

## **ORDINANCE NO. 8331**

**AN ORDINANCE REZONING APPROXIMATELY .48 ACRES FROM RMG (MULTI-DWELLING RESIDENTIAL-GREEK HOUSING) DISTRICT TO MU (MIXED USE) DISTRICT; AMENDING THE "OFFICIAL ZONING DISTRICT MAP" INCORPORATED BY REFERENCE IN SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2008 EDITION," AND AMENDMENTS THERETO AND REINCORPORATING THE "OFFICIAL ZONING DISTRICT MAP" IN SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS 2008 EDITION" AS AMENDED**

**WHEREAS**, Rezoning Application Z-05-10-08 requesting rezoning from RMG (Multi-Dwelling Residential-Greek Housing) District to MU (Mixed Use) District was filed with the City of Lawrence on May 19, 2008; 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, 2008 Edition" a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on September 22, 2008 to hear a request to rezone approximately .48 acres as described in Section Two of this ordinance from RMG (Multi-Dwelling Residential-Greek Housing) District to MU (Mixed Use) District; and

**WHEREAS**, on September 22, 2008 The Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of the City's professional staff, the testimony provided at the hearing and the review and decision making criteria of section 20-1303 and voted five (5) to three (3) to one (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 October 14, 2008, 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. The Governing Body hereby adopts the findings of facts as set forth in the staff report as if fully set forth herein.

**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:

University Heights, Lots 11 and 12 and the West 70 feet of Lot 13.

is hereby changed from RMG (Multi-Dwelling Residential-Greek Housing) District to MU (Mixed Use) District as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2008 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 following uses shall be prohibited
  - a. Sexually-Oriented Media Store
  - b. Manufacturing & Production, Limited
2. Except for those uses prohibited in condition no. 1, any use permitted in the MU district by the Development Code shall be permitted at this location. Any site plan required as a result of a new use shall be approved by the Governing Body after public notice has been provided to owners within 400 feet of the property, as well as to the University Heights and West Hills neighborhood associations, and applying the criteria required in the Development Code.

**SECTION FOUR:** That the "Official Zoning District Map" incorporated by reference in and by Section 20-108 of the "Code of the City of Lawrence, Kansas, 2008 Edition" is hereby

amended and reincorporated by reference 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 28<sup>th</sup> day of October, 2008.

APPROVED:

  
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Michael Dever, Mayor

ATTEST:

  
\_\_\_\_\_  
Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
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Toni Ramirez Wheeler  
Director of Legal Services