

**CITY OF CHERRYVALE**

**ORDINANCE NO. 19-4718**

**USE LIMITATIONS FOR SELECT NON-RESIDENTIAL PROPERTIES**

**AN ORDINANCE AMENDING ARTICLE 4 OF THE DISTRICT REGULATIONS OF THE ZONING REGULATIONS FOR COMMERCIAL PROPERTIES WHERE REMEDIATION IS NOT REQUIRED BECAUSE LEAD IN SOIL EXCEEDS THE UNRESTRICTED (RESIDENTIAL) STANDARD OF 400 MILLIGRAMS PER KILOGRAM (MG/KG) BUT IS LESS THAN THE NON-RESIDENTIAL STANDARD OF 1,000 MG/KG.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS THAT:**

SECTION 1: Upon recommendation of the Planning and Zoning Commission, the following amendments shall be incorporated in Article 4 of the Zoning Regulations as adopted by XVI, Articles 1 through 3.

- (a) A new item 7 entitled **“Use Limitations”** shall be added to existing **“B-1” BUSINESS - OFFICE DISTRICT** of **“ARTICLE 4, DISTRICT REGULATIONS”** so that said new item 7 shall read in its entirety as follows:

**“7. Use Limitations:** Properties with contaminant concentrations in soil above the Kansas Department of Health and Environment (KDHE) risk-based standards for residential use but lower than the KDHE risk-based standards for non-residential use must remain zoned as non-residential (business or industrial), and day care and school uses shall not be permitted.”

- (b) A new item E shall be added to existing 7 **“Use Limitations”** in existing **“B-2” BUSINESS - HIGHWAY SERVICE”** of **“ARTICLE 4, DISTRICT REGULATIONS”** so that said new item E shall read in its entirety as follows:

**“E. Properties** with contaminant concentrations in soil above the Kansas Department of Health and Environment (KDHE) risk-based standards for residential use but lower than the KDHE risk-based standards for non-residential use must remain zoned as non-residential (business or industrial), and day care and school uses shall not be permitted.”

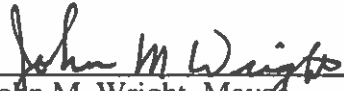
- (c) A new item C shall be added to existing item 7 **“Use Limitations”** in existing **“B-4” BUSINESS - PRIMARY DISTRICT”** of **“ARTICLE 4, DISTRICT REGULATIONS”** so that said new item C shall read in its entirety as follows:

**“C. Properties** with contaminant concentrations in soil above the Kansas Department of Health and Environment (KDHE) risk-based standards for residential use but lower than the KDHE risk-based standards for non-residential use must remain zoned as non-residential (business or industrial), and day care and school uses shall not be permitted.”

**EFFECTIVE:** This ordinance shall be effective after passing and publication.

**REPEAL:** All other ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas this 15<sup>th</sup> day of July, 2019.

  
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John M. Wright, Mayor

ATTEST:

  
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Karen Davis, City Clerk



### **Ordinance No. 19-4718 Summary**

On July 15, 2019, the Governing Body of the City of Cherryvale adopted Ordinance No. 19-4718, an ordinance amending Article 4 of the District Regulations of the Zoning Regulations for commercial properties where remediation is not required because lead in soil exceeds the unrestricted (residential) standard of 400 milligrams per kilogram (mg/kg) but is less than the non-residential standard of 1,000 mg/kg. The City Attorney has reviewed this summary and certifies that it is accurate.