

ORDINANCE NO. 8772

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 0.37 ACRES FROM A (AGRICULTURAL), V-C (VALLEY CHANNEL), AND F-F (FLOODWAY FRINGE OVERLAY) DISTRICTS TO OS-FP (OPEN SPACE WITH FLOODPLAIN MANAGEMENT REGULATIONS OVERLAY) 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 May 21, 2012, as the owner of record of the subject property, the legal description of which is set forth at Section 2, *infra*, the City filed with the Lawrence-Douglas County Planning Office, Rezoning Application, No. Z-5-8-12, seeking to rezone the base district of the subject property from A (Agricultural), V-C (Valley Channel), and F-F (Floodway Fringe Overlay) Districts to OS-FP (Open Space with Floodplain Management Regulations Overlay) District;

WHEREAS, on July 23, 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), and amendments thereto, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-5-8-12;

WHEREAS, at the July 23, 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 amendments thereto, and voted unanimously to recommend to the City Commission that it approve Rezoning Application, No. Z-5-8-12; and

WHEREAS, at its August 7, 2012, public meeting, the Governing Body considered Rezoning Application, No. Z-5-8-12, 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:

THE NORTH 120.00 FEET OF THE WEST 133.00 FEET OF A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER; THENCE SOUTH ON THE WEST LINE OF SAID NORTHEAST QUARTER, 427 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER, 919 FEET;

THENCE NORTH PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER, 427 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE WEST ON THE NORTH LINE OF SAID NORTHEAST QUARTER, 919 FEET TO THE POINT OF BEGINNING

THE ABOVE DESCRIBED CONTAINS 15,960 SQUARE FEET, MORE OR LESS; ENCUMBERED BY 3,960 SQUARE FEET OF ROAD RIGHT-OF-WAY.

is hereby changed from A (Agricultural), V-C (Valley Channel), and F-F (Floodway Fringe Overlay) Districts to OS-FP (Open Space with Floodplain Management Regulations Overlay) 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 "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 4. 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 5. 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 August, 2012.

APPROVED:

Robert J. Schumm
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

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