

ORDINANCE NO. 8690  
RESOLUTION NO. 12-01

A JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, AMENDING CHAPTER 20, ARTICLE 8 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2012 EDITION, AND AMENDMENTS THERETO, AND CHAPTER 11, ARTICLE 1 OF THE CODE OF DOUGLAS COUNTY, KANSAS, AND AMENDMENTS THERETO, PERTAINING TO SUBDIVISION REGULATIONS, BY ADOPTING AND INCORPORATING BY REFERENCE "SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS, JANUARY 10, 2012, EDITION," AND REPEALING THE EXISTING ARTICLES AND SECTIONS.

**WHEREAS**, pursuant to K.S.A. Chapter 12, Article 7, K.S.A. 19-101a, granting Home Rule powers to counties, and Article 12, Section 5, of the Kansas Constitution, granting Home Rule powers to cities, the City of Lawrence, Kansas ("City"), and Douglas County, Kansas ("County"), are enabled and authorized to adopt and to amend, by ordinance and by resolution, planning and zoning laws and regulations, including Subdivision Regulations;

**WHEREAS**, by Ordinance No. 8064 and Resolution No. 06-41, respectively, the governing bodies of the City and the County jointly adopted "Subdivision Regulations for Lawrence and Unincorporated Areas of Douglas County, Kansas, December 19, 2006, Edition," which was incorporated by reference into and codified at Chapter 20, Article 8 of the Code of the City of Lawrence, Kansas, 2006 Edition, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto, and which Subdivision Regulations govern the subdivision of land within the City and the unincorporated areas of the County;

**WHEREAS**, on February 16, 2010, the City's governing body directed the Lawrence-Douglas County Planning Office to prepare a text amendment, TA-3-3-10, proposing certain amendments to the Subdivision Regulations established at Chapter 20, Article 8 of the Code of the City of Lawrence, Kansas, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto;

**WHEREAS**, on May 23, 2011, at the request of the Lawrence-Douglas County Planning Office, the Lawrence-Douglas County Metropolitan Planning Commission re-initiated and expanded the text amendment, TA-3-3-10, to propose certain additional amendments to the Subdivision Regulations established at Chapter 20, Article 8 of the Code of the City of Lawrence, Kansas, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto;

**WHEREAS**, on December 12, 2011, after due and lawful notice had been given in accordance with K.S.A. 12-749(d), the Code of the City of Lawrence, Kansas, and the Code of Douglas County, Kansas, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on TA-3-3-10;

**WHEREAS**, at the December 12, 2011, 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 to recommend to the governing bodies of the City and the County that they approve TA-3-3-10;

**WHEREAS**, at its January 4, 2012, public meeting, the governing body of the County considered TA-3-3-10 and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission; and

**WHEREAS**, at its January 10, 2012, public meeting, the governing body of the City considered TA-3-3-10 and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:**

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

**SECTION 2:** The governing bodies of the City and the County hereby find that TA-3-3-20, as it amends "Subdivision Regulations for Lawrence and Unincorporated Areas of Douglas County, Kansas, December 19, 2006, Edition," and as recommended for approval by the Lawrence-Douglas County Metropolitan Planning Commission, satisfies all statutory requirements, meets with their approval, and is hereby adopted.

**SECTION 3:** Chapter 20, Article 8, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, and Chapter 11, Article 1 of the Douglas County Code, and amendments thereto, are hereby amended:

There is hereby adopted and incorporated herein by reference, as if fully set forth herein, for the purpose of amending Chapter 20, Article 8, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, and Chapter 11, Article 1 of the Douglas County Code, and amendments thereto, "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition," as prepared and published by the Lawrence-Douglas County Metropolitan Planning Office.

**SECTION 4:** Two copies of "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition," shall be marked "Official Copy as Adopted by Ordinance No. 8690 and Resolution No. 12-\_\_" and one copy shall be filed, together with one copy of this ordinance, each with the City Clerk and the County Clerk. The City Clerk and the County Clerk shall make the "Official Copy as Adopted by Ordinance No. 8690 and Resolution No. 12-\_\_" open to the public and available for inspection at all reasonable office hours. One additional copy of the "Official Copy as Adopted by Ordinance No. 8690 and Resolution No. 12-\_\_" shall, at the cost of the City of Lawrence, Kansas, be made available to the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas.

**SECTION 5:** "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition," shall be codified at Chapter 20, Article 8, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, as a supplement to the City Code, and at Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto. (For the purposes of codification in the Code of Douglas County, Kansas, the first two digits of each section shall

be changed from 20 to 11 and the third digit (the first digit following the hyphen) shall be changed from 8 to 1. Thus, section 20-801 will be codified as section 11-101 in the Code of Douglas County, Kansas).

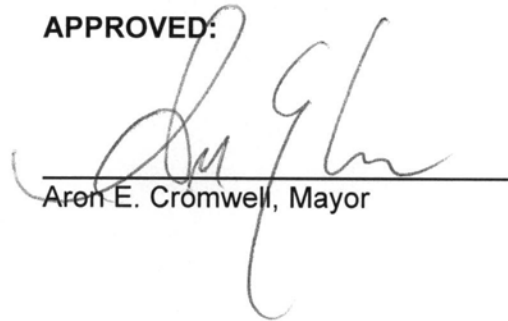
**SECTION 6:** Chapter 20, Article 8, "Land Development Code of the City of Lawrence, Kansas," Code of the City of Lawrence, Kansas, 2012 Edition, and amendments thereto, and Chapter 11, Article 1 of the Code of Douglas County, Kansas, and amendments thereto, are hereby repealed in their entirety, it being the intent of the governing bodies that this joint ordinance and resolution, adopting and incorporating by reference "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, January 10, 2012 Edition," supersede the repealed code provisions.

**SECTION 7:** 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 8:** This joint ordinance and resolution shall take effect and be in force after its passage by the governing bodies of the City and the County and publication as provided by law.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas; this 10<sup>th</sup> day of January, 2012.

**APPROVED:**



\_\_\_\_\_

Aren E. Cromwell, Mayor

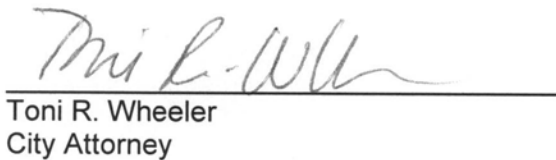
**ATTEST:**



\_\_\_\_\_

Jonathan M. Douglass, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**




\_\_\_\_\_

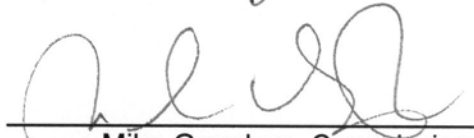
Toni R. Wheeler  
City Attorney

ADOPTED by the Board of County Commissioners of Douglas County, Kansas, this 4<sup>th</sup> day of January, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS**

  
\_\_\_\_\_  
Jim Flory, Chair

  
\_\_\_\_\_  
Nancy Thellman, Commissioner

  
\_\_\_\_\_  
Mike Gaughan, Commissioner

**ATTEST:**

  
\_\_\_\_\_  
Jameson D. Shew, County Clerk