ORDINANCE NO. 7883

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS ESTABLISHING A TEMPORARY BUILDING PERMIT MORATORIUM

Whereas, the governing body of the City of Lawrence, Kansas is entrusted with the responsibility to establish reasonable laws, policies and regulations to further the general public health, safety and welfare of the community; and

Whereas, pursuant to this responsibility the City has adopted Zoning laws, Subdivision regulations, and a comprehensive plan pursuant to the provisions of Kansas law; and

Whereas, the City's comprehensive plan (*Horizon 2020*) and the City's laws provide for certain requirements and limitations on certain land uses in order to promote the general public health, safety and welfare of the community; and

Whereas, on July 25, 2004, the governing body adopted Ordinance No. 7803, and created a temporary building permit moratorium area for a period of six months from the effective date of the ordinance, for the property bounded by 7th Street on the south, California on the west, 5th Street on the north, and Alabama Street of the east, including contiguous properties within one hundred (100) feet of such street boundaries finding that said area needed immediate planning, review, and study related to land uses, public infrastructure, community facilities and related issues to ensure the promotion of the general public health, safety and welfare of the Temporary Moratorium Area and the entire community; and

Whereas, on January 25, 2005, the governing body adopted Ordinance No. 7853, extending the building permit moratorium created by Ordinance No. 7803 for an additional three months to April 25, 2005, and

Whereas, on May 10, 2005, the governing body adopted the Hillcrest, Old West Lawrence and Pinckney (HOP) District Plan and directed staff to prepare a building permit moratorium ordinance for the areas in the plan recommended for rezoning.

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

Section 1. The above recitals are incorporated by reference as if fully set forth herein.

Section 2. The governing body hereby establishes a temporary building permit moratorium for the real estate bounded by the Temporary Moratorium Area as described in Exhibit A attached hereto. Said Exhibit A is hereby incorporated as

if fully set forth herein. No building permit shall be issued in the Temporary Moratorium Area until six (6) months from the effective date of this ordinance, or the repeal, or amendment of this ordinance. Provided, that otherwise valid building permits may be issued for any and all projects that have submitted to the City either a building permit application prior to May 31, 2005 or have submitted a request for a development plan or site plan approval prior to May 31, 2005. Provided, further that otherwise valid building permits may be issued for any and all projects in the Temporary Moratorium Area if the project does not increase the size or footprint of the existing building or structure, it being the intent of this ordinance that building permits for the repair or replacement of existing structures, or parts thereof, shall be allowed during the moratorium.

Section 3. Any person or entity with property interests in the Temporary Moratorium Area may seek exception or amendment to the provisions of this Ordinance by filing such request in writing with the Office of the City Clerk. Such request shall provide justification for the requested exception or amendment and shall be heard by the governing body within thirty (30) days of the receipt of the request by the City Clerk. In addition to other relevant issues, the City Commission shall consider whether denial of a building permit unlawfully denies vested rights or property rights of the property owner.

ADOPTED this 7th day of June, 2005.

APPROVED.

Dennis Highberger, Mayor

ATTEST:

Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

David L. Corliss, Assistant City Manager & Director of Legal Services

EXHIBIT A

Legal Descriptions for Area 1 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
1700 W. 5th Street	Lot 1, Rose Garden Addition	U05618-01
1620 W. 5th Street	Lot 2 Hodge Addition	U05630-01
1612 W. 5th Street	West Lawrence, beginning 95 feet east of the SW corner of Block 31, thence N 180 feet, thence east 100 feet, thence south 180 feet; thence west 100 feet to the point of beginning.	U05629
1604 W. 5th Street	West Lawrence, beginning 195 feet east of the SW corner of Block 31, thence North 300 feet; thence East 95 feet; thence S 300 feet; thence West 95 feet to the point of beginning, less the N 120 feet thereof.	U05631
1512 W. 5th Street	West Lawrence subdivision, block 31, lot 16.	U05625Q
1508 W. 5th Street	West Lawrence beginning at the SW corner of the East ½ block 31; thence North 125feet; thence East 95 fet; thence S 125 feet; thence W 95 feet to the point of beginning.	U05623A
1500 W. 5th Street	West Lawrence, East 100 feet of the South 125 feet of the East ½ of Block 31.	U05621
440 Florida Street	Lots 114, 116, 118, Subdivision of Block Thirty Two, West Lawrence	U05648A02
446 Florida Street	Lot 120, Subdivision of Block Thirty Two, West Lawrence	U05654
500 Florida Street	Lots 122 and 124, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence	U05996B
508-10 Florida Street	Lots 126, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence	U06000
512-14 Florida Street	Lots 128, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence	U06002
516 Florida Street	Lots 130, Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence	U06004
522-24 Florida Street	Lots 132 Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence	U06006
508 & 512 Minnesota Street	Lots 122, 124, 126, 128 Raymond Place Subdivision of Block 45 and NE ¼ Block 46 West Lawrence	U06013
1505 W. 5th Street	Lot A, excluding the meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond	U065995A

Legal Descriptions for Area 1 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
	Subdivision	
501 Florida Street	Meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond Subdivision	U065995AA
511-13-15-17 Florida Street	Lot B, excluding the meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond Subdivision	U05995B
521-23-25-27 Florida Street	Lot C, excluding the meets and bounds description more commonly known as 501 Florida Street, Replat of Lots 121, 123, 125, and 127, Raymond Subdivision	U05995C
1601-03 W. 5th Street	Lot 121, Riling Place	U05957
505-07 Minnesota Street	Lot 123, Riling Place	U05959
509-A-D Minnesota Street	Lot 125, Riling Place	U05961
513 A-D Minnesota Street	Lot 127, Riling Place	U05963
517-A-D Minnesota Street	Lot 129, Riling Place	U05965
521-A-D Minnesota Street	Lot 131, Riling Place	U05967
500-02 Wisconsin Street	Lot 122, Riling Place	U05958A
504-06 Wisconsin Street	Lot 124, Riling Place	U05960A
508-A-D Wisconsin Street	Lot 126, Riling Place	U05962A
512-A-D Wisconsin Street	Lot 128, Riling Place	U05964A01
516-A-D Wisconsin Street	Lot 130, Riling Place	U05964A02A
520-A-D Wisconsin Street	Lot 132, Riling Place	U05964A02B
501 Wisconsin Street	Lot 1, Olmstead Subdivision of East Half Block 47, West Lawrence	U06019
505-07 Wisconsin Street	Lot 2, Olmstead Subdivision of East Half Block 47, West Lawrence	U06020
509-11 Wisconsin Street	Lot 3, Olmstead Subdivision of East Half Block 47, West Lawrence	U06021
515 Wisconsin Street	Lot 4, Olmstead Subdivision of East Half Block 47, West Lawrence	U06022
517 Wisconsin Street	Lot 5, Olmstead Subdivision of East Half Block 47, West Lawrence	U06023
521 Wisconsin Street	Lots 6-7, Olmstead Subdivision of East	U06024A

Legal Descriptions for Area 1 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
	Half Block 47, West Lawrence	
1516 W. 6th Street	Lot 1, Whelan's Addition, A replat of Wood's Subdivision, Lots 130, 132 of Bock 46 Raymond Place, and the E. 133 FT of S ½ of SE ¼ of Bock 46 in the West Lawrence Addition	U05956A

Legal Descriptions for Area 2 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
700 Arkansas Street	Lot 24, Block 9, Lane Place Addition	U04961
1226 W. 7th Street	Lot 2, Block 4, Lane Place Addition	U04904
640 Arkansas Street	Lots 164 and 166, Block 54, West Lawrence Addition	U06107
634-636 Arkansas Street	Lot 162, Block 54, West Lawrence Addition	U06105
630-632 Arkansas Street	Lot 160, Block 54, West Lawrence Addition	U06103
628 Arkansas Street	Lots 152, 154, 156, 158 and the, Block 54, West Lawrence Addition	U06095A
623-625 Missouri Street	Lots 151, 153, 155, 157 and, Block 54, West Lawrence Addition	U06093A
600 Missouri Street	Lot 152, Block 55, West Lawrence Addition, less the South 7.9 feet thereof	U06115
620 Missouri Street	Lot 154, Block 55, West Lawrence Addition and the South 7.9 feet of Lot 152	U06117
622-624 Missouri Street	Lot 156, Block 55, West Lawrence Addition	U06119A
628 Missouri Street	Lot 158, Block 55, West Lawrence Addition	U06121
611-613 Maine Street	Lot 151, Block 55, West Lawrence Addition	U06114B
615-617 Maine Street	Lot 153 Block 55, West Lawrence Addition	U06116A
621 Maine Street	Lot 155, Block 55, West Lawrence Addition	U06118
623 Maine Street	Lot 157, Block 55, West Lawrence Addition	U06120
608 Maine Street	Lot 152, Block 56, West Lawrence Addition	U06139
616 Maine Street	Lot 154, Block 56, West Lawrence Addition	U06141
622 Maine Street	Lot 156, Block 56, West Lawrence Addition	U06144
626 Maine Street	Lot 158, Block 56, West Lawrence Addition	U06146
615 Alabama Street	Lot 151, Block 56, West Lawrence Addition	U06138
619 Alabama Street	Lot 153 and the north ½ of Lot 155, Block 56, West Lawrence Addition	U06140A
623-623½ Alabama Street	Lot 157 and the south ½ of lot 155, Block 56, West Lawrence Addition	U06142A
512-514 Maine Street	Lot 130 and the north 30'of Lot 132, Block 41, West Lawrence Addition	U05865
520 Maine Street	South 20' of Lot 132 and the north 40' of Lot 134, Block 41, West Lawrence Addition	U05867A

Legal Descriptions for Area 2 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
536 & 544 Maine Street	Lots 136, 138 and the south 10' of Lot 134, Block 41, West Lawrence Addition	U05868A
1006-1008 W. 6th Street	Lots 69, 67, 65, Block 41, West Lawrence Addition	U05858A
1002 W. 6th Street	Lot 63, Block 41, West Lawrence Addition	U05856
547 Alabama Street	Lot 61, Block 41, West Lawrence Addition	U05855
521 Alabama Street	Lots 135 and 137, Block 41, West Lawrence Addition	U05870A
1015 W. 6th Street	Lot 1, Secu Addition	U06130A
913 W. 6th Street	Lots 60, 58, Wyandott Reserve No. 12	U02380A
614 Alabama Street	Lot 152, Wyandott Reserve No. 12	U02306
620 Alabama Street	Lot 154, Wyandott Reserve No. 12	U02307
622 Alabama Street	Lot 156, Wyandott Reserve No. 12	U02308
624 Alabama Street	Lot 158, Wyandott Reserve No. 12	U02309

Legal Descriptions for Area 3 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
2001 W. 6th Street	Lots 1 and 2, Block 49, West Lawrence Addition plus a portion of vacated California Street lying adjacent thereto	U06049
1803 W. 6th Street	Lots 1-6, Block 50, Eagle Subdivision and the western 50' x 251.35' of vacated California Street	U06050
1710 W. 7th Street	Lot 3A, College Motel Addition	U06054
1618-20-22-24 W. 6th Terrace	Lot 4, West Lawrence Subdivision of West ½ of Block 51	U06056C
1610-12-14-16 W. 6th Terrace	Lot 5, West Lawrence Subdivision of West ½ of Block 51	U06056D
1602-04-06-08 W. 6th Terrace	Lot 6, West Lawrence Subdivision of West ½ of Block 51	U06056E
1617-19; 23-25 W. 6th Terrace	Lot 1, West Lawrence Subdivision of West ½ of Block 51	U06056
1611-13 W. 6th Terrace	Lot 2, West Lawrence Subdivision of West ½ of Block 51	U06056A
1603-05 W. 6th Terrace	Lot 3, West Lawrence Subdivision of West ½ of Block 51	U06056B
1416 W. 7th Street	Beginning at a point 345 feet South of the Northeast corner of Block Fifty-one (51) in that part of the City of Lawrence known as West Lawrence, thence South 179 feet, more or less, to the South line of Block 51, thence West along the South line of Block 51 a distance of 212 feet, thence North 31 feet, which is a point 40 feet north of the center of Fort to Fort Highway (present pavement), thence West 78 feet to the West line of the East half of Block 51, thence North 148 feet to a point 345 feet South of the Northwest corner of said East half of Block 51, thence East 290 feet to a point of beginning, in Douglas County, Kansas	U06057
1515 W. 7th Street	Beginning at a point which is 17.57 chains West of the Northeast corner of the Northwest Quarter of Section 36, Township 12, Range 19; thence go 324 feet East and 65 feet South for a point of beginning; thence East 104.62 feet; thence North 5 feet; thence East 170 feet; thence South 318.18 feet; thence West 274.62 feet; thence North to the point of beginning, in the City of Lawrence, in Douglas County, Kansas	U10447
1500 Lynch Court	Lots 1-8, Lynch Addition	U10446A

Legal Descriptions for Area 3 of the HOP District Plan		
Address	**Legal Description**	**Plate Number**
616 & 620 &624 Florida Street	Lot 3, Fifty Two West Addition	U06060F
615 & 639 & 645 Michigan Street	Beginning at a point 243.08 feet South of the Northeast corner of Block 52 in that part of the City of Lawrence known as Wes Lawrence, thence West 157 feet, thence South 283.34 feet, thence East 157 feet, thence North 283.34 feet to the beginning, in the City of Lawrence, in Douglas County, Kansas.	U06059
611 Michigan Street	Lots 1 and 3, Block 52, Fifty Two West Subdivision	U06060D
647 Michigan Street	A tract of land in the Northeast corner of the Northwest quarter of section 36, township 12 south, range 19 east of the 6th principal meridian, lying between the north line of said section and the north line of the Fort to Fort Highway as now located including that part of said land used as a road, but now vacated, beginning 31.7 feet west of the northeast corner of the northwest ¼, said point being on the east line of Block 52, West Lawrence, thence South along the east line of said block 52, 65.41 feet to the north right of way line of the Fort to Fort Highway (now known as 7th Street), thence North 74°50'00" West along said right of way, 250.31 feet to the north line of the northwest quarter of said section, thence east along said north line 241.19 feet to the point of beginning.	U10444
1407 W. 7th Street	Lots 1-3, Moll Addition and that portion of Florida Street abutting Lots 3 & 4	U10445A01
630 Michigan Street	Georgetown Addition	U06076A
701 Michigan Street	Lots 1 & 2, Block 7, Lane Place Addition	U04912A
1307 W. 7th Street	Lot 1, Block 8, Lane Place Addition	U04925
705 Michigan Street	Lot 3, Block 7, Lane Place Addition, less the south 1 foot thereof	U04914