

ORDINANCE NO. 976

AN ORDINANCE ADDING ARTICLE XI-A “RV-1” RECREATIONAL VEHICLE EXTENDED STAY OVERLAY DISTRICT AND AMENDING THE MAP TO ADD THE OVERLAY DISTRICT TO THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY OF DOWNS.

(Published November 17, 2016)

WHEREAS, the Planning Commission has held a public hearing thereon October 12, 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, and associated map 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 following Article XI-A, as recommended by the Planning Commission, meeting the conditions for adoption prescribed in K.S.A., 12-749, is hereby adopted.

ARTICLE XI – A

“RV-1” RECREATIONAL VEHICLE EXTENDED STAY OVERLAY DISTRICT

SECTION 1. PURPOSE AND INTENT OF DISTRICT: The “RV-1” Recreational Vehicle Extended Stay Overlay District is intended for the purpose of allowing opportunity for extended stays in recreational vehicles (RV) in designated areas of the municipal zoning jurisdiction where adequate space is available to assure safe and sanitary conditions. Such uses are subject to special permits, density and maintenance regulations to minimize the potential for negative environmental impacts and creation of neighborhood nuisances. This district is intended to be appended as an overlay to any zoning district where required conditions are determined to be present.

SECTION 2. DISTRICT REGULATIONS: In the “RV-1” District, no building shall

be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses is SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Uses and structures permitted in the parent district to which this district is appended.
2. Living in a recreational vehicle (RV) shall be allowed but for no more than 120 days per calendar year.

SECTION 4. INTENSITY OF USE REGULATIONS: RV's may be located on a lot which conforms to the minimum lot size requirements of the parent district to which this district is appended, provided that there shall be no more than one (1) RV for each 15,000 square feet of usable open space available on the lot. Such open space may not include the area within any required front yard and shall exclude buildings and structures.

SECTION 5. LOT COVERAGE: The lot coverage requirements of the parent district which this district is a part shall be the maximum lot coverage requirements. Such lot coverage calculation shall include the area of the RV.

SECTION 6. HEIGHT REGULATIONS: The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements.

SECTION 7. YARD REGULATIONS: The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements.

SECTION 8. SIGN REGULATIONS: The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for signs unless otherwise established by the Board of Zoning Appeals variance, or formal zoning regulation change by the Planning Commission and the Governing Body

SECTION 9. PARKING AND LOADING REGULATIONS: The parking and loading requirements of the parent district, of which this district is made a part, shall be the minimum requirements unless otherwise established by the Board of Zoning Appeals variance, or formal zoning regulation change by the Planning Commission and the Governing Body

SECTION 10. SPECIAL REQUIREMENTS: The owners of the RV shall conform to the following:

1. Prior to living in the RV the owner shall obtain a permit from the Downs City Council issued each calendar year, which shall be subject to such conditions as they may impose.
2. The annual permit fee, above, shall be \$400 and will not be prorated.
3. Each RV shall be connected, under pressure, to water and sewer utilities.
4. Each RV shall be legally tagged in compliance with state law.
5. Each RV shall be placed on a concrete pad that extends at least two feet (2') beyond the footprint of the RV.
6. The owners must maintain the premises in safe and sanitary condition. Failure to do so shall be cause for revoking the permit to live in the RV and any other legal remedy.
7. Each lot for RV living shall be no smaller than 15,000 square feet.

SECTION 11. COMPLAINTS, VIOLATIONS AND PENALTIES:

1. The permit to live in at RV shall be reconsidered by the Downs City Council when a review petition stating there are problems regarding conditions at a particular location has been signed by fifty (50) percent or more of the owners of property within two hundred

(200) feet of the subject premises, and has been submitted to the City for administrative processing.

2. Upon a finding of violation of the zoning regulations or any special condition established during the permitting process the City Council may take action to revoke the permit to live in an RV in addition to any and all other legal remedies and penalties.

SECTION 12. SUNSET PROVISION: This Article will sunset in five (5) years from date of adoption unless otherwise recommended by the Planning Commission and renewed by majority vote of Downs City Council. Any licenses issued before the date of sunset shall be valid until the end of the calendar year.

Section 2. The Revised Zoning District Map of the City of Downs, Kansas, as recommended by the Planning Commission, meeting the conditions for adoption prescribed in K.S.A., 12-757, is hereby adopted and declared to be the Official Zoning Map for the incorporated area of the City.

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 7th day of November, 2016.

Signed by the mayor on the 7th day of November, 2016.

Jennifer Brush, Mayor

ATTEST:

Vickie Oviatt, City Clerk
[SEAL]