

ORDINANCE NO. 996  
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 AUGUST 8, 2019)

WHEREAS, the Planning Commission has held a public hearing thereon May 7, 2019 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(145.1) shall be added to read as follows: ***Storage Building.** A building used primarily for the storage of household goods, vehicles, hobby items and storage of other non-dangerous or non-hazardous goods.*

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

*(i) storage building. Provided the following conditions are met:*

- i. The structure shall conform to all requirements for the district in which they are located.*
- ii. Storage buildings may only be allowed on lots that would abut the primary lot but for a public street or alley. Lots touching only at corners do not meet this condition.*
- iii. Storage buildings with vehicle entrances facing alleys shall be set back 20 feet notwithstanding the setback required in Article XXVI Section 1(3).*
- iv. Storage buildings shall not be used for any home occupation.*
- v. Outside storage of any objects will be prohibited.*
- vi. The applicant shall mail, by certified mail, the notice required in Article XXIX to all owners within two hundred (200) feet of the property whereon such storage building will be built, and provide proof of such to the city.*
- vii. The application shall be denied if there is opposition from 30% or more of the landowners within two hundred (200) feet of the property*

- whereon such storage building will be built.*
- viii. No equipment or process shall be used which shall create undue noise, smoke or particulate matter emission, vibrations or odors that are detectable, off the lot, to the normal senses.*
  - ix. The storage building shall be attached to a concrete footing and shall be totally enclosed with building material that is consistent with the character of the neighborhood.*
  - x. There shall be a site plan submitted with the special use application and it shall include.*
    - a. A map of the location and size of both primary use lot and storage building lot.*
    - b. General location, size and use of all proposed structures, with all setbacks shown in the design of individual lots*
    - c. All points of ingress and egress, driveways and parking lots/spaces.*
    - d. All streets adjoining subject property and the width of the existing streets.*
    - e. List of all building materials to be used including the finished siding material and color.*

**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 5<sup>th</sup> day of August, 2019

Signed by the mayor on the 5<sup>th</sup> day of August, 2019

.

---

John Bisnette, Mayor

ATTEST:

---

Vickie Oviatt, City Clerk  
[SEAL]

## **ORDINANCE NO. 996 SUMMARY**

On August 5, 2019, the City of Downs, Kansas adopted Ordinance No. 996 regarding amending the Zoning and Subdivision Regulations. The change includes adding a definition of Storage Building and allowing Storage Buildings in R-1 zone by special use. A complete copy of this ordinance is available at [WWW.DownsKS.net](http://WWW.DownsKS.net) or at city hall at 715 Railroad Avenue, Downs, Kansas. This summary certified by Bruce Berkley, City Attorney.