**CITY OF**

**OSKALOOSA**

**ZONING**

**REGULATIONS**

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**Chapter 16**

**Appendix A**

**of the**

**Code of the**

**City of Oskaloosa**

**2018**

**CHAPTER XVI PLANNING AND ZONING**

 Article 1. City Planning Commission

 Article 2. Board of Zoning Appeals

 Article 3. Zoning Regulations

 Article 4. Subdivision Regulations

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**Article 1. CITY PLANNING COMMISSION**

**COMMISSION ESTABLISHED**  There is hereby created a “Planning Commission” for the City of Oskaloosa.

**MEMBERSHIP** The Planning Commission shall consist of five (5) members, all of whom shall be residents within city limits.

 The members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council. The members of the Commission shall be for three (3) years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Commission shall serve without compensation for their service.

**POWERS, DUTIES** The powers and duties of the Planning Commission shall be as established by the Kansas Statutes Annotated.

**ORGANIZATION; MEETING; QUORUM; RECORDS** The members of the City Planning Commission shall meet within two weeks following their appointment and organize by selection of one of their members as a chairperson and one as vice-chairperson, each of whom shall serve one year and until his or her successor has been selected. The City Planning Commission shall meet thereafter as it may fix by resolution. Special meetings may be called by the chairperson or in his or her absence by the vice-chairperson. A majority of such commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of all the proceedings.

**COMPENSATION** All members of the commission shall serve without compensation, but may be reimbursed for their expenses actually incurred in the performance of their duties, such as seminars or training.

**REMOVAL OF MEMBERS** No member of the commission shall be removed during his or her term of office, except for cause, and after a hearing before the governing body by whom he or she was appointed, or in case of disqualification by moving outside of Oskaloosa City Limits.

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**Article 2. BOARD OF ZONING APPEALS**

**APPOINTMENT** A board of zoning appeals is hereby created. The board shall consist of the members of the Planning Commission. All requirements regarding quorums and majorities shall be based on the Planning Commission requirements outlined above.

**TERMS, VACANCIES AND REPLACEMENT OF BOARD MEMBERS** Term for the Board of Zoning Appeals shall be three (3) years. All replacement of Board members shall be accomplished by the procedure outlined for the Planning Commission above.

16-2

**Article 3. ZONING REGULATIONS**

**ZONING REGULATIONS INCORPORATED** There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the governing body of the City of Oskaloosa, Kansas, as prepared by the City and set out in full in Appendix A of this code and entitled, “Zoning Regulations of the City of Oskaloosa, Kansas.” No fewer than three copies of the zoning regulations, marked “Official Copy as Incorporated by the Code of the City of Oskaloosa” and to which there shall be published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours.

**OFFICIAL MAP** A map is hereby adopted as the official map of the City of Oskaloosa, Kansas, and such map shall be kept on file at all time for public inspection in the City Hall of Oskaloosa, Kansas. Such map is hereby designated “Official Map of the City of Oskaloosa, Kansas.”

**ZONES AND DISTRICTS**  The city is hereby divided into zones and districts as set forth on the Official City Map adopted herein and that hereafter all buildings and land use within the city shall conform with the zoning districts as set forth on the Official Map of the City of Oskaloosa, Kansas, as updated periodically.

16-3

**Article 4. SUBDIVISION REGULATIONS**

**Subdivision Regulations** There are hereby incorporated by reference, and made part of this article, Subdivision Regulations as prepared by B.G. Consultants, Inc., Lawrence, Kansas, adopted August 21, 1997, save and except such portions as are hereinafter or may hereafter be deleted or amended, as authorized and in the manner prescribed by the statutes of the State of Kansas. There shall be not less than three (3) copies of the subdivision regulations incorporated by reference in this article kept on file in the office of the City Clerk and kept available for inspection by the public at all reasonable business hours. The filed copies of the subdivision regulations shall be marked or stamped “Official Copy, as Incorporated by the Code of the City of Oskaloosa, Kansas.”

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**ARTICLE 3-1. TITLE**

**Section 101. Title**

These regulations, including the City of Oskaloosa Zoning District Map, made a part hereof, shall be known, and may be cited and referred to as the City of Oskaloosa, Kansas Zoning Regulations and Subdivision Regulations.

**Section 102. Applicability**

These Regulations shall apply to the incorporated territory of the City of Oskaloosa, Kansas.

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**ARTICLE 3-2. PURPOSE AND INTENT**

**Section 201. Purpose and Intent**

This zoning ordinance, adopted pursuant to the authority contained in Article 7 of Chapter 12 of the Kansas Statutes Annotated, and amendments thereto, is intended to serve the following purposes:

 A. To promote the health, safety, morals, comfort and general welfare of the City; and

 B. To preserve and protect property values throughout the City; and

 C. To restrict and regulate the height, number of stories, and size of buildings; the percentage of lot coverage; the size of yards, courts and other open spaces; the density of population and

 D. To divide the City into zones and districts and

 E. To regulate and restrict the location and use of buildings and land within each district or zone.

16-10

 **ARTICLE 3-3. VALIDITY**

**Section 301. Validity**

If any provision of these Regulations or the application thereof to any zoning lot, building, other structure or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective

to the zoning lot, building, structure, or tract of land immediately involved in the controversy. All other provisions of these Regulations shall continue to be separate and fully effective and the application of such provision to other persons or situations shall not be affected.

16-11

  **Article 3-4. GENERAL PROVISIONS**

**Section 401.** **Jurisdictional Area**

The Provisions of these regulations shall apply to all structures and land in the incorporated area of Oskaloosa, Kansas, as shown on the City of Oskaloosa Zoning District Maps. The jurisdictional area shall be shown on the City of Oskaloosa Zoning District Map filed in the office of the city clerk .

**Section 402.** **Establishment of Districts**

The jurisdictional area is herby divided into eight zoning districts which are designated as follows:

 "R-1" Single Family Dwelling District

 "R-2" Two Family Dwelling District

 "R-3" Multi-Family Dwelling District

 "B-1" Neighborhood Business District

 "B-2" Community Business District

 "B-3" Central Business District

 "I-1" Light Industrial District

 "I-3" Heavy Industrial District

**Section 403. Zoning District Map**

The boundaries of the districts are shown on the Official Zoning District Map which is filed in the office of city clerk. Said Zoning Map, with all notations references and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein.

**Section 404. Rules Where Uncertainty My Arise**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, incorporated herein, the following rules apply:

 A. The district boundaries are the center lines of streets alleys, and waterways, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of streets, alleys, or waterways, the centerline of such streets alleys, or waterways, but do coincide with the lot lines, such lot lines shall be construed to be the boundary of such district.

 B. Where the district boundaries do not coincide with the location of streets, alleys, or waterways, but do coincide with the lot lines, such lot lines shall be construed to be the boundary of such district.

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C. Where the district boundaries do not coincide with lot lines such lot lines shall be construed to be the boundary line.

**Section 405. Exemptions**

The following structures and uses shall be exempt from the provisions of these regulations:

 A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.

 B. Retaining walls - Subject to Building Permit

 C. Public Signs - Subject to Sign Permit

**Section 406. Application of Regulations**

The following general requirements shall apply to all zoning districts:

No building, structure, or land shall hereafter be used or occupied in whole or in part, and no building or structure of part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.

**Section 407. Annexed Land**

All land which may hereafter be annexed to the City of Oskaloosa, Kansas shall be classified according to the closest corresponding classification as it was classified in the County, except following rules will apply to land classified as Agricultural District (AG):

 A. All Agricultural District parcels of 20 acres or less, shall upon annexation, be classified as R-1 Single Family Dwelling District until otherwise changed by Ordinance.

 B. All Agricultural District parcels of 20 acres or greater, which qualify under the definition of Agricultural Use as defined in these regulations, upon annexation and approval by the Governing Body, be classified as "AG" Agricultural District, provided the primary use of the parcel remains an agricultural use and unless otherwise changed by Ordinance. Subdivision of such parcels will first require classification to "R-1" Single Family Dwelling District.

**Section 408. Zoning Procedure**

The requirements of this Zoning Ordinance permit only those types of uses described in each district under USE REGULATIONS. Any owner of property desiring to use his or her property for some use other than the types of uses described may request the Planning Commission to consider amending the regulations.

16-13

**ARTICLE 3-5. DISTRICT REGULATIONS**

**Section 501. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

Purpose - District R-1 is intended primarily for one-family detached dwelling units and related to residential activities which are in general peripherally related to higher density and more centrally located residential areas or may be peripherally related to more limited outlying higher density districts or business centers. The district is intended to accommodate a moderate population density for this type of dwelling unit.

 Permitted Uses

 Various uses are permitted that conform to these Zoning Regulations and as approved by the Planning Commission. See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area (dwelling use only) 9,100 sq. ft.

 2. Minimum Lot Area (all uses other than dwelling) 15,000 sq. ft

 3. Minimum Lot Width (interior) 70 ft.

 4. Minimum Lot Width (corner) 90 ft.

 5. Minimum Lot Depth 130 ft.

 6. Minimum Lot Frontage 45 ft.

 Yard Requirements

 1. Minimum Front Yard Depth 30 ft.

 2. Minimum Rear Yard Depth 30 ft.

 3. Minimum Side Yard Width (each side) 10 ft.

 4. Corner Lots Yard Depth on Street Sides 30 ft.

 5. See Requirements Article 7-704.

 Height Requirements

 1. Maximum Building Height 35 ft.

 2. Special Height Regulations, see Article 7-705.

 Lot Coverage

 1. Maximum Lot Coverage 25 percent

16-14

**Section 502. R-2 SINGLE FAMILY or DUPLEX RESIDENTIAL DISTRICT**

Purpose - District R-2 is intended primarily to accommodate one or two families, located generally in more central areas of the city peripheral to higher density multi-family apartment or business districts or in limited outlying areas of the of the city peripheral to apartment districts or business centers. The district is intended to accommodate a moderately high population density for these types of dwelling units.

 Permitted Uses

 Various uses which conform to these Zoning Regulations and as approved by the Planning Commission. See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area (dwelling use only) 9,100 sq. ft.

 2. Minimum Lot Area (all uses other than dwelling) 15,000 sq. ft.

 3. Minimum lot Width (interior) 70 ft.

 4. Minimum Lot Width (corner) 90 ft.

 5. Minimum Lot Depth 130 ft.

 6. Minimum Lot Frontage 45 ft.

 Yard Requirements

 1. Minimum Front Yard Depth 30 ft.

 2. Minimum Rear Yard Depth 30 ft.

 3. Minimum Side Yard Width (each side) 10 ft.

 4. Corner Lots Yard Depth on Street Sides 30 ft.

 5. See Requirements Article 7-704

 Height Requirements

 1. Maximum Building Height 35 ft.

 2. Special Height Requirements See Article 7-705

 Lot Coverage

 1. Maximum Lot Coverage 25 percent

16-15

**Section 503. R-3 MULTIFAMILY RESIDENTIAL DISTRICTS**

Purpose - District R-3 is intended primarily to accommodate non-elevator or walkup type apartment buildings located generally in or adjacent to central areas of the city in proximity to principal areas of development and commercial activity or in convenient relation to outlying major thoroughfares and outlying business centers.

 Permitted Uses

 Various uses which conform to these Zoning Regulations and as approved by the Planning Commission. See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area (all uses other and dwelling) 12,000 ft.

 2. Minimum Lot Area (single-family dwelling) 8,000 ft.

 3. Minimum Lot Area (two-family dwelling) 12,000 ft.

 4. Minimum Lot Area (three to four-family dwelling) 12,000 ft. for the first two families plus 2,000 ft. for each additional family.

 5. Minimum Lot Area (multifamily over four) 16,000 sq. ft. for first four families plus 1,500 sq. ft. for each additional family.

 6. Minimum Lot Width (interior) 60 ft

 7. Minimum Lot Width (corner) 80 ft.

 8. Minimum Lot Depth 130 ft.

 9. Minimum Lot Frontage 45 percent

 10. Usable Open Space (see definition.) 20% lot area must be devoted to usable open space

16-16

 Yard Requirements

 1. Minimum Front Yard Depth 25 ft. plus one foot for each two feet in height when the building exceeds two stories

 2. Minimum Rear Yard Depth 20 ft. plus one foot for each two feet in height when the building exceeds two stories.

 3. Minimum Side Yard Width (each side) 10 ft. plus one foot for each two feet in height when the building exceeds two stories.

 4. Corner Lots Yard Depth on Street Side 25 ft. plus one foot

 for each two feet

 in height when the

 building exceeds

 two stories

 5. Special Requirements, See Article 7-704.

 Height Requirements

 1. Maximum Building Height 91 ft.

 2. Special Height Regulations, See Article 7-705.

 Maximum Lot Coverage

 1. 1 to 2 stories 35 percent

 2. 3 to 4 stories 30 percent

 3. Over 4 stories 25 percent

16-17

**Section 504. B-1 NEIGHBORHOOD BUSINESS DISTRICT**

Purpose - District B-1 is intended primarily for retail trades and convenience services related to a limited trade area providing neighborhood shopping accommodations. Businesses which generate traffic in volumes beyond local traffic requirements are generally not included in this district. Parking accommodations are a premium requirement since the private automobile is the dominant mode of transportation. The district is generally located at intersecting streets, as least one of which is major street. Residential uses are not generally included in this district.

 Permitted Uses

 Various uses which conform to these Zoning Regulations and as approved by the Planning Commission. See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area 9,100 sq. ft

 2. Minimum Lot Width (interior) 70 ft.

 3. Minimum Lot Width (corner) 100 ft.

 4. Minimum Lot Depth 130 ft.

 5. Minimum Lot Frontage 50 ft.

 6. Maximum Lot Coverage 40 percent

 Yard Requirements

 1. Minimum Front Yard Depth 40 ft.

 2. Minimum Rear Yard Depth 20 ft.

 3. Minimum Side Yard Width (each side) 10 ft.

 4. Corner Lots Yard Depth on Street Sides 40 ft.

 5. Special Requirements, see Article 7-704.

 Height Requirements

 1. Maximum Building Height 49 ft.

 2. Special Height Regulations, See Article 7-705.

16-18

**Section 505. B-2 COMMUNITY BUSINESS DISTRICT**

Purpose - District B-2 is intended primarily for general trades and commercial services located at specific points on major thoroughfares outside of central or local business districts. This district is particularly appropriate adjoining a major highway. Such an area draws highway uses such as restaurants, service stations, and motels, which are not totally compatible with shopping center developments but which may be grouped together quite advantageously as highway service centers.

 Permitted Uses

 Various uses as to conform to these Zoning Regulations and as approved by the Planning Commission. See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area 9,100 sq. ft

 2. Minimum Lot Width (interior) 70 ft.

 3. Minimum Lot Width (corner) 100 ft.

 4. Minimum Lot Depth 130 ft.

 5. Minimum Lot Frontage 50 ft.

 6. Maximum Lot Coverage 35 percent

 Yard Requirements

 1. Minimum Front Yard Depth 40 ft.

 2. Minimum Rear Yard Depth 20 ft.

 3. Minimum Side Yard Width (each side) 10 ft.

 4. Corner Lots Yard Depth on Street Sides 40 ft.

 5. Special Requirements, See Article 7-704.

 Height Requirements

 1. Maximum Building Height 49 ft.

 2. Special Height Regulations, See Article 7-705.

**16-19**

**Section 506. B-3 CENTRAL BUSINESS DISTRICT**

Purpose - The purpose of the District B-3 is intended primarily for major business services and retail business activity related to the core of the Central Business District serving the metropolitan trade area. Because this district is the major employment and shopping area within the community, relatively large building volumes and residential on the second floor of such buildings is permitted for transient and apartment accommodation. The high volume of pedestrian movement generated within this district will be facilitated as much as possible by the separation of pedestrian and vehicular traffic.

 Permitted Uses

 Various uses which conform to these Zoning Regulations and as approved by the Planning Commission.

 Lot Requirements

 1. Minimum Lot Area 6,500 sq. ft.

 2. Minimum Lot Width 50 ft.

 3. Minimum Lot Depth 130 ft.

 Yard Requirements

 1. Minimum Front Yard Depth NONE

 2. Minimum Rear Yard Depth NONE

 3. Minimum Side Yard NONE

 4. Front yards and side yards adjacent to Residential Districts shall meet the front and side yard requirements of the adjacent Residential District.

 Height Requirements

 1. Maximum Building Height NONE

16-20

**Section 507. I-1 LIGHT INDUSTRIAL DISTRICT**

Purpose - District I-1 is intended primarily for those manufacturing industries and related industrial activities in which the production performance of the manufacturing industries characteristically produces a finished product from semi-finished materials, but requires little or no outside material storage. The effect of the production process upon surrounding areas is normally that of the traffic generated by the receipt and delivery of goods and materials. Commercial uses in this district are generally those which serve the convenience of the industrial establishments and their employees, Residential uses are not compatible with this environment and are not included in the order that the district may be reserved for its intended light industrial purpose.

 Permitted Uses

 Various uses which conform to these Zoning Regulations and as approved by the Planning Commission. (See Article 12, G-I) See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area 9,100 sq. ft.

 2. Minimum Lot Width (interior) 70 ft.

 3. Minimum Lot Width (corner) 100 ft.

 4. Minimum Lot Depth 130 ft.

 5. Minimum Lot Frontage 50 ft.

 Yard Requirements

 1. Minimum Front Yard Depth 25 ft.

 2. Minimum Rear Yard Depth 25 ft.

 3. Minimum Side Yard Depth 10 ft.

 4. Side yard width and rear yard depth - requirements for property adjacent to
 Residential Districts - the minimum side yard width and rear yard depth shall be fifty feet (50') when said yard is adjacent to a Residential District. An obscuring fence wall or wall six feet (6') in height shall be located along all side or rear lot lines adjacent to a Residential district.

 5. Special Requirements, see Article 7-704.

16-21

 Height Requirements

 1. Maximum Building Height 35 ft.

 2. Special Height Regulations, see Article 7-705.

 Plot Coverage

 The combined area occupied by all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.

 Additional Requirement

 There shall be no outdoor storage of equipment, materials or merchandise of any type.

16-22

**Section 508. I-3 HEAVY INDUSTRIAL DISTRICT**

Purpose - District 1-3 is intended primarily for major basic manufacturing industries and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap material for processing to semi-finished products. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended heavy industrial purpose.

 Permitted Uses

Various uses which conform to these Zoning Regulations and as approved by the Planning Commission. (See Article 12, G-I) See Tabulations of Permitted Uses.

 Lot Requirements

 1. Minimum Lot Area 9,100 ft.

 2. Minimum Lot Width (interior) 70 ft.

` 3. Minimum Lot Width (corner) 100 ft.

 4. Minimum Lot Depth 130 ft.

 5. Minimum Lot Frontage 50 ft.

 Yard Requirements

 1. Minimum Front Yard Depth None

 2. Minimum Rear Yard Depth None

 3. Minimum Side Yard Width None

 4. Front yard, Side yard width and Rear yard depth requirements when adjoining a Residential District shall not be less than forty feet (40').

 5. Front yard, side yard and rear yard depth requirements when adjacent to Residential Districts shall meet the yard requirements of the adjacent Residential district.

 Height Regulations

 1. Maximum Building Height 50 ft.

 2. Special Height Regulations, see Article 7-705.

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 Supplementary Regulations

 1. Site Plan Approval Required - Site plans of the development shall be subject to approval by the Planning Commission to insure compliance with these Zoning Regulations.

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**ARTICLE 3-6. RULES AND DEFINITIONS**

**Section 601. Rules**

A. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:

 1. Words used in the present tense shall include the future.

 2. Words in the singular number include the plural number, and words in the plural number include the singular number.

 3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for" .

 4. The word "shall" is mandatory.

 5. The word "may" is permissive.

 6. The word "person" includes individuals, firms, corporation, association Governmental bodies and agencies, and all other legal entities.

 7. The word "Board" means the Board of Zoning Appeals.

 8. Unless otherwise specified, all distances shall be measured horizontally.

 9. The word "City" means the City of Oskaloosa, Kansas.

 10. The abbreviation N/A means not applicable.

B. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

**Section 602. Interpretation**

A. Minimum Requirements. In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

B. Overlapping or Contradictory Regulations. Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by another provision of these regulations or any provision of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern unless otherwise expected.

**Section 603. Separable**

It is herby declared to be the intention of the City that the provisions of these regulations are separable, in accordance with the following rules:

A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.

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B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

**Section 604. Definitions**

For the purpose of these Zoning Regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

Abandonment: The discontinuance of a use or the vacating of a building for a period of six (6) months (180 consecutive calendar days) or longer, except however, such discontinuance or vacation shall not be interpreted to be abandonment when resulting from actions other than those of the owner of said property or business.

Accessory Building or Use: A subordinate building or structure which serves a function customarily incidental to and located upon the same lot occupied by the main building or use. Accessory buildings may exist on a property without a main building.

Adjacent: Lying near, close, separated by a right of way, road or natural barrier.

Adjoining: Being in contact at some point or line, touching.

Agricultural Use: Pertains to the cultivation of land, raising of crops, husbandry, horticulture, forestry and related activities.

Airport: Any landing area, runway or other facility designed, used or intended to be used for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other accessory buildings and open spaces.

Alley: A public way which normally provides a secondary means of access to adjoining property.

Alteration: A change or rearrangement in the structural parts of an existing building or structure. Enlargement or other adjustment to a building, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

Area of Building: The total of building area taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces and steps.

Assisted Living Facility: A system of housing and limited care that is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home.

Automobile Service Station: Any business establishment having facilities for the general servicing of motor vehicles such as battery, tire or accessories and parts replacement, sale or dispensing of gasoline or motor fuels and oil, mechanical repair and maintenance, but not to include such major repair work as wreck rebuilding, body and fender repair, auto paint shops and tire recapping.

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Basement: That portion of a building having more than one-half of its height below grade. This portion is not a completed structure and serves as a substructure or foundation for the remainder of the building.A story having more than one-half (1/2) of its height below the average finished grade.

Billboard: A sign used to advertise a business, commodity, service, entertainment or any other activity sold or available elsewhere than on the premises on which the billboard is located.

Board of Zoning Appeals: That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to these zoning regulations.

Building: Any structure built for the support shelter, or enclosure of persons, animal, or movable property of any kind, and which is affixed to the land, exclusive of fences.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the main level of height between eaves and ridges for a gable, hip or gambrel roof.

Building Inspector: The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

Building Line: A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein. OR A line, usually fixed parallel to the lot line, beyond which a building cannot extend under the terms of these zoning regulations. The building line is equivalent to the setback.

Cellar: A room or set of rooms below or mainly below the surface of the ground, usually under a building, but may be separate. For the purposes of these Zoning Regulations, “cellar” shall include all bomb, fallout or storm shelters.

Child Care Center: A child care facility in which care and educational activities are provided for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and night-time care, or which provides before and after school care for school-age children.

Club or Lodge, Private: A nonprofit association or organization formed for either fraternal social, educational, or philanthropic service for the community but not to include any use which provides social or physical entertainment, except as a part of the philanthropic service

Community Service Organization: Any organization, group or association formed for the single purpose of providing a philanthropic service for the community but not to include any use which provides social or physical entertainment, except as a part of the philanthropic service.

Day Care Home Licensed: A child care facility in which care is provided for a maximum of ten (10) children under 16 years of age and includes children under eleven (11) years of age related to the provider. The total number of children in care at any one time is based on the ages of the children in care.

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Density of Screen or Fence: The percent of vision obstruction caused by physical properties of a planned screen or fence when viewed from a point perpendicular to the surface.

Disability: A physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment. Such term does not include current, illegal use of or addition to a controlled substance, as defined in Section 102 of the controlled Substance Act (21 U.S.C. 802); or any person assigned to a community corrections program or diversion program, on parole from a correctional institution or on probation for a felony offense, or in a state mental institution following a finding of not guilty by reason of insanity.

District: Any area of land for which uniform regulations and requirements or various combinations thereof apply under the provisions of these Regulations.

District Map: A map showing the delineation of Zoning Districts of that portion of the City of Oskaloosa under jurisdiction of the Oskaloosa Planning Commission for the purposes of these Regulations and which map is attested and on file in the offices of the City Clerk and the Oskaloosa Planning Commission.

Dwelling: Any building or portion thereof which is designed or used exclusively for human habitation but not including mobile homes.

Dwelling, Single-Family: A building arranged, intended or designed for or occupied exclusively by a single family.

Dwelling, Two-Family: A building arranged, intended or designed for and occupied exclusively by two (2) families living independently.

Dwelling, Multifamily: A building arranged, intended or designed for and occupied exclusively by more than two (2) families living independently.

Dwelling, Unit: A room or a group of rooms with culinary and sanitary facilities which are designed for residential occupancy by a single family.

Establishment: Shall mean all the physical facilities, land and buildings or portions thereof which when considered as a whole comprise a specific use.

Fabrication: That part of manufacturing which relates to stamping, cutting or otherwise shaping the processed materials into useful objects and may include extraction, refining or other initial processing of basic raw materials such as metal ores, lumber or rubber.

Family: One or more persons occupying a premises and living as a single housekeeping unit. One or more than one person related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in neither case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.

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Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building including interior balconies. All horizontal dimensions are to be made between the exterior faces of walls. The floor area of a building shall include the floor area of accessory buildings on the same lot, measured in the same way.

Floor Area Ratio: The total gross floor area of the buildings (excluding basement) on a plot divided by the area of the plot.

Frontage: The dimension of the plot line which coincides with the street right-of-way line upon which the lot fronts. A corner lot would have two sides of frontage.

Garage, Storage or Parking: An establishment having facilities designed or used exclusively for housing motor-driven vehicles, not necessarily used by occupants of the lot on which said building or portion thereof is situated.

Grade, Finished: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Group: Any gathering together of four (4) or more normally unrelated persons for a mutual purpose. Not to include the term or meaning of “family.”

Group Day Care Home: A child care facility in which care is provided for a maximum of twelve (12) children under 16 years of age and includes children under eleven (11) years of age related to the provider. The total number of children in care at any one time is based on the ages of the children in care.

Group Housing Facility: Any establishment built or designed solely for the purpose of housing four (4) or more unrelated persons using common facilities.

Guest House: Living quarters within a detached accessory building located on the same lot as the principal building for use by temporary guests and not rented or otherwise used as a separate dwelling.

Handcrafts: Any occupation in which articles are fashioned totally or chiefly by hand with manual and often artistic skill involved, materials normally being but not limited to leather, malleable metals, plastics, glass fabrics or wood.

Home Occupations: Any allowed occupation or profession which is clearly incidental and secondary to the use of the dwelling and does not change the character thereof or adversely affect the uses permitted in the district of which it is part. (See regulations concerning Home Occupations.)

Hospital: Any establishment used for the provision of health services, primarily for in-patients and medical or surgical care of the sick or injured.

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Independent/Assisted Living Facility: Any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities off daily living limitation in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for te support of resident independence.

Inoperable Motor Vehicle: A motor vehicle that is wrecked, partially or wholly dismantled, abandoned, or unable to move under its own power, is impounded by a governmental agency, or is not currently licensed. (See also City Code Section 8-402)

Institution, Nonprofit: Any land or building occupied by a nonprofit organization or establishment for public and semi-public use.

Institutional Home: Any establishment used for the nonprofit reception, board, care or treatment of four (4) or more babies or children or three (3) or more unwed mothers, pensioners or aged persons who by reason of illness, physical infirmity or social cause are unable to sufficiently or properly care for themselves, not to include mental or penal institutions.

Junkyard or Salvage Yard: A building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling which shall include auto wrecking yards, but shall not include retail secondhand furniture stored or the purchase and storage of used or salvaged materials as a part of a manufacture operations.Any establishment used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

Kennel: Any establishment used for keeping three (3) or more domesticated animals, commonly considered to be household pets, more than three (3) months old. "Kennel" shall not include “Animal Hospital.”

Laboratory, Medical, Optical or Dental: An establishment which provides bacteriological biological, medical, x-ray, pathological and similar analytical or diagnostic services.

Fabrication is limited to custom fabrication of dentures, optical lenses, braces or other orthopedic appliances.

Laundromat: Any business establishment equipped with individual coin operated washing, or otherwise pay-to-use, drying or dry cleaning machines.

Lot: An area of land delineated on a “Subdivision Plat” as a separate and district parcel of land intended for the purposes of transfer of ownership or of individual buildings or uses.

Lot Corner: A lot having frontage on two intersecting streets.

Lot Depth: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

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Lot Double Frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot Front: The front of a lot shall be that narrowest dimension adjoining a street right-of-way. On corner lots which have two equal sides which adjoin on a street right-of-way, either side may be considered the front of the lot.

Lot Rear: The rear of a lot shall be that side opposite the front of the lot.

Lot Width: The horizontal distance measured between the side lot lines along the minimum building setback line.

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 of record, or any combination thereof.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds or a lot described by metes and bounds, the description of which was recorded in the office of Register of Deeds.

Manufacture: Any method of processing, developing, fabricating, assembling either raw materials or parts of any product destined to be sold either for further processing, fabrication or consumption.

Manufactured Home: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Sec. 5403.

Mobile Home: A factory built residential structure or structures forty (40) or more feet in length and eight (8) or more feet in width, equipped with the necessary service connections required for utilities, having plumbing, heating, and electrical systems contained therein and constructed on a permanent chassis so as to be readily moveable as a unit or units on its or their own running gear and designated for residential purposes with or without a permanent foundation. Mobile Homes shall have been built to the federal manufactured home construction and safety standards in effect on the date the unit was built.

Modular Home: A manufactured residential structure built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that is meets said standard. Units build to the Federal Manufactured Home Construction and Safety Standards are classified as mobile homes and not modular homes.

Mobile Home Park: Any plot whereupon mobile homes as herein defined are placed, located or maintained (other than for sale).

Mobile Home Site: An area set aside for one mobile home exclusive of all public property, roads, streets, parking areas (other than onsite parking space provided for the subject mobile home) recreation facilities, laundry facilities, walks and driveways which are not integral part of the individual mobile home site.

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Night Clubs : Any business establishment normally providing dancing, entertainment, food and alcoholic beverages and including taverns, beer halls, membership night clubs or similar names or titles.

Nonconforming Structure: A structure or portion thereof which was designed, erected or structurally altered in such a manner that characteristics of the building do not meet the provisions of these Zoning Regulations, but lawfully existed at the time said Zoning Regulations became effective or as amended.

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 these regulation or any amendments hereto. A use which lawfully occupied a building or plat at the time these Regulations became effective or as amended and which does not conform with the use Regulations of the District in which it is located.

Nursing Home: Any establishment or agency licensed by the State Board of Health for the reception, board, care or treatment of three (3) or more unrelated, aged individuals operated for gain.

Occupancy Use Permit: A certificate issued by the appropriate Zoning Administrator which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of any applicable ordinances or resolutions for the use and occupancy of the building.

Off-Street Parking: An area that is laid out for the purpose of parking motor vehicles of residents, customers, employees or visitors and is not located on public right-of-way. Off street parking shall be considered as an accessory use to the principal use for which the parking is provided. Off-street parking spaces shall not open directly on a public street but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.

Parking Space: An area established for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of eight (8) feet six (6) inches and a minimum length of nineteen (19) feet. In computing off-street parking, additional area shall be required for access drives to each parking space.An area sufficient in size to store one (1) automobile having a permanent access connecting the parking space with the street or alley permitting ingress and egress and having an area of not less than one hundred eighty square feet (180 sq. ft.) exclusive of passageways and drive ways giving access thereto.

Platting: Whenever the term “platting” or “platted” is used within these Zoning Regulations, it shall refer to the process established by The Subdivision Regulations for the proper and legal method for effectuating a Subdivision Plat as defined herein.

Plot: Any part of a lot, two (2) or more adjacent lots or any parcel of land or tract occupied or intended for occupancy by a principal building or use together with its accessory buildings and uses.

Plot Coverage: The total “area of building” expressed as a percentage of the total “plot area.”

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Pond: A body of water bigger than the size of 100 square feet or more and has a depth of three feet or more.

Preschools: A child care facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 720119-07(c) and any amendments thereto, and who are 30 months of age or older, which conducts sessions not exceeding three hours per session; which does not enroll any child more than one session per day; and which does not serve a meal. the term "preschool" shall include education preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperative. A preschool may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulation. In lieu of being licensed, preschool operated in the same building as private schools providing kindergarten through grade six shall be governed by Kansas statues applicable to private school The license for the preschool states the maximum number of children that can be in care at any one time and also states the maximum number of children that can be in care in any one unit by age group. Staff to children ratios must be maintained at all times.

Principal Building: The building on a plot used to accommodate the primary use to which the premises are devoted.

Public Way: Any sidewalk, street, alley, highway or other thoroughfare dedicated for public use.

Residential: The use of a building or any portion thereof for dwelling purposes.

Restaurant: Any establishment, other than a boarding house, where for compensation food is prepared, dispensed and for consumption.

Rooming House: Any building other than a motel or hotel where generally semi-transient single individuals are provided prearranged lodging for compensation. A boarding house, lodging house, furnished room house or dormitory (when not accessory to an institutional use) shall be deemed a rooming house.

School: An education facility including parochial, public or private under the direction and control of the State Board of Education and the State Superintendent of Public Instruction.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but not including the flag, badge or insignia of any government or governmental agency.

Sign, Projecting: Any sign attached to a building and projecting at any angle from the face of the wall and which extends more than fifteen inches (15”) from the wall.

Sign, Temporary: Any sign intended to be displayed for ninety (90) days or less.

Sign, Wall: Any sign attached directly to, painted on or part of the outside wall of any building and supported throughout its length by such wall or building and which extends not more than fifteen inches (15”) from the face of the building.

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Sign, Accessory: Any sign which is located on the same plot as the use, object, project, place activity, service or person to which it refers.

Sign, Non accessory: Any sign which is not located on the same plot as the use, object, project, place activity, service or person to which it refers.

Sign, Animated: Any sign or any portion thereof which is set in motion by any force.

Sign, Area: The entire area within a single continuous perimeter enclosing the extreme limits of that portion serving a sign function. The supports, uprights or bracing shall not be included as sign area unless it clearly serves a sign function along with the rest of the sign.

Sign, Flashing: Any illuminated sign on which the artificial lights revolve, rotate or are not constant in intensity or color at all times.

Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or illuminated tubes as part of the sign proper or illuminated by independently located spot lights or flood lights.

Storm or Bomb Shelters: For the purpose of Zoning Regulations, "cellar" shall include all bomb, fallout or storm shelters.

Story: That portion of a building other than a basement (except a basement used for active business or dwelling purpose) included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three feet (3’) above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street: An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.

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

Structural Alterations: Any change in the supporting members of a building such as bearing walls or partitions, columns, floors, beams, or girders or any substantial change in the roof or in the exterior walls.

Subdivision: The division of a parcel of land into two (2) or more plots for the purpose of transfer of ownership or building development.

Subdivision Plat: A plan or map prepared in accordance with the provisions of the Subdivision Regulations and recorded in the office of the Register of Deeds of Jefferson County.

Use: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any illegal nonconforming

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Use, Permitted: Uses permitted outright or as a matter of right upon issuance of a zoning certificate per the terms of these zoning regulations.

Useable Open Space: The required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on out-doors. This space shall not be devoted to service driveways or off-street parking and loading.

Variance: A variance is a granting of permission within the general intent and purpose of the District Zoning Regulations by the Board of Zoning Appeals to allow the development of a plot for uses allowed within a given zoning district but beyond one (1) or more specific controls and limitations of the District Zoning Regulations only enough to prevent the District Zoning Regulations from being confiscatory or causing undue hardship.

Yard: An open space between the building and the adjoining plot lines, open and unobstructed from the ground except as otherwise provided herein.

Yard, Front: A yard extending along the full length of lot lines adjoining a street or streets.

Yard, Rear: A yard extending across the rear of a lot between side lot lines. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Side: A yard between the building and the side line of the lot and extending from the front yard line to the rear yard line or in absence of either of such front or rear yards to the front or rear lot lines.

Zone: A section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are herein established.

Zoning Administrator: The person or persons authorized and empowered by the Governing Body to administer the requirements of these Regulations.

**Section 605. Undefined Words**

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

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**ARTICLE 3-7. GENERAL REGULATIONS**

**Section 701. General Provisions**

General Regulations apply to all Districts. Where requirements of a General Regulation and a District Regulation differ, the more restrictive requirement shall govern.

**Section 702. Permitted Uses**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the District in which the building or land is located. The Planning Commission may issue Conditional Use Permits as it sees fit.

**Section 703. General Lot Regulations**

No Parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the District in which such land is situated.

 A. Minimum Lot Area - Lot area requirements, shall be based on standards set in the Zoning District requirements.

 B. Existing Substandard Lots - Any lot or parcel of land under one ownership and of record at the time of the original adoption of these Regulations and where no adjoining land was under the same ownership on said date may be used as a building site even when of less area, width or depth than that required by these regulations.

**Section 704. General Yard Requirements**

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by these Regulations.

 A. Yard for Single Building

 No required yard or other open space around one building shall be considered as a yard or open space for any other building.

 B. Yard Measurements

 1. The minimum front yard depth shall be measured on a perpendicular from the street right-of-way line to the building setback line. Streets which have no established right-of-way shall have such right-of-way established by classifying the street according to classification in the Subdivision Regulations. All front and side street yards shall be measured from the right-of-way lines so established.

 2. The minimum side yard width and rear yard depth shall be measured on a perpendicular from the lot lines to the nearest point of any structure.

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 C. Vision Clearance

 In all Districts which require a front yard, no obstruction shall be placed, or allowed to exist on any corner lot within a triangle formed by the street property lines and a line connecting those street property lines twenty-five-feet(25 ') from the intersection of the street property lines, or corner.

 D. Fence, Hedges and Walls

 Fences, walls, hedges or shrubbery may be placed along a lot line as follows:

 1. Residential Districts - The height shall not exceed six feet (6'), except when adjacent to a nonresidential district, in which case such fence, wall, hedge or shrubbery shall not exceed eight feet (8") in height.

 2. Nonresidential Districts - The height shall not exceed eight feet (8') in height.

 3. No fence, wall, hedge or shrubbery shall constitute a traffic hazard. No fence, wall, hedge or shrubbery shall be placed in any right-of-way except by authority of the Governing Body.

 4. Fences, walls, hedges or shrubbery required to surround and enclose public utility installations are not limited to height in any District.

 E. Accessory Buildings

 In Residential Districts, one story detached garages or other accessory buildings must be located no closer than five feet (5') from side (street side must still be 30') and rear property lines when located in back of the principal building.

**Section 705. Additional Height Regulations**

The following height regulations supplement the District height regulations:

A. Public or semi-public buildings, hospitals, institutions or schools, when permitted in a Residential District, may be erected to height not exceeding seventy-five feet. (75')

B. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, steeples, radio, television and wireless aerials or masts and flagpoles may be erected to any height after review and approval by the Planning Commission.

**Section 706. Street Frontage**

All lots must have street frontage except as provided in Planned Group Developments.

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**Section 707. Building Regulations**

 A. Principal Building - No more than one (1) principal building shall be permitted on any one lot unless otherwise specifically stated in these Regulations.

 B. Accessory Building - An accessory building, unless attached to and made structurally a part of the main building shall not be closer than five feet (5') to the main building.

 C. Building Under Construction Prior to these Regulations - Nothing in these Regulations shall be deemed to require any change in the plans, construction or designated uses of any building upon which actual construction was lawfully begun prior to the adoption of these Regulations and provided further that such building shall be completed within two (2) years from the date of adoption of these Regulations.

**Section 708. Temporary Buildings or Uses**

Temporary buildings or uses for purposes pertaining to construction work shall be permitted in all Districts provided such buildings or uses shall not be continued permanent structures or uses. The period of continuance shall be established by the Zoning Administrator/Building Inspector and City Superintendent.

**Section 709. Annexation**

All property annexed shall be regulated by the Zoning Regulations of the City of Oskaloosa.

**Section 710. Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the districts shown on the zoning Map(s), the following rules shall apply:

A. Where District boundaries are indicted as approximately following the centerline or right-of-way lines of streets, the centerlines or right-of-way lines of alleys or the centerlines or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

B. Where District boundaries are indicated as approximately following lot lines, these lot lines shall be construed to be said boundaries.

C. Where District boundaries are indicated as approximately parallel to the centerlines or right-of-way lines of streets, the centerlines or right-of-way alley lines, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.

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**Section 711. Ingress and Egress at Intersections**

Whenever any business, industry, service or accessory use is to be located on a corner lot, the ingress and egress for automotive traffic shall be subject to the following:

A. There shall never be more than two (2) driveways on any street frontage of three hundred (300) feet or less.

B. Driveways shall not be over thirty (30) feet wide at the street right-of-way line.

C. The nearest edge of a driveway opening shall always be at least twenty (20) feet from the intersection of the street right-of-way lines. Forty (40) feet at intersection of two major thoroughfares.

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**ARTICLE 3-8. OFF-STREET PARKING REGULATIONS**

**Section 801. General Provisions**

 A. Off-street parking facilities shall be provided for every use or part thereof in all districts as prescribed in this section. Where the parking requirements for a use are not specifically defined herein or a use is not mentioned, the parking requirements for such use shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable use specified herein.

 B. These regulations shall apply at the time of erection of new structure or enlargement or change in use of an existing structure. No building or other permit shall be issued until plans are presented that show the area to be used for off-street parking.

 C. Parking area shall not be used for long term storage of inoperable vehicles, trailers or materials.

**Section 802. Off-Street Parking Area Design and Construction**

 A. Ingress and egress points shall be located to minimize traffic congestion and avoid undue interference with pedestrian movement. There shall be no more than two (2) access ways adjoining on any one street. Access ways shall not be less than twenty feet (20') in width nor more than thirty feet (30') at the curb cut line of the street. All driveways shall be approved by the City Superintendent and/or Zoning Administrator/Building Inspector prior to any building permit being issued.

 B. Off-street parking areas shall be improved with concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the parking area where storm sewers are available or drained to the street where storm sewers are not available as approved by the City Superintendent and/or Zoning Administrator/Building Inspector.

 C. Wheel guards or bumper guards, as may be necessary, shall be provided in connection with any off-street parking of five(5) spaces or more to contain cars on a sloping surfaces and to prevent car bumpers from projecting over sidewalks or property lines.

 D. All lighting used to illuminate parking areas shall be so arranged as to direct the light away from adjoining properties or streets.

 E. Off-street parking areas for nonresidential uses with more than six (6) spaces shall provide a screen with at least eighty percent (80%) density and not less than six feet (6') high on all sides adjoining on a Residential District.

16-40

**Section 803. Off-Street Parking Area Location**

1. Off-street parking spaces for dwelling units shall be located on the same lot as the dwelling unit. For all other uses, parking areas shall be located within three hundred feet (300’) of the uses measured along lines of public access to the property. Such off-street parking shall be under the same ownership as the principal use or a lease binding such use with an adequate guarantee for continuance shall be filed with the Zoning Administrator.
2. Off-street parking required for two or more uses may be combined and used jointly where the uses utilize the parking area at different times. Area required for parking shall be sufficient to satisfy that of the more intense use. If a conflict is created by altering the parking time schedule, the uses shall then provide the total amount of parking spaces required for both uses.

**Section 804. Off-Street Parking Plan and Completion Time**

1. A plan drawn to scale shall accompany every application for a building permit. The plan shall show all elements necessary to indicate the parking requirement being fulfilled. The following to be included:
2. Number of individual parking spaces.
3. Circulation pattern and access to streets and property to be served.
4. Existing use of adjacent land.
5. Dimensions.
6. Type and location of screening.
7. Grading, Drainage, Surfacing and Sub-grading details.
8. Type and location of signs and wheel or bumper guards.
9. Other pertinent details as determined by the party/parties reviewing said permit.

1. Required off-street parking areas shall be completed before final inspection by the Zoning Administrator. An extension of time as shown on the building permit for completion of construction may be granted by the Zoning Administrator provided a performance bond or its equivalent shall be forfeited and the improvements constructed under the direction of the Governing Body. The Zoning Administrator may vary parking requirements with applicant when they turn in their plan.

**Section 805. Interpretation of Off-Street Parking Regulations**

1. The Zoning Administrator, may vary parking requirements for motels and wholesale, warehousing and storage buildings. Such variance shall never permit less than two (2) parking spaces per five (5) employees of a peak work shift.

16-41

**Section 806. Minimum Number of Off-Street Parking Requirements**

1. Dwelling Units
2. Single-family and two-family dwelling units —Two (2) spaces for each dwelling unit.
3. Multifamily dwelling units – Two (2) spaces for each dwelling unit.
4. Rooming Houses, Lodging Houses, Boarding Houses – One (1) space for each two (2) guest rooms plus one (1) space for the owner or operator.
5. Motels, Tourist Homes or Cabins – One (1) space for each sleeping unit. If there are other uses operated in conjunction with the principal use, additional parking spaces shall be provided for each secondary use as would be required if such uses were separate to the extent of fifty percent (50%) of the requirement under the appropriate use category.
6. Hotels – One (1) space each sleeping unit for the first twenty (20) units. One (1) space for each two (2) sleeping units in excess of twenty (20), but not exceeding forty (40) sleeping units. One (1) for each (4) sleeping in units in excess of forty (40) units.
7. Mobile Home Parks – Five (5) spaces for every four (4) mobile home sites with at least one (1) parking space adjacent to each mobile home site.
8. Business and Professional Offices and Banks – One (1) parking space for each two hundred square feet (200 sq. ft.) of floor area.
9. Office Buildings – One (1) parking space for each two hundred square feet (200 sq. ft.) of floor area.

1. Medical and Dental Office and Clinics – Six (6) spaces for each physician or dentist plus one (1) for each two (2) other employees.
2. Funeral Homes and Mortuaries – Five (5) spaces per chapel room or parlor or one (1) space per one hundred square feet (100 sq. ft.) of floor area used for services, whichever is greater.
3. Retail Grocery Stores, Super Markets, Discount Stores, etc. – One (1) space for each one hundred square feet (100 sq. ft.) of floor area used for services, whichever is greater.
4. Furniture and Appliance Stores, Hardware Stores, Builders Supply Stores, Showroom of Plumbers, Decorator, Electrician or Similar Trades, Shoe Repair, Personal Service Shops, Household or Equipment Repair Shops and other similar uses – Four (4) spaces for the first one thousand square feet (1000 sq. ft.) of floor area or any fraction thereof, plus one (1) space for each additional five hundred square feet (500 sq. ft.) of gross floor area.
5. Retail Stores which are not governed by any other parking requirement – Two spaces plus one space for each two hundred square feet of gross floor area.

16-42

1. Motor Vehicle Sales and Service – One space for each four hundred square feet (400 sq. ft.) of floor area of sales room and one (1) additional space for each auto service stall in the service room.
2. Auto Service Station – One (1) space for each service stall, rack or pit; and one (1) space for each one (1) single or dual gasoline pump.
3. Beauty Parlors and Barber Shops – Two (2) spaces for each beauty or barber shop chair.

1. Laundromats – One (1) space for each two(2) washing machines.
2. Restaurants, Lunch Counters, Taverns, Beer Gardens, Bars and Night Clubs – One space for each one hundred square feet (100 sq. ft.) of floor area or one (1) space for each two (2) seats of maximum seating capacity, whichever is greater.
3. Theaters – One (1) space for each four (4) seats of maximum seating capacity.
4. Dancehalls, and Skating Rinks – One (1) space for each fifty square feet (50 sq. ft.) of dance floor area.
5. Auditorium, Stadium, Assembly Hall and Similar Uses – One (1) space for each four (4) seats of maximum seating capacity.
6. Bowling Alleys – Five (5) spaces for each alley plus one (1) space for each two (2) employees plus spaces as required for any accessory use.
7. Wholesale, Warehouse and Storage Buildings – Four (4) spaces for the first three thousand square feet (3000 sq. ft.) of floor area plus one (1) space for each additional one thousand square feet (1000 sq. ft.) of floor area or one (1) space for each employee, whichever is greater.

1. Industrial Establishments – One (1) space for each one thousand square feet (1000 sq. ft.) of floor area or one (1) space for each employee on the maximum shift in a twenty-four (24) hour period, whichever is greater.
2. Churches – One (1) space for each four (4) seats in the main sanctuary.
3. Clubs, Lodges Fraternity Houses and Union Halls – One (1) space for every four hundred square feet (400 sq. ft.) of floor area plus one (1) additional space for each six (6) seats in the auditorium or main assembly room.
4. Golf Clubs, Swimming Clubs and Similar Uses – One (1) space for each five (5) members.
5. Golf Courses – Five (5) spaces for each hole plus spaces as required for any accessory use.

16-43

1. Libraries and Museums – One (1) space for each five hundred square feet (500 sq. ft.) of floor area.
2. Hospitals – One and one-half (1 ½) spaces for each bed.
3. Sanitarium, Children’s Homes, Convalescent Homes, Asylums, Institutional homes and Nursing Homes – One (1) space for each four (4) beds plus three spaces for every four (4) employees.
4. Elementary Schools – Two (2) spaces for each classroom.
5. Junior High Schools – One (1) space for each eight (8) seats of maximum seating capacity in the auditorium or place of assembly and one (1) space for each classroom.
6. Senior High Schools – One (1) space for each classroom plus one (1) space for each four (4) seats of maximum seating capacity in the auditorium or place of assembly.
7. Vocational or Trade Schools – One (1) space for each two hundred square feet (200 sq. ft.) of floor area plus one (1) space for each classroom.
8. Business Secretarial Schools – one (1) space for each hundred square feet of floor area.
9. Terminal Facilities, Airports, Railway Passenger and Freight Terminals, Motor Bus Depots, Truck Terminals, etc.—Spaces in the amount determined by the Zoning Administrator to be reasonably adequate to serve the public.
10. Outdoor Commercial or Public Recreations Facilities –
11. Golf Driving Range: Two (2) spaces for each tee.
12. Golf Putting Range: Two (2) spaces for each hole.

1. Any other use which comes under this heading shall provide parking in the amount determined by the Zoning Administrator.
2. Commercial Recreational and Amusement Establishments which are not governed by any other parking requirement – One (1) space for each two hundred square feet (200 sq. ft.) of floor area.

16-44

**ARTICLE 3-9. OFF-STREET LOADING FACILITIES**

**Section 901. General Provision and Limitations**

1. On the same lot with every building, structure, or part thereof, erected following the date the original regulations were approved, to be used for other than exclusive dwelling purposes, adequate space for standing, loading and the unloading of motor vehicles shall be provided to avoid undue interference with the public use of streets.
2. No building, occupancy or other permit shall be issued until adequate off-street loading facilities are provided as deemed necessary by the Planning Commission.

16-45

**ARTICLE 3-10. ENFORCEMENT**

**Section 1001. Administration**

The provisions of these Regulations shall be administered by the Planning Commission.

1. **Zoning Administrator/Building Inspector**

A Zoning Administrator/Building Inspector, who shall be appointed by the Governing Body, shall be employed to enforce these Regulations. The annual budget if necessary for carrying out the duties and responsibilities of the Office of the Zoning Administrator/Building Inspector shall be set by the Governing Body. The initial duties and powers of the Zoning Administrator/Building Inspector shall be as follows:

To be responsible for the initial enforcement of these Zoning Regulations/Building Inspector. In all cases where said Zoning Administrator/Building Inspector is made aware of a possible violation of any portion or section of these Regulations, he/she shall cause an investigation to be made. If such investigation establishes that a violation exists, the Zoning Administrator/Building Inspector shall notify in writing the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator/Building Inspector shall order discontinuance of illegal uses of land, building or structures, removal of illegal buildings, structures or additions, alterations or structural changes thereto; discontinuance of illegal work being done or shall take any other action authorized by these Regulations to insure compliance with its provisions. The Zoning Administrator/Building Inspector shall inform the violator of all penalties and fines established within these Regulations for such violations. When deemed necessary, the Governing Board and/or the Planning Commission may name the City Clerk or the City Attorney as the Zoning Administrator/Building Inspector to administrator the terms of these Articles.

**Section 1002. Interpretation**

1. The Zoning Administrator shall interpret any portion if these Regulations which he/she finds necessary to carry out their official function. In the case of an appeal, the interpretation of the Board of Zoning Appeals shall become law for the purpose of carrying out the Administrator’s function. In the case of an appeal, the interpretation of the Board of Zoning Appeals shall become law for the purpose of carrying out the Administrator’s function as enforcing officer.

1. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety and general welfare.

16-46

1. Wherever these Regulations conflict with other lawfully adopted rules, regulations or resolutions, the most restrictive or that imposing the higher standard shall govern.
2. Whenever a proposed use of land or building is not clearly indicated the Zoning Administrator shall submit a formal request to the Planning Commission for determination of such use.

**Section 1003. Violation and Penalties**

1. Unless established elsewhere in these Regulations, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these Regulations shall be fined not less than twenty dollars ($20) nor more than two hundred dollars ($200) for each offense. Such penalty shall not commence until ten (10) days following notification by the City.
2. Each day’s continuation of a violation of these Regulations shall be deemed separate offense.

16-47

**Article 3-11. BUILDING PERMITS & DEMOLITION PERMITS**

**Section 1101. General Provisions**

Subsequent to the effective date of these Regulations (March, 2020), no building shall be erected, constructed, altered, moved, converted, extended or enlarged within the jurisdictional area covered by these Regulations unless a Building Permit has been issued to the Owner or Builder by the Zoning Administrator/Building Inspector. No Building Permit will be required to repair or remodel interior of buildings as long as exterior walls or roof lines are not altered. A building permit is also required for the construction of an in-ground swimming pool or other body of water capable of being used for swimming or bathing.

**Section 1102. Administrative Procedures**

1. Application

All applications for Building Permits shall be accompanied by a complete set of construction plans and a site plan drawing in duplicate or as required by the Zoning Administrator, showing the following:

1. Location of proposed building (s) on the lot, street right-of-way and setback lines. If necessary, a boundary survey shall be included.
2. All easements (public or private), sewer, septic tank, lagoon or holding tank locations, sources of potable water supply and location.
3. Indication of the proposed use of all lands and building(s).
4. Vicinity sketch showing relationship of parcel to surrounding lands and existing street network.
5. North arrow, date, legal description of the property, name of the owner and scale.
6. Minimum scale of site drawings: For a parcel containing one (1) acre or less, one inch (1”) equals fifty feet (50’); over one (1) acre, one inch (1”) equals one hundred feet (100’).
7. A record of such applications and drawings shall be kept in the City Hall and a duplicate copy shall be kept at the building site at all times during construction.

**Section 1103. Authorization**

The Building Permit must be reviewed and signed by the Zoning Administrator and the City Superintendent before issuing the permit.

16-48

**Section 1104. Permit Fee**

The cost of Building Permit for Commercial will be one hundred dollars ($100.00) for the first thousand ($1,000.00) valuation; and two dollars ($2.00) each thousand after.

The cost of Building Permit for Residential will be fifty dollars ($50.00) for the first thousand ($1,000.00) valuation; and two dollars ($2.00) each thousand after.

All Building Permit Application Fees are non-refundable.

**Section 1105. Demolition Permit**

A completed application with all substantiating documentation and fee is required in the application process prior to tearing down a structure. (NOTE: There are asbestos inspection requirements on the application form.)

**Section 1106. Authorization**

The Demolition Permit must be reviewed and signed by the Zoning Administrator/Building Inspector and the City Superintendent before issuance of the permit.

**Section 1107. Demolition Permit Fee**

The cost of a Demolition Permit is one hundred dollars ($100). The Demolition Application Permit Fee is non-refundable.

16-49

**ARTICLE 3-12. BUSINESS REGISTRATION**

**AND CONDITIONAL USE PERMITS**

**Section 1201. Business Registration**

Any new business being established within the City Limits of Oskaloosa, Kansas must fill out a Business Registration Form at City Hall. The registration will be reviewed and signed by the City Zoning Administrator and the City Superintendent. It will be determined by the Zoning of the property whether or not a Conditional Use Permit will be necessary for the business.

**Section 1202. Business Registration Requirements**

The new business registration form will need the following information supplied on the form: type of business, business name, date business intends to open, location and any future plans. There is no fee for the Business Registration Form.

**Section 1203. Conditional Use Permit**

Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the owner but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity or general welfare of the community’s inhabitants. In order to accomplish such a dual objective, provision is made in these Regulations for a more detailed consideration of each conditionally permitted use as it relates to location, design, size, method of operation and intensity of land use which in turn affects the volume of traffic generated and traffic movements, the concentration of population and the kinds of public facilities and services it requires. Land and structure uses possessing these particularly unique characteristics are permitted through the issuance of a Conditional Use Permit with conditions and safeguards attached as may be deemed necessary by the Planning Commission.

**Section 1204. Conditional Use Permit Application**

1. An application containing the following data shall be submitted to the Planning Commission:
2. The form supplied by the Zoning Administrator completed by the applicant.

1. A site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all adjoining streets, the location of existing and proposed structures, types of buildings and the uses proposed.
2. The fee for Conditional Use Permits shall be seventy-five dollars ($75); this fee shall be in addition to the Zoning Amendment or Application fee. This fee is non-refundable.

16-50

1. Within five (5) days of filing such application, the applicant shall place a sign shall be a type which will withstand the elements, not less than three feet (3’) by four feet

(4’) in size, with the following wordage clearly lettered with letters not less than two inches (2”) in height:

 “This property is being considered for a Conditional

 Use Permit by the Oskaloosa Planning Commission

 for \_\_\_\_\_(type of use)\_\_\_\_\_\_\_\_\_\_\_\_use. Formal

 objections to construction or operation must be filed

 with the Planning Commission by \_\_(date)\_\_\_.”

Said sign shall remain on the property until final disposition of the application.

**Section 1205. Review by Planning Commission**

1. The Planning Commission shall review the proposed development as presented in the application in terms of these Zoning Regulations. Such review and recommendation shall be completed within forty-five (45) days of the first regular meeting of the Planning Commission following the submission of such application.
2. The Planning Commission shall find adequate evidence that such use on the proposed location:
3. Will/will not be harmonious with the general objectives of the Master Plan.
4. Will/will not be designed, constructed, operated and maintain so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
5. Will/will not be hazardous or disturbing to existing or future neighboring uses.
6. Will/will not be detrimental to property in the immediate vicinity or to the community as a whole.
7. Will/will not have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

1. The Planning Commission shall require as conditions of approval of any other requirements, including guarantees that any conditions will be fulfilled, that it deems necessary to fulfill the intent of these Regulations. The Planning Commission shall approve or disapprove a conditional use in accordance with the requirements established in these zoning regulations but may impose additional requirements deemed reasonable and necessary.

16-51

**Section 1206. Specific Requirements**

1. Mobile Home Parks
2. Minimum area shall be five (5) acres.
3. Minimum street frontage shall be one hundred fifty feet (150’) and located on a major thoroughfare or collector street.
4. Each mobile home lot occupied by a single-wide unit shall consist of at least 4,500 square feet, with a minimum width of 45 feet and a minimum length of 100 feet. Each mobile home lot to be occupied by a double-wide unit shall consist of at least 5,000 square feet, with a minimum width of 55 feet and a minimum length of 90 feet.

1. If developed in phases, the initial phase must provide a minimum of twenty-five (25) mobile home sites with all utilities and improvements necessary in place and operational.
2. Parking requirements, see Article 8
3. When adjoining any Residential District not used for a mobile home park, there shall be a fence, wall or shrubbery screen not less than six feet (6’) in height (density of at least 70 percent) along the common lot lines.
4. When adjoining any Single-Family Residential District, no mobile home or building shall be permitted within thirty feet (30’) of common lot line.
5. A common storm shelter facility capable of providing adequate shelter from severe weather for all Mobile Home Park residents shall be provided. The minimum size shall be fifteen (15) square feet of space within the storm shelter for each mobile home lot within the Park. The storm shelter shall be located in a centralized location as possible to minimize the time required to reach the shelter.
6. A concrete pad shall be provided on every manufactured home lot to accommodate the mobile home and its attached accessory structures. The pad shall be graded to insure adequate surface drainage. Anchoring facilities for the placement and tie-down of the mobile home to secure it against accidental uplift, sliding, rotation and over-turning shall be installed before any mobile home is occupied.
7. District setback requirements shall be maintained for mobile homes and buildings.
8. Interior street or road shall comply with the city code.
9. Cemeteries, Country Club Golf Courses and Greenhouses
10. No building shall be closer than one hundred feet (100’) to a lot line.
11. Plot coverage shall never exceed twenty-five percent (25%)

16-52

1. Animal Clinic (Hospital or Treating Area), Community Service Organizations, Institutional Homes, Nursing or Convalescent Homes, Public Utilities (transformer stations, water towers, etc., but no service or storage yards), and Radio or Television Transmission Towers.
2. No building or structure shall exceed a height equal to its least yard dimension.

1. Plot coverage shall never exceed twenty-five percent (25%).

1. When in or abutting a Residential District, all buildings or structures nonresidential in use shall be screened. Screening shall have a density of at least six feet (6’) in height.
2. No more than (2) non-illuminated accessory signs (not to exceed twenty square feet (20 sq. ft.) in area.
3. Airport or Landing Fields, Ambulance Service, Amusement Parks, Automobile Commercial Parking, Race Tracks, Carnivals, Drive –in or Outdoor Movie Theater
4. No building, structure or use of land shall be closer than two hundred feet (200’) to the Residential lot line except automobile parking (non-commercial) may be within ten feet (10’) and ambulance service and automobile commercial parking areas may be within fifty feet (50’) of such lot line.
5. No building or structure shall exceed a height equal to its least yard dimension.
6. When in adjoining a Residential District, all buildings or structures non-residential in use shall be screened. Screening shall have a density of at least eighty percent (80%) and be least six feet (6’) in height.
7. All yards areas shall be landscaped and maintained.
8. No more than two (2) accessory signs shall be allowed. Maximum sign area shall be established by the Planning Commission.
9. Ingress and egress shall be approved by the City Engineer and the Planning Commission. Location of ingress or egress shall never be located on a minor or 0secondary residential street.
10. Uses which have as a major portion of their processes, the utilization, production or storage of bulk quantities of explosives, flammable liquids or toxic gases or materials shall be located in the following manner:
11. Explosives

The production or storage of explosives, except for study, research or quarrying purposes, shall not be permitted within one thousand five hundred feet (1500’) of adjoining property or within two thousand six hundred forty feet (2640’) of any Residential District or high concentration of people.

16-53

1. Flammable Liquids

All production, handling or storage in bulk shall never be located within one thousand feet (1,000’) of any Residential District.

1. Toxic Gases

Shall be located in such a manner that gases heavier than air shall be located in low lying areas, if possible. Gases lighter than air shall be located in areas having an elevation greater than that of the surrounding area; shall not be produced, handled or stored within two thousand six hundred forty feet (2,640’) of any Residential District; and shall be located so that prevailing winds will carry such gases away from areas of the greatest concentration of people.

1. Smoke, Dust, and Odor

When elimination of smoke, dust or obnoxious odors proves impractical, such uses shall not be located within six hundred feet (600’’) of any Residential District and shall be located so that prevailing winds carry such smoke, dust or odor away from areas of the greatest concentration of people.

1. Mining or Quarrying of Natural Resources
2. Mining excavation and extraction of mineral or raw materials including but not limited to stone, sand, gravel or other natural resources shall be permitted to continue in operation only on those areas owned or under lease and on record by the operating company for such purposes at the time these Regulations become effective after the operating company has filed a map with the Planning Commission showing the location of all leases and active quarries in the City of Oskaloosa.
3. Any mining excavation and extraction of mineral or raw materials at new locations shall require a Conditional Use Permit along with a suitable plan of operating and continuing restoration of land to be submitted for approval by the Planning Commission and Governing Body.
4. The plan of operation submitted by the operating company shall include proposed maximum quantities of explosives to be used in individual shots or delays.
5. Land Rehabilitation
6. Where land has been utilized for mining or quarrying of natural resources or sand and gravel extraction, and such use ceases, all land and excavations shall be restored to as near natural condition as possible.
7. Open excavations, when filled (other than sanitary landfills) shall be graded and backfilled with non-noxious, nonflammable, noncombustible solids and shall not be allowed to collect stagnant water. The final grade shall be in conformity with adjacent areas, keeping erosion possibilities to a minimum.

16-54

(Abandoned wells need to be addressed)

1. All sanitary landfill sites and method of filling shall be subject to approval by the County Health Department, the Planning Commission, the Governing Body and the State Board of Health.
2. Shafts, tunnels, wells, pipes, etc., shall be filled in such a manner to prohibit collapse or failure.

 H. Ponds

 1. A conditional use permit is required for any pond bigger than the size of 100 square feet or more and has a depth of three feet or more. Conditions to be considered shall include, but not be limited to:

 a. Fencing

 b. Utilities

16-55

**ARTICLE 3-13. VARIANCE PERMITS**

**Section 1301. General Provisions**

Any property owner who can show that his property was acquired in good faith prior to the effective date of these Zoning Regulations may apply for a Variance Permit where the strict application of these Regulations prohibit development in manner similar to other property in the same Zoning District because of unusual lot dimensions, exceptional topographical conditions or other unusual situations (none of which are the result of his own doing).

**Section 1302. Administrative Procedures**

1. Application

An application for a “Variance Permit” shall include a map of the lot and adjoining area showing all existing and proposed structures drawn to scale of not less than twenty feet (20’) to an inch. The map shall show utilities, sidewalks, driveways and other items of importance. The applicant shall provide any information required by the Zoning Administrator. The fee for a Variance Permit Application for $150.00. (All application fees are non-refundable.)

1. Processing of Applications

Upon receipt, the Zoning Administrator shall immediately forward copies of the application and accompanying maps and information to the Planning Commission and Board of Zoning Appeals.

1. The Planning Commission, within thirty (30) days of the receipt of the application, accompanying maps and information, shall submit its report to the Board of Zoning Appeals.
2. The Board of Zoning Appeals shall hold a public hearing, take into consideration the Planning Commission’s report and make a determination within sixty (60) days of the original application date in accordance with the provisions set forth in these Zoning Regulations. The Board of Zoning Appeals shall forward its determination in writing to the Zoning Administrator for action.

16-56

**Article 3-14. AMENDMENTS**

**Section 1401. Procedure for Amendments**

1. Amendments to these Zoning Regulations and Zoning Districts may be initiated by the Governing Body, by motion of the Planning Commission to the Governing Body, or by filing of an application thereof by the Owner/Owners of property within the area proposed to be changed.
2. Amendments to the Regulations or Maps made by an owner(s) shall first be submitted in writing to the City Clerk and then to the Planning Commission and shall have not less than thirty (30) days and not more than sixty (60) days to report to the Governing Body. Application for an amendment shall not be considered legally filed unless the signature of the legal owner/owners of the area involved is on the application. This provision shall be disregarded when initiated by the Planning Commission or the Governing Body. The Zoning Amendment fees can be viewed on the next page. All Amendment Application Fees are non-refundable.
3. The Governing Body shall hold a public hearing on the proposed amendment and shall give at least thirty (30) days notice of time and place thereof in an officially designated newspaper having a general circulation within the jurisdictional area covered by these Regulations.
4. Within five (5) days following the above publication, applicant or other person initiating the proposed amendment shall place a sign on subject area so that said sign is conspicuous to the public from the public street or right-of-way passing the property. Sign to be of a type which will withstand the elements, not less than two and one-half (2 ½ ) feet by three (3) feet in size with the following wordage clearly lettered. Letters to be not less than two (2) inches in height.

Example: “This property is being considered for an amendment to

 the District Zoning Maps by the Oskaloosa Planning

 Commission from \_\_\_\_\_\_\_\_to \_\_\_\_\_\_\_\_\_\_\_\_\_

 Zoning District. Public hearing shall be held (date) at

 (location) at (time).”

Sign shall remain on said property until final disposition of proposal.

1. If any information set forth on the application for amendment is found to be false or in error, such amendment shall not be put on the agenda for public hearing until the applicant has corrected the application. If it is found that such incorrect information was set forth purposely said application shall become null and void.

16-57

1. If the Planning Commission recommends against the amendment, or in case of a written protest filed with the City Clerk within ten (10) days after the public hearing, signed and acknowledged by the owners of twenty percent (20%) of the total area within one thousand feet (1,000’) (excepting public streets and ways) of the area proposed to be altered, such amendment shall not be passed except by a favorable vote of all members of the Governing Body.
2. No application for an amendment to the District Zoning Maps shall be filed within one (1) year following a previous application on the same property and for the same property and for the same zoning classification. However, the applicant may petition the Planning Commission and upon being shown that significant changes have taken place within the immediate vicinity of the subject property, the Planning Commission may permit a refilling of the proposed amendment application after (6) months.

**Section 1402. Amendment Filing Fees**

The filing of an application for a Zoning District amendment shall be culminated by the payment of a non-refundable filing fee by the applicant. Filing fees are as follows and are non-refundable:

R-1 Single-Family Residential District $50.00

R-2 Single-Family - Duplex District $50.00

R-3 Multifamily Residential District $75.00

B-1 Neighborhood Business District $125.00

B-2 Community Business District $150.00

B-3 Central Business District $150.00

I-1 Light Industrial District $150.00

I-3 Heavy Industrial District $175.00

16-58

**ARTICLE 3-15. SIGN REGULATIONS**

**Section 1501. General Provisions**

The Regulations as set forth in this Article shall apply and govern in all Districts except as provided for elsewhere in these Zoning Regulations. In no case shall these Regulations be interpreted to replace any laws or resolutions now in effect in Jefferson County, Oskaloosa or the State of Kansas, but rather to supplement such ordinances, laws or resolutions now in effect in Jefferson County, Oskaloosa or the State of Kansas, but rather to supplement such ordinances, laws or resolutions. Where there is a conflict, the most restrictive regulation shall rule.

**Section 1502. Sign Permit**

No permit of any type allowing painting, construction, erection or placement of any sign (except as set forth in Section 1504 of this Article), shall be issued until a Sign Permit has been issued.

**Section 1503. Application**

1. Sign Permits will be acquired from the office of the Zoning Administrator.
2. Applications for Sign Permits by other than the property owner shall be accompanied by a letter authorizing the placement of a sign, signed by the owner or duly authorized agent or accompanied by a lease showing the right of the applicant.

1. Such application shall provide all information necessary for a proper determination as to conformance to all Regulations.
2. Permits required for painting, construction, erection or placement of a sign shall adhere to every specification set forth in the application as approved or such Sign Permit shall become void.
3. If a sign is found in conflict with Zoning Regulations and a Nonconforming Use Permit is not in existence, such sign shall be illegal and treated as such.
4. If a sign is not erected with sixty (60) days from the date of issuance, the Sign Permit shall be deemed void unless an extension is granted by the Zoning Administrator.

**Section 1504. Signs Not Requiring a Sign Permit**

The following permitted signs shall not be animated in any manner or illuminated except by reflected or hidden non-flashing source. Permitted lighting to be situated in such a manner that a nuisance shall never be created as a result of glare or focus. The following signs are allowed in any District and do not require a Sign Permit.

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1. Signs of any governmental body or agency, including traffic or similar regulatory devices or legal notices.
2. Memorial signs or tablets.
3. Signs required to be maintained by law or governmental order, rule or regulations
4. Accessory construction or subdivision site sign denoting participating architect, engineer, contractor or the like when placed on construction sites. Said total sign area shall not exceed forty square feet (40 sq. ft.) for each major approach.
5. Temporary, portable accessory signs not to exceed eight square feet (8 sq. ft.) in area. (To include for rent or for sale signs.)
6. Accessory bulletin boards or announcement for churches or public buildings not to exceed twenty-five square feet (25 sq. ft.) in sign area.
7. Name plates, address plates or identification signs for all residential buildings. Such sign shall not exceed one square foot (1 sq. ft.) in area and shall show only the name and address of the occupant or legal home occupation. Said sign to be attached to the wall of the principal building.
8. Accessory name plates, address plates or identification signs (not to exceed ten square feet (10 sq. ft.) for non residential buildings where said sign is a permanent part of the structure and does not protrude from the building in any manner.
9. Accessory flags or emblems of civic, philanthropic, educational or religious organization.
10. Temporary accessory signs announcing a campaign, drive or special event of any of the organizations mentioned above.
11. Names and addresses painted or attached to mail boxes.

**Section 1505. General Limitations**

1. No sign shall be erected or maintained which constitutes a hazard or nuisance because of glare, focus, animation or flashing. If such becomes evident, the governmental agency having jurisdiction shall direct its removal or alteration.
2. No sign shall be erected or maintained unless it is in compliance with the Regulations of the District in which it is located.
3. Any use of red, green, or amber illumination must be located so that it does not create a confusion with or may be misinterpreted as a traffic signal device.
4. No sign, other than a traffic control or directional device, shall extend into, encroach upon or overhang the traveled way of any street or alley.

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1. There shall be no more than one sign per each side of the building.
2. Signs on buildings must be parallel to the building.
3. State permission must be acquired if the sign is to be situated along a state highway.

**Section 1506. Permit Fee**

1. The fee for a Sign Permit Application is $25 and is non-refundable.

16-61

**ARTICLE 3-16. NONCONFORMING USES**

**Section 1601. Purpose**

The purpose of this section is to (1) define the legal status of the building or land uses which do not conform to these Regulations, but which were in operation prior to the enactment of these Regulations and (2) to provide either for the conversion of nonconforming uses into conforming uses as soon as reasonably possible or for the eventual and equitable elimination.

**Section 1602. Regulations**

The lawful use of any building or land existing prior to the enactment of these Regulations may be continued, although such does not conform with the provisions of these Regulations; however, to achieve the purpose of this section, the following regulations shall apply:

1. Enlargement or Alteration

Nonconforming buildings shall not be enlarged or altered nor shall a greater portion of the building or plot be utilized for the particular nonconforming use than was utilized at the time such use became nonconforming except after review and approval by the Board of Zoning Appeals. Such increase or alteration shall never be in derogation of yard, height, bulk and all other restrictions of the District in which such nonconforming use exists. Such enlargement shall not affect any abatement process.

1. Restorations

Nonconforming buildings may be reconstructed only if destruction by fire, explosion, act of God or public enemy is less than fifty percent (50%) of structural value and only after permission of the Board of Zoning Appeals.

1. Discontinuance and Abandonment

Whenever a nonconforming use has been discontinued for a period of six (6) months or more, such discontinuance shall be considered legal abandonment of the nonconforming use. At the end of that six (6) month period, a nonconforming use shall not be re-established and any further use shall be in conformity with the provisions of these Regulations.

1. Continuation of Nonconforming Uses

A nonconforming building or use may be continued until mandatory abatement as long as the specific nonconforming use is not changed to any other specific use and if such use does not become a hazard or nuisance in any way to the adjoining properties. (Complaints or appeals to be decided by the Board of Appeals.)

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1. Change of Zoning Districts

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another of a different classification, the nonconforming use regulations shall also apply to any nonconforming use existing therein.

**Section 1603. Nonconforming Use Permit**

1. Time of Application
2. Any use or building made nonconforming by these Zoning Regulations shall make application for a nonconforming use permit within one (1) year from the date of adoption of these Regulations. The Application Fee for a Non-Conforming Permit is $100.00. Fee is non-refundable.
3. Any use or building made nonconforming by an amendment to these Zoning Regulations shall have ninety (90) days following publication of such amendment in which to make application.
4. Processing of Application
5. The Zoning Administrator shall make an investigation of such application and determine is such land, building or uses in nonconforming.
6. The Zoning Administrator shall issue a nonconforming use permit if the use is nonconforming.
7. Failure to Comply
8. Failure to make application shall be evidence that the use or building was in conformance at the time of adoption of these Zoning Regulations or any amendments and is now an illegal use under the terms of these Zoning Regulations or any amendments and is now an illegal use under the terms of these Zoning Regulations.
9. Application Procedure
10. An application for a nonconforming use permit shall be accompanied by a map of the lot and adjoining lots showing all existing and proposed structures drawn to scale of not less than twenty feet (20’) to an inch.
11. The map shall show utilities, sidewalks, driveways and all items of importance and be accompanied by a sworn affidavit of the chronological history of the building or use.
12. The applicant shall provide any additional information required by the Zoning Administrator.

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**Section 1604. Abatement of Nonconforming Buildings or Uses**

1. The following nonconforming buildings or uses are to be abated in all Zoning Districts:
2. Nonconforming signs and advertising displays.
3. Nonconforming junkyards.
4. Any abandoned nonconforming building or use.
5. The following nonconforming buildings or uses are to be abated in R-1 and R-3 Zoning Districts:
6. Any nonconforming building or use which is specifically allowed in the B-1, B-2, B-3, I-1 or I-3 Zoning Districts and not allowed within the District where located.
7. Time Schedule for Abatement.
8. Buildings and uses set forth in 90.4A-1 and 90.4A-2 above shall be abated five (5) years from the effective date of these Zoning Regulations.
9. Buildings and uses set forth in 90.4A-3 shall be considered abated at time of abandonment.
10. Buildings and uses set forth in 90.4B-1 shall be abated in the following manner:
11. The title or deed for either land or building may undergo one (1) transfer of ownership after the effective date of these Zoning Regulations; thereafter, the land and building shall not be occupied except as a conforming use within the District in which it is situated. Abatement shall be considered immediate upon subsequent transfer of ownership.
12. If ownership is by legal entity, said use shall be abated forty (40) years from the effective date of Zoning Regulations unless the regulations in 90.4C-1a are effected first, in which case 90.4C-1a shall govern.
13. Enforcement

The Zoning Administrator shall keep a file of all nonconforming buildings and uses within his jurisdictional area. Upon gaining knowledge of violation of any provision of this Article, he shall investigate and set forth his findings in a written report. If a violation is found, a copy of said report shall be forwarded to such individuals concerned. If such report is not verified or contested by said individuals within fifteen (15) days of receipt; their building or use shall be considered to be in direct violation of these Regulations.

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**ARTICLE 3-17. HOME OCCUPATIONS**

**Section 1701. Application**

Any Person desiring to conduct a home occupation shall submit an application to the Office of the Zoning Administrator/Building Inspector along with the following:

1. A plan of the lot on which the home occupation is to be operated.
2. Plan shall be drawn to scale showing the dwelling unit with location and dimensions of rooms, hallways and entrances.
3. Plan shall indicate total gross floor area in square feet (including garage) of the dwelling and the room or rooms to be utilized for the home occupation.
4. Location and size of any sign.
5. Garage, driveways, parking facilities, walks and other features which would be utilized or affected by the home occupation.
6. The street, right-of-way, and its paving or surface of the traveled way.
7. A written statement listing the following:
8. Names and relationships of all persons residing in the dwelling.
9. Name of applicant, principal field of employment and type of home occupation requested. Home Occupations may consist of only one (1) employee.
10. Describe fully all electrical or mechanical equipment which might be used in the operation of the home occupation.
11. Describe what steps and procedures will be utilized to control emission of noise and sounds.
12. Proof of notification to all property owners within two hundred feet (200’) of the subject property of the proposal for a home occupation.
13. Any other data or exhibits required by the Zoning Administrator/Building Inspector.
14. The Application for a Home Occupancy Permit is $30.00 and is non-fundable.
15. Home Occupations may consist of only one (1) employee.

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**Section 1702. Administrative Procedures**

1. Upon receipt of the application, the Zoning Administrator shall have thirty (30) days in which to prepare a report and make a determination that the proposed home occupation will adhere to the following requirements:
2. The use shall be operated entirely within the principal building by a member of the family residing on the premises.
3. The main entrance to the space devoted to such use shall be from within the principal building.
4. The use shall be limited to one room or twenty-five percent (25%) of the gross floor area of the principal building, whichever is less.
5. There shall be no external evidence of a home occupation except for the allowance of one unanimated, non-illuminated sign, not to exceed one square foot (1 sq. ft) in area mounted flush against the front wall or window (or side wall or window on a corner lot).
6. No goods or merchandise shall be sold or offered for sale on the premises as a main business.
7. The use shall not create traffic or parking problems inconsistent with the District in which it is located.
8. The use shall require no outside alterations to the structure.
9. No noise or sounds of any sustained nature, whether from electrical or mechanical equipment, or the giving of voice or musical instrument lessons, shall be audible beyond the plot lines on which said home occupation is permitted. (Static interference is to be considered noise from electrical equipment).

**Section 1703. Determination**

If it is determined that such home occupation complies with requirements, the Zoning Administrator shall issue a permit. Said permit being personal to the applicant there for, and shall not be assignable.

**Section 1704. Violation**

If during the course of operation any of the regulations are not met or complied with, the Zoning Administrator shall take immediate steps in forcing compliance or discontinuance of said home occupation.

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**Section 1705. Permitted Home Occupations**

Accountant

Architect

Author

Barber

Bookkeeper

Chiropodist

Chiropractor

Christian Science Practitioner

Cosmetologist

Dance Instructor (other than group)

Daycare (meeting state of Kansas Certification; Conditional Use Permit required)

Draftsmen

Engineer

Hairdresser

Handcrafts

Home Food Products

Insurance Counselor or Agent

Lawyer

Manicurist

Milliner (sewing of cloths, draperies, quilting etc.)

Music Instructor (other than group)

Naturopathic Physician

Nursing or Convalescent Care (caring for three (3) or less persons)

Osteopath

Photographer

Secretarial & Bookkeeping Service

Singing Instructor (other than group)

Swimming Instruction (not subject to 100.2A-2)

Teacher (tutoring other than group)

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**ARTICLE 3-18. PLANNED GROUP DEVELOPMENT**

**Section 1801. Application**

The Owners of any contiguous tract of land of not less than five (5) acres may make application for a “Planned Group Development.” The Planning Commission may reduce the required acreage where deemed in the interest of the public. The filing fee for approval of an application for plat approval is as follows: $75.00 for preliminary plats with 1-5 lots; $1.00 for each additional lot. The fee is non-refundable.

**Section 1802. Preliminary Sketch Plan**

The application must be accompanied by:

1. A preliminary sketch plan and ten (10) copies showing:
2. The boundary of proposed development area and adjoining property lying within three hundred feet (300’) drawn to a scale of not less than two hundred feet (200’) to an inch.
3. North point, scale and date of preparation.
4. Name of proposed development (to coincide with name of consequent subdivision plat.)
5. A legal description of the property.
6. Names and addresses of owners, developers, surveyors, land planners, landscape architects, architects, engineers or other professionals involved in the design and engineering of the proposed development.
7. Existing conditions showing sewers, water mains, gas mains, bridges, streets, alleys or ways and drives, land use and existing structures.
8. Existing topography (and proposed grade and contour if applicable) with contour intervals of not more than five feet (5’) (referred to U.S.G.S. datum), also existing water courses, wooded areas, lakes, ravines and such other features as may be pertinent.
9. The location of proposed buildings, streets, interior drives, parking facilities, signs, parks, playgrounds, landscaped buffer strips, fence screening, school sites and other open places or facilities which may be applicable to the nature

of the development. All buildings and uses shall be clearly labeled as to proposed uses.

1. A written text describing proposed uses and intended character of the development with reference to type of building materials. land planning and landscaping design.

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**Section 1803. Review Procedure**

Said application shall be advertised for public hearing thirty (30) days prior to such hearing in the appropriate official newspaper. The Planning Commission shall approve or disapprove the preliminary sketch plan according to requirements set forth in this Article, but may impose additional conditions and requirements deemed reasonable and necessary. If approved, the applicant shall then revise the preliminary sketch plan to meet all conditions set forth by the Planning Commission and submit the final plan.

**Section 1804. Final Plan**

1. Upon approval of the preliminary sketch plan, the applicant shall plat the subject tract (if not presently platted) according to the Subdivision Regulations; however, the approve preliminary sketch plan shall be considered to be the approved preliminary plat.
2. The Final Group Development Plan (ten (10) copies) shall be submitted concurrently with the filing of the final subdivision plat so that both may be considered simultaneously by the Planning Commission.
3. The Final Group Development Plan shall be prepared based on the survey and engineering information used in the preparation of the final subdivision plat above.
4. The Final Group Development Plan shall reserve space for the dates and signatures of the following certificate of approval:
5. Owners and developers of subject property.
6. Chairman and Secretary of the Planning Commission.
7. Mayor and City Clerk.
8. Zoning Administrator and a clause stating date filed and recorded.
9. Along with the final plan, there shall be submitted and filed:
10. A written test describing the proposed uses and intended character of the development with reference to types of building, building materials, land planning and landscape design.
11. A written guarantee for completion of development within a specified time.

16-69

**Section 1805. General Procedural Requirements**

All Planned Group Developments must meet the following before the Planning Commission may give approval:

1. Reports must be on file from the following appropriate agencies (where applicable):
2. Health Department
3. Fire Department
4. Zoning Administrator
5. Building Inspector
6. Water Development
7. All Public Utilities
8. Engineering Department
9. Park Department
10. School Board
11. The preceding agencies shall be given fifteen (15) days following their receipt of the proposed plan for said Planned Group Development. If no report has been received by the Planning Commission by that time, it shall be considered as agency approval.
12. The tract must be in a contiguous parcel, five (5) acres or more , under one (1) ownership or held jointly by two (2) or more owners bound by written agreements to the proposal manner of development.
13. The holder of an option to purchase subject tract shall be considered an owner if such option includes a clause clearly binding the holder of the option to such purchase immediately upon the event of issuance of a permit.
14. The proposed development shall be designed to produce an environment of a stable and desirable character not out of harmony with its surrounding neighborhoods and shall not conflict with the Master Plan or any parts thereof.
15. Buildings within a residential or office and institutional Planned Group Development may be relieved of District Zoning Regulations concerning yard size, setback, height, bulk, individual and other plot requirements where such requirements interfere with all overall development. However, the buildings within perimeter strip one hundred and twenty feet (120’) in depth from the property line must maintain building setback, side yard, height, and bulk requirements as established for the Zoning District.
16. Off –street parking requirements shall be in accordance with Article 40.
17. Off-street loading requirements shall be in accordance with Article 45.
18. Signs shall be in accordance with Article 35.

16-70

1. Before approval of a Group Development Plan, the Planning Commission shall require a contract guaranteeing completion of the development plan in a period to be specified by the Commission, but which period shall not exceed five (5) years unless extended by the Planning Commission for due cause shown.

**Section 1806. Disapproval**

If the proposed Planned Group Development is disapproved, the applicant shall be notified and presented a written report setting forth the Planning Commission’s reasons for such disapproval. The application may be reopened only upon consent of the Planning Commission within ninety (90) days of the date of notice of said disapproval.

**Section 1807. Filing and Recording**

The signed and recorded original shall be made part of the permanent file of the Zoning Administrator and the District Zoning Maps shall be revised to show that attachment of a Planned Group Development.

**Section 1808. Permits Issued**

Subsequent to the filing and recording of the Planned Group Development and the Final Subdivision Plat, the Zoning Administrator shall then issue the necessary Planned Group Development Zoning Permit.

**Section 1809. Amendments to an Approved Planned Group Development**

1. A building permit shall not be issued for any building which does not conform to Group Development Plan as approved, except that a reasonable variance to exact location and gross floor area of individual buildings may be granted after review by the Planning Commission.
2. If the variation requested is deemed unreasonable by the Planning Commission, then the applicant may proceed in the same manner set forth for the original application of a permit for a Planned Group Development.

**Section 1810. Extension or Revision**

If due cause of extension is not shown, the Planning Commission shall commence action to revert zoning back to its zoning classification prior to such amendment and concurrently commence action for removal of the Planned Group Development rendering said plan null and void.

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**Section 1811. Types of Planned Group Developments**

For the purpose of these regulations, Planned Group Development are divided in to four major divisions:

 Type Districts Allowed In

1. Residential R-1 through R-3
2. Service R-3
3. Business B-1 through B-3
4. Industrial I-1 and I-3

**Section 1812. Residential - Planned Group Development**

1. The total number of dwelling units permitted in a group development shall be determined by dividing net development area by the minimum plot area requirement of the District in which the group development is located.
2. Net development area shall be determined by subtracting the area set aside for churches, schools, streets or commercial use from the gross development area.
3. The total area set aside for common open space or recreational use shall be included in the net development area. Where an area of fifty (50) acres or more is being developed in the “R-1” zone, a maximum of twenty percent (20%) of the dwellings may be multiple family dwellings and must be zoned as such; however, in no one case shall there be more than four (4) dwelling units per building.
4. The minimum lot are and minimum lot frontage of single- family dwelling lots established within the developments shall not be less than two-thirds (2/3) of the normal minimum lot area and minimum lot frontage of the Single- Family District in which the lot is located.

**Section 1813. Service - Planned Group Development**

1. Motels are permitted when part of a Planned Group Development with whatever controls are felt necessary by the Planning Commission to protect the adjoining property.
2. Commercial uses are allowed only if they are designed, and used for the purpose of serving the Group Development, and is a permitted accessory use within the R-3 district. No such use shall be permitted unless they are contained entirely within a principal building of the Group Development.

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1. Such commercial use shall have no direct outside entrance facing the perimeter of the development and provided further that no advertising signs or other evidence of such commercial use is noticeable from any point on the boundary line of such planned development.

**Section 1814. Business - Planned Group Development**

1. Residential uses are allowed only if they can be shown to be integral part of the development. Such uses shall meet the overall standards of the residential uses allowed in the R-1 or R-3 Zoning Districts.
2. Wherever this area faces or adjoins Residential District, there shall be a landscaped buffer strip at least fifteen feet (15’) in width to be established as required by the Planning Commission.
3. Entrances and exits for vehicles shall be located and designed as to result in a minimum of interference within traffic on adjacent streets and shall be approved by the City Engineer.

**Section 1815. Industrial - Planned Group Development**

1. Residential uses shall not be allowed in these Planned Group Development nor shall retail uses unless they can be termed accessory in nature and are intended and designed to serve the Group Development only.
2. There shall be no outside storage unless such storage facility is surrounded by a fence or screen of at least ninety percent (90%) density and at least seven feet (7’) in height. Stored material shall not be stored or stacked in a manner that will exceed the height of the fence or screen.
3. All uses shall provide a front yard of at least twenty-five feet (25’) and side yards of a t least fifteen feet (15’) on each side of an individual lot, all of which shall be landscaped to provide as much open park-like character as possible.
4. At the perimeter of this Group Development, there shall be a twenty-five foot (25’) landscaped buffer area planted and maintained by the owners of the Group Development. Landscaped area shall be as approved by the Planning Commission.
5. There shall be no industrial buildings or storage enclosures within one hundred feet (100’) of a Residential District.
6. Individual lot coverage shall never exceed sixty percent (60%).
7. Height of structures shall never exceed forty-five feet (45’) except as otherwise provided in these Zoning Regulations.
8. Billboards and advertising signs other than identification signs of the individual establishments are not allowed.

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1. Identification signs shall be non-flashing, unanimated type.
2. There shall be no uses allowed which produce excessive odor, sound, smoke, glare etc.

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**ARTICLE 3-19. ZONING PERMITS**

**Section 1901. General Provisions**

In accordance with the provisions set forth in these Regulations, Zoning Permits are required for the following:

1. Variance
2. Occupancy Use
3. Nonconforming Buildings or Use
4. Conditional Use
5. Home Occupations
6. Planned Group Development

**Section 1902. Administrative Procedure**

1. Application

A written application for a “Zoning Permit” accompanied by required plans and information shall be filled with the Zoning Administrator.

1. Processing and Determination

The process to be followed and authority for determination shall be as provided in these Zoning Regulations.

1. Issuance

No use shall be made of any land or buildings until the necessary “Zoning Permits” have been issued and filed as hereinafter provided.

1. Violations
2. Existing Violations

No “Zoning Permit” shall be issued for any use on a lot where there is an existing violation of these Zoning Regulations, resolutions or laws.

1. New Violations

Subject to Article 10 of these Zoning Regulations and shall be handled accordingly.

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1. Records

A record of Zoning Permits issued by the Zoning Administrator shall be kept on file in his office.

**Section 1903. Filing Fees**

Filing fees for the various Zoning Permits are as stated in these Regulations or as set by the Governing Body.

16-76

**Article 3-20. OCCUPANCY USE PERMITS**

**Section 2001. General Provisions**

1. Subsequent to the effective date of these Regulations, no change in the use or occupancy of land or existing building other than for Single-Family Dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than Single-Family Dwelling use until an “Occupancy Use Permit” has been issued to the owner or lessee.
2. Within one (1) year from the date of the adoption of these Zoning Regulations, the owner or lessee of existing land uses and buildings shall file an application for a zoning permit for occupancy uses, if other than Single Family Dwelling.
3. For buildings or uses established subsequent to the passage of these Zoning Regulations, application must be made immediately upon completion of the buildings and prior to the physical occupation of said building or land.

**Section 2002. Administrative Procedure**

The Zoning Administrator shall investigate the land or the building and determine compliance with these Zoning Regulations.

1. If there is any noncompliance, said Zoning Administrator shall notify the application in writing as to what steps must be taken in order to comply.
2. If the land use or building comply with all phases of these Zoning Administrator shall issue an “Occupancy Use Permit.”

**Section 2003. Permit Fee**

The cost of the Occupancy Use Permit is $50.00. Fee is non-refundable.

**Section 2004. Violation and Notification**

Unless such Occupancy Use Permit is on file, it shall be a violation to occupy the premises and the Zoning Administrator shall notify the violator. If, however, within fifteen (15) days of notification conformance has not been made, the Zoning Administrator shall immediately notify the occupants to vacate the premises. Any structures thereon shall be locked and sealed until conformance is established. No permit or license of any nature shall be issued by any department or branch of the government of the city, and those outstanding shall be considered void.

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**Article 3-21. BOARD OF ZONING APPEALS**

**Section 2101. Appointment**

A Board of Zoning Appeals is hereby created. *The board shall consist of the members of the Planning commission. All appointment of Board members shall be accomplished by the procedure outlined in this ordinance in section.* The board shall consist of seven (4-7) members to be appointed by the Mayor with the approval of the Council of the city. Two (2) of the members from the city limits and within a limit of three (3) miles from the city limits, and the remaining members shall be residents of the city. None of the members shall hold any other public office of the city. The members first appointed shall serve respectively for terms of one, two and three years, divided equally or nearly equally as possible among the members. Thereafter the terms of the members shall be appointed for a term of three (3) years by the Mayor with the consent of the Council. The members of the board shall serve without compensation. Vacancies shall be filled in the same manner for the remainder of the term. It is specifically provided, however, that on the effective date of this ordinance and such board of zoning appeals hereby created, and the terms of the then members of said board shall expire on the same dates as were established at the time of the most recent appointment of each such members, or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three (3) years.

**Section 2102. Replacement of Board Members**

A member of such board of zoning appeals, once qualified, can thereafter, be removed during his/her term of office only for cause and after public hearing. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the Mayor and confirmed by the Governing Body to serve his/her unexpired term.

**Section 2103. Officers**

The board of zoning appeals shall annually elect a chairperson, a vice-chairperson and secretary. The secretary shall be Zoning Administrator, who is an employee of the city.

**Section 2104. Duties of Officers**

The chairperson, or in his/her absence the vice-chairperson, shall preside at all meetings and shall decide all points of order or procedure.

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**Section 2105. Rules and Meetings**

The board shall adopt rules to govern its proceedings in accordance with the provisions of this ordinance. Meetings of the board shall be held at any time at the call of the chairperson and at such other times as the board may determine. All meetings of the board may designate and shall be open to the public. The board shall keep minutes of its proceedings, showing evidence presented; findings of fact by the board, decision of the board, and the vote upon each question. Records of all official actions of the board shall be filed with the City Clerk at City Hall and shall be public record.

**Section 2106. Powers and Duties of the Board**

The board of zoning appeals shall administer the details of appeals from the provisions of the zoning ordinance as hereinafter provided. In exercising these powers the board, in conformity with the provisions of this ordinance, 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 whom the appeal is taken, and attach appropriate conditions, and may issue or direct the issuance of a permit.

**Section 2107. Interpretation**

Upon the appeal from a decision by the building inspector or other administrative official, the board may decide any question involving the interpretation of any provision of the zoning ordinance, including (1) the determination of the exact location of any district boundary, if there is uncertainty with respect thereto, and (2) the determination of an appropriate use group for a use that is not listed in the ordinance, and that the use is similar use to the uses already in the use group.

**Section 2108. Exceptions**

The board may grant exceptions to the provisions of this ordinance in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the board have the power to grant an exception when conditions of this exception, as established in the zoning ordinance by the city council, are not found to be present.

**Section 2109. Variances**

The board may authorize in specific cases a variance from the specific terms of this regulation which will not be contrary to public interest and where, owing to special conditions, a literal enforcement of the provisions of this regulation, in an individual case, regulation shall be observed, public safety and welfare secured; and substantial justice done. Such variance shall not permit any use not permitted in the zoning regulation in such district. A request for a variance may be granted in such case, upon finding of the board that all of the following conditions have been met:

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1. The variance requested arises from such conditions which are unique to the property in question and which are not ordinarily found to the property in question and which are not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulation.

**Section 2110. Appeals**

The board may hear and decide appeals where it is alleged that there is an error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance. Such appeal shall be taken within fourteen (14) days after the order of action appealed from has been made by filing written notice of such appeal, specifying the grounds thereof, with the Board of appeal, specifying the grounds thereof, with the Board of Zoning Appeals. The officer from whom the appeal is taken, when notified by the board or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

**Section 2111. Procedures for Appeal; Application**

Applications to the board for any type of proceeding may be taken by any person aggrieved, or by any officer of the city, or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance. All applications shall be made to the Zoning Administrator in writing on forms provided by the city within fourteen (14) days after the decision has been rendered by the building inspector or other administrative officer. Each application shall be accompanied by a ownership certificate, certified by a bonded abstractor, listing all the owners of record of lands located within at least two hundred (200) feet of the area proposed to be altered for regulations of the city. If the area proposed is located adjacent to the city limits, the area of notification shall be extended to one thousand (1,000) feet in the unincorporated area. An Application for Appeal is $25.00 plus costs incurred by the city. Fees are non-refundable.

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**Section 2112. Public Hearing and Notice**

The Board shall fix a reasonable time for the public hearing of an appeal. The Zoning Administrator shall cause notice to be published in the official paper of the city, a notice as to the time, place and date and subject of hearing for each application. Such notice shall appear at least once in the official city newspaper no less than twenty (20) days prior to the date of hearing. A copy of the notice shall be mailed to the appropriate Planning Commission.

The Appeal shall provide Zoning Administrator an affidavit of service exhibiting that notice was given by certified mail no less than twenty (20) days prior to the date of the public hearing to each of the owners of record of lands located within at least two hundred (200) feet of the exterior boundaries of the area proposed to be altered in the application. If the area proposed is located adjacent to the city limits, the area of notification shall be extended to one thousand (1,000) feet in the unincorporated area, as listed on the owner certificate accompanying the application.

**Section 2113. Effect of Appeal**

An appeal shall stay all proceedings of the action appealed from.

**Section 2114. Appeals to District Court**

Within thirty (30) days of the final decision of the city, any person aggrieved thereby may maintain an action in the district court of the county to determine the reasonableness of such final decision.

**Section 2115. Time Limit on Permits**

No order of the board permitting the erection or alteration, of a building, or use of a building or premises shall be valid for a period longer than one (1) year, unless a permit for such erection, alteration or use is obtained within such period and work stated in accordance with the building or use permit.

The board may, at their discretion, extend the period for obtaining a permit in increments of ninety (90) days without re-advertising or additional application.

**Section 2116. Records**

Every decision or determination by the board of zoning appeals shall be filed in the office of the City Clerk within a reasonable amount of time following the date of hearing and shall become a public record.

**Section 2117. Fee**

The fee for an application for an appeal shall be $100.00 plus costs incurred by the city. The fees are due upon filing of the application for appeal. The costs are due upon filing of the application for appeal. The costs are due when incurred. No fee or costs shall be refunded. The City Clerk shall be responsible for the collection of the application fees and costs.

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