

ORDINANCE NO. 3438

AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS APPROVING OF A CIGAR SHOP AND CIGAR LOUNGE IN THE B-4 ZONING DISTRICT ON CERTAIN LANDS LOCATED IN THE CITY OF MCPHERSON, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY AS ORIGINALLY APPROVED BY ORDINANCE NO. 3016.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

SECTION 1. Having received a recommendation from the City Planning Commission on Case Number SU-25-01, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City of McPherson as originally approved by Ordinance No. 3016, a Special Use for the establishment of a cigar shop and lounge on property zoned as the B-4, Service Business District, subject to the following conditions:

- a) All State and Local Laws, Statutes, Policies and Procedures relating to sale, distribution, and consumption of tobacco products must be followed.
- b) There shall be no sale of vape, CBD, Kratom, Glass or related products that, in the best reasoned judgement of the Zoning Administrator, are not specifically intended for use with tobacco products.
- c) Should the use as a tobacco shop cease on the subject property, indoor smoking must also cease on the subject property.
- d) All business, servicing, storage and display of goods shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals.
- e) If the Zoning Administrator subsequently finds that there is a violation of any of the conditions attached to the approval of this Special Use, the Zoning Administrator may, in addition to enforcing the other remedies available in the Zoning Regulations, declare that the Zoning Permit/Occupancy Certificate issued for the Special Use is invalid.

LEGAL DESCRIPTION: COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 BLOCK 62 FOR POINT OF BEGINNING, THENCE NORTH 145 FEET; THENCE EAST 130.8 FEET; THENCE SOUTHEASTERLY 131.5 FEET; THENCE SOUTH 14.8 FEET; THENCE WEST 140.5 FEET TO POINT OF BEGINNING

GENERAL LOCATION: 502 West Kansas Avenue, McPherson, Kansas

SECTION 2. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

ADOPTED by the governing body this 18th day of February, 2025.

CITY OF MCPHERSON, KANSAS



Thomas A. Brown
Thomas A. Brown, Mayor

ATTEST:

Leah Kawanguzi
Leah Kawanguzi, City Clerk