

CITY OF OBERLIN ZONING ORDINANCE
ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY, ORDER, AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF OBERLIN, KANSAS; THE PRESERVATION AND PROTECTION OF PROPERTY VALUES THROUGHOUT THE CITY; THE REGULATION AND RESTRICTION OF THE SIZE AND DIMENSIONS OF BUILDINGS LOCATED WITHIN THE CITY; THE DIVISION OF THE CITY INTO ZONING DISTRICTS; THE REGULATION AND RESTRICTION OF THE LOCATION AND USE OF PENALTIES FOR THE VIOLATION THEREOF, ALL PURSUANT TO K.S.A.12-707 ET SEQ, AND REPEALING THE EXISTING ZONING ORDINANCES.

Be It Ordained by the Governing Body of the City of Oberlin, Kansas, that:

ARTICLE 1. TITLE

SECTION 1. This Ordinance shall be known and may be cited as the "City of Oberlin Zoning Ordinance."

ARTICLE 2. INTERPRETATION AND SCOPE

SECTION 1. In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Where this Ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

ARTICLE 3. DEFINITIONS

SECTION 1. For the purpose of this Ordinance, the following rules shall apply:

(1) Words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" and the word "must" are mandatory and not directory; and, the term "used for" includes the meaning "designed for" or "intended for".

(2) The word "persons" includes a corporation, members of a partnership, or other business organization, a committee, board, trustee, receiver, agent or other representative.

SECTION: 2. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

(1) ACCESSORY BUILDING OR USE: A subordinate building, a portion of the main building, or use customarily incident to and located on the lot occupied by the main building or use of the property, including but not limited to garages, sheds, barns and carports.

(2) ALLEY: A public way which affords only a secondary means of access to abutting property.

(3) APARTMENT: A room or suite of rooms within an apartment house arranged, intended or designed for, or used as the place of residence of a single family or group of individuals living together as a single housekeeping unit.

(4) APARTMENT HOUSE: A building arranged, intended, or designed for, or occupied by more than two families.

(5) APARTMENT HOTEL: An apartment house, which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

(6) AWNING: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

(7) BASEMENT: A story below the first story as hereafter defined.

(8) BLOCK: A piece or parcel of land entirely surrounded by public highways or streets. In cases where the platting is incomplete or disconnected the Zoning Administrator shall determine the outline of a block.

(9) BOARDING HOUSE OR LODGING HOUSE: A building other than a hotel where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

(10) BUILDINGS: Anything, other than a fence or boundary wall, constructed or erected, which requires location on the ground, or attached to something having a location on the grounds.

(11) BUILDABLE WIDTH: The width of that part of a lot not included within the open spaces herein required.

(12) CANOPY: Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

(13) CLINIC: An office building or group of offices for one or more physicians, surgeons or dentists, engaged in treating the sick or injured, but not including rooms for the overnight care of patients.

(14) CLUB, PRIVATE: A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons, or otherwise listed persons.

(15) COMMON OPEN SPACE: A parcel of land or an area of water, or combination of both land and water, within a site designated as a planned residential development district and designed and intended for the use and enjoyment of the residents of the planned residential development. Common open space does not include streets, alleys, parks, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures, but may contain such improvements as are approved as a part of the general development plan and are appropriate for the recreation of residents of the planned residential development.

(16) CONVALESCENT HOME: A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.

(17) COURT: An open space, bounded on three or more sides by exterior buildings, walls, or by exterior walls of a building and lot lines upon which walls or fences are allowable.

(18) CURB LEVEL: The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

(19) DAY CARE CENTERS: A day nursery providing care for five or more children over three years of age, for part or all of a day, away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, centers giving emphasis to special programming for children, kindergartens not accredited by the State Department of Public Instruction, and other establishments offering care to groups of children for part or all of the day. Group Day Care Centers shall meet all requirements of the Kansas State Board of Health--Maternal and Child Care Division.

(20) **DENSITY:** Restrictions on the number of dwelling units that may be constructed per acre or per square foot of zoning lot area.

(21) **DENSITY OF SCREEN OR FENCE:** Shall refer to the percent of vision obstruction caused by the arrangement or dispersion of the physical properties of a fence, wall or planted living screen as viewed from a point perpendicular to the vertical surface.

(22) **DWELLING:** A building arranged, intended or designed for, or occupied by one or two families.

(23) **DWELLING, MULTIPLE:** A building or portion thereof designed for or occupied as a home of three or more families or households living independently of each other including apartment houses, condominiums, and apartment hotels.

(24) **EXCEPTION:** An exception shall mean the legal allowance of a use not normally permitted within a given district. Such allowance, however, must be entirely within the authority or limits established by these zoning regulations.

(25) **FAMILY:** Any number of individuals living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

(26) **FENCE:** A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

(27) **FILLING STATION:** Any building or land used for the sale at retail of automobile fuels, oils and accessories, including lubrication of automobile and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

(28) **FLOOR AREA:** (a) Commercial business and industrial building or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, but not including (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) accessory water and cooling towers. (b) Residential buildings, the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

(29) **FRONT YARD:** An open space unoccupied by buildings or structures (except as hereinafter provided) across the full width of the lot extending from the front line of the building to the front property line of the lot.

(30) **FRONT YARD DEPTH:** The minimum horizontal distance from the front line of building to the front property line of the lot.

(31) **GARAGE, PRIVATE:** An accessory building or portion of building for storage only of automobiles owned and used by the occupants of the building to which it is accessory.

(32) **GARAGE, PUBLIC:** Any building or premises, used for the storage, cars or repair of motor vehicles, which is operated for commercial purpose.

(33) **GUEST HOUSE:** Living quarters within a detached accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

(34) **HEIGHT OF BUILDINGS:** The vertical distance measured from the highest of the following three levels:

- (a) From the street curb levels;
- (b) From the established or mean street grade in case the curb has not been constructed;
- (c) From the average finished ground level adjoining the building where it sets back from the street line;

A. To the highest point of a flat roof, to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

(35) **HEIGHT OF YARD OR COURT:** The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

(36) **HOME OCCUPATION:** A business, profession, occupation or trade conducted entirely within a dwelling and participated in solely by the members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, providing either a service or a product, yet does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced thereon. In residential districts, no home occupation may be carried out in a detached or accessory building.

(37) **HOTEL:** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms and no provision for cooking in individual rooms.

(38) **KENNEL-BOARDING:** Any place, area, building, or structure where dogs

(including those under one (1) year of age) are boarded, housed, cared for, fed, or trained by other than the owner.

(39) KENNEL-BREEDING: Any place, area, building, or structure where more than three dogs over one year of age are kept for purposes of breeding, raising, or as pets.

(40) LOADING SPACE: A space within the main building or on the same lot, providing for the loading or unloading of trucks, with a minimum of 14 by 50 feet and a vertical clearance of 18 feet.

(41) LOT: A parcel of land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or place.

(42) LOT, CORNER: A lot abutting upon two or more streets at their intersections. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Zoning Ordinance.

(43) LOT, COVERAGE: The total ground floor area of a building and/or buildings expressed as a percentage of the total lot area, except when defined otherwise in this ordinance.

(44) LOT, INTERIOR: A lot whose side lines do not abut upon any street.

(45) LOT, KEY: A lot having its side lots lines coincident on one or both sides with the rear lot line of adjacent lots.

(46) LOT, THROUGH: An interior lot having frontage on two streets.

(47) LOT, DEPTH: The mean horizontal distance from the front lot line to the rear lot line.

(48) LOT LINES: The lines bounding a lot as defined herein.

(49) LOT OF RECORD: A lot which is a part of a subdivision or addition, the map 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 has been recorded in the office of the Register of Deeds.

(50) LOT WIDTH: The mean horizontal distance between side lines measured at right angles to the depth.

(51) MOBILE HOME: "Mobile home" means a factory-built structure or structures more than eight (8) feet in width or more than thirty-six (36) feet in length, equipped

with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

(52) MODULAR HOME: A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its permanent foundation; in contradistinction to a dwelling structure location; which is custom-built on the site of its permanent and also in contradistinction to a mobile home, either single-wide, double-wide or of multiple width, located on a permanent foundation and permanently connected to public utilities; and further, that it conforms to the present City of Oberlin building, housing, electrical and plumbing codes.

(53) MOTEL, MOTOR COURT, MOTOR HOTEL OR INN: Same as "Hotel" except that the building or buildings are designed primarily to serve tenants.

(54) NONCONFORMING LOT OF RECORD: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.

(55) NONCONFORMING STRUCTURE: An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

(56) NONCONFORMING USES: A building or yard that does not, by reason of design or use, conform to the regulations of the district in which, it is situated.

(57) NURSING HOME: An establishment or agency licensed by the State for the board and care or treatment of three or more unrelated individuals.

(58) OUTDOOR STORAGE: The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

(59) PARKING SPACE - OFF-STREET: A permanently surfaced dust free area enclosed or unenclosed, to store one automobile, having the minimum dimensions of 8 1/2 feet by 20 feet, to which an automobile has direct access from a permanently surfaced dust free drive.

(60) PLACE: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

(61) PLANNED DEVELOPMENT: A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established by the Zoning District Map.

(62) PRINCIPAL USE: The main use of land or structures as distinguished from a subordinate or accessory use.

(63) PUBLIC UTILITY: Any firm or organization duly authorized to furnish to the public under state or municipal regulations including, but not limited to the following: electricity, gas, steam, communications, telegraph, transportation, water, telephone, or cable television.

(64) RECREATIONAL VEHICLE AND EQUIPMENT: Vehicles and equipment, motorized and non-motorized, including accessories, used for recreational purposes. Customary recreational vehicles include, but are not limited to, the following: Boats, boat trailers, camping trailers, pick-up campers, tent trailers, self-propelled camping coaches, snowmobiles, and all-terrain vehicles.

(65) REAR YARD: An open space, unoccupied (except as hereinafter provided) between the rear lot line, the rear line of the principal building and between the side lot lines.

(66) REAR YARD DEPTH: The minimum horizontal distance from the rear line of the principal building to the rear lot line.

(67) REAR LINE: The boundary line which is opposite and most distant from the front street line; except that in a case of uncertainty the Zoning Administrator shall determine the rear line.

(68) REMODELING: Any change in a structure (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

(69) RESTAURANT: A building wherein food is prepared and served to the public in ready to eat form. The term shall include cafe, cafeteria, grills, pizza parlor, diner, snack shop, hamburger shop and steak house.

(70) ROOMING HOUSE: A rooming house is a building other than a hotel where

lodging is provided for three or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

(71) SETBACK: The distance between the lot line and the principal building on the lot.

(72) SIDE LINE: Any lot boundary line not a front or rear line thereof. A side line may be a dividing line between two (2) lots, a line bordering on an alley or on a place or on a side street.

(73) SIDE YARD: An open, unoccupied space on the same lot with the building, between the main building and the adjacent side line of the lot, and extending from the front yard to the rear yard.

(74) SIGHT TRIANGLE: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 90-foot distance shall be increased to 120 feet.

(75) SIGN: Any writing (including letters, words or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols, or trademarks), flag, banner, streamer, pennant, string of lights, or display calculated to attract the attention of the public, or any other figure of similar character which:

1. Is a structure or any part thereof, or a portable display, or is attached to, painted on, or in any other manner represented on a building or other structure or on the ground, and
2. Is used to announce, direct attention to, or advertise, and
3. Is not located inside a building.

(76) STORY: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the established or mean street grade, or average ground level, as mentioned in the paragraph defining "HEIGHT OF BUILDING" in this section.

(77) STREET: A public thoroughfare or place which affords principal means of

access to property abutting thereon.

(78) **STREET LINE:** The dividing line between the street and the abutting property.

(79) **STRUCTURAL ALTERATIONS:** Any change in the support member of building, such as bearing walls, columns, beams or girders.

(80) **TRAVEL TRAILER PARK:** A parcel of land containing not less one acre, in which five or more spaces are occupied or intended for occupancy by trailer for transient dwelling purposes.

(81) **USE:** Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

(82) **VARIANCE:** The granting of permission by the Zoning Board of Appeals to allow the development of uses normally permitted within a given zoning district without strict adherence to specific controls such as dimensional limitations in side yards, height, lot coverage, etc. A legal variance must maintain the basic purpose and intent of the zoning regulations while permitting logical development of land which otherwise appears unduly restricted.

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

(84) **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building line. On corner lots (lots abutting two or more streets at the intersection of those streets), the front yard shall face the shortest street dimension of the lot.

(85) **YARD, REAR:** A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an alley is platted at the rear of the lots, one-half the width of the alley may be included in the rear yard requirements.

(86) **YARD, SIDE:** A yard between the main building and the side lot line extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

ARTICLE 4. ESTABLISHMENT OF DISTRICTS

SECTION 1. Districts: In order to promote and protect the public health, safety, and general welfare; to provide sufficient space in appropriate locations for all types of land uses; to regulate density of population, height and bulk of buildings; and the use of land; and, to regulate and determine the area of yards and other open spaces surrounding buildings, the City of Oberlin, Kansas, is hereby divided into districts which shall be known as:

- "A-L" Agricultural District
- "R" Single and Two Family Dwelling District
- "R-M" Multi-Family Dwelling District
- "RMH" General Residential District
- "C-G" Commercial General District
- "C-B" Central Business District
- "L-I" Light Industrial District
- "H-I" Heavy Industrial District
- "M-P" Mobile Home Park District
- "M-H" Mobile Home Subdivision District
- "P-D" Planned Group Development District

SECTION 2. Zoning District Map: The boundaries of the districts are shown on the map and/or sections thereof attached hereto and made a part of this Ordinance, which map is designated as the "Zoning District Map." The Zoning District Map and all the notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if said map and the notations, references and other information shown thereon were fully set forth or described herein. Copies of the Zoning District Map are properly attested and are on file with the Clerk of the City of Oberlin, Kansas.

SECTION 3. Rules Where Uncertainty May Arise: Where uncertainty arises concerning the location of district boundaries the following rules apply:

(1) When definite distances in feet are not shown on the zoning district map or maps, the district boundaries are intended to be along centerlines of the existing street, alley or platted lot lines or extension of the same, and if the exact location of such line is not clear, it shall be determined by the Zoning Administrator, due consideration being given to location as indicated by the scale of the zoning district maps.

(2) When the streets or alleys on the ground differ from the streets or alleys as shown on the zoning district map or maps, the Zoning Administrator may apply the district designations on the map to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this Ordinance.

(3) Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall automatically be extended to the center line of any such street or alley.

SECTION 4. Annexation Rule: All territory hereafter annexed and made a part of the City shall be zoned in a manner consistent with the adopted Future Land Use Plan, subject to the review and approval recommendation of the Planning Commission. The Planning Commission shall have sixty (60) days in which to review and comment upon the proposed zoning of land to be annexed.

SECTION 5. Purposes and Intent of Districts:

(1) "AL", Agricultural District. This District is intended to be utilized for agricultural operations in and around the City of Oberlin. Complimentary uses such as utility substations and large lot residential subdivisions are also permitted.

(2) "R", Single and Two Family Dwelling District. This District is intended primarily for one-family detached dwelling units and related residential activities. This district is intended to accommodate a moderate population density with single family residential structures on medium sized lots.

(3) "R-M", Multi-Family Dwelling District: This district is intended primarily to accommodate a high population density in tri-plex, four-plex, and apartment type buildings on individual lots. One and two family dwellings will be permitted in this district.

(4) "RMH" General Residential District: This district is intended to promote development of older neighborhoods which are served by adequate public facilities. A mixture of residential uses, including mobile homes on permanent foundations will be permitted.

(5) "C-G", General Business District: This district is intended for general

trade and commercial services located adjacent to major thoroughfares outside of the Central Business District. Shopping Centers, Service Stations, motels and other commercial uses related to serving the traveling public are permitted in this district.

(6) "C-B", Central Business District: This district is intended for major business, financial, and retail services related to the major commercial center serving the City. Relatively large buildings and high density of development is permitted.

(7) "L-I" Light Industrial District: Purpose - District "L-I" 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 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.

(8) "H-I" Heavy Industrial District: Purpose - District "H-I" 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.

(9) "M-P", Mobile Home Park District: This district is intended solely to permit high density mobile home uses in an approved park-like environment. This district is designed for development in which the owner proposes to develop and maintain a mobile home park with individual sites to be rented or leased.

(10) "M-H", Mobile Home Subdivision District: This district is intended for single family dwelling units on individual lots, including single and double wide mobile homes on permanent foundations. This district is designed to accommodate a medium population density on medium sized lots.

(11) "PD", Planned Group Development District: This district is intended to allow development of a parcel of ground as a single unit with flexibility in design. Conditions for residential, commercial, and industrial Planned Group Development are set forth to provide general guidance for lot size, density, and open space.

ARTICLE 5

"AL" AGRICULTURAL DISTRICT

SECTION 1. District Regulations: In District "A-L" no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than the uses listed in Section 2 below.

SECTION 2. Permitted Uses:

1. General agricultural operations.
2. Single-family dwellings on tracts in compliance with sub-division regulations.
3. Churches and similar places of worship and parish houses.
4. General farm operations.
5. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
6. Greenhouses, nurseries, and garden centers.
7. Public parks, playgrounds, recreational areas and community buildings owned and operated by a public agency.
8. Public or parochial elementary, junior high and high schools and private schools with equivalent curriculum.
9. Stands for sale of agricultural products or commodities raised on the premises.
10. Customary accessory uses and structures located on the same tract with the principal use, including barns, sheds, tennis courts, swimming pools, private garages, garden houses, barbeque ovens, fireplaces and similar uses.
11. Temporary structures incidental to construction work, but only for the period of such work. (Basements and cellars may not be occupied for residential purposes without consent of the Planning commission and for a specified period of time.)
12. The renting of not to exceed two sleeping rooms with a total occupancy of not to exceed three persons for whom board may be furnished but with the prohibition of separate culinary accommodations for such tenants.
13. Communication towers

SECTION 3. Exceptions: The following uses may be permitted when reviewed, submitted and approved in accordance with Article 22 .

- (a) Any public building erected or land used by any department of the City, County, State or Federal Government.
- (b) Airport or heliport.
- (c) Cemetery or crematory.
- (d) Drive-in theaters.
- (e) Mineral extraction.
 - (f) Nursing homes and homes for the aged on a tract of land three acres or larger.
 - (g) Seasonal or temporary uses such as recreational camps and similar activities.
- (h) Telephone exchange, electric and gas substations and regulator stations.
 - (i) Animal feed lots which are licensed by the State of Kansas and meet acceptable sanitation and odor practices.
- (j) Private recreation areas and facilities,

- (k) Institutions of higher learning
- (l) Cosmetology

SECTION 4. Lot Size Requirements: Tracts in this district shall be one-half acre or larger.

SECTION 5. Bulk Regulations:

1. Maximum Structure Height:

- (a) When a building or structure is within 150 feet of a dwelling district zone, said building or structure shall not exceed 35 feet in height.
- (b) When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed 100 feet in height.
- (c) Communication towers shall not exceed 300 feet overall height

2. Yard Requirements:

(a) Front Yard:

- 1. There shall be a front yard having a depth of not less than 40 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)
- 2. Where a lot or tract has double frontage, the required front yard shall be provided on both streets.
- 3. Where a lot or tract is located at the intersections of two or more streets, there shall be a front yard on each street side of said lot or tract. No accessory building shall project beyond the front yard line on either street.

(b) Minimum Side Yard: There shall be a side yard on each side of every building or structure which side yard shall not be less than 15 feet.

(c) Minimum Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than 40 feet.

ARTICLE 6

"R" SINGLE AND TWO FAMILY DWELLING DISTRICTS

SECTION 1. District Regulations: In District "R", no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

1. Single Family Dwellings
2. Two Family Dwellings
3. Parks and Playgrounds
4. Public and Parochial schools
5. Churches and Synagogues
6. Fire Stations
7. Cemeteries and Mausoleums
8. Accessory uses as permitted in Article 17

SECTION 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22.

1. Country Clubs and Private Athletic Clubs
2. Day-Care Centers and Homes
3. Nursing and Convalescent Homes
4. Home Occupations as defined in Article 16
5. Public Utility Substations
6. Libraries, Art Galleries, Museums, etc.
7. Hospitals
8. Therapeutic Massage Clinic

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 7,500 feet.
- (2) Minimum Lot Width: 50 feet.
- (3) Minimum Lot Depth: 100 feet.

SECTION 5. Bulk Regulations:

- (1) Maximum Structure Height: 35 feet.
- (2) Yard Requirements
 - (a) Minimum Front Yard
 1. 25 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 35 feet.
 2. Where lots have double frontage, the required front yard shall be provided both streets.
 3. On corner lots there shall be a front yard of 25 feet and a side yard of 25 feet.
 - (b) Minimum Side Yard
 1. 10 feet on both sides of the dwelling unit.
 2. Whenever a lot of record as of the effective date of this Ordinance has a width less than the minimum required, the side yard on each side of the dwelling unit may be reduced to not less than 5 feet.

- (c) Minimum Rear Yard: 25 feet
- (d) Maximum Lot Coverage: 40% of total lot area, provided that all required setbacks are maintained.

ARTICLE 7

"RM". MULTI-FAMILY DWELLING DISTRICT

SECTION 1. District Regulations: In District "R-M", no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

- (1) Single Family Dwellings and Two Family Dwellings
- (2) Multiple Family Dwellings, Apartments, & Condominiums
- (3) Parks and Playgrounds
- (4) Public and Parochial Schools
- (5) Churches and Synagogues
- (6) Fire Stations
- (7) Cemeteries and Mausoleums
- (8) Home Occupations as defined in Article 16
- (9) Accessory Uses as permitted in Article 17

SECTION 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22 .

- (1) Country Clubs and Private Athletic Clubs
- (2) Day care Centers and Homes
- (3) Nursing Homes
- (4) Convalescent Homes
- (5) Pre-Schools
- (6) Public Utility Substations
- (7) Libraries, Art Galleries, Museums, etc.
- (8) Hospitals

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 5,000 square feet for a single family dwelling, 5,000 square feet for a two-family dwelling and an additional 2,000 square feet for each dwelling unit thereafter.
- (2) Minimum Lot Width: 50 feet
- (3) Minimum Lot Depth: 100 feet

SECTION 5. Bulk Regulations:

(1) Maximum Structure Height: 75 feet

(2) Yard Requirements

(a) Minimum Front Yard

1. 25 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 35 feet.

2. Where lots have double frontage, the required front yard shall be provided on both streets.

3. On corner lots there shall be a front yard of 25 feet and a side yard of 25 feet.

(b) Minimum Side Yard 1. Ten (10) feet for each story

(c) Minimum Rear Yard; 25 feet or 25% of the total lot depth, whichever is greater.

(d) Maximum Lot Coverage: 50% of the total lot area, provided that all required setbacks are maintained.

ARTICLE 8

"RMH". GENERAL RESIDENTIAL DISTRICT

SECTION 1. District Regulations: In District "RMH", no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below. This district is designed to be used in areas where residential development has stagnated.

SECTION 2. Permitted Uses:

(1) Single Family Dwellings

(2) Two Family Dwelling

(3) Parks and Playgrounds

(4) Public and Parochial Schools

(5) Churches and Synagogues

(6) Fire Stations

(7) Cemeteries and Mausoleums

(8) Home Occupations as defined in Article 16

(9) Accessory Uses as permitted in Article 17

SECTION 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22.

(1) Country Clubs and Private Athletic Clubs

(2) Day care Centers and Homes

(3) Nursing Homes

- (4) Convalescent Homes
- (5) Pre-Schools
- (6) Public Utility Substations
- (7) Libraries, Art Galleries, Museums, etc.
- (8) Hospitals
- (9) RV Parks

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 5,000 square feet
- (2) Minimum Lot Width: 50 feet
- (3) Minimum Lot Depth: 100 feet

SECTION 5. Bulk Regulations:

- (1) Maximum Structure Height: 35 feet
- (2) Yard Requirements
 - (a) Minimum Front Yard

1. 25 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 35 feet.

2. Where lots have double frontage, the required front yard shall be provided on both streets.

3. On corner lots there shall be a front yard of 25 feet and a side yard of 25 feet.

- (b) Minimum Side Yard

1. 5 feet on both sides of the dwelling unit.

2. Whenever a lot of record as of the effective date of this Ordinance has a width less than the minimum, the side yard on each side of the dwelling unit may be reduced to not less than 5 feet.

- (c) Minimum Rear Yard: 25 feet.

(d) Maximum Lot Coverage: 40% of total lot area, provided that all required setbacks are maintained.

ARTICLE 9

"CG", COMMERCIAL GENERAL

SECTION 1. District Regulations: In District "CG", no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

- 1) Abstracting and Real Estate Offices
- 2) Accounting, Auditing, and Bookkeeping Services
- 3) Architectural Engineering and Planning Professional Offices
- 4) Automotive Sales and Service
- 5) Automobile Service Stations
- 6) Bakeries
- 7) Bookstores
- 8) Building Materials Sales and Storage
- 9) Business and Farm Management Consulting Services
- 10) Business and Professional Schools
- 11) Bus Terminals
- 12) Camera and Photographic Supplies
- 13) Clothing Apparel and Accessories
- 14) Convenience and Grocery Stores
- 15) Credit Reporting, Adjustment, and collection Services
- 16) Doctor and Dentist Offices
- 17) Drug Stores and Pharmacies
- 18) Dry Cleaning, Laundries and Tailoring Services
- 19) Farm Equipment Sales and Services
- 20) Financial Institutions
- 21) Floral Shops
- 22) Furniture Sales and Service
- 23) General Contractor Offices
- 24) General Merchandise
- 25) Greenhouses and Nurseries
- 26) Hardware Stores
- 27) Home Appliance Sales and Service
- 28) Insurance Agencies and Brokers Services
- 29) Legal Services
- 30) Licensed Plumbing and Electrical Services
- 31) Liquor Stores
- 32) Medical Clinics
- 33) Motion Picture Theaters
- 34) Museums and Libraries
- 35) Newspaper Publishing and Printing Services
- 36) Pet Shops
- 37) Photographic Studios and Services
- 38) Professional Membership Organization Offices
- 39) Public Utility Subsections
- 40) Radio and Television Stations
- 41) Restaurants
- 42) Security and Commodity Brokers
- 43) Shoe Repair Shops
- 44) Sporting Goods
- 45) Stenographic Services
- 46) Travel Agencies
- 47) Motels & Hotels

48) Accessory uses as permitted in Article 17
(Ord 823)

SECTION 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22 .

- 1) Amusement and video game parlors;
- 2) Bowling alleys;
- 3) Skating rinks;
- 4) Taverns and private clubs;
- 5) Day Care Centers;
- 6) Agricultural Storage and Grain Elevators;
- 7) Animal Clinics;
- 8) Automobile Storage and Repair;
- 9) Bulk Storage of Petroleum Products;
- 10) Communication Transmission Towers;
- 11) Concrete and Asphalt Plants;
- 12) Construction Storage & Warehousing;
- 13) Electrical Services;
- 14) Farm Equipment Storage & Repair;
- 15) General warehousing and storage;
- 16) Kennels - Boarding & Breeding;
- 17) Laundering & Dry Cleaning Services;
- 18) Motor Freight Terminals;
- 19) Plumbing Services;
- 20) Storage of Chemical and Allied Products;
- 21) Accessory Uses as Permitted in Article 17.(Ordinance 752)
- 22) Recycling Center (Ordinance 764)
- 23) Metal fabricating, assembly, machining and welding shop.
(Ordinance 780)
- 24) Pet Grooming (Ordinance 848)

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 10,000 square feet
- (2) Minimum Lot Width: 100 feet
- (3) Minimum Lot Depth: 100 feet

SECTION 5. Bulk Regulations:

- (1) Maximum Structure Height: 75 feet
- (2) Yard Requirements
 - (a) Minimum Front Yard

1. 15 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 25 feet.

2. Where lots have double frontage, the required front yard shall be provided on both streets.

3. On corner lots there shall be a front yard of 15 feet and a side yard of 15 feet.

(b) Minimum Side Yard

1. None required unless adjacent to a residential district in which case a twenty foot side yard is required.

(c) Minimum Rear Yard: 15 feet

(d) Maximum Lot Coverage: 80%, provided that all required setbacks are maintained.

SECTION 6. Use Limitations:

(1) All business establishments permitted in this district shall be retail or services establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) A solid or semi-solid fence or wall at least 6 feet high, but not more than 8 feet high shall be provided adjacent to any adjoining residential district provided that no street right-of-way separates the residential district from the "CG" District.

ARTICLE 10

"CB", CENTRAL BUSINESS DISTRICT

SECTION 1. District Regulations: In District "CB", no building shall be used and no building or structure altered, enlarged or erected which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

- (1) Abstracting and Real Estate Offices
- (2) Accounting, Auditing, and Bookkeeping Services
- (3) Architectural Engineering and Planning Professional Offices
- (4) Automotive Sales and Services
- (5) Automobile Service Stations and Private and Public Parking Lots
- (6) Bakeries
- (7) Bookstores
- (8) Building Materials Sales and Storage
- (9) Business and Farm Management Consulting Services
- (10) Business and Professional Schools
- (11) Bus Terminals and Railroad Freight Terminals and Stations
- (12) Camera and Photographic Supplies
- (13) Clothing Apparel and Accessories
- (14) Convenience and Grocery Stores
- (15) Credit Reporting, Adjustment, and Collection Services
- (16) Doctor and Dentist Offices
- (17) Drug Stores and Pharmacies
- (18) Dry Cleaning, Laundries and Tailoring Services
- (19) Farm Equipment Sales and Services
- (20) Financial Institutions
- (21) Floral Shops
- (22) Furniture Sales and Service
- (23) General Contractor Offices
- (24) General Merchandise
- (25) Greenhouses and Nurseries
- (26) Hardware Stores

- (27)Home Appliance Sales and Service
- (28)Insurance Agencies and Brokers Services
- (29)Legal Services
- (30)Licensed Plumbing and Electrical Services
- (31)Liquor Stores
- (32)Medical Clinics
- (33)Motion Picture Theaters
- (34)Museums and Libraries
- (35)Newspaper Publishing and Printing Services
- (36)Pet Shops
- (37)Photographic Studios and Services
- (38)Professional Membership Organization Offices
- (39)Public Utility Substations
- (40)Radio and Television Stations
- (41)Restaurants
- (42)Security and Commodity Brokers
- (43) Shoe Repair shops
- (44)Sporting Goods
- (45)Stenographic services
- (46)Travel Agencies
- (47)Accessory Uses as permitted in Article 17.

SECTION 3. Exceptions. The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22.

- (1) Amusement and Video Game Parlors
- (2) Bowling Alleys
- (3) Skating Rinks
- (4) Taverns and Private Clubs
- (5) Small Animal clinics
- (6) General Warehousing & Storage

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 2,500 square feet
- (2) Minimum Lot Width: 25 feet
- (3) Minimum Lot Depth: 100 feet

SECTION 5. Bulk Regulations:

- (1) Minimum Structure Height: 75 feet
- (2) Yard Requirements
 - (a) Minimum Front Yard: None required
 - (b) Minimum side Yard: None required, except when abutting a residential district, the side yard shall be 50% of building height.
 - (c) Minimum Rear Yard: 5 feet.
 - (d) Maximum Lot Coverage: 100%, provided that all required setbacks are maintained.

ARTICLE 11

"L-I". LIGHT INDUSTRIAL DISTRICT

SECTION 1. District Regulations: In District "C-I" no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

- (1) Agricultural Storage and Grain Elevators
- (2) Animal Clinics
- (3) Automobile Storage and Repair
- (4) Bulk Storage of Petroleum Products
- (5) Building Material Sales and Storage
- (6) Communication Transmission Towers
- (7) Concrete and Asphalt Plants
- (8) Construction Storage and Warehousing
- (9) Electrical Services
- (10) Farm Equipment Storage and Repair
- (11) General Warehousing and Storage
- (12) Greenhouses and Nurseries
- (13) Kennels - Boarding and Breeding
- (14) Laundering and Dry Cleaning Services
- (15) Motor Freight Terminals
- (16) Plumbing Services
- (17) Public Utility Substations and Storage yards
- (18) Railroad Freight Terminals and Freight yards
- (19) Storage of Chemical and Allied Products
- (20) Accessory Uses as permitted in Article 17

Section 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22 .

- (1) Day care Centers
- (2) Meat Processing and Slaughter Facilities
- (3) Power Generation Facilities
- (4) Refuse Disposal Sites
- (5) Restaurants
- (6) Sewage Treatment Facilities
- (7) Bulk Storage of Petroleum Products
- (8) Storage of Chemical and Allied Products

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 10,000 square feet
- (2) Minimum Lot Width: 100 feet
- (3) Minimum Lot Depth: 100 feet

SECTION 5. Bulk Regulations

- (1) Maximum Structure Height: 75 feet
- (2) Yard Requirements:
 - (a) Minimum Front Yard
 - 1. 25 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 35 feet.
 - 2. Where lots have double frontage, the required front yard shall be provided on both streets.
 - 3. On corner lots there shall be a front yard of 25 feet and a side yard of 25 feet.
 - (b) Minimum Side Yard
 - 1. 15 feet or 100% of height when abutting a residential district, whichever is greater.
 - (c) Minimum Rear Yard: 10 feet except when abutting a residential district, a 50 feet rear yard is required.
 - (d) Maximum Lot Coverage: 75%, provided that all setbacks are maintained.

SECTION 6. Use Limitations:

- (1) All operations, activities and storage shall be conducted wholly inside of a building or buildings unless the nearest point of such operation or activity is more than 200 feet from the boundary of any other zoning district other than an industrial district and except that storage may be maintained outside the building and side yards or rear yards if such storage area is separated from public streets and other property as outlined in (4) below.
- (2) No retail sales or services shall be permitted except incidental or accessory to a permitted use.
- (3) Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of a permitted use.
- (4) A solid or semi-solid fence or wall at least six feet high shall be provided adjacent to an adjoining residential or commercial district.
- (5) No building shall be used for residential purposes except that a watchman may reside on the premises.

ARTICLE 12

"H-I", HEAVY INDUSTRIAL DISTRICT

SECTION 1. District Regulations: In District "H-I", no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

- (1) Agricultural Storage and Grain Elevators
- (2) Animal Clinics
- (3) Automobile Storage and Repair
- (4) Bulk Storage of Petroleum Products

- (5) Building Material Sales and Storage
- (6) Clothing and Apparel Manufacturing
- (7) Communication Transmission Towers
- (8) Concrete and Asphalt Plants
- (9) Construction Storage and Warehousing
- (10) Electrical Services and Product Manufacturing
- (11) Farm Equipment Manufacturing, Storage, and Repair
- (12) Food Processing and Manufacturing
- (13) Furniture Manufacturing and Storage
- (14) General Warehousing and Storage
- (15) Greenhouses and Nurseries
- (16) Kennels - Boarding and Breeding
- (17) Laundering and Dry cleaning Services
- (18) Metal Fabrication and Assemblage
- (19) Motor Freight Terminals
- (20) Paper and Allied Products/Manufacturing
- (21) Plastics or Rubber Processing and Manufacturing
- (22) Plumbing Services
- (23) Public Utility Substations and Storage Yards
- (24) Railroad Freight Terminals and Freight Yards
- (25) Research Laboratories
- (26) Scrap Metal Yards
- (27) Storage of Chemicals and Allied Products
- (28) Accessory Uses as permitted in Article 17

SECTION 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22.

- (1) Day care Centers
- (2) Meat Processing and Slaughter Facilities
- (3) Power Generation Facilities
- (4) Refuse Disposal Sites
- (5) Restaurants
- (6) Sewage Treatment Facilities
- (7) Animal By Products
- (8) Storage of Explosive Material and Hazardous Materials

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 10,000 square feet
- (2) Minimum Lot Width: 100 feet
- (3) Minimum Lot Depth: 100 feet

SECTION 5. Bulk Regulations:

- (1) Maximum Structure Height: 75 feet
- (2) Yard Requirements:
 - (a) Minimum Front Yard
 1. 25 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall

be 35 feet.

2. Where lots have double frontage, the required front yard shall be provided on both streets.

3. On corner lots there shall be a front yard of 25 feet and a side yard of 25 feet.

(b) Minimum Side Yard

1. 15 feet or 100% of height when abutting a residential district, whichever is greater.

(c) Minimum Rear Yard: 10 feet except when abutting a residential district, a 50 foot rear yard is required.

(d) Maximum Lot Coverage: 75%, provided that all required setbacks are maintained.

SECTION 6. Use Limitations:

(1) All operations, activities and storage shall be conducted wholly inside of a building or buildings unless the nearest point of such operation or activity is more than 200 feet from the boundary of any other zoning district other than an industrial district and extent that storage may be maintained outside the building and side yards or rear yards if such storage area is separated from public streets and other property by screening as outlined in Article 17.

(2) No retail sales or services shall be permitted except incidental or accessory to a permitted use,

(3) Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of a permitted use.

(4) A solid or semi-solid fence or wall at least six feet high shall be provided adjacent to an adjoining residential or commercial district.

(5) No building shall be used for residential purposes except that a watchman shall reside on the premises.

ARTICLE 13

"M-P". MOBILE HOME PARK DISTRICT

SECTION 1. District Regulations: In District "M-P", no building shall be used and no building or structure altered, enlarged, or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

(1) Mobile Homes

(2) Day care Centers

(3) Accessory uses incidental to the operation of the Mobile Home Park.

SECTION 3. Exceptions: The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22.

(1) No exceptions

SECTION 4. General Requirements:

1. The tract to be used for a mobile home park shall not be less than three (3) acres.
2. It shall be unlawful for any person to construct, alter or extend any Mobile Home Park within the limits of the City unless permitted by zoning regulations, and he holds a valid permit issued by the City of Oberlin in the name of such person for the specific construction, alteration, or extension proposed.
3. No permit to construct, alter or expand a Mobile Home Park shall be issued by the Building Inspector if the construction, alteration or expansion of the Mobile Home Park does not comply with the final site plan approved by the Planning Commission as outlined in Subsection 4.
4. The application process for a Mobile Home Park rezoning is as follows:
 - A. The applicant shall file with the Secretary of the Planning Commission a rezoning application on forms provided by the Secretary of the Planning Commission.
 - B. In addition to the rezoning application, the applicant shall also submit to the Planning Commission a preliminary site plan which shall contain the following information:
 - (1) The area and dimensions of the tract of land;
 - (2) The number, location, and size of all mobile home lots;
 - (3) The location and width of roadways and walkways;
 - (4) The location of water and sewer lines and riser pipes;
 - (5) Plans and specifications of the water supply and refuse and sewerage disposal facilities;
 - (6) Location of all buildings constructed or to be constructed within the Mobile Home park;
 - (7) The location and details of lighting and electrical systems;
 - (8) Landscaping, screening, and recreation area;
 - (9) The location of each mobile home stand; and
 - (10) Drainage report.

A preliminary plat is not required for mobile home rezoning.

C. The Planning Commission shall review the preliminary site plan at the rezoning hearing and submit comments to the developer.

D. If the rezoning is approved by the Planning Commission and the Oberlin City Council, the applicant will be instructed to submit a final site plan and a final plat. The final plat will be prepared in accordance with the City of Oberlin Subdivision Regulations and will be filed with the Register of Deeds. The final plat shall show public easements, right-of-ways and other public property dedications. The final site plan will be approved by the Planning Commission and City Council and placed on file with the Building Inspector.

E. Construction permits shall be issued by the Building Inspector in accordance with the approved final plat and site plan.

F. Any amendments to the final site plan shall be submitted to the planning Commission and City Council before the Building Inspector issues a construction

permit.

G. All preliminary site plans for a Mobile Home Park District shall be accompanied by a payment of a fee of \$100.00 plus \$2.00 per mobile home lot space.

H. All applications for construction permits shall be accompanied by the payment of a fee of Two Dollars (\$2.00) per mobile home space. Application shall be on forms provided by the City.

SECTION 5. Design Requirements: The Mobile Home park shall conform to the following requirements:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. Mobile Home parks shall have a maximum density of eight (8) mobile homes per gross acre and minimum space of thirty-two hundred square feet (3,200 sq. ft.) for each mobile home.
3. Each mobile home space shall be at least thirty-five feet (35') wide and clearly defined.
4. Mobile homes shall be so located on each space that there shall be at least twenty feet (20') of clearance between mobile homes; provided that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than twenty feet (20'), but shall not be less than fifteen feet (15'). No mobile home shall be located closer than twenty-five feet (25') from any building within the park or from any property line bounding the park, and no closer than ten feet (10') from front yard line.
5. ALL mobile home spaces shall front upon a private roadway of not less than thirty-five feet (35') in width, which shall have unobstructed access to a public street, alley, or highway.
6. Walkways, not less than thirty inches (30") wide, shall be provided from the mobile home spaces to service buildings.
7. All roadways and walkways within the mobile home park shall be hard surfaced and adequately lighted at night with electric lamps. The hard surfaced requirement may be waived by the Planning Commission after a review of the circumstances.
8. Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.
9. At least one (1) electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space.
10. Off-roadway parking shall be provided at the rate of two (2) spaces for each mobile home space, and there shall be no off-street parking located in the front yard setback.
11. A recreational area shall be provided at a central location in the mobile home park at the rate of two hundred square feet (200 sq. ft.) for each mobile home space.
12. A solid six foot (6') fence or wall or a ten foot (10') landscaped buffer shall be provided around the entire boundary of the Mobile Home Park District. The owner shall be responsible for all maintenance of the fence or wall or landscaped buffer area.
13. A storm shelter shall be provided for persons living in the Mobile Home Park. A storm shelter shall be adequately designed to protect the occupants and shall have an area not less than 12 square feet per mobile home lot. The storm shelter shall

have adequate fresh air ducts to accommodate the occupants. The basement areas of a park manager's home/office and/or laundry facility may apply to meeting this requirement.

SECTION 6. Service Buildings:

1. Service buildings which provide laundry facilities or recreation activities to the residents of the park shall be permanent structures which shall comply with all of the applicable building codes of the City of Oberlin.
2. Service building permit fees will be assessed in accordance with the established schedule used by the Building Inspector.

SECTION 7. Each Mobile Home Park shall have an adequate trash receptacle system approved by the Building Inspector.

SECTION 8. Tie Down Requirements: Every mobile home located in an approved Mobile Home Park shall adhere to the tie-down requirements as outlined in KSA 75-1228, et. seq. as amended.

SECTION 9. Water Supply: All mobile home spaces within the park shall be provided with a domestic water supply which is connected to the City of Oberlin water distribution system. The internal system of the Mobile Home Park shall be maintained by the owners of said park and must be installed according to the specifications of the City of Oberlin.

SECTION 10. Sewage Disposal: Each mobile home space shall be provided with a sanitary sewer at least four (4") inches in diameter which shall be connected to receive all liquid waste from the mobile home located on said space. All of the sanitary sewer collectors in the Mobile Home Park shall be connected to the Oberlin public sewer system. Said sewage collectors system shall meet the specifications of the City of Oberlin.

SECTION 11. Unused Mobile Home Park: Whenever a property is zoned "M-P" is not used for said purposes for a period of two years, the Oberlin City Planning Commission shall hold a public hearing in accordance with proper procedures to rezone said property.

ARTICLE 14.

"MHS". MOBILE HOME DISTRICT SUBDIVISION

SECTION 1. District Regulations: In District "MHS", no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended, or designed for other than the uses listed in Section 2. below.

SECTION 2. Permitted Uses:

- (1) Mobile homes on permanent foundations and used by one family

- (2) Parks and Playgrounds
- (3) Churches and Synagogues
- (4) Public and Parochial Schools
- (5) Fire Stations
- (6) Accessory Uses as permitted in Article 17

SECTION 3. Exceptions. The following uses may be permitted when submitted, reviewed, and approved in accordance with Article 22

- (1) Day care Centers and Homes

SECTION 4. Lot Size Requirements:

- (1) Minimum Lot Size: 4,000
- (2) Minimum Lot width: 40
- (3) Minimum Lot Depth: 100

SECTION 5. Bulk Regulations:

- (1) Maximum Structure Height: 25 feet

(2) Yard Requirements:

(a) Minimum Front Yard

1. 2.5 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 35 feet.

2. Where lots have double frontage, the required front yard shall be provided on both streets.

3. On corner lots there shall be a front yard of 25 feet and a side yard of 25 feet.

(b) Minimum Side Yard

1. 5 feet on both sides of the dwelling unit.

2. Whenever a lot of record as of the effective date of this Ordinance has a width less than the minimum, the side yard on each side of the dwelling unit may be reduced to not less than 4 feet.

(c) Minimum Rear Yard: 10 feet

(d) Maximum Lot Coverage: 40%, provided that all required setbacks are maintained.

ARTICLE 15

"P-D". PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 1. Intent and purpose of District: To further the public health safety, and general welfare in an area of housing of all types and designs, commercial, industrial, and recreational facilities.

SECTION 2. District Regulations: In District "P-D", no building shall be used and no building or structure shall be erected, altered, or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 4. below.

SECTION 3. Definitions: For the purpose of this Ordinance, certain words and terms used shall be defined as follows:

1. Common Open Space: A parcel or parcels of land or an area of water or combination of land and water within the site designated for a planned unit, designed and intended for the use of residents and owners of the planned unit development, setbacks shall not be considered a part of common open space.
2. Development Plan: A development plan is the total site plan of a planned unit development, drawn in conformity with the requirements of this ordinance.
 - a. Preliminary Development Plan: A plan, prepared at a scale not smaller than one inch equals one hundred feet (1" = 100') showing areas of different residential density, the internal relationships between land uses and open space, the relationship of the proposed development to adjacent land, the street system, off-street parking, and the proposed development phases.
 - b. Final Development Plan: A plan, prepared at a scale not smaller than one inch equals one hundred feet (1" = 100'). The Final Development Plan shall contain all the requirements of the Preliminary Development Plan, plus additional information that is outlined in this Article. The Final Development plan shall meet Planning Commission and City Council approval before development may commence.
3. Development Schedule: A Development Schedule is a comprehensive statement showing the type and extent of development to be completed with various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the improvements to be developed at the end of each specified time Period.
4. Planned Unit Development: Planned Unit Development is an area of land developed as a single entity, or in approved stages in conformity with a Final Development Plan by a developer or group of developers acting jointly, which is totally planned to provide a variety of residential, commercial, industrial and related uses.

SECTION 4. Use Regulations: Uses permitted in the Planned Unit development may include and shall be limited to the following:

1. Primary Residential Uses: Single family, two-family, and multiple-family dwelling units as defined in the zoning Ordinance of the City of Oberlin, Kansas.
2. General Non-Residential Uses: Non-residential uses of a religious, public, or semi-public, cultural, recreational, commercial or industrial character. Non-residential uses shall be compatible with adjacent land uses and shall be in compliance with the Comprehensive plan.

SECTION 5. General Requirements:

1. The tract for use as a Planned Unit Development shall be not less than one (1) acre in area.
2. An applicant for a "P-D" zoning district must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall, prepare and submit a schedule for construction. The proposed construction shall begin within a period of eighteen (18) months, following approval by the Governing Body of the City of Oberlin.
3. The applicant for a "P-D" zoning district shall submit a preliminary development plan showing the following:

- a. The location and size of the site.
 - b. The location of all buildings to be constructed on the site and the use of said buildings.
 - c. The location and size of any common open space and the form of agency proposed to own and/or maintain the common open space. In a residential "P-D", 10% of the land area shall be utilized for common open space.
 - d. The proposals for the disposition of sanitary waste and storm water.
 - e. The provisions in covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - f. Provisions for parking of vehicles and the location, width and ownership of proposed streets and public ways.
4. The Preliminary Development Plan shall also meet the requirements for platting contained in the Subdivision Regulations of the City of Oberlin, Kansas.
 5. The preliminary Development Plan shall include a development schedule containing the following information:
 - a. The order of construction of the proposed stages delineated in the development Plan.
 - b. The proposed date for the beginning of construction on said stages.
 - c. The proposed date for the completion of construction on said stages.
 - d. The proposed schedule for the construction and improvement of common open space within said stages, including any complimentary building.

SECTION 6. Preliminary Development Plan Submitted:

1. The Preliminary Development Plan shall be submitted to the Secretary of the Planning Commission at least fifteen (15) days prior to any scheduled meeting of the Planning Commission.
2. A fee of \$150.00 shall accompany the Preliminary Development Plan for administration purposes.
3. Before the Planning Commission shall approve a Preliminary Development Plan, they shall hold a public hearing giving the same notice as is required for an amendment to the zoning ordinance. A public hearing shall not be required for the Final Development Plan if the said plan is in substantial compliance with the plan given preliminary approval.
4. The application for preliminary plan approval shall include a written statement by the landowner setting forth reasons why a planned unit development would be in the public interest and would be in compliance with the recommendations in the Comprehensive Land Use Plan of the City of Oberlin.

SECTION 7. Final Development Plan Submitted:

1. The final application for approval of the Final Development Plan shall be submitted to the Secretary of the Planning Commission at least fifteen (15) days prior to a scheduled meeting of the planning Commission.
2. The application shall include such drawings, specifications, covenants, easements, and conditions as set forth in the approval of the Preliminary Development Plan.
3. The Final Development Plan may be for all of the land included within the Preliminary Development Plan, or to the extent set forth in tentative approval for a section thereof.
4. No Final Development Plan of a Planned Unit Development within the

jurisdiction of the City of Oberlin shall be recorded by the City Clerk unless it shall have the approval of the Oberlin City Council. Two (2) copies of the Final Development Plan shall be filed with the City Clerk, the cost of which shall be borne by the developer.

SECTION 8. Standards for Development: All Planned Unit Development Districts shall conform to the following minimum standards:

1. All common open space shall be reserved for its intended purpose as expressed in the Final Development Plan. The developer shall choose one or a combination of the following three (3) methods of administering common open space:

A. Public dedication to the City of common open space. This method subject to formal acceptance by the city.

B. Establishment of an association or non-profit corporation of all individuals or corporations owning property within the Planned Unit Development to insure the maintenance of all common open space.

C. Retention of ownership, control, and maintenance of all common open space by the developer.

2. All common open, space as well as public and recreational facilities, shall be specifically included in the Development Schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

3. If the developer elects to administer common open space through an association or non-profit corporation, said organization shall conform to the following requirements:

A. Organization shall be established prior to the sale of any lots.

B. If the organization shall at any time fail to maintain the common open space, the municipality may serve written notice that the organization has failed to fulfill its obligation. This written notice shall include a demand that deficiencies be cured within a specified period of time. If the deficiencies are not cured, the municipality may enter upon the common open space and maintain the same, and all costs incurred by the municipality in maintaining this common open space shall be assessed against the properties within the Planned Unit Development and shall become a tax lien on said properties.

4. Yard Requirements:

a. A minimum setback of thirty feet (30') shall be provided along arterial and collector streets and highways,

b. A minimum setback distance of twenty-five feet (25') shall be provided along any other dedicated right-of-way

5. Spacing of Buildings: The location of all structures shall be as shown on the Final Development plan. The proposed location and arrangement of structures shall not be detrimental to existing or prospective structures, or existing or prospective neighborhoods. There shall be no minimum lot size no maximum percentage of lot coverage, and no minimum lot width except as may be determined by the Planning Commission during review of the development plans. However, every single-family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use.

6. Streets and Utilities: The dimensions and construction for the width and surfacing of streets, highways, roads, and alleys, for curbs, gutters, sidewalks, street lights,

parking areas, tree planting, monuments, system of street names and addresses, street marking signs, easements for public utilities, storm water drainage, water supply and distribution, sanitary sewers and sewer collection and treatment within any Planned Unit Development shall conform with all applicable City Ordinances, Regulations, and specifications of the City of Oberlin.

7. Parking and Loading: There shall be no on-street parking or loading permitted upon any public right-of-way within any Planned Unit Development. All residential uses shall provide two (2) parking spaces for each dwelling unit. All other uses shall provide parking in the amount not less than the parking provisions in the Zoning Ordinance of the City of Oberlin.

ARTICLE 16.

HOME OCCUPATIONS

SECTION 1. Authorization: Any home occupation that is customarily incident to the principal use of a building as a dwelling shall be considered an exception in any dwelling unit, in residential districts except in those subdivisions in which home occupations are prohibited by restrictive covenants. The applicant for a home occupation in a residential district must make application to the Board of Zoning Appeals, as provided in Section 6 of this Article 16., and must submit certification of any restrictive covenants prohibiting home occupations in the subdivision or addition in which he or she resides.

SECTION 2. Definition: A business, profession, occupation or trade conducted entirely within a dwelling and participated in solely by the members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, providing either a service or a product, yet does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced thereon.

SECTION 3. Use Limitations: In addition to all of the Use Limitations applicable to the district in which it is located no home occupations shall be permitted unless it complies with the following restrictions:

1. The primary use of the building or structures in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.
2. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a residence.
3. No inventory or storage, other than immediate samples, and supplies are stored on the premises.
4. No assistance other than immediate members of the family and non-family member is employed.
5. Only one non-illuminated sign not more than three square feet be used to advertise.
6. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
7. No equipment or machinery is used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference

or vibration. Parking shall be handled in such a manner as not to impede or hinder traffic on any public right-of-way.

SECTION 4. The following are examples of permissible home occupations. Home occupations are not limited to the following list:

- a. Accountant
- b. Architect and Engineer
- c. Artist
- d. Author or Writer
- e. Clergyman
- f. Contractors's Office
- g. Cosmetologist
- h. Home crafts (not to include hobby shops)
- I. Lawyer
- j. Photographer
- k. Salesman selling no merchandise on premises
- l. Seamstress
- m. Secretary - Typist
- n. Music Teacher
- o. Day care Facilities

SECTION 5. Particular Home Occupations Which Are Prohibited:.

- a. Dancing Schools
- b. Funeral Homes
- c. Restaurants
- d. Stables or Kennels
- e. Tourist homes, unless specifically permitted by district regulations
- f. Renting of trailers
- g. Medical or Dental Offices, Clinics, or Hospitals
- h. Animal Kennels or Hospitals
- i. Antiques - retail
- j. Auto body work

SECTION 6. Home Occupation Permit

1. The applicant shall submit to the Board of Zoning Appeals a statement which outlines the home occupation requested and any pertinent information related to the operation of this activity. Said statement shall be accompanied by a \$25.00 fee.
2. The Board of Zoning Appeals at their regular monthly meeting shall review the request and supporting statement and either grant or deny the permit for home occupation. If the request is granted the zoning administrator will issue a letter stating that the home occupation has been approved and the applicant may begin operation of said home occupation.

ARTICLE 17.

ACCESSORY USES

SECTION 1. General Limitations Upon Accessory Uses:

- (1) An accessory use shall be located upon the same lot with a principal use unless otherwise set forth in this ordinance
- (2) An accessory use shall be subordinate to the principal use and shall be a use or activity which is customarily incidental to the principal use.
- (3) An accessory use shall not materially or substantially change or alter the character of activity of the principal use it serves.

SECTION 2. Accessory Storage and Manufacturing or Wholesale Use:

- (1) Open storage of automobiles or other material to be wrecked, scrapped, salvaged or junked where permitted in the "H-I" District shall not be stored, stacked or piled to a greater height than the bordering fence or wall.
- (2) Open storage of any other material permitted to be stored in the "CG" or "CI" District shall not be stored, stacked, or piled to a greater height than the bordering fence or wall except that this provision shall not apply to partly enclosed sheds for lumber or other materials or to rooms or other appendages to the principal body of construction vehicles and equipment where permitted to be stored in any district.

SECTION 3. Accessory Service Activity for Retail or Wholesale Use: Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.

SECTION 4. Accessory Retail Use for Service Activity: Any service activity may include retail sale of those goods which are related to and necessary in the performance of the service or to items serviced on the premises, subject to any other limitations of this Ordinance.

SECTION 5. Accessory Uses in Residential Districts - General:

- (1) Accessory buildings for residential uses in all residential districts shall be limited to buildings for domestic or household use or for the parking of motor vehicles unless otherwise provided in this Ordinance. This shall include mobile home parks.
- (2) Accessory uses for any residential uses in all residential districts shall include no use which is unrelated to a residential use unless otherwise defined by these regulations as a home occupation.

ARTICLE 18.

ADDITIONAL HEIGHT, YARD AND AREA REGULATIONS

SECTION 1. Interpretation:

- (1) Maximum lot coverage shall conform to the District Regulations and shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet of a roof over-hang, as well as interior streets, access or service roads, driveways and

parking lots or areas.

(2) Where the depth of yard is controlled by the height of the building, said height shall be computed for each building side abutting the yard to be controlled. The height shall be the mean height along said controlling building site. In the case of an irregular building wall, the Zoning Administrator shall use that portion of the building wall which will require the greatest side yard.

(3) The depth of the front yard, measured back from the street right-of-way shall be as described in the District Regulations EXCEPT, when buildings are already erected as of the passage date of this Ordinance between two intersecting streets with an average front yard depth less than that required in said District Regulations, then no Building hereafter erected or altered shall project beyond the average front yard line so established.

SECTION 2. Additional Height Regulations: The regulations and requirements as to height of buildings shall be subject to the following exceptions:

(1) Public or semi-public buildings, such as hospitals, churches, or schools, either public or private, where permitted may be erected to a height not exceeding seventy-five feet, provided, that such buildings shall be set back one additional foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.

(2) Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, electric display signs, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, stacks, silos, storage towers, radio towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter adopted ordinances except that in all residential districts no radio aerial or television antenna support shall be erected more than ten (10) feet above the height limitations of such districts and in no event shall exceed more than twenty-five (25) feet above the ridge of a roof.

SECTION 3. Additional Yard and Area Regulations: The regulations and requirements as to yard and area shall be subject to following exceptions:

(1) In any district, the ordinary projection of skylights, parapets, window sills, belt courses, cornices, chimneys and chimney foundations, buttresses, eaves and other architectural or ornamental features may extend not more than two (2) feet into any required yard. In addition, steps to the principal entrance, walks, fences, walls, balustrades, landscape or garden ornaments shall be permitted subject to any other controls affecting such features. Also, fire escapes may extend into such required yard by no more than thirty (30) percent of the required yard dimension. (Porches and balconies shall be considered as part of the structure and shall not be permitted to extend into the required yard area.)

(2) For any building providing jointly for hotel and apartment house uses, the number of dwelling units permitted in apartments by the lot area requirements per dwelling unit shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the total floor area devoted to both uses.

(3) In all residential districts, accessory buildings shall not be greater in height than

fifteen (15) feet from the level of the ground floor to the highest point and shall not be more than one-story in height, and shall not occupy more than fifteen percent (15%) of the rear yard area, provided however, that such total area occupied shall not be limited to less than 300 square feet on any lot.

(4) No rear yard shall be required in industrial districts on any lot where the rear line of such lot adjoins a railway right-of-way or which has a rear railway track connection as long as sufficient access for fire fighting equipment is available. Access is to be approved by the Fire Chief prior to issuance of any permit.

(5) Front and side yard requirements are subject to the provisions of any setback building lines adopted by the Governing body, before or after the adoption of this Ordinance, and in the event of conflict, the greater set-back requirement shall control.

(6) In all residential districts, accessory buildings not attached to the main building may be located within five (5) feet of the side and rear property line and five (5) feet of the rear property line on interior lots and adjacent to the interior lot line only on corner lots. However, when a garage opens onto an alley, a fifteen (15) feet rear yard setback shall be required. Accessory storage structures two hundred (200) square feet or less in area may be located within three (3) feet of side and rear lot lines.

(7) In all districts except "CB" all corner lots shall have a Clear Vision Sight Triangle within which no planting or landscaping shall occur that will cause sight restriction for vehicular purposes. (The Clear Vision Sight Triangle shall have a hypotenuse which is determined by measuring ninety (90) feet back from the intersection of the centerlines of the adjacent streets.)

ARTICLE 19.

OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 1. General:

1. Off-street parking and loading shall be provided, at the time of the erection, conversion or structural alteration of any building or structure or establishment, conversion or extension of any use of land.
2. An off-street parking space shall be an area at least eight (8) feet wide and nineteen (19) feet in length and shall be designed in such a manner so to provide safe and efficient means of vehicular access to the site.

SECTION 2. Obligation for Retaining Off-Street Parking or Loading Space:

(a) The provision of off-street parking and loading space shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements of this Article to discontinue, reduce or dispense with (or cause same) the required off-street parking or loading space established by this Article.

(b) Whenever off-street parking is required and cannot be provided within the principal building or on the same lot as the principal building and is located on another parcel or property as permitted by this Article, such parcel or property shall be owned by the owner of the principal building, or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal building, or as long as off-street parking is required for such principal building in accordance with the terms of this Article.

SECTION 3. Off-Street Parking Requirements:

(a) Permanently surfaced, dust free off-street parking shall be provided for each use enumerated and in the amount as specified in this Article. Where off-street parking is provided or required for three or more vehicles, the parking must be so situated to prevent the vehicle from backing into defined collector and arterial street rights-of-way.

(b) In the case of a use for which off-street parking requirements are not specifically enumerated or mentioned, the requirements for off-street parking for a use which is similar shall apply. Similarity to be determined by the Zoning Administrator.

c) Any off-street parking lot not required by the provisions of this Article, but which is voluntarily provided shall observe all requirements of this article in the development of such parking area.

d) Location, design and general adequacy of ingress and egress to parking areas will be approved by the Planning Commission.

SECTION 4. Required Off-street Parking. Off-street parking spaces shall be provided as set forth below for each district.

1. "R-1" District

a. Dwellings: Two (2) off-street parking spaces shall be provided for each dwelling unit in a single-family dwelling district. One and one half (1 ½) off-street parking spaces shall be required for each dwelling unit in a duplex.

b. Schools: Schools shall provide off-street parking spaces as follows:

1. Elementary School: Three (3) parking spaces for each classroom.

2. Junior High School: Five (5) parking spaces for each classroom.

3. High Schools: Twelve (12) parking spaces for each classroom.

c. Churches and Other Places of public Assembly: One (1) off-street parking space shall be provided for each five (5) seats, based on maximum seating capacity of the main assembly room or sanctuary.

d. Country Clubs and Private Athletic Clubs: One for every two members.

e. Libraries, Art Galleries, Museums: One for every 500 sq. feet of floor area.

f. Hospitals: One for each bed.

g. Nursing Homes: One for each six beds.

h. Day care Centers: One for every three employees.

2. "R-3" District

a. Single and two-family dwellings: Two (2) parking spaces shall be provided for each single family dwelling unit. One and one-half (1 ½) for each unit in a duplex.

b. Multiple-family dwellings: One and one-half (1 ½) off-street parking spaces per unit shall be provided,

c. Home occupations: Two (2) off-street parking spaces shall be provided in the side

or rear yard for home occupations. These shall be in addition to those required for dwelling purposes.

d. Schools: Schools shall provide off-street parking spaces as follows:

1. Elementary School: Three (3) parking spaces for each classroom.
2. Junior High School: Five (5) parking spaces for each classroom,
3. High School: Twelve (12) parking spaces for each classroom.

e. Churches and Other Places of Public Assembly: One (1) off-street parking space shall be provided for each five (5) seats, based on maximum seating capacity of the main assembly room or sanctuary.

f. Hospitals, Nursing Homes, Boarding Homes, and Lodging Houses: One (1) off-street parking space shall be provided in the side or rear yard for each bed.

g. Country Clubs and Private Athletic Clubs: One for every two members.

h. Libraries Art Galleries, Museums: One for every 500 sq. feet of floor area.

i. Day care Centers: One for every three employees.

3. "CG" District

a. Whenever a structure is erected, converted or structurally altered for any use permitted in this district, there shall be provided on the same lot, or within three hundred feet (300') of said lot, accessible off-street parking spaces. Said spaces may be provided in a garage or surfaced with asphalt, concrete, or similar, dust-free surface. Off-street parking shall be provided in accordance with the following schedule:

<u>USE</u>	<u>OFFSTREET PARKING SPACES REQUIRED</u>
1. Automobile sales and service garages	One (1) space for each four hundred square feet (400 Sq. ft.) of floor area.
2. Banks, post offices, & professional offices.	One (1) space for each two hundred square feet (200 business sq. ft.) of floor area.
3. Bowling Alleys	Five (5) spaces for each alley.
4. Dance halls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditoriums	One (1) space for each one hundred square feet (100 sq ft.) used for assembly or dancing.
5. Funeral Homes and Mortuaries	One (1) space for each fifty square feet (50 sq. ft.) of floor area.
6. Furniture and appliance stores, household equipment or furniture repair shops	One (1) space for each four hundred square feet (400 sq. ft.) of floor area.
7. Medical, dental, and	One (1) space for each one hundred square feet (100 sq.

health clinics	ft.) of floor area.
8. Motels and Hotels	One (1) space for each living or sleeping space.
9. Personal service establishments including barber shops, beauty shops, shoeshine and repair shops, cleaning and laundry establishments, self-service laundries and custom dress making, furrier, millinery, and tailor shops	One (1) space for each fifty square feet (50 sq. ft.) of floor area.
10. Restaurants, taverns, and night clubs	One (1) space for each two and one half (2 1/2) seats
11. Retail stores and shops	One (1) space for each two hundred square feet (200 sq. ft.) of floor area
12. Theaters, and assembly halls	One (1) space for each three and one half (3 1/2) seats

b. Plans and Approval Required: Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the Planning Commission prior to the issuance of a building permit.

4. "CB" District

a. No-off-street parking requirements are made of uses located in this district.

5. "L-I" District

a. Uses allowed in this district shall provide one (1) off street parking space for each five hundred square feet (500 sq. ft.) of gross floor area. Said parking spaces shall be provided within Two hundred feet (200') from the proposed structure.

b. Plans and Approval Required: Plans showing layout and design of all required off-street parking area shall be submitted and approved by the Planning Commission prior to the issuance of a building permit.

c. Exceptions: Off-street parking requirements in this district may be waived by the Governing Body when it can be established that off-street parking, to satisfy the above requirements, is provided or is available, either private or public, on adjoining property or within one hundred fifty feet (150') of the proposed use. In determining whether or not sufficient off street parking is available to satisfy the requirements of this section, vacant land or spaces required for other uses in the vicinity shall not be considered.

d. Day care Centers: One for every three employees.

e. Performance: In lieu of construction of the required parking lot, the Governing Body may accept a corporate surety bond, cashier's check, escrow account, or other like security, in an amount to be fixed by the Governing Body and conditioned upon

the actual completion of such work or improvements within a specified time and the Governing Body may enforce such bond by all equitable means.

6. "H-I" District

a. Uses allowed in this district shall provide one (1) off street parking space for each five hundred square feet (500 sq. ft.) of gross floor area. Said parking spaces shall be provided ,within Two hundred feet (200') from the proposed structure.

b. Plans and approval required: Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the City Inspector prior to issuing a building permit.

c. Performance: In lieu of construction of the required parking lot, the Governing body may accept a corporate surety bond, cashier's check, escrow account, or other like security, in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvements within a specified time and the Governing Body may enforce such bond by all equitable means.

d. Child Care Centers: One for every three employees.

ARTICLE 20.

SIGNS

SECTION 1. General Limitation:

(a) No sign shall be erected or maintained unless it is in compliance with the requirements of the district in which it is located and has been issued a sign permit.

(b) No sign shall be erected or maintained which constitutes a nuisance because of glare, focus, animation or flashing.

(c) No private sign or its supporting structure shall interfere with the line of vision between a motorist and any official traffic sign or signal or other vehicles approaching any street intersection. The determination as to such sign interference with traffic safety shall rest with the Zoning Administrator.

(d) No sign shall be located on or over public property and rights-of-way in any zoning districts that requires a front yard setback. In zoning districts where no front yard setback is required, any projecting sign, permanent awning, canopy, or marquee may overhang public rights-of-way not more than seven (7) feet from the adjacent street line; be no closer than three (3) feet to the face of the street curb line; shall have a minimum clearance of eight (8) feet above the sidewalk; and be supported entirely from the building wall to which it is attached. Roll-up type awnings may have a minimum clearance of seven and one-half (7 ½) feet above the sidewalk.

(e) No private sign shall display flashing intermittent lights resembling those customarily used by emergency vehicles or traffic signals and shall use no dominating or emphasized word that might be misconstrued to be a public safety warning, traffic sign or signal.

(f) No sign of any kind used for advertising purposes shall be located between any side of a building and any interior property line which is adjacent to a residential district.

(g) No free-standing ground or pole sign for business or outdoor advertising purposes shall be located on property fronting upon or adjacent to a designated parkway or is adjacent to or across the street from a public park or playground.

(h) All applications for free standing signs of eighty (80) square feet and over and of thirty (30) feet in height and above shall be accompanied by engineering specifications as to dead load and wind load design. (Minimum wind load design shall be 30 lbs./ft. of sign area or greater.) Said specifications shall be submitted to the Building Inspector.

(i) Non-accessory directional and other official signs may be permitted in the "CG" District in the following instances:

(1) Privately owned activities or attractions eligible for such signing are limited to the following: natural phenomena, scenic, historic, educational, cultural, scientific, religious, and outdoor recreational areas.

(2) The message on said signs shall be limited to the identification of the attraction or activity and directional information useful to the public in location including mileage and route numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

(3) Off-site advertising signs or commercial uses may be located in the "CG" District, provided that such offsite signs shall be located at least two thousand (2,000) feet apart. Said sign shall be no larger than six (6) feet wide by six (6) feet high.

SECTION 2. Definitions: For the purpose of these zoning regulations the terms or words herein shall be interpreted or defined as follows:

SIGN: Any device which displays or includes any letter, words, motif, insignia, symbol or design used as or is in the nature of an advertisement or announcement or is intended to direct public attention to an object, product, place, activity, organization or business but not including any display of official notice or official flag.

SIGN, ACCESSORY: Any sign which is located on the same property or object, project, place, activity, service or person to which it refers.

SIGN, NON-ACCESSORY: Any sign which is not located on the same lot 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.

SIGN, FLASHING: Any illuminated sign on which artificial lights revolve, rotate or are not constant in intensity or color.

SIGN, FREESTANDING: Any sign not attached to a building but having its own permanent foundation and support.

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 or flood lights.

SIGN, PORTABLE: Any sign not attached to a building or having a permanent foundation or support and so designed so that it may be moved from one location to another.

SIGN, PROJECTING: Any sign attached to a building and projecting more than fifteen (15) inches beyond the building wall.

SIGN, TEMPORARY: Any non-illuminated sign intended to be displayed for ninety (90) days or less.

SIGN, WALL: Any sign attached directly to, or part of the building wall and supported throughout its length by said wall and projecting not more than fifteen (15) inches beyond the building wall.

SECTION 3. Sign Permit.

a. For the purpose of assuring compliance to these Zoning Regulations, no sign shall be constructed, erected, placed, or painted for any purpose until a sign permit has been issued.

b. Sign permits shall be acquired from the Building Inspector.

c. Application for sign permits shall provide the information necessary for a proper determination that the proposed sign conforms to the requirements established in this Article.

d. If a sign is not erected within ninety (90) days from the date the permit is issued, the sign permit shall be deemed void.

e. If a sign becomes a hazard or nuisance, the building inspector shall direct its removal.

SECTION 4. Signs Requiring A Sign Permit

a. All signs as permitted by Section 6 in this Article shall require a sign permit except in the "R" and "R-M" districts.

b. All types or kinds of memorial signs, tablets or plaques.

c. Temporary accessory construction or subdivision site signs denoting participating architect, engineer, contractor or the like. Said total sign area shall not exceed sixteen (16) square feet for each such site.

d. All signs requiring a permit shall be as follows:

1. Minimum of Five Dollars (\$5.00) per sign for the first fifty (50) square feet.

2. Additional permit cost of ten cents per square foot from fifty (50) square feet to two hundred (200) square feet and five cents per square foot above two hundred (200) square feet. (Square foot of sign shall be figured per face.)

SECTION 5. Signs Not Requiring A Sign permit: The following signs shall be permitted when they are not animated nor illuminated except by reflected or hidden

non-flashing illumination.

- a. Signs required to be maintained or operated by law or governmental order, rule, or regulation.
- b. Temporary, Portable accessory signs not to exceed eight (8) square feet in sign area (to include rent or sale signs.)
- c. Accessory bulletin boards, or announcement, for churches or public buildings, not to exceed twenty-five (25) square feet in sign area.
- d. Name plates, address plates or identification signs of less than one (1) square foot, for all residential buildings.
- e. Accessory name plates, address plates or identification signs not to exceed ten (10) square feet for non-residential buildings where said building sign is a permanent part of the and does not project beyond the building wall.
- f. Accessory flags or emblems of civic, philanthropic, educational, or religious organizations.
- g. Temporary signs announcing a campaign, drive or special event of any of the organizations mentioned above.

ARTICLE 21.

NON-CONFORMING USES

SECTION 1. General: Any lawful use of land or a building existing at the date of passage of this ordinance and located in a district in which it is not permitted under this ordinance, is hereby declared a non-conforming use, and not in violation of these regulations provided, however, such non-conforming use shall be subject to the regulations in this Article.

SECTION 2.. Continuation of Non-Conforming Use of Land: Any use of land in legal existence prior to passage of this ordinance may continue as to its specific use at the time of passage. (Note: This shall not limit any other authority of the City of Oberlin in controlling or abating nuisances, hazards, or infringement on public well being.)

SECTION 3. Change of Non-Conforming Use:

(1) A non-conforming use may be changed to another similar non-conforming use where in the opinion of the Board of Zoning Appeals such new use:

- (a) will not extend the life of a non-conforming use,
- (b) will reduce traffic, sound, odor, smoke, or number of employees,
- (c) will not include structural alteration or expansion,
- (d) will improve the character and value of surrounding property (without probable rezoning).

Such change in use may be permitted only following formal application for change with the Board of Zoning Appeals. Where the above conditions are met, the Board of Appeals may direct the Zoning Administrator to issue the necessary permits.

(2) Whenever a non-conforming use has been changed to a conforming use, it shall

not revert to a non-conforming use.

SECTION 4. Restoration of Non-Conforming Building:

(a) Non-conforming buildings may be restored only if destruction caused by fire, explosion, act of God, or public enemy is fifty (50) percent or less of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the City of Oberlin.)

(b) However, any building whose destruction exceeds ten (10) percent but less than fifty (50) percent of its prior structural valuation must apply for a building permit for reconstruction within six (6) months and commence reconstruction within twelve (12) months of the date of the described destruction.

(c) In lieu of such reconstruction, the non-conforming use shall be considered abandoned; and such building shall be permitted to be reconstructed as a permitted use only.

SECTION 5 Discontinuance or Abandonment of Non-Conforming Use: Any non-conforming use of land or building which has ceased by discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of this ordinance.

ARTICLE 22.

BOARD OF ZONING APPEALS

SECTION 1. Establishment:

(1) A Board of Zoning Appeals is hereby established in accordance with the provisions of the Kansas Statutes regarding the Zoning of Cities. The word "board" when used in this Article shall be construed to mean the Board of Zoning Appeals.

(2) The Board shall consist of Five (5) members, all of whom shall be residents of the City of Oberlin, to be appointed by the mayor with the consent of the Governing Body. No member shall hold any other public office except that they can be members of the planning commission. The term shall be three (3) years. (Ordinance 760)

SECTION 2. Election of Officers: The Board shall annually elect one of its members as Chairman and shall appoint a Secretary who may be an officer or an employee of the City.

SECTION 3. Rules of Procedure: The Board shall adopt bylaws and rules of procedure for the conduct of business.

SECTION 4. Meetings: Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

SECTION 5. Records: The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact of the Board, decisions of the Board and voting upon each question. Records of all official actions of the Board shall be filed in the

office of the Zoning Administrator, and shall be a public record.

SECTION 6. Filing Fee: For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing an appeal, request for variance, or request for exception, shall pay to the City Clerk a fee in the amount of forty dollars (\$40.00). Upon filing the required filing fee, the City Clerk shall refer said appeal to the Secretary of the Board of Zoning Appeals.

SECTION 7. Public Hearing and Notice: The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matter referred to it. Notice of the time, place, and subject of such hearing shall be published once in the official newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the Appeal and to the Planning Commission.

SECTION 8. Powers and Jurisdictions: The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the Zoning Ordinance. The Board shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of the Zoning Ordinance.
2. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purposes of the adopted Comprehensive Plan, and as shown upon the Zoning District Map fixing the several districts and accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on the Zoning District Map.
3. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions: Provided, that such variation will not seriously affect any adjoining property or the general welfare or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this Ordinance. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.
4. To hear and grant exceptions to district zoning regulation subject to Section 11 below.

SECTION 9. Procedure:

1. Appeals to the Board of Zoning Appeals 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 official administering the provision of the Zoning Ordinance.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.

3. Appeals and requests to the Board for variances and exceptions to this Zoning Ordinance shall be prepared and submitted on forms approved and furnished by the Planning Commission.
4. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in Section 7 above.
5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to appellant. A copy of such decision shall also be transmitted to the Building Inspector for action, if action is required.
6. Any person, official, or governing agency dissatisfied with any order or determination of said Board shall bring action in the District Court of Decatur County, Kansas, to determine the reasonableness of any such order or determination.

SECTION 10. Variances to this Ordinance:

1. The applicant must show that his property was acquired in good faith and, where by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of this Zoning Ordinance or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of this Zoning Ordinance actually prohibit the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. Variances are limited to yard, height, area and parking regulations and may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.
3. In granting a variance, the Board of Zoning Appeals must satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner. The Board shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of this Zoning Ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries.
4. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from the Building Inspector. The Board may make such order, requirement, decision or determination as ought to be made, and to that end shall have the same powers as the Building Inspector from whom the appeal is taken. If the Board approves the variance, they shall notify the Building Inspector of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.
5. Every variation granted or denied by the Board shall be accompanied by the written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the City Clerk, to be available for public inspection.

SECTION 11. Exceptions to this Zoning Ordinance:

1. Exceptions to this Zoning Ordinance shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.

2. Prior to review of the request of an exception by the Board of Zoning Appeals, the applicant shall:

- a) File an application on forms provided.
- b) File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
- c) File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted.

Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

3. A plot plan shall be filed with the application showing where appropriate, the following:

- a) Legal dimension of the tract to be used.
- b) Location of all proposed improvements including curb cut access, off-street parking and other such facilities as the applicant proposes to install.
- c) Grade elevations.
- d) Building setback from all property lines.
- e) Front, side, and rear elevations of all improvements to be erected.
- f) Such perspective drawings of the proposed improvements, in such detail as the Board may require, as will clearly show the finished appearance of the improvements proposed.
- g) Location and type of planting, screening or walls.
- h) Such other items as the Board shall deem reasonably necessary to properly process the application.

4. In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the Comprehensive Plan, and the health, safety, morals, comfort, and general welfare of the inhabitants of the City, including but not limited to the following factors:

- a) The stability and integrity of the various zoning districts.
- b) Conservation of property values.
- c) Protection against fire and casualties.
- d) Observation of general police regulations.
- e) Prevention of traffic congestion.
- f) Promotion of traffic safety and the orderly parking of motor vehicles.
- g) Promotion of the safety of individuals and property.
- h) Provision for adequate light and air.
- i) Prevention of overcrowding and excessive intensity of land uses.
- j) Provision for public utilities and schools.

- k) Invasion by inappropriate uses.
- l) Value, type, and character of existing or authorized improvements and land uses.
- m) Encouragement of improvements and land uses in keeping with overall planning.
- n) Provision for orderly and proper renewal, development, and growth.

SECTION 12. Performance:

1. In making any decision varying or modifying any provision of this Zoning Ordinance or in granting an exception to the district regulations, the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

2. In lieu of actual construction of an approved off-street parking lot, the Board of Zoning Appeals may accept, in the name of the City, a corporate surety bond, cashiers check, escrow account or other like security in an amount to be fixed by the City and conditioned upon actual completion of such improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Clerk.

SECTION 13. Additional Location Requirements:

a) Any of the enumerated uses which have as a major portion of their processes the utilization, production, or storage of bulk quantities of either explosive, flammable liquids, or toxic gases or materials, shall be located in the following manner:

b) Explosives: The production or storage of explosives, except for study and research purposes, shall not be permitted within One Thousand Five Hundred (1,500) Feet of adjoining property and not within Two Thousand Six Hundred and Forty (2,640) Feet of any residential district.

c) Flammable Liquids: All production, handling, or storage in bulk shall be subject to all requirements of city, county, and state and in addition shall never be located within One Thousand (1,000) Feet of any residential district.

d) Toxic Gases: Shall be located dependent on their weights relative to the normal atmosphere of the immediate vicinity. Gases lighter than air should be located in topographical areas having an elevation greater than that of the surrounding area. However, in no case shall toxic gases be produced, handled, or stored within Two Thousand Six Hundred and Forty (2,640) Feet of any residential district. In addition, such uses shall be located in such manner that prevailing winds shall carry such gases away from the areas of the greatest concentration of persons.

e) Smoke, Dust and Odor: Wherever possible, uses emitting smoke, dust or obnoxious odors shall be prohibited but under any circumstances shall not be located within Six Hundred (600) Feet of any residential district. In addition, such uses shall be located in such a manner that prevailing winds shall carry such smoke, dust or odor away from areas of the greatest concentration of persons.

ARTICLE 23. ADMINISTRATION AND ENFORCEMENT

SECTION 1. Zoning Administrator.

- a) There is hereby established the Office of Zoning Administration.
- b) The Mayor shall appoint a person who is qualified through education and experience to hold the title of Zoning Administrator. Such person appointed may hold or be appointed to other offices or positions with the city and serve in such concurrently.
- c) The budget for the Office of Zoning Administration and the salary for the Zoning Administrator shall be established by the Governing Body in the same manner as for all other departments and staff salaries.
- d) The Zoning Administrator shall be responsible for the issuance of all permits required by these zoning regulations unless otherwise specified.
- e) It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance; to refuse to issue any permit for any building or structure or for the use of any premises which would violate any of the provisions hereof; to cause any building, structure, place or premises to be inspected and examined; and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this ordinance. Said Zoning Administrator is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, and to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- f) The Zoning Administrator shall act as an agent of the Planning Commission in the receipt of all requests, application or communications and shall provide review and reports to said Planning Commission as requested. The Zoning Administrator may also act in behalf of the Planning Commission in the presentation of Planning Commission recommendations to the Governing Body, wherever such action is necessary and for such purposes shall be considered as staff for the Planning Commission.

SECTION 2. Interpretation:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance of any rules or regulations previously adopted pursuant to law relating to the use of buildings or premises and not in conflict with any of the provisions of this ordinance; nor is it intended to interfere with or abrogate or annul any easements or restrictions between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises than are imposed by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION 3. Permits:

- a) No permit for the erection, construction, reconstruction, alteration, conversion, maintenance or use of any building, or the use of any premises shall be issued by the Zoning Administrator unless there first shall be filed in its office by the applicant

therefor a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lots to be occupied, the dimensions and location of the building to be erected, constructed, reconstructed, altered, converted, maintained, or used, with measurements in feet and inches from all lot lines to all foundation lines of the building, together with a true statement, in writing, signed by the applicant, showing the use for which such building or premises is arranged, intended or designed, and the location and dimensions of all accessory buildings or structures, and no permit shall be issued unless such plan shall show in all details that such a building or structure is to be erected, constructed, reconstructed, altered, converted, maintained, or used, and such premises are to be used in conformity with all the provisions of this ordinance. A record of such applications and plans shall be kept in the office of the Zoning Administrator. Failure of any applicant or of his agents, servants or employees to erect, construct, reconstruct, alter, convert, maintain or use of any buildings, structures or premises in conformance with such plans on which such permit is issued, when such failure constitutes a violation of any provision of this ordinance, shall render such permit void, and the Zoning Administrator is hereby authorized and directed to revoke any such permit by giving written notice to the applicant, or his agents, servants or employees and all work upon such buildings, structures, or premises shall be immediately discontinued on the serving of such notice until such buildings, structures or premises shall be changed so as to comply with such plans and permit.

b) If any such permit shall not have been issued within ten (10) days following the application therefor, applicant may deem it refused and proceed in accordance with the provisions of this ordinance.

c) If the Zoning Administrator refuses to issue same, he shall state in writing his reasons for such refusal and furnish applicant with a copy thereof.

SECTION 4. Certificate of Occupancy.

a) No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Zoning Administrator.

b) Certificate of Occupancy shall state that the buildings or proposed use of a building or land complies with all the building and health laws and ordinances, and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

c) No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

d) Certificate of Occupancy for a Building: Certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the applicant for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations and all other laws and codes of the city. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building

pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises, or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

e) Certificate of Occupancy for Land: Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of those regulations.

SECTION 5. Changes and Amendments:

a) Amendments: The Governing Body may from time to time amend, supplement or change the district boundaries or regulations contained in this Zoning Ordinance. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

b) Applications: Any party desiring any change in zoning district boundaries or regulations contained in this Zoning Ordinance, as to any lot, tract or area of land, shall file with the City Clerk an application upon forms provided and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing said application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all owners of any land located within Two Hundred (200) Feet of the outer limits of said area to which the applicant desires change of zoning, and said names and addresses shall be certified.

c) Filing Fee: For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, a fee in the amount of One Hundred Dollars (\$100) shall be paid to the City Clerk. Promptly upon the filing of any such application, the City Clerk shall refer the application to the Planning Commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and that said application has been referred to the Planning Commission.

d) Public Hearing and Notice: Before the Planning Commission shall by proper action formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The Secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district and, if such proposed amendment will affect specific property, the legal description and general

street address shall be given; provided, that in addition to such publication notice, all owners of land located within Two Hundred (200) Feet of the area proposed to be altered shall be notified and an opportunity granted to interested parties to be heard. Failure to receive such notice shall not invalidate any subsequent action taken.

e) Protest: If a protest against such amendment is filed in the office of the City or County Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, said protest being duly signed and acknowledged by the owners of twenty percent (20%) or more of any real property proposed to be rezoned or by the owners of twenty percent (20%) of the area, excepting public streets and ways, located within or without the corporate limits of the City and located within Two Hundred (200) Feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of the members of the Governing Body.

ARTICLE 24. VIOLATION AND PENALTY

SECTION 1. The owner or agent of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agency, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed Five Hundred Dollars (\$500). Each and every day that such violation continues shall constitute a separate offense.

SECTION 2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this regulation, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus or other appropriate action to prevent construction, rehabilitation, use or to correct the violation or to prevent the occupancy of said building, structure or land.

ARTICLE 25. VALIDITY

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

ARTICLE 26. APPROVAL AND EFFECTIVE DATES

SECTION 1. Ordinance Number ____ of the City of Oberlin, Kansas, and all amendments thereto are hereby repealed.

SECTION 2. This is to certify that this Zoning Ordinance and the Zoning District Map referred to in this Zoning Ordinance were duly approved by the Oberlin Planning Commission on this ____ day of _____, 1983.

/s/ Donald Harrier, Chairman
Oberlin Planning Commission

/s/ Cindy _____, Secretary

SECTION 3. This Ordinance shall become effective upon its publication once in the official City newspaper.

PASSED this _____ day of _____, 1983.

/S/ David Nichols, Mayor

ATTEST:

/s/ Fred Waldo, City Clerk