

## ORDINANCE NO. 24-18

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OLATHE, KANSAS, AS ADOPTED BY REFERENCE IN SECTION 18.20.030 OF THE OLATHE UNIFIED DEVELOPMENT ORDINANCE; FURTHER AMENDING SAID SECTION 18.20.030 BY REINCORPORATING SUCH MAP AS AMENDED.**

**WHEREAS**, Rezoning Application No. RZ23-0013 requesting rezoning from the RP-1 (Planned Single-Family) District to the C-1 (Neighborhood Center) District was filed with the City of Olathe, Kansas, on the 17<sup>th</sup> day of November 2023; and

**WHEREAS**, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Chapter 18.40 of the Olathe Unified Development Ordinance; and

**WHEREAS**, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 29<sup>th</sup> day of April 2024; and

**WHEREAS**, said Planning Commission has recommended that such rezoning application be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** That the Zoning Map of the City of Olathe, Kansas, is hereby ordered to be amended insofar as the same relates to certain parcels of land legally described as:

ASBURY CENTRE TRACT A, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

Said legally described property is hereby rezoned from the RP-1 (Planned Single-Family) District to the C-1 (Neighborhood Center) District.

**SECTION TWO:** That this rezoning is approved with the following stipulations:

1. The following uses are prohibited:
  - a. Fast-Food or Carryout Restaurants (Prohibited on Lot 2 only)*
  - b. Animal Care Facilities with Outdoor Kennels*
  - c. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.*
2. Hours of operation for the *'Restaurant, Carryout, or Fast Food'* use on Lot 1 are limited to 5:00 am to 8:00 pm. daily.

**SECTION THREE:** That Section 18.20.030 of the Unified Development Ordinance, which incorporates by reference the Olathe Zoning Map, is hereby amended by reincorporating by reference the said Zoning Map as it has been amended in Section One of the Ordinance.

**SECTION FOUR:** That this Ordinance shall take effect from and after its passage and publication as provided by law.

**PASSED** by the City Council this 7<sup>th</sup> day of May 2024.

**SIGNED** by the Mayor this 7<sup>th</sup> day of May 2024.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney