



# Agenda Item Report

## City Commission - Oct 03 2023

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Department	Staff Contact
Planning & Development Services	Mary Miller, Planner II

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### Recommendations

Consider approving a text amendment, TA-23-00227, to Chapter 20 of the City of Lawrence Code to modify standards pertaining to the provision of two Detached Dwellings on one lot, when permanently restricted to affordable dwelling units. Initiated by City Commission June 20, 2023. Adopt on first reading, Ordinance No. 10008 and Ordinance No. 10009.

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### Executive Summary

This text amendment was initiated by the City Commission at their June 20, 2023 meeting to consider the use of nonconforming lots for two *Detached Dwellings* that are permanently affordable dwelling units. An unintended consequence of the current standards prohibition of two permanently affordable dwellings on nonconforming lots created a difficulty with infill development. This amendment would allow development of two permanently affordable dwellings on a nonconforming lot and would revise the special use permit requirement so that it applies to development on any lot with less than 6,000 square feet rather than the current requirement that special use permit approval is required for the development of any lot in the RS5 District with two permanently affordable detached dwellings. The amendment includes a definition of 'affordable housing', based on the Planning Commission discussion at their June 20, 2023 meeting.

There are two housekeeping items included in this amendment: one is the correction of a code citation in Section 20-202 of the Land Development Code and the other is the removal of language in Section 20-508 prohibiting two dwellings on one lot in the RM32 District unless they are permanently affordable as this standard only applies to lots in certain RS (Single-Dwelling) Districts.

The Planning Commission voted 6 to 3 at their August 23, 2023 meeting to forward the text amendment to the City Commission with a recommendation for approval.

### Alignment to Strategic Plan

Strong, Welcoming Neighborhoods

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### Fiscal Impact

This action does not impact the City financially.

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### **Action Requested**

Approve a text amendment, TA-23-00227, for Section 20-508 of the Land Development Code revising the standards for development of two permanently affordable *Detached Dwellings* on one lot in the RS5, RS7, RS10, and RS20 Districts and a minor housekeeping change to Section 20-202 which had the incorrect code citation to this section. Adopt on first reading, Ordinance No. 10008 and Ordinance No. 10009.

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### **Previous Agenda Reports:**

[August 23, 2023 Planning Commission Meeting](#)

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### **Attachments**

[Staff Report](#)

[Proposed Draft Language](#)

[Lot Area Data and Summary](#)

[Ordinance No. 10008](#)

[Ordinance No. 10009](#)

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## PLANNING COMMISSION REPORT

PC Staff Report  
8/23/2023

### TEXT AMENDMENT TO LAND DEVELOPMENT CODE; SECTION 20-508 DETACHED DWELLINGS

**TA-23-00227:** Consider a Text Amendment to Chapter 20 of the City of Lawrence Code to modify standards pertaining to the provision of two *Detached Dwellings* on one lot, when permanently restricted to affordable dwelling units. *Initiated by City Commission June 20, 2023.*

**RECOMMENDATION:** Staff recommends the Planning Commission forward the proposed amendment to Section 20-508 of the City of Lawrence Code modifying standards pertaining to the construction of two permanently affordable *Detached Dwellings* on one lot, and minor revisions as noted in the staff report, to the Lawrence City Commission with a recommendation for approval.

**Reason for Request:**

This amendment would increase the number of lots available for the development of two permanently affordable *Detached Dwellings* on a lot by including nonconforming lots, and revising the special use permit requirement to apply to lots that are under 7,000 square feet.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received prior to publication.

**ATTACHMENTS**

- Attachment A: Draft Language
- Attachment B Lot Information

**BACKGROUND**

This text amendment was initiated by the City Commission at their June 20, 2023 meeting. The City Commission initiated the amendment to consider the use of nonconforming lots for two *Detached Dwellings* that are permanent affordable dwelling units.

The provisions of the Land Development Code regarding *Detached Dwellings* (Section 20-508) were revised on November 5, 2019, with text amendment, TA-18-00467, to allow the development of two *Detached Dwellings* on a lot when certain criteria are met. One of the criteria prohibits the use of nonconforming lots for this purpose and another requires a special use permit for any lot in the RS5 District. These two criteria are discussed separately in this section.

**NONCONFORMING LOT RESTRICTION**

An unintended consequence of the new standards related to nonconforming lots created a difficulty with infill development. A nonconforming lot is defined in Section 20-1701 of the Land Development Code as:

*"...a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means, that was established prior to adoption of the City's first zoning ordinance or Development Code, or that complied with all applicable lot area, lot width and lot depth standards of the zoning district in which it was located at the time*

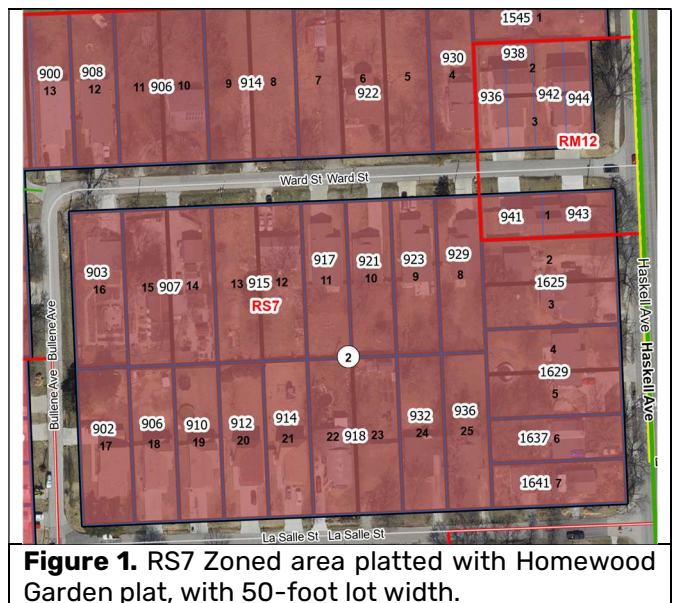
*of its creation, but which does not comply with the minimum lot area, lot width or lot depth requirements of the zoning district in which it is now located.”*

Zoning regulations were adopted in Lawrence in 1927 and have been revised over time (1935, 1949, 1966, 2006) and are currently in the process of being revised. With most revisions, the dimensional standards for each zoning district were revised, as shown in the following table:

**Lot Dimensional Requirements for Single-Dwelling Residential Districts: 1927 to Present**

Year District	Minimum Area	Minimum Width	Minimum Depth	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Coverage	Maximum Impervious Surface Coverage
1927 U/A	5,000 square feet	---	----	25 feet	5 feet	25 feet	---	---
1949 A	6,000 square feet	50 feet	---	25 feet	3 to 5 feet	30 feet	---	---
1966 RS1	10,000 square feet	70 feet	100 feet	25 feet	10 feet	30 feet	---	---
1966 RS2	7,000 square feet	60 feet	100 feet	25 feet	5 feet	30 feet	---	---
2006 RS5	5,000 square feet	40 feet	---	20 feet	5 feet	20 feet	50%	75%
2006 RS7	7,000 square feet	60 feet	---	25 feet	5 feet	30 feet	45%	70%
2006 RS10	10,000 square feet	70 feet	---	25 feet	10 feet	30 feet	40%	70%
2006 RS20	20,000 square feet	100 feet	---	25 feet	20 feet	30 feet	30%	50%

Lots that were legally created under one set of zoning regulations or development code standards often became nonconforming when revised regulations were adopted. Nonconforming lots are lots that were legally created but that no longer conform to the dimensional standards due to a change in regulations. There were no minimum lot frontage or lot width requirements until 1949 when a 50-foot lot width was required. Since then, the residential district has been divided into several different districts with each having a different lot width or lot area requirement. Any lot divided prior to 1966 with the minimum required lot width or area would be nonconforming with the current lot requirements unless it is located in the RS5 zoning district.



**Figure 1.** RS7 Zoned area platted with Homewood Garden plat, with 50-foot lot width.

An example of this would be lots just west of Haskell Avenue and north of La Salle Street as shown in Figure 1. The lots in this area were platted with the Homewood Gardens Plat in 1930 with 50 feet of lot width. The lots were annexed into the City of Lawrence in 1955. The 1960 Lawrence zoning

map shows this area zoned A, (First Dwelling). This zoning designation converted to RS-2 (Single-Family Residence) in 1966 and to RS7 (Single-Dwelling Residential) in 2006. As shown in the table above, the lots in this area were in conformance with the lot width requirement until the Zoning Regulations were revised in 1966. (Figure 1)

The plat map shows that the RS7 zoning district in this area is made up almost exclusively of lots that were platted with the Homewood Gardens Plat and are nonconforming with the current 60-foot lot width requirement. These lots are conforming in regard to area, as they are 7,000 square feet in area, or more.

This is a common situation throughout the older parts of town, where lots would have been platted prior to 1966.

**Code Requirements**

The Land Development Code notes that in residential zoning districts, a nonconforming lot can be used for *Detached Dwellings* and accessory structures and provides the following standards for other dimensional standards on nonconforming lots:

<b>Nonconforming due to Minimum Lot Area (Section 20-1504(c)(1)(i)):</b>	
Development Permitted	A lot that is nonconforming as to the required minimum lot area for the base district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this section.
Reduction Not Permitted	The owner of a nonconforming lot shall not take any voluntary action that will further reduce the lot area. Any such action by the owner may be prosecuted as a violation of this Code and shall deprive the owner and any subsequent owner of the protection afforded by this section.
Choice of Uses	Where the lot area of a nonconforming lot or parcel is conforming for some use in the applicable base district, but not for others, that lot shall be used for use for which it is conforming. If a lot fails to conform to the applicable requirements of the base district, then the lot may be used only for those permitted uses in that zoning district requiring the smallest minimum lot area, which in most cases, will be a detached single-dwelling residential use.

<b>Nonconforming due to Minimum Lot Width (Section 20-1504(c)(1)(ii)):</b>	
Development Permitted	A lot that is nonconforming as to the required minimum lot width for the base district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this section.
Improved Street Access Required	If the actual lot width is inadequate to provide for driveway access to the lot from an improved street, the protection of this section shall not apply.
Reduction Not Permitted	The owner of a nonconforming lot shall not take any voluntary action that will further reduce the lot width. For the purpose of this section, the owner’s involvement in a governmental taking or acquisition of property for right-of-way, easement, or other governmental use shall not be deemed a voluntary action. An owner’s voluntary action to further reduce the lot width may be prosecuted as a violation of this Code and shall deprive the owner and any subsequent owner of the protection afforded by this section.

Choice of Uses	Where a nonconforming lot or parcel is conforming for some uses in the applicable base district, but not for others, that lot shall be used for a use for which it is conforming. If a lot fails to conform to the applicable requirements of the base district, then the lot may be used only for those permitted uses in that zoning district requiring the smallest minimum lot area, which in most cases, will be a detached single-dwelling residential use.
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The regulations spell out limited exceptions from the minimum setback requirements for nonconforming lots in residential districts and note that nonconforming lots shall comply with the height and building coverage requirements of the zoning district. A maximum of 50% building coverage is permitted in the RS5 District, 45% in RS7 District, and 40% in RS10. Maintaining the same building coverage on smaller lots would ensure the percentage of open area provided on the site would be the same as other lots in the district.

For instance, if a lot in the RS7 district has 6,000 square feet, rather than the 7,000 square feet required by the Code, it would be allowed a maximum of 2,700 square feet of building coverage rather than the 3,150 square feet that would be possible with the 7,000 square foot lot. If a larger lot with 10,000 square feet was in the district its buildable area would be limited to 4,500 square feet. With this proportional standard, a little less than half of the lot must be maintained as open area. This affects the footprint that is possible for structures and helps maintain the development pattern in the area.

**SPECIAL USE PERMIT REQUIREMENT:**

The special use permit process is used to ensure the compatibility of uses or structures with nearby land uses. The special use permit process includes a public process, similar to a rezoning, along with a site plan. The current regulations require a special use permit for two detached dwellings on any lot in the RS5 District, as this district permits smaller lots (minimum of 5,000 square feet). However, a review of the information provided by the City GIS analyst shows that this district contains a mix of lot sizes. Of the approximately 3,609 lots in the RS5 District 1,111 (30.8%) have greater than 7,000 square feet; or would have an adequate area to be in the RS7, RS10, or RS20 zoning district.

<b>RS5 Lot Sizes (square feet)</b>		<b>Number of Lots</b>
Less than 5,000	Nonconforming Lot per area	157
5,000 to 7,000	Area suitable for RS5, too small for other districts	2,341
7,000 to 10,000	Area suitable for RS7	619
10,000 and up	Area suitable for RS10 or RS20	492

<b>RS7 Lot Sizes (square feet)</b>		<b>Number of Lots</b>
Less than 5,000	Most are unbuildable tracts or remnant parcels. 7 are developable	27
5,000 to 6,000		38
6,000 to 6,500		108
6,500 to 7,000	73 of these lots are 6,900 or more	144
7,000 to 10,000		5,673
10,000 to 12,000		2,516
12,000 to 20,000		2,788
20,000 and up		800
		12,094

Of the 12,094 lots in the RS7 District, 317 are nonconforming in regard to area.

The parcels sizes for each zoning district are listed in the tables provided in Attachment B.

Based on this information, it's staff's opinion that it may be more appropriate to require a special use permit for any lot with less than a specific area, rather than tying it to a specific zoning district. For instance, under the current regulations a 6,500 square foot lot in the RS5 District can develop with two detached dwellings with approval of a special use permit but development would be prohibited on a 6,500 square foot lot in the RS7 District. The special use permit process would allow a site-specific review and a public process of the nonconforming lot to ensure that the development, if approved, would be compatible with the nearby area.

Staff is proposing the standard that any lots with less than 7,000 square feet, within the permitted districts, may be developed with 2 permanently affordable *Detached Dwellings* with approval of a special use permit. This would include lots that have less area than required in the RS7 District or that are nonconforming in the RS10 or RS20 zoning districts. This reduces the special use permit requirement, so it doesn't apply to all lots in the RS5 District, just to those with less area than is required for the RS7 District and replaces the prohibition on nonconforming lots in the RS7, RS10, and RS20 Districts with a special use permit requirement.

The current regulations note that the standards in Article 6 'shall' apply. The standards in Article 6 apply to all development, but the use of the term 'shall' removes the possibility of obtaining a variance from these standards or utilizing any of the exemptions. The variance and exemption measures provide a degree of flexibility, which is often necessary because of site constraints or other factors.

Section 20-1504 of the Land Development Code notes that a nonconforming lot can be used in accordance with the provisions of that section and also notes that *"Nonconforming lots shall comply with the height and building coverage requirements the base district and any applicable overlay district."* (Section 20-1504(c)(2)(iv)) A variance from the building coverage requirement is not possible for a nonconforming lot.

In staff's opinion, it would be appropriate to remove the current language requiring compliance with the standards in Article 6 so that the development may proceed in accordance with the nonconforming lot standards in Article 15 (with the exception of lots with less than 7,000 square feet of area which would require a special use permit).

These changes would open more lots up for development while maintaining the protection of the character of the neighborhood provided by the nonconforming lot standards.

### **CRITERIA FOR REVIEW AND DECISION-MAKING**

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

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

The proposed changes would increase the number of lots on which two detached dwellings, that are designated to be permanently affordable, may be built.

The changes would particularly increase the number of infill lots that would be available for affordable housing by allowing older lots, that had been created under former development codes or zoning regulations but are now nonconforming, to be developed with permanently

affordable dwellings. New lots that do not meet the dimensional standards of the district could not be created under the current regulations, unless the Planning Commission granted a variance from the dimensional standards. These would be eligible for the two *Detached Dwellings*.

In addition, two 'housekeeping' changes are being proposed with this amendment to resolve errors or inconsistency in the Code.

The first is the correction of a scrivener's error in Section 20-202: RS, Single-Dwelling Residential District. The purpose statement in Section 20-202(a)(1) references the standards that apply to *Detached Dwellings* in Section 20-508, but incorrectly notes the section as 20-258. This change would correct the citation without changing the content of the section.

The other is a revision to the introductory paragraph of Section 20-508: Detached Dwellings. This paragraph reads:

*"Only one Detached Dwelling shall be permitted on a lot unless otherwise specified by the City Code, as amended. Accessory Dwelling Units are not Detached Dwellings. Manufactured Homes, Residential Design structures defined at Section 20-1734, as amended, and meeting the design standards of Section 20-513, as amended, are Detached Dwellings. Two Detached Dwellings shall be permitted on a lot only when both detached dwellings are permanently restricted to be affordable dwelling units."*

The underlined portion of this paragraph lists a restriction that applies only to Subsections 2 and 3 of this section: standards that apply to *Detached Dwellings* in RS (Single-Dwelling Residential) zoning districts. This restriction is repeated in Subsections 2 and 3. Including this restriction in the introductory paragraph of a section that includes standards for nonresidential, multi-dwelling, and single-dwelling districts creates confusion as to the zoning districts it applies. Staff recommends that the last sentence in the introductory paragraph be deleted as this restriction is included in the appropriate subsection for RS districts and the removal would provide more clarity to the regulations for all other districts. This change would provide additional clarity but would not revise the meaning or intent of the regulations.

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

Pertinent sections of the comprehensive plan are listed below in italics, with staff's comments following.

### *CHAPTER 3: GROWTH MANAGEMENT*

**Goal 6.** *Maximize development opportunities within Lawrence before expanding into Tier 2.*

6.1 *Accommodate infill housing development in appropriate locations.*

6.2 *Increase the overall height and density of certain zoning districts in Lawrence to accommodate sustainable growth in areas that can take advantage of existing infrastructure.*

Staff's Comments: This amendment would increase opportunities for infill housing development and could result in higher density in the RS5, RS7, RS10 and RS20 Districts.



**Goal 7.** *Create a functional and aesthetically unique residential environment for Lawrence.*

7.1 *Encourage a variety of housing types including single family residences, townhouses, zero-lot line homes, accessory dwellings, cluster housing, work/ live housing, apartments, retirement, and supportive housing.*

7.2 *Intersperse affordable housing throughout Lawrence.*

Staff's Comments: This amendment would increase the lots that would be available to development with two permanently affordable dwelling units. This would add a new housing type in the area and would intersperse affordable housing throughout Lawrence. For instance, under the current regulations a 15,000 square foot lot in the RS20 District would not be eligible for two permanently affordable detached dwellings as it is a nonconforming lot. With the proposed language, as the lot has more than 7,000 square feet it would be available for the two *Detached Dwellings*. With the lot coverage and setbacks standards, the two *Detached Dwellings* should be compatible with the surrounding area.

#### CHAPTER 4: LAWRENCE NEIGHBORHOODS AND HOUSING

**Goal 4.** *Create a safe, functional, and aesthetically unique residential environment for new and redeveloping neighborhoods in Lawrence.*

4.2 *Incorporate a mixture of housing types, styles, densities, and price ranges.*

Staff's Comments: The proposed changes would incorporate a mix of densities and price ranges in neighborhoods, by increasing the number of lots that are available for development of two affordable *Detached Dwellings*.

**Goal 6.** *Provide affordable housing for all segments throughout the community.*

6.1 *Consider the goals and policies of the Affordable Housing Advisory Board when creating land use plans and reviewing development applications.*

Staff's Comments: The Affordable Housing Advisory Board set goals for a specific number of affordable dwelling units for various segments of the population. This amendment would make additional lots available for this type of affordable development and may help them achieve their specific goals.

The goal of this amendment is to accommodate the development of affordable housing, while maintaining the character and identity of established neighborhoods.

Prior to 2006, the Development regulations did not have a maximum building coverage or maximum impervious surface coverage. Properties could be developed to the setback lines with very large houses and accessory structures. Since 2006, the building coverage area has been limited (RS5: no more than 50% of the lot, RS7: no more than 45% of the lot; RS10, no more than 40% of the site; and RS20, no more than 30% of the site). This standard provides flexibility in residential design and size while ensuring open space between structures.

#### Conclusion

Staff recommends the Planning Commission forward the proposed amendment to Section 20-508 of the City of Lawrence Code, Chapter 20, of the Land Development Code, with the changes listed below to the Lawrence City Commission with a recommendation for approval.

1. Lots in the RS5, RS7, RS10, or RS20 Districts that have more than 7,000 square feet of area may develop with two permanently affordable *Detached Dwellings*. Development of lots in these

districts that have less than 7,000 square feet of area requires approval through a special use permit.

2. Nonconforming lots may develop with two permanently affordable *Detached Dwellings* per the standards in Section 20-1504 of the Land Development Code.
3. Deletion of the last sentence of the introductory paragraph in Section 20-508 as the requirement that two *Detached Dwellings* on one lot is possible only when both dwellings are permanently restricted to be affordable dwelling units. This change does not alter the meaning as the requirement is provided later in this section.
4. Correction of a scrivener's error in a code citation in the introductory paragraph in Section 20-508.

### Proposed Draft Language

New language is shown as **bold underlined**  
Deleted text is shown as **~~bold struckthrough~~**

#### **20-508 DETACHED DWELLING**

Only one Detached Dwelling shall be permitted on a Lot unless otherwise specified by the City Code, as amended. Accessory Dwelling Units are not Detached Dwellings. Manufactured Home, Residential Design structures defined at Section 20-1734, as amended, and meeting the design standards of Section 20-513, as amended, are Detached Dwellings. ~~Two Detached Dwellings shall be permitted on a Lot only when both Detached Dwellings are permanently restricted to be Affordable Dwelling Units.~~

**(1) Standards that apply to Detached Dwellings in RM32 Districts.**

- (i) A Detached Dwelling shall only be permitted to be constructed in an RM32 District if reviewed and approved in accordance with the Site Plan Review procedures of Section 20-1305, as amended.

**(2) Standards that apply to Detached Dwellings in RS5, RS7, RS10, and RS20 Districts.**

- (i) Two Detached Dwellings may be located on the same lot in an RS5, RS7, RS10, or RS20 District, with building permit approval, when both Detached Dwellings are, by recorded agreement, permanently restricted to be Affordable Dwelling Units;
- (ii) No more than two Detached Dwellings may be constructed on a Lot in an RS5, RS7, RS10 or RS20 District;
- (iii) ~~All standards of Article 6 of this Chapter, as amended, shall apply, except that~~ The minimum lot area per dwelling unit standard of Article 6 of this Chapter shall not apply;
- (iv) All standards of Article 9 of this Chapter, as amended, shall apply to each Detached Dwelling;
- (v) ~~Lots that are nonconforming as to minimum lot area shall not be eligible hereunder for two Detached Dwellings;~~ **Development of nonconforming lots is subject to the standards of Section 20-1504 and Article 6.**
- (vi) **Development of two permanently affordable Detached Dwellings on lots with less than 7,000 square feet of area is permitted only with approval of a special use permit.**
- (vi) Each Detached Dwelling shall have separate utility services, water, sanitary sewer, electric, phone, gas and other private utilities. The City may require the dedication of easements for utility lines, as may be applicable;

- (vii) Each Detached Dwelling shall have direct legal access to a public right of way; and
- (viii) Prior to the issuance of a building permit for either Detached Dwelling, an agreement between the City and the Owner, to maintain the Detached Dwellings as permanently Affordable Dwelling Units, shall be executed and recorded with the Office of the Register of Deeds for Douglas County, Kansas.

~~(3) Standards that apply to Detached Dwellings in RS5 Districts~~

- ~~(i) Two Detached Dwellings may be located on the same Lot in an RS5 District when (A) both Detached Dwellings are, by recorded agreement, permanently restricted to be Affordable Dwelling Units and (B) only with approval of a Special Use Permit pursuant to the procedures established at Section 20-1306 of the City Code, as amended;~~
- ~~(ii) No more than two Detached Dwellings may be constructed on a Lot in an RS5 District;~~
- ~~(iii) All standards of Article 6 of this Chapter, as amended, shall apply, except that the standard that the minimum lot area per dwelling unit shall be 3,000 square feet shall not apply;~~
- ~~(iv) All standards of Article 9 of this Chapter, as amended, shall apply to each Detached Dwelling;~~
- ~~(v) Lots that are nonconforming as to minimum lot area shall not be eligible hereunder for two Detached Dwellings;~~
- ~~(vi) Each Detached Dwelling shall have separate utility services, water, sanitary sewer, electric, phone, gas and other private utilities. The City may require the dedication of easements for utility lines, as may be applicable;~~
- ~~(vii) Each Detached Dwelling shall have direct legal access to a public right of way; and~~
- ~~(viii) Prior to the issuance of a building permit for either Detached Dwelling, an agreement between the City and the Owner, to maintain the Detached Dwellings as permanently Affordable Dwelling Units, shall be executed and recorded with the Office of the Register of Deeds for Douglas County, Kansas.~~

**Section 20-202 RS Single-Dwelling Residential District**

**(a) Purpose**

- (1) The primary purpose of the RS Districts is to accommodate residential neighborhoods. Within RS Districts, the City is committed to promoting

housing for all income levels by allowing a variety of lot sizes and housing types. While a primary purpose of the RS Districts is to accommodate Detached Dwelling units on individual lots, in certain RS Districts, when (i) there is conformance with Section ~~20-258~~ **20-508** and the City Code, as amended, and (ii) the lot is part of a permanently affordable housing development, the City encourages two Detached Dwelling units on individual lots.

**LOT AREA SUMMARY**

 [Parcel Zoning Size Analysis 2019 08 29 1.xlsx](#)

*(This information is based on the 2019 lot analysis)*

- Lots shaded in gray are nonconforming (have less than the minimum required lot area) in that zoning district.
- Unshaded lots meet the area requirement for the district but do not have enough area to be eligible for another, less dense, zoning district.
- Lots shown in shades of orange are conforming to area but have adequate area for other, lower density, zoning districts.

**RS5 DISTRICT -- LOT AREA INFORMATION**

<b>Lot Area</b>	<b>Number of Lots</b>	<b>Notes</b>
Less than 5,000	157	
5,000 to 6,000	1,089	
6,000 to 7,000	1,252	
7,000 to 8,000	241	Minimum Area: RS7
8,000 to 9,000	211	
9,000 to 10,000	167	
10,000 to 11,000	107	Minimum Area: RS10
11,000 to 12,000	97	
12,000 to 13,000	92	
13,000 to 14,000	70	
14,000 to 15,000	30	
15,000 and up	96	
<b>Total Lots</b>	<b>3,609</b>	

**NOTES:**

- Of 3,609 lots: 157 are nonconforming (less than 5,000 square feet); therefore, development of two permanently affordable *Detached Dwellings* is prohibited. The proposed regulations would allow development, provided a special use permit were approved.
- 2,341 lots have area that requires RS5 zoning (between 5,000 and 7,000 square feet). 619 lots would qualify for RS7 zoning (minimum of 7,000 square feet required) and 492 lots would qualify for RS10 zoning (minimum of 10,000 square feet required), based on their lot area. Based on this information, it is clear that the RS5 zoning designation is not a good indicator of lot size.
- 1,111 lots with over 7,000 square feet require a special use permit under the current regulations because they are in the RS5 District.
- The proposed language would allow development of these 1,111 lots with permanently affordable *Detached Dwellings*, provided the other criteria are met, as they have over 7,000 square feet. A special use permit would still be required for the 2,498 lots with less than 7,000 square feet.
- The current language prohibits development of 2 dwellings on lots of 6,998 square feet in the RS7 District (nonconforming lot as the RS7 District requires a minimum of 7,000 square feet lot area) but allows it on lots over 5,000 square feet in the RS5 when approved with a special use permit.

The proposed language would set a uniform standard of 7,000 square feet for a special use permit, regardless of the zoning district.

**RS7 DISTRICT -- LOT AREA INFORMATION**

Lot Area	Number of Lots	Notes
Less than 5,000 sq ft	27	Most are unbuildable tracts
5,000 sq ft to 6,000 sq ft	38	
6,000 to 6,500 sq ft	108	
6,500 to 7,000 sq ft	144	(73 of this are 6900 and up)
7,000 to 10,000	5,673	
10,000 to 12,000	2,516	Minimum Area: RS10
12,000 to 20,000	2,788	
20,000 and up	800	Minimum Area: RS20
Total	12,094	

NOTES

- Of 12,094 lots, 317 have less area than is required for the RS7 District (nonconforming due to lot area); therefore, development of two permanently affordable *Detached Dwellings* is prohibited. With the proposed regulations, these lots would be eligible for development, if approved with a special use permit.
- 5,673 lots have area that requires RS7 zoning (between 7,000 and 10,000 square feet).
- 6,104 lots have area that could be accommodated in the RS10 or RS20 District.

**RS10 DISTRICT -- LOT AREA INFORMATION**

Lot Area	Number of Lots	Notes
Less than 5,000 sq ft	5	
5,000 sq ft to 6,000 sq ft	0	
6,000 to 6,500 sq ft	0	
6,500 to 7,000 sq ft	0	
7,000 to 10,000	103	
10,000 to 20,000	772	Minimum Area: RS10
20,000 and up	317	Minimum Area: RS20
Total	1197	

NOTES

- 108 lots in the RS10 District are ineligible for development with 2 permanently affordable *Detached Dwellings* with the current regulations as they have less lot area than required in the RS10 District, 10,000 square feet, and are nonconforming in regard to area. 103 of these would be eligible for development, provided the other criteria are met, with the proposed amendment as they have over 7,000 square feet.
- 5 lots with less than 7,000 square feet would be eligible for development with the proposed amendment, if the project were approved through the special use permit process.

**RS20 DISTRICT -- LOT AREA INFORMATION**

Lot Area	Number of Lots	Notes
Less than 10,000 sq ft	0	
10,000 sq ft to 20,000 sq ft	12	
20,000 and up	139	Minimum Area: RS20
Total	151	

NOTES

- 12 lots with between 10,000 and 20,000 square feet of area are ineligible for development with 2 permanently affordable *Detached Dwellings* with the current regulations as they have less area than required in the RS20 District, 20,000 square feet (nonconforming in regard to area). These would be eligible for development, provided the other criteria are met, with the proposed amendment.
- No lots in the RS20 District would require approval of a special use permit with the proposed regulations as there are no lots with less than 7,000 square feet.

**SUMMARY**

The following chart summarizes the number of lots that would be eligible for development based on area with the current regulations and with the proposed regulations. Information on other nonconformities (lot width and frontage) are not easily available.

<b>RS5</b>	Current Regulations	Proposed Regulations
Development Prohibited (nonconforming area)	157 Lots	---
Permitted with Special Use Permit Approval	3,452 Lots	2,498 Lots
Permitted with Building Permit Approval Only	0	1,111 Lots
<b>RS7</b>	Current Regulations	Proposed Regulations
Development Prohibited (nonconforming area)	317 Lots	---
Permitted with Special Use Permit Approval	---	317 Lots
Permitted with Building Permit Approval Only	11,777 Lots	11,777 Lots
<b>RS10</b>	Lots with Current Regulations	Lots with Proposed Regulations
Development Prohibited (nonconforming area)	108 Lots	---
Permitted with Special Use Permit Approval	---	5 Lots
Permitted with Building Permit Approval Only	1,089 Lots	1,192 Lots
<b>RS20</b>	Current Regulations	Proposed Regulations
Development Prohibited (nonconforming area)	12 Lots	0
Permitted with Special Use Permit Approval	---	0
Permitted with Building Permit Approval Only	139 Lots	151 Lots

<b>OVERALL CHANGE</b>	Current	Proposed	Change
Development Prohibited (nonconforming)	594 lots	0	-594 lots
Permitted with Special Use Permit Approval	3,452 lots	2,663 lots	-789 lots
Permitted with Building Permit Approval Only	13,005 lots	14,231 lots	+ 1,226 lots
<b>Total</b>	<b>17,051 lots</b>	<b>17,051 lots</b>	



**ORDINANCE NO. 10008**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,  
AMENDING CHAPTER 20, ARTICLE 5, SECTION 20-508,  
CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION,  
AND AMENDMENTS THERETO, PERTAINING TO DETACHED  
DWELLINGS, AND REPEALING EXISTING SECTION 20-508.**

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

**SECTION 1.** Chapter 20, Article 5, Section 20-508 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

**20-508 DETACHED DWELLING**

Only one Detached Dwelling shall be permitted on a Lot unless otherwise specified by the City Code, as amended. Accessory Dwelling Units are not Detached Dwellings. Manufactured Home. Residential Design structures defined at Section 20-1734, as amended, and meeting the design standards of Section 20-513, as amended, are Detached Dwellings. ~~Two Detached Dwellings shall be permitted on a Lot only when both Detached Dwellings are permanently restricted to be Affordable Dwelling Units.~~

- (1) Standards that apply to Detached Dwellings in RM32 Districts**
  - ~~(i)~~ A Detached Dwelling shall only be permitted to be constructed in an RM32 District if reviewed and approved in accordance with the Site Plan Review procedures of Section 20-1305, as amended.
  
- (2) Standards that apply to when two Detached Dwellings are located on the same Lot in RS5, RS7, RS10, and RS20 Districts**
  - (i)** Two Detached Dwellings may be located on the same Lot, where the area of the Lot equals or exceeds 6,000 square feet, in an RS5, RS7, RS10, or RS20 District, with building permit approval, only when both Detached Dwellings are, by recorded agreement, ~~permanently~~ restricted to be Permanently Affordable Dwelling Units;
  
  - (ii)** Two Detached Dwellings may be located on the same Lot, where the area of the Lot is less than 6,000 square feet, in an RS5, RS7, RS10, or RS20 District, with building permit approval, only with approval of a Special Use Permit in accordance with the procedures established at 20-1306 of the City Code, as amended, and when both Detached Dwellings are, by recorded agreement, ~~permanently~~ restricted to be Permanently Affordable Dwelling Units
  
  - (iii)** No more than two Detached Dwellings may be constructed on a the same Lot in an RS5, RS7, RS10, or RS20 District;
  
  - (iv)** ~~All standards of Article 6 of this Chapter, as amended, shall apply, except that the~~ The minimum Lot area per dwelling unit standard of Article 6 of this Chapter shall not apply when two Detached Dwellings are located on the same Lot.

- (v) All standards of Article 9 of this Chapter, as amended, shall apply to each Detached Dwelling located on the same Lot;
- (vi) ~~Lots that are nonconforming as to minimum lot area shall not be eligible hereunder for two Detached Dwellings;~~ Development of nonconforming Lots, under this Section, is subject to the standards of Section 20-1504 and Article 6 of this Chapter, as amended.
- (vii) Each Detached Dwelling, located on the same Lot, shall have separate utility services, water, sanitary sewer, electric, phone, gas, and other private utilities; the City may also require the dedication of easements for utility lines, or other purposes, as may be applicable;
- (viii) Each Detached Dwelling, located on the same Lot, shall have direct legal access to a public right of way; and
- (ix) Prior to issuance of a building permit for either Detached Dwelling, where two Detached Dwellings are being located on the same Lot in an RS5, RS7, RS10, or RS10 District, an agreement between the City and the Owner to maintain the Detached Dwellings as Permanently Affordable Dwelling Units shall be executed and recorded with the Office of the Register of Deeds for Douglas County, Kansas.
- (x) For the purposes of this section, the term "Permanently Affordable Dwelling Units" shall have the following meaning:
  - (A) The term "Permanently" shall mean a period of 99 years, commencing on the date of the agreement referred to in subsection (2)(ix), supra.
  - (B) The term "Affordable" shall have that meaning ascribed to it at Section 20-1701 of the City Code, as amended, or any future successor to that section, to be measured at the time of any sale, lease, conveyance, or other transfer of the property, lot, or structure, whenever such occurs.
  - (C) The term "Dwelling Units" shall have that meaning ascribed to it at Section 20-1701 of the City Code, as amended, or any future successor to that section.

**(3) Standards that Apply to Detached Dwellings in the RS5 District**

- (i) ~~Two Detached Dwellings may be located on the same Lot in an RS5 District with building permit approval, when (A) both Detached Dwellings are, by recorded agreement, permanently restricted to be Affordable Dwelling Units and (B) only with approval of a Special Use Permit pursuant to the procedures established at Section 20-1306 of the City Code, as amended;~~
- (ii) ~~No more than two Detached Dwellings may be constructed on a Lot in an RS5 District;~~

- ~~(iii) All standards of Article 6 of this Chapter, as amended, shall apply, except that the minimum lot area per dwelling unit shall be 3,000 square feet standard shall not apply.~~
- ~~(iv) All standards of Article 9 of this Chapter, as amended, shall apply to each Detached Dwelling;~~
- ~~(v) Lots that are nonconforming as to minimum lot area shall not be eligible hereunder for two Detached Dwellings;~~
- ~~(vi) Each Detached Dwelling shall have separate utility services, water, sanitary sewer, electric, phone, gas and other private utilities. The City may require the dedication of easements for utility lines, as may be applicable;~~
- ~~(vii) Each Detached Dwelling shall have direct legal access to a public right of way; and~~
- ~~(viii) Prior to issuance of a building permit for either Detached Dwelling, an agreement between the City and the Owner, to maintain the Detached Dwellings as permanently Affordable Dwelling Units, shall be executed and recorded with the Office of the Register of Deeds for Douglas County, Kansas.~~

**SECTION 2.** Existing Section 20-508 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede it.

**SECTION 3.** If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 4.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**APPROVED:**

\_\_\_\_\_  
 Lisa Larsen  
 Mayor

**ATTEST:**

\_\_\_\_\_  
 Sherri Riedemann  
 City Clerk

**APPROVED AS TO FORM:**

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Toni R. Wheeler  
City Attorney

**ORDINANCE NO. 10009**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,  
AMENDING CHAPTER 20, ARTICLE 2, SECTION 20-202,  
CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION,  
AND AMENDMENTS THERETO, PERTAINING TO RS, SINGLE-  
DWELLING RESIDENTIAL DISTRICT, AND REPEALING  
EXISTING SECTION 20-202.**

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

**SECTION 1.** Chapter 20, Article 2, Section 20-202 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended to read as follows:

**20-202 RS, SINGLE-DWELLING RESIDENTIAL DISTRICT**

**(a) Purpose**

- (1) The primary purpose of the RS Districts is to accommodate residential neighborhoods. Within RS Districts, the City is committed to promoting housing or all income levels by allowing a variety of Lot sizes and housing types. While a primary purpose of the RS Districts is to accommodate Detached Dwelling Units on individual Lots, in certain RS Districts when (i) there is conformance with Section ~~20-258~~ 20-508 of the City Code, as amended, and (ii) the Lot is part of a permanently affordable housing development, the City encourages two Detached Dwelling Units on individual Lots.
- (2) The RS Districts are primarily differentiated on the basis of required minimum Lot size, as provided below:
  - (i) RS40, Single-Dwelling Residential District – 40,000 square feet.
  - (ii) RS20, Single-Dwelling Residential District – 20,000 square feet.
  - (iii) RS10, Single-Dwelling Residential District – 10,000 square feet.
  - (iv) RS7, Single-Dwelling Residential District – 7,000 square feet.
  - (v) RS5, Single-Dwelling Residential District – 5,000 square feet.
  - (vi) RS3, Single-Dwelling Residential District – 3,000 square feet.

**(b) Principal Uses**

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

**(c) Accessory Uses and Structures**

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

**(d) Density and Dimensional Standards**

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

**(e) Street Access**

RS Districts are intended primarily for implementation along Local and Residential Collector Streets.

**(f) Other Regulations**

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

- |   |                              |
|---|------------------------------|
| <b>(1) General Development Standards</b>  | <b>See Article 11.</b>       |
| <b>(2) Landscaping</b>                    | <b>See Article 10.</b>       |
| <b>(3) Off-Street Parking and Loading</b> | <b>See Article 9.</b>        |
| <b>(4) Outdoor Lighting</b>               | <b>See Section 20-1103.</b>  |
| <b>(5) Overlay Districts</b>              | <b>See Article 3.</b>        |
| <b>(6) Occupancy Limits</b>               | <b>See Section 20-601(d)</b> |

**SECTION 2.** Existing Section 20-202 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede it.

**SECTION 3.** If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 4.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**APPROVED:**

\_\_\_\_\_  
Lisa Larsen  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

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Toni R. Wheeler  
City Attorney