

ORDINANCE NO. 304

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 4 OF ORDINANCE NO. 292 OF SAID CITY OF WATHENA AND REPEALING SAID EXISTING SECTION.

WHEREAS, the Doniphan County Regional Planning Commission, after notice duly published on April 19, 1973, and hearing held on May 9, 1973, has recommended the zoning change hereinafter provided:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Part of the Chicago Rock Island and Pacific Railroad Company right of way located in the Southwest Quarter of Section 27, and the Northwest Quarter of Section 34, Range 22 East, Township 3 South, in Doniphan County, Kansas, more particularly described as follows: Commencing at a point in the said railroad companions north right of way line that is 1475 feet west and 150 feet north of the Southeast Corner of the Southwest Quarter of said Section 27, thence west along said north right of way 490 feet to a corner in said right of way, thence north along the east right of way line 44.6 feet to a corner in said right of way, thence north 67 degrees, 50 minutes west along said north right of way line 140 feet, thence south 265.7 feet to the north right of way line of the UPRR Co. to the point of beginning, thence westerly and northerly along the north right of way line of said UPRR Co. 600 feet more or less to a point on the west line of the Southwest Quarter of said Section 27, thence northerly along the west line of the Southwest Quarter of said Section 27, 310 feet more or less to a point on said CRI and P, RR Co. north right of way line, thence southerly and easterly along said CRI and P, RR Co. north right of way line 1615 feet more or less to the point of beginning,

be and the same is hereby changed from I-2 LIGHT INDUSTRIAL DISTRICT to I-1 PLANNED INDUSTRIAL PARK.

SECTION 2. The boundaries of Zoning District I-1 in said City of Wathena be and the same are hereby altered and 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 altered and changed to exclude the lands described in Section 1 above.

SECTION 3. The City Clerk of the City of Wathena, Kansas, be and she 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 changes provided for herein.

SECTION 4. Section 4 of Ordinance No. 292 (being a subsequent amendatory ordinance for Section 1 of Ordinance No. 244) of said City of Wathena be and the same hereby amended to read as follows:

"SECTION 1: 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, 264, 283, 292, and 304", 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 two (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 this paragraph (F) and to the regulations of original zoning ordinance 244."

SECTION 5. Section 4 of Ordinance No. 292 of the City of Wathena be and the same is hereby repealed.

SECTION 6. 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 ____ DAY OF JUNE, 1973.

Mayor, City of Wathena, Kansas

(CITY SEAL)

ATTEST:

City Clerk