

ORDINANCE NO. 8704

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 0.20 ACRES FROM IG (GENERAL INDUSTRIAL) DISTRICT TO IL (LIMITED INDUSTRIAL) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION," AND AMENDMENTS THERETO.

WHEREAS, on November 18, 2011, the owners of record of the subject property, the legal description of which is set forth at Section 2, *infra*, filed with the City of Lawrence, Kansas, Rezoning Application, No. Z-11-26-11, seeking to rezone the base district of the subject property from IG (General Industrial) District to IL (Limited Industrial) District;

WHEREAS, on January 25, 2012, after due and lawful notice was given in accordance with K.S.A. 12-757 and City of Lawrence, Kan., Code § 20-1303 (Jan. 1, 2011), the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-11-26-11;

WHEREAS, at the January 25, 2012, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, weighed the evidence adduced at the public hearing, reviewed the decision-making criteria set forth at City of Lawrence, Kan., § 20-1303 (Jan 1, 2011), and voted unanimously (7-0) to recommend to the City Commission that it approve Rezoning Application, No. Z-11-26-11; and

WHEREAS, at its February 14, 2012, public meeting, the Governing Body considered Rezoning Application, No. Z-11-26-11, and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

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

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A part of Government Lot 1 in the Northeast Quarter of Section 31, Township 12 South, Range 20 East of the Sixth Principal Meridian, in the City of Lawrence, described as follows: Beginning at a point 177 feet east and 36 feet south of the northwest corner of Lot 41 on Delaware Street in the City of Lawrence thence running East of the right-of-way of the St. Louis, Lawrence and Denver Railway company (Now the Atchison, Topeka, and Santa Fe Railway); thence northwesterly along said right of way to a point due north of the place of beginning in Douglas County, Kansas, as described in Deed Book 543, page 776.

subject to the conditions listed at Section 3, *infra*, 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, 2011 Edition,” and amendments thereto.

SECTION 3. The rezoning granted by Section 2, *supra*, is contingent upon the performance and observance of the following, regulations, stipulations, conditions, and restrictions:

The following uses are hereby prohibited on the real property described in Section 2, *supra*:

- a. Animal Services; Kennel;
- b. Eating and Drinking Establishments; Fast Order Food, Drive-In;
- c. Office; Financial, Insurance and Real Estate;
- d. Retail Sales and Service; Mixed Media Store;
- e. Transient Accommodation; Hotel, Motel, Extended Stay;
- f. Vehicle Sales and Service:
 - (i) Cleaning (Car Wash);
 - (ii) Gas and Fuel Sales;
 - (iii) Heavy Equipment Repair;
 - (iv) Heavy Equipment Sales/Rental;
 - (v) Inoperable Vehicles Storage;
 - (vi) RV and Boat Storage;
- g. Industrial Facilities; Scrap and Salvage Operation;
- h. Wholesale, Storage and Distribution; Mini Warehouse; and
- i. All uses included in the Agricultural Use Group.

Failure to comply with the foregoing conditions shall cause the base district of the subject property to revert to its previous zoning classification, IG (General Industrial) District.

SECTION 4. The “Official Zoning District Map,” which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2011), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 2, *supra*.

SECTION 5. 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 6: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of February, 2012.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler, City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.