**ORDINANCE NO. 7883**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS ESTABLISHING A TEMPORARY BUILDING PERMIT MORATORIUM**

*Whereas,* the governing body of the City of Lawrence, Kansas is entrusted with the responsibility to establish reasonable laws, policies and regulations to further the general public health, safety and welfare of the community; and

*Whereas,* pursuant to this responsibility the City has adopted Zoning laws, Subdivision regulations, and a comprehensive plan pursuant to the provisions of Kansas law; and

*Whereas,* the City's comprehensive plan (*Horizon 2020*) and the City's laws provide for certain requirements and limitations on certain land uses in order to promote the general public health, safety and welfare of the community; and

*Whereas,* on July 25, 2004, the governing body adopted Ordinance No. 7803, and created a temporary building permit moratorium area for a period of six months from the effective date of the ordinance, for the property bounded by 7th Street on the south, California on the west, 5th Street on the north, and Alabama Street of the east, including contiguous properties within one hundred (100) feet of such street boundaries finding that said area needed immediate planning, review, and study related to land uses, public infrastructure, community facilities and related issues to ensure the promotion of the general public health, safety and welfare of the Temporary Moratorium Area and the entire community; and

*Whereas,* on January 25, 2005, the governing body adopted Ordinance No. 7853, extending the building permit moratorium created by Ordinance No. 7803 for an additional three months to April 25, 2005, and

*Whereas*, on May 10, 2005, the governing body adopted the Hillcrest, Old West Lawrence and Pinckney (HOP) District Plan and directed staff to prepare a building permit moratorium ordinance for the areas in the plan recommended for rezoning.

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

**Section 1.** The above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** The governing body hereby establishes a temporary building permit moratorium for the real estate bounded by the Temporary Moratorium Area as described in Exhibit A attached hereto. Said Exhibit A is hereby incorporated as

if fully set forth herein. No building permit shall be issued in the Temporary Moratorium Area until six (6) months from the effective date of this ordinance, or the repeal, or amendment of this ordinance. Provided, that otherwise valid building permits may be issued for any and all projects that have submitted to the City either a building permit application prior to May 31, 2005 or have submitted a request for a development plan or site plan approval prior to May 31, 2005. Provided, further that otherwise valid building permits may be issued for any and all projects in the Temporary Moratorium Area if the project does not increase the size or footprint of the existing building or structure, it being the intent of this ordinance that building permits for the repair or replacement of existing structures, or parts thereof, shall be allowed during the moratorium.

**Section 3.** Any person or entity with property interests in the Temporary Moratorium Area may seek exception or amendment to the provisions of this Ordinance by filing such request in writing with the Office of the City Clerk. Such request shall provide justification for the requested exception or amendment and shall be heard by the governing body within thirty (30) days of the receipt of the request by the City Clerk. In addition to other relevant issues, the City Commission shall consider whether denial of a building permit unlawfully denies vested rights or property rights of the property owner.

**ADOPTED** this 7th day of June, 2005.

APPROVED.

Dennis Highberger, Mayor

ATTEST:

Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

David L. Corliss, Assistant City Manager & Director of Legal Services

**EXHIBIT A**

| Legal Descriptions for Area 1 of the HOP District Plan | | |
|---|---|---|
| **Address** | **Legal Description** | **Plate Number** |
| 1700 W. 5th Street | Lot 1, Rose Garden Addition | U05618-01 |
| 1620 W. 5th Street | Lot 2 Hodge Addition | U05630-01 |
| 1612 W. 5th Street | West Lawrence, beginning 95 feet east of the SW corner of Block 31, thence N 180 feet, thence east 100 feet, thence south 180 feet; thence west 100 feet to the point of beginning. | U05629 |
| 1604 W. 5th Street | West Lawrence, beginning 195 feet east of the SW corner of Block 31, thence North 300 feet; thence East 95 feet; thence S 300 feet; thence West 95 feet to the point of beginning, less the N 120 feet thereof. | U05631 |
| 1512 W. 5th Street | West Lawrence subdivision, block 31, lot 16. | U05625Q |
| 1508 W. 5th Street | West Lawrence beginning at the SW corner of the East ½ block 31; thence North 125feet; thence East 95 fet; thence S 125 feet; thence W 95 feet to the point of beginning. | U05623A |
| 1500 W. 5th Street | West Lawrence, East 100 feet of the South 125 feet of the East ½ of Block 31. | U05621 |
| 440 Florida Street | Lots 114, 116, 118, Subdivision of Block Thirty Two, West Lawrence | U05648A02 |
| 446 Florida Street | Lot 120, Subdivision of Block Thirty Two, West Lawrence | U05654 |
| 500 Florida Street | Lots 122 and 124, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence | U05996B |
| 508-10 Florida Street | Lots 126, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence | U06000 |
| 512-14 Florida Street | Lots 128, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence | U06002 |
| 516 Florida Street | Lots 130, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence | U06004 |
| 522-24 Florida Street | Lots 132 Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence | U06006 |
| 508 & 512 Minnesota Street | Lots 122, 124, 126, 128 Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence | U06013 |
| 1505 W. 5th Street | Lot A, excluding the meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond | U065995A |

| Legal Descriptions for Area 1 of the HOP District Plan | | |
|---|---|---|
| **Address** | **Legal Description** | **Plate Number** |
| | Subdivision | |
| 501 Florida Street | Meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond Subdivision | U065995AA |
| 511-13-15-17 Florida Street | Lot B, excluding the meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond Subdivision | U05995B |
| 521-23-25-27 Florida Street | Lot C, excluding the meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond Subdivision | U05995C |
| 1601-03 W. 5th Street | Lot 121, Riling Place | U05957 |
| 505-07 Minnesota Street | Lot 123, Riling Place | U05959 |
| 509-A-D Minnesota Street | Lot 125, Riling Place | U05961 |
| 513 A-D Minnesota Street | Lot 127, Riling Place | U05963 |
| 517-A-D Minnesota Street | Lot 129, Riling Place | U05965 |
| 521-A-D Minnesota Street | Lot 131, Riling Place | U05967 |
| 500-02 Wisconsin Street | Lot 122, Riling Place | U05958A |
| 504-06 Wisconsin Street | Lot 124, Riling Place | U05960A |
| 508-A-D Wisconsin Street | Lot 126, Riling Place | U05962A |
| 512-A-D Wisconsin Street | Lot 128, Riling Place | U05964A01 |
| 516-A-D Wisconsin Street | Lot 130, Riling Place | U05964A02A |
| 520-A-D Wisconsin Street | Lot 132, Riling Place | U05964A02B |
| 501 Wisconsin Street | Lot 1, Olmstead Subdivision of East Half Block 47, West Lawrence | U06019 |
| 505-07 Wisconsin Street | Lot 2, Olmstead Subdivision of East Half Block 47, West Lawrence | U06020 |
| 509-11 Wisconsin Street | Lot 3, Olmstead Subdivision of East Half Block 47, West Lawrence | U06021 |
| 515 Wisconsin Street | Lot 4, Olmstead Subdivision of East Half Block 47, West Lawrence | U06022 |
| 517 Wisconsin Street | Lot 5, Olmstead Subdivision of East Half Block 47, West Lawrence | U06023 |
| 521 Wisconsin Street | Lots 6-7, Olmstead Subdivision of East | U06024A |

| Legal Descriptions for Area 1 of the HOP District Plan | | |
|---|---|---|
| **Address** | **Legal Description** | **Plate Number** |
| | Half Block 47, West Lawrence | |
| 1516 W. 6th Street | Lot 1, Whelan's Addition, A replat of Wood's Subdivision, Lots 130, 132 of Bock 46 Raymond Place, and the E. 133 FT of S ½ of SE ¼ of Bock 46 in the West Lawrence Addition | U05956A |

| Legal Descriptions for Area 2 of the HOP District Plan | | |
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| **Address** | **Legal Description** | **Plate Number** |
| 700 Arkansas Street | Lot 24, Block 9, Lane Place Addition | U04961 |
| 1226 W. 7th Street | Lot 2, Block 4, Lane Place Addition | U04904 |
| 640 Arkansas Street | Lots 164 and 166, Block 54, West Lawrence Addition | U06107 |
| 634-636 Arkansas Street | Lot 162, Block 54, West Lawrence Addition | U06105 |
| 630-632 Arkansas Street | Lot 160, Block 54, West Lawrence Addition | U06103 |
| 628 Arkansas Street | Lots 152, 154, 156, 158 and the, Block 54, West Lawrence Addition | U06095A |
| 623-625 Missouri Street | Lots 151, 153, 155, 157 and, Block 54, West Lawrence Addition | U06093A |
| 600 Missouri Street | Lot 152, Block 55, West Lawrence Addition, less the South 7.9 feet thereof | U06115 |
| 620 Missouri Street | Lot 154, Block 55, West Lawrence Addition and the South 7.9 feet of Lot 152 | U06117 |
| 622-624 Missouri Street | Lot 156, Block 55, West Lawrence Addition | U06119A |
| 628 Missouri Street | Lot 158, Block 55, West Lawrence Addition | U06121 |
| 611-613 Maine Street | Lot 151, Block 55, West Lawrence Addition | U06114B |
| 615-617 Maine Street | Lot 153 Block 55, West Lawrence Addition | U06116A |
| 621 Maine Street | Lot 155, Block 55, West Lawrence Addition | U06118 |
| 623 Maine Street | Lot 157, Block 55, West Lawrence Addition | U06120 |
| 608 Maine Street | Lot 152, Block 56, West Lawrence Addition | U06139 |
| 616 Maine Street | Lot 154, Block 56, West Lawrence Addition | U06141 |
| 622 Maine Street | Lot 156, Block 56, West Lawrence Addition | U06144 |
| 626 Maine Street | Lot 158, Block 56, West Lawrence Addition | U06146 |
| 615 Alabama Street | Lot 151, Block 56, West Lawrence Addition | U06138 |
| 619 Alabama Street | Lot 153 and the north ½ of Lot 155, Block 56, West Lawrence Addition | U06140A |
| 623-623½ Alabama Street | Lot 157 and the south ½ of lot 155, Block 56, West Lawrence Addition | U06142A |
| 512-514 Maine Street | Lot 130 and the north 30'of Lot 132, Block 41, West Lawrence Addition | U05865 |
| 520 Maine Street | South 20' of Lot 132 and the north 40' of Lot 134, Block 41, West Lawrence Addition | U05867A |

| Legal Descriptions for Area 2 of the HOP District Plan | | |
|---|---|---|
| **Address** | **Legal Description** | **Plate Number** |
| 536 & 544 Maine Street | Lots 136, 138 and the south 10' of Lot 134, Block 41, West Lawrence Addition | U05868A |
| 1006-1008 W. 6th Street | Lots 69, 67, 65, Block 41, West Lawrence Addition | U05858A |
| 1002 W. 6th Street | Lot 63, Block 41, West Lawrence Addition | U05856 |
| 547 Alabama Street | Lot 61, Block 41, West Lawrence Addition | U05855 |
| 521 Alabama Street | Lots 135 and 137, Block 41, West Lawrence Addition | U05870A |
| 1015 W. 6th Street | Lot 1, Secu Addition | U06130A |
| 913 W. 6th Street | Lots 60, 58, Wyandott Reserve No. 12 | U02380A |
| 614 Alabama Street | Lot 152, Wyandott Reserve No. 12 | U02306 |
| 620 Alabama Street | Lot 154, Wyandott Reserve No. 12 | U02307 |
| 622 Alabama Street | Lot 156, Wyandott Reserve No. 12 | U02308 |
| 624 Alabama Street | Lot 158, Wyandott Reserve No. 12 | U02309 |

| Legal Descriptions for Area 3 of the HOP District Plan | | |
|---|---|---|
| **Address** | **Legal Description** | **Plate Number** |
| 2001 W. 6th Street | Lots 1 and 2, Block 49, West Lawrence Addition plus a portion of vacated California Street lying adjacent thereto | U06049 |
| 1803 W. 6th Street | Lots 1-6, Block 50, Eagle Subdivision and the western 50' x 251.35' of vacated California Street | U06050 |
| 1710 W. 7th Street | Lot 3A, College Motel Addition | U06054 |
| 1618-20-22-24 W. 6th Terrace | Lot 4, West Lawrence Subdivision of West ½ of Block 51 | U06056C |
| 1610-12-14-16 W. 6th Terrace | Lot 5, West Lawrence Subdivision of West ½ of Block 51 | U06056D |
| 1602-04-06-08 W. 6th Terrace | Lot 6, West Lawrence Subdivision of West ½ of Block 51 | U06056E |
| 1617-19; 23-25 W. 6th Terrace | Lot 1, West Lawrence Subdivision of West ½ of Block 51 | U06056 |
| 1611-13 W. 6th Terrace | Lot 2, West Lawrence Subdivision of West ½ of Block 51 | U06056A |
| 1603-05 W. 6th Terrace | Lot 3, West Lawrence Subdivision of West ½ of Block 51 | U06056B |
| 1416 W. 7th Street | Beginning at a point 345 feet South of the Northeast corner of Block Fifty-one (51) in that part of the City of Lawrence known as West Lawrence, thence South 179 feet, more or less, to the South line of Block 51, thence West along the South line of Block 51 a distance of 212 feet, thence North 31 feet, which is a point 40 feet north of the center of Fort to Fort Highway (present pavement), thence West 78 feet to the West line of the East half of Block 51, thence North 148 feet to a point 345 feet South of the Northwest corner of said East half of Block 51, thence East 290 feet to a point of beginning, in Douglas County, Kansas | U06057 |
| 1515 W. 7th Street | Beginning at a point which is 17.57 chains West of the Northeast corner of the Northwest Quarter of Section 36, Township 12, Range 19; thence go 324 feet East and 65 feet South for a point of beginning; thence East 104.62 feet; thence North 5 feet; thence East 170 feet; thence South 318.18 feet; thence West 274.62 feet; thence North to the point of beginning, in the City of Lawrence, in Douglas County, Kansas | U10447 |
| 1500 Lynch Court | Lots 1-8, Lynch Addition | U10446A |

| Legal Descriptions for Area 3 of the HOP District Plan | | |
|---|---|---|
| **Address** | **Legal Description** | **Plate Number** |
| 616 & 620 &624 Florida Street | Lot 3, Fifty Two West Addition | U06060F |
| 615 & 639 & 645 Michigan Street | Beginning at a point 243.08 feet South of the Northeast corner of Block 52 in that part of the City of Lawrence known as Wes Lawrence, thence West 157 feet, thence South 283.34 feet, thence East 157 feet, thence North 283.34 feet to the beginning, in the City of Lawrence, in Douglas County, Kansas. | U06059 |
| 611 Michigan Street | Lots 1 and 3, Block 52, Fifty Two West Subdivision | U06060D |
| 647 Michigan Street | A tract of land in the Northeast corner of the Northwest quarter of section 36, township 12 south, range 19 east of the 6th principal meridian, lying between the north line of said section and the north line of the Fort to Fort Highway as now located including that part of said land used as a road, but now vacated, beginning 31.7 feet west of the northeast corner of the northwest ¼, said point being on the east line of Block 52, West Lawrence, thence South along the east line of said block 52, 65.41 feet to the north right of way line of the Fort to Fort Highway (now known as 7th Street), thence North 74°50'00" West along said right of way, 250.31 feet to the north line of the northwest quarter of said section, thence east along said north line 241.19 feet to the point of beginning. | U10444 |
| 1407 W. 7th Street | Lots 1-3, Moll Addition and that portion of Florida Street abutting Lots 3 & 4 | U10445A01 |
| 630 Michigan Street | Georgetown Addition | U06076A |
| 701 Michigan Street | Lots 1 & 2, Block 7, Lane Place Addition | U04912A |
| 1307 W. 7th Street | Lot 1, Block 8, Lane Place Addition | U04925 |
| 705 Michigan Street | Lot 3, Block 7, Lane Place Addition, less the south 1 foot thereof | U04914 |