

ORDINANCE NO. 8415

RESOLUTION NO. 09-21

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS APPROVING AMENDMENTS TO THE
COMPREHENSIVE LAND USE PLAN "*HORIZON 2020*" BY AMENDING
CHAPTER FOUR – GROWTH MANAGEMENT AND CHAPTER SIX –
COMMERCIAL LAND USE.

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 have adopted a comprehensive land use plan labeled "*Horizon 2020*"; and

WHEREAS, pursuant to provisions of K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission did give notice and held a public hearing on the adoption of amendments to *Horizon 2020*; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on May 18, 2009 by PCR-5-3-09, recommended the adoption of the amendments regarding *Horizon 2020* Chapter 4 – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism uses in the Rural Area of Douglas County; and

WHEREAS, a certified copy of the Chapter 4 – Growth Management and Chapter 6 – Commercial Land Use contained in planning staff report CPA-3-2-09 adopted by the Planning Commission in PCR-5-03-09 on May 18 2009 together with the written summary of the public hearing thereon held by the Lawrence-Douglas County Metropolitan Planning Commission has been submitted to the Governing Bodies;

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 find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, adoption, approval 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 amending Chapter 4 – Growth Management, as provided in Section 4, and Chapter 6 – Commercial Land Use, as provided in Section 5.

Section 4. The Rural Area section of Chapter 4 – Growth Management in “*Horizon 2020*” is hereby amended to read as follows:

RURAL AREA

The Rural Area is the land that lies outside the designated Urban Growth Areas of the incorporated cities. Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. Rural development shall be subject to the overall policies, recommendations and standards of the Comprehensive Plan. There are a few locations, however, in the Rural Area which may be expected to receive some significant level of urban development consistent with the Plan. ~~These~~ these include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) *conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at such other locations that substantially satisfy the following criteria: (a) direct access to an improved arterial roadway; (b) public water supply available; (c) separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the Board of County Commissioners; and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods.* Otherwise, urban uses are not planned within the Rural Area.

Section 5. The Unincorporated Douglas County – New Commercial Areas section of Chapter 6 – Commercial Land Use in “*Horizon 2020*” is hereby amended to read as follows:

UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a hard surfaced County Route and a state or federally designated highway.

Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

A limiting factor to the size of any commercial development in unincorporated Douglas County will be the availability of utilities, particularly water and sanitary sewer. Any on-site treatment system shall be designed to minimize its impacts on the environment. The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area.

Commercial activities related to *conference, recreational, or tourism* uses associated with Clinton Lake, Lone Star Lake, or Douglas County Lake, ~~or other Rural Areas that satisfy the criteria for growth management in Chapter Four,~~ shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.

Section 6. Severability. If any section, clause, sentence, or phrase of this Joint Ordinance and 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 _____, 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

Jim Flory, Commissioner

Mike Gaughan, Commissioner

ATTEST:

Jameson D. Shew, County Clerk

NOTICE TO PUBLISHER

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