

ORDINANCE NO. 969

**AN ORDINANCE AMENDING THE "I-2" HEAVY INDUSTRIAL DISTRICT SUBDIVISION
REGULATIONS OF THE CITY OF DOWNS.
(Published June 8, 2016)**

WHEREAS, the Planning Commission has held a public hearing thereon May 31, 2016 at 5:30 p.m. following due notice to the public as required by K.S.A. 12-749 and 12-757; and

WHEREAS, the Planning Commission has provided to the Governing Body of the City of Downs, Kansas, a certified copy of the proposed supplemental Subdivision Regulation for the incorporated area of the City and a written summary of the hearing thereon together with their recommendation for adoption; and

WHEREAS, the Governing Body of the City of Downs, Kansas, finds it advisable to adopt the proposed supplemental subdivision regulation for the incorporated area of the City of Downs, Kansas.

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

Section 1. The amended Subdivision Regulation for the City of Downs, Kansas Article XX titled I-2 Heavy Industrial District, as recommended by the Planning Commission by adding to the approved uses "commercial recreation facilities", meeting the conditions for adoption prescribed in K.S.A., 12-749, is hereby adopted.

Section 2. That Article XX Titled I-2 Heavy Industrial District be amended to read as follows:

SECTION 3. USE REGULATIONS:

1. Animal Hospitals or Clinics.
2. Auto sales, and repair, service and painting.
3. Bottling works.
4. Blacksmith shops.
5. Building materials, storage and sales.
6. Carpenter, cabinet, plumbing, heating, air conditioning, and sheet metal shops.
7. Collection and distribution of recyclable items.
8. *Commercial recreation facilities.*
9. Contractor's office and equipment storage yard.
10. Dog Kennels.
11. Dry cleaning and/or laundry plants.
12. Feed and seed stores.
13. Frozen food lockers.
14. Grain elevators and processing facilities.
15. Greenhouses and nurseries, retail and wholesale.
16. Lumber yards.
17. Machinery sales and storage lots.
18. Manufactured home fabrication, sales and storage.
19. Manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
20. Mini-Warehouses.
21. Motor vehicle and farm implement sales and storage.
22. Poultry storage or slaughtering.
23. Public utility and public service uses.
24. Radiator repair shops.
25. Service stations.
26. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence of wall.
27. Truck and rail terminals.

28. Upholstering shops.
29. Vehicle body repair, provided all repair operations are conducted in a closed building, and that all outside storage shall be enclosed by a six (6) foot solid fence.
30. Warehouses or storage houses.
31. Wholesale houses.
32. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals.
 - a. Automobile wrecking yards, junk yards, and scrap processing yards subject to the following:
 - i. Located on a tract at least three hundred (300) feet from a residential district zone.
 - ii. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall, or hedge. The fence, wall or hedge shall be of a uniform height [at least six (6) feet high] and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
 - iii. No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
 - iv. Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done during daylight hours only.
 - v. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
 - vi. Said use shall not be located on or visible from and arterial or major street or highway.
 - b. Manufacturing or storage of bulk oil, gas and explosives.
 - c. Oil and gas exploration, extraction and/or production.
 - d. Storage and warehousing of products of a highly explosive, combustible or volatile nature.
 - e. Mining and/or extraction of minerals.
 - f. Wholesale and retail establishments which handle products of a highly explosive, combustible or volatile nature.
 - g. Petroleum refining.
 - h. Stockyard and slaughter houses.
 - i. Ready-mix concrete and asphalt mix plants
 - j. Sanitary land fill.
 - k. Storage, warehousing and sale of bulk fertilizers.
 - l. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or vibrations.

Section 3. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the city council this 6th day of June, 2016.

Signed by the mayor on the 6th day of June, 2016.

Jennifer Brush, Mayor

ATTEST:

Vickie Oviatt, City Clerk
[SEAL]

