

**ORDINANCE NO. 2023-11-\_\_\_\_\_**

**AN ORDINANCE AMENDING CERTAIN ARTICLES OF THE SUBDIVISION AND ZONING REGULATIONS AND OFFICIAL CITY ZONING MAP PURSUANT TO THE 2022 COMPREHENSIVE PLAN; AND INCORPORATING SUCH REGULATIONS BY REFERENCE.**

**WHEREAS**, the City Commission of Arkansas City adopted Zoning and Subdivision Regulations on May 20, 2014 and since amended both sets of regulations; and

**WHEREAS**, such regulations need to be reviewed and amended from time to time and the 2022 Comprehensive Plan recommended certain changes;

**WHEREAS**, on the 10<sup>th</sup> day of October, 2023 the Planning Commission held a public hearing after due public notice on the proposed amendments to Articles 2, 4, 5, 6, 8, 11, 12 & 13 of the Subdivision Regulations, and the proposed amendments to Articles 2, 3, 4, 6, 7, 9, 10, 15, 18, 19, 20, 22, 27 & 29 of the Zoning Regulations as well as amendments to the Official City Zoning Map; and

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

**WHEREAS**, the Governing Body desires to accept the Planning Commission's recommendation and amend the stated Articles of the Subdivision and Zoning Regulations and Official City Zoning map.

**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 the Subdivision Regulations: Article 2 Administration regarding the Technical Advisory Committee; Article 4 Subdivision Design Standards regarding minimum lot width and depth; Article 5 Dedication or Reservation of Public Sites and Open Space minor changes; Article 6 Submission and Approval of Plats regarding requirements for submission of plats; Article 8 Improvement Procedures regarding procedure; Article 11 Lot Splits regarding procedure; Article 12 Vacations and Corrections minor changes; and the removal of Article 13 Site Plan Review and inclusion of these regulations in the Zoning Regulations. Said amended Articles are attached hereto and incorporated by reference as if fully set forth herein.

The Governing Body also desires to amend the Zoning Regulations: Article 2 Rules, Interpretations and Definitions regarding several definitions; Article 3 Districts and Boundaries to remove the Countryside (CS) District; Article 4 Intent of Districts to remove the Countryside (CS) District; Article 6 Residential Zoned Districts use table; Article 7 Countryside District removed in its entirety; Article 9 Commercial Zoned Districts use table and development standards; Article 10 Central Business District regarding off street parking; Article 15 Industrial Districts use table and development standards; Article 18 Mixed Use District regarding required yards and screening; Article 19 Wind Conversion Systems regarding where they are allowed and development standards; Article 20 Supplemental District Regulations regarding Accessory Dwelling Units, Licensed Amateur Communications, and fences; Article 22 Off-Street Parking, Loading and Unloading Requirements table; Article 27 Signs regarding temporary signs and sign regulations for the P, I-1 and I-2 districts; Article 29 new Site Plan Review article adapted from the Subdivision Regulations; and certain amendments to the Official City Zoning Map. Said amended Articles are attached hereto and incorporated by reference as if fully set forth herein.

The Governing Body therefore hereby amends Arkansas City Municipal Code Part III, Titles 17 & 18 to read as follows (new provisions in italics; deleted provisions struck through):

**Title 17- SUBDIVISIONS**

**Sec. 17.1. - Adopted by reference.**

The City of Arkansas City Subdivision Regulations (hereafter "Subdivision Regulations"), as prepared in book form by the planning commission under date of ~~September 2018~~ *October 10, 2023*, following a public hearing as required by state law, and the same 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 ~~September 2022~~ *October 10, 2023*, 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 7<sup>th</sup> day of November 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, City Clerk

DRAFTED AND APPROVED AS TO FORM:

\_\_\_\_\_  
Larry Schwartz, City Attorney

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-11-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the Governing Body thereof on November 7, 2023, as the same appears of record in my office.

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

\_\_\_\_\_  
Tiffany Parsons, City Clerk