

PART 12

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

BOARDS AND COMMISSIONS

ARTICLE A

CITY PLANNING COMMISSION

§ 12-101	City planning commission, creation and membership.
§ 12-102	Quorum.
§ 12-103	Organization, meeting, rules.
§ 12-104	Personnel hiring authority.
§ 12-105	Powers and duties.
§ 12-106	Procedure.
§ 12-107	Plats and subdivisions.
§ 12-108	Expenditures.
§ 12-109	To have power of a zoning commission.
§ 12-110	Adoption of plan.

ARTICLE B

BOARD OF ADJUSTMENT

§ 12-121	Creation and authority.
§ 12-122	Meetings and procedures.
§ 12-123	Appeals.
§ 12-124	Powers, appeals.
§ 12-125	Powers to grant variances,
§ 12-126	Powers relative to exceptions.
§ 12-127	Uses permitted on review.
§ 12-128	Exercise of powers.
§ 12-129	Appeal to district court.

CHAPTERS 2 AND 3

ZONING REGULATIONS

ARTICLE A

TITLE, PURPOSE, INTERPRETATION AND APPLICATION, JURISDICTION

§ 12-201	Title.
§ 12-202	Purpose.

- § 12-203 Interpretation and application.
- § 12-204 Jurisdiction.

## ARTICLE B

### ESTABLISHMENT OF DISTRICTS

- § 12-210 Zoning districts established.
- § 12-211 Zoning map incorporated.
- § 12-212 District boundaries established.
- § 12-213 Maintenance of official zoning map.

## ARTICLE C

### DEFINITIONS

- § 12-215 Interpretation of words and terms.

## ARTICLE D

### GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

- § 12-220 Application of regulations in districts authorized.
- § 12-221 Application of regulations to the uses of a more restricted district.
- § 12-222 Residential uses restricted to residential lots.
- § 12-223 Division of lots.
- § 12-224 Use of yards.
- § 12-225 Street access.
- § 12-226 Storage and parking of trailers, commercial vehicles in residential districts.
- § 12-227 Display of trailers, commercial vehicles in commercial and residential districts.
- § 12-228 Off-street parking, purpose and application.
- § 12-229 Required open space, off-street parking.
- § 12-230 Location of off-street parking.
- § 12-231 Joint parking and off-site parking facilities.
- § 12-232 Size of off-street parking space.
- § 12-233 Amount of off-street parking and loading required.
- § 12-234 Paved surface required for off-street parking.
- § 12-235 Off-street parking lots located with or adjacent to a residential district.
- § 12-236 Screening walls, fences; specification.
- § 12-237 Maintenance of walls or fences.
- § 12-238 Sewer service.
- § 12-239 Oil or gas drilling.
- § 12-240 Utilities service.

## ARTICLE E

NONCONFORMITIES

- § 12-241 Intent.
- § 12-242 Nonconforming lots of record.
- § 12-243 Nonconforming structures.
- § 12-244 Nonconforming uses of structures.
- § 12-245 Nonconforming uses of land.
- § 12-246 Changes in nonconformity.

ARTICLE F

A-G, GENERAL AGRICULTURAL DISTRICT

- § 12-250 General description.
- § 12-251 Uses permitted.
- § 12-252 Uses permitted on review.
- § 12-253 Area and height regulations.
- § 12-254 Signs and billboards.

ARTICLE G

R-R, RURAL RESIDENTIAL DISTRICT

- § 12-260 General description.
- § 12-261 Uses permitted.
- § 12-262 Uses permitted subject to additional requirements.
- § 12-263 Area and height regulations.
- § 12-264 Signs and billboards.

ARTICLE H

R-S, SINGLE-FAMILY RESIDENTIAL DISTRICT

- § 12-265 General description.
- § 12-266 Uses permitted.
- § 12-267 Uses permitted on review.
- § 12-268 Area and height regulations.
- § 12-269 Signs and billboards.

ARTICLE I

R-G, GENERAL RESIDENTIAL DISTRICT

- § 12-270 General description.
- § 12-271 Uses permitted.
- § 12-272 Uses permitted on review.

- § 12-273 Area and height regulations.
- § 12-274 Signs and billboards.
- § 12-275 Mobile home park.

#### ARTICLE J

##### C-C, CONVENIENCE COMMERCIAL DISTRICT

- § 12-276 General description.
- § 12-277 Uses permitted.
- § 12-278 Area and height regulations.
- § 12-279 Business signs.

#### ARTICLE K

##### C-O, OFFICE COMMERCIAL DISTRICT

- § 12-280 General description.
- § 12-281 Uses permitted.
- § 12-282 Area regulations.
- § 12-283 Area and height regulations.

#### ARTICLE L

##### C-G, GENERAL COMMERCIAL DISTRICT

- § 12-285 General description.
- § 12-286 Uses permitted.
- § 12-287 Area regulations.

#### ARTICLE M

##### I-L, LIGHT INDUSTRIAL DISTRICT

- § 12-290 General description.
- § 12-291 Standards.
- § 12-292 Uses permitted.
- § 12-293 Area and height regulations.
- § 12-294 Signs and billboards.

#### ARTICLE N

##### I-H, HEAVY INDUSTRIAL DISTRICT

- § 12-295 General description.
- § 12-296 Standards.
- § 12-297 Uses permitted.

- § 12-298 Area regulations.
- § 12-299 Signs and billboards.

## ARTICLE O

### C-D, OPEN DISPLAY COMMERCIAL DISTRICT

- § 12-300 General description.
- § 12-301 Uses permitted.
- § 12-302 Area regulations.

## ARTICLE P

### C-R, COMMERCIAL RECREATION DISTRICT

- § 12-305 General description.
- § 12-306 Uses permitted.
- § 12-307 Uses permitted on review.
- § 12-308 Area and height regulations.

## ARTICLE Q

### GREEN BELT DISTRICT

- § 12-310 General description.
- § 12-311 Uses permitted.

## ARTICLE R

### PUD - PLANNED UNIT DEVELOPMENT DISTRICT

- § 12-315 General description.
- § 12-316 Uses permitted.
- § 12-317 Area regulations.
- § 12-318 Initiation of planned unit development.
- § 12-319 Creation of PUD - Planned Unit Development District.
- § 12-320 Procedure for approval of development plan.
- § 12-321 Expiration.
- § 12-322 Forms of and contents of applications and types of information required.
- § 12-323 Use control in planned unit development.
- § 12-324 Permissive variations in requirements.

## ARTICLE S

### CENTRAL BUSINESS DISTRICT

- § 12-330 Introduction.

- § 12-331 Purpose.
- § 12-332 Uses permitted.
- § 12-333 Uses permitted on review.
- § 12-334 Prohibited uses.
- § 12-335 Condition of use.
- § 12-336 Criteria.
- § 12-337 Lot size and coverage.
- § 12-338 Parking and sidewalks.
- § 12-339. Expansion of district.
- § 12-340. Conversion of residential units.

#### CHAPTER 4

#### TEMPORARY HARDSHIP PERMITS

- § 12-401 Temporary hardship permits.
- § 12-402 Issuance of temporary permits.
- § 12-403 Conditions of temporary permits.

#### CHAPTER 5

#### ENFORCEMENT

- § 12-501 Duty of city manager.

#### CHAPTER 6

#### ZONING CLEARANCE PERMIT REQUIRED.

- § 12-601 Purpose.
- § 12-602 New construction.
- § 12-603 Change in use of land or building
- § 12-604 Application.
- § 12-605 Accompanying material.
- § 12-606 Fees.

#### CHAPTER 7

#### VIOLATIONS AND PENALTIES

- § 12-701 Fines.

#### CHAPTER 8

#### AMENDMENTS

- § 12-801 Planning commission recommendation required.

§ 12-802	Application for amendment.
§ 12-803	Notice and public hearing.
§ 12-804	Planning commission action.
§ 12-805	City action.
§ 12-806	Protest to amendment.

CHAPTER 1

BOARDS AND COMMISSIONS

ARTICLE A

CITY PLANNING COMMISSION

§ 12-101	City planning commission, creation and membership.
§ 12-102	Quorum.
§ 12-103	Organization, meeting, rules.
§ 12-104	Personnel hiring authority.
§ 12-105	Powers and duties.
§ 12-106	Procedure.
§ 12-107	Plats and subdivisions.
§ 12-108	Expenditures.
§ 12-109	To have power of a zoning commission.
§ 12-110	Adoption of plan.

§ 12-101 CITY PLANNING COMMISSION, CREATION AND MEMBERSHIP.

- A. A city planning commission is hereby created. It shall consist of seven (7) appointive members, all of whom shall be electors of the city. The mayor, the city manager and the city engineer, if any, shall serve as ex-officio member(s) of the commission. Six (6) members shall be nominated by ward and shall be electors of the ward from which they are nominated. The seventh member shall be nominated at-large by the mayor.
- B. There shall be appointed one (1) alternate member for each member appointed as the original members. His or her appointment shall be for the same term and made in the same manner as the original member. He or she shall sit as an alternate member on the city planning commission for the following reasons:
1. Original member is absent for the meeting; or
  2. Unable to serve as a planning commissioner.
- C. Terms are as follows:
1. Each appointed member and alternate member shall serve for a term of three (3) years, with terms ending on the first Monday in May, or until his or her successor takes office;
  2. Vacancies occurring other than by expiration of the term shall be filled only for the unexpired remainder of such terms by nomination of the councilman from the appurtenant ward or by the mayor as stated herein,



3. The planning commission members and alternate planning commission members shall serve without compensation; and
4. The council may remove a member of the planning commission for cause.

D. At the expiration of each current term, or other vacancy, each successor member shall be nominated by the mayor or councilman entitled to nominate a successor for that seat, subject to the following:

1. All nominations must be confirmed by a majority vote of the council before the nominee is eligible to take office and be seated as a planning commissioner;
2. Any vacancy in the at-large position shall be filled by nomination of the mayor;
3. Any vacancy in a ward position shall be filled by nomination of the council member from that ward. (Ord. No. 105, 1/7/74; Ord. No. 388, 10/3/89; Ord. No. 400, 11/6/90; Ord. No. 437, 7/6/93; Ord. No. 583, 10/12/04)

State Law Reference: Municipal planning commissions, 11 O.S. §§ 45-101 to 45-104 and § 45-106.

§ 12-102 QUORUM.

Four (4) members of the commission shall constitute a quorum for the transaction of business; provided, however, that no action shall be taken which is binding upon the commission, unless concurred in by not less than a majority of all members comprising the commission.

§ 12-103 ORGANIZATION, MEETINGS, RULES.

The commission shall elect a chairman, a vice-chairman and a secretary and may create and fill such other offices as it may deem necessary. The secretary need not be a member of the commission. The terms of the chairman, vice-chairman and secretary shall be one year with eligibility for re-election. The planning commission shall hold at least one regular meeting each month. The chairman or any three (3) members may call a special meeting. The planning commission shall adopt rules for the transactions of business and keep a record of its regulations, transactions, findings and determinations, which record shall be a public record. (Prior Code, § 16-2, as amended)

§ 12-104 PERSONNEL HIRING AUTHORITY.

The planning commission may recommend such employees as it deems necessary for its work, whose appointment, promotion, demotion and removal shall be at the pleasure of the city manager. The commission may also recommend to the city council the employment of city planners, engineers, architects and consultants for such other services as it may require. (Prior Code, § 16-2, as amended)

§ 12-105 POWERS AND DUTIES.

The duties and powers of the planning commission shall be as follows:

- A. To investigate and recommend to the city council suitable zoning ordinances for the city;
- B. To investigate and make recommendations, on at least an annual basis, concerning the physical development, growth, improvement, convenience and beautification of the city;
- C. To investigate all matters relating to the location and development of parks, recreation places, streets, public grounds, location and design of civic buildings and public structures, and to make report of their findings of any proposed or contemplated project relative to any of the above matters to the city council; and
- D. All findings and recommendations of the planning commission affecting private property shall be submitted in writing to the city council for their examination, approval or rejection. (Prior Code, Sec. 16-3; Ord. No. 403, 12/18/90)

§ 12-106      PROCEDURE.

All projects or matters that fall within the purview of the duties of the planning commission, as herein specified that may come before the city council, shall be referred to the planning commission for investigation and report before any final action shall be taken thereon. However, if the planning commission fails to make an investigation and report on any matter or subject referred to it for a period of sixty (60) days, such failure shall be considered a refusal to approve the proposed plan or project, and the city council may thereupon act upon such proposal, plan or project as though such matter had not been referred to the planning commission. (Prior Code, § 16-4)

§ 12-107      PLATS AND SUBDIVISIONS.

No platting of unplatted property in the city, no platting of any existing subdivisions in the city shall be permitted until such plat or subdivision shall be presented to the planning commission. Upon such proposed plat or subdivision being presented to the planning commission, it shall within thirty (30) days, make its findings and recommendations to the city council concerning the adoption, modifications or rejection of the platting, replatting, or subdivision. (Prior Code, § 6-5)

§ 12-108      EXPENDITURES.

The planning commission shall make application to the city council for the funds that may be necessary for such planning commission to expend in order to carry out its duties as herein specified. Commencing with the next fiscal year following the enactment of this chapter, the planning commission shall make application to the city council for an appropriation to be set up for its use in carrying out its duties. (Prior Code, § 6-6)

§ 12-109      TO HAVE POWER OF A ZONING COMMISSION.

- A. The planning commission is hereby appointed the zoning commission of the city. The planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the planning commission.
- B. Exercising the powers of a zoning commission, the planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law, and the powers which now or in the future may be granted by applicable state law to such authorities. (Prior Code, Sec. 6-7)

§ 12-110      ADOPTION OF PLAN.

- A. The development plan for the city, attached to Ord. No. 228 and made a part thereof, is adopted in accordance with authority granted by state law. This comprehensive plan is hereby stated to be adopted for the purpose of providing for orderly development of the community and as a basis for the establishment of proper regulations having the objectives:
  - 1. To lessen congestion in the streets;
  - 2. To secure safety from fire, panic, and other dangers;
  - 3. To promote health and general welfare;
  - 4. To provide adequate light and air;
  - 5. To prevent the overcrowding of land;
  - 6. To avoid undue concentration of population; and
  - 7. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- B. It is further stated that the planning commission and city council may prepare from time to time further plans and amendments to this plan as needed for the betterment of the municipality. An annual review and resultant written recommendation to the city council shall be made annually on or before July 1 commencing in 1991. (Ord. No. 228, 3/15/83; Ord. No. 403, 12/18/90)

ARTICLE B

BOARD OF ADJUSTMENT

- § 12-121              Creation and authority.
- § 12-122              Meetings and procedures.
- § 12-123              Appeals.

§ 12-124	Powers, appeals.
§ 12-125	Powers to grant variances,
§ 12-126	Powers relative to exceptions.
§ 12-127	Uses permitted on review.
§ 12-128	Exercise of powers.
§ 12-129	Appeal to district court.

§ 12-121      CREATION AND AUTHORITY.

There is hereby created a zoning board of adjustment consisting of five (5) members, citizens of the city, each to be appointed by the mayor and confirmed by the city council for a term of three (3) years. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose term becomes vacant. For the first appointments under the provisions of this article, however, one member shall be appointed for a term of one year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years. The board shall organize in May of each year and shall elect a chairman, vice-chairman and a clerk from its membership to serve for a term of one year or until their successors are appointed and qualified. Members shall serve without compensation. (Ord. No. 62767, 6/27/67, as amended)

*State Law Reference:* Creation and powers of board of adjustment, 11 O.S. §§ 44-101 to 44-110.

§ 12-122      MEETINGS AND PROCEDURES.

The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman or at least three (3) of its members and at such other times as the board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and require the attendance of witnesses by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or code, or to effect any variation in such ordinance or code. (Ord. No. 62767, 6/27/67, as amended)

§ 12-123      APPEALS.

- A. Appeals to the board of adjustment may be taken by any person aggrieved or by any other officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days after the decision by filing with the officer from whom the appeal is taken and with the city clerk notice of appeal specifying the grounds therefor, and by paying a filing fee as set by the council at the office of the city clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting

the record upon which the action appealed from was taken.

- B. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.
- C. The board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. (Ord. No. 62767, 6/27/67, as amended)

§ 12-124      POWERS, APPEALS.

The board of adjustment shall have the powers to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of the zoning regulations set forth in §§ 12-201 et seq. of this code. (Ord. No. 62767, 6/27/67, as amended)

§ 12-125      POWERS TO GRANT VARIANCES.

- A. The board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in §§ 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:
  - 1. At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;
  - 2. The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
  - 3. Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area; and
  - 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided, however, that

no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in §§ 12-201 et seq of this code. (Ord. No. 62767, as amended)

§ 12-126      POWERS RELATIVE TO EXCEPTIONS.

- A. The board shall have the power to hear and decide special exceptions to the terms of this title upon which the board is required to pass under this title. Upon appeal, the board is empowered to permit the following exceptions:
1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;
  2. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the city clerk;
  3. To grant exceptions to the off-street parking requirements set forth in §§ 12-201 et seq. of this code when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets; and
  4. To review the uses listed in the specific district regulations as “Uses Permitted on Review.” These are so classified because they are more intensely dominant in the area in which they are located than other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein. (Ord. No. 62767, 6/27/67, as amended)

§ 12-127      USES PERMITTED ON REVIEW.

- A. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district, pursuant to the board’s powers granted in the preceding section. These uses shall be reviewed and authorized or rejected under the following procedures:
1. An application shall be filed with the board of adjustment for review. The application shall show the location and intended use of the site, the names of all the property owners and existing land uses within a three hundred (300) foot radius of the exterior boundary of the subject property, and any other material pertinent to the request which the board of adjustment may require, all as required by applicable state law;
  2. The board of adjustment shall hold one or more public hearings. Notice shall be published and mailed to property owners at least ten (10) days before the hearing as required by applicable state law; and

3. The board of adjustment shall study the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and authorize or deny the issuance of a permit for the use of land or buildings as requested.

§ 12-128      EXERCISE OF POWERS.

- A. When exercising the powers provided for in this code, the board, in conformance with the provisions of this chapter, reverse or affirm, whole or in part, or modify the order, requirement, decisions or determination from which appealed and may make such order, requirement, decisions or determination from which appealed and may make such order, requirement, decision or determination as ought to be made.
- B. The concurring vote of at least three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination being appealed from, or to decide in favor of the applicant, or to decide any matter which may properly come before it pursuant to the zoning ordinance and this code.
- C. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal. (Ord. No. 62767, 6/27/67, as amended; Ord. No. 631, 5/8/07)

§ 12-129      APPEAL TO DISTRICT COURT.

- A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the district court by filing notice of appeal with the city clerk and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.
- B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment from which the appeal is taken certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court or superior court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title, and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review. (Ord. No. 62767, 6/27/67, as amended)

CHAPTERS 2 AND 3

ZONING REGULATIONS

ARTICLE A

TITLE, PURPOSE, INTERPRETATION, AND APPLICATION, JURISDICTION

- § 12-201 Title.
- § 12-202 Purpose.
- § 12-203 Interpretation and application.
- § 12-204 Jurisdiction.

§ 12-201 TITLE.

This shall be known as and may be cited and referred to as the “Zoning Ordinance of the City of Choctaw, Oklahoma”. (Ord. No. 8/19/74)

§ 12-202 PURPOSE.

This chapter is enacted for the purposes of promoting the health, safety, morals and general welfare of the community; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and promoting the development of the community in accordance with a comprehensive plan. (Ord. No. 8/19/74)

§ 12-203 INTERPRETATION AND APPLICATION.

As concerns interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control. Terms and words are to be used and interpreted as defined in Article C of this chapter. Words used in the present tense include the future, the singular include the plural; and the plural the singular; the word “building” also means the word “structure”; the word “used” includes “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”, and the word “shall” is mandatory and not directory, except where the natural construction of the writing indicates otherwise. (Ord. 8/19/74)

§ 12-204 JURISDICTION.

This chapter is in full force and effect in the corporate limits of the city. Territory annexed to the corporate limits of the city, subsequent to the effective date of this chapter, shall immediately be subject to the provisions of this chapter and are deemed to be designated as A-G, General Agricultural District, until altered or reclassified in the manner provided by law. (Ord. 8/19/74)

ARTICLE B



## ESTABLISHMENT OF DISTRICTS

- § 12-210 Zoning districts established.
- § 12-211 Zoning map incorporated.
- § 12-212 District boundaries established.
- § 12-213 Maintenance of official zoning map.

### § 12-210 ZONING DISTRICTS ESTABLISHED.

A. For the purpose of this chapter and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the city:

1. A-G, General Agricultural District;
2. R-R, Rural Residential District;
3. R-S, Single-Family Residential District;
4. R-G, General Residential District;
5. C-C, Convenience Commercial District;
6. C-O, Commercial Office;
7. C-G, General Commercial District;
8. I-L, Light Industrial District;
9. I-H, Heavy Industrial District;
10. C-D, Commercial Open Display;
11. C-R, Commercial Recreational;
12. Green belt; and
13. PUD, Planned Unit Development District;
14. CBD, Central Business District. (Ord. No. 8/19/74; Ord. No. 579, 9/28/04)

### § 12-211 ZONING MAP INCORPORATED.

The locations and boundaries of the zoning districts established by ordinance and delineated as shown on the map entitled “Zoning Map of the City of Choctaw, Oklahoma”, and the zoning map is hereby incorporated as a part of this chapter. (Ord. 8/19/74)

§ 12-212      DISTRICT BOUNDARIES ESTABLISHED.

The boundaries of a zoning district extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the “Zoning Map of the City of Choctaw”, the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the city council, and the board of adjustment shall make the final determination. (Ord. 8/19/74)

§ 12-213      MAINTENANCE OF OFFICIAL ZONING MAP.

It is the duty of the zoning administrator to maintain an up-to-date official “Zoning Map of the City of Choctaw, Oklahoma”, including all amendments directly adopted by the city council. (Ord. 8/19/74)

ARTICLE C

DEFINITIONS

§ 12-215                      Interpretation of words and terms.

§ 12-215      INTERPRETATION OF WORDS AND TERMS.

A.      The following terms, for the purpose of this chapter, shall have the meanings respectively ascribed to them in this section:

1.      “Accessory use of structure” means a use or structure customarily appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith;
2.      “Agriculture” means the use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that or normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feed lots for cattle;
3.      “Alley” means a minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation;
4.      “Automobile or trailer sales area” means an open area, other than a street, used for the display, sales or rental of new or used vehicles or trailers in operable condition and where no repair work is done;
5.      “Automobile repair, major” means general repair, rebuilding or reconditioning of

engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning;

6. “Automobile repair, minor” means incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1½) ton capacity;
7. “Automobile service station” or “filling station” means any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels;
8. “Automobile wash” or “automatic car wash” means a building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles;
9. “Block” means in describing the boundaries of a district, the word “block” refers to the legal description. In all other cases, the word “block” refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse;
10. “Boarding house” or “rooming house” means where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities;
11. “Building” means any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property;
12. “Building accessory” see “accessory use or structure”;
13. “Building height” means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of a mansard roof or the average height of the highest gable of a pitch or hip roof;
14. “Building line” means a line established beyond which no part of a building shall project, except as otherwise provided by this chapter;
15. “Building, principal” means a building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling is deemed to be the principal building on the building site;
16. “Bulletin board” means any sign announcing the activities of an educational,

religious, institutional or similar use;

17. “Cemetery” means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes;
18. “Child care center” means any place or institution which is a licensed or approved facility that receives six (6) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardians or custodians, and provides care for at least six (6) hours or more of a twenty-four (24) hour period for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, to churches or other religious or public institutions caring for children within their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities, or to family home day care operations;
19. “City council” means the official governing body of the city;
20. “City planning commission” means the city planning commission, as established by the statutes hereinbefore cited, also referred to as “planning commission”. The city planning commission is also the zoning commission for the city;
21. “Clinic” means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises;
22. “Club” means a non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise;
23. “Comprehensive plan” means the official city plan of the city; also refers to the specific document, “Choctaw General Plan”;
24. “Convalescent home” means also, a nursing home, a rest home, a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis or treatment of disease or injury;
25. “Coverage” means the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs;
26. “Dwelling” means any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, motor home,

boarding or rooming house, hotel or motel;

27. “Dwelling, single-family” means a building containing one dwelling unit and designed for or used exclusively by one family;
28. “Dwelling, two-family” means a building containing two (2) dwelling units and designed for or used exclusively by two (2) families; also includes the word “duplex”;
29. “Dwelling, multi-family” means a building or portion thereof containing three (3) or more dwelling units and designed for or used by three (3) or more families; also includes the words “apartments”;
30. “Dwelling unit” means a room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family;
31. “Essential services” means the erection, construction, alteration or maintenance by public utilities regulated by the Oklahoma Corporation Commission or public utilities of this city for underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities regulated by the Oklahoma Corporation Commission or operated by this city for the public health or safety or general welfare, but not including buildings, except telephone exchange buildings;
32. “Family” means a person living alone or two (2) or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit, for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house;
33. “Family day care home” means a licensed or approved family home which provides care and protection for five (5) or less children for part of the twenty-four (24) hour day. The provider must include his or her own children who are under the age of five (5) years old in the total count for child care. A family day care home is deemed to be a home occupation. This definition does not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child’s own home;
34. “Floor area” means the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings;
35. “Frontage” means the lineal measurement of a lot boundary which is abutting a

street;

36. “Garage apartment” means a dwelling for one family erected as a part of a private garage;
37. “Garage, parking” means any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided;
38. “Garage, public” means the structure or portion thereof, other than a private garage, used for the storage sale, hire, care, repairing or refinishing of any vehicle;
39. “Garage, private” means a detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers;
40. “Garage, repair” means a building in which facilities are provided for the care, servicing, repair, or equipping of automobiles;
41. “Height” means the vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure;
42. “Home occupation” means a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained;
  - a. “Minor home occupation (Type I)” means a home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic, or general office use. A Type I home occupation shall:
    - (1) Require the applicant to obtain a permit, which shall be renewed annually;
    - (2) Be operated entirely within the applicant’s dwelling;
    - (3) Use not more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement);

- (4) Not display any external evidence of an occupation outside the structure except as permitted in the residential district;
  - (5) Not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;
  - (6) Include no retail selling of stocks or merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;
  - (7) Involve fewer than six (6) customers daily entering the premises;
  - (8) Produce no noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure; and
  - (9) Not require any additional parking.
- b. The administrative procedure for a minor home occupation is as follows:
- (1) Application;
  - (2) Decision by city manager or his designee;
  - (3) Notice of decision; and
  - (4) Fourteen (14) day appeal period to the board of adjustment in accordance with § 12-129 of the city code of ordinances;
- c. “Major home occupation (Type II)” means home occupation in which not more than one person other than members of the family residing on the premises is employed on the premises, which has not more than one unilluminated sign as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street. A Type II home occupation shall:
- (1) Require the applicant to obtain a permit, which shall be renewed annually;
  - (2) Be operated entirely within a residential structure or permitted accessory structure. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the character of the surrounding area;
  - (3) Area allowed for a home occupation:

- i. Platted areas:
    - a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and
    - b.) Use no more than four hundred (400) square feet of an allowed accessory structure;
  - ii. Unplatted areas:
    - a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and
    - b.) Where an accessory building is used, other than for the storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1,000) square feet;
- (4) Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character;
  - (5) Limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area;
  - (6) Not involve the use or storage of heavy vehicles, gross or heavy equipment in accordance with § 12-226 of the code or involve warehousing or distribution;
  - (7) Include no retail selling of stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;
  - (8) Produce no noise or obnoxious odors, vibrations, glare, fumes or electric interference detectable to normal sensory perception outside the structure;
  - (9) Involve fewer than ten (10) customers daily entering the premises;
  - (10) Employ no more than one person in addition to those who are permanent residents of the dwelling; and
  - (11) Provide a plan for any additional parking required, which shall be approved if:
    - i. The residential character of the parcel is not changed; and



- ii. The parking area does not detract from the visual appearance of the residence.
  - d. The administrative procedure with notice for a major home occupation is as follows:
    - (1) Pre-application conference with city manager and planning staff;
    - (2) Applicant then files an application for “permitted use on review”;
    - (3) Staff reviews application for completeness;
    - (4) Notice to applicant of acceptance of application;
    - (5) City staff posts property;
    - (6) Mail notice to adjacent property owners within three hundred (300) feet;
    - (7) Twenty (20) day comment period;
    - (8) Staff reviews comments and prepares report;
    - (9) Decision by board of adjustments;
    - (10) Staff files and mails notice of decision; and
    - (11) Appeal in accordance with § 12-129 of the city code of ordinances;
  - e. “Nonconforming home occupation” means one which was lawfully established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto, and shall be in accordance with Article E of § 12-140 et seq. of this code;
  - f. An application for home occupation is prohibited if it does not meet the requirements as set forth in subparagraphs a and b of paragraph 41 of this section;
  - g. Fees for minor or major home occupation shall be established by motion or resolution adopted by the city council;
43. “Hospital” see “medical facilities”;
44. “Hotel” means a building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as

the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer parks, or camp, hospital, asylum, orphanage, or building where persons are housed under restraint;

45. “Industry” means storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use;
46. “Institutional uses” means those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a non- profit basis;
47. “Junk or salvage yard” means a place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations;
48. “Kennel” means any structure or premises on which three (3) or more dogs over four (4) months of age are kept;
49. “Loading space” means a space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials;
50. “Lot” means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter and having access on a public street;
51. “Lot, corner” means a lot which has at least two (2) adjacent sides abutting on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°);
52. “Lot, depth” means the mean horizontal distance between the front and rear lot lines;
53. “Lot, double frontage” means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot;
54. “Lot, interior” means a lot other than a corner lot;
55. “Lot, line” means any boundary of a lot;

56. “Lot line, front” means the boundary of a lot which abuts a public street; where the lot abuts more than one street, the owner may select the front lot line;
57. “Lot line, rear” means the boundary of a lot which is most distant from and most nearly parallel to the front lot line;
58. “Lot line, side” means any boundary of a lot which is not a front lot line or a rear lot line;
59. “Lot, wedge shaped” means a lot situated so that the front is either wider or narrower than the rear of the lot;
60. “Lots of record” means a separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of the county;
61. “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon. “Mobile home” means a manufactured home transportable in one section. “Sectional home” means a manufactured home transportable in two (2) or more sections. The terms, however, shall not include any such originally constructed manufactured home when the wheels thereof have been removed and which has been converted to a permanent improvement or structure located on land owned by the owner thereof. Nor shall the terms include any travel trailer or any self-propelled vehicles used as living quarters, whether referred to as motor homes or by any other name. Provided, that trailer or semi-trailers used for the transportation of goods or property, other than the personal belongings of the owner of such vehicle, shall not be included in this definition;
62. “Mean lot elevation” means the average elevation of a lot;
63. “Medical facilities” means:
  - a. Nursing home, rest or convalescent homes: see “convalescent home”;
  - b. Dental or medical clinic: a building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions except as provided for in this chapter;
  - c. Dental or doctor’s office: the same as dental or medical clinic, including the various dental and medical specialties;

- d. Hospital: an institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities; and
  - e. Public health center: a facility primarily utilized by a health unit for providing public health services, including related facilities;
64. “Mobile home” means a detached residential dwelling unit designed for transportation after fabrication, on streets or highways on its wheels or on flat-beds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities and includes a “manufactured home” as defined herein;
  65. “Mobile home park” means a parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences;
  66. “Mobile home lot” means a portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home;
  67. “Motel” means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons;
  68. “Open space” means areas included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches;
  69. “Parcel” means a lot as defined herein;
  70. “Parking space” means a permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles;
  71. “Planning commission” see “city planning commission”;
  72. “Rooming house” see “boarding house”;
  73. “Sign” means any word, lettering, part of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right-of-way

and designed to attract attention. “For sale” and “for rent” are signs within the meaning of this definition, but the term “sign” shall not include the flag, pennant, or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event used for a public purpose in the public interest;

74. “Sign, display surface area” means the net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations, provided that only the face of a double-faced sign shall be included in the computation of display surface area;
75. “Sign, illuminated” means a sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial;
76. “Sign, projecting” means a sign erected on the face or outside wall of a building which projects out at any angle therefrom;
77. “Sign, temporary” means signs of a temporary nature used to advertise the premises for sale, rent, or lease;
78. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it;
79. “Street” means a public right-of-way more than thirty (30) feet in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation;
80. “Street, arterial” means any street designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.;
81. “Street, minor” means any street not designated on the Thoroughfare Plan as an arterial;
82. “Structural alteration” means any change in the structural members of a building, such as walls, columns, beams or girders;
83. “Structure” means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement areas);
84. “Thoroughfare plan” means the part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words “major street plan” and “trafficways plan”;

- 85. “Trailer” means a portable or mobile unit, other than a mobile home, used or designed to carry or transport material, or animals;
- 86. “Yard” means a required space on a lot unobstructed except as expressly permitted;
- 87. “Yard, front” means a yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude;
- 88. “Yard, rear” means a yard extending across the rear of a lot measured from side lot line to side lot line; and
- 89. “Yard, side” means a yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude. (Ord. 8/19/74; Ord. No. 412, 2/4/92; Ord. No. 432, 4/6/93; Ord. No. 471, 1995; Ord. No. 646, 3/10/08)

## ARTICLE D

### GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

- § 12-220 Application of regulations in districts authorized.
- § 12-221 Application of regulations to the uses of a more restricted district.
- § 12-222 Residential uses restricted to residential lots.
- § 12-223 Division of lots.
- § 12-224 Use of yards.
- § 12-225 Street access.
- § 12-226 Storage and parking of trailers, commercial vehicles in residential districts.
- § 12-227 Display of trailers, commercial vehicles in commercial and residential districts.
- § 12-228 Off-street parking, purpose and application.
- § 12-229 Required open space, off-street parking.
- § 12-230 Location of off-street parking.
- § 12-231 Joint parking and off-site parking facilities.
- § 12-232 Size of off-street parking space.
- § 12-233 Amount of off-street parking and loading required.
- § 12-234 Paved surface required for off-street parking.
- § 12-235 Off-street parking lots located with or adjacent to a residential district.
- § 12-236 Screening walls, fences; specification.
- § 12-237 Maintenance of walls or fences.
- § 12-238 Sewer service.
- § 12-239 Oil or gas drilling.
- § 12-240 Utilities service.

§ 12-220 APPLICATION OF REGULATIONS IN DISTRICTS AUTHORIZED.

No land, building, structure, or improvement shall be used and no building, structure, or

improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, coverage, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by Article E Nonconformities. (Ord. 8/19/74)

§ 12-221      APPLICATION OF REGULATIONS TO THE USES OF A MORE RESTRICTED DISTRICT.

Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses are subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified. (Ord. 8/19/74)

§ 12-222      RESIDENTIAL USES RESTRICTED TO RESIDENTIAL LOTS.

It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes except that one accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot. (Ord. 8/19/74)

§ 12-223      DIVISION OF LOTS.

An improved lot shall not hereafter be divided into two (2) or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the zoning district in which located. (Ord. 8/19/74)

§ 12-224      USE OF YARDS.

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of this chapter provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting such improvements and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district. (Ord. 8/19/74)

§ 12-225      STREET ACCESS.

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street. (Ord. 8/19/74)

§ 12-226      STORAGE AND PARKING OF TRAILERS, COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

- A. Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. No more than one commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family living on the premises is permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted;
2. No more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted, and the trailer shall not exceed twenty-four (24) feet in length or eight (8) feet in width; and further provided that the trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the city except as provided for in this chapter; and
3. A mobile home shall be parked or stored only in a mobile home park or on a lot of not less than five (5) acres in the A-G General Agricultural District as specified in this chapter, and which is in conformity with ordinances of the city. (Ord. 8/19/74)

§ 12-227      **DISPLAY OF TRAILERS, COMMERCIAL VEHICLES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of the vehicles or in such industrial districts allowing their manufacture; provided, however, the vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the city. (Ord. No. 8/19/74)

§ 12-228      **OFF-STREET PARKING, PURPOSE AND APPLICATION.**

It is the intent of these requirements that adequate parking and loading facilities be provided on off-the-street areas for each use of land within the city. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts. (Ord. No. 8/19/74)

§ 12-229      **REQUIRED OPEN SPACE, OFF-STREET PARKING.**

Off-street parking space may be a part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner. (Ord. No. 8/19/74)

§ 12-230      **LOCATION OF OFF-STREET PARKING.**

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley. (Ord. No. 8/19/74)

§ 12-231      **JOINT PARKING AND OFF-SITE PARKING FACILITIES.**



Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces, for each use. Owners of two (2) or more businesses or other uses on separate lots may jointly provide for their individual parking needs through a joint facility or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business or other use is within two hundred (200) feet of the parking facility. (Ord. 8/19/74)

§ 12-232      SIZE OF OFF-STREET PARKING SPACE.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet plus adequate area for ingress and egress. (Ord 8/19/74)

§ 12-233      AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.

- A. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:
1. Dwelling, single-family or duplex: One parking space for each separate dwelling unit within the structure;
  2. Dwelling, multi-family: The number of spaces provided shall not be less than one and one-half (1½) times the number of units in the dwelling;
  3. Boarding or rooming house or hotel. One parking space for each sleeping room;
  4. Hospitals: One space for each four (4) patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three (3) employees including nurses, plus adequate data for the parking of emergency vehicles;
  5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one space for each two (2) employees;
  6. Convalescent or nursing homes: One space for each six (6) patients bed plus one space for each staff or visiting doctor plus one space for each two (2) employees including nurses;
  7. Community center, theater, auditorium, church sanctuary: One parking space for each four (4) permanent seats, based on maximum seating capacity, or each fifty (50) square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes;
  8. Convention hall, lodge, club, library, museum, place of amusement or recreation:

One parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;

9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service;
10. Commercial establishments not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public; and
11. Industrial establishments: One off-street parking space for each five hundred (500) square feet of gross floor area or one off-street parking space for each two (2) employees, whichever is greater, and one loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area. (Ord. 8/19/74)

§ 12-234      PAVED SURFACE REQUIRED FOR OFF-STREET PARKING.

All parking spaces shall be paved with a sealed surface permanent pavement and maintained in a manner that no dust will result from continued use. (Ord 8/19/74)

§ 12-235      OFF-STREET PARKING LOTS LOCATED WITH OR ADJACENT TO A RESIDENTIAL DISTRICT.

- A. Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:
  1. All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence as specified under § 12-236;
  2. No parking shall be permitted within a front yard when the parking lot is located in a residential district;
  3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns;
  4. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;
  5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses; and
  6. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs are permitted. (Ord. 8/19/74)

§ 12-236      SCREENING WALLS, FENCES; SPECIFICATION.

- A.      When the provisions of this chapter require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:
1.      Shall be constructed, designed and arranged to provide visual separation of uses, irrespective of vegetation;
  2.      Shall not be less than five (5) feet nor more than eight (8) feet in height; and,
  3.      Shall be constructed with all braces and supports on the interior. (Ord. 8/19/74)

§ 12-237      MAINTENANCE OF WALLS OR FENCES.

The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the screening. Failure to maintain after notice by the zoning administrator shall constitute an offense hereunder. (Ord. 8/19/74)

§ 12-238      SEWER SERVICE.

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewer system, unless and until the county public health officer certifies that a septic tank or any substitute disposal system, can be installed and operated effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner. (Ord. 8/19/74)

§ 12-239      OIL OR GAS DRILLING.

Drilling for oil or natural gas is hereby authorized and allowed as a use permitted of right in each zoning district provided for in Part 12 of the city code, pertaining to planning, zoning and development, subject to the requirements of the oil and gas well drilling code of the city. (Ord. No. 346, 5/19/87)

Cross Reference: See §§ 20-101 et seq., oil and gas drilling.

§ 12-240      ESSENTIAL SERVICES.

- A.      Essential service installations which are considered necessary for the safe or efficient operation of public or private utilities are permitted in any zoning district of this chapter subject to the following regulations. Essential services shall be controlled by the applicable regulations of the city, valid franchise granted by the city, and other provisions authorized in the state statutes or regulated by a federal agency.

1. Public utilities to include, but not limited to, municipal water and sanitary sewer systems, telephone systems, electric systems and natural gas systems.
  - a. Height limitation shall be subject to engineering standards (except telephone exchange buildings and cable television systems).
  - b. Set back for buildings and structures from street shall not be less than the applicable zoning district (except telephone exchange buildings and cable television systems).
2. Private utilities to include, but not limited to, water and sanitary sewer systems, telephone systems, electric systems and natural gas systems which may be regulated by city franchise or agreement, the Corporation Commission, the Department of Environmental Quality or any other state regulatory agency.
  - a. Height limitation shall be subject to engineering standards (except telephone exchange buildings and cable television systems).
  - b. All set backs for buildings and structures from street shall not be less than the applicable zoning district (except telephone exchange buildings and cable television systems).
3. Communication towers to include, but not limited to, television transmission systems, radio transmission systems (except amateur radio services) and public or private telephone (cellular, pcs or digital) transmission systems which may be regulated by the state corporation commission and/or the federal communications commission or any other state or federal regulatory agency.
  - a. All such communication towers for commercial services shall be either:
    - (1) Co-location towers shall:
      - i. be permitted use if co-location occurs on a single existing structure;
    - (2) Free-standing towers shall:
      - i. be located in unplatted areas only;
      - ii. be a permitted use on review by the board of adjustment in accordance with § 12-127 of this code;
      - iii. be a monopole design;
      - iv. be subject to the requirements set forth in § 3108.0 et seq. of the BOCA National Building Code, the latest edition thereof (except emergency services);

- v. have set backs (which include buildings) from street right-of-way with a yard (front, back and side) not less than the applicable zoning district (except emergency services);
  - vi. have set backs to include buildings and structures from residential buildings at least three hundred (300) feet (except emergency services); and
  - vii. have set backs to include buildings and structures from public buildings at least six hundred (600) feet (except emergency services).
- (3) All towers shall have limited access to ladder for safety purposes and be designed to engineering standards.
  - (4) Height limitations may be modified by the board of adjustment, if additional minimum setback requirements of one (1) foot for every ten (10) feet of height on all sides are met.
- b. Any communication tower already constructed and existing prior to the adoption of this ordinance hereby automatically complies with this ordinance. (Ord. No. 432, 4/6/93; Ord. No. 505, 7/21/98)

## ARTICLE E

### NON-CONFORMITIES

§ 12-245	Intent.
§ 12-246	Nonconforming lots of record.
§ 12-247	Nonconforming structures.
§ 12-248	Nonconforming uses of structures.
§ 12-249	Nonconforming uses of land.
§ 12-250	Changes in nonconformity.

§ 12-245      INTENT.

Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the passage of this chapter.

(Ord. 8/19/74)

§ 12-246      NONCONFORMING LOTS OF RECORD.

In any district in which a lot exists of record at the effective date of adoption or amendment of this chapter which does not conform in size or area to the provisions of this ordinance, buildings for the uses permitted in such district may be erected on such lot, notwithstanding limitations imposed by other provisions of this chapter, provided that such lot is in separate ownership and not of continuous frontage with other lots in the same ownership; and

- A.      Exists of record at the effective date of adoption of the 1974 Zoning Ordinance or amendment of this chapter;
- B.      Has been recorded prior to annexation by the city; or
- C.      Has been filed of record for five (5) years or more in compliance with §§ 47-116c of Title 11 of the Oklahoma Statutes. (Ord. 8/19/74; Ord. No. 426, 1/19/93)

§ 12-247      NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.      No such structure may be enlarged or altered in a way which increases its nonconformity;
- B.      Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at any time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter; and
- C.      Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 8/19/74)

§ 12-248      NONCONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.      No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
- D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located; and
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 8/19/74)

§ 12-249      NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this chapter, lawful uses of land exist that are no longer permissible under the terms of this chapter as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter;
- B. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter; and
- C. If any such nonconforming use of such land ceases for any reason for a period of more than thirty (30) days, any subsequent use of said land shall conform to the regulations specified by this chapter for the district in which such land is located. (Ord. 8/19/74)

§ 12-250      CHANGES IN NONCONFORMITY.

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the district in which located, except that the board of adjustment may permit a change to a more restricted nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use. (Ord. 8/19/74)

ARTICLE F

## A-G, GENERAL AGRICULTURAL DISTRICT

- § 12-255 General description.
- § 12-256 Uses permitted.
- § 12-257 Uses permitted on review.
- § 12-258 Area and height regulations.
- § 12-259 Signs and billboards.

### § 12-255 GENERAL DESCRIPTION.

The A-G, General Agricultural District, is established for several purposes:

- A. To provide for the continued use of land for predominantly agricultural purposes;
- B. To preserve undeveloped areas until they can feasibly be developed to urban standards and with adequate public safeguards of health, safety, etc.; and
- C. To restrict development in areas subject to severe inundation until such time as it can be shown that these areas are no longer subject to flooding. (Ord. 8/19/74)

### § 12-256 USES PERMITTED.

Within the A-G, General Agricultural District, the following uses are permitted:

- A. Agriculture, as defined in this chapter;
- B. Single-family dwellings;
- C. Churches and temples;
- D. Elementary schools and high schools;
- E. Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses;
- F. Parks and forest preserves not operated for profit;
- G. Temporary buildings and uses for construction purposes only and not for dwelling purposes, nor for a period that exceeds the completion of construction;
- H. Accessory buildings or uses incidental to the foregoing principal uses;
- I. Municipal or community recreation centers;
- J. Police or fire stations;
- K. Public buildings or buildings operated in the public interest by a not-for-profit



corporation, including art galleries, post offices, libraries, or museums;

- L. Public or nor-for-profit auditoriums, stadiums, arenas, armories, or sanitariums;
- M. Public or private hospitals or sanitariums;
- N. Public or private schools or colleges;
- O. Public utility and services uses including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations and other similar facilities;
- P. Trailer houses, or mobile homes, in accordance with provisions of the city code's provisions on mobile homes. (Ord. 8/19/74)

§ 12-257      USES PERMITTED ON REVIEW.

The following uses may be permitted by the board of adjustment in compliance with § 12-127 of this code provided they meet the requirements noted for each use in addition to applicable area regulations:

- A. Cemetery;
- B. Lodge hall, veterans organization, service organization;
- C. Airport or landing field;
- D. Kennel;
- E. Extraction of sand, gravel or minerals;
- F. Riding academy;
- G. Skeet and trap shooting; and
- H. Dry dock boat storage. (Ord. 8/19/74; Ord. No. 346, 5/19/87; Ord. No. 433, 4/6/93)

§ 12-258      AREA AND HEIGHT REGULATIONS.

- A. The following charts designate area and height requirements:
  - 1. Minimum Lot Area:                                  5 acres
  - 2. Minimum Lot Frontage:                              330 feet
  - 3. Maximum % Coverage:                              10%

4. Maximum Height: 35 feet
5. Minimum Front Yard Setback: 50 feet
6. Minimum Side Yard Setback: 30 feet
7. Minimum Rear Yard Setback: 50 feet

B. All lots and improvements within the A-G District shall meet the following requirements:

1. All lots shall have not less than five (5) acres of land, and not more than one (1) principal building shall be placed on any one lot;
2. Each lot shall have a frontage of not less than three hundred thirty (330) feet;
3. Not more than ten percent (10%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;
5. All structures shall have not less than a fifty (50) foot front yard setback;
6. All principal structures shall have not less than a thirty (30) foot side yard setback. Accessory buildings may have side yards of not less than ten (10) feet; and
7. All principal structures shall have not less than a fifty (50) foot rear yard setback. Accessory buildings may have a rear yard of not less than ten (10) feet. (Ord. 8/19/74)

§ 12-259 SIGNS AND BILLBOARDS.

No signs, posters, bulletin boards, or other similar displays are permitted in the A-G District except as follows:

- A. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring an announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light; one (1) identification sign may be erected on each street frontage of a single-family subdivision or permitted nonresidential use. The sign shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light; and
- B. A real estate sign advertising the sale, rental, or lease of the premises may be erected on

each street frontage of the parcel. The sign shall not exceed forty (40) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light. All signs shall be removed as soon as the premises are leased, hired, or sold. (Ord. 8/19/74)

## ARTICLE G

### R-R, RURAL RESIDENTIAL DISTRICT

§ 12-260	General description.
§ 12-261	Uses permitted.
§ 12-262	Uses permitted subject to additional requirements.
§ 12-263	Area and height regulations.
§ 12-264	Signs and billboards.

#### § 12-260      GENERAL DESCRIPTION.

The rural residential district is established as a district in which the use of land is for single-family dwellings. The majority of the lot sizes under the R-R zoning will be between one and but less than five (5) acres in area. It is the purpose and intent of this district to promote the development of, and the continued use of the single-family dwelling and maintain the rural atmosphere. To more define the zoning for which the land is used, its purpose is to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets, other than the normal traffic which the residents in this area. The rural subdivision regulations of the city will cover the regulations for the R-R District zoning. Any regulation not stipulated in the rural subdivision regulations will be covered by the subdivision regulations of the city. (Ord. No. 120, 11/18/75)

#### § 12-261      USES PERMITTED.

Uses permitted include:

- A. Single-family detached dwellings, but not including trailer houses or mobile homes;
- B. Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools;
- C. Public park or playground;
- D. Agricultural uses of the garden type that are not intended for commercial purpose;
- E. Police or fire station; and
- F. Home occupation minor (Type I). (Ord. No. 120, 11/18/75; Ord. No. 472, 8/15/95)

§ 12-262      USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS.

Any use permitted in the single-family residential district. (Ord. No. 120, 11/18/75)

§ 12-263      AREA AND HEIGHT REGULATIONS.

A.      The following designates area and height:

1.      Minimum lot area                      43,560 sf;
2.      Minimum lot frontage                  110 feet;
3.      Maximum height                        35 feet;
4.      Minimum front yard setback          50 feet;
5.      Minimum side yard setback          15 feet; and
6.      Minimum rear yard setback          20% depth of lot.

B.      All lots and improvements within the R-R district shall meet the following requirements:

1.      All lots shall have not less than forty-three thousand five hundred sixty (43,560) square feet. It will contain not more than one principal building;
2.      All barns and outbuildings will be constructed as to its use. No rail cars, cars, trailer, or other items of this nature will be used as a barn or outbuilding.
3.      Each lot shall have a frontage of not less than one hundred ten (110) feet. This does not exclude corners or pie-shaped lots;
4.      No improvement or structure shall exceed thirty-five (35) feet in height;
5.      All structures shall have not less than a fifty (50) foot front yard setback; and
6.      For a family dwelling of one story, the minimum width of the side yard shall be fifteen (15) feet for interior lot lines. For a building of more than one story, the minimum width of the side yard on interior lot lines shall not be less than twenty (20) feet. Accessory buildings may have side yards of not less than ten (10) feet and a rear yard of not less than ten (10) feet. (Ord. No. 120, 11/18/75; Ord. No. 128, 5/4/76; Ord. No. 361, 1/5/88)

§ 12-264      SIGNS AND BILLBOARDS.

A.      No signs, billboards, posters, bulletin boards, or other similar displays shall be permitted in the R-R district except as follows:

1. A temporary bulletin board or sign not exceeding twelve (12) square feet in area, pertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;
2. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light;
3. Official public notices may be erected on affected property; and
4. One non-illuminated name plate not exceeding two (2) square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premises. (Ord. No. 120, 11/18/75)

## ARTICLE H

### R-S SINGLE-FAMILY RESIDENTIAL DISTRICT

- |          |                              |
|----------|------------------------------|
| § 12-265 | General description.         |
| § 12-266 | Uses permitted.              |
| § 12-267 | Uses permitted on review.    |
| § 12-268 | Area and height regulations. |
| § 12-269 | Signs and billboards.        |

§ 12-265      GENERAL DESCRIPTION.

The R-S, Single-Family Residential District, is established as a district in which the use of land is for single-family dwellings except as noted. It is the purpose and intent of this district to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This district further encourages only those uses which, because of the character or size, would not create additional requirements and costs for public services in excess of requirements and costs for single-family dwellings. (Ord. 8/19/74)

§ 12-266      USES PERMITTED.

Within the R-S, Single-Family Residential District, the following uses are permitted:

- A. Single-family detached dwellings and duplexes, subject to the requirements of this chapter, but not including trailer houses or mobile homes;
- B. Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools;

- C. Public park or playground;
- D. Agricultural uses of the garden type that are not intended for commercial purposes;
- E. Police or fire stations; and
- F. Home occupation minor (Type I). (Ord. 8/19/74; Ord. No. 472, 8/15/95)

§ 12-267      USES PERMITTED ON REVIEW.

The following uses may be permitted by the board of adjustment in compliance with § 12-127 of this code provided they meet the requirements noted for each use in addition to applicable area regulations:

- A. Churches: a minimum lot size of one acre and arterial street frontage as shown on the thoroughfare plan;
- B. Library, provided it has arterial street frontage as shown on the thoroughfare plan;
- C. Home occupation major (Type II), provided that it is in keeping with the meaning of “Home Occupation major (Type II)” as defined in this chapter;
- D. Plant nursery, provided that no building or structure is maintained in connection therewith and no retailing of any material is carried on upon the premises;
- E. Golf course, private or public, or country club, provided that the chief activity is for recreational purposes, and any commercial activity is accessory or incidental thereto;
- F. Junior high or senior high schools, provided that they have arterial street frontage as shown on the thoroughfare plan;
- G. Accessory buildings which are not a part of a main building may include one private garage;
- H. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed; and
- I. Parking lots, provided they are within two hundred (200) feet of a commercial or industrial district. (Ord. 8/19/74; Ord. No. 433, 4/6/93; Ord. No. 472, 8/15/95)

§ 268      AREA AND HEIGHT REGULATIONS.

- A. The following chart designates:
  - 1. Minimum Lot Area:                      10,000 sf

2. Minimum Lot Frontage: 75 feet
3. Maximum % Coverage: 30%
4. Maximum Height: 35 feet
5. Minimum Front Yard Setback: 25 feet
6. Minimum Side Yard Setback: 5 feet Interior Lots  
10 feet Street side of corner Lots
7. Minimum Rear Yard Setback: 20% Depth of Lot

B. All lots and improvements within the R-S District shall meet the following requirements:

1. Lots shall have a frontage of seventy-five (75) feet with a total area of not less than ten thousand (10,000) square feet except as follows: In platted areas of twenty (20) acres or more, it shall be allowed that up to twenty percent (20%) of such lots may be less than seventy-five (75) feet frontage, but not less than sixty-five (65) feet frontage, and provided that all such lots less than seventy-five feet (75) frontage shall be developed in such manner that they are interspersed throughout the platted area, including all portions thereof, whether or not developed in phases, such that no lot with less than seventy-five (75) feet frontage shall abut or be adjacent to, on the sides or front or across a street from, another lot with less than seventy-five (75) feet frontage but such prohibition shall not apply to abutting another such lot with less than seventy-five (75) feet frontage on the rear line thereof; further provided that as to lots with less than seventy-five feet (75) frontage, such lots must be the same depth as adjacent lots with seventy-five (75) feet frontage, but shall be no less than one hundred ten (110) feet in depth;
2. Not more than thirty percent (30%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
3. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;
4. All structures shall have not less than twenty-five (25) foot front yard setback;
5. For a single-family dwelling of one story, the minimum width of the side yard shall be five (5) feet for interior lot lines and ten (10) feet for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten (10) feet. For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no

case less than fifteen (15) feet; and

6. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building.
- C. Unattached buildings of accessory use may be located in the rear yard of a main building provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line. (Ord. 8/19/74; Ord. No. 292, 9/3/85)

§ 12-269 SIGNS AND BILLBOARDS.

No signs, billboards, posters, bulletin boards, or other similar display are permitted in the R-S District except as follows:

- A. A temporary bulletin board or sign not exceeding twelve (12) square feet in area, pertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;
- B. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light;
- C. Official public notices may be erected on affected property; and
- D. One non-illuminated name plate not exceeding two (2) square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premises. (Ord. 8/19/74)

ARTICLE I

R-G, GENERAL RESIDENTIAL DISTRICT

- |          |                              |
|----------|------------------------------|
| § 12-270 | General description.         |
| § 12-271 | Uses permitted.              |
| § 12-272 | Uses permitted on review.    |
| § 12-273 | Area and height regulations. |
| § 12-274 | Signs and billboards.        |
| § 12-275 | Mobile home park.            |

§ 12-270 GENERAL DESCRIPTION.

This residential district is intended to provide for both low and high population density. It is established as a district in which the principal uses of the land are for multi-family dwellings and similar high-density residential development. The intent is to encourage the development and continued use of land for multi-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of



multi-family dwellings in this district. It is further intended to discourage any use which would generate traffic or create congestion on the neighborhood streets other than the normal traffic which serves the multi-family dwellings or similar residential uses in this district and discourage any use which, because of its character or size, would create additional requirements and costs for public services which would be in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses. (Ord. 8/19/74)

§ 12-271      USES PERMITTED.

Within the R-G, General Residential District, the following uses are permitted:

- A. Any use permitted in the R-S, Single-Family Residential District;
- B. Duplex;
- C. Multi-family dwelling; and
- D. Rooming or boarding house. (Ord. 8/19/74)

§ 12-272      USES PERMITTED ON REVIEW.

The following uses may be permitted by the board of adjustment in compliance with § 12-127 of this code provided they meet the requirements noted for each use in addition to applicable area regulations:

- A. Convalescent home, rest home, nursing home, and hospitals, public or private, provided they have frontage on an arterial street as shown on the thoroughfare plan;
- B. Mobile home parks, in compliance with § 12-265 of this chapter;
- C. Community services and cultural facilities, provided they are located on a lot of not less than one acre and have frontage of an arterial street as shown on the thoroughfare plan;
- D. Child care centers or day nurseries, provided they are located on a lot not less than ten thousand (10,000) square feet in area and have principal access on an arterial street as shown on the thoroughfare plan;
- E. Any uses permitted subject to additional requirements in the R-S, Single-Family Residential District; and
- F. Accessory buildings and uses customarily incidental to the above uses when located on the same lot. (Ord. 8/19/74; Ord. No. 433, 4/6/93)

§ 12-273      AREA AND HEIGHT REGULATIONS.

- A. The following chart designates area and height regulations:

1. Single-Family:

- a. Minimum Lot Area: 10,000 sf
- b. Minimum Lot Frontage: 75 feet
- c. Maximum % Coverage: 30%
- d. Maximum Height: 35 feet
- e. Minimum Front Yard Setback: 25 feet
- f. Minimum Side Yard Setback: 5 feet
- g. Minimum Rear Yard Setback: 20%

2. Duplex:

- a. Minimum Lot Area: 12,000 sf
- b. Minimum Lot Frontage: 75 feet
- c. Maximum % Coverage: 35%
- d. Maximum Height: 35 feet
- e. Minimum Front Yard Setback: 25 feet
- f. Minimum Side Yard Setback: 5 feet
- g. Minimum Rear Yard Setback: 20%

3. Multi-Family:

- a. Minimum Lot Area: 10,000 sf  
+2000 sf ea. unit over two
- b. Minimum Lot Frontage: 100 feet
- c. Maximum % Coverage: 50%
- d. Maximum Height: 35 feet
- e. Minimum Front Yard Setback: 1 foot/1 foot  
+ each unit over two  
15 feet minimum

- f. Minimum Side Yard Setback: 1 foot/1 foot  
+ each unit over two  
15 feet minimum
- g. Minimum Rear Yard Setback: 20%

B. All lots and improvements within the R-S District shall meet the following requirements:

1. Lots shall have a frontage of seventy-five (75) feet with a total area of not less than ten thousand (10,000) square feet except as follows: In platted areas of twenty (20) acres or more, it shall be allowed that up to twenty percent (20%) of such lots may be less than seventy-five (75) feet frontage, but not less than sixty-five (65) feet frontage, and provided that all such lots less than seventy-five (75) feet frontage shall be developed in such manner that they are interspersed throughout the platted area, including all portions thereof, whether or not developed in phases, such that no lot with less than seventy-five (75) feet frontage shall abut or be adjacent to, on the sides or front or across a street from, another lot with less than seventy-five (75) feet frontage, but such prohibition shall not apply to abutting another such lot with less than seventy-five (75) feet frontage on the rear line thereof; further provided that as to lots with less than seventy-five (75) feet frontage, such lots must be the same depth as adjacent lots with seventy-five (75) feet frontage, but shall be no less than one hundred ten (110) feet in depth.
2. Not more than fifty percent (50%) of the lot area shall be covered with improvements, except that duplex shall not exceed thirty-five percent (35%) coverage and single-family improvement thirty percent (30%). Paved areas are not considered improvements within the meaning of this provision;
3. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;
4. A minimum front yard setback of twenty-five (25) feet shall be provided on all single-family and duplex dwellings. One foot of setback for each one foot of height shall be provided for all uses other than single-family and duplex, but not less than a fifteen (15) foot front yard shall be provided;
5. Parking off street. No less than two (2) off-street parking spaces per unit, plus one additional space for each four (4) units;
6. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet. One foot of setback for each foot of height for all uses other than single-family and duplex shall be provided; and
7. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building.

Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line. (Ord. 8/19/74; Ord. No. 295, 9/3/85)

§ 12-274      SIGNS AND BILLBOARDS.

The control of signs and billboards in the R-G District is the same as that set forth in the R-S District except that such uses as may be permitted, subject to additional requirements may erect one non-illuminated name plate not exceeding twenty-four (24) square feet in area, identifying the name and use of the premises. (Ord. 8/19/74)

§ 12-275      MOBILE HOME PARK.

Upon compliance with the provisions as set forth herein, a mobile home park will be allowed within the R-G District:

- A. The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein;
- B. The proposed site shall be a minimum of two and one-half (2-1/2) acres in size and shall contain no more than eight (8) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as an arterial on the Thoroughfare Plan. All ingress or egress by automobile shall be on such streets. The proposed site shall be a minimum of two hundred (200) feet in depth;
- C. The mobile home park shall accommodate primarily permanent occupants, with no more than forty percent (40%) of the mobile home stands devoted to solely transient purposes. These solely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents;
- D. Front yards of not less than twenty (20) feet and side and rear yards of not less than ten (10) feet shall be provided on mobile home park sites;
- E. The proposed mobile home park shall be screened or buffered on all sides with a screening wall or fence in accordance with this code;
- F. The proposed site shall provide two (2) off-street parking spaces for each mobile home stand, plus one additional off-street parking space for each four (4) mobile home stands; and
- G. The proposed site shall provide a connection for each mobile home stand to all public utilities. (Ord. 8/19/74)

ARTICLE J

## C-C, CONVENIENCE COMMERCIAL DISTRICT

- § 12-276 General description.
- § 12-277 Uses permitted.
- § 12-278 Area and height regulations.
- § 12-279 Business signs.

### § 12-276 GENERAL DESCRIPTION.

This commercial district is intended for a unified grouping in one or more buildings of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening. (Ord. 8/19/74)

### § 12-277 USES PERMITTED.

A. Within the C-C, the following uses are permitted:

1. Antique shops;
2. Appliance store;
3. Artists supplies and hobby shop;
4. Automobile parking lot;
5. Bakery shop;
6. Barber and beauty shops;
7. Book store;
8. Camera shop;
9. Candy store;
10. Car wash;
11. Catering establishments;
12. Clothing or wearing apparel shops;
13. Curio shop;
14. Dairy products store;

15. Delicatessen;
16. Drug store;
17. Florist shop;
18. Furniture store;
19. Gift shop;
20. Grocery shop;
21. Hardware store;
22. Jewelry shop;
23. Laundry and dry cleaning pick-up stations;
24. Meat store;
25. Medical facility;
26. Music store;
27. Newspaper or magazine sales;
28. Notion store;
29. Office supply store;
30. Optometrist sales and services;
31. Paint and decorating shop;
32. Pharmacy;
33. Photographer studio;
34. Radio and TV sales and service;
35. Restaurants (not drive-in);
36. Self-service laundries;
37. Sewing machine sales and service;

- 38. Shoe repair shop;
  - 39. Sporting goods store;
  - 40. Supermarket;
  - 41. Tailor shop;
  - 42. Theater;
  - 43. Toy store; and
  - 44. Variety store.
- B. Any of the uses permitted in the R-G General Residential District, subject to additional requirements as provided.
- C. Accessory buildings and uses customarily incidental to the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- D. Any other commercial use deemed by the board of adjustment to be of a similar nature to those listed above. (Ord 8/19/74)

§ 12-278      AREA AND HEIGHT REGULATIONS.

- A. The following designates area and height regulations:
- 1. Minimum Lot Area:                              12,000 sf
  - 2. Minimum Lot Frontage:                         100 feet
  - 3. Maximum % Coverage:                         40%
  - 4. Maximum Height:                                35 feet
  - 5. Minimum Front Yard Setback:                 50 feet
  - 6. Minimum Side Yard Setback:                 2 foot/1foot adj to Residential District
  - 7. Minimum Rear Yard Setback:                 10 feet
- B. The requirements are as follows:
- 1. The parcel of land on which a convenience commercial center is located shall not be less than twelve thousand (12,000) square feet;

2. Each lot shall have a frontage of not less than one hundred (100) feet;
3. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot; and
5. It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas. In no case shall the design of the shopping center provide less than the following standards:
  - a. All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet;
  - b. On the side yard of a lot adjoining a residential district, there shall be a side yard setback of two (2) feet for each one foot of height; and
  - c. All buildings shall be set back from the rear lot line not less than ten (10) feet. (Ord. 8/19/74)

§ 12-279      BUSINESS SIGNS.

Business signs, poster boards, bulletin boards, or other similar displays in the C-C District shall conform to the following requirements:

- A. In the C-C District, one business sign not exceeding thirty-two (32) square feet in surface area and identifying the business or activity conducted on the premises may be erected on each street frontage of the parcel. In the case of a shopping center containing a group of businesses or activities on one lot, one accessory building sign may be erected and the lot identifying the shopping center. Such accessory sign shall not exceed fifty (50) square feet in the area. Ground signs shall not exceed the height of the building in which the principal use is located or twenty (20) feet, whichever is lower. No business sign shall be located within fifty (50) feet of a residential district if visible from such district. Illumination, if any, shall be by constant light;
- B. A real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed sixteen (16) feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light;
- C. All signs in the C-C District shall be erected upon private and shall not encroach upon any public street or walk except as provided by the applicable codes of the city and they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches. (Ord. 8/19/74)



## ARTICLE K

### C-O, OFFICE COMMERCIAL DISTRICT

- § 12-280 General description.
- § 12-281 Uses permitted.
- § 12-282 Area regulations.
- § 12-283 Area and height regulations.

#### § 12-280 GENERAL DESCRIPTION.

This commercial district is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space, and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. (Ord. 8/19/74)

#### § 12-281 USES PERMITTED.

Property and buildings in a C-O Commercial District shall be used only for the following purposes:

- A. Any use permitted in a C-C District;
- B. Any of the following uses:
  - 1. Art gallery;
  - 2. Assembly halls for non-profit corporations;
  - 3. Business colleges;
  - 4. Hospital and sanatoriums;
  - 5. Hotel;
  - 6. Laboratories for research and testing;
  - 7. Museums;
  - 8. Music conservatories;
  - 9. Office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers. These shall include, but shall not necessarily be limited to, doctors, dentists, lawyers, architects, and engineers; provided, however, that this shall in no way be construed as permitting undertaking establishments and funeral homes;

- 10. Public and private schools and colleges with students in residence and dormitories associated therewith; and
- 11. Trade schools and schools for vocational training;
- C. Recreational uses associated with and maintained primarily for the benefit and use of the occupants and families of the uses listed under (2) above;
- D. Shops and stores associated with and incidental to the uses listed under (2) above and maintained only for serving the occupants thereof;
- E. Buildings and structures and uses customarily incidental and accessory to the above uses; and
- F. Name plate and sign relating only to the principal use. The sign, when located at the property line, shall have a maximum height of ten (10) feet, shall have a masonry base, and shall be lighted by spot lights or from within a translucent plastic face. No flashing or intermittent lighting shall be permitted. (Ord 8/19/74)

§ 12-282      AREA REGULATIONS.

The area requirements for dwellings and buildings accessory thereto shall be the same as the area requirements for the C-C District. The following requirements shall apply to all other uses permitted in this district:

- A. Front yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth;
- B. Side yard. Where a side yard is adjacent to a dwelling district, no building shall be located closer than fifty (50) feet to the side lot line. In all other cases, no building shall be located closer than thirty-five (35) feet to the side lot line;
- C. Rear yard. No building shall be located closer than thirty-five (35) feet to the rear lot line;
- D. Coverage. Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area, and in no case shall the total gross floor area of the main building exceed the area of the lot; and
- E. Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence or wall not less than five (5) feet high and not more than six (6) feet in high shall be constructed and maintained in good condition along the side or rear lot line up to, but not beyond, the abutting residential setback building line, except where front yard is used for off-street parking lots shall apply. In addition, the lighting including any permitted illuminated sign, shall be arranged so that there will be no annoying glare

directed or reflected toward residential buildings in a residential district. (Ord. 8/19/74)

§ 12-283      AREA AND HEIGHT REGULATIONS.

- A. The following designates area and height regulations:
1. Minimum Lot Area: 12,000 sf
  2. Minimum Lot Frontage: 100 feet
  3. Maximum % Coverage: 30%
  4. Maximum Height: 35 feet
  5. Minimum Front Yard Setback: 25 feet
  6. Minimum Side Yard Setback: 35 feet
  7. Minimum Rear Yard Setback: 35 feet
- B. No building or structure shall exceed forty-five (45) feet in height, except as otherwise provided unless it is set back from all lot lines an additional one foot for each two (2) feet that the building height exceeds forty-five (45) feet. (Ord. 8/19/74)

ARTICLE L

C-G, GENERAL COMMERCIAL DISTRICT

- § 12-285      General description.  
§ 12-286      Uses permitted.  
§ 12-287      Area regulations.

§ 12-285      GENERAL DESCRIPTION.

This commercial district is intended for the conduct of personal and business services and the general retail trade of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. (Ord. 8/19/74)

§ 12-286      USES PERMITTED.

Property and buildings in the C-G General Commercial District shall be used only for the following purposes:

- A. Any use permitted in a C-C Convenience Commercial District, a C-O regular Office Commercial District;

- B. Any uses permitted on review by the board of adjustment in compliance with § 12-127 of this code, provided they meet the requirements noted for each use in addition to applicable area regulations;
- C. Any of the following uses:
1. Amusement enterprises;
  2. Auto court or tourist court;
  3. Ambulance service office or garage;
  4. Bakery;
  5. Bus terminal;
  6. Carpenter and cabinet shop;
  7. Cleaning and dyeing plant;
  8. Commercial school or hall;
  9. Dental laboratory;
  10. Department store;
  11. Drive-in restaurant;
  12. Electric transmission station;
  13. Feed and fuel store;
  14. Frozen food locker;
  15. Funeral parlor or mortuary;
  16. Furniture repair and upholstery;
  17. Heating, ventilating or plumbing supplies, sales and services;
  18. Ice storage locker plant or storage house for food;
  19. Interior decorating store;
  20. Kennel;

21. Key shop;
  22. Laboratories, testing and experimental;
  23. Laundry;
  24. Leather goods shop;
  25. Liquor store;
  26. Metal;
  27. Music, radio or television shop;
  28. Nursery or garden supply store;
  29. Optical manufacturing;
  30. Outdoor advertising signs;
  31. Pawn shop;
  32. Pet shop;
  33. Printing plant;
  34. Research laboratories;
  35. Sign painting shop;
  36. Hospital for small animals;
  37. Sporting goods store;
  38. Storage warehouse;
  39. Toy store; and
  40. Wholesale distributing center;
- D. Advertising signs and structures, provided that lighted signs of flashing or intermittent type shall be prohibited; and further provided that this shall not prevent the use of animated signs located entirely within the building which can be seen only from the street side of the building. No billboard shall exceed twenty (20) feet in height or sixty (60) feet in width, and no billboards shall be placed on top of any building;
- E. Buildings, structures and uses accessory and customarily incidental to any of the above

uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments;

- F. New and used automobile sales and services, new machinery sales and service, repair and public garages, provided no gasoline is stored above ground, used automobile and machinery sales, used automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards;
- G. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above; and
- H. No article or material stored or offered for sale in connection with uses permitted under Paragraphs 1 through 5 above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental wall, fences, or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required, except automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public right-of-way. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however the storage space shall be screened by walls or permanent ornamental fencing that the stored trucks or trailers cannot be seen from adjoining streets or lots where viewed by a person standing adjacent to the service station site on ground level; and further provided that no screening in excess of seven (7) feet in height shall be required. (Ord. 8/19/74; Ord. No. 173, 8/5/80; Ord. No. 372, 7/19/88; Ord. No. 433, 4/6/93)

§ 12-287      AREA REGULATIONS.

The area regulations for dwellings shall be the same as the requirements of the C-O District.

- A. Front and side yard. Front and side yard regulations shall conform to the C-O District, but no side yard shall be required for uses other than dwellings;
- B. Rear yard. Where a commercial building is to be serviced from the rear or where the use abuts a residential district, there shall be provided a paved alleyway, service court, rear yard, or combination thereof, of not less than thirty (30) feet in width. In all other cases, no rear yard is required;
- C. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements;
- D. Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence or wall not less than five (5) feet high and not more than six (6) feet high, shall be constructed and maintained in good condition along the side or rear lot line

up to, but not beyond, the abutting residential building setback line, except where front yard is used for off-street parking, then the provisions pertaining to off-street parking lots shall apply. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district; and

- E. Height regulations. The height regulations for dwellings and accessory buildings for dwellings shall be the same as those of the C-O District. For other uses, no height restrictions are required. (Ord. 8/19/74)

## ARTICLE M

### I-L, LIGHT INDUSTRIAL DISTRICT

§ 12-290	General description.
§ 12-291	Standards.
§ 12-292	Uses permitted.
§ 12-293	Area and height regulations.
§ 12-294	Signs and billboards.

#### § 12-290      GENERAL DESCRIPTION.

The purpose of the I-L, Light Industrial District, is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses. Because of the traffic generated and other potentially objectionable influences created in this district, a buffer or setback area between this district and any other zoning district except I-H is required. (Ord. 8/19/74)

#### § 12-291      STANDARDS.

Any use constructed, established, altered, or enlarged in the I-L, Light Industrial District, after the effective date of this chapter shall be so operated as to comply with the following standards:

- A. No building shall be used for residential purposes, except that a watchman may reside on the premises;
- B. No retail sales or services shall be permitted, except as incidental to or accessory to a permitted use;
- C. No noise, either continuous or intermittent, from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the I-L District;
- D. No toxic matter, noxious matter, smoke, gas, or odorous or articulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located;
- E. No vibrations shall be detectable beyond the lot lines of the lot on which the use is

located;

- F. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon property located in any residential district;
- G. The manufacture of flammable materials which produce explosive vapors or gases is prohibited;
- H. No outside storage of equipment or material, except equipment in daily use, is permitted in such a location where it can be viewed from any public street; and
- I. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines. (Ord. No. 8/19/74)

§ 12-292      USES PERMITTED.

Within the I-L, Light Industrial District, the following uses are permitted:

- A. Building material sales;
- B. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages;
- C. Compounding, processing and blending of chemical products, but not including any materials which decompose by detonation;
- D. General and administrative offices;
- E. Machine shops and metal products manufacture and tool and die shops, provided they do not include any of the following equipment: automotive screw machines, drop forges, or riveting machines;
- F. Mail order houses;
- G. Manufacturing and assembling (or any combination of such processes) of products from wood, cork, glass, leather, fur, plastic, felt, and other textiles, but not including as a principal operation the processing of any raw materials;
- H. Manufacturing and assembling of electrical and electronic products and equipment;
- I. Printing and binding plants;
- J. Research laboratories;
- K. Warehouse and storage facilities;



- L. Water filtration plants, pumping stations, reservoirs, and lift stations;
- M. Any other manufacturing process or establishment except those permitted in the I-H District; and
- N. Accessory uses incidental to and on the same zoning lot as a principal use. (Ord. 8/19/74)

§ 12-293      AREA AND HEIGHT REGULATIONS.

- A. The following designates area and height regulations:
  - 1. Minimum Lot Area:                      None
  - 2. Minimum Lot Frontage:                None
  - 3. Maximum % Coverage:                40%
  - 4. Maximum Height:                        None
  - 5. Minimum Front Yard Setback:        50 feet
  - 6. Minimum Side Yard Setback:        50 feet [minimum of 2' of setback for each 1' of height when adjacent to Residential Dist.
  - 7. Minimum Rear Yard Setback:        50 feet
  
- B. All lots and improvements in the I-L District shall meet the following requirements:
  - 1. There are no area requirements in an I-L District;
  - 2. There are no lot frontage requirements in an I-L District;
  - 3. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
  - 4. There are no height requirements in an I-L District;
  - 5. No structure shall be erected, commenced or maintained which has a front yard of less than fifty (50) feet;
  - 6. When adjacent to a residential district, a side yard of fifty (50) feet or two (2) feet for each one foot of height, whichever is greater, shall be provided; and
  - 7. When adjacent to a residential district, a rear yard of fifty (50) feet or two (2) feet for each one foot of height, whichever is greater, shall be provided. (Ord.

8/19/74)

§ 12-294      SIGNS AND BILLBOARDS.

All signs and billboards in the I-L District shall conform to the requirements in the C-C District. (Ord. 8/19/74)

ARTICLE N

I-H, HEAVY INDUSTRIAL DISTRICT

- § 12-295            General description.
- § 12-296            Standards.
- § 12-297            Uses permitted.
- § 12-298            Area and height regulations.
- § 12-299            Signs and billboards.

§ 12-295      GENERAL DESCRIPTION.

The purpose of the I-H, Heavy Industrial District, is to provide a location for industries which may by their nature create nuisances. The intent is to preserve the land especially for such industry in locations with access to arterial streets as designated on the Thoroughfare Plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this district, a buffer or setback strip between this district and other zoning districts except I-L is required. (Ord. 8/19/74)

§ 12-296      STANDARDS.

Any use constructed, established, altered or enlarged in the I-H, Heavy Industrial District, after the effective date of this chapter shall be so operated as to comply with the following standards. No use already established on the effective date of this chapter shall be so altered or modified as to conflict with, or further conflict with, the applicable standards hereinafter for the I-H District:

- A.    No building shall be used for residential purposes, except that a watchman may reside on the premises;
- B.    No retail sales or services shall be permitted except as incidental to or accessory to a permitted use;
- C.    No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of the activity is more than one hundred (100) feet from the boundary of any zoning district;
- D.    Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district;
- E.    All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning,

servicing, and testing of goods, water, and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibrations, smoke, dust, or other particulate matter, toxic or noxious matter, odors, glare, heat, fire or explosive hazards; and

- F. No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation are permitted. (Ord. 8/19/74)

§ 12-297      USES PERMITTED.

Within the I-H, Heavy Industrial District, any use permitted in the I-L District also applies. The following uses are permitted:

- A. Blacksmiths, tinsmiths, and sheet metal shops;
- B. Bottling works;
- C. Canning or preserving factories;
- D. Cold storage plants;
- E. Ice cream production and distribution;
- F. Laundry and dry-cleaning plants;
- G. Machinery rental, sales and service;
- H. Machine shops; and
- I. Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing, or testing of any of the following materials, goods or merchandise:
  - 1. Apparel;
  - 2. Beverages (non-alcoholic), processing and bottling;
  - 3. Building materials specialties;
  - 4. Clothing;
  - 5. Compounding and packaging of chemicals;
  - 6. Cosmetics and toiletries;
  - 7. Dairy products;
  - 8. Drugs and pharmaceutical products;

9. Electrical and acoustical products and components;
10. Food products (except fish, sauerkraut, vinegar and yeast);
11. Furniture;
12. Glass products;
13. Ice, dry and natural;
14. Jewelry;
15. Medical laboratory supplies, equipment and specialties;
16. Metal products and utensils;
17. Musical instruments;
18. Optical goods;
19. Paper products, including boxes and containers;
20. Radios, phonographs, recorders, and television sets and parts;
21. Textiles;
22. Toys and children's vehicles;
23. Trailers and carts;
24. Wood products, including wooden boxes and containers;
25. Milk, bottling and distribution;
26. Monumental stone cutting;
27. Motor freight terminals;
28. Pattern shops;
29. Printing plants;
30. Soldering and welding shops;
31. Sign painting;

- 32. Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor;
- 33. Spray painting and mixing;
- 34. Bulk fuel sales and storage;
- 35. Automobile wrecking and junk yards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight (8) feet in height; and
- 36. Processing of meat and vegetable products, including the slaughter of animals. (Ord. 8/19/74)

§ 12-298      AREA REGULATIONS.

- A. There are no requirements for minimum lot area or frontage in the I-H District.
- B. Front, rear and side yard requirements in the I-H District are the same as those set forth in the I-L District.
- C. Buildings shall not cover more than fifty percent (50%) of the site on which the use is located. (Ord. 8/19/74)

§ 12-299      SIGNS AND BILLBOARDS.

All signs and billboards in the I-H District shall conform to the requirements in the C-C District. (Ord. 8/19/74)

ARTICLE O

C-D, OPEN DISPLAY COMMERCIAL DISTRICT

- § 12-300              General description.
- § 12-301              Uses permitted.
- § 12-302              Area regulations.

§ 12-300      GENERAL DESCRIPTION.

This commercial district is intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside of the confines of an enclosed building. There will be more assembly of equipment and incidental activity than would prevail in the general commercial district. Persons of the community and the surrounding trade territory will require direct access. However, the concentration of shoppers will be much smaller and visits less frequent than in the general commercial district. (Ord. 8/19/74)

§ 12-301      USES PERMITTED.

A. Property and buildings in the C-D Open Display Commercial District shall be used only for the following purposes:

1. Any use permitted in the General Commercial District;
2. Boat sales;
3. Farm implement and machinery, new and used, sales;
4. Mobile home and camper sales;
5. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales;
6. Monument sales;
7. New and used car and truck sales;
8. Prefabricated house sales;
9. Trailers for hauling, rental and sales; and
10. Service station.

B. The above-enumerated uses shall comply with the following provisions:

1. All open space and display of merchandise, material and equipment shall be so screened by opaque ornamental fencing so that it cannot be seen by a person standing on ground level in a residential district when located to the side or rear of the lot on which the open storage or display occurs; however, that screening shall not be required in excess of seven (7) feet in height. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by opaque ornamental fences or by permanent buildings that it cannot be seen from a public street;
2. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round;
3. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;
4. All servicing of vehicles and assembly of equipment carried on as an incidental

part of the sales operation shall be conducted within a completely enclosed building;

5. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns; and
6. Outdoor lighting, and signs when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets and shall not be of a flashing or intermittent type. (Ord. 8/19/74)

§ 12-302      AREA REGULATIONS.

The area regulations shall be the same as the requirements of the I-L, Light Industrial District. (Ord. 8/19/74)

ARTICLE P

C-R, COMMERCIAL RECREATION DISTRICT

- |          |                              |
|----------|------------------------------|
| § 12-305 | General description.         |
| § 12-306 | Uses permitted.              |
| § 12-307 | Uses permitted on review.    |
| § 12-308 | Area and height regulations. |

§ 12-305      GENERAL DESCRIPTION.

This commercial district is established as a district in which the principal use of the land is for establishments offering accommodation, commercial amusement, and service establishments. (Ord. 8/1974)

§ 12-306      USES PERMITTED.

Within the C-R Commercial Recreation District, the following uses are permitted:

- A. Amusement enterprises;
- B. Bowling alleys;
- C. Drive-in theater;
- D. Golf course, miniature or practice range;
- E. Kennel;
- F. Recreation center, private;

- G. Roller skating rink and ice skating rink;
- H. Sports stadium; and
- I. Theater. (Ord. 8/19/74)

§ 12-307 USES PERMITTED ON REVIEW.

A. The following uses may be permitted by the board of adjustment in compliance with § 12-127 of this code provided they meet the requirements noted for each use in addition to applicable area regulations:

- 1. Dance hall;
- 2. Night club;
- 3. Tavern; and
- 4. Any business pertaining to the distribution of liquor.
- 5. Body Piercing and Tattoo Facilities.
  - a. Must be licensed by the state department of health.
  - b. Facility not to be located within one thousand (1,000) feet of a church, school, or playground.
  - c. Obtain an annual license from the city.
  - d. Provide copy of \$100,000 bond.
  - e. Provide copy of Oklahoma sales tax permit.

B. The above uses may be permitted after a public hearing provided they meet the requirements noted for each use. In each of the above uses, the manager and owner will be held completely responsible for the actions both inside and outside their establishment. (Ord. 8/19/74; Ord. No. 372, 7/19/88; Ord. No. 433, 4/6/93; Ord. No. 628, 12/12/06)

§ 12-308 AREA AND HEIGHT REGULATIONS.

The following chart designates area and height regulations:

- 1. Minimum Lot Area: 12,000 sf
- 2. Minimum Lot Frontage: 100 feet
- 3. Maximum % Coverage: 40%



- 4. Maximum Height: 35 feet
- 5. Minimum Front Yard Setback: 50 feet
- 6. Minimum Side Yard Setback: 2'1' adj to Residential District
- 7. Minimum Rear Yard Setback: 10 feet

ARTICLE Q

GREEN BELT DISTRICT

- § 12-310 General description.
- § 12-311 Uses permitted.

§ 12-310 GENERAL DESCRIPTION.

This Green Belt District is established as a district in which the principal use of the land is for flood control. Any piece of land that is subject to flooding or that water tends to stand can be established as a Green Belt District. (Ord. 8/19/74)

§ 12-311 USES PERMITTED.

The following are permitted uses:

- A. Playground or public park as long as only a fixed percentage of the area, as set by the planning commission, is covered with cement, gravel, asphalt or similar ground cover;
- B. Biking trails; and
- C. Hiking trails. (Ord. 8/19/74)

ARTICLE R

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

- § 12-320 General description.
- § 12-321 Uses permitted.
- § 12-322 Area regulations.
- § 12-323 Initiation of planned unit development.
- § 12-324 Creation of PUD - Planned Unit Development District.
- § 12-325 Procedure for approval of development plan.
- § 12-326 Expiration.
- § 12-327 Forms of and contents of applications and types of information required.
- § 12-328 Use control in planned unit development.
- § 12-329 Permissive variations in requirements.

§ 12-320      GENERAL DESCRIPTION.

A PUD-Planned Unit Development District, as the term is employed in this chapter, is superimposed over existing zoning districts and has the following purposes:

- A. To produce a development which would be as good or better than that resulting from the traditional lot-by-lot development by applying to large areas, whether consisting of consolidated lots or un-subdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels;
- B. To correlate comprehensively the provisions of this and other ordinances and codes of the city, to permit development which will provide a desirable and stable environment in harmony with the comprehensive plan for the city and that of the surrounding area;
- C. To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while at the same time maintain substantially the same population density and area coverage permitted in the zone in which the project is located; and
- D. To permit flexibility in design, placement of buildings, use of open spaces, circulation facilities and off-street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size or shape. (Ord. 8/19/74)

State Law Reference: Planned Unit Developments, 11 O.S. § 43-110 to 43-112.

§ 12-321      USES PERMITTED.

In the Planned Unit Development District, only the following uses are permitted:

- A. In a residential planned unit development:
  - 1. Residential units, either detached or in multiple dwellings;
  - 2. Accessory incidental retail and other non-residential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design not to exceed five percent (5%) of the total area of the site; such accessory retail uses to serve only as a convenience to the inhabitants of the planned unit development project;
  - 3. Recreational facilities including, but not limited to, tennis courts, swimming pools and playgrounds; or
  - 4. Schools, libraries and community halls.
- B. In planned unit developments for other than residential uses, uses shall be limited to those

permitted by the zone in which the use is located. (Ord. 8/19/74)

§ 12-322      AREA REGULATIONS.

A planned unit development project shall contain an area of not less than ten thousand (10,000) square feet of area. (Ord. 8/19/74)

§ 12-323      INITIATION OF PLANNED UNIT DEVELOPMENT.

Planned unit development projects may be initiated by:

- A. The owner of all the property involved, if under one ownership; and
- B. An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there be more than one owner. (Ord. 8/19/74)

§ 12-324      CREATION OF PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

- A. A PUD-Planned Unit Development District shall be created upon application and approval after public hearing by the city council as an amendment to an existing zoning map by superimposing the PUD District over the existing zoning district. The application shall be made on forms provided by the planning commission and containing the following information:
  - 1. Legal description of tract;
  - 2. Preliminary development plan;
  - 3. Listing of types of uses and general square footage or acreage amounts of each; and
  - 4. Total number of dwellings if residential.
- B. Following the establishment of a PUD - Planned Unit Development District, a specific development plan shall be prepared and approved by the planning commission prior to any zoning clearance permit or permits being issued for construction or development. (Ord. 8/19/74)

§ 12-325      PROCEDURE FOR APPROVAL OF DEVELOPMENT PLANS.

- A. A development plan including both maps and text shall be submitted to the planning commission for approval and recommendations to the city council. Before such approval and recommendations, the planning commission shall determine, from the information contained in the planned unit development district application, that such plans comply with the development policies of the official plan of treaty and zoning classification of which the planned unit development district is a part. The actions by the planning

commission may be conditional, adding to or deleting from the provisions of the application.

- B. The approval by the planning commission of the development plan shall constitute a limitation on the use and design on the site.
- C. The development resulting from the application of the provisions of this section shall be made a part of the zoning map and identified thereon by appropriate reference to the detailed planned unit development map and explanatory text (if any), either by number or by symbol. (Ord. 8/19/74)

§ 12-326      EXPIRATION.

Upon the abandonment of a particular project authorized under this district, or upon the expiration of three (3) years from the final approval of a development plan which has not by then been completed (or commenced within any extension of time granted for completion), the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the development is located. (Ord. 8/19/74)

§ 12-327      FORMS OF AND CONTENTS OF APPLICATIONS AND TYPES OF INFORMATION REQUIRED.

- A. The planning commission shall prescribe the form on which applications are made for planned unit development projects. It may prepare and provide blanks for such purpose and prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified as to the correctness of information given by the signature of the applicant attesting thereto.
- B. There shall be included as a part of the application an accurate map, drawn to a scale of not less than one hundred (100) feet to the inch, showing: the boundaries of the site; names and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed location and dimensions of "open space", if any, within the site; proposed public dedications, if any, within the site; location, dimensions and design of off-street parking facilities, showing points of ingress to and egress from the site; the location, direction, and bearing of any major physiographic features such as railroads, drainage canals and shore lines, and existing topographic contours at intervals of not more than five (5) feet, together with proposed grading, drainage and landscaping.
- C. The explanatory text shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular non-residential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses. (Ord. 8/19/74)

§ 12-328      USE CONTROL IN PLANNED UNIT DEVELOPMENT.

- A. In residential planned unit developments, accessory incidental limited retail uses will be permitted only in those developments which are planned for four hundred (400) families or more. Building permits or occupancy permits for such uses shall not be issued until one-half (½) of the total project is completed.
- B. In residential planned unit developments, there shall be a minimum of ten percent (10%) of the total area of the planned unit development dedicated or reserved as useable common “open space” land.
- C. Adequate guarantee must be provided to insure permanent retention of “open space”land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public or a combination thereof. (Ord. 8/19/74)

§ 12-329      PERMISSIVE VARIATIONS IN REQUIREMENTS.

In consideration of a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zone in which the project is located. In modifying such regulations, requirements and standards as they may apply to a planned unit development project, the following limitations shall apply:

- A. Yards. The requirements for front, side or rear yards for the zone in which the planned unit development is located shall apply to all exterior boundary lines of the site. Other yards shall be as approved on the development plan;
- B. Open spaces. The distance between buildings containing dwelling units, which buildings do not exceed a height greater than thirty-five (35) feet, shall be not less than that required for the zone in which the property is located;
- C. Where buildings containing dwelling units exceed a height greater than thirty- five (35) feet, each such building shall maintain a distance the equivalent of the required side yard plus one foot for each one foot such building exceeds thirty-five (35) feet in height from any other building on the site containing a dwelling unit;
- D. Any accessory building not more than thirty-five (35) feet in height shall observe a distance from a building containing a dwelling unit as set forth in the zone in which the project is located any accessory building exceeding a height of thirty-five (35) feet shall observe a distance from a building containing a dwelling unit or units as set forth herein for residential buildings;
- E. Height of buildings. For buildings and structures exceeding thirty-five (35) feet in height, there shall be maintained a distance from side and rear boundaries equal to the required yard plus one foot for each one foot such building exceeds a height of thirty-five (35) feet;
- F. Number of dwelling units. The number of dwelling units permitted shall be determined

by dividing the net development area by the minimum lot area per dwelling unit required by the zone in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools or commercial uses from the total development area; and

- G. Off-street parking. The total required off-street parking facilities shall be not less than the sum of the required parking facilities for the various uses computed separately. (Ord.8/19/74)

## ARTICLE S

### CENTRAL BUSINESS DISTRICT

§ 12-330	Introduction.
§ 12-331	Purpose.
§ 12-332	Uses permitted.
§ 12-333	Uses permitted on review.
§ 12-334	Prohibited uses.
§ 12-335	Condition of use.
§ 12-336	Criteria.
§ 12-337	Lot size and coverage.
§ 12-338	Parking and sidewalks.
§ 12-339	Expansion of district.
§ 12-340	Conversion of residential units.

§ 12-330      INTRODUCTION.

The proposed area to be established as a Core Business District is the original Choctaw Town site. Defined within the boundaries of NE 23<sup>rd</sup> Street from Choctaw Road, West to Harper Street, North to Grand Street, East to Choctaw Road and South to NE 23<sup>rd</sup> Street. All property, business and residential within the area shall remain in their present use until a change is desired. The district will be referred to as “Old Town Commercial Neighborhood.” (Ord. No. 579, 9/28/04)

§ 12-331      PURPOSE.

Purpose: The purpose of the Old Town Commercial Neighborhood is to protect, maintain and preserve the existing retail, office and residential uses in the district; to accommodate the shopping needs of local residents, employees and visitors; to provide for apartments, offices, restaurants above retail uses. To foster civic pride and community spirit by reason of the City’s favorable environment and to encourage new business.

- A. To encourage and promote the public health, safety and general welfare of the citizens of the city, including the development and coordination of municipal growth and services.
- B. To discourage monotonous, drab, unsightly, dreary and inharmonious developments, minimize discordant and unsightly surroundings and visual blight, to avoid inappropriate and poor quality design.

- C. To promote orderly community growth, protect and enhance property values for the community as a whole and as well as, promote environmental and aesthetic considerations, which generally enhance rather than detract from community standards and values of the comfort and to help provide adequate tax base to the City to enable it to provide required services to its' citizens.
- D. To encourage originality, flexibility, innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the Old Town Commercial Neighborhood as whole and/or surrounding areas.
- E. To aid and assure that structures, signs and other improvements are properly related to their sites and surroundings sites and structures. Proper attention is given to exterior appearance of structures, signs and other improvements.
- F. To protect and enhance the City's pleasant environment for living and working and thus support and stimulate business and residential property that will promote the desirability of investment and occupancy in business and other properties.
- G. This Old Town Commercial Neighborhood is intended to provide a location for a limited number of retail commercial goods and personal services, which will serves the day-to-day needs of the residents of surrounding neighborhoods. The Old Town Commercial Neighborhood is limited to the types of uses that will not cause an adverse impact (i.e. noise, lighting, traffic) upon the surrounding area. (Ord. No. 579, 9/28/04)

§ 12-332      USES PERMITTED.

The following are permitted uses:

- A. Retail store, including general merchandise store, hardware store, variety store, pharmacy or similar establishment.
- B. Gift shop or similar establishment.
- C. Apparel or accessory store.
- D. Business machine, television, radio, computer or household appliance store, including sales and service, where service facilities must be related to the sales activity.
- E. Personal service shop, including barber, beautician, shoe repair, tailor and laundry, where actual cleaning and pressing are done off premises, and related personal services.
- F. Food store, including grocery store or supermarket, confectionery, bakery, pastry, candy and ice cream shop, where goods are sold only at retail on the premises.

- G. Eating and drinking place, including restaurant, delicatessen, and sandwich or pizza shop.
- H. Bank.
- I. Public buildings use.
- J. Mixed use, where offices and/or residential use are located above retail establishments or residential use above offices.
- K. Place of amusement, provided they are consistent with all other ordinances of Choctaw.
- L. Bed and Breakfast.
- M. Duplexes, condos and apartments.
- N. Single-family residential units expanded or rebuilt due to natural disasters. (Ord. No. 579, 9/28/04; Ord. No. 588, 2/22/05)

§ 12-333      USES PERMITTED ON REVIEW.

The following uses may be permitted by the board of adjustment in compliance with § 12-127 of the code provided they meet the requirements noted for each use in addition to applicable area regulations:

- A. Day care/schools-care center or similar use as determined by DHS rules.
- B. Civic clubs or lodge; nonprofit organizations.
- C. Residential units converted to commercial use. (Ord. No. 579, 9/28/04)

§ 12-334      PROHIBITED USES.

No building may be erected, altered or used, and no lot or premises may be used for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, or noise or that is dangerous to public health or safety. (Ord. No. 579, 9/28/04)

§ 12-335      CONDITION OF USE.

- A. All business, servicing, processing, shall be conducted within completely enclosed buildings, except for the following:
  - 1. Outdoor dining.
  - 2. Produce or flower markets.



3. The sale of gasoline limited to Northeast 23<sup>rd</sup> Street only.
  4. The sale of items of a seasonal nature including but not limited to Christmas trees, bedding plants and small shrubs.
- B. Outdoor storage is permitted only when it is screened from view. The required screening may be fencing, landscaping, or walls and must be of sufficient height and density that the storage material are screened from view as required above, from ground level up to a point eight (8) feet above the ground level of the adjoining street or property. No outside storage is permitted to rise above the screening.
- C. The outdoor uses must be located wholly on private property, shall not impede pedestrian or vehicle circulation, and shall not eliminate or encroach upon required parking spaces.
- D. No manufacturing or assembling shall be permitted except as incidental to the business occupying the premises. (Ord. No. 579, 9/28/04)

§ 12-336      CRITERIA.

- A. Site Design Objectives:
1. Sites should be developed in a coordinated manner to complement adjacent structures through placement, architecture, color, and size/mass.
  2. Whenever possible, buildings on the same site should be clustered and incorporate plazas, courtyards, pocket parks, and other pedestrian use areas.
  3. The minimum width of walkways shall be five (5) feet on all street frontages.
  4. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.
  5. Create a sidewalk with curb that establishes a distinction between vehicular and pedestrian traffic.
  6. Utilize small planters or different paving texture at the edge of sidewalks to help create an aesthetic buffer between vehicles and pedestrians.
  7. Create pleasant secondary entrances to the rear of buildings to attract customers and strengthen the downtown atmosphere.
  8. Use awnings, window displays, wall-climbing vines and planters to make rear facades and secondary entrances more appealing.

9. Separate properties aesthetically with a small brick wall or small evergreen hedge.
10. When customer entrances are set back from the sidewalk, allow for a clear pedestrian walk for ease of access.
11. Incorporate murals in strategic locations to add interest to blank walls.
12. Create stairways with appealing ornamental railings to make them look attractive.
13. Camouflage all waste receptacles where possible.
14. Encourage windows in buildings with blank upper-story facades that face the street which can make a building more attractive, open up views and reduce energy costs by utilizing the natural light.

B. Building Design Objectives:

1. No single architectural style is required. However reliance on or use of standardized “turn of the century” style is strongly encouraged.
2. Buildings should reflect an individual design that has considered site location, conditions, and surrounding development. Building design should provide a sense of permanence. High quality construction and material should be used to ensure that buildings will not look dated or worn down over time. Building designs should reflect an individual style and form and not merely current trends.
3. A consistent visual identity shall be applied to all sides of buildings visible to the general public. In these areas, all buildings sides shall have an equivalent level of quality of materials, detailing, and window placement. Abrupt endings of architectural details shall be avoided with no radical change in details or features.
4. Long blank walls are to be avoided. Positive methods to achieve this objective include changes in color and materials, placement of windows, use of awnings and canopies, and architectural details and features such as corners, setbacks and offsets. Windows at ground level may be tinted; however, reflective and mirrored windows are not allowed.
5. Buildings facing streets shall incorporate pedestrian appealing entrances.
6. Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce overall bulk and mass of buildings. The planes of exterior walls should not run in one (1) continuous direction more than fifty (50) or sixty (60) feet without an offset or setback on the streetside.
7. Large buildings should have height variations to give the appearance of distinct elements.

8. Buildings design shall incorporate traditional building materials such as masonry, stone, heavy timbers, brick and other natural materials.
9. Building colors should accent, blend with, or complement surroundings. Bright or brilliant colors should be reserved for trim and accents.
10. Outdoor storage areas, mechanical equipment, utility vaults, and trash receptacles must not be visible from adjacent streets and pedestrian walkways.
11. Site services should be located on the least visible side of a building or site or within interior building spaces.
12. Ground level outdoor enclosures shall be composed of materials similar to the main structure.

C. Sign Objectives:

The purpose of the signage criteria is to ensure that tenants, residents, and visitors can quickly and easily make their way through the Neighborhood and related development. As this area is unique and diverse, signage should be designed appropriately to contribute to the overall identity and way finding system.

1. Style of Signs.
  - a. Signage and environmental graphics should be conceived as an integral part of the buildings architectural design, not applied as an afterthought.
  - b. Colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the building, the business it identifies, and the character of the surrounding area.
  - c. Lettering should be simple, legible and well proportioned for clear communication.
  - d. Sign shapes should be simple and straightforward to communicate well. Symbols as signs are encouraged because they are easily read and add to the vitality of a storefront.
  - e. The light levels of a sign should not block views of other signs on the street or the facades of nearby buildings.
  - f. Sign materials should be durable and easy to maintain.
  - g. All submitted building elevations should show proposed signage and environmental graphics.
2. Sign placement:

- a. Signs on commercial buildings should fit within existing features of the building's facade.
  - b. Sign location should not detract from or hide significant architectural details of the building.
  - c. The number of signs should be limited to avoid clutter.
  - d. Wall and window signs should be placed only near or within the first story window area of a building.
  - e. Any signs identifying a particular district should be located near intersection entry points.
3. Building Signs:
- a. Individual letters rather than cabinet signs are preferred.
  - b. Backlit individual letters are a preferred alternative.
  - c. Sign color should be coordinated with building colors.
  - d. Signs should be compatible in scale and proportion with building design and other signs.
  - e. A specific sign program or concept should be designed for multiple tenant buildings or complexes. Color and letter style shall be coordinated when businesses share the same building and consistent sign patterns (placement on buildings) shall be utilized.
  - f. Exposed neon tubes are acceptable for non-letter sign element.
  - g. Signs size should be consistent with the regulations of "BOCA" Codes.

D. Monument Signs:

- 1. Should provide only name and address of the building and/or building tenants.
- 2. Shall not exceed five (5) feet in height and eight (8) feet in length.
- 3. Shall not set within any public right-of-way.

E. Pole Signs:

- 1. Freestanding signs only on NE 23<sup>rd</sup> Street, Harper Road and Choctaw Road.

2. Project landscaping should be designed and sized to incorporate the free standing sign.

F. Lighting Objectives:

1. Moving and flashing lights are prohibited.
2. Use cut-off lenses or hoods to prevent glare and light spill off project site onto adjacent properties, buildings, and roadways.
3. Lighting standards should be designed and sized to be compatible with the character of the development. (Ord. No. 579, 9/28/04)

§ 12-337 LOT SIZE AND COVERAGE.

A. Non-residential Uses:

1. Lot area. A lot of not less than 3,000 square feet shall be provided for every principal building hereafter erected.
2. Lot width. The lot for each building hereafter erected shall have a width at the building line of not less twenty-five (25) feet.
3. Front yard. There shall be a front yard the depth of which shall not be less than five (5) feet.
4. Side yards. None required.
5. Rear lot setback. There shall be a rear yard, which shall be not less than twenty-five (25) feet in depth. Parking shall be permitted in the rear lot setback.
6. Corner lot setbacks shall be five (5) feet on each street side.
7. Building coverage. The aggregate area of all buildings on a lot shall not exceed seventy-five (75) percent of the lot area.
8. All five (5) foot setbacks shall be landscaped in accordance with § 11-503 of the Choctaw Code of Ordinances.

B. Site plan and design review:

The unique character of the Old Town Commercial Neighborhood is reflected not only in the orientation of buildings and improvements as reflected on a traditional site plan, but also in the vertical orientation of buildings and the inter-relationship of buildings, landscaping, the streetscape and other features. In order to ensure the orderly development of properties within the Neighborhood in a manner consistent with the overall character of the district, all proposed development within the Old Town Commercial Neighborhood shall be subject to the site plan

and design review requirements of the Code at § 5-107.

1. Application requirements. All proposed developments within the Old Town Commercial Neighborhood shall be subject to Site Plan and Design Review standards. In addition to the application requirements for the Site Plan Review Committee the following information shall be provided as part of the application.
  - a. Lot area.
  - b. A site plan showing building foot prints, details of landscape areas, open spaces, locations of outdoor uses, parking areas and walkways.
  - c. A floor plan delineating the existing and proposed floor area.
  - d. Existing and proposed floor area ratio.
  - e. Existing and proposed number of dwelling units.
  - f. Parking calculations showing the number of spaces required and the number of existing and proposed spaces. If parking requirements are to be met through a variance or Special Use Permit, this request must accompany the development application.
  - g. A narrative that explains how the proposed development meets the District Site Plan and Design Review standards.
  - h. Such additional information as the City Manager or his designee deems necessary to properly review the application.
2. Site plan and design review standards. All properties in the Old Town Commercial Neighborhood are under the purview of the Site Plan Review Committee. In addition to the standard criteria used by the Site Plan Review Committee, development proposals should be designed to preserve and enhance the character and value of the district.
3. Review of Development Proposals. Proposals for development in the Old Town Commercial Neighborhood shall be reviewed consistent with the procedures for all properties reviewed by the Site Plan Review Committee. In the event that variances are requested, the variance shall be forwarded to the Board of Adjustment prior to action by the Site Plan Review Committee. (Ord. No. 579, 9/28/04)

§ 12-338      PARKING AND SIDEWALKS.

- A. If on street parking on right-of-way is allowed, then a sidewalk is required.
- B. All parking and sidewalks shall be under the review of the Site Plan Review

Committee.

- C. All parking and sidewalks shall meet the City's design requirements and ADA regulations. (Ord. No. 579, 9/28/04)

§ 12-339      EXPANSION OF DISTRICT.

All properties abutting said District may petition the City Council through the Choctaw Planning Commission for expansion of zoning district to include their property. (Ord. No. 579, 9/28/04)

§ 12-340      CONVERSION OF RESIDENTIAL UNITS.

- A. Minor Home Occupation Type I.
  - 1. Use not more than twenty (25%) percent of floor areas.
  - 2. Use no more than four hundred (400) square feet of an accessory building.
  - 3. Do not require additional parking.
- B. Major Home Occupation Type II.
  - 1. Use twenty-six (26%) percent to not more than fifty (50%) of floor area.
  - 2. Use no more than eight hundred (800) square feet of an accessory building.
  - 3. Parking shall be in accordance with § 8 of this Code.
- C. Conversion.
  - 1. Conversion of residential to commercial use from fifty-one (51%) to one-hundred (100%) percent.
  - 2. All applicable regulations have to be met at time of conversion. (Ord. No. 579, 9/28/04)

CHAPTER 4

TEMPORARY HARDSHIP PERMITS

- § 12-401      Temporary hardship permits.
- § 12-402      Issuance of temporary permits.
- § 12-403      Conditions of temporary permits.

§ 12-401      TEMPORARY HARDSHIP PERMITS.

- A. A temporary permit for a mobile home, as defined under the zoning ordinance of the city,

may be issued in the General Agricultural (A-G) District, Rural Residential (R-R) District, Single-Family (R-S) District, and the General Residential (R-G) District for the following reason: To allow construction of a permanent single-family dwelling.

- B. One mobile home shall be allowed accessory to a permanent residential structure subject to conformity to all area, setback, height and off-street parking regulations of the district in which located. (Ord. No. 451, 9/6/94)

*Ed. Note:* Ordinance Number 416 re-numbered the former city subdivision regulations from Part 12, Chapter 4 “Subdivision Development”. Ord. No. 451, 9/6/94, added the new Chapter of Temporary Hardship Permits.

§ 12-402      ISSUANCE OF TEMPORARY PERMITS.

A temporary permit issued hereunder shall be valid for:

- A. One year from issuance of a building permit for construction of a permanent single-family dwelling; or
- B. Until a final inspection for occupancy is approved by the city inspector for the permanent single-family dwelling; whichever comes first. (Ord. No. 451, 9/6/94)

§ 12-403      CONDITIONS OF TEMPORARY PERMITS.

- A. When the permit expires under § 12-402, the owner shall have thirty (30) days to remove the mobile home from the property.
- B. A building permit application for placement of a mobile home and construction of a permanent single-family dwelling must be submitted in accordance with § 5-106 of the city code of ordinances.
- C. All fees shall be paid to the city clerk in advance.
- D. Each tract of land shall consist of one legal parcel and be unplatted.
- E. The city manager or his designee may include additional conditions as he considers necessary; to include, but not limited to, extraordinary setbacks, landscaping, installation of utilities, posting of a bond, etc. (Ord. No. 451, 9/6/94)

CHAPTER 5

ENFORCEMENT

§ 12-501              Duty of city manager.

§ 12-501              DUTY OF CITY MANAGER.



It is the duty of the city manager or his designee to enforce this chapter. If the city manager shall find that any of the provisions of this chapter are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

## CHAPTER 6

### ZONING CLEARANCE PERMIT REQUIRED

§ 12-601	Purpose.
§ 12-602	New construction.
§ 12-603	Change in use of land or building.
§ 12-604	Application.
§ 12-605	Accompanying material.
§ 12-606	Fees.

#### § 12-601      PURPOSE.

The zoning clearance permit is a permit issued by the city manager which states that a particular development meets all of the requirements for the zoning regulations. It is not a building permit and does not authorize construction; it certifies that the land or structure is in conformance with the terms of this zoning chapter. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

#### § 12-602      NEW CONSTRUCTION.

No building or other structure shall be erected, constructed, enlarged, altered or repaired in such a manner as to prolong the life of the building nor shall the use of any land or building or other structure be changed without a zoning clearance permit being issued authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this chapter. No building permit shall be issued for any construction not conforming to a valid zoning clearance permit. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

#### § 12-603      CHANGE IN USE OF LAND OR BUILDING.

No change shall be made in the use of any land or building or structure after the passage of this chapter until a zoning clearance permit has been obtained, certifying that all the provisions of this chapter have been complied with. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

#### § 12-604      APPLICATION.

An application for a zoning clearance permit shall be made to the city manager by the owner or proposed occupant of the building or land to be occupied or used, and the application shall state the location and legal description of the property and set out in detail the character and nature of the use to be conducted thereon. Within three (3) days, the city manager shall grant or deny the zoning clearance permit in accordance with the terms of this chapter. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

§ 12-605      ACCOMPANYING MATERIAL.

All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

§ 12-606      FEES.

Zoning clearance permits shall not be issued until a fee as set by the city council shall have been paid. (Ord. 8/19/74; Ord. No. 275, 6/4/85; Ord. No. 579, 9/28/04)

CHAPTER 7

VIOLATIONS AND PENALTIES

§ 12-701              Fines.

§ 12-701      FINES.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in § 1-108 of this code. (Ord. 8/19/74; Ord. No. 275, 6/4/85; Ord. No. 579, 9/28/04)

CHAPTER 8

AMENDMENTS

§ 12-801              Planning commission recommendation required.

§ 12-802              Application for amendment.

§ 12-803              Notice and public hearing.

§ 12-804              Planning commission action.

§ 12-805              City action.

§ 12-806              Protest to amendment.

§ 12-801      PLANNING COMMISSION RECOMMENDATION REQUIRED.

The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city council a report and recommendation on the proposed change. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

§ 12-802      APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the city manager may establish. An application for amendment shall be accompanied by the payment of a fee in such sum as set by the council to reimburse the city for administrative costs in processing and reviewing the application. Costs of notice and posting shall be billed to the applicant. (Ord. 8/19/74; Ord. No. 275, 6/4/85; Ord. No. 579, 9/28/04)

§ 12-803      NOTICE AND PUBLIC HEARING.

Upon receipt of an application, the planning commission shall set a date for public hearing and provide notice by publication in a newspaper as required by law. Additional notice shall be given by the posting of a sign or signs on the property. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

§ 12-804      PLANNING COMMISSION ACTION.

- A. After notice and public hearing, the planning commission shall vote to:
  - 1. Recommend to the city council that the application be approved as submitted, or as amended, or be approved subject to modification; or
  - 2. Recommend to the city council that the application be denied.
- B. An application recommended for approval, or approval subject to modification, shall be transmitted with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.
- C. An application recommended for denial shall not be considered further unless the applicant, within fifteen (15) days from the date of the planning commission action, files a written request with the city council for a hearing. A fee as set by the city council by motion or resolution shall accompany the request for a hearing before the city. Upon notice of such request, the planning commission shall forthwith transmit the application and its report and recommendation to the city council. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

§ 12-805      CITY ACTION.

The city council shall hold a public hearing on each application regularly transmitted, pursuant to the receipt of a fee as set by council, and on each application which has been transmitted pursuant to an appeal as provided for in § 12-804. The city council shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the city planning commission for further study. (Ord. 8/19/74; Ord. No. 579, 9/28/04)

§ 12-806      PROTEST TO AMENDMENT.

- A. Written, signed, typed or printed protests against proposed amendments of the zoning

ordinance, whether such be an amendment, change, modification or supplement of the zoning map, the district boundaries, or the regulations or the restrictions contained within the zoning ordinance may require a super-majority vote of the city council for passage if all the following conditions are met:

1. The written protest be filed with the city clerk's office by 5:00 P.M. on the Friday that is at least three (3) days prior to the scheduled public hearing on the proposed changes in the zoning ordinance;
  2. To require a super-majority vote of the city council the filed written protests must be filed by:
    - a. The owners of twenty percent (20%) or more of the area of the lots, parcels or tracts included within the proposed change; or
    - b. The owners of fifty percent (50%) or more of the area of the lots, tracts, or parcels which lie within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change. In calculating the three hundred (300) foot radius, the width of alley or street rights-of-way shall not be included.
- B. If a sufficient written protest is timely filed with the city clerk, as described in Subsection A above, then passage of the proposed zoning ordinance amendment requires a three-fourths (3/4) vote of the entire membership of the city council. (Ord. No. 8/19/74; Ord. No. 393, 1/16/90; Ord. No. 425, 1/5/93; Ord. No. 579, 9/28/04)