

**ORDINANCE NO. 8456
SPECIAL USE PERMIT NO. SUP-4-3-09**

AN ORDINANCE PERTAINING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY LOCATED AT 603 TENNESSEE STREET LAWRENCE, KANSAS.

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

SECTION ONE: Special Use Permit Granted: Pursuant to the regulations set forth in the Code of the City of Lawrence, Sections 20-1306 and 20-1763, permission is hereby granted to use in the manner set forth in Sections Two and Three, the following described property:

PROPERTY DESCRIPTION:

LOTS 2, 4 AND THE EAST ½ OF LOT 6 ON PINCKNEY STREET; ALSO, BEGINNING AT A POINT 4 FEET NORTH OF THE NORTHWEST CORNER OF LOT 31 ON TENNESSEE STREET, THENCE NORTH 12 FEET TO THE SOUTH LINE OF LOT 6 ON 6TH (PINCKNEY) STREET, THENCE EAST 6 FEET ALONG THE SOUTH LINE OF SAID LOT 6, THENCE SOUTHWESTERLY TO THE POINT OF BEGINNING; ALL PROPERTY LYING IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

SECTION TWO: That the real property described in Section One shall hereafter allow a Bed and Breakfast Establishment with three or fewer guest bedrooms operated as an incidental use to the principal use of the owner-occupied structure.

All zoning ordinances or zoning regulations of the City of Lawrence, Kansas affecting the use of the real property described in Section One which are inconsistent with this ordinance are hereby made inapplicable to the said property for said period of time.

SECTION THREE: The special use permit granted in Sections One and Two of this ordinance in addition to the full compliance with any general provisions contained in the Development Code of the City of Lawrence, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for the revocation of the special use permit in addition to those specified in Section[s] 20-1306 20-1763, to wit:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Final Inspection and approval by the Fire Department before occupancy as a Bed and Breakfast.
4. Applicant shall provide a revised site plan to show the following changes:
 - a. existing fencing
 - b. site summary table
 - c. existing building elevations
 - d. correct the following text on the face of the site plan:
 1. remove "with On-Site Manager" from Occupancy – Proposed
 2. remove Employees – (1)
 3. add DR-7-88-09 under Historic Resources Commission
 4. remove "Caretaker's Suite" under Floor Areas and Uses. Identify as 'Owners Suite'
5. Applicant shall provide a revised site plan to include the following notes:
 - a. "SUP is granted approval for 5 years. A new SUP shall be required before July 2014 to continue the Bed and Breakfast use."
 - b. "SUP is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing."
6. Any signage associated with the bed and breakfast must be reviewed and approved by the

Historic Resources Administrator prior to installation.

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 affect and be in force from and after its passage and publication as provided by law.

Passed by the Governing Body this 15th day of September, 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.