

ORDINANCE NO. 8402
RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE COMPREHENSIVE LAND USE PLAN "*HORIZON 2020*" BY BY ADOPTING AND INCORPORATING BY REFERENCE "CHAPTER SEVEN – INDUSTRIAL AND EMPLOYMENT RELATED LAND USE, JUNE 2009 EDITION" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE AND REPEALING THE EXISTING CHAPTER SEVEN.

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas has adopted a comprehensive land use plan labeled "*Horizon 2020*"; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on April 22, 2009, by Resolution No. PCR-4-2-09, recommended the adoption of the amendment to replace Chapter Seven – Industrial and Employment Related Land Use, in "*Horizon 2020*" with the revised Chapter Seven entitled "Chapter Seven – Industrial and Employment Related Land Use"; and

WHEREAS, a certified copy of the Chapter Seven – Industrial and Employment Related Land Use"; amendment contained in planning staff report CPA-2004-02 adopted by the Planning Commission in Resolution No. PCR-4-2-09 on April 22, 2009 together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on March 26, 2008, May 21, 2008, and April 22, 2009 have been submitted to the Governing Bodies; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby finds that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans has been fully complied with in consideration and adoption of and amendment to "*Horizon 2020*".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "*Horizon 2020*" by approving the recommendation of the Planning Commission, and adopting and incorporating by reference Chapter Seven – Industrial and Employment Related Land Use contained in planning staff report CPA-2004-02 and adopted by the Planning Commission in Resolution No. PCR-4-2-09 on April 22, 2009.

Section 4. That the "Chapter Seven – Industrial and Employment Related Land Use" in *Horizon 2020* approved by section 3 above, prepared compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "Chapter Seven – Industrial and Employment Related Land Use June 2009 Edition". One copy of said plan shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8402 and Resolution 09-____" and to which shall be attached a copy of this joint resolution and ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such "Chapter Seven – Industrial and Employment Related Land Use, June 2009 Edition " marked as may be deemed expedient.

Section 5. The existing Chapter 7 of "*Horizon 2020*" is hereby repealed, it being the intention of this ordinance and resolution that its provisions be substituted in place thereof.

Section 6. Severability. If any section, clause, sentence, or phrase of this joint ordinance or resolution 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 joint ordinance and resolution.

Section 7. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence this ____ day of June, 2009.

APPROVED:

Robert Chestnut, Mayor.

ATTEST:

Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler, Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Nancy Thellman
Chair

Mike Gaughan
Commissioner

Jim Flory
Commissioner

ATTEST:

/s/ Jameson D. Shew
Jameson D. Shew
County Clerk