

Passed: November 10, 2015  
Published: November 18, 2015

**ORDINANCE NO. 2254**

**AN ORDINANCE REGULATING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF DERBY, KANSAS BY AMENDING CHAPTER 17.04 OF THE DERBY MUNICIPAL CODE TO INCORPORATE BY REFERENCE THE REVISED "ZONING REGULATIONS OF THE CITY OF DERBY, KANSAS," AS PREPARED AND PUBLISHED IN BOOK FORM AND RECOMMENDED FOR ADOPTION BY THE DERBY CITY PLANNING COMMISSION UNDER THE TITLE "ZONING ORDINANCE OF THE CITY OF DERBY, KANSAS", PURSUANT TO ARTICLE 7 OF CHAPTER 12 OF THE KANSAS STATUTES ANNOTATED; ADOPTING BY REFERENCE THE CURRENT OFFICIAL MAP(S) OF ZONING DISTRICT BOUNDARIES; AND REPEALING ALL CONFLICTING ORDINANCES OR PARTS THEREOF.**

WHEREAS, a duly advertised public hearing, as required by Kansas law, was held on October 15, 2015 by the Derby City Planning Commission concerning general revisions to the City's current zoning regulations that were prepared and published in book form and entitled "Zoning Ordinance of the City of Derby, Kansas" and now titled "Zoning Regulations of the City of Derby, Kansas"; and

WHEREAS, subsequent to said public hearing, the Derby City Planning Commission adopted said revised zoning regulations entitled "Zoning Ordinance of the City of Derby, Kansas" and now titled "Zoning Regulations of the City of Derby, Kansas" and recommended the adoption thereof by the Governing Body of the City of Derby, Kansas; and

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

**Section 1.** Chapter 17.04 – General Provisions is hereby amended to read as follows:

**“Chapter 17.04 – GENERAL PROVISIONS**

**Sections:**

- 17.04.010 - Adoption.**
- 17.04.020 - Official map(s).**
- 17.04.030 - Public hearing.**
- 17.04.040 - Jurisdiction.**
- 17.04.050 - Official copies.**

**17.04.010 – Adoption.**

Revised zoning regulations are hereby approved and adopted by the Governing Body of the City of Derby, Kansas, as prepared and published in book form, adopted by the Derby City Planning Commission, as "Zoning Ordinance of the City of Derby, Kansas" and now entitled "Zoning Regulations of the City of Derby, Kansas". The "Zoning Regulations of the City of Derby, Kansas" shall have an effective date of November 19, 2015 and are hereby incorporated by reference as though fully set out herein.

**17.04.020 – Official map(s).**

There is incorporated by reference and adopted the current official zoning map(s) including the Flood Insurance Rate Map(s) (FIRM), designated as the Zoning District Map(s), delineating the boundaries of zoning districts and the classification of such districts. Said Zoning District Map(s) shall be marked "Official copy of zoning district map incorporated into zoning regulations by adoption of Ordinance No. 2254 by the Governing Body of the City of Derby, Kansas on the 10<sup>th</sup> day of November, 2015" and shall be filed with the zoning administrator to be open for inspection and available to the public at all reasonable business hours.

**17.04.030 – Public hearing.**

A duly advertised public hearing, as required by Kansas law, was held on October 15, 2015 by the Derby City Planning Commission concerning general revisions to the City's current zoning regulations that were prepared and published in book form and entitled "Zoning Ordinance of the City of Derby, Kansas" now entitled "Zoning Regulations of the City of Derby, Kansas". Subsequent to this public hearing, the Derby City Planning Commission adopted said revised zoning regulations entitled "Zoning Ordinance of the City of Derby, Kansas" now entitled "Zoning Regulations of the City of Derby, Kansas" and recommended the adoption thereof by the Governing Body of the City of Derby, Kansas.

**17.04.040 – Jurisdiction.**

From the effective date of the Ordinance codified in this Chapter, the zoning regulations and official zoning map(s) herein incorporated by reference shall govern all use of the land and the location of buildings and other structures placed within the corporate limits of the City of Derby, Kansas, as well as the jurisdiction of the F-P Flood Plain District described therein.

**17.04.050 – Official copies.**

Not less than three copies of the "Zoning Regulations of the City of Derby, Kansas", as adopted herein, shall be marked "Official Copy as incorporated by Ordinance No. 2254", attached to a copy of this Ordinance and filed with the zoning administrator to be open for inspection and available to the public at all reasonable business hours."

**Section 2. Invalidity of a Part**

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

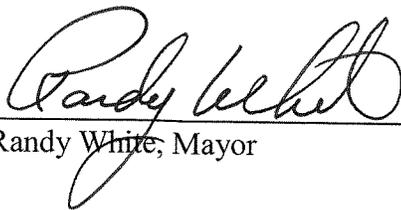
**Section 3. Repeal**

All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**Section 4. Effective Date**

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by State law.

**ADOPTED BY THE GOVERNING BODY** this 10<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Randy White, Mayor

Attest:

  
\_\_\_\_\_  
Karen Friend, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Jacqueline R. Butler, City Attorney

