

ORDINANCE NO. 983

**AN ORDINANCE AMENDING ARTICLE IV INTERPRETATIONS AND CONSTRUCTION AND ARTICLE IX “R-1” SINGLE-FAMILY DWELLING DISTRICT SUBDIVISION REGULATIONS OF THE CITY OF DOWNS.
(Published September 14, 2017)**

WHEREAS, the Planning Commission has held a public hearing thereon August 31, 2017 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 amended subdivision regulation of the City of Downs, Kansas.

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

Section 1. Article IV Interpretations and Construction Section 1(162) shall be amended to read as follows: ***Tourist Home.*** *A dwelling used primarily for the short-term lodging for periods less than 30 days for transient guests for compensation.*

Section 2. Article IX “R-1” Single-Family Dwelling District Section 3(12) shall be amended to read as follows:

(h) Tourist Home. Provided the following conditions are met:

- i. The owner of the property must obtain a tourist housing permit from the City Council before any rentals are allowed.*
- ii. The above permit shall be renewed annually with the City Council.*
- iii. Applicant will notify, in writing, all property owners/residents within 200 feet of the proposed tourist home of the special use hearing.*
- iv. Tenants are not permitted to stay at a tourist home for more than 30 consecutive days.*
- v. A tourist home may be rented up to a total of 120 days within a calendar year.*

- vi. There shall be a limit of two people per bedroom and two additional people. In no case shall a tourist home exceed more than 10 individuals.*
- vii. There shall be at least two designated off-street parking spots on the tourist home property for guests.*
- viii. No recreation vehicles, campers, tents or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for guests or other invitees.*
- ix. The owner of the tourist home is responsible for all applicable taxes.*
- x. All signs shall conform to the parent district.*
- xi. A three-strikes-and-out policy is in place by the City Council to protect neighborhoods from nuisance tourist homes.*

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 5th day of September, 2017.

Signed by the mayor on the 5th day of September, 2017

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Jennifer Brush, Mayor

ATTEST:

Vickie Oviatt, City Clerk
[SEAL]

On September 5, 2017, the City of Downs, Kansas adopted Ordinance No 983 regarding amending the Zoning and Subdivision Regulations. The change includes amending the definition of Tourist Home and allowing Tourist Homes in R-1 zone by special use. A complete copy of this ordinance is available at WWW.DownsKS.net or at city hall at 715 Railroad Avenue, Downs, Kansas. This summary certified by Bruce Berkley, City Attorney.