

**ORDINANCE NO. 3259**

**AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS; REPEALING EXISTING LAWS OF THE CITY AND INCORPORATING SUCH REGULATIONS BY REFERENCE PURSUANT TO K.S.A. 12-741 *et seq.*, K.S.A. 12-3009:3012 AND K.S.A. 12-3301:3302**

**WHEREAS**, the City of Abilene is authorized, pursuant to K.S.A. 12-741 *et seq.*, to adopt and periodically amend Zoning Regulations for the purpose of promoting the health, safety, and general welfare of its citizens;

**WHEREAS**, the Planning Commission has proposed various amendments to the Zoning Regulations which set forth the nature and number of zoning districts that are necessary and the regulations to be enforced within each district;

**WHEREAS**, The Planning Commission provided notice of a Public Hearing by publication in the official newspaper of the City not less than twenty days prior to the date of the Public Hearing;

**WHEREAS**, the Planning Commission held Public Hearings on June 10, 2014 and July 29, 2014, for the purpose of hearing public comments concerning the proposed amendments to the Zoning Regulations;

**WHEREAS**, the Planning Commission caused a record of such Public Hearings to be produced, and voted by an affirmative vote of the majority of its entire membership of July 29, 2014, to recommend adoption by the Governing Body of the City of Abilene, Kansas, of the proposed amendments to the Zoning Regulations.

**WHEREAS**, The Governing Body has considered the recommendations of the Planning Commission and examined the proceedings of the Planning Commission, and find them all in order and conformity with City Laws and State Statutes. Provided, however, that the Governing Body chooses not to adopt at this time the regulations recommended by the Planning Commission titled Article 17 "Gateway Landscaping Overlay District" and Article 27 "Sign Regulations." Such Articles shall be returned to the Planning Commission for its reconsideration.

**THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:**

**SECTION 1. Zoning Regulations: Amended.** New Zoning Regulations are hereby approved, pursuant to K.S.A. 12-741 *et seq.*, which govern the use of land within the corporate limits of the City of Abilene. The regulations hereby adopted are entitled "City of Abilene Zoning Regulations" as prepared in book form by the Planning Commission under date of November, 2014, and the same 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 2. Planning Commission Review.** In accordance with Section 1(d) of this Ordinance, Article 17 and Article 27 of the Zoning Regulations as recommended by the Planning Commission are not adopted by this Ordinance, but instead are returned to the Planning Commission for reconsideration. In order to provide for continuous City regulation of signs the provisions of Article 22 of Zoning Ordinance No. 2796, as amended, are saved from the repeal of the balance of that ordinance by Section 6 of this Ordinance. Any violation of Article 22 of Zoning Ordinance No. 2796 shall be subject to penalty provisions as set forth in Section 5 of this Ordinance.

Consistent with this action, the Governing Body retains in force and effect the current provisions relating to sign regulations, found at Section 22 of Zoning Ordinance No. 2796. as amended. It is the intent of the Governing Body that such sign regulations not be repealed and replaced at this time.

**SECTION 3. Implementation.** That the City Manager, or designee, is hereby authorized and directed to implement and to administer said approved Zoning Regulations, as amended.

**SECTION 4. Official Copies.** In accordance with K.S.A. 12-3010, at least one copy of the Zoning Regulations marked, "Official Copy as Incorporated by Reference by Ordinance No.3259" and to which there shall be attached a published copy of this Ordinance, shall be filed with the City Clerk to be open for inspection and available to the public at all business hours.

**SECTION 5. Penalty.** Pursuant to K.S.A. 12-761, the violation of any provision of the Zoning Regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense, or by both such fine and imprisonment, and each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent unlawful construction, erection, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land. Such further authority shall encompass the provisions of Article 30 Enforcement, Violation and Penalty of the Zoning Regulations.

**SECTION 6. Repeal.** Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

**SECTION 7. Severability.** If any provision of the above-described Zoning Regulations are at any time deemed to be illegal, invalid or unenforceable, such determination shall not affect the validity or enforceability of any other provision of the Regulations.

**SECTION 8. Effective Date.** This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Abilene, Kansas this 10<sup>th</sup> day of November, 2014.



**CITY OF ABILENE, KANSAS**

By: *Brenda Finn Bowers*  
Brenda Finn Bowers, Mayor

ATTEST:

*Penny Soukup, CMC*  
Penny Soukup, CMC  
City Clerk