

ORDINANCE NO. 8540

AN ORDINANCE REZONING APPROXIMATELY 11.99 ACRES FROM PCD-1 (PLANNED COMMERCIAL DEVELOPMENT) TO CS (STRIP COMMERCIAL) 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-4-5-10 requesting rezoning from PCD-1 (Planned Commercial Development) to CS (Strip Commercial) District was filed with the City of Lawrence on April 15, 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 June 21, 2010 to hear a request to rezone approximately 11.99 acres as described in Section Two of this ordinance from PCD-1 (Planned Commercial Development) to CS (Strip Commercial) District; and

WHEREAS, on June 21, 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 July 13, 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:

Block 1, Wickes Subdivision, A subdivision in the City of Lawrence, Douglas county Kansas containing 11.99 acres.

is hereby changed from PCD-1 (Planned Commercial Development) to CS (Strip Commercial) 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. The use of the property as a Sexually Oriented Businesses, as defined and prescribed by Chapter 20, the Development Code of the "Code of the City of Lawrence, Kansas, 2009 Edition," and amendments thereto, shall be prohibited.

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 July, 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.