

## CHAPTER 12. ZONING AND PLANNING

- Article 1. Lawrence-Douglas County Planning Commission
  - Article 2. Board of Zoning Appeals
  - Article 3. Zoning Regulations
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### ARTICLE 1. LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION

**12-101. JOINT COMMISSION CREATED.** There is hereby created the Lawrence-Douglas County Planning Commission as authorized by Chapter 101 of the Session Laws of 1957 (K.S.A. 12-716 through 721), as amended. The term "Planning Commission" as it appears in the following sections shall mean the Lawrence-Douglas County Planning Commission. (Res. 69-8)

**12-102. MEMBERSHIP.** The planning commission shall consist of ten members, five of whom shall be appointed by the mayor of the City of Lawrence and five by the chairman of the County Board of Commissioners. In each case, appointments shall be made by and with the consent of their respective governing bodies. Initially, the city shall name in the manner provided above, two appointees whose terms shall be for one year; two appointees whose terms shall be for two years; and one appointee whose term shall be for three years. The county shall name, in the manner provided above, one appointee whose term shall be for one year; two appointees whose terms shall be for two years; and two appointees whose terms shall be for three years, thereafter all appointments shall be for terms of three years, except that appointments made to fill a vacancy that occurs before the expiration of a member's term shall be for the remainder of that unexpired term only. The terms of the original members of the planning commission shall commence on the 1<sup>st</sup> day of June, 1969, and shall expire on the 1<sup>st</sup> day of June of the year for which the term of office is completed.

Every member of the planning commission shall be a resident of Douglas County and shall hold no salaried or elected office with either city or county government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties. (Res. 69-8)

**12-103. MEETINGS; OFFICERS.** The planning commission shall convene for its first meeting at such time and place as shall be fixed by the chairman of the Board of County Commissioners and mayor of the City of Lawrence and shall thereupon proceed to organize and elect officers and fix and determine times and places of future meetings, which said meetings shall be not less frequent than once a month. The planning commission shall elect one member as chairman and one member as vice-chairman. The terms of the chairman and vice-chairman shall be for one year or until his successor shall have been elected and qualified. Special meetings of the planning commission may be called by the chairman, or in his absence, by the vice-chairman. A quorum of the Lawrence-Douglas County Planning Commission shall consist of six members. (Res. 69-8)

**12-104. POWERS; DUTIES.** The planning commission shall have such powers and duties as are authorized by state law and provided for herein, and it shall take over and perform the powers, duties, and functions heretofore vested in the Lawrence City Planning

Commission and the Douglas County Planning Commission, respectively. As a primary function the planning commission shall be responsible for the preparation, adoption, and maintenance of long range comprehensive plans to guide the future development of the Lawrence-Douglas County land area. As such general plans shall consist of a land-use element, a circulation element, a parks and recreation element, and a public facilities element. The planning commission shall cause zoning studies to be made, and subdivision regulations to be prepared; and it shall submit to the governing bodies its recommendations relating to the zoning of lands and the control of subdivisions within their respective jurisdictions. Such studies and recommendations shall take into account the existing zoning and subdivision regulations, the anticipated physical, economic, and population trends, the distribution and density of population and proposed building intensities, as well as classes of use to be authorized. Recommended development plans for public facilities, urban renewal, environmental sanitation, and area beautification shall also be considered.

The planning commission shall see that the comprehensive plans are altered as necessary to serve as a continuous guide to future long range planning, and that statements are prepared annually to show the recent and past growth, development trends and anticipated growth for the succeeding year, and the bearing of such trends upon the comprehensive plan.

The City Commissioners of the city shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the city and; the Board of County Commissioners shall exercise similar authority over the unincorporated area of Douglas County. However, the planning commission shall inform both governing bodies of recommendations made to either of them, and it may recommend that they meet in joint session to consider matters that appear to call for parallel legislation. (Res. 69-8)

12-105. **ANNUAL BUDGET.** The Board of County Commissioners and the City of Lawrence shall by agreement provide for an annual budget, and pursuant to said agreement shall appropriate funds for the expenses and costs of staff services, office space and equipment, contractual services, and other relevant expenses required to carry out the purposes and functions of the planning commission. The City of Lawrence shall employ the necessary staff personnel and shall provide office space; and except as otherwise agreed upon for any fiscal year the Board of County Commissioners shall direct the county treasurer to pay semiannually to the city finance director one-sixth of the agreed budget: Provided, That either city or county may authorize, on its own initiative or in conjunction with the other, expenditures for special purposes in addition to the amounts specified in the agreed budget. (Res. 69-8)

12-106. **PRIOR ACTIONS RATIFIED.** All planning and zoning actions of every kind or character heretofore taken by the Lawrence City Planning Commission and by the Douglas County Planning Commission shall be continued in full force and effect and shall in no way be affected by this joint resolution and ordinance, except that the advisory functions of the City of Lawrence and the Douglas County Planning Commission as related to planning and zoning activities shall be transferred as of June 1, 1969, to the planning commission. All petitions for zoning change, petitions for vacation of streets, alleys and other public ways, request for changes in street names, requests for approval of plats and dedications and all other matters pending before either of the above mentioned planning commission upon the effective date of this

ordinance shall continue to be processed by such commissions until such matters are concluded or until August 1, 1969, whichever event may be sooner. Any uncompleted and unclosed matter shall on August 1, 1969, be transferred to and become the responsibility of the Lawrence-Douglas County Planning Commission and its planning staff. All records, files, minutes, maps, plats, and other property of the Lawrence City Planning Commission shall be made available to the Lawrence-Douglas County Planning Commission on August 1, 1969, subject only to the annual renewal of the budget agreement.

The planning commission shall have authority to negotiate and enter into agreements with other incorporated areas in Douglas County or with other planning agencies outside Douglas County to provide or receive planning services: Provided, that any such agreement shall become effective upon approval of the Lawrence City Commission and the Douglas County Board of Commissioners, and of the governing authority of the other governments concerned.

Nothing in this article shall be construed to abolish or to affect the authority of the County Board of Zoning Appeals or the Lawrence City Board of Zoning Appeals. (Res. 69-8)

- 12-107. JOINT AGREEMENT.** This joint resolution and ordinance shall constitute an agreement between the City of Lawrence and Douglas County as contemplated in Section 101, Session Laws of 1957 and shall also constitute a resolution of the Board of County Commissioners and an ordinance of the City of Lawrence. (Res. 69-8)
- 12-108. SEPARABILITY.** If this joint resolution and ordinance, or any part thereof shall be held or determined to be unconstitutional, illegal, ultravires, or void, the same shall not be held or construed to change or annul any provisions hereof which may be legal or lawful; and in the event this joint resolution and ordinance or any part thereof, shall be held unconstitutional, illegal, ultravires, or void, the same shall not affect any action heretofore taken by the City planning commission or the Douglas County planning commission as heretofore established and constituted. (Res. 69-8)
- 12-109. PREVIOUS COMMISSION ABOLISHED.** The city planning commission of the City of Lawrence and the Douglas County planning commission are hereby abolished in the manner and at the time hereinabove provided for. (Res. 69-8)
- 12-110. JOINT HEARINGS WITH OTHER CITY PLANNING COMMISSIONS.** The Board of County Commissioners of Douglas County, Kansas, hereby establishes the following policy for review of zoning and subdivision requests within three miles of a corporate city's limits:  
Whenever a development proposal requiring zoning and subdivision review is located in the unincorporated portion of Douglas County and within three miles of the corporate city limits of the cities of Baldwin City, Eudora, or Lecompton, it shall be the responsibility of the Lawrence-Douglas County Planning Commission to notify the affected city and arrange a joint hearing of both planning commissions to review said development proposal. Said hearing shall be held at the Douglas County Courthouse following proper notice to the public. Following said hearing, the Board of County Commissioners shall receive a recommendation from each planning commission for their consideration during the final review process. (Res. 80-5)