

Article 3: Districts and Boundaries

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SECTION 3-1: DISTRICT CLASSIFICATIONS

3-101. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City is hereby divided into ~~sixteen (16)~~ districts and ~~five (5)~~ overlay districts which are designated as follows:

A:Agricultural District	I-1:Light Industrial District
R-1:Low Density Residential District	I-2:Heavy Industrial District
R-2:Medium Density Residential District	P:Public Use District
R-3:High Density Residential District	MU:Mixed Use District
CS:Countryside District	FP:Floodplain Management District
C-1:Office and Service Business District	C-O:College Overlay District
C-2:Restricted Commercial District	PUD-O: .Planned Unit Development Overlay District
C-3:General Commercial District	HO-O:Housing Opportunity Overlay District
C-4:Central Business District	HC-O: ...Historic Conservation Overlay District
MHS: ...Manufactured Home Subdivision	EH-O: ...Elderly Housing Overlay District
MP:Manufactured Home Park District	

Commented [JW1]: Rather than having to keep changing these numbers, let's just remove them and change only the districts below.

Commented [JW2]: Remove this district in response to the Comprehensive Plan Section 8-5.

SECTION 3-2: ZONING DISTRICT MAPS

3-201.

- a. The boundaries of the zoning districts established by these Zoning Regulations are shown on a map or series of maps designated as the "Official Zoning District Map of Arkansas City, Kansas" which together with all legends, symbols, notations, references, district boundaries, and other information thereon, is adopted and made a part of these Zoning Regulations as fully as if it were set out herein in detail. For convenience the map is also referred to in these Regulations as the "Zoning Map".
- b. Original copies of the Zoning Map, which shall constitute the official record, are maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to these Zoning Regulations, the maps maintained by the Zoning Administrator shall control.
- c. Changes in the boundaries of any zoning district shall be reflected on the Zoning Map promptly upon approval of the amendment by the City Commission. It shall be the responsibility of the Zoning Administrator to update the Zoning Map as amended by ordinance.

- d. If there is a difference, either real or apparent, between the Zoning Map(s) adopted by these Zoning Regulations and previous zoning map(s), regardless of whether the real or apparent differences appear or are found to be the result of errors or omissions, the Zoning Map(s) adopted with these Zoning Regulations shall prevail and establish the zoning for all real property.

SECTION 3-3: ANNEXATION

3-301. Land hereafter annexed into the City shall receive, upon annexation, the zoning district classification as set forth in this section, until such time procedures are followed and finalized to amend that zoning classification consistent with state law and these regulations. Unless already subject to the City's zoning regulations, and zoned in accordance with those regulations, land shall be classified as R-1, low-density residential development, effective upon the effective date of the annexation. Provided, however, that if the owner of the land to be annexed submits a request, in writing, to the office of the City Clerk at least 15 days prior to the effective date of the annexation, that such land be zoned A, Agricultural, upon its annexation, the land will have A zoning classification.

SECTION 3-4: RULES WHERE UNCERTAINTY MAY ARISE

3-401. It is the intent of these regulations that every part of the incorporated area of the City of Arkansas City, other than streets, highways and railroad lines, shall be included in one of the zoning districts established herein. The boundaries of the specific zoning districts are to scale on the zoning map and are to be interpreted by the corresponding measurements on the map. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map.

- a. Whenever a lot is divided by a zoning district boundary, the zoning regulations applicable within each district shall apply equally to each portion of the lot situated in a separate district. The dimensions of the zoning district(s) on the lot shall be determined by scaled measurements of the zoning district boundaries on the Zoning Map.
- b. Where boundaries approximate blocks and lots, street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street and alley lines or within identifiable rights-of-way or waterways, the centerline thereof shall be construed to be the district boundary.
- c. Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.
- d. Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.
- e. Where a street, alley or right-of-way is lawfully vacated or abandoned, the zoning designation of the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.
- f. Should any uncertainty remain about the location or meaning of a boundary indicated on the Zoning Map, the uncertainty shall be resolved by the Zoning Administrator, whose decision may be appealed to the Board of Zoning Appeals.

SECTION 3-5: VARIANCES AND EXCEPTIONS REQUIRED

3-501. Except as hereinafter provided for by variance or exception granted by the Board of Zoning Appeals as specifically authorized by these regulations:

- a. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- b. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
- c. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- d. The minimum yards and other open spaces required by these zoning regulations for each and every building existing at the time of passage of these zoning regulations or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of these zoning regulations.

SECTION 3-6: VIOLATIONS CONTINUE

3-601. Violations Continue. Any violation of the previous City zoning or subdivision regulations shall continue to be a violation under these regulations and shall be subject to penalties and enforcement, unless the use, development, construction or other activity is consistent with the express terms of these regulations, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of these regulations.