

(First Published in the Cowley CourierTraveler, _____2022)

ORDINANCE NO. 2022-08-

AN ORDINANCE AUTHORIZING THE RE-ZONING OF 405 S 3RD STREET, FROM “C-3” (GENERAL COMMERCIAL DISTRICT) TO “R-3” (HIGH DENSITY RESIDENTIAL DISTRICT).

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757, has considered the proposed request to re-zone property, and recommended the City grant the Petition to re-zone with the most restrictive zoning district (R-1) for the proposed use; and

WHEREAS, staff feels that the most appropriate zoning district for this property is R-3, High Density Residential District due to the surrounding property’s zoning district and recommends the R-3 zoning.

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the re-zoning of the property at issue and desires to override the recommendation of the Planning Commission with a 2/3 majority vote of the governing body, as provided by law; and

WHEREAS, a portion of the re-zone area was formerly railroad right-of-way and therefore did not carry a zoning district and this action would rectify that.

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

SECTION ONE: The Governing Body, upon a two-thirds (2/3) majority vote, has determined that the Petition to Re-Zone should be granted based on evidence submitted by the petitioner and staff that the re-zoning will not adversely affect the surrounding neighborhood. Therefore, the Governing Body hereby formally grants the Petition to Re-Zone property legally described as:

Lots 1-5 lying East of railroad and canal, Block 101, Original Townsite to Arkansas City, Cowley County, Kansas

AND

Lots 22-26 and the South Half of Lot 27, Block 101, Original Townsite to Arkansas City, Cowley County, Kansas.

IS HEREBY RE-ZONED from a C-3 (General Commercial District) to an R-3 (High Density Residential District).

SECTION TWO: 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.

SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this ____ day of August, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, Clerk

APPROVED AS TO FORM

Larry Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__ - _____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2022 as the same appears of record in my office.

DATED: _____.

Lesley Shook, Clerk