

ORDINANCE NO. 8462

AN ORDINANCE REZONING APPROXIMATELY 10.9739 ACRES FROM RSO (SINGLE-DWELLING RESIDENTIAL OFFICE) TO RM15 (MULTI-DWELLING RESIDENTIAL) DISTRICT; AMENDING THE OFFICIAL ZONING DISTRICT MAP INCORPORATED BY REFERENCE IN CHAPTER 20, ARTICLE 1, SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2009 EDITION," AND AMENDMENTS THERETO

WHEREAS, Rezoning Application Z-07-11-09 requesting rezoning from RSO to RM15 was filed with the City of Lawrence on July 20, 2009; and

WHEREAS, after due and lawful notice was given pursuant to K.S.A. 12-757 and Section 20-1303 of the "Code of The City of Lawrence, Kansas, 2009 Edition" a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on January 25, 2010 to hear a request to rezone approximately 10.9739 acres as described in Section Two of this ordinance from RSO (Single Dwelling Residential Office) District to RM15 (Multi-Dwelling Residential) District; and

WHEREAS, on January 25, 2010 the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of the City's professional staff, the evidence and testimony provided at the hearing and the review and decision making criteria of section 20-1303 and voted (6 to 1) to recommend approval of the rezoning request; and

WHEREAS, the rezoning application and Lawrence-Douglas County Metropolitan Planning Commission recommendation were considered by the Governing Body at the February 9, 2010, meeting.

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

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

SECTION TWO: That the zoning district classification for the following legally described tract of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

Lot 2, Block 1, Final Plat of Remington Square Addition No. 1, a Replat of Lots 2 and 3, Block 1, Inverness Park Plaza Addition No. 1, An Addition in the City of Lawrence, Douglas County, Kansas

is hereby changed from RSO (Single Dwelling Residential Office) District to RM15 (Multi-Dwelling Residential) District as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2009 Edition," and amendments thereto.

SECTION THREE: The rezoning granted in Section Two of this ordinance is hereby made contingent upon the performance and observance of the following regulations, stipulations, conditions and restrictions:

1. Development of the property shall be in substantial conformance with the approval of site plan SP-1-2-10. Any changes to the site plan that oppose the spirit of these conditions or that are considered major by the Planning Director shall be reviewed by the City Commission after public hearing in which mailed notice is provided to owners within 1,000 feet at least 20 days prior to the hearing.
2. The use of the property shall be limited to Multi-Dwelling Structures as shown on the site plan SP-1-2-10.

3. Every building in the development shall be limited to a maximum height of one story above grade.
4. Every residential unit shall be limited to a maximum of one bedroom.
5. The development shall be limited to a maximum of 161 residential units and the approved administrative buildings and offices as shown on the site plan SP-1-2-10.
6. Advertising banners shall be prohibited at the corner of 24th Place and Inverness Drive.
7. Occupancy per unit shall be limited to: (1) a person living alone; (2) two or more persons related by blood marriage or legal adoption; (3) not more than two persons not related by blood or marriage.
8. Prior to the zoning ordinance being published, the applicant will record a Declaration of Covenants and Restrictions which, among other things, will (i) prohibit the construction of any permanent structure on the corner of 24th Place and Inverness Drive, (ii) restrict the use of the property to a maximum of 161 one-story, single-bedroom, residential units (excluding any administrative buildings and offices) as shown on SP-1-2-10, and (iii) name the City of Lawrence as a third-party beneficiary whereby the Declaration may not be amended or terminated without the prior consent of the City. The City's Legal Department shall review this document prior to recording.
9. These zoning conditions shall be listed on the approved site plan SP-1-2-10.

SECTION FOUR: That the Official Zoning District Map incorporated by reference in and by Chapter 20, Article 1, Section 20-108 of the "Code of the City of Lawrence, Kansas, 2009 Edition" is hereby amended by showing and reflecting thereon the new zoning district classification for the aforesaid tract, as set forth in Section Two of this ordinance.

SECTION FIVE: 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 SIX: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the ___ day of _____, 2010.

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.