

ORDINANCE NO. 404

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION 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. 402 OF SAID CITY OF WATHENA AND REPEALING SAID EXISTING SECTION.

WHEREAS, The Doniphan County Regional Planning Commission, after notice duly published on November 13 and 20, 1986, and hearing held on December 3, 1986, 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:

Lots 7 to 12 inclusive in Block 20, ALSO,

Lots 1 to 6 inclusive in Block 35, Except the North forty feet of each of said six lots, ALSO,

Beginning at the Southwest Corner of Block 35, thence South 80 feet to Northwest Corner of Block 20, thence East 240 feet to Northeast Corner of Block 20, thence North 80 feet to Southeast Corner of Block 35, thence West 240 feet to point of beginning and being all of Benton Street lying between Blocks 20 and 35, the same having been legally vacated by Ordinance No. 278 of the City of Wathena, Kansas, enacted July 7, 1970, a certified copy of which is recorded in Book 156 at Page 114 of the records in the office of the Register of Deeds of Doniphan County, Kansas,

be and the same is hereby changed from R-1 SINGLE FAMILY RESIDENTIAL DISTRICT to R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

SECTION 2. The boundaries of Zoning District R-3 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 R-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 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 changes provided for herein.

SECTION 4. Section 4 of Ordinance No. 402 (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, 346, 381, 382, 402 and 404, 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 No. 244."

SECTION 5. Section 4 of Ordinance No. 402 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 6th day of January, 1987.

W. J. Fairbaker Jr  
Mayor, City of Wathena, Kansas

ATTEST:

Ron Gabriel  
City Clerk