

ORDINANCE NO. 264

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OF CERTAIN LANDS IN THE CITY OF WATHENA, KANSAS; CHANGING THE BOUNDARIES OF CERTAIN ZONING DISTRICTS IN SAID CITY OF WATHENA AS IN SAID ORDINANCE PROVIDED; AMENDING SECTION IV OF ORDINANCE NO. 257 OF SAID CITY OF WATHENA AND REPEALING SAID EXISTING SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. That the zoning classification for the following described real estate, to wit:

All of Lots 7 to 12 inclusive in Block 23 excepting therefrom the right-of-way of the C.R.I. & P. Railroad, in the original Town, now the City of Wathena, Doniphan County, Kansas,

be and the same is hereby changed from I-2, Light Industrial, to B-2, Central Business District.

SECTION 2. That the boundaries of Zoning District B-2 be and the same are hereby changed to include the land described in SECTION 1 above and the boundary lines of Zoning District I-2 be and the same are hereby changed to exclude the lands described in SECTION 1 above.

SECTION 3. That the zoning classification for the following described real estate, to wit:

Beginning at a point 710 feet South of the Northeast corner of the Southwest Quarter of Section 28, Township 3, Range 22, thence West 550 feet, thence South 520 feet, thence East 240 feet, thence South 415 feet, thence East 50 feet, thence North 77 degrees East 80 feet, thence North 66 degrees 30 minutes East 270 feet, thence North 35 degrees 30 minutes East 355 feet thence West 269.69 feet, thence North 15 degrees East 310.66 feet to the South line of St. Joseph Street, thence East along the South line of St. Joseph Street to the Northwest corner of Lot 9, in Block 26, in Creal's Addition to the City of Wathena, thence North to a point on the South line of Out Lot 20 in the City of Wathena that is 80 feet West of the Southeast corner of said Out Lot, thence North 610 feet, to the railroad right-of-way, thence along railroad right-of-way to the North line of Out Lot 20, thence West along the North line of Out Lots 21, 22 and 23 to the Northwest corner of Out Lot 23, thence South 710 feet to the place of beginning, all in the City of Wathena, Doniphan County, Kansas,

be and the same is hereby changed from A-1, Agriculture, to R-3, Multiple Family.

SECTION 4. That the boundaries of Zoning District A-1 be and the same are hereby changed to exclude the lands described in SECTION 3 above.

SECTION 5. That the City Clerk of the City of Wathena, Kansas, be and he is hereby ordered and directed to make the necessary changes on the official Zoning Map of the City of Wathena to reflect the Zoning Amendments and changed provided for herein.

SECTION 6. That SECTION IV of Ordinance No. 257 of said City of Wathena which originally amended SECTION I of Ordinance No. 244 of said City of Wathena be and the same is hereby amended to read as follows:

SECTION I: GENERAL

A. This Ordinance and these Regulations shall be known as and may be cited as "The Zoning Ordinance of the City of Wathena, Kansas".

B. The following Zoning Districts to which these Regulations shall apply are hereby established:

Agricultural:

A-1 Agricultural District

Residential:

R-1 Single Family District

R-2 Two Family District

R-3 Multiple Family District

Commercial:

B-1 Neighborhood Business District

B-2 Central Business District

B-3 General Business District

Industrial:

I-1 Planned Industrial Park

I-2 Light Industrial District

I-3 Heavy Industrial District

c. The boundaries of such Zoning Districts shall be and the same are hereby declared to be as set out upon the official City Zoning District Map, as amended by this Ordinance, upon which such boundaries are fixed, such map, as amended by this Ordinance, being re-incorporated by reference pursuant to K.S.A. 12-708, as amended, as though fully set forth herein. Such map shall be marked "Official copy as incorporated by Ordinance Nos. 244, 257, and 264", and shall be filed in the office of the City Clerk, and shall be open to inspection and available to the public at all reasonable business hours.

D. The area covered by these Zoning Regulations is hereby declared to be the entire incorporated area of the City of Wathena, Kansas.

E. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid Districts, the following rules shall apply:

1. Where district boundaries on the zoning map are indicated as approximately following the center lines of streets, highways or railroads, such boundaries shall be deemed to be located at such midpoints.
2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.

3. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the County and/or the respective Cities unless otherwise indicated.

F. Except as provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the District in which such land or building is located. The lawful use of land or buildings existing at the time of the passage of this Ordinance, although such does not conform to the regulations, may be continued. A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months shall not thereafter be occupied except by the uses which conform to the use regulations of the District in which it is located. The re-occupation of a nonconforming building, structure or portion thereof for a period less than (2) weeks shall not change its status of vacancy nor shall the maintenance of stock and fixtures in an unoccupied nonconforming use be considered in operation but shall be deemed vacant and subject to the regulations as stated in Paragraph F. Section I of this Ordinance.

SECTION 7. That Section IV of Ordinance No. 257 of the City of Wathena be and the same is hereby repealed.

SECTION 8. That this Ordinance shall take effect and be in force from and after its publication in the WATHENA TIMES, Official City Newspaper.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 3rd DAY OF OCTOBER, 1968.

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Mayor, City of Wathena, Kansas

(CITY SEAL)

ATTEST:

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City Clerk