

PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report
2/23/09

ITEM NO. 3: TEXT AMENDMENT TO SECTION 20-1301 OF THE DEVELOPMENT CODE

TA-1-2-09: Consider amending Section 20-1301 (t) to specifically identify the Director of Planning and Development Services as the Administrative Official Charged with Interpreting and Enforcing the Development Code. Initiated by the Planning Commission on 1/26/09.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments to Section 20-1301, TA-1-2-09 to Chapter 20, Development Code to the City Commission.

Reason for Request: To clarify that the Planning Director holds the responsibility for interpreting and enforcing the Development Code.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is the zoning regulations, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

OVERVIEW OF PROPOSED AMENDMENT

The amendment proposes adding a new subsection to Section 20-1301, subsection (t). Section 20-1301 provides general development review procedures and it is appropriate for this section of the Development Code to clearly state that the Planning Director is the administrative official responsible for interpreting and enforcing the Development Code. Section 20-1310 establishes a process by which anyone may petition the Planning Director to issue a written interpretation of the Development Code. Therefore, it is generally assumed that interpretation of the Development Code is the responsibility of the Planning Director. Additionally, Section 20-1310 provides a process by which the petitioner may appeal the Planning Director's decision to the Board of Zoning Appeals. Section 20-1601 provides that the Planning Director is responsible for enforcing the Development Code, except in specific instances where otherwise stated. This amendment establishes, within Development Review Procedures article of the Development Code, that the responsibility and process for interpreting and enforcing the Development Code is the responsibility of the Planning Director.

ARTICLE 13 DEVELOPMENT REVIEW PROCEDURES

20-1301 GENERAL

(t) ***Planning Director as Administrative Official***
Except where otherwise specifically provided in the Development Code, the Planning Director shall be the administrative official charged with interpreting and enforcing the provisions of the Development Code.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The amendment proposed is consistent with *Horizon 2020* and the stated purpose of the Development Code. The amendment is consistent with Chapter 13 of *Horizon 2020* because it promotes the implementation of the comprehensive plan through application of the Development Code. The Development Code was adopted in 2006 as a tool to implement *Horizon 2020*. (Page 13-2, Development Controls Update)

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; and**

The proposed amendment is necessary for clarification purposes.

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

The amendment proposed is consistent with *Horizon 2020* as described above. It is consistent with the stated purpose of the Development Code because it protects, enhances and promotes the health, safety and general welfare of the citizens of Lawrence.