

**ORDINANCE NO. 2016-12-4424**

**AN ORDINANCE MODIFYING ARTICLE 23 OF THE ZONING REGULATIONS REGARDING TELECOMMUNICATIONS TOWERS, AND AMENDING MUNICIPAL CODE TO SO REFLECT.**

**WHEREAS**, K.S.A. 66-2019 sets limits on how municipalities may regulate telecommunications towers; and

**WHEREAS**, current zoning regulations, as written, do not fully comply with said statute; and

**WHEREAS**, on the 11<sup>th</sup> day of October, 2016 the Planning Commission held a public hearing after due public notice on the proposed amendments to Article 23 of the Zoning Regulations; and

**WHEREAS**, on that date the Planning Commission recommended the Governing Body adopt the amendments to the Zoning Regulations; and

**WHEREAS**, the Governing Body desires to accept the Planning Commission's recommendation and amend Article 23 Telecommunications Towers of the Zoning Regulations.

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

**SECTION ONE: AMENDMENTS TO MUNICIPAL CODE.**

The Governing Body of the City of Arkansas City desires to amend Article 23 of the City's Zoning Regulations regarding Telecommunications Towers, said amended Article 23 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 18 to read as follows (new provisions in italics; deleted provisions struck through):

**Title 18 - ZONING**


**Sec. 18.1. - Adopted by reference.**

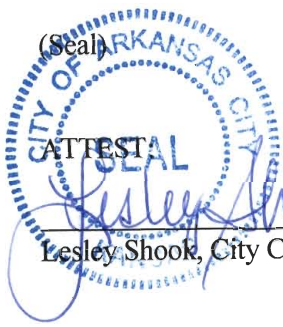
The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations"), as prepared in book form by the Planning Commission under date of ~~July~~ *October* 2016, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and incorporated 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 6th day of December, 2016.

  
Duane L. Oestmann, Mayor



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. 2016-12-4424 of the City of Arkansas City, Kansas adopted by the Governing Body thereof on December 6, 2016, as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Lesley Shook, City Clerk