

ORDINANCE NO. 2016-08-4412

AN ORDINANCE MODIFYING ARTICLE 25 OF THE ZONING REGULATIONS TO COMBINE THE BOARD OF ZONING APPEALS AND PLANNING COMMISSION, AND AMENDING MUNICIPAL CODE TO SO REFLECT.

WHEREAS, the City of Arkansas City currently has a Board of Zoning Appeals and a separate Planning Commission, both boards appointed by the City Commission; and

WHEREAS, state statute, Kansas Statutes Annotated 12-759(g), authorizes the City of Arkansas City to combine these boards and allow the Planning Commission to act as the Board of Zoning Appeals; and

WHEREAS, the current Planning Commission and Board of Zoning Appeals have considered this issue, and are in favor of modifying the Zoning Regulations in order to combine the Boards; and

WHEREAS, the Governing Body desires to amend Municipal Code to so reflect.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: DELETIONS TO MUNICIPAL CODE.

The Governing Body of the City of Arkansas City hereby deletes in full Arkansas City Municipal Code Part II, Chapter 2, Article III, Division 6, Planning Commission, Sections 2-185 to 2-190.

SECTION TWO: AMENDMENTS TO MUNICIPAL CODE.

The Governing Body of the City of Arkansas City desires to amend Article 25 of the City's Zoning Regulations to provide for a combined Planning Commission and Board of Zoning Appeals, said amended Article 25 attached hereto and incorporated by reference as if fully set forth herein. The Governing Body therefore hereby amends Arkansas City Municipal Code Part III, Title 17, Section 17.1 and Title 18 to read as follows (new provisions in italics; deleted provisions struck through):

Title 17 - SUBDIVISIONS

Sec. 17.1. - Adopted by reference.

(a) ~~The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations") as prepared in book form by the Planning Commission under date of January, 2016, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 *et seq.*, K.S.A. 12-3009 *et seq.* and K.S.A. 12-3301 *et seq.*~~

(b) The City of Arkansas City Subdivision Regulations (hereafter "Subdivision Regulations"), as prepared in book form by the Planning Commission under date of February, 2016, following a public hearing as required by state law, and the same ~~and new zoning map~~ *is* hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 *et seq.*, K.S.A. 12-3009 *et seq.* and K.S.A. 12-3301 *et seq.*

Title 18 - ZONING

Sec. 18.1. - Adopted by reference.


The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations"), as prepared in book form by the Planning Commission under date of August 2016, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and

incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq., K.S.A. 12-3009 et seq. and K.S.A. 12-3301 et seq.



SECTION THREE: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION FOUR: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 2nd day of August, 2016.



Duane L. Oestmann, Mayor

(Seal)

ATTEST:


Lesley Shook, City Clerk

DRAFTED AND 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. 2016-08-4412 of the City of Arkansas City, Kansas adopted by the Governing Body thereof on August 2, 2016, as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk