

## **ORDINANCE NO. 8511**

### **AN ORDINANCE REZONING APPROXIMATELY 5.252 ACRES FROM IG (GENERAL INDUSTRIAL) DISTRICT TO IL (LIMITED INDUSTRIAL) 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-1-1-10 requesting rezoning from IG (General Industrial) District to IL (Limited Industrial) District was filed with the City of Lawrence on January 22, 2010; 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 March 24, 2010 to hear a request to rezone approximately 5.252 acres as described in Section Two of this ordinance from IG (General Industrial) District to IL (Limited Industrial) District; and

**WHEREAS**, on March 24, 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 (8 to 0) 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 April 27, 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, Hallmark Addition, 2<sup>nd</sup> Plat, A Minor Subdivision of Hallmark Addition Lot 1

is hereby changed from IG (General Industrial) District to IL (Limited Industrial) 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. In lieu of submission and approval of a retail market study (per Section 20-1107), there shall be no more than 50,000 square feet of retail uses, as defined by 20-1107 (b) (1), permitted on the 5.252 acres being rezoned with this application.
2. The following uses shall not be permitted on property:
  - a. Mobile Home
  - b. Detention Facilities
  - c. Cemetery
  - d. Livestock Sales
  - e. Fast Order Food, with Drive-In
  - f. Retail Sales and Services Food and Beverage

- g. Mixed Media Store
  - h. Cleaning (Vehicle Sales and Services)
  - i. Gas and Fuel Sales
  - j. Heavy Equipment Sales/Rental
  - k. Inoperable Vehicles Storage
  - l. RV and Boats Storage
  - m. Heavy, Wholesale, Storage & Distribution
  - n. Recycling Facilities Large Collection
  - o. Recycling Facilities Processing Center
3. The total square footage for Retail Sales uses shall not exceed 15,000 gross square feet for either one or a combination of the following uses:
- a. Retail Sales and Services-Personal Convenience
  - b. Retail Sales and Services-Personal Improvement
  - c. Retail Sales, General
4. Commercial Parking Facilities shall be allowed except that no vehicle with a Gross Vehicle Weight (curb weight plus payload) of more than 6,000 lbs is permitted.

**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:

\_\_\_\_\_  
Mike Amyx, 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.