

ORDINANCE NO. 3325

AN ORDINANCE APPROVING A TEXT AMENDMENT TO SECTION 9-3, TABLE 9-1, OF THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS CONCERNING RESIDENTIAL USES ON THE 1ST FLOOR OF COMMERCIAL BUILDINGS IN THE "C-4, CENTRAL BUSINESS DISTRICT".

WHEREAS, the Planning Commission conducted public hearings on a proposed text amendment to Section 9-3, Table 9-1 of the Zoning Regulations of the City of Abilene, Kansas on April 11, 2017 and May 9, 2017;

WHEREAS, the Planning Commission made a recommendation (4-0) to approve the text amendment providing for the use of 1st floors in the C-4 district by right with a condition that the property maintain a commercial appearance;

WHEREAS, the City Commission finds that allowing the use by right is not appropriate for the maintenance of the C-4 district as downtown commercial in nature and that residential uses on the 1st floor are more appropriately evaluated through the Conditional Use Permit process on an individual and context-sensitive basis.

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

SECTION ONE. Findings of Fact. That the governing body hereby finds that residential uses on the 1st floor would be appropriately evaluated through the Conditional Use Permit process on an individual and context-sensitive basis in order to maintain the commercial integrity of the downtown commercial district.

SECTION TWO. Amendment. That Section 9-3, Table 9-1 of the Zoning Regulations of the City of Abilene, Kansas, is hereby amended as follows:

BOLD = Added Text

~~Strike Through~~ = Deleted Text

Table 9-1

Use		C-1	C-2	C-3	C-4
13.	Dwelling: When dwelling unit(s) located on other than ground floor of commercial structure.	P	P	P	P(8)

(8) Allowed on 1st floor with the issuance of a Conditional Use Permit pursuant to Section 26-2.

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

PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 22nd day of May, 2017.



CITY OF ABILENE, KANSAS

By: S. Dee Marshall
S. Dee Marshall, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Aaron O. Martin
Aaron O. Martin, City Attorney