

ORDINANCE NO. 2014-05-4360

AN ORDINANCE ADOPTING ZONING AND SUBDIVISION REGULATIONS AND ZONING MAP FOR THE CITY OF ARKANSAS CITY, KANSAS; REPEALING EXISTING LAWS OF THE CITY INCORPORATING SUCH REGULATIONS AND MAP BY REFERENCE PURSUANT TO K.S.A. 12-741 *et seq.*, K.S.A. 12-3009 *et seq.* AND K.S.A. 12-3301 *et seq.* AND AMENDING MUNICIPAL CODE TO SO REFLECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

Section 1. Legislative Findings. In 2012 the City Commission of Arkansas City initiated a proposal for revision of the City's Zoning and Subdivision Regulations and Zoning Map;

The Planning Commission pursuant to state law has made recommendations for approval of such revisions and map and caused to be published proper notices in the official city newspaper that a public hearing would be held on April 14, 2014 at the City Commission Chambers for the purpose of considering such proposed regulations and proposed zoning map;

At the meeting of the Planning Commission on April 14, 2014, duly held in accordance with state law, upon proper motion and seconded a majority of the membership of the Planning Commission recommended adoption of new zoning and subdivision regulations and zoning map and have transmitted said recommendations to the Governing Body of the City of Arkansas City; and

The Governing Body of the City has considered the recommendations of the Planning Commission and examined the proceedings of the Planning Commission, and find them all in order and conformity with City Laws and State Statutes.

Section 2. Repeal. Titles 17 and 18 of PART III-Land Development Code of the Municipal Code are hereby repealed in full.

Section 3. Modification of Municipal Code

That PART III-Land Development Code of the Municipal Code is hereby amended by adding Title 17 Zoning and Subdivisions and creating a new Section 17-1 to read as follows:

Sec. 17-1. Adopted by reference.

(a) The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations") dated April, 2014, and its zoning map, are incorporated in their entirety by reference under the provisions of K.S.A. 12-3009 *et seq.* and K.S.A. 12-3301 *et seq.*, as amended, and made a part hereof as if fully set forth herein.

(b) The City of Arkansas City Subdivision Regulations (hereafter "Subdivision Regulations") dated April, 2014, is incorporated in its entirety by reference under the provisions of K.S.A. 12-3009 *et seq.* and K.S.A. 12-3301 *et seq.*, as amended, and made a part hereof as if fully set forth herein.

Section 4. Official Copy. At least one copy of the Zoning and Subdivision Regulations and copies of the Zoning Map, marked "Official Copy as Incorporated by Reference by Ordinance No. 2014-05-4360" and to which there shall be attached a published copy of this Ordinance, shall be filed with the City Clerk to be open for inspection and available to the public at all business hours.

Section 5. Penalty. Pursuant to K.S.A. 12-761, the violation of any provision of the Zoning or Subdivision Regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense, or by both such fine and imprisonment, and each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent unlawful construction, erection, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land. Such further authority shall encompass the provisions of Article 30 Enforcement, Violation and Penalty of the Zoning Regulations and Article 2, Section 2-2 Penalties for Violations, Actions for Enforcement of the Subdivision Regulations.

Section 6. Severability. Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

ADOPTED BY THE GOVERNING BODY of the City of Arkansas City, Kansas, this 20th day of May, 2014.

Chad Giles, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2014-05-4360 of the City of Arkansas City, Kansas adopted by the governing body on May 20, 2014 as the same appears of record in my office.

DATED: _____

Lesley Shook, Clerk