

## **12-301 INTRODUCTORY PROVISIONS**

### **SECTION 301 INTRODUCTORY PROVISIONS**

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#### **12-301-1 OFFICIAL TITLE AND AUTHORITY**

These regulations shall be known and may be cited as the “Zoning and Land Use Regulations for the Unincorporated Territory of Douglas County, Kansas”. For convenience, it is referred to throughout this document as the “Zoning Regulations”. Except where otherwise indicated, these Zoning Regulations were prepared and adopted under the authority granted to Douglas County by K.S.A. 12-741 et seq., and amendments thereto.

#### **12-301-2 APPLICABILITY**

The Zoning Regulations apply to all development activity, public and private, within the unincorporated territory of Douglas County, Kansas with the following exception:

- a. The Zoning Regulations shall not apply to land or structures determined by the Zoning and Codes Director to be exempt due to their being used strictly for agricultural purposes in compliance with (K.S.A. 19-2908) except:
  - 1) All new agricultural exempt buildings, shall be subject to setback requirements from public roads so as to protect the future use and improvement of such roads. (K.S.A. 19-2960)
  - 2) Floodplain regulations (Section 12-312) shall apply to agricultural exempt buildings, (K.S.A. 19-2921)
- b. Agricultural Exemption

The Douglas County Zoning and Codes Director has the authority to determine when an agricultural use exemption is warranted in accordance with the criteria specified in this section and state law. Upon such determination, the Director shall issue a letter granting the exemption and a record of such exemption shall be maintained by the Zoning and Codes Office.

  - 1) To receive an agricultural exemption, the landowner requesting the exemption must complete and submit an application on forms provided by the Director of Zoning and Codes along with all required supplemental documentation. No application fee shall be charged for an agricultural use exemption determination.
  - 2) To qualify for an agricultural exemption the Director of Zoning and Codes must determine there is an agricultural use, as defined in these regulations and state law, on the subject property. This can be demonstrated with IRS forms, or with an inspection of the agricultural operations.

**12-301-3**            **PURPOSE**

- a. These Zoning Regulations have been made in accordance with, and are intended to implement the recommendations in, the Comprehensive Land Use Plan adopted jointly by Douglas County and the City of Lawrence and other applicable plans adopted by the Board of County Commissioners, hereinafter collectively referred to as the 'Comprehensive Plan' in a manner that protects and promotes the public health, safety and general welfare of the citizens of Douglas County, Kansas.
- b. These regulations are intended to permit appropriate development within the unincorporated area while recognizing agriculture as a principal land use.
- c. Development is regulated to:
  - 1) Promote the public health, safety, comfort, convenience, prosperity, and general welfare;
  - 2) Preserve environmentally sensitive lands;
  - 3) Provide for safe and convenient traffic circulation;
  - 4) Lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
  - 5) Insure compatibility of nearby land uses;
  - 6) Protect and maintain the unique and irreplaceable resources, natural resources, and agricultural land within the unincorporated portion of the county; and
  - 7) Maintain the rural character;

**12-301-4**            **GENERAL RULES OF INTERPRETATION**

- a. Numbering Style  
The first two numerals in a section number correspond to the Douglas County Code ("County Code") chapter in which the section is located—Chapter 12. To the right of the dash, the first number is the article of Chapter 12 that contains the Zoning Regulations—Article 3. The following 2 numbers represent the section the text is located within. Numbers to the right of the dash indicate the subsection. Thus, "12-301-4.01" indicates that subsection 4.01 is in Section 1 of Article 3 of Chapter 12 of the County Code.
- b. Meaning  
The language of the Zoning Regulations shall be read literally. Regulations are no more or less strict than stated. Words used in the Zoning Regulations have the standard dictionary definition unless they are defined in Section 12-315.
- c. Usage
  - 1) Words in the singular include the plural and the reverse is true.
  - 2) Words in the present tense include the future tense and the reverse is true.
  - 3) Words 'shall', 'will', 'shall not' and 'may not' are mandatory.

- 4) The words 'may', and 'should' are permissive.
- 5) When used with numbers, 'up to x', 'not more than x', and 'a maximum of x', all include x.

d. Fractions

- 1) When a regulation is expressed in terms of a minimum requirement, such as the number of parking spaces required per use, any fractional result shall be rounded up to the next consecutive whole number.
- 2) When a regulation is expressed in terms of maximum limits, such as maximum building area permitted, any fractional result shall be disregarded and only the smallest applicable whole number shall be considered.

e. Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of the Zoning Regulations and any heading, drawing, table, figure, or illustration, the text controls.

f. References to Other Regulations

All references in the Zoning Regulations to other County, State, or Federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility by the County to enforce any State or Federal regulations.

g. Current Versions and Citations

All references in the Zoning Regulations to other County, State, or Federal regulations refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, the Zoning Regulations requirements for compliance are no longer in effect.

h. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use 'including', 'such as' or similar terms are intended to provide examples only and do not constitute complete lists.

i. Delegation of Authority

Whenever these Zoning Regulations require the department director or another officer, staff or employee of the County to perform an act or duty, the department director or officer shall have the authority to delegate that responsibility to others over whom they have authority unless such delegation is expressly prohibited by these regulations.

j. Public Officials and Agencies

All employees, public officials, boards, and agencies to which references are made are those of Douglas County unless otherwise expressly stated.

**12-301-5 CONFLICTING PROVISIONS**

a. Conflict with State or Federal Regulations

If the provisions of the Zoning Regulations are inconsistent with the laws and regulations of the State or Federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls. Nothing in the Zoning Regulations shall be interpreted

as requiring a violation of State or Federal law.

**b. Conflict with Other County Regulations**

If the provisions of the Zoning Regulations are inconsistent with one another, or if they conflict with other County regulations, the more restrictive provision shall control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls.

**c. Conflict with Private Agreements and Covenants**

The Zoning Regulations are not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship otherwise in conformance with the Zoning Regulations.

**12-301-6 TRANSITIONAL PROVISIONS**

**12-301-6.01 Applications Submitted Before the Effective Date**

- a. Any use or development activity for which a complete application was submitted to the Planning Office or Zoning and Codes Office before the effective date of these revised Zoning Regulations, or any amendment thereto, and pending approval on the effective date may, at the applicant's option, be reviewed under the terms of the Zoning Regulations in effect at the time of application.
- b. If approved, such uses or development activities may be carried out in accordance with the standards in effect at the time of application.
- c. Any re-application for an expired permit shall comply with the Zoning Regulations in effect at the time of re-application.

**12-301-6.02 Permits Issued Before the Effective Date**

- a. Any use or development activity for which a permit was duly issued before the effective date of any amendment to the Zoning Regulations may be completed in conformance with the issued permit and other applicable permits and conditions, and such regulations that were in effect at the time the permit was issued, even if such use or development activity does not fully comply with the provisions of the revised Zoning Regulations.
- b. If the use or development activity is not commenced or completed in accordance with the applicable permit terms, the director of the department responsible may, upon receipt of a written request and payment of any required fee, grant one 6-month time extension. If the use is not commenced or completed within the time allowed under the original permit or extension, then the use or development activity shall be completed or occupied only in strict compliance with the requirements of the revised Zoning Regulations.

**12-301-6.03 Violations Continue**

Any violation of the previously approved Zoning Regulations shall continue to be a violation under these revised regulations and shall be subject to the penalties and enforcement measures listed in Section 13 unless the use or development activity is consistent with the express terms of the revised Zoning Regulations, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date of the revised regulations. The adoption of the revised Zoning Regulations does not affect nor prevent any pending or future prosecution of, or action to abate violations of the previous Zoning Regulations that occurred prior to the effective date.

**12-301-7**      **VALIDITY**

If any portion of the Zoning Regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the Zoning Regulations and will in no way affect the validity of any other portion of the Zoning Regulations.

**12-302 ZONING DISTRICTS, ZONING MAP, AND GENERAL PROVISIONS**

**SECTION 302 ZONING DISTRICTS, ZONING MAP, AND GENERAL PROVISIONS**

- 12-302-1 Zoning Districts**
- 12-302-2 Official Zoning District Map**
- 12-302-3 Regulations within Districts**
- 12-302-4 Rules for Interpretation of Zoning District Boundaries**
- 12-302-5 General Provisions**

**12-302-1 ZONING DISTRICTS**

The zoning districts listed below establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official Zoning District Map as in that Zoning District. The Zoning District regulations control the types of uses allowed and the way in which uses, buildings, and structures may be developed on a property.

<b>Zoning Districts</b>	
<b>AG-1</b>	Agricultural District
<b>AG-2</b>	Transitional Agricultural District
<b>CP</b>	Clustered Preservation District
<b>LS</b>	Lone Star Lake Lot Residential District
<b>LB</b>	Lake Oriented Business District
<b>RT</b>	Rural Tourism District
<b>GB</b>	General Business District
<b>LI</b>	Light Industrial District
<b>GI</b>	General Industrial District
<b>V</b>	Village District
<b>BSC</b>	Big Springs Community District
<b>EWP</b>	Eudora Source Water Protection Overlay District
<b>ASO</b>	Airspace Overlay District

[Res. 22-20, Sec. 1, B]

**12-302-1.01 CONVERSION OF EXISTING ZONING DISTRICTS**

The Zoning District Map designations in effect prior to the effective date of the revised Zoning Regulations are converted as follows:

<b>Previous Map Designations</b>	<b>New Map Designations</b>
<b>Agricultural Districts</b>	
A (Agricultural)	AG-1 (Agricultural) (parcels with 20 acres or more) AG-2 (Transitional Agricultural) (parcels with less than 20 acres)
V-C (Valley Channel)	
<b>Residential Districts</b>	
A-1 (Suburban Home Residential)	CP (Clustered Preservation)
R-1 (Single Family Residential)	
<b>Business Districts</b>	
B-1 (Neighborhood Business)	GB (General Business)
B-2 (General Business)	
B-3 (Limited Business)	LB (Lake Oriented Business)
R-T (Rural Tourism Business)	RT (Rural Tourism Business)

Industrial Districts	
I-1 (Limited Industrial)	LI (Light Industrial)
I-2 (Light Industrial)	
I-3 (Heavy Industrial)	GI (General Industrial)
I-4 (Heavy Industrial)	
Overlay Districts	
F-W (Floodway)	F-W (Floodway)*
F-F (Floodway Fringe)	F-F (Floodway Fringe)*
EWP (Eudora Source Water Protection)	EWP (Eudora Source Water Protection)

\*The Floodway and Floodway Fringe Overlay districts converted to the same district with the 2020 revised Zoning Regulations. These districts were removed with the 2022 revisions to Article 12, Floodplain Management Regulations.  
[Res. 22-20, Sec 1, B]

**12-302-2 OFFICIAL ZONING DISTRICT MAP**

- a. The boundaries of the zoning districts established by the Zoning Regulations are shown on the map, or a series of maps designated as the "Official Zoning District Map of Douglas County, Kansas, dated **February 19, 2020**, and as amended from time to time.
- b. This Zoning District Map, and all notations, dimensions, references, data, and other information shown thereon is adopted and made a part of the Zoning Regulations as fully as if it were included in the pages of these Zoning Regulations.
- c. The Official Zoning District Map shall be maintained by the Director of Zoning and Codes in accordance with K.S.A. 12-753. In case of any dispute regarding the zoning classification of property subject to the Zoning regulations, the original maps maintained by the Director of Zoning and Codes shall govern. The Director of **Zoning and Codes Planning and Development Services** is responsible for producing all updates of the Official Zoning District Map.
- d. The Zoning District Map, clearly showing the zoning district boundaries and zoning district names/designations, shall be available for public inspection in the Zoning and Codes Office. The official map shall be revised to show such district boundary changes once the resolution adopting the change has been published in the official newspaper in accordance with the provisions in Section 12-307-4.09(e).

[Res. 23-21, Section 1,A]

**12-302-3 REGULATIONS WITHIN DISTRICTS**

A district name or abbreviation shown on the Zoning District Map indicates that the zoning regulations pertaining to the designated zoning district extend throughout the entire area of the unincorporated territory of the County within the jurisdiction of the Zoning Regulations contained within the district boundary lines shown by such name or abbreviation, except as otherwise provided by this section.

**12-302-4 RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, incorporated and made a part of the Zoning Regulations, the following rules apply:

- a. In cases where a boundary line is given a position within right-of-way or an easement for road right-of-way, or a navigable or non-navigable stream, it shall be deemed to be in the center of the road right-of-way or easement for road right-of-way or stream, and if the actual location of such road right-of-way or easement for road right-of-way, or stream varies slightly from the location as shown on the District Map, then the actual location shall control.
- b. In cases where a boundary line is shown as being located a specific distance from a road right-of-way or easement for road right-of-way, or other physical feature, this distance shall control.

In cases where a boundary line is shown adjoining or coincident with a railroad, the boundary line shall be deemed to be in the center of the railroad right-of-way.

[Res. 22-20, Sec. 1, C]

**12-302-5 GENERAL PROVISIONS**

Except as hereinafter provided:

**12-302-5.01 PERMITTED USES**

All land, buildings or part thereof shall be used only for a use permitted in the Zoning District in which the land or building is located.

**12-302-5.02 BUILDING PERMITS**

If required by these Zoning Regulations, building permits shall be as required by Chapter 13, Construction Codes of Douglas County, Kansas.

**12-302-5.03 DIMENSIONAL STANDARDS**

No building shall be constructed converted, or structurally altered except in conformity with the Dimensional Standards, listed in Section 12-303, for the Zoning District in which the building is located, unless a variance from these standards has been obtained from the Board of Zoning Appeals.

**12-302-5.04 RIGHT-OF-WAY OR EASEMENT FOR ROAD RIGHT-OF-WAY**

No building shall be constructed, enlarged, altered, repaired, or relocated, to occupy land within the required right-of-way or easement for road right-of-way of any existing or future road shown on the officially adopted Major Thoroughfare Map within the Douglas County Access Management Standards. (Section 9-506, County Code)

**12-302-5.05 PRINCIPAL STRUCTURES**

Every structure hereafter erected or structurally altered shall be located on a platted lot or an eligible parcel as herein defined and, except as hereinafter provided, in no case shall there be more than one principal structure on a lot or eligible parcel for residential purposes.

**12-302-5.06 SANITATION AND WATER SUPPLY**

Those areas not served by approved public utilities shall adhere to the following regulations:

- a. Sewage Management Systems
  - 1) Sewage Management shall comply with the Douglas County Sanitary Code.
  - 2) A permit shall be obtained from the Lawrence-Douglas County Health Department



prior to the installation of any septic systems.

- 3) Inspection of on-site sewage management systems by the Health Authority is required prior to the sale of any property which contains such a system.
- 4) The discharge of sewage into seepage pits, abandoned wells, cisterns, streams or upon the surface of the ground is prohibited. In no case shall treated or untreated sewage, or the effluent from an on-site sewage management system be permitted to drain directly or indirectly into a ditch or stream, nor shall it be allowed to surface, run, or drain across any other adjacent land. The system may be inspected by the Health Authority at any stage in construction.
- 5) Individual on-site sewage management systems shall not be constructed upon lots with less than 3 contiguous acres which are not encumbered by floodplain.
- 6) Plans for on-site sewage management systems must be submitted to the Health Authority for review. Approval by the Health Authority is required prior to construction. Written standards are available at the Lawrence-Douglas County Health Department.
- 7) On-site sewage management systems shall be property maintained per approval of the Health Authority.

**b. Disposal of Solid Waste**

Disposal of solid waste shall occur in accordance with Chapter 10 of the County Code.

- 1) Disposal of garbage, rubbish, refuse, and other solid waste is permitted only in a designated public or private landfill which is located and maintained in compliance with County Zoning Regulations and in such a manner that health hazards and offensive odors are not produced.
- 2) The discarding, dropping, throwing, or storing of litter, appliances, vehicles, or other trash in roads, ditches, abandoned wells, intermittent streambeds, streams, or other bodies of water on public or private property is prohibited.

**c. Public Water Supplies**

- 1) All public water supply systems shall be subject to inspection and sampling by the Health Authority at any reasonable time and shall be constructed, maintained and operated in a manner which does not constitute a health hazard.
- 2) Water systems yielding samples containing coliform bacterial or other demonstrable surface contaminants shall be considered unsafe for drinking purposes and shall be considered a public health hazard.

**d. Private Water Supplies**

Where connection is not to be made to municipal or approved communal potable water system, a building permit will not be issued unless provision is made for a safe and adequate supply of drinking water that has been approved by the Health Authority, unless the Zoning and Codes Director determines that a connection to water is not required for the proposed use.