

ORDINANCE NO. 8568

AN ORDINANCE REZONING APPROXIMATELY 1.03 ACRES FROM RM32 (MULTI-DWELLING RESIDENTIAL) DISTRICT TO MU (MIXED USE-PRIMARY DEVELOPMENT ZONE) 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 Applications Z-11-21-09, Z-11-22-09, Z-11-23-09, Z-11-24-09, Z-11-27-09 requesting rezoning from RM32 to MU were filed with the City of Lawrence on November 23, 2009 and revised on June 10, 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 August 25, 2010 to hear a request to rezone approximately 1.03 acres as described in Section Two of this ordinance from RM32 (Multi-Dwelling Residential) District to MU (Mixed Use-Primary Development Zone) District; and

WHEREAS, on August 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 (9 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 September 21, 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:

Lots 230, 231 and 232 on Ohio Street in the Original Townsite of the City of Lawrence, Douglas County, Kansas; and, Beginning at the intersecting South line of Adams Street (14th Street) and the West line of Ohio Street, thence South 47.5 feet, thence West 120 feet, thence North 47.5 feet, thence East 120 feet to the point of beginning.

is hereby changed from RM32 (Multi-Dwelling Residential) District to MU (Mixed Use-Primary Development Zone) 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:

The collective 1.03 acres rezoned to the MU (Mixed Use-Primary Development Zone) District by this ordinance shall not contain over 50,000 square feet of retail space in aggregate. If the MU District is expanded by the rezoning of adjacent properties to the MU zoning classification, then the expanded collective district shall be limited to 50,000

square feet of retail space in aggregate unless the allowance of additional square feet of retail is approved by the governing body.

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 September, 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.