

ORDINANCE NO. 346

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. 310 OF SAID CITY OF WATHENA AND REPEALING SAID EXISTING SECTION.

WHEREAS, the Doniphan County Regional Planning Commission, after notice duly published on January 25, 1979, and hearing held on March 7, 1979, 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:

Beginning 100 rods West of the Northeast Corner (NE Cor.) of the Southwest One Quarter (SW 1/4) of Section 27, Township 3 South, Range 22 East of the Sixth Principal Meridian, said point being on the North line of said SW 1/4; thence continuing West 18 feet to a 1 1/4 inch pipe; thence S 0 degrees 35 minutes 04 seconds W, 635.88 feet to a 1 1/4 inch pipe; thence East 218.50 feet to an iron bar; thence S 0 degrees 35 minutes 04 seconds W, 166.83 feet to the centerline of Old U.S. Highway No. 36; thence N 86 degrees 17 minutes 36 seconds E, 35.39 feet along said centerline; thence N 0 degrees 35 minutes 27 seconds E, 800.34 feet to a 1 1/4 inch pipe and the North line of said SW 1/4; thence West along said North line 235.67 feet to the point of beginning,

be and the same is hereby changed from A-1 AGRICULTURAL DISTRICT to R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

SECTION 2. The boundaries of Zoning District R-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 A-1 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. 310 (being a subsequent amendatory Ordinance for Section 1 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, 264, 283, 292, 304, 310 and 346", 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. 310 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 3rd day of April, 1979.



Mayor, City of Wathena, Kansas

ATTEST:



City Clerk