

## ORDINANCE NO.8430

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS REPEALING THE EXISTING CHAPTER 21 PERTAINING TO "THE LAWRENCE SMARTCODE OF THE CITY OF LAWRENCE, KANSAS, JANUARY 20, 2009 EDITION" AND ENACTING CHAPTER 21 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2009 EDITION, AND AMENDMENTS THERETO PERTAINING TO THE LAWRENCE SMARTCODE BY ADOPTING AND INCORPORATING BY REFERENCE THE "JULY 14, 2009 EDITION OF CHAPTER 21 - THE LAWRENCE SMARTCODE OF THE CITY OF LAWRENCE, KANSAS" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE OF THE CITY OF LAWRENCE, KANSAS.**

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission, on May 21, 2008 recommended that the Lawrence Smart Code of the City of Lawrence, Kansas be adopted; and

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission, on June 24, 2009 recommended that the Lawrence Smart Code of the City of Lawrence, Kansas be amended; and

WHEREAS, the Lawrence SmartCode is a parallel Traditional Neighborhood Design (TND) development code option for the City of Lawrence, Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, and further pursuant to K.S.A. 12-753, K.S.A. 12-756, K.S.A. 12-3009 through 12-3012, K.S.A. 12-3301 *et seq.*, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Kansas Constitution the City of Lawrence, Kansas is authorized to adopt by ordinance and by incorporation by reference, planning and zoning laws and regulations; and

WHEREAS, the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission that the Lawrence Smart Code of the City of Lawrence, Kansas be adopted, came before the Governing Body of the City of Lawrence, Kansas and after due consideration and deliberation the recommendation on the adoption of the Lawrence Smart Code of the City of Lawrence, Kansas was approved by the Governing Body of the City of Lawrence, Kansas.

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

**SECTION ONE:** Chapter 21 of the Code of the City of Lawrence, Kansas 2009 Edition and amendments thereto is hereby repealed, it being the intent that the provisions of this ordinance supercede the repealed Chapter 21 code provisions. .

**SECTION TWO:** The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

**SECTION THREE:** Chapter 21 of the Code of the City of Lawrence, Kansas, 2009 Edition, and amendments thereto is hereby enacted to read as follows:

**INCORPORATION BY REFERENCE OF THE JULY 14, 2009 EDITION OF CHAPTER 21 - THE LAWRENCE SMARTCODE OF THE CITY OF LAWRENCE, KANSAS**

There is hereby adopted and incorporated by reference as if fully set forth herein for the purpose of establishing a Traditional Neighborhood Design (TND) development code option for the City of Lawrence, Kansas the "July 14, 2009 Edition of Chapter 21 – The Lawrence SmartCode of the City of Lawrence, Kansas" prepared compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas. At least one copy of the "July 14, 2009 Edition of Chapter 21 – The Lawrence SmartCode of the City of Lawrence, Kansas" shall be marked or stamped as "Official Copy as Adopted by Ordinance No. XXX" with all sections or portions thereof intended to be omitted clearly marked to show any such omission, as the case may be, and to which shall be attached a copy of this incorporating ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business 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 "July 14, 2009 Edition of Chapter 21 – The Lawrence SmartCode of the City of Lawrence, Kansas" marked as may be deemed expedient.

**SECTION FOUR:** Severability. If any section, clause, sentence, or phrase of this ordinance 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 ordinance.

**SECTION FIVE:** This ordinance shall take effect and be in force upon passage and publication as provided by law.

Passed by the Governing Body this \_\_\_\_\_ day of \_\_\_\_\_, 2009

**APPROVED:**

\_\_\_\_\_  
Robert Chestnut  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Toni Ramirez Wheeler  
Director of Legal Services

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of Legal Services.