot coverage and required Common Open Space, to the regulations established by other articles wherein a development plan detailing the proposed development and adjacent areas directly impacted</i></p>

		<i>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 zoning ordinance of the City of Lawrence, Kansas, and adopted pursuant to the provisions of K.S.A. Article 7, Chapter 12. Base District.</i>
17-12	1701	Revise definition of Setback: The minimum horizontal distance <i>by which any building or structure must be separated from a street right-of-way or lot line</i> required to exist from a given point or line of reference, such as a Lot Line or Thoroughfare right of way, to the nearest vertical wall or other element of a Building or Structure. (See also 20-602(e)).
17-14	1701	Definition of Story – [no change recommended now since definition is consistent with UBC definitions, however revision may be required when City adopts the International Construction Codes]
17-15	1701	Delete definition of Street: Any public right of way, or private Easement for Access or passage, other than an Alley or Driveway.
17-15	1701	Add definition of Street, Private: <i>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.</i>
17-15	1701	Add definition of Street, Public: <i>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.</i>
17-16	1701	Revise definition of Yard, Required: The <i>unobstructed</i> Open Space <i>measured from a point on a Principal Building to the Lot Line</i> between a Lot Line and from the yard line <i>ground upward</i> , within which no Structure shall be located except as provided in these regulations, except as permitted by this Development Code. <i>It is the three-dimensional equivalent of the required Setbacks for every Lot.</i>
17-17	1703	Conversion of a designated local, State or national historic landmark Structure to <i>another specified use,</i> an economically viable use, with the intent of preserving the landmark.
17-17	1704	Conversion of a Greek Housing unit to <i>another specified use,</i> with the intent of insuring longevity <i>preserving</i> its architectural character and protecting nearby low-density residential districts from incompatible developments.

17-24 & 25	<p>1739 Staff proposed text to expand uses permitted in CS district</p> <p>20-403 requires a SUP for this use, which provides opportunity to review potential odor/traffic impacts.</p>	<p>Add a third category to Manufacturing and Production, Limited to include: <i>(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.</i></p>
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