

ORDINANCE NO. 7841

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, the governing body finds that the property bounded by Haskell Avenue on the east, 23rd Street on the south, and Learnard Avenue on the west between 23rd and 15th Street, Pennsylvania Street on the west between 15th and 11th Street, and Delaware on the west between 11th and 9th Street, and 9th Street on the north as it would intersect with the BNSF rail tracks to the east, and the BNSF rail tracks to the intersection of 11th Street (hereinafter "Temporary Moratorium Area") needs 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, to avoid the creation or installation of land uses or development that would be contrary to appropriate planning within the Temporary Moratorium Area, a limited and temporary building permit moratorium in the Temporary Moratorium Area is necessary and appropriate;

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 property bounded by the Temporary Moratorium Area. No building permit shall be issued in the Temporary Moratorium Area until 12 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 October 26, 2004 or have submitted a request for development plan or site plan approval prior to October 26, 2004. 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 16th day of November 2004.

PASSED:

A handwritten signature in cursive script, appearing to read "Mike Rundle", written over a horizontal line.

Mike Rundle, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Frank S. Reeb", written over a horizontal line.

Frank S. Reeb