

ZONING REGULATIONS

of the

City of Oxford, Kansas

Prepared for the

OXFORD PLANNING COMMISSION

Edition of

April, 1981

Amended

February, 1984

T A B L E O F C O N T E N T S

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PURPOSE

SECTION 1. The purpose of the zoning ordinance is to designate, regulate and restrict the location and use of buildings, structures and land for residence, commerce, trade, industry or other uses; to regulate and limit the height, number of structures and size of yards and other open spaces and to regulate and limit the density of population, and for said purposes to divide the planning jurisdiction of the City of Oxford into zones of such number, shape and area as may be deemed best suited to carry out these regulations; and to provide for the enforcement thereof. Further, such regulations are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property, to provide adequate open spaces for light and air, and to prevent and fight fires, to prevent undue concentration of population, to lessen congestion on streets; to facilitate provision of community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to protect and promote health, safety and the general welfare; in accordance with the Oxford Comprehensive Plan.

INTERPRETATION

SECTION 1. In interpretation and application, these provisions are held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare, and shall not be deemed or constructed to repeal, amend, modify, alter, or change any other rules, regulations, or ordinance or any part or parts thereof not specifically repealed, amended, modified, altered or changed herein, except wherever the requirements of this Section are at a variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 2. It is not intended by this Section to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, and when this Section imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easement, covenants, or agreements, the provision of this ordinance shall control.

RULES AND DEFINITIONS

SECTION 1. RULES. For the purpose of this Zoning Regulation, the following rules shall apply.

1. Words and numbers used singularly shall include the plural and the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory and not directory.
4. The word "use," "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

SECTION 2. DEFINITION. For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

1. ACCESSORY USE OF BUILDING: A subordinate building or use which customarily is incidental to that of the main building or use of the premises.
2. ACTUARIAL RATES: Actuarial or risk premium rates are those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.
3. ADJACENT HIGH GRADE: This term is the highest estimate of natural elevation of the ground surface next to the proposed structure prior to construction.
4. ALLEY: A dedicated public right-of-way which provides only a secondary means of access to abutting property.
5. ALTERATION: Alteration as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.
6. BOARD: The Board of Appeals which has been created by the governing body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulations.
7. BASEMENT: That portion of a building having more than 1/2 of its height below building grade.
8. BUILDING: Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.

9. BUILDING, HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
10. CHANNEL: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
11. COMMON OPEN SPACE: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, offstreet parking or leading areas. -However, the area of recreational activities such as swimming pools, tennis courts' shuffleboard courts, etc., may be included as common open space.
12. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
13. DISTRICT: A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.
14. DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes, excluding mobile homes.
15. DWELLING, SINGLE-FAMILY: A building having accommodations for and occupied exclusively by one family, excluding mobile homes.
16. DWELLING, TWO-FAMILY: A building having accommodations for and occupied exclusively by two families, excluding mobile homes.
17. DWELLING, MULTIPLE: A building having accommodations for and occupied exclusively by more than two families independently.
18. FLOOD: A temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.
19. FLOOD ELEVATION DETERMINATIONS: A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one per cent (1%) chance of occurrence in any given year.
20. FLOOD INSURANCE RATE MAP (FIRM): The official map prepared by the Federal Emergency Management Agency/Federal Insurance Administration for a community delineating the risk premium zones applicable to such area.
21. FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Insurance Administration. The report contains flood profiles and water surface elevations for various flood frequencies. The Flood Boundary-Floodway map and the Flood Insurance Rate Map are a portion of this report.

22. FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plan, flood control works and flood plain regulations.

23. FLOOD PROTECTION SYSTEM: Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

24. FLOOD PROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

25. FLOODWAY: The channel of a river or other watercourse and the adjacent portion of the floodplain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point, which is not an unreasonable effect on another and is not an undue restriction of the flood, assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

26. FLOOD FRINGE: That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a 1 percent chance of flood occurrence in any one year.)

27. FLOOR AREA:

a. For computing off-street parking requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- (1) One-half (1/2) the basement floor area.
- (2) The area of each floor of the structure.

b. Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:

- (1) The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings which shall include floor area utilized for stairwells of elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof);
- (2) One-half (1/2) the basement floor area;
- (3) Interior balconies and mezzanines;

- (4) Enclosed porches;
- (5) Floor area devoted to accessory uses;
- (6) Interior walls.

28. FLOOR AREA RATIO: The maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.

29. FRONTAGE: All of the property on one side of a street between two intersecting streets.

30. GARAGE, PRIVATE: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

31. GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing or storing motor-driven vehicles.

32. GOVERNING BODY: That Body having planning jurisdiction in the zoning area.

33. GRADE:

a. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.

b. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in a. above) of all walls facing each street.

c. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

Any wall approximately parallel to and not more than five feet from a street line is considered as, facing the street.

34. HOME OCCUPATIONS: A business, profession or trade conducted for gain or support entirely within a residential building subject to the following use limitations:

a. In all residential districts:

(1) No commodities shall be displayed or sold on the premises except that which is produced on the premises.

(2) No mechanical or electrical equipment shall be used other than what which is normally used for purely domestic or household purposes.

(3) No outdoor storage of materials or equipment used in the home occupation shall be permitted.

(4) No alteration of the principal residential building shall be made which changes the character thereof as a residence.

(5) No sign shall be permitted unless required by State Statute, and if so required, shall not exceed two square feet in area, shall not be illuminated and shall be placed flat against the main wall of the building.

(6) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.

(7) No manufacturing or processing of any sort whatsoever shall be done, and no stock-in-trade shall be displayed or sold on the premises.

b. Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include:

- (1) Funeral homes.
- (2) Nursery schools unless specifically permitted by the district regulations.
- (3) Restaurants.
- (4) Small grocery stores.
- (5) Stables, animal kennels or hospitals.
- (6) Tourist homes, unless specifically permitted in the district.
- (7) Renting of trailers or equipment.
- (8) Auto and other vehicle repair.

35. LOT: A parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structure and including the open spaces and regulation, which may include more than one bounds described tract having its principal or officially approved place.

36. LOT OF RECORD: A lot which is a of which has been recorded in the office of parking required by this lot of record or metes and frontage upon a public street part of a subdivision, the plat the Register of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds prior to the adoption of this regulation.

37. LOT, ZONING: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots or record or any combination thereof.

38. MOBILE HOME: A movable or portable dwelling over 32 feet in length an over 8 feet wide, constructed to be transported on its own chassis and designed without a permanent

foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two or more units separately transportable but designed to be formed as a integral unit, as well as a portable dwelling composed of a single unit.

39. PERMANENTLY ATTACHED MOBILE HOME: Attached to real estate owned by the title holder of the mobile home in such a way as to require dismantling, cutting away, unbolting from foundation or structural change in such mobile home in order to relocate it on another site.

40. MOBILE HOME PARK: Any area, piece, parcel, tract, or plot of ground, equipped as required for support of mobile homes offered for use by the owner or representative for mobile home park, purposes and/or ground upon which two or more mobile homes are parked, whether for compensation or not, including all accessory uses thereof. The term mobile home park does not include sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

41. MODULAR HOME: (Is considered a conventional type single-family dwelling). Any prefabricated structure used for dwelling purpose, without its own chassis, moved onto a site in essentially complete constructed condition, in one or more parts and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. Does not include double-wide homes.

42. NEW CONSTRUCTION: New construction means those structures where new construction or substantial improvement of which is begun after the effective date of this ordinance.

43. NONCONFORMING STRUCTURE: A structure which does not comply with the lot size-requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

44. NONCONFORMING USE: An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments thereto.

45. OVERLAY DISTRICT: A district which acts in conjunction with the underlying zoning district or districts.

46. PARKING SPACE: An area surfaced for all weather use including gravel, sand or comparable material for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of nine feet and minimum length of 20 feet. In computing off-street parking, additional space shall be required for access drives to each parking space.

47. REGULATORY FLOOD ELEVATION: Water surface elevation given in the F.I.S. at the elevation of the 100-year flood.

48. REGULATORY FLOOD PROTECTION ELEVATION: An elevation one foot higher than the water surface elevation of the regulatory flood.

49. SITE TRIANGLE: An area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2½feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the street, 90 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall be increased to 120 feet.

50. SPECIAL USE PERMIT: A special use permit is a written permit issued by the Zoning Administrator with the written authorization of -the Board. This special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

51. STREET: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

52. STREET NETWORK:

a. Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.

b. Collector: A street which provides for traffic movement between arterioles and local streets, with direct access to abutting property.

c. Local: A street which provides direct access to abutting land, and local traffic movement whether, in business, industrial or residential areas.

53. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.

54. STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

55. SUBSTANTIAL IMPROVEMENT: "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

56. YARD: A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground upward.

57. YARD, FRONT: An open space extending the full width of the lot, between a building and the front lot line.

58. YARD, REAR: An open space between a building and a rear lot line, extending the full width of the lot (except for any portion thereof which overlaps a street side year).

59. YARD, SIDE: A yard extending from the front-yard to the rear yard. The width of the side year shall be measured horizontally, between the side lot line and the furthest architectural projection of the structure.

60. ZONING ADMINISTRATOR: The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

61. ZONING AREA: The area to be zoned as set out on the official Zoning Map filed of record.

62. 100-YEAR FLOOD: A flood having a one percent (1%) chance of annual occurrence.

SECTION 3. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

DISTRICT, BOUNDARIES AND MAPS

SECTION 1. ESTABLISHMENT OF DISTRICTS. This zoning regulation divides the zoning area into districts designated on the zoning map and described in specific articles herein.

SECTION 2. DISTRICT ZONING MAP. The boundaries of the districts are shown on the map and/or sections thereof and made a part of this regulation, which map is designated as the "Official Zoning Map." The Official Zoning Map and all the notations, references and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described herein. The Official Zoning Map is properly attested and is on file in the office of the Clerk having jurisdiction.

SECTION 3. RULES WHERE UNCERTAINTY MAY ARISE. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this regulation, the following rules apply:

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this regulation are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary line on the map accompanying and made a part of this regulation shall be determined by the use of the scale appearing on the map.

4. Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.

SECTION 4. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. The boundaries of the flood plaine overlay district shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map as for example where that appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Official shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in questions shall be a governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present a case to the Board or to submit his/her own technical evidence, if so desired.

1. General agricultural operations.
2. Single-family, duplex dwellings and mobile homes on which the land is used or intended to be used only for agricultural purposes.
 - a. Single-family dwellings when located on three-acre tracts or larger. Single-family dwellings will be permitted on smaller tracts providing that the same intensity of Use Regulations as contained in Section 4 of "R-S" Residential-Suburban are met, except that the limitation shall be two acres instead of one acre.
3. Public parks, playgrounds, recreation areas and community buildings owned and operated by a public agency.
4. Churches and similar places of worship
5. Farms, ranches, fish hatcheries and ponds.
6. Public or parochial schools, elementary, junior high and high schools and private schools with equivalent curriculum.
7. Golf courses and driving tees. Miniature golf is permitted if it is part of a total golfing operation.
8. Grain elevators and storage bins.
9. Greenhouses and nurseries.
10. Institutions of higher learning.
11. Home occupations.
12. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.
13. Accessory buildings and uses customarily incidental to any of the above uses.

14. Riding stables and academies providing no structures housing horses shall be located nearer than 300 feet to the boundary of any residential district.

"A-1" AGRICULTURAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent of the "A-111 Agricultural District to conserve and promote the preservation of productive agricultural areas in the Zoning Area and through the control of population, land use and land coverage, and major roadways, discourage the effects of urban sprawl into the rural areas.

SECTION 2. DISTRICT REGULATIONS. In District "A-1", no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designated for other than one of the uses listed in Section 3 below:

SECTION 3. USE REGULATIONS

SECTION 4. SPECIAL USES. The following uses are exceptions to the principal permitted uses, are compatible to and may be located in the "A-1" Agricultural District if approved by the Board, after application as set forth and are subject to all other applicable state and local regulations.

1. Airports and heliports.
2. Exploration and extraction of oil and natural gas.
3. Telephone exchanges, electric substations or similar public utilities, and radio or television transmitters.
4. Animal hospitals or clinics.
5. Animal kennels for dogs or cats, including breeding and boarding kennels, minimum lot size to be established by the Board of Appeals. No kennel buildings or runs located nearer than 75 feet from any property lines. They shall be properly provided with sanitation, plumbing and water facilities.
6. Privately-owned parks, playgrounds, golf courses or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges.
7. Oilfield drilling companies, servicing companies, roustabout services, trucking operations, and oilfield servicing units and systems used in connection with the development of natural resources and the extraction and transportation of oil and gas and other natural resources, except as hereinafter limited.
8. Agricultural implement sales and services.
9. Agricultural products sales and services, including feed, seed, fertilizer and

chemicals so far as the same are inoffensive to the sight, smell or safety.

10. Mobile Home Parks are permitted in this district, subject to the regulations identified in that section of these Regulations dealing with mobile home parks.
11. Cemeteries.
12. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc.
13. Commercial feedlots subject to the license requirements of the State and subject to the following minimum sanitation and odor practices.

(The intent is to establish a healthful environment around the feedlot.)

Operation:

- (1) Manure shall be removed or disposed of in one of the following manners:
 - (a) Spraying or spreading on land followed by disking or plowing.
 - (b) Grinding or dehydrating in properly designed dehydrators.
 - (c) Stockpiling in a compost plant in an isolated area at least three miles from a residential area.
- (2) Insect and rodent control:
 - (a). Removal of manure and disposal as outlined above.
 - (b) Use chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
- (3) Drainage:
 - (a) All ground surfaces within pens shall be so graded and compacted to insure proper drainage and maintained as such.
 - (b) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed.

SECTION 5. INTENSITY OF USE REGULATIONS. Subject to the provisions contrary hereto contained in Sub-section 2 of Section 3 - Use Regulations, the following shall apply:

1. Tracts three acres or larger under one ownership and used for agricultural purposes shall be exempt from all use regulations in accordance with state statutes.
2. Tracts less than three acres shall be considered as a subdivision and shall be platted in accordance with the sub-division regulations and be rezoned to the district permitting the proposed use.

"R-S" RESIDENTIAL SUBURBAN DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent of the "R-S" Residential Suburban District to control subdivision and density of development of land for residential and other non-commercial purposes where such uses are not or cannot be connected to a public sewer and/or a public water-supply.

SECTION 2. DISTRICT REGULATIONS. In District "R-S", no structure or land shall be used, and no structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in the Use Regulations.

SECTION 3. USE REGULATIONS.

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. Accessory buildings and uses.
5. Public and parochial schools.
6. Home occupations.
7. Golf courses, except miniature and pitch and-put-L golf courses and driving tees operated for commercial purposes.
8. The Board may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions, and other similar requirements.
 - a. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - b. Cemetery, crematory, or mausoleum when used in conjunction with a cemetery.
 - c. Telephone exchange, electric substations, cable TV, or other similar public utilities.

SECTION 4. INTENSITY OF USE REGULATIONS. Except as hereinafter provided, all dwellings hereafter erected, enlarged, or reconstructed shall be located upon lots containing the following areas:

Every lot not served with a public sanitary sewer shall have a lot area of not less than two acres and a lot width of not less than 140 feet, except that a greater area may be required as a result of percolation tests or other environmental conditions.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 35 feet in height, except that public and semi-public buildings, public service and institutional buildings, hospitals, schools, churches, and similar places of worship are permitted two feet of additional height for each one foot of additional building setback.

SECTION 6. YARD REGULATIONS.

1. Front Yards:
 - a. The front yard shall be a minimum of 30'feet in depth measured from the front lot line, except on collector streets, the minimum front yard shall be 70 feet measured

from the centerline of the street; and except on arterial streets, the minimum front yard shall be 80 feet measured from the centerline of the street.

- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in "a" above, on both streets.
- d. In those instances where lots front on only one of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in "a" above on that street upon which other lots front, and the setback on the other intersecting street may be reduced to not less than 15 feet.
- e. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

- a. For those lots served by an alley or other means of rear yard entry, there shall be a side yard on each side of every single-family dwelling and accessory building, which shall be no less than eight (8) feet in width.
- b. For those lots not served by an alley or other means of rear yard entry, there shall be a side yard on one side of every single-family dwelling and accessory building which shall be no less than ten (10) feet in width, and the other side yard shall be no less than eight feet in width.
- c. All other permitted and conditional uses shall provide a 25-foot side yard.

3. Rear Yards: There shall be a rear yard of not less than 30 feet.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See the Article on Sign Regulations.)

SECTION 3. USE REGULATIONS.

10.

- c. To keep horses and, or cattle, and or sheep on tracts of land containing no less than 5 acres. (Addition 11-6-90, Ordinance 183)

SECTION 6. YARD REGULATIONS.

1. Front Yards:
- b. (THIS SECTION DELETED 10-3-89, Ordinance 180)

4. Double Frontage Yards: Where lots have a double frontage, the front yard shall be a minimum of 30 feet in depth measured from the front lot line and the side yard with street frontage shall be a minimum of 15 feet in depth measured from the side yard line. (Addition 10-3-89, Ordinance 180)

"R-1" SINGLE FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-1" Single-Family Dwelling District is established for the purpose of medium density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS. In District "R-1", no structure of land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in the Use Regulations.

SECTION 3. USE REGULATIONS.

1. Single-family dwellings including modular homes.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. General agricultural operations, but this shall not include or permit:
 - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in con-...

"R-1" SINGLE FAMILY DWELLING DISTRICT

SECTION 3. USE REGULATIONS.

1. Single-family dwellings including modular homes, but not including mobile homes. (Amended 9-5-89, Ordinance 179) an adjoining district onto lands adjacent and that said properties may be transferred from one ownership to another so long as the use remains the same; but that in the event of a sale of said property, and in that event the same shall not be used for permitted uses as set forth in the other portions of Section 3, a special use permit must be granted by the Board of Zoning Appeals, and the new owner may use the same for such other purpose as is approved.

10. The Board may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provision and other similar requirements.

- a. Any public building erected or land used by any department of the City, County, State or Federal Government.
- b. Telephone exchanges, electric substations and regulatory stations or other public utilities.
- c.

SECTION 4. INTENSITY OF USE REGULATIONS. Every lot or tract of land shall have an area of not less than 8000 square feet and an average width of not less than 60 feet.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 35 feet in height.

SECTION 6. YARD REGULATIONS.

1. Front Yards:

- a. The front yard shall be a minimum of 30 feet in depth measured from the front lot line.
- b. Where lots have double frontage, the required front yard shall be provided on both streets.

2. Side Yards:

- a. There shall be a side yard having a width of not less than 8 feet on each side of the principal residential building and all other permitted and conditional uses shall provide a 25-foot side yard.
- b. Whenever a lot of record existing at the time of the passage of this regulation has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than 3 feet.

3. Rear Yards: There shall be a rear yard having a depth of not less than 30 feet or 20 percent of the depth of the lot, whichever amount smaller.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See the- Article on Sign Regulations.)

(Published in the oxford Register, December 26, 1991) It

ORDINANCE NO. 192

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS RELATING TO ZONING AND LAND USE IN THE CITY OF OXFORD, KANSAS; INCORPORATING BY REFERENCE "GUIDELINES FOR MANUFACTURED HOUSING INSTALLATION", 1991 EDITION, AS RECOMMENDED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AMENDING THE ZONING ORDINANCE OF SAID CITY, REVISED, FEBRUARY 1984; AND REPEALING PROVISIONS OF SAID ZONING ORDINANCE AND ALL OTHER ORDINANCES OF SAID CITY THAT ARE IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OXFORD, KANSAS:

SECTION I

That pursuant to notice and hearing before the City Planning Commission of the City of Oxford, Kansas, and upon recommendation by said Planning Commission, that part of the Oxford Zoning Ordinance, revised February, 1984, entitled "INTERPRETATION" is amended by adding to the existing provisions thereof the following:

SECTION 3. Nothing in this ordinance shall be interpreted or construed in such a manner as to have the effect of excluding the residential-design manufactured homes from single-family residential districts solely because they are manufactured homes.

SECTION 4. When acting upon a request to change the zoning of a particular tract of land the Planning Commission as well as the Governing Body shall consider (a) the character of the neighborhood, (b) the zoning and uses of properties nearby, (c) the suitability of the subject property for the uses to which it has been restricted, (d) the extent to which removal of the restriction will detrimentally affect nearby property, (e) the length of time the subject property has remained vacant as zoned, (f) the relative gain to public health, safety and welfare by the destruction of the value of the applicant's property as compared to the hardship imposed upon the individual land owners, (g) recommendations of the permanent

city staff, (h) if applicable, the conformance of the requested change to the adopted or recognized master plan being utilized by the city, and (i) all other pertinent factors that may be applicable to the particular case under consideration.

SECTION 5. Whenever the term 'mobile home' appears in this ordinance, such term shall be interpreted as 'manufactured home'.

SECTION II

That pursuant to notice and bearing before the City Planning Commission of the City of Oxford, Kansas, and upon recommendation by said Planning Commission, that part of the Oxford Zoning Ordinance, revised February, 1984, entitled "RULES AND DEFINITIONS" is amended by amending definition No. 38 to read as follows:

38. MANUFACTURED HOME: A structure transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 555401 to 5426, inclusive.'

and by adding to the existing definitions the following:

0138a. RESIDENTIAL DESIGN MANUFACTURED HOME: A manufactured home on-a permanent foundation which has (a) minimum dimensions of 22 body feet in width, (b) a pitched roof and (c) siding and roofing materials which are customarily used on site-built homes.

SECTION III

That pursuant to notice and hearing before the Planning Commission of the City of Oxford, Kansas, and upon recommendation by said Planning Commission, that part of the Oxford Zoning Ordinance, revised February, 1984, entitled "'MOBILE HOME PARK AND MOBILE HOME SUBDIVISION REGULATIONS" is amended by adding to paragraph 3 of SECTION 3. GENERAL REQUIREMENTS the following:

n. Beneath each mobile home there shall be a level concrete pad extending two (2) feet wider than the standard I-beam frame of the mobile home and being of sufficient length

to support the longest mobile home that can be accommodated on the particular lot. Ground anchors and tie-downs in conformity with the requirements of K.S.A. 75-1230 and 75-1231, and amendments thereto, shall be installed and placed on all mobile homes.

- o. Skirting shall be installed around the perimeter of all mobile homes that do not have a continuous foundation from the ground to the bottom of the home. The skirting shall be color coordinated to the mobile home, shall be made of material suitable for exterior exposure and contact with the ground, and shall be installed in a manner to assure stability, minimize vibration and wind damage and to compensate for possible frost heave. Skirting must be completed within 30 days after installation of the mobile home."

SECTION IV.

There is hereby incorporated by reference for the purpose of establishing minimum standards to safeguard life and limb, health, property and public welfare in the City of Oxford, Kansas, by regulating and controlling the design, construction and quality of materials for foundation systems and building service equipment connections which are necessary to provide for permanent installation of manufactured homes on privately owned (non-rental) lots within the City of Oxford, Kansas, and to provide for alterations, additions and repairs to such manufactured homes, "Guidelines For Manufactured Housing Installation", 1991 Edition, as recommended by the International, Conference of Building Officials, such "Guidelines" being made a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the 'Guidelines For Manufactured Housing Installation, 1991 Edition, shall be marked or stamped "Official Copy as Incorporated by Ordinance No. of the City of Oxford," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such Guidelines shall be punished as provided in section 1-116 of the Code of the City of Oxford 1988.

SECTION V

All parts and sections of the Oxford Zoning Ordinance, revised February, 1984, and any other ordinances of the City of Oxford, Kansas, that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI

This ordinance shall take effect and be in force from and after its passage and approval and after its publication in the official city newspaper, as provided by law.

PASSED by the Council this 5TH day of November 1991

APPROVED by the Mayor.

Mayor William D. Short, Jr.

(SEAL)
ATTEST:

City Clerk

FORM APPROVED:

City Attorney C.E. Russell

"R-2" MULTIPLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-2" Multiple-Family Dwelling District is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single-family and two-family dwellings, mobile homes, apartments, home occupations, community facility and certain special uses, yet retain the basic residential quality.

SECTION 2. DISTRICT REGULATIONS. In District "R-2", no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed in the Use Regulations.

SECTION 3. USE REGULATIONS.

1. Any use permitted under the "R-1" Single-Family Dwelling District.
2. Mobile homes subject to the requirements listed in Section 9 under this district.
3. Two-family dwellings.
4. Multiple-family dwellings, including apartment houses and dormitories.

5. Mobile home parks according to special rules and regulations in article pertaining to mobile home parks.
6. Boarding and lodging houses.
7. Day nursery and group day care centers.
8. Nonprofit institutions of an educational, or philanthropic nature, except for penal or mental institutions.
9. Restaurants and tea rooms, but not including drive-ins or carryout establishments, which are approved by the Board of Zoning Appeals, and not being deleterious to the general dwelling district.
10. Amusement places as approved by the Board of Zoning Appeals to be in conformity to the general view of the district.
11. The Board may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
 - a. Those special uses allowed under the "R-1" Single-Family Dwelling District.
 - b. Private clubs organized and licensed under the State of Kansas.

SECTION 6. YARD REGULATIONS.

1. Front Yards:
 - b. (THIS SECTION DELETED 5-8-90, Ordinance 181)
 - c. Doctors offices or clinics upon prior approval of plans therefore so as to comply with neighborhood use and to be compatible with the surrounding area, limited to not more than three doctors in any one establishment.
 - d. Artists studios, suburban branch banks and other savings and lending institutions constructed in such manner as to conform to the general dwelling district.
 - e. Book and stationery stores, florists, gift and antique shops, providing all merchandise with the exception of floral items are displayed and sold inside the building.
 - f. Hobby, stamp and coin shops and photographic studios.

SECTION 4. INTENSITY OF USE REGULATIONS. Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than 5,000 square feet.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than 6,000 square feet.
3. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than 3,000 square feet per family, but no zoning lot shall be less than 10,000 square feet.
4. A lot which there is erected any other permitted use shall contain an area of not less than 10,000 square feet.
5. Where a single lot of record, as defined in the definitions section of this regulation, has less area than herein required and was recorded prior to the effective date of this regulation, that lot may be used only for single-family dwelling purposes.
6. Multiple-family uses shall not cover more-than 40 percent of the lot area.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 45 feet in height, except that for each one foot of additional front yard provided, two additional feet of height will be permitted.

SECTION 6. YARD REGULATIONS.

1. Front Yards:
 - a. The front yard shall be a minimum of 25 feet in depth measured from the front lot line, the same shall apply to mobile homes.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

SECTION 6. YARD REGULATIONS.

4. Double Frontage Yards. Where lots have a double frontage, the front yard shall be a minimum of 25 feet in depth measured from the front lot line and the side yard with street frontage shall be a minimum of 15 feet in depth measured from the side yard line. (Addition 5-8-90, Ordinance 181)

SECTION 9. MOBILE HOME REGULATIONS.

4. Mobile homes may be attached to real estate owned by the title holder of the mobile home. (Amended 5-8-90, Ordinance 181)
2. Side Yards:
 - a. There shall be a side yard on each side of a residential building having a width of

not less than six feet.

- b. All other permitted uses shall have a side yard width of not less than 15 feet.
3. Rear Yards: There shall be a rear yard for buildings in this district which shall have a depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is the smaller.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See the Article on Sign Regulations.)

SECTION 9. MOBILE HOME REGULATIONS.

1. Mobile homes in existence at the time of the adoption of these regulations may remain, providing; however, that if a mobile home is removed from the premises it cannot be replaced unless all requirements are met.
2. Mobile homes shall observe all regulations applicable to single-family dwelling units.
3. All mobile homes shall be permanently attached to a permanent foundation and connected to the available utilities.
4. Mobile homes may be attached to real estate owned by the title holder of the mobile home.

"C-1" CENTRAL BUSINESS DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "C-1" Central Business District is intended to group retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Related activities which are compatible and strengthen the business area are included.

SECTION 2. DISTRICT REGULATIONS. In District "C-1", no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 3 below:

SECTION 3. USE REGULATIONS.

1. Antique shops and store, providing all merchandise is displayed and sold inside a building.
2. Apparel and accessory stores and apparel repair or cleaning establishments.
3. Auditoriums and similar places of public assembly.

4. Automobile accessory and supply store.
5. Automobile parking lots and garages..
6. Bakery and pastry shop (retail only).
7. Banks and other saving and lending institutions.
8. Barber shops, beauty shops, chiropody or similar personal services.
9. Business and technical schools including schools for photograph, dancing and music.
10. Churches.
11. Commercial recreation businesses.
12. Department stores.
13. Drug stores and prescription shops.
14. Retail dry goods and notion establishments.
15. Electric repair shops.
16. Florist and gift shops.
17. Furniture and home furnishing stores.
18. Garage and auto repair shops including auto body and fender work and auto painting.
19. Grocery or other retail food product stores.
20. Hardware stores and interior decoration services.
21. Hotels, motels and theatres.
22. Mail order catalog stores.
23. Medical, dental and health clinics and optical stores.
24. Medical and orthopedic appliance stores.
25. Newspaper offices, newsstand, publishing or printing shops:
26. Offices and-office buildings.
27. Office supply and office equipment stores.

28. Package liquor stores.
29. Parks and open spaces.
30. Pet shops.
31. Photographic studios and framing shops.
32. Public buildings erected on land uses by any agency of the City, County, State or Federal government.
33. Radio and television studios.
34. Restaurants (excluding drive-ins), private clubs or taverns.
35. Service stations.
36. Stores and shops for the conduct of retail business similar to the uses listed in this section.

SECTION 4. INTENSITY OF USE REGULATIONS. No requirement except those to meet fire regulations.

SECTION 5. HEIGHT REGULATIONS. A building may be erected to any height not in conflict with other regulations.

SECTION 6. YARD REGULATIONS.

1. Front Yards: No front yard is required.
2. Side Yards: No side yard is required, but if there is one provided, it shall not be less than five feet in width.
3. Rear Yards: No rear yard is required, but if there is one provided, it shall not be less than five feet.

SECTION 7. PARKING REGULATIONS. Off-street parking not required.

SECTION 8. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"C-2" HIGHWAY SERVICE DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. This district is intended to provide to those businesses which draw their customers from motorists on the highway and at the same time serve a local need for retail and service businesses, such businesses would not generally locate in the Central Business District because of their size and outdoor activities or operate as a home occupation.

SECTION 2. DISTRICT REGULATIONS. In District "C-2", no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed below.

SECTION 3. USE REGULATIONS.

1. All uses permitted under "C-1" Central Business District shall be permitted, but including drive-in restaurants..
2. Agricultural implement sales and services.
3. Animal hospitals, clinics, or kennels.
4. Bottling works and small food processing plants which are not offensive to the sight, smell, or eye.
5. Building material sales, including lumberyards, carpenter, cabinet, plumbing, and/or sheet metal shops.
6. Car washes.
7. Construction equipment rental and sales.
8. Contractors' offices and equipment storage yards, dairy and produce sales and service facilities.
9. Electric and telephone substations.
10. Motor vehicle, mobile home, recreational vehicle, and truck sales, service, repairs, and painting, including body shops.
11. Monument sales, service, and manufacturing.
12. Nursery and garden stores, including greenhouses and nurseries both retail and wholesale.
13. Truck and rail terminals.
14. Warehouses subject to prior approval of Planning Commission
15. Wholesale and retail merchandise sales and storage, including feed and seed stores, wood products and wood manufacturing, discount stores.

LEGAL INTERPRERATION AS PER C.E.RUSSELL ON 8/17/94

ZONE C-2 SECTION 4: USE LIMITATIONS

Section 4 established the restrictions of residential dwelling in new buildings.

It did not address the residential dwelling in old buildings previously used for residential dwelling.

ORDINANCE 184 12/13/90

This ordinance deleted (or removed) the restrictions put in place by section 4.

CITY'S PHILOSOPHY OF ECONOMIC DEVELOPEMENT

ENCOURAGING –

1. consider and determine principal use of bldg. (ground floor)
2. second floor becomes secondary or ancillary to the principal use.

- OR -

DISCOURAGING –

1. Strictly enforce total compliance, requiring both floors of the building to be considered principal use.

C.E. feels the second outlook is detrimental and could possibly be contested.

26.

16. The Appeals Board may by special use permit authorize amusement parks, miniature golf, driving ranges and other similar establishments. They may also provide regulations regarding drive-in theatres which are permitted in this area.

SECTION 5. INTENSITY OF USE REGULATIONS. Every lot or tract of land shall have an area of not less than 10,000 square feet and average width of not less-than 75 feet. Buildings in this District shall not cover more than 50 percent of the ground area on which the building or buildings are located, unless a special permit to exceed the same is obtained from the Board of Zoning Appeals.

SECTION 6. HEIGHT REGULATIONS. No building shall exceed 40 feet in height, except that for each one foot of additional setback provided, two feet of additional height will be permitted, unless a special permit to exceed the same is obtained from the Board of Zoning Appeals.

SECTION 7. YARD REGULATIONS.

1. Front Yards: No setback is required for existing structures. All new structures shall meet the following requirements:
 - a. There shall be a front yard having a depth of not less than 40 feet measured from the front property line except that motor vehicles, mobile homes, trailer equipment, boats and farm machinery stored or displayed in the open shall be located not less than ten feet from the front 'property line.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets for all uses permitted in this District.

2. Side Yards:
 - a. There shall be a side yard on each side of all primary structures of not less than five feet.
3. Rear Yards: Except as otherwise provided in the Supplementary District Regulations, there shall be a rear yard for buildings in this District as follows:
 - a. Buildings shall have a rear yard depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is the smaller.
4. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the commercial development are separated by a public right-of-way, a ten foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "C-2" District.

SECTION 8. PARKING AND LOADING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 9. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"I-1" LIGHT INDUSTRIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "I-1" Light Industrial District is intended for the purpose of allowing certain industrial uses which do not require intensive land coverage, generate large volumes of vehicular traffic, not create obnoxious sounds, smoke, dust, vibrations or odor; and are consistent with the capacity and availability of public and private services. Certain Commercial uses which are compatible to industrial uses shall be permitted. Height and land coverage are controlled to insure compatibility with adjoining uses.

SECTION 2. DISTRICT REGULATIONS. In District "I-1", no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed in the Use Regulations below.

SECTION 3. USE REGULATIONS.

1. Agricultural feed and grain manufacture, storage, and sales.
2. Agriculture.
3. Construction contractor's office, equipment and storage area.
4. Dry cleaning, laundry and dyeing plants.

5. Light manufacturing operation - providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke.
6. Machinery sales, service, repairs, painting and storage.
7. Public utility facilities. Public utility storage yards when the entire storage area is enclosed by at least a six foot high wall or fence.
8. Transportation storage, bus and trucking area.
9. Wholesale merchandise sales, storage warehouses.
10. Concrete and asphalt mixing plants and salvage yards for automobiles and other materials shall not be permitted without the written consent of the Board of Zoning Appeals and that in the event that a special use permit is granted, that said Board can at that time set certain restrictions on such uses.

SECTION 4. USE LIMITATIONS. No new building shall be used for residential purposes except watchman or custodian may reside on the premises.

SECTION 5. INTENSITY OF USE REGULATIONS. A building structure or use, allowed in this district, may occupy all that portion of the lot, except for that area required for off-street loading and unloading and their access roads and except as provided in Yard Regulations.

SECTION 6. HEIGHT REGULATIONS.

1. When a building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 45 feet in height.
2. When a building or structure is more than 150 feet from a residential district zone, said building or structure shall not exceed 75 feet in height, excluding grain elevators.

SECTION 7. YARD REGULATIONS.

1. Front Yards:
 - a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than 25 feet measured from the front property line.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. No accessory building shall project beyond the front yard line on either street.
2. Side Yards: There shall be a side yard on each side of a building and said side yard shall not be less than five feet.

3. Rear Yards: There shall be a rear yard for buildings in this district, which rear yard shall have a depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is the smaller.

4. Landscaping and Screening: A solid or semi-solid fence or wall at least six feet, but no more than eight feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a ten foot landscape buffer which shall consist of trees, shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "I-1" District.

SECTION 8. PARKING AND LOADING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 9. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"I-2" HEAVY INDUSTRIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "I-2" Heavy Industrial .is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Care must be taken in determining their location due to the nature and intensity of the potential uses which may create obnoxious or hazardous environmental conditions and overburden the capacity of public services to perform their function.

SECTION 2. DISTRICT REGULATIONS. In District "I-2", no structure or land shall be used and no structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in Use Regulations.

SECTION 3. USE REGULATIONS.

1. All uses as found in the "I-1" Light Industrial District.
2. Poultry storage or slaughtering.
3. Sanitary landfill (governmental).
4. The Board may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions, and other similar requirements:
 - a. Auto wrecking yards, junkyards, salvage yards and scrap processing yards subject, however, to the following:
 - (1) Located on a tract of land at least 300 feet from a residential district zone.

- (2) The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides *by* a fence or wall at least eight feet high. The fence or wall shall be of uniform height, insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
 - (3) No junk shall- be loaded, unloaded or otherwise placed, whether temporarily or permanently, outside the enclosed building, fence, or wall, or within the public right-of-way.
 - (4) 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 only during daylight hours.
 - (5) No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
 - (6) Said use shall not be located on or visible from any arterial or major street or highway.
- b. Petroleum refining and fuel storage.
 - c. Stockyard and slaughter houses.
 - d. Ready-mix concrete and asphalt-mix plants.
 - e. Manufacturing or storage of bulk oil, gas and explosives.
 - f. Storage of Ammonium hydrate.
 - g. Sewage Treatment Plant.
 - h. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

SECTION 4. USE LIMITATIONS.

1. No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
2. No use shall be permitted that produces a noise level greater than that noise level produced by the traffic in the area during periods of peak flow.

SECTION 5. INTENSITY OF USE REGULATIONS.

1. A building, structure or use, allowed in t-his district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and

unloading and their access roads and as otherwise required in Supplementary District Regulations and Yard Regulations.

2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as otherwise required in the Yard Regulations.

SECTION 6. HEIGHT REGULATIONS.

1. When a building or structure is within 150 feet of a dwelling district zone, said building or structure shall not exceed 45 feet in height.
2. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed 150 feet in height.

SECTION 7. YARD REGULATIONS.

1. Front Yards:

a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than 25 feet measured from the front property line.

b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

2. Side Yards: There shall be a side yard on each side of a building and said side yard shall not be less than ten feet.

3. Rear Yards: There shall be a rear yard for buildings in this district, which rear yard shall have a depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is smaller.

4. Landscaping and Screening: A solid or semi-solid fence or wall at least six feet, but not more than eight feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a ten foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "I-2" District.

SECTION 8. PARKING AND LOADING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 9. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"F-P" FLOOD PLAIN DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

Certain areas in the City's zoning jurisdiction are subject to substantial flood from rivers and creeks. A Flood Plain District is provided to permit the gainful use of certain lands which are considered to be in the path of potential flood waters and from which structures and other valuable property use that is subject to damage by flood water should be excluded. This would permit surface runoff through such areas in the event of heavy stream flow with a minimum of structural damage or property loss and a minimum of obligation upon the governmental authority for flood assistance.

A. Purpose. It is the purpose of this overlay zoning district to:

1. Prohibit the placement of fill, materials and structures which would unduly impede or obstruct flood flows.
2. Protect human life and health, prevent property damage, minimize business interruptions and minimize and facilitate rescue and relief efforts, which generally must be undertaken at public expense.
3. Minimize expenditures of public monies for costly flood control projects and minimize the damage to public facilities in the flood plain, such as water mains, sewer lines, streets and bridges.
4. Minimize flood blight areas and maintain property values and a stable tax base adjacent to the flood plain.
5. Discourage the victimization of unwary home and land buyers.

B. General Provisions:

1. Flood Plain Defined.

A "flood plain" for the purpose of establishing a zoning district or for imposing restrictions upon the use of land under the provisions of these regulations shall include the watercourse and land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent, which is the 100-year flood.

2. Floodway and Flood Fringe Defined:

- (a) Floodway. The channel of a stream or other watercourse, and the land areas adjacent to the stream channel, that are required to carry and discharge the flood waters of the regulatory flood (the 100-year flood) without undue restriction, and without unreasonable effect on another, i.e., without increasing the level of the 100-year flood more than one foot.

- (b) Flood Fringe. That portion of the flood plain lying outside of the floodway, i.e., subject to being covered by flood waters of the regulatory flood, but not required to carry and discharge the flood waters.

C. Establishment of Flood Plain District.

The flood plain area within the jurisdiction of these regulations is hereby declared to be one district, the F-P Flood Plain District, and the area delineated for the district is shown on certain maps which are hereby incorporated by reference and made a part of the Zoning Map(s) of these regulations. Such maps, represent a selected portion of the watercourses in the City's zoning jurisdiction. The F-P District shall be considered an overlay zoning district in that the existing underlying zoning districts and their district regulations apply in addition to and complementary to these provisions contained herein. The referenced maps have been developed by the use of studies and information developed from engineering criteria in the Flood Hazard Boundary Map, H-01-70, plate 28, 35 and 42, all dated June 10, 1977, developed by the Department of Housing and Urban Development. Information contained in the aforementioned maps shall be Used in evaluating and administering these regulations to determine the limits of the "F-P Flood Plain District, i.e., the areas that are subject to Flood Plain regulation.

Subject to the development of the Flood Insurance Study (FIS) by the Federal Insurance Administration (FIA) or to hydrologic engineering studies conducted according to procedures approved by the Flood Insurance Administration/Federal Emergency Management Agency and certified by a professional engineer, the areas subject to flooding as indicated on the aforementioned maps shall be the basis for determining flood elevations. The responsibility for interpreting the exact flood elevation from said maps as well as the identification of exact site elevation in relation to said flood elevation shall be upon the applicant. The performance of said survey shall be by a licensed surveyor or engineer.

Until such time as the FIS is completed by FIA/FEMA, it is impossible for the City of Oxford to identify on its zoning map the exact locations of the Floodway and Flood Fringe portions of the District, even though by definition they are bound to exist. Thus, except for those uses that are unconditionally permitted in all portions of the District, it is the responsibility of the applicant to determine utilizing the procedures and certifications outlined above, the exact location of the proposed use vis-a-vis the FloodWay and/or Flood Fringe portions of the District.

SECTION 2. DISTRICT REGULATIONS.

No structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in the use regulations. The removal of the restrictions of these regulations on any property so zoned may be accomplished through the normal re-zoning process of application to the Planning Commission and approval by the Governing Body. To achieve such rezoning, it is incumbent upon the landowner to show proof that the subject property, without raising by fill, is at or above the regulatory flood elevation.

SECTION 3. USE REGULATIONS.

A. Permitted Uses.

The following open space shall be permitted within the F-P District to the extent that they are not prohibited by resolution, or State or Federal Statute, and provided they do not require structures, fill or storage materials and/or equipment:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming and forestry.
2. Fishing, hunting, preservation of scenic and scientific study areas, public or private fish hatcheries, soil and water conservation, and wildlife preserves.
3. Loading areas, parking areas, lawns, gardens, play areas, airport landing strips and railroads.
4. Private and public recreation uses, such as golf courses, tennis courts, archery and firearms ranges, picnic grounds, boating and swimming areas, parks, shooting preserves, hiking and horseback trails.
5. Other similar open space uses.

B. Conditional Uses:

The following uses may be permitted as conditional uses subject to the provisions of Section 3(B) (3) and (4) of the District, and

1. In the floodway portion of the Flood Plain District:
 - (a) Uses or structures accessory to open space uses.
 - (b) Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
 - (c) Extraction of sand, gravel, and other materials.
 - (d) Marinas, boat rentals, dock, piers, and wharves.
 - (e) Streets, bridges, utility transmission lines and pipelines.
 - (f) Other similar uses consistent with the standards set forth in Section 3(B)(3) of this District.
2. In the flood fringe portion of the Flood Plain District:
 - (a) All uses which are permitted or conditional uses in the underlying zone may be allowed as conditional uses in the flood fringe subject to the standards, factors, and conditions set forth in Sections 3(B) (3) and (4) of the District.
3. Standards for Conditional Uses.

- (a) In the floodway portion of the Flood Plain District:
 - (1) No new or substantially improved structure, fill, or use will be allowed as a conditional use which causes any increase in the 100-year flood level.
 - (2) Any fill or dumping proposed to be deposited in the floodway must be shown to have a beneficial purpose and the amount thereof shall not be greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill.
 - (3) The storage of materials that are in time of flooding buoyant, flammable, explosive or potentially injurious to human life or property shall be prohibited. Storage of other materials may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or readily removable after flood warning.
- (b) In the flood fringe portion of the Flood Plain District:
 - (1) All structures to be erected, constructed, reconstructed, altered or moved shall be constructed on fill with the finished surface of the basement, or the first floor in structures without basements, at or above a point one foot above the regulatory flood elevation. The fill shall extend at such elevation at least 15 feet beyond the limits of the structure.
 - (2) When existing public streets or other circumstances make compliance with Section 3(B) (3)(b)(1) impractical, or in other special circumstances, the Board of Zoning Appeals may authorize that new construction or substantial improvements of nonresidential structures, together with attendant sanitary utility facilities, be flood proofed to one foot above the level of the regulatory flood.
 - (3) Accessory uses such as railroad tracks and yards and parking lots may be at lower elevations.
 - (4) The storage or processing of materials that are buoyant, flammable, or explosive in times of flooding and are potentially injurious to human life or property shall be at or above a point two feet above the regulatory flood elevation.

4. Factors and Conditions for Consideration of Conditional Uses.

In addition to other requirements, when a provision of this section is involved, no conditional use shall be granted by the Board of Appeals without specific consideration of the following factors:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept on to lands or down stream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to

prevent the occurrence of disease, contamination and unsanitary conditions.

- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (e) The importance of the services provided by the proposed facility or use to the community.
 - (f) The requirements of the facility or use for a waterfront location.
 - (g) The availability of alternative locations not subject to flooding for the proposed use.
 - (h) The compatibility of the proposed use with existing development and development in the near future.
 - (i) The relationship of the proposed use to the Comprehensive Plan including the Watershed Plan Element of 1973 and the flood Plain management program for the area.
 - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters -expected at the site.
 - (l) Such other factors as are relevant to the purposes of the regulations.
5. In addition to the conditions which may be imposed under other Articles, when a provision of this section is involved, the Board of Appeals will also impose any of the following conditions:
- (a) Requirement for construction of channel modifications, dikes, levees, and other protective measures.
 - (b) Flood proofing measures such as the following may be required at or above a point one foot above the 100-year flood elevation:
 - (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads and shutters, or similar methods of construction.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes, or mortars to reduce seeping of water through walls.
 - (5) Addition of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures.

- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood water.
- (8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation and wall basement flood measures.
- (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into buildings of structures. Gravity draining of basements may be eliminated by use of mechanical devices.
- (11) Location of all electrical equipment, circuits, and installed electrical appliances so as to provide protection from inundation by the regional flood.
- (12) Location of any structural storage facility for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at a point above the regulatory flood elevation or their flood proofing so as to prevent flotation of storage containers, or damage to these which could result in the escape of toxic materials into flood waters.

C. Variances.

No variance in the Flood Plain District shall have the effect of allowing uses prohibited in the District, permit a lower degree of flood protection, or permit standards lower than those required by State Enabling Legislation.

D. Flood Plain Nonconfirming Uses.

Whenever any structure subject to the Flood Plain District requirements becomes a nonconforming use under these provisions, it shall be subject to the requirements and provisions of the Nonconforming Use Article of these regulations.

SECTION 4. AMENDMENTS TO FLOOD PLAIN DISTRICT REGULATIONS.

No amendment shall be made to these regulations that proposes to create or to effect any change or variation in the Flood Plain District, or that proposes to regulate or restrict the location and use of structures, encroachments, and uses of land within such District without the City first submitting such proposed change, accompanied by complete maps, plans, profiles, specifications, textual matter and other data and information to the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture for written approval thereof.

SECTION 5. VIOLATIONS.

In addition to other penalties and relief established for these regulations, in the event the violation relates to a provision of this Flood Plain District, the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture may

institute injunction, mandamus or other appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violations, or to prevent the occupancy of such building, structure or land.

SECTION 6. WARNING AND-DISCLAIMER OF LIABILITY.

The degree of flood protection required by these regulations is considered to be reasonable for regulatory purposes and is based on engineering and scientific methods of review and evaluation. However, larger-floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. These regulations do not imply that areas outside the Flood Plain District or land uses permitted within such districts will be free from flooding -or flood damage. These regulations shall not create liability on the part of the City or any officer or employee thereof liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section or on any administrative decisions lawfully made thereunder.

SECTION 7. STANDARDS.

Within this District, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

- A. No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of mobile homes within the F-P District unless the conditions of this Section are satisfied.
- B. New construction, substantial improvements, prefabricated buildings, placement of mobile homes and other developments shall be designed or anchored to prevent the flotations, collapse or lateral movement due to flooding and will require:
 - (1) New or replacement water to supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
 - (2) Subdivision proposals and other proposed new development shall be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development of five (5) acres or fifty (50) lots whichever is lesser, include within such proposals the regulatory flood elevation.
 - (3) Use of construction materials and utility equipment that are resistant to flood damage, and use of construction methods and practices that will minimize flood damage consistent with economic practicability.
 - (4) All utility and sanitary facilities to be flood proofed up to the regulatory

flood protection elevation so that any space below the regulatory flood protection elevation is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- (5) That until a floodway has been designated, no development, including landfill, may be permitted within the F-P District unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located.
- (6) In order for the governing body to assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained, no development permit will be issued except upon compliance with K.S.A. 82a301 to 305a including notification to adjacent communities. Moreover, the community will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.
- (7) For new mobile home parks, mobile home subdivisions or expansions of the same, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, it is required that:

(a) Specific anchoring standards be met.

- (1) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
 - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - (4) Any additions to mobile homes be similarly anchored.
- (b) Stands or lots are elevated on compacted fill or piers -so that the lowest floor of the structure will be at or above the regulatory flood protection elevation.
 - (c) Adequate surface drainage and easy access for a hauler is provided.
 - (d) In the instance of elevation on piers, lots are large enough to permit steps, pier

foundations are placed on stable soil no more than 10 feet apart and steel reinforcement is provided for piers more than six feet high.

- (8) Applicants shall provide certification by a registered professional engineer or architect that the flood proofing plans are adequate to be watertight with walls impermeable to the passage of water and withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood.
- (9) Flood proofing of residential structures will not be allowed unless the community is specifically granted an exception from the provisions of this ordinance by the Administrator of the Federal Insurance Administration.
- (10) The applicant shall provide information identifying the elevation of the property in relation to mean sea level of the lowest floor (including the basement of the proposed structure) to which structures are flood proofed.
- (11) The Zoning Administrator will maintain the records of certification when issuing development permits in conformance with this section.

SECTION 8. DEVELOPMENT PERMIT

- A. No person, firm or corporation shall initiate any development or cause the same to be done without first obtaining a separate permit for development for each such building or structure.
- B. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:
 1. Identify and describe the work to be covered by the permit for which application is made.
 2. Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use of occupancy for which the proposed work is intended.
 4. Be accompanied by plans and specifications for proposed construction.
 5. Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority.
 6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of flood proofed nonresidential structures, the elevation to which it has been flood proofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.
 7. Give such other information as reasonably may be required by the Zoning Administrator.

- C. The Zoning Administrator shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. Code 1334) and make recommendations for development in all locations which have flood hazards.

MOBILE HOME PARK AND MOBILE HOME SUBDIVISION REGULATIONS

SECTION 1. INTENT AND PURPOSE. It is the intent of the Mobile Home Park to permit low density mobile home uses in a park-like atmosphere.

SECTION 2. DISTRICT REGULATIONS. No structure or land shall be used and no structure shall be altered, enlarged or erected, which is arranged, intended or designed for other than mobile homes or cabin trailers and accessory service buildings. Accessory buildings may include a service building, office space for said park and washing facilities.

SECTION 3. GENERAL REQUIREMENTS. The mobile home park shall have private streets and the held in the ownership of the park applicant or his successor. (The individual occupants other than said applicant cannot purchase and own said tracts.) A mobile home park must meet the following regulations and must show evidence of same by acquiring an annual license for each mobile home park and renew same each year.

1. The tract to be used for a mobile home park shall be not less than two acres.
2. The applicant of the mobile home park must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one year, following the approval by the Planning Commission and shall be completed with a period of two years.
3. The applicant for a mobile home park shall prepare or cause to be prepared a development plan and shall present three copies of said plan for review by the Planning Commission and Governing Body. This plan shall show the proposed development which shall conform with the following requirements:
 - a. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. Mobile home parks hereafter approved shall have a maximum of eight trailers per gross acre and a minimum space of 2,800 square feet shall be provided for each trailer.
 - c. Each mobile home space shall be at least 35 feet wide and clearly defined.
 - d. Mobile homes shall be so located on each space that there shall be not less than

five foot setback from any mobile home space boundary and that there shall be at least 20 foot clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than 15 feet. No mobile home shall be located closer than 25 feet from any building within the park or from any property line bounding the park.

e. All mobile home spaces shall front upon a private roadway or public of not less than 24 feet in width, which shall have unobstructed access to a public street, alley or highway. Thirty feet (30) of private roadway shall be required where parking is allowed in the roadway.

f. Walkways not less than 30 inches wide shall be provided from the mobile home spaces to service areas.

g. All roadways and walkways within the mobile home park shall be hard-surfaced and adequately lighted at night with electric lamps.

h. Laundry facilities may be provided in a service building.

i. A recreation area shall be provided at a central location in the mobile home park area at the rate of 200 square feet for each trailer apace.

j. A solid or semi-solid fence or wall at least six feet high, but not more than eight feet high and a ten foot landscaped buffer which shall consist of trees, shrubs, evergreens, and grass shall be provided between the mobile home park district and any adjoining property which is zoned for residential purposes. Said fence or wall shall be placed a minimum of ten feet from the boundary of the park (the interior line of the ten foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection site triangle as defined by this regulation. The fence or wall and landscape buffer shall be properly policed and maintained by the owner.

k. A mobile home park shall not be used for other than residential purposes. Mobile homes may be offered for sale in the mobile home park only by resident owners.

1. All mobile home parks shall possess an acceptable approved sewerage system.

m. All mobile home parks shall possess at least one sub-ground storm shelter the design of which must receive the written approval of the Planning Commission.

SECTION 4. SERVICE BUILDINGS.

1. Service buildings, if provided, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electric installations and plumbing and sanitation systems.

2. Service buildings and parking related to the service operations shall not occupy more than five percent of the area of the park and shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

SECTION 5. GENERAL REQUIREMENTS - MOBILE HOME SUBDIVISIONS. The mobile home subdivision shall comply with the requirements of the Subdivision Regulations adopted by the Governing Body and shall comply with the following regulations. Lots in the mobile home subdivision shall front onto dedicated public streets and the said lots may be sold to individual owners. No license of operation of such a subdivision is required.

1. The minimum size of the tract to be utilized as a mobile home subdivision shall not be less than two acres.
2. The applicant of the mobile home subdivision must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall within a period of one year, following the approval by the Planning Commission and shall be completed with a period of two years.
3. The applicant for a mobile home subdivision shall prepare or cause to be prepared a development plan and shall present three copies of said plan for review by the Planning Commission and Governing Body. This plan shall show the proposed development which shall conform with the following requirements:
 - a. The subdivision shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. Each mobile home space shall have a minimum area of 5,000 square feet, a minimum width of 50 feet and a minimum depth of 100 feet.
 - c. Setbacks:

| | | |
|------------|-------|---------|
| Front Yard | ----- | 25 feet |
| Side Yard | ----- | 6 feet |
| Rear Yard | ----- | 20 feet |
 - d. All mobile home spaces shall front upon a public street right-of-way in accordance with the subdivision regulations.
 - e. A solid or semi-solid fence or wall at least six feet high, but not more than eight feet high and a ten foot landscaped buffer which shall consist of trees, shrubs, evergreens, and grass shall be provided between the mobile home subdivision district and any adjoining property which is zoned for residential purposes. Said fence or wall shall be placed a minimum to ten feet from the boundary of the District (the interior line of the ten foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection site triangle as defined by this regulation. The fence or wall and landscape buffer shall be properly policed and maintained by the owner.
 - f. A mobile home subdivision shall not be used for other than residential purposes. Mobile homes may be offered for sale in the mobile home subdivision only by resident owners.

SECTION 7. COMPLIANCE. The mobile home park or subdivision shall be in compliance with this Article and all other regulations, and the site shall be in conformance

with applicable regulations of the locality and the State.

SECTION 8. PARKING OR STORING. A cabin trailer or mobile home may be parked or stored in the mobile home park or subdivision, providing that it shall not be a nuisance and does not constitute a fire hazard and further providing said trailer is not offered for sale by other than the resident owner.

SECTION 9. UNUSED MOBILE HOME PARK. Whenever a property, zone for mobile home use, ceases to be used for such purposes for a period of two years, the Planning Commission may initiate action and hold a public hearing to revert said property back to allow permitted uses in said district.

SECTION 10. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 11. SIGN REGULATIONS. (See the Article on Sign Regulations.)

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICTS. The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Regulation.

1. Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations.

2. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Zoning Administrator for a distance of not more than 3 1/2 feet and where the same are so placed as not to obstruct lights and ventilation.

3. No side yards are required where dwelling units are erected above commercial and industrial structures.

4. Radio and television towers shall be permitted in any district with a special use permit providing the height of said radio or television tower does not conflict with any airport approach or landing zone or with any other regulations.

5. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 1/2 and 8 feet above the grades of the bottom of the curb of the intersecting streets, from the point of intersection 90 feet in each direction measured along the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall be increased to 120 feet.

6. Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping buses or converted trucks, and tent trailers or any commercial vehicles larger than pick-up trucks or small vans, shall not be stored in a residential district except within an enclosed building or behind the principal structure and further, no such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.

7. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.

8. Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the entire building is completed.

9. In all districts permitting residents, the renting of not to exceed two sleeping rooms with a total occupancy of not to exceed three persons for whom board may be furnished, but with the prohibition of separate culinary accommodations for such tenants shall be permitted for each dwelling unit except that the floor area of the rented space shall not exceed 25 percent of the total floor area of the dwelling.

SECTION 2. FRONT YARDS. The front yards heretofore established shall be adjusted in the following cases:

1. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

2. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard lesser as described above, then:

a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or

b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building shall be erected according to regulations set forth in the appropriate district.

SECTION 3. FENCES AND SCREENS. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences and screening.

1. No fence shall be constructed which will constitute a traffic hazard.

2. No fence shall be constructed in such a manner or be of such designs to be

hazardous or dangerous to persons or animals.

3. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which shall adversely affect the public health, safety and welfare. Fences separating residential land uses shall not exceed six feet in height. Fences separating residential and nonresidential land uses or between two non-residential land uses shall not exceed eight feet in height.

4. No fence except fences erected upon public or private school grounds or in public parks and in public playgrounds shall be constructed of a height greater than eight feet; provided, however, that the Appeals Board may, by special use permit, authorize the construction of a fence higher than eight feet if the Board finds the public welfare is preserved.

SECTION 4. ACCESSORY USES.

5. Height Regulation - No building shall exceed 10 feet to top plate or 20 feet in overall height. (Addition 10-389, Ordinance 180)

SECTION 4. ACCESSORY USES.

1. Accessory building shall not be used for dwelling purposes.

2. Yard requirements for accessory buildings:

a. Side Yard - Same as district in which accessory use is located except an accessory building may be located in the side yard as close as three feet to the property line providing it is located between the rear building line of the principle building and rear property line.

b. Front Yard - No accessory building shall be located between the front building line of the principle building and the front property line.

c. Rear Yard - No accessory building shall be located closer than three feet from the rear property line or within ten feet of any other building on adjacent properties, and no accessory building shall be located within any easement or right-of-way along the rear property line.

Any accessory building requiring vehicle access from an alleyway shall be located a minimum of 15 feet from the rear property line.

3. Attached Accessory Use: Any accessory structure attached to the principle building shall be considered as a part of the principle building and shall meet the same requirements as specified for the principle building in said district.

4. Fire Hazardous Accessory Uses No accessory use shall be located within five feet of a residential dwelling that creates a fire hazard or would subject the residential structure to a potential fire, such as barbeque ovens, flammable liquid storage, etc.

SECTION 5. INOPERABLE OR UNLICENSED MOTOR VEHICLE STORAGE.

1. It is the intent of this regulation to prevent the repair, remodel, assembly, disassembly or storage or standing of any inoperable vehicle other than in an enclosed garage and other than in a district permitting and regulating such occurrence.
2. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate, but is disassembled or wrecked in part or whole and is unable to move under its own power.
3. Inoperable vehicles may be stored or may stand only in a legally conforming auto wrecking yard or in a fully enclosed storage structure in any District of these regulations where inside storage is permitted.

SECTION 6. UNSEWERED AREAS.

1. It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste disposal system.
2. No waste absorption field (septic tank, cesspools, etc.) shall be constructed any closer than 25 feet from any adjacent property line.
3. There shall be no waste absorption field located closer than 50 feet from any other residential structure.
4. There shall be no waste absorption field located closer than 50 feet from a water well provided; however, where geology and subsurface conditions and topography would indicate that seepage could reach the well supply, a greater distance would be required.
5. An individual residential waste absorption field shall contain a minimum of 10,000 square feet, exclusive of the area required by structure. The entire tract shall contain not less than 20,000 square feet.

SECTION 7. DIVIDING OR SPLITTING LOTS.

1. A lot or tract of land or portion of two or more lots or tracts may be divided or split into additional lots providing no portion of any lot or tract of land-resulting from splitting or dividing lots may be utilized, occupied or built upon that would place any other use of land or building in nonconformance with the requirements of said district.

SECTION 8. EXISTING BUILDINGS AND USES.

1. Residential dwelling units, outside the corporate limits, existing at the time of passage of these regulations, may construct accessory structures, make repair, replace, remodel, rebuild or replace the residential structure in case of damage regardless of percent of damage or extent of structural change providing the type of use or ownership does not change.

SECTION 9. EXISTING LOTS.

1. On the effective date of this regulation where a lot or tract, located in a residential district, has less area than required in said district and its boundary lines, along these entire length touch lands under other ownership, such a lot or tract may be used for a single-family dwelling.

OFF-STREET PARKING AND LOADING

SECTION 1. INTENT AND PURPOSE. In any applicable zoning district, all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the following regulations. When an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the following regulations for the area or capacity of such expansion:

SECTION 2. GENERAL PROVISIONS.

1. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
2. Parking Space Dimension: A required off-street parking space shall be at least eight feet six inches in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, or columns.
3. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
4. Open and enclosed parking: Off-street parking spaces open to the sky may be located in any yard, except that in residential districts, no such parking spaces shall be located in a required front yard(s). Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the district in which located.
5. Design and maintenance:
 - a. Design: Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as many be established from time to time by the Municipality. Off-street parking spaces may be open to the sky or enclosed in a building.
 - b. Surfacing: All open off-street parking areas except required parking spaces accessory to a single-family dwelling, shall be graded and paved or otherwise improved with an asphalt, concrete or oil surface according to specifications of the Municipality.
 - c. Screening: All open off-street parking areas containing more than six parking spaces shall be effectively screened on each side that adjoins any property situated in a residential district by a wall, fence or densely planted compact evergreen hedge not less than six feet

nor more than eight feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge.

d. **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

e. **Repair and Service:** No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.

f. **Computation:** When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.

g. **Collective Provisions:** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the locations of accessory parking spaces in relation to the use served are adhered to.

h. **Location:** All parking spaces required to serve buildings or uses shall be located on the same zoning lot as the structure or use served unless a conditional use permit is obtained.

i. **Employee Parking:** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

6. **Plans and Approval Required:** Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the Zoning Administrator prior to issuance of a zoning permit. Before approving any parking layout, the Zoning Administrator shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.

SECTION 3. REQUIRED SPACES. Off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Dwelling and Lodging Uses:

a. **Residential dwellings:** At least one parking space for each dwelling unit.

b. **Multiple-family dwellings:** At least one and one-half spaces per unit except in housing for the elderly, one space per two units.

c. **Boarding or rooming houses:** One parking space for each two rooms.

d. **Dormitories, fraternities, sororities and other lodging facilities and rooms for unmarried students:** At least two parking spaces for each three occupants based on the designed capacity of the building.

e. **Hotels and Motels:** One parking space for each rental unit, plus such additional

spaces as are required for restaurants, assembly rooms and affiliated facilities.

2. Business and Industrial Uses:

- a. Automobile, truck, trailer and mobile home sales and rental lots:
One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each service bay and employee.
- b. Post offices, business and professional office: One parking space for each 300 square feet of floor area plus one space per two employees.
- c. Bowling alleys: Four parking spaces for each lane.
- d. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee.
- e. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.
- f. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One parking space per two employees.
- g. Medical and dental clinics or offices: One parking space for each 100 square feet of floor area.
- h. Restaurants, night clubs, taverns and lounges: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
- i. Retail stores and financial institutions: One space per 250 square feet of floor area.
- j. Service stations: One parking space for each employee plus two spaces for each service bay.
- k. Theaters, auditoriums, and places of assembly with fixed seats: One space for each four seats.
- l. Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each three people, based upon the designed maximum capacity of the building.
- m. Warehouse, storage and wholesale establishments: One parking space for each two employees.
- n. All other business and commercial establishments not specified above: One

parking space for each 300 square feet of floor area.

3. Other Uses:

- a. Churches: One parking space for each four seats based upon the maximum designed seating capacity, including choir lofts.
- b. Laundromats: One space for each three washing machines.
- c. Nursing homes, rest homes, etc.: One parking space per each five beds based on the designed maximum capacity of the building, plus one parking space for each employee.
- d. Parking spaces for other permitted or conditional uses not listed above shall be provided in accordance with the determination of the Planning Commission with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use.

SECTION 4. CONDITIONAL USE FOR PARKING. In order to provide required off-street parking areas, the Board of Zoning appeals may grant as an exception a conditional use permit for the establishment of parking areas in any zoning district under the following provisions:

- 1. Location: Parking provided under this section must be within 300 feet along lines of public access) from the boundary of the use for which the parking is provided.
- 2. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking, lot shall be permitted.
- 3. Improvements:
 - a. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
 - b. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.
 - c. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling or residential district.
 - d. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) not less than six feet high, shall be erected along any property line adjacent to or adjoining any residential district to eliminate the passage of light from vehicles and to prevent the blowing debris. Whenever a fence shall be required along a front yard, such fence shall not be higher than four feet.
 - e. When located in a residential district, parking shall not be located within a front

yard and the front yard shall remain unpaved and shall be landscaped.

f. The Board shall determine the necessity of additional improvements in order to protect adjacent property owners and the public interest. Such improvements shall include, but not be restricted to proper setbacks, screening wall, grass, shrubs, trees and maintenance.

SECTION 5. OFF-STREET LOADING AND UNLOADING. Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways.

SIGN REGULATIONS

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent and purpose of these sign regulations to define allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in the Regulation.

SECTION 2. USE REGULATIONS. No sign, except those listed in Section 4 of these regulations, shall be erected, enlarged, constructed or otherwise installed without first obtaining a zoning permit. All signs shall be constructed in compliance with the building codes and shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Administrator in application for a sign permit for all signs. All signs legally existing at the time of passage of these regulations may remain in use including those in the status of legal nonconformance.

SECTION 3. GENERAL PROVISIONS.

1. Illuminated Signs: Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or parks.
2. Flashing or Moving Signs: No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in any residential district.
3. Accessway or Window: No sign shall block any accessway or window required by any applicable building, housing, fire or other codes or regulations.
4. Signs on Trees or Utility Poles: No sign shall be attached to tree or utility pole whether on public or private property.
5. Metal Signs: Signs constructed of metal and illuminated by any means requiring

internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet.

6. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.

7. Traffic Safety: No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

B. No sign shall be located in any vision triangle as defined by any applicable subdivision, zoning, or other regulations, except official traffic signs and signs mounted eight (8) feet or more above the ground whose supports do not constitute an obstruction.

9. Location: No sign shall be permitted to project over the public right-of-way except with the approval of the Board of Zoning Appeals as a conditional use.

SECTION 4. EXEMPTIONS FROM THE SIGN REGULATIONS. The following signs shall be exempt from the requirements of this article:

1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.

2. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warning at railroad crossing, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

3. Address numerals and other signs required to be maintained by law, rule or regulation, provided that the content and size of the signs do not exceed such requirements.

4. Political campaign signs displayed on private property provided they are removed 48 hours after any general election.

5. Small signs, not exceeding five (5) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way-drives, rest rooms, freight entrances, and the like.

The following signs are exempt from the zoning permit requirements, but shall comply with all the other regulations imposed by this article:

1. Nameplate signs not exceeding two square feet in gross surface area accessory to a residential dwelling or mobile or modular home.

2. Identification signs not exceeding 40 square feet in gross surface area accessory to a church, school or public or nonprofit institution.

3. Identification signs not exceeding 40 square feet in gross surface area accessory to a multiple-family dwelling.
4. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
5. Real estate signs not exceeding six square feet in gross surface area and which pertain to the sale or lease of the lot or tract or structure on which the sign is located.

NONCONFORMING USES

SECTION 1. THE FOLLOWING NONCONFORMING USES MAY BE CONTINUED.

1. The use of a building, structure, or land existing and lawful at the time of the enactment of these regulations, or at the time an amendment is made to these regulations may, except as provided for in these regulations, be continued, although such use does not conform with these regulations.
2. Provisions of such regulations or amendment, and such use may be extended throughout the same building if no structural alterations of such building is proposed or made for the purpose of such extension.

SECTION 2. THE FOLLOWING NONCONFORMING USES MAY NOT BE CONTINUED.

1. Any nonconforming use which is discontinued for a period of twelve (12) months, such right to the nonconforming use shall be forfeited and any future use of the building or land shall conform to the regulations.
2. There shall be no restoration, reconstruction, extension or substitution of nonconforming uses.
3. Any nonconforming use required to cease shall be identified on the Zoning Map and the date of termination.
4. Mobile homes nonconforming at the adoption of these regulations and removed shall not be replaced unless requirements are met.
5. The removal or absence of a mobile home or cabin trailer from a tract of land shall terminate the provisions of a nonconforming use and it shall be unlawful to use said tract for other than the uses stated in the regulations.
6. A building which has been damaged to the extent of more than 60 percent of its structural value by fire, explosion, natural phenomenon, or public enemy, shall not be restored except in accordance with all applicable zoning regulations of the City, unless authorized by the Board of Zoning Appeals. In the event a question as to the structural value of such a building, the same shall be determined by 3 appraisers; one of whom shall be selected by the Mayor, one of whom shall be selected by the owner of the building and the third appraiser to be selected by the two first so selected. If the first two appraisers so selected cannot agree on the selection of the third such appraiser, the Administrative

Judge of the District Court shall be requested to appoint such third appraiser. The decision of the appraisers or a majority of them, shall be final and conclusive and shall be binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

7. The nonconforming use of a building or premises for the purpose of dismantling or wrecking automobiles or vehicles of any kind, or for the purpose of storing junk, scrap iron and scrap material, including dismantled and wrecked automobiles or other vehicles, or other types of open storage, and which is located in other than "I-2" Heavy Industrial District, shall be discontinued within five years from the effective date of this regulation, and the buildings or premises thereafter devoted to a use permitted in the district in which such buildings or premises are located.

8. Signs which exist at the time of passage of this zoning regulation, but which are not in conformance with the use of regulations shall be discontinued and the sign shall be removed within five years after the effective date of the zoning ordinance.

9. The storage of inoperable vehicles as set out in the supplementary district regulations of this regulation shall be discontinued and said inoperable vehicles shall be removed within six months after the effective date of the zoning regulation.

BOARD OF APPEALS

SECTION 1. FORMATION. A Board of Appeals is hereby created in accordance with State statutes governing such creation. The word "Board" when used in this Article shall mean Board of Appeals. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

SECTION 2. POWERS AND JURISDICTIONS. The Board shall have the following powers and jurisdictions.

1. Appeals: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations.

a. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or Bureau of the Government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers

constituting the record upon which the action appealed from is taken.

b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the Notice of shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Zoning Administrator on good cause shown.

2. Variance: To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of his property in the manner similar to that of other property in the zoning district where it is located.

b. Variances shall include intensity of use, yard and height regulations only and are limited to the following:

- (1) A yard regulation variance shall not encroach upon the required setback for adjacent buildings.
- (2) One story in height may be allowed for each one foot of additional building setback provided in addition to that required by the district regulation in which the property is located.

c. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition and the finding shall be entered in the record.

- (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
- (2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- (3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- (4) The variance desired will not adversely affect the public health, safety, morals,

order, convenience, prosperity or general welfare.

(5) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

3. Exceptions: To grant exceptions to the provisions of the zoning regulations but only in those instances where the Board is specifically authorized to grant such exceptions in these zoning regulations. In no event shall exceptions to the provisions of the zoning regulations be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulations. Further, under no conditions shall the Board have the power to grant an exception when the conditions of this exception, as established by these regulations, are not found to be present.

a. In considering any application for a special use permit hereunder, the Board shall give consideration to the Comprehensive Zoning Plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community including, but not limited to, the following factors:

- (1) The stability and integrity of the various zoning district.
- (2) Conservation of property values.
- (3) Protection against fire and casualties.
- (4) Observation of general police regulations.
- (5) Prevention of traffic congestion.
- (6) Promotion of traffic safety and the orderly parking of motor vehicles.
- (7) Promotion of the safety of individuals and property.
- (8) Provision for adequate light and air.
- (9) Prevention of over-crowding and excessive intensity of land uses.
- (10) Provision for public utilities and schools.
- (11) Invasion by inappropriate uses.
- (12) Value, type and character of existing or authorized improvements and land uses.
- (13) Encouragement of improvements and-land uses in keeping with overall planning.
- (14) Provision for orderly and proper urban renewal, development and growth.

4. Conditions of Determination: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may

modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

A majority of the Board shall constitute a quorum for the transaction of business and a concurring vote of four members of the Board shall be necessary to reverse an order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such Regulation, or to affect any variation in such Regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 3. APPLICATION.

1. The procedure for requesting a hearing before the Board shall be as follows:
 - a. All applications to the Board shall be in writing on forms provided by the Board.
 - b. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the governing body) at least 20 days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest and to the Planning Commission.
 - c. At least 20 days prior to the date fixed for the public hearing, the applicant shall place in a conspicuous area on or near the property in question not less than one sign of a minimum of two square feet in area containing notice of the time, place and subject of such hearing.
 - d. An application shall be accompanied by a filing fee of twenty dollars (\$20.00). A separate filing fee of \$20.00 shall be required for each request.
2. In addition to the above requirements, certain applications require additional information as follows:
 - a. Appeals:
 - (1) An application for an appeal shall be filed within 60 days after a ruling has been made by the Zoning Administrator.
 - (2) A copy of the order, requirements, decision or determination of the Zoning Administrator which the appellant believes to be in error.
 - (3) A clear and accurate, written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.
 - (4) Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.
 - b. Variances:

(1)The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner which it is believed that this application will meet each of the five conditions as set out in Section 2, 21, c.

(2)The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plot plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the Board in consideration of the application.

SECTION 4. PERFORMANCE. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping and other appropriate safeguards to protect adjoining property.

The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvement as determined by the Board, and shall be enforceable by or payable to the Governing Body in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

SECTION 5. WHO MAY APPEAL FROM THE BOARD DECISION. Any person, persons, department or departments of the government jointly or separately aggrieved by any decision of the Board may present to the District Court having jurisdiction, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the Court within 15 days after the date of filing the decision in the office of the Board.

AMENDMENTS

SECTION 1. PROCEDURES. The Governing Body may from time to time supplement, change or generally revise the boundaries or regulations contained in these zoning regulations by the amending procedure set out in the State Statutes.

SECTION 2. FEES. For the purpose of wholly or partially defraying the costs of the amendments proceedings, including publication costs, a fee in the amount of \$25.00 shall be paid upon the filing of each application for a change of district boundaries or classifications.

ENFORCEMENT, VIOLATION AND PENALTY

SECTION 1. ENFORCEMENT. A Zoning Administrator shall be appointed by the Governing Body and it shall be the duty of said zoning administrator to enforce this regulation. Appeal from the decision of the Zoning Administrator may be to the Board.

SECTION 2. ZONING PERMIT. Prior to the erection of any structure, including structures for agricultural uses, an application for a zoning permit shall be prepared on forms provided and shall be submitted to the Zoning Administrator accompanied by a plot plan in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, required setbacks, points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces, service areas, and such other information as may be necessary to provide for the enforcement of this regulation. A record of the applications, plans and permits shall be kept in the office of the Zoning Administrator. The Zoning Administrator may accept lesser information providing adequate data is available to render a decision. This zoning permit may be a part of or termed a building permit.

SECTION 3. VIOLATION AND PENALTY. The owner or agent of a building or premise in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed \$100.00 for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

VALIDITY

SECTION 1. If any section, subsection, sentence, clause or phrase of this regulation is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this regulation.

APPROVAL AND EFFECTIVE DATE

SECTION 1. These Zoning Regulations and official Zoning Maps and all amendments thereto are hereby known as the Zoning Regulations.

SECTION 2. This is to certify that the Zoning Regulations and official Zoning Maps referred to in this zoning regulation were duly approved by the Planning Commission in April, 1981, and amended on this 29th day of February, 1984.

Secretary

Chairman

SECTION 3. This regulation as amended shall become effective upon its publication once in the official area newspaper.

PASSED, this 6th day of March, 1984.

ATTEST:

City Clerk

Mayor

Published: April 26, 1984