

ORDINANCE NO. 1438

AN ORDINANCE OF THE CITY OF MARION, KANSAS AMENDING THE ZONING REGULATIONS BY AMENDING CHAPTER 18 ADULT ENTERTAINMENT USE OVERLAY DISTRICT WITH MODIFICATIONS TO SECTION 18-1.01 AND ADDITION OF SECTION 18-3.01 (7) TO THE ZONING REGULATIONS OF THE CITY OF MARION, KANSAS

WHEREAS, pursuant to K.S.A. 12-741 et. Seq. a city is authorized to enact planning and zoning laws and regulations; and

WHEREAS, pursuant to K.S.A. 12-757 et. Seq. a city is authorized to amend zoning regulations; and

WHEREAS, the Planning and Zoning Commission, after proper notice and upon following the proper procedures, by a vote of all members present, did recommend that the Governing Body adopt an amendment of the zoning regulations; and

WHEREAS, the Governing Body of the City of Marion, Kansas finds it in the best interest of the City to amend the adopted Zoning Regulations as recommended by the Planning and Zoning Commission;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MARION, KANSAS;

1. Modification of Chapter 18 Section 18-1.01 read “The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the Adult Entertainment Use Overlay District (AE). The regulations in this District shall be supplemental to the regulations of the underlying zoning district. The Adult Entertainment Use Overlay District (AE) is intended to regulate the location of adult entertainment establishments, as defined by these regulations, by specifying those underlying districts in which such uses may be allowed and providing for special requirements to separate these uses from each other and from certain other uses. Nothing in these regulations shall be permitted to permit adult entertainment establishments in areas other than allowed in this district.

The intent of this district is to provide for the confinement of adult entertainment establishments to those commercial and industrial zoning districts in which the impact of these land uses that are judged to be least disruptive to the use and enjoyment of adjacent properties. Adult entertainment uses shall not be permitted to locate in such concentration that their operational features may establish the dominant character of any commercial or industrial area.

2. Addition of Chapter 18 Section 18-3.01 (7) stating “No adult entertainment establishment, adult book store, adult motion picture theater or mini-motion picture theater shall be conducted in a manner that permits live performances by partially or fully nude dancers, actors, or actresses, or offering escort services, or non-medically prescribed massage therapy services, or any other

commercial activity in support of the adult entertainment industry either directly, remotely, or electronically.” to the Zoning Regulations of the city of Marion, Kansas.

2. Said chapter is to regulate the use within zoning districts the establishment of adult entertainment establishments within the city, which regulations are adopted to protect the public health, safety, welfare, and promotes positive aesthetics in the city.

3. This Ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body, this 3rd day of December, 2018.

Todd Heitschmidt, Mayor

ATTEST:

Tiffany Jeffrey, City Clerk