CHAPTER 24

ZONING

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ARTICLE I. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 24-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a building customarily incidental and appropriate and subordinate to the principal use of land or buildings located upon the same premises. Accessory buildings include, but are not limited to, carports, storage buildings, temporary or portable buildings, detached garages, cabanas, gazebos, detached covered patios, and tornado shelters.

Accessory use means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

Accessory structure means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but shall not include any accessory building as defined herein which is subordinate to the principal use of the property upon which it is located. Accessory structures include, but are not limited to, wind generation towers or structures, alternative energy devices, radio or television transmission or reception towers, satellite reception antennas, swimming pools, flag poles, basketball goals, and retaining walls.

Advertising sign or structure means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed outdoors for advertising purposes on the ground or on any tree, wall, bush, rock, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Directional, warning or other signs posted by public officials in the course of their public duties or merchandise or materials being offered for sale shall not be construed as being advertising signs.

Alley means a public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment house means a multiple-family dwelling.

Area regulations means the provisions of this chapter that establish for each zoning district the regulations pertaining to the frontage, street access, front yard, side yard, rear yard, open space, intensity of use, lot area, lot width, and height as well as regulations pertaining to accessory buildings and accessory structures.

Automobile means a self-propelled mechanical vehicle designed for the use on streets and highways for the conveyance of goods and people including but not limited to, passenger cars, trucks, busses, motor scooters and motorcycles.

Automobile service station means any area of land, including any structure thereon, that is used primarily for the sale of automotive fuels

(except butane or propane) and which may include facilities for the sale of automotive accessories or fluids, foods and beverages and other goods, as well as facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

Automobile wash or laundry means a structure designed primarily for washing automobiles either manually or using production line methods with a chain conveyor, blower, steam cleaner, high-pressure spray or other mechanical device.

Automobile wrecking or salvage yard means an area outside of a building where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Basement means a story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Billboard means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed outdoors for advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties nor merchandise or material being offered for sale shall be construed as advertising signs.

Building means any structure intended for shelter, housing or enclosure of persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure.

Building coverage means the percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

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 deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building, main means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any detached dwelling shall be deemed to be the main building on the lot on which it is situated.

Building site means a single parcel of land occupied or intended to be occupied by a building or structure.

Carport means a permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

Childcare center shall mean any day childcare, nursery, nursery school, foster home, or preschool or any place, home or institution located in any residential or commercial district, which meets the requirements provided for same in Chapter 11 of this code.

Church means a building or buildings used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres. A synagogue, mosque, or temple shall be considered a church.

Clinic, dental or medical means a facility for the examination and treatment of ill and afflicted human out-patients; provided, however, that patients are not kept overnight except under emergency conditions, including but not limited to dental and doctor's offices.

Convalescent home, rest home, nursing home means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Court means an open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings.

Court, inner means a court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

Court, outer means a court in full width of which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

District, zoning means any section of the city for which regulations governing use of buildings and premises or the height and area of buildings are uniform.

Drive-in restaurant means any establishment where food, frozen dessert and/or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert and/or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building.

Dry cleaning or laundry, self-service means any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance, which is operated primarily by the customer.

Dwelling means any building, or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including house trailers, mobile homes or travel trailers.

Dwelling, attached means a dwelling having any portion of each of two (2) walls in common with adjoining dwellings.

Dwelling, detached means a dwelling having open space on all sides.

Dwelling, multiple-family means a dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of hotels or motels.

Dwelling, row house or townhouse means three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one (1) family.

Dwelling, single-family means an attached dwelling designed to be occupied by one (1) family.

Dwelling, two-family means a dwelling designed to be occupied by two (2) families living independently of each other.

Family shall mean a number of persons in an immediate family who are either related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship and who are living together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities. For the purposes of this section immediate family means spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law.

Fence means an accessory structure which constitutes a barrier that serves to enclose an area, and which may impede or partially impede a view, or impede or partially impede free movement from one property to another, or from one portion of a property to another, and which is constructed in conformance with specifications and restrictions provided for by this chapter and other applicable building codes. *Code reference - Section 24-154 (A) (g).*

Floor area, gross means the sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings, and including but not limited to, the following spaces:

(1) Basements;

(2) Elevator shafts and stairwells at each floor;

(3) Floor space for mechanical equipment with structural headroom of seven (7) feet or more;

(4) Penthouses;

(5) Attic space providing head room of seven (7) feet or more;

(6) Interior balconies, mezzanines and enclosed porches and enclosed steps;

(7) Accessory uses in enclosed covered space, but not including space used for off-street parking.

Floor area, net means the total floor area within a building devoted or intended to be devoted to a particular use, with structural headroom of seven (7) feet or more, whether above or below the finished lot grade, excluding:

(1) Elevators, stairwells, hallways, walls and partitions, and

(2) Floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms, or other items permanently preventing the floor space from being occupied by persons while engaged in the use.

Floor area ratio means a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located.

Front building line means a line extending from side property line to side property line and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof other than steps, unenclosed balconies or unenclosed porches.

Garage, private means any accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory.

Garage, public means any garage other than a private garage, available to the public, used for the care or servicing of automobiles where such vehicles are parked or stored for remuneration, hire or sale.

Garage, repair means a building in which are provided facilities for the care, servicing, repair or equipping of automobiles.

Gross floor area means the sum of the gross horizontal area of all the floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline walls separating two (2) buildings, and including but not limited to the following spaces:

(1) Basements;

(2) Elevator shafts;

(3) Floor space and stairwells at each floor for mechanical equipment with structural headroom of seven (7) feet;

(4) Penthouses;

(5) Attic space providing headroom of seven (7) feet or more;

(6) Interior balconies, mezzanines and enclosed porches and enclosed steps;

(7) Accessory uses in enclosed covered space, but not including space used for off-street parking.

Home association means an incorporated non-profit organization operating under recorded land agreements through which:

(1) Each lot and/or home owner in a planned unit or other described land area is automatically a member; and

(2) Each lot is automatically subject to a charge for proportionate share of the expense for the organization's activities, such as maintaining of common property; and

(3) The charge if unpaid becomes a lien against the property.

Home occupation means an occupation or profession conducted in a residential dwelling by the lawful occupants thereof and which occupation is carried out in conformance with all applicable codes and regulations provided for herein.

(Ord. No. 533, §1, 11-19-96)

Hospital means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices, which are an integral part of the facilities.

Kennel means any lot or premises on which four (4) or more dogs or cats, more than six (6) months of age are kept.

Lot means any plat of land occupied or intended to be occupied by one building, or a group of buildings, and the permitted accessory buildings, accessory structures and accessory uses, including such open spaces as required by laws or ordinance, and having its principal frontage on a street.

Lot area means the total horizontal area included within lot lines.

Lot, corner means a lot of which at least two (2) adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

Lot, depth means an average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

Lot, double frontage means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, frontage means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, interior means a lot other than a corner lot.

Lot lines means the lines bounding a lot.

Lot split means to divide a legally platted lot into one or more lots.

Mixed use means the lawful use of land in which said land is used for more than one purpose or occupancy and where all such uses are permitted in the district in which the land is located.

Mobile home means a portable or mobile living unit used or designed for human occupancy on a permanent basis.

Nonconformance means a lawful condition of a structure or land, which does not conform to the use, area, or other regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming building means a lawful condition of a structure which does not conform to the area, height, off-street parking or other regulations of the district in which it is situated.

Nonconforming use means a structure or land lawfully occupied by a use, which is not, a use authorized by the district regulations in which is it situated.

Parking space means a permanently surfaced area, enclosed or unenclosed, of sufficient size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

Planned unit development means a development planned in accordance with the provisions of Article III, Division 4 of this chapter and includes cluster housing, planned residential and nonresidential development, community unit plan, and other zoning requirements which are designed to accomplish the objectives of a comprehensive plan and the zoning code provided herein through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Plat means a survey made on behalf of any person intending to lay out an addition or subdivision to the city which describes and sets forth all streets, alleys, easements, common or public grounds, all lots and blocks, and fractional lots within or adjoining the land being platted and which gives their names, widths, courses, boundaries and extent.

Residential sale means any sale of what is held out to be or is commonly known as a garage, porch, room, backyard or patio sale or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. "Residential sale" shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold.

Retail business means a business where goods or commodities are offered for sale to the ultimate consumer of such goods or commodities. For the purpose of this chapter, restaurants, automobile dealerships, and automotive repair shops, shall not be considered retail businesses.

Restaurant. Any place kept, used, maintained, or held out for the public where meals or food is prepared, cooked, and served either on or off the premises thereby emitting smoke, grease, odor, or vapors outside the premises and requiring an appropriate ventilation device or system due to the use of grills, stoves, ovens, broilers, fryers or other similar types of equipment. Restaurant as herein defined shall not be deemed to be a retail use as herein provided for.

Sanatorium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Seasonal sale means the sale, of merchandise such as, but not limited to, Christmas Trees, pumpkins, and poinsettias by a charitable or nonprofit organization for a limited period of time

Setback means the minimum required yard depth measured from the lot line to the main building.

Single-family dwelling means a dwelling where only one (1) family as defined herein may lawfully reside provided that a maximum of four (4) persons who are not members of a family as defined herein shall be permitted to reside in any single-family dwelling and provided further that in no instance shall there shall be more than one (1) occupant per two hundred (200) square feet of living area in any single family dwelling.

(Reference – International Fire Code, 2009 Edition, Table 1.004.1.1

Site development plan means a plan drawn at a scale of not less than fifty (50) feet equals one (1) inch which shows the topographic characteristics of the site at a contour interval of not less than one (1) foot; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and courts and other features; the use of each building and area; the height of buildings; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

Special exception means the approval of a specific use of property that is not specifically authorized in the zoning district where such property is located and which is granted by the board of adjustment.

Specific Use means a use that is specifically listed as an authorized use within a zoning district and which may be authorized only through approval of a specific use permit. Any reference in this chapter to “special use” shall be construed to mean “specific use”.

Specific Use Permit means a permit for a use approved by the City Council pursuant to Section 24-25 and Section 24-26 of this chapter, and after notice and a hearing and preliminary review and recommendation of the Planning & Zoning Commission. Any reference in this chapter to “special use permit” shall be construed to mean “specific use permit”.

Story means that portion of a building, other than a basement, 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.

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

Street means any public or private thoroughfare, which affords the principal means of access to abutting property.

Street, intersecting means any street, which joins another street at an angle, whether or not it crosses the other.

Structural alterations means any change in the supporting members of building, such as bearing walls or partitions, columns, beams, girders, or any substantial change in the roof or in the exterior walls.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Trailer, hauling means a vehicle to be pulled behind an automobile or truck, which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer, travel or camping means a portable or mobile living unit used for temporary human occupancy away from the place of residence of the

occupants, and not constituting the principal place of residence of the occupants, and containing less than one hundred seventy-five (175) square feet of floor area.

Unit means any building or portion thereof, which is designed or used as living quarters for one family.

Variance means the waiving or altering of a specific zoning district area regulation, and which is granted by the board of adjustment.

Yard means an open space at grade between a main building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this chapter. In measuring for the purpose of determining the width of the side yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. In measuring for the purpose of determining the depth of a front yard, the depth shall vary depending on the distance between the front property line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.

Yard, front means a yard located in front of the front elevation of a main building and extending across a lot between the side yard lines and being the horizontal distance between the front property line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.

Yard, rear means a yard extending across the rear of a lot measured between the side yard lines and being the horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side means a yard between the main building and sideline of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps, unenclosed balconies or unenclosed porches.

(Code 1976, Title 12, Article 8; Ord. No. 288, §1, 4-21-81; Ord. No. 380, §1, 4-21-87; Ord. No. 418, §1, 3-21-89; Ord. No. 465, §3, 1-23-92; Ord. No. 461, §§1,2, 11-5-91; Ord. No. 497, §§1,2, 3-1-94; Ord. No. 463, §1, 12-3-91; Ord. No. 505 §2, 9-20-94; Ord. No. 596 §1, 10-19-04)

Sec. 24-2. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this chapter to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, pursuant to law relating to the use of buildings of premises, and likewise not in conflict with this chapter, nor is it intended by this chapter to interfere with or abrogate or annul any easement, covenants, restrictions or other agreements between parties; except that if this chapter imposes a greater restriction, this chapter shall control.

(Code 1976, §12-9-2)

State law reference--Governing law in case of conflicts, 11 O.S. §43-108.

Sec. 24-3. Governing act in case of conflict.

Whenever the provisions of a statute, ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than any other applicable statute, ordinance or regulation, then the provisions of the statute, ordinance or regulation which impose higher standards or greater restrictions shall govern.

Sec. 24-4. Chapter not to legalize violations.

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a building or premises in violation of this chapter except as expressly provided for herein.

(Code 1976, §12-7-7; Ord. No. 596, §2, 10-19-2004)

Sec. 24-5. Injunctive relief.

If any building, structure or land is in violation of any municipal ordinance or other regulation, the building inspector or other person designated by the city, or any other person affected thereby, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land, to prevent any illegal act, conduct, or business or use in or about the premises.

(Code 1976, §§12-2-2, 12-9-3) State law reference--injunctive relief, 11 O.S. §43-107

Sec. 24-6. Application of building codes.

It is intended that the requirements in Chapter 6 of this Code shall govern the construction of all main buildings, accessory buildings, structures and accessory structures.

(Ord. No. 333, §6, 10-18-83; Ord. No. 505, §2, 9-20-94)

Sec. 24-7. Enforcement officer.

This chapter shall be enforced by a building inspector appointed by the city manager. The building inspector may issue citations for violations of the provisions of this chapter.

(Code 1976, §§12-2-1, 12-5-2; Ord. No. 283, §1, 8-5-80)

Sec. 24-8. Purpose of regulations - comprehensive plan.

(a) Regulations contained in this chapter shall be designed to accomplish any of the following objectives:

(1) To lessen congestion in the streets;

(2) To secure safety from fire, panic and other dangers;

(3) To promote health and the general welfare;

(4) To provide adequate light and air;

(5) To prevent the overcrowding of land;

(6) To promote historical preservation;

(7) To avoid undue concentration of population; or

(8) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(9) To eliminate and prevent the development or spread of blight, to encourage needed rehabilitation, and to provide for the redevelopment of blighted areas in accordance with priorities and areas designated from time to time. (Ord. No. 622, §1, 10-31-2006)

(b) The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. The city council shall provide the manner in which regulations, restrictions and district boundaries shall be determined, established and enforced, and amended, supplemented or changed.

Sec. 24-9. Penalty.

Any person who violates any provision of this chapter shall be guilty of a Class B offense and shall be subject to a fine not to exceed two-hundred ($200.00) dollars. Each day the violation continues shall be considered a separate offense.

Secs. 24-10--24-20. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION

Sec. 24-21. Created.

There is hereby created a planning and zoning commission.

(Code 1976, § 12-1-1)

State law reference--zoning commission required, 11 O.S. § 43-109; planning commission authorized, 11 O.S. § 45-101 et. seq.

Sec. 24-22. Membership.

(a) The planning and zoning commission shall consist of seven (7) members appointed by the city council, all of which shall reside in the city.

(b) The members shall be nominated by the mayor and confirmed by the city council.

(c) Each member shall serve for a term of three (3) years without compensation.

(d) When the commission is first appointed, the terms of three (3) of the members shall be for three (3) years, two (2) for two (2) years, and two (2) for one (1) year.

(e) Appointments to fill vacancies shall be for the un-expired terms only.

(f) The commission shall elect a chairman from its membership.

(g) Any commission member who is absent for three (3) consecutive meetings or more than half the meetings in any calendar year, shall automatically cease to be a commission member.

(Code 1976, §§ 12-1-1, 12-1-2)

(Ord. No. 383, §1, 5-19-87; Ord. No. 505, §2, 9-20-94; Ord. No. 681, §1, 03-05-2013). State law reference--planning and zoning commission membership, 11 O.S. § 45-102.

Sec. 24-23. Meetings.

(a) Four (4) members of the planning and zoning commission shall constitute a quorum for the transaction of business, provided, however, that no action shall be taken as binding upon the commission unless concurred in by not less than a majority of all the members present. All actions of the commission shall be reported to the council.

(b) The planning and zoning commission shall be subject to the open meeting laws of this state and all meetings, deliberations and voting of the commission shall be open to the public.

(c) The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the city clerk and shall be a public record.

(Code 1976, § 12-1-5; Ord. No. 505, §2, 9-20-94)

State law reference--planning and zoning commission generally, 11 O.S. § 45-101 et seq.

Sec. 24-24. Duties and powers.

(a) The planning and zoning commission shall prepare from time to time plans for the betterment of the city as a place of residence or for business. It may consider and investigate any subject matter tending to the development and betterment of the city, and make recommendations as it may deem advisable concerning the adoption thereof, to any department of the city, and for any purpose make or cause to be made surveys, maps or plans. The commission shall have the power and authority to employ engineers, attorneys, clerks and secretary or any other help deemed necessary, subject to the approval of the city council. The necessary expenses incurred by the commission shall be approved and paid out of the city treasury as other legal expenses of the city, but in no event may the planning and zoning commission be authorized to create a deficiency.

(b) The planning and zoning commission shall cooperate with the zoning and planning commissions for the City of Nichols Hills and the City of Oklahoma City in connection with the planning for areas adjacent to and beyond the corporate limits of this city.

(c) Before final action is taken by the city or any department thereof on the location and design of the any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, alley, or grade thereof, the question shall first be submitted to the planning and zoning commission for review and report.

(d) All plans, plats, or replats of land laid out in lots or blocks and the streets, alleys, or other portions of the same intended to be dedicated to the public or for private use within the corporate limits of the city, shall first be submitted to the planning and zoning commission for its approval or rejection. Before such plans, plats or replats shall be entitled to be recorded in the office

of the county clerk they shall be approved by the city council. It shall be unlawful to offer and cause to be recorded any such plan, plat, or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city council. Any plat filed without the endorsed approval of the city council shall not import notice nor impose any obligation or duties on the city. The disapproval of any such plan, plat, or replat by the city council shall be deemed a refusal of the proposed dedication thereon.

(e) The planning and zoning commission may exercise jurisdiction over subdivision of land and adopt regulations governing the subdivision of land within its jurisdiction. Any regulations, before they become effective, shall be approved by the city council and shall be published as provided by law or ordinances. Such regulations may include provision as to the extent to which street and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations may provide for a tentative approval of the plat before such installation. Any such tentative approval shall be revocable for failure to comply with commitments upon which the tentative approval was based and shall not be entered on the plat. In lieu of the completion of any improvements or utilities prior to the final approval of the plat, the commission may accept an adequate bond with surety, satisfactory to the commission, to secure for the city the actual construction and installation of the improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission, and further conditioned that the developer will pay for all material and labor relating to the construction of the improvements. The city may enforce said bond by all appropriate legal and equitable remedies. Nothing in this section shall be construed as granting the city or planning and zoning commission the power to direct any public utility to extend its services to any particular area.

(f) Whenever one (1) or more main buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties, the architectural design, location, orientation, service, and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the city council after receiving a report and recommendation from the planning and zoning commission.

(g) All plans for the new construction of or addition to any building, classified by the International Building Code for use or occupancy as assembly,

business, educational, institutional, mercantile, or any combination thereof, shall be submitted to the planning and zoning commission for review and recommendation. All such recommendations must be submitted to the city council for final approval.

(Code 1976, §§12-1-2, 12-1-3, 12-1-4, 12-1-6, 12-6-2; Ord. No. 505, §2, 9-20-94)
State law reference--planning and zoning commission generally, 11 O.S. § 45-103, 45-104.

Sec. 24-25. Specific use permits-List of uses- Conditions for use of land.

1. As used in this chapter "specific use permit' means a permit granted by the City Council, after notice and a hearing and preliminary review and recommendation of the Planning & Zoning Commission, for a specific use within any zoning district.

2. Each zoning district in which specific use permits are permitted contains a list of uses, which have been determined to more intensely dominate the area in which they are to be located or their effects on the general public are broader in scope than other types of uses, which are permitted in the zoning district. A property owner with a use enumerated on the list may, by application for a specific use permit, locate in a zoning district for which such use would not normally be allowed or could be allowed, but due to its potential impact on surrounding properties, must secure a specific use permit.

3. The types of uses for which a specific use permit may be required are those types of uses which, because of the size of the land they require or the specialized nature of the use, may more intensely dominate the area in which they are located and their effects on the general public are broader in scope than other uses permitted in the district.

4. The designation of a specific use as possible on the specific use list shall not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be viewed as to its probable effect on the adjacent properties and community welfare and may be approved or denied as the findings indicate appropriate.

5. In granting a specific use permit, the City Council may require conditions related to the use of land, including, but not limited to, permitted uses, lot sizes, setback, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking and loading, compatibility, land use

density and such other development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole. This may include having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. Such conditions shall be determined in accordance with the regulations specified in the zoning ordinance. The conditions need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

(Ord. No. 596, §3, 10-19-2004). State law reference, --Title 11, § 43-101 et seq.

Sec. 24-26. Application, review, public hearing.

1. The owner of any property within the corporate limits of the City, or a representative of such owner, may make application for a specific use permit for property in a zoning district where specific use permits have been authorized. The application shall be made on forms provided by the zoning administrator and shall be accompanied by an application fee established by resolution of the City Council. The applicant shall be required to submit a preliminary site plan and a certified list of property owners within three hundred feet of the subject property as listed on the current property tax rolls.

2. As used in this section, "site plan" means the documents and plans specified in the application form, which are needed to ensure that a proposed land use or activity is in compliance with city ordinances and applicable state and federal regulations, if any.

3. The zoning administrator shall review the application for eligibility and completeness. Upon making a determination that all required information has been provided and that the application is eligible for further consideration, the zoning administrator shall schedule the application for public hearing before the Planning & Zoning Commission. Said hearing shall be held within sixty (60) days of receipt of the completed application. An incomplete application, or any application for a specific use which is not specifically enumerated for the subject zoning district, or which is not consistent with applicable city ordinance, state law, or federal law may be denied by the zoning administrator.

4. Notification of the public hearing shall be given by mail in the same manner as required by Section 43-106 of Title 11 of the Oklahoma Statutes for public hearings on proposed zoning changes. Within a reasonable time following the public hearing, the City Council may deny the request, approve the request, or approve the request with conditions.

5. Reasonable conditions may be required in conjunction with the approval of a specific use permit. Conditions imposed shall meet the following requirements:

    a. Be designed to take into consideration the natural environment, the health, safety, and welfare of the residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;

    b. Be related to the valid exercise of police power, and to the proposed use or activity;

    c. Be necessary to meet the intent and purpose of zoning requirements;

    d. Be related to the standards established for the land use or activity under consideration; and

    e. Be necessary to ensure compliance with those standards.

6. The conditions imposed with respect to the approval of a specific use permit shall be stated in the record of the approval actions, and shall not be changed or amended except as expressly authorized by resolution of the City Council, with notice. The City Clerk shall maintain a record of conditions, which are changed.

7. A specific use permit shall become void if the use ceases for sixty (60) consecutive days or if the use does not commence within six (6) months after the granting of the specific use permit.

8. A specific use permit shall not be transferred to a new property owner without the approval of the City Council.

9. Requests for specific use permits or other rezoning requests that have been denied by the City Council will not be again scheduled for a

hearing within six (6) months of the date of such decision. A new application must be filed, and hearing before the Planning & Zoning Commission and City Council, if required, will not be granted unless the applicant can show material change in the situation or where new evidence, which might affect the decision, can be produced. Motions for rehearing will not be entertained. A request that is withdrawn prior to a decision thereon by the city council shall not be re-filed or heard within six (6) months of the date of such withdrawal.

(Code 1976, §12-1-17; Ord. No. 596, §3, 10-19-2004) State law reference, -- Title 11, § 43-101 et seq.

Sec. 24-27. Lot splits.

(a) The division of any lot that is recorded as part of an official plat in the city into two or more lots shall first be submitted to the planning and zoning commission for review and report.

(b) No lot shall be split unless all of the individual lots resulting from the split meet all of the requirements of this chapter in addition to all applicable subdivision regulations of the city.

(c) A lot split shall be required in the following instances:

(1) Whenever a legally platted lot under single ownership is to be divided for the purpose of the sale of a portion of the legally platted lot to another owner;

(2) Whenever two (2) or more main buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties and where the division of the property into separate lots is deemed necessary by the building inspector to determine the open space, lot area, frontage, or off-street parking area required for any use, main building, accessory building, or accessory use thereto.

(d) Final approval for any lot split shall be by the city council.

(e) All approved lot splits shall be filed and recorded in the office of the County Registrar of Deeds by the applicant.

Secs. 24-28--24-40. Reserved.

DIVISION 3. BOARD OF ADJUSTMENT

State law reference--Board of adjustment required, 11 O.S. §44-101 et seq.

Sec. 24-41. Created.

There is hereby created a board of adjustment.

(Code 1976, §12-3-1)

Sec. 24-42. Membership.

(a) The board of adjustment shall be composed of five (5) citizens of the city, appointed by the city council for a term of three (3) years, and removable for cause by the council, upon written charges and after public hearing.

(b) The board shall elect a chairman from its membership.

(c) If any board member is absent without cause as determined by the city council for three (3) consecutive meetings, he shall after notice, thereon cease to be a board member.

(d) Vacancies shall be filled for the un-expired term of any member whose term becomes vacant.

(Code 1976, §12-3-2)

State law reference--Membership, 11 O.S. §44-101.

Sec. 24-43. Meetings.

(a) The board of adjustment shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(b) The board of adjustment shall be subject to the open meeting laws of this state and all meetings, deliberations and voting of the board shall be open to the public.

(c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the city clerk and shall be a public record.

(d) The concurring vote of three (3) members of the board shall be necessary to reverse any other requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation in any ordinance.

(Code 1976, §§12-3-3, 12-3-6)

State law reference--Meetings, 11 O.S. §44-102.

Sec. 24-44. Powers.

(a) The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, or any ordinance adopted pursuant thereto;

(2) To hear and decide special exceptions to the terms of this chapter to allow a use, or a specifically designated element associated with a use, which is not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment, where specifically authorized by this chapter, and in accordance with the substantive and procedural standards of this chapter;

(3) To authorize in specific cases variances from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by this chapter when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variance as to use except as provided by paragraph (4) of this section.

(4) To hear and decide oil and/or gas applications or appeals unless prohibited in the city by ordinance. The board of adjustment shall be required to make the finding prescribed by Section 24-48 of this chapter in order to grant a variance as to use with respect to any such application or appeal. Exceptions and/or variances may be allowed by the board only after notice and hearing as provided in Section 24-48 of this chapter. The minutes of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

(Code 1976, §12-3-5)

State law reference--Similar provisions, 11 O.S. §44-104.

Sec. 24-45. Extent of relief; vote necessary to grant relief.

(a) When exercising the powers provided for in Section 24-44 the board of adjustment, in conformity with the provisions of this chapter, may reverse or affirm, in whole or in part, modify the order, requirement, decision, 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 of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative officer, to decide in favor of the applicant, or to decide any matter, which may properly come before it pursuant to this chapter and the powers granted by Section 24-44 herein.

(Code 1976, §12-3-5)

State law reference--Similar provisions 11 O.S. §44-105.

Sec. 24-46. Special exceptions.

The board of adjustment is hereby authorized to make special exceptions to specific uses allowed within each zoning category according to the provisions of this chapter in appropriate cases and subject to appropriate conditions and safeguards in harmony with its general purpose and intent and only in accordance with general or specific provisions contained in this chapter.

State law reference--Similar provisions 11 O.S. §44-106.

Sec. 24-47. Variances.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by this chapter may be granted in whole, in part, or upon reasonable conditions as provided in this chapter, only upon a finding of the board of adjustment that:

(1) The application of this chapter to the particular piece of property would create an unnecessary hardship;

(2) Such conditions are peculiar to the particular piece of property involved; and

(3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this chapter or the comprehensive plan.

(4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

(Code 1976, §12-3-5)

State law reference--Similar provisions, 11 O.S. 44-107.

Sec. 24-48. Notice of hearings.

(a) Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the city and by mailing written notice by the clerk of the board of adjustment to all owners of property within a three hundred-foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

(b) The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

(1) Legal description of the property and the street address or approximate location in the municipality;

(2) Present zoning classification of the property and the nature of the appeal, variance or exception requested; and

(3) Date, time and place of the hearing.

(c) On hearings involving minor variances or exceptions, notice shall be given by the city clerk of the board of adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in subsection (b) of this section. The board of adjustment shall set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the city council.

(Code 1976, §12-3-6)

State law reference--Similar provisions 11 O.S. §44-108.

Sec. 24-49. Appeals to board of adjustment.

(a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer.

(b) Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and by filing with the board of adjustment a notice of appeal specifying the grounds therefore and by paying a filing fee in the amount established by resolution 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 of adjustment certified copies of all of the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken;

(c) 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 notice of appeal shall 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 cases, 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 due cause shown; and

(d) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(Code 1976, §12-3-4)

State law reference--Appeals to board of adjustment, 11 O.S. 44-109.

Sec. 24-50. 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 district court.

(b) Notice of appeal shall be filed with the city clerk and with the clerk of the board of adjustment within ten (10) days from the decision of the board, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal.

(c) Upon filing of the notice of appeal as herein provided, the board of adjustment shall forthwith transmit to the court clerk of the county the original, or certified copies, of all papers constituting the record in the case, together with the order, decision, or ruling of the board.

(d) The appeal shall be heard and tried de novo in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(e) 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 shall have 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 upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this chapter, and upon notice to the chairman of the board of adjustment for which the appeal is taken, and upon due cause being shown.

(f) The court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the board of adjustment unless it shall appear to the district court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions.

(Code 1976, §12-3-7)

State law reference--Appeals to district court, 11 O.S. §44-110.

Secs. 24-51--24-60. Reserved.

DIVISION 4. AMENDMENTS

Sec. 24-61. Notice and public hearing of proposed regulations.

Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any district regulation, restriction, or boundary shall become effective. At least fifteen (15) days' notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the city. Said notice shall include a map of the area to be affected, which indicates street names or numbers, streams or other significant landmarks in said area.

State law reference--Similar provisions 11 O.S. §43-104.

Sec. 24-62. Amendments or changes of regulations, restrictions and boundaries - protests.

(a) Regulations, restrictions and district boundaries of municipalities may be amended, supplemented, changed, modified or repealed. The requirements of Section 24-61 of this chapter on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.

(b) Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

(1) The owners of twenty (20) percent of more of the area of the lots included in a proposed change, or

(2) The owners of fifty (50) percent or more of the area of the lots within a three hundred-foot radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths of all the members of the city council.

State law reference--Similar provisions 11 O.S. §43-105.

Sec. 24-63. Additional notice requirements for proposed zoning changes and reclassifications.

(a) Except as authorized in subsection (b) of this section, in addition to the notice requirements provided for in Section 24-61, notice of a public hearing on any proposed zoning district boundary change, except by the city acting pursuant to subsection (b) of this section, shall be given twenty (20) days prior to the hearing by mailing written notice by the secretary of the planning and zoning commission to all the owners of real property as provided for in section 24-62. The notice shall contain the:

(1) Legal description of the property and the street address or approximate location in the city; and

(2) Present zoning of the property and the zoning sought by the applicant; and

(3) Date, time, and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of said hearing on the affected property at least twenty (20) days before the date of the hearing.

(b) If the city proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the city council may require, in addition to the notice requirements provided for in section 24-61, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the Public Street or streets toward which it faces. The notice shall state:

(1) The date, time, and place of the public hearing; and

(2) Who will conduct the public hearing; and

(3) The desired zoning classification; and

(4) The proposed use of the property; and

(5) Other information as may be necessary to provide adequate and timely public notice.

State law reference--Similar provisions 11 O.S. §43-106.

Sec. 24-64. Fee.

Persons requesting the city to rezone property or requesting a special use permit shall pay a fee to the city in the amount established by resolution.

(Code 1976, §12-2-4; Ord. No. 505, §2, 9-20-94)

Sec. 24-65. Rezoning of undeveloped land.

From time to time, the city council shall instruct the city planning and zoning commission to study and make recommendations concerning the use of undeveloped land to promote the general welfare and in accordance with the comprehensive city plan, and upon receipt of such recommendations, the city council shall, after public hearings as required by law, establish the district classification of said lands.

(Code 1976, §12-2-5)

Secs. 24-66--24-75. Reserved.

DIVISION 5. NONCONFORMANCES

Sec. 24-76. Generally.

A non-conforming use, building or structure may be continued and maintained, except as otherwise provided in this division.

(Code 1976, §12-7-1; Ord. No. 596, §4, 10-19-2004)

Sec. 24-77. Alteration or enlargement of buildings and structures.

(a) A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located except as provided herein.

(b) If a building or structure is conforming as to use, but nonconforming as to area regulations, height regulations or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the applicable area regulations and the existing building and the addition complies with the off-street parking requirements of the district in which said building or structures is located.

(c) No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

(Code 1976, §12-7-1)

Sec. 24-78. Building vacancy.

A building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of three (3) months shall not thereafter be occupied except by a use, which conforms to the use regulations of the district in which it is located.

(Code 1976, §12-7-1; Ord. No. 596, §4, 10-19-2004)

Sec. 24-79. Changes in use.

(a) A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

(b) A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended.

(Code 1976, §12-7-1; Ord. No. 596, §4, 10-19-2004)

Sec. 24-80. Damaged building.

When a structure, the use of which does not conform to the provisions of this chapter, is damaged by fire, explosion, act of nature, or the public enemy, to the extent of more than fifty (50) percent of its actual cash value, it shall not be restored except in conformity with the district regulations.

(Code 1976, §12-7-3)

Secs. 24-81--24-95. Reserved.

ARTICLE II. ZONING DISTRICTS ESTABLISHED; ZONING MAP

Cross reference--Authority to establish districts, 11 O.S. §43-102.

Sec. 24-96. Districts created, abolished.

In order to promote the health, safety, morals and general welfare of the city, the city is hereby divided into the following zoning districts:

1. A-1 Single Family Dwelling District

2. C-1 Restricted Commercial District

3. C-2 Commercial District.

4. PUD Planned Unit Development District

5. The C-3 Zoning District is hereby abolished. Properties located in the C-3 Commercial Zoning District shall become C-2 Commercial zoning.

(Code 1976, §12-1-8; Ord. No. 588, §1, 10-21-03; Ord. No. 590, § 1, 11-18-03; Ord. No. 596, §5, 10-19-2004)

Sec. 24-97. Zoning map.

The boundaries of the zoning districts are indicated upon the District Map of the City of The Village, which map is attached to and made a part of this Code. The district map and all notations, references and other matters shown thereon shall be as much a part of this Code as if the notations,

references and other matters set forth by said map were all fully described herein. The official zoning map shall be kept on file in the office of the city clerk.

(Code 1976, §12-1-9; Map amendment. Ord. No. 590, § 2, 11-18-03)

Sec. 24-98. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance there from as indicated on the zoning map.

(Code 1976, §12-6-11)

Sec. 24-99. Vacation of public easements.

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

(Code 1976, §12-6-12)

Sec. 24-100. Annexations and unplatted lands.

All annexations of land and unplatted areas of land in the city shall be in the A-1 Single Family Residential District.

(Code 1976, §12-6-13)

Secs. 24-112--24-150. Reserved.

ARTICLE III. DISTRICTS

State law reference--District regulations, 11 O.S. §43-102.

DIVISION 1.

A-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Sec. 24-151. Scope.

This division applies to the A-1 Single-Family Residential District.

Sec. 24-152. General description.

The district is the most restrictive zoning district. Single-family dwellings are restricted to family members related by blood or marriage except that a maximum of two (2) unrelated persons will be permitted. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

(Code 1976, §12-4-1(A))

Sec. 24-153. Uses to have appropriate services.

(a) It is the intent of this chapter that all uses shall be located on a site or within a building, which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, esthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the building inspector, but all other provisions are complied with, the building inspector shall refer such cases to the planning and zoning commission for review and recommendations. Said recommendations shall be submitted to the city council, which shall stipulate the requirements, which shall be followed to comply with the intent

of this chapter, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

(Code 1976, §12-6-7)

Sec. 24-154. Uses permitted; Uses to have appropriate services.

A) Property and buildings in the A-1 Single Family Residential District, shall be used only for the following purposes:

a. Detached single-family dwelling;

b. Public park or playground;

c. Residential sales subject to regulations provided in Chapter 11 of this code;

d. Garden or agricultural crops but not for the raising of livestock;

e. Home occupation as defined and regulated by this chapter;

f. Accessory buildings which are not a part of the main buildings and which are customary and incidental to the primary use of the property, including, but not limited to, detached private garages, carports, cabanas, gazebos, storage buildings, temporary or portable buildings, and tornado shelters.

g. Accessory structures that are customary and incidental to the primary use of the property, and which include, but are not limited to, fences, radio and television receivers, satellite reception antennas, swimming pools, solar energy devices, flag poles, basketball goals, and retaining walls. Fences permitted shall be limited to the following types:

i. Brick, stucco, rock, or decorative concrete brick or block; provided that such fences shall be constructed with an adequate concrete footing and shall not be located on any utility easement;
ii. Chain-link or cyclone, galvanized metal;
iii. Wood/plastic, picket;
iv. Wood/ plastic, rail or split rail;

v. *Wood/plastic, with vertical or horizontal slats; sight-proof or see-through.*
vi. *Wrought Iron, with or without brick columns;*

h. *Public utilities and public utility structures and facilities.*

B) **Specific Uses** permitted pursuant to Sections 24-25 and Section 24-26 of this chapter shall be limited to only the following uses:

(1) Beauty shop, hair salon, style shop.

(2) Child care center in accordance with the provisions of Chapter 11 of this code.

(3) Church, synagogue, mosque, temple or similar place used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(4) Church-Rectory/Parsonage; provided the rectory/parsonage use is secondary to the primary use of the property as a church and provided that the rectory/parsonage use is located in, or structurally connected to and made a part of the main building;

(5) Community Center provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(6) Fraternal organization, civic club or similar place of assembly provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(7) Library provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(8) Multifamily Units including, condominiums, duplexes, triplexes, quadraplexes, townhouses, assisted living center, nursing home, or apartment complexes;

(9) Oil and gas production facilities;

(10) Professional office, single-story only.

(11) Public or private school which offers general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping, except as may be provided for a caretaker or headmaster;

(12) Tailor shop, alterations.

(13) YMCA, or similar place of assembly provided that it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue, and (2) has a minimum lot size of two (2) acres.

(14) Wind generation towers or structures.

C) **Exclusions**: Boarding houses, group living homes, group lodging and for profit housekeeping units are specifically excluded from the A-1 Single Family District. All other uses not listed herein are specifically excluded from the A-1 Single Family Residential District.

D) Any church, library, YMCA, or school located in the A-1 Single Family District as of October 19, 2004 shall not be considered non-conforming uses and therefore shall not be subject to the limitations provided in Division 5 of this Chapter pertaining to non-conformances. Nothing herein shall prevent an existing church or school from using A-1 Single Family properties already in church ownership as of October 19, 2004 or acquiring adjacent or nearby residential property, provided however that the church or school will be required to obtain rezoning from A-1 Single Family to C-1 Commercial or to obtain a Specific Use Permit prior to extending church or school operations, programs or activities to any such property purchased after October 19, 2004.

Cross reference--Chapter 20, Signs. (Code 1976, §12-4-1(B), §12-6-3; §12-6-7; §12-6-10; Ord. No. 451, §1, 12-18-90; Ord. No. 505, §2, 9-20-94; Ord. No. 596, §6, 10-19-2004)

Sec. 24-155. Area regulations.

All main buildings, accessory buildings and accessory structures shall be placed on property in the A-1 Single Family District to comply with the following area requirements:

(1) **Projection into yards**: Open eaves, cornices, and windowsills may project into any required yard a distance not to exceed two (2) feet. Open porches may project into a front or rear yard a distance not to exceed five (5) feet.

(2) **Street access**: A public street shall form the direct and primary means of ingress and egress for all permitted uses in the A-1 Single Family district. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(3) **Front yard:**

(a) The minimum depth of the front yard shall be twenty-five (25) feet. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty five (25) feet from the centerline of the street easement.

(b) If twenty-five (25) percent or more of the lots on one side of the street between two (2) intersecting streets are improved with main buildings, all of which have observed an average setback line of greater than twenty five (25) feet, and no main building varies more than five (5) feet from this average setback line, then no main building shall be erected closer to the street line than the minimum setback so established by the existing main buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(c) Accessory buildings: Carports shall be permitted provided that they are attached to the main building. No part of any carport may extend closer than twenty-five (25) feet from the front lot line. Detached garages and all other accessory buildings shall be prohibited from the front yard.

(d) Accessory structures: Flag poles, security lights, and basketball goals shall be permitted in the front yard and shall be located at least ten (10) feet from the front lot line. All other accessory structures except as otherwise provided herein are prohibited from the front yard.

(e) No fence, wall, trellis, or similar structure may extend beyond the front building line or be located in the front yard of a building unless said fence, wall, trellis or similar structure is two (2) feet or less in height.

(f) No hedge or hedge-like plant growth may extend beyond the front building line unless said hedge or hedge-like plant growth is two (2) feet or less in height.

(4) **Side yard:**

(a) There shall be a side yard on each side of any main building the total of which yards, shall be at least twelve (12) feet or twenty (20) percent of the average width of the lot, whichever amount is smaller; provided that the minimum side yard shall be at least three (3) feet.

(b) On corner lots the side yard regulations shall be the same as for interior lots except in cases where the lot in the rear of the corner lot fronts upon the side street in which case there shall be a side yard on the side street of not less than fifty (50%) percent of the front yard required on the lot in the rear of such corner lot.

(c) Where a continuous row of lots is to be developed by the construction of a series of dwellings, not more than twenty-one (21) feet in height, a side yard of three (3) feet may be permitted on one side of a main building where a driveway of not less than eight (8) feet is to be constructed on the other side of the main building, provided that an open space not less than eleven (11) feet is maintained between all such dwellings.

(d) Where a main building is to be built on a lot having an attached garage, the side yard on the side of the main building where the attached garage is located shall be no less than six (6) feet.

(e) Accessory buildings and accessory structures:

1) Permitted accessory buildings and accessory structures shall be located behind the front building line and shall not be located adjacent to any portion of the front yard, except as otherwise provided herein. Fences, walls or retaining walls may extend beyond the front building line provided that no portion of such fence, wall or retaining wall extending beyond the front building line shall exceed two (2) feet in height. Carports may extend beyond the front building line provided that they are attached to the main building. No part of any carport may extend closer than twenty-five (25) feet from the front lot line.

2) No accessory building or accessory structure, except temporary or portable buildings and fences, shall be built or placed closer than three (3) feet from any side or rear lot line or closer than three (3) feet from any utility easement. Exception: Below ground tornado shelters located in the side yard may extend to the side property line provided that (1) no portion of the shelter extends more than two (2) feet above the elevation of the floor of the main residential building, (2) the shelter is behind a sight-proof fence and is not visible from the street and does not encroach on any utility easement.

(Ord. No. 685 §1, 08-06-2013)

3) No accessory building shall exceed twelve (12) in height; provided, however, that this height limitation shall not apply to two story detached garages built more than five (5) feet from any side lot line and three (3) feet from the rear lot line.

4) On corner lots, no accessory building or accessory structure shall project beyond the front building line of the lot in the rear.

(f) No hedge-like plant growth shall be maintained beyond the front building line, which exceeds two (2) feet in height.

(5) **Rear yard**:

(a) There shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

(b) Accessory buildings and accessory structures:

(1) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any rear or side lot line or closer than three (3) feet from any utility easement.

(2) An accessory building or accessory structure shall not occupy more than thirty (30) percent of the surface land area of the rear yard and no accessory building shall exceed twelve (12) feet in height; provided however that this height limitation shall not apply to two story detached garages built more than five (5) feet from any side lot line and three (3) feet from the rear lot line.

(6) **Lot width:**

(a) For detached single-family dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

(7) **Lot area:**

(a) For each dwelling, and buildings and structures accessory thereto, there shall be a lot area of not less than seven thousand two hundred (7,200) square feet.

(b) The minimum lot size established in subsection (a) above shall not apply if new construction replaces a razed single-family home, and the lot area for said new construction is not less than the lot area of said razed single-family home.

(Ord. No. 633, §1, 06-17-2008)

(8) **Intensity of use**:

(a) A detached single-family dwelling shall be deemed to be the main building on the lot on which it is situated;

(b) One main building shall be permitted on any lot or lots occupied by a detached single family dwelling;

(c) If a church, school, YMCA, childcare center, library, or community center is permitted by Specific Use Permit, more than one main building may be permitted on a lot or lots with a combined area of three (3) acres or more.

(d) No open space, lot area, frontage, or off-street parking area required for any main building and accessory building or use associated thereto shall, during its life, be occupied by or shared by, or counted as part of the area requirement or open space, lot area, frontage, or off-street parking for any other primary or main building or accessory building or use associated thereto.

(9) **Court requirements for multiple-family dwellings**: Whenever a multiple family dwelling or group of multiple family dwellings is permitted by Specific Use Permit and designed with an inner or outer court, the following requirements shall be complied with:

(a) Outer court width. The width of an outer court shall be not less than ten (10) feet between walls, or equal to the height of the opposing wall, whichever is greater.

(b) Inner court width. The width of an inner court of a multiple-family dwelling shall be not less than two (2) times the height of the lowest wall forming the court, but in no case shall it be less than twenty (20) feet.

(c) Passageway for inner court. An open unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall not be less than twelve (12) feet in width, shall have a clearance of not less than twelve (12) feet in height, and shall provide a straight and continuous passage from the inner court to a yard or open space having a direct connection with a street.

(d) Accessory buildings prohibited. No accessory, maintenance buildings shall be located in a court of a multiple-family dwelling area.

(10) **Height regulations:**

(a) No main building shall exceed thirty-five (35) feet in height and no accessory building shall exceed twelve feet (12') in height, except as otherwise provided herein.

(b) Chimneys, elevators, poles, tanks, towers, spires, steeples, bell towers and other similar projections not intended for human occupancy may be erected to a height above the maximum height permitted herein but shall be subject to height limitations established by other applicable building codes.

(c) In measuring heights, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story, at a height of four (4) feet above the floor, does not exceed two-thirds of the floor area of the story immediately below, shall be counted as a half story.

(d) Except as otherwise specified in this chapter, the maximum height for fences shall be eight (8) feet.

(11) All buildings, accessory buildings, and accessory structures that are part of a school campus consisting of multiple main buildings, accessory buildings and accessory structures and which are constructed on a tract of land or tracts of land with a combined area of at least five (5) acres, shall maintain a minimum exterior setback of seven and one half (7.5') feet. No interior setbacks shall apply except as required by applicable building and fire codes adopted by the City. (Ord. No. 638, §1, 03-17-2009)

(Ord. No. 596, §6, 10-19-2004; Ord. No. 638, §1, 03-17-2009)

Sec. 24-156. Home Occupations.

(a) Scope: The intent of this section is to provide regulations pertaining to the conduct of home occupations in the city so as to preserve the residential character of neighborhoods and to protect the safety, health and welfare of the citizens of the community.

(b) The following occupations shall not be conducted as home occupations:

Beauty shop;
Barber shop;
Kennel;
Tea room;
Restaurant;
Palm reader, card reader or similar spiritualists;
Rest home, tourist home or bed and breakfast inns;
Cabinet shop;

Metal fabrication shop;
Automotive repair shop;
Retail business of any kind.

(c) Home occupations authorized by this section shall be subject to the following regulations:

(1) The person or persons conducting the home occupation shall live at the residence where the home occupation is conducted and shall not maintain any other permanent residence within fifty (50) miles of the residence where the home occupation is conducted.

(2) No person, other than a person lawfully residing at the residence where the home occupation is conducted, shall assist in the conduct of the home occupation in any manner, either as an employee, independent contractor or otherwise.

(3) Home occupations shall be conducted entirely within the confines of the residence or accessory building thereto and shall be clearly incidental and secondary to the use of the residence for residential purposes and shall not change the character thereof. The residence shall not be physically altered to provide a separate public area for customer service or waiting and no additional parking shall be provided other than that required for use by the lawful occupants of the residence. Not more than 25% of the total square feet of living area within any residence shall be physically altered for or used in the conduct of the home occupation. For the purpose of this subsection, an attached garage shall not be deemed to be part of the living area of any residence unless said garage has been converted for use as a bedroom, family room or other similar residential use.

(4) No home occupation shall involve the conduct of any activity or use of mechanical equipment, which creates noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation, is conducted.

(5) No trading, renting, display or sale of merchandise shall be carried on at any residence where a home occupation is conducted, except as may otherwise be permitted pursuant to applicable residential sale regulations.

(6) One (1) non-illuminated nameplate, not more than two (2) square feet in area, shall be allowed at any residence where a home occupation is conducted. Such nameplate sign shall be attached to the main or accessory

building and shall not be mounted higher than six (6) feet from the ground elevation of the building on which it is mounted. No other sign of any kind shall be visible from outside the premises.

(7) Forfeiture and Penalty:

1 Any person convicted of willfully violating any provision of this section shall forfeit all rights and privileges to conduct a home occupation hereunder.

2 Any person who fails to comply with or violates any provision of this Section shall be guilty of a Class A offense punishable by a fine of Seven Hundred and Fifty ($750.00) Dollars and/or up to sixty (60) days imprisonment. Each day that the noncompliance or violation exists shall be a separate offense.

(Ord. No. 533, §2, 11-19-96)

Cross reference--Chapter 25, Street design standards, Section 25-18.

(Code 1976, §12-4-1(C); §12-4-1(D); §12-6-2(1); §12-6-2(2); §12-6-2(3); §12-6-2(4); §12-6-3; §12-6-4; §12-4-1(C); Ord. No. 223, §1, 10-19-76; Ord. No. 246, §1, 11-7-78; Ord. No. 453, §2, 3-19-91; Ord. No. 456, §1, 5-21-91; Ord. No. 460, §1, 9-3-91; Ord. No. 497, §§3,4, 3-1-94; Ord. No. 505 §2, 9-20-94)

Secs. 24-157--24-165. Reserved.

DIVISION 2.

C-1 RESTRICTED COMMERCIAL DISTRICT

Sec. 24-166. Scope.

This division applies to the C-1 Restricted Commercial Districts.

Sec. 24-167. General description.

The 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 area. Land, space, and esthetic requirements of these uses make their location near residential neighborhoods desirable.

(Code 1976, §12-4-2(A)

Sec. 24-168. Uses to have appropriate services.

(a) It is the intent of this chapter that all uses shall be located on a site or within a building, which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, esthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the building inspector, but all other provisions are complied with, the building inspector shall refer such case to the planning and zoning commission for review and recommendations. Said recommendations shall be submitted to the city council, which shall stipulate the requirements, which shall be followed to comply with the intent of this chapter, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

(Code 1976, §12-6-7)

Sec. 24-169. Uses permitted.

Property and buildings in a C-1 Restricted Commercial District shall be used for only the following purposes:

A) Any of the following uses.

1) Art gallery.

2) Assembly halls.

3) Church, synagogue, mosque, temple or similar place used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided it has (1) direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue. (Ord. No. 688, §1, 01-07-2014)

4) Church-Rectory/Parsonage; provided the rectory/parsonage use is secondary to the primary use of the property as a church and provided that the rectory/parsonage use is located in, or structurally connected to and made a part of the main building;

5) *Community Centers, YMCA.*

6) *Fraternal Organizations;*

7) *Laboratories for research and testing;*

8) *Library;*

9) *Museums;*

10) *Music conservatories;*

11) *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 uses 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.*

12) *Public utilities and public utility structures and facilities.*

13) *Public or Private School: Elementary School, Intermediate School, High School, or College, but not including business, trade, or vocational schools;*

14) *Recreational uses associated with and maintained primarily for the benefit and use of the occupants and families of the uses listed herein.*

15) *Shops and stores associated with and incident to the uses listed herein and maintained only for serving the occupants thereof;*

16) *Buildings and structures and uses customarily incident and accessory to the uses listed herein.*

B) Any residence or accessory building or accessory structure associated thereto that is situated on any property at the time the property is zoned as C-1 Commercial District shall be razed and removed from the property before the property may be used for any of the purposes provided for in this section.

C) All other uses not listed herein are specifically excluded from the C-1 Commercial District.

(Code 1976, §12-4-2; Code 1976, §12-6-7; Ord. No 596 §7, 10-19-2004)
(Cross references--Chapter 20, Signs; Chapter 25, Subdivision Regulations)

Sec. 24-170. Area regulations.

The area requirements for buildings and accessory buildings and structures in the C-1 Commercial District shall be as follows:

(1) Front yard.

(a) All main buildings, accessory buildings and accessory structures shall set back from the front lot line to provide a front yard having not less than twenty-five (25) feet in depth.

(b) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty five (25) feet from the centerline of the street easement.

(2) Side yard.

(a) Where a side yard is adjacent to the A-1 Single Family Residential district no main building, accessory building or accessory structure shall be located closer than thirty (30) feet from any adjoining dwelling and no closer than fifteen (15) feet to the side lot line.

(b) Permitted accessory buildings and accessory structures shall be located behind the front building line and shall not be located adjacent to any portion of the front yard, except as otherwise provided herein. Fences, walls or retaining walls may extend beyond the front building line provided that no portion of such fence, wall or retaining wall extending beyond the front building line shall exceed two (2) feet in height. Carports may extend beyond the front building line provided that they are attached to the main building and are located at least twenty-five (25) feet from the front lot line.

(c) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any side or rear lot line or closer than three (3) feet from any utility easement.

(d) On corner lots no accessory building or accessory structure shall project beyond the front building line of the lot in the rear; provided, however, that this provision shall not be so interpreted as to reduce the buildable width, after providing the required interior side yard, of a corner lot facing an intersecting street, and of record on September 20, 1994 to less than thirty (30) feet.

(3) Rear yard.

(a) No main building shall be located closer than thirty (30) feet to the rear lot line.

(b) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any rear or side lot line or closer than three (3) feet from any utility easement.

(4) Lot size. No minimum lot sizes and open spaces are prescribed for permitted uses in the C-1 Commercial District. It is the intent of this chapter that lots of sufficient size be used by any permitted use to provide adequate parking and loading and unloading space required for operation of the use.

(5) Coverage. Main and accessory buildings shall not cover more than thirty-five (35) percent of the total lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

(6) Screening. Whenever any commercial district 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 six (6) feet high shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line, except where the front yard is used for off-street parking, then the provisions of Article IV of this chapter, 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.

(7) Open space. No open space, lot area, frontage, or off-street parking area required for any main building and accessory building or use associated thereto shall, during its life, be occupied by or shared by, or counted as part of the area requirement or open space, lot area, frontage, or off-street parking for any other primary or main building or accessory building or use associated thereto.

(8) Street access. A Street shall form the direct and primary means of ingress and egress for all permitted uses in the C-1 Commercial District. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(9) Height requirements:

(a) For every building or structure that exceeds twenty-four (24) feet in height up to a maximum of thirty-six (36) feet, a five foot setback shall be added to every one foot of building height over twenty-four (24) feet in addition to the minimum setbacks provided in this section.

(b) For every building, dwelling, or structure that exceeds the height of thirty-six (36) feet up to a maximum height of forty eight (48) feet there shall be added four (4) feet of setback to every one (1) foot of building height over thirty-six (36) feet in addition to the maximum setback requirements in subsection (a) of this section. There shall be no buildings permitted over the height of forty-eight (48) feet.

(c) Chimneys, elevators, poles, tanks, towers, spires, steeples, bell towers and other similar projections not intended for human occupancy may be erected to a height above the maximum height permitted herein but shall be subject to height limitations established by other applicable building codes.

(d) Parapet walls shall not exceed four (4) feet and not be less than three (3) feet in height. Such parapet walls shall not be counted in computing the overall building height.

(e) Churches, schools and public building permitted in this district may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such church, school or public building exceeds the prescribed height limit.

(Code 1976, §12-4-2(D); §12-6-2(1); §12-6-2(3); §12-6-2(4); §12-6-2(5); Ord. No. 289, §1, 4-21-81)

Secs. 24-171--24-185. Reserved.

DIVISION 3.

C-2 COMMERCIAL DISTRICT

Sec. 24-186. Scope.

This division applies to the C-2 Commercial District.

Sec. 24-187. Uses to have appropriate services.

(a) It is the intent of this chapter that all uses shall be located on a site or within a building, which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, esthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the building inspector, but all other provisions are complied with, the building inspector shall refer such case to the planning and zoning commission for review and recommendations. Said recommendations shall be submitted to the city council, which shall stipulate the requirements, which shall be followed to comply with the intent of this chapter, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

(Code 1976, §12-6-7)

Sec. 24-188. Uses permitted.

A building or premises in the C-2 Commercial District shall be used only for the following purposes:

A) **General Uses:** General uses allowed in the C-2 Zoning District are as follows:

1) *Automobile service station, provided, all storage tanks shall be below the surface of the ground;*

2) *Automotive service centers including tire sales, repair and alignment, muffler sales, oil change/lubrication services, and brake services;*

3) *Auto parts store;*

4) *Animal hospital, kennel or veterinary clinic;*

5) *ATM machines, banks and financial institutions provided that they are secondary and incidental to a primary use that is authorized as a general use herein;*

6) *Barber shop and/or beauty parlor;*

7) *Bakery shop;*

8) *Bicycle repair shop and sales;*

9) *Bookstore;*

10) *Building material sales;*

11) *Carpet & Floor Coverings;*

12) *Catering establishment;*

13) *Clinic for medical, dental, chiropractic, or eye care services;*

14) *Clothing store;*

15) *Convenience Store;*

16) *Eating establishments including restaurants, cafes, cafeterias, ice cream/frozen yogurt parlors, and delicatessens. (See definitions, Section 24-1);*

17) *Electric appliance, audio/video, computer stores and repair shops;*

18) *Furniture Store;*

19) *Florist shop;*

20) *General Merchandise Store;*

21) *Grocery store;*

22) *Hardware store;*

23) *Home Improvement Store;*

24) Jewelry store;

25) Nursery or garden center;

26) Office Supply Store;

27) Office for corporate/business use or for professional services, including insurance offices, real estate offices, medical offices, legal offices, CPA or bookkeeping office, newspaper publisher, tag agencies, and public facilities, provided that such uses shall be limited to two-story buildings; Office buildings in existence as of October 19, 2004 and which exceed the two-story limitation, shall not be considered non-conforming and shall not be subject to the provisions of Division 5 of this Chapter.

28) Package store;

29) Parcel or mail service;

30) Painting and decorating shop;

31) Pharmacy or drug store;

32) Photographers or artists studio;

33) Plumbing shop;

34) Pool, spa and patio sales;

35) Print shop;

36) Retail shop, sales or showroom, but not including automobile, motorcycle or boat sales;

37) Shoe/leather goods sales and repair;

38) Sporting Goods Store;

39) Tailor shop;

40) Toy Store;

41) Travel agency;

42) Video, Audio, TV, Furniture, Equipment, or Appliance rental store:

43) Buildings, structures and uses customarily incident to the above uses provided there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to any permitted use. Any building used primarily for any of the above enumerated purposes may have not more than forty (40) percent of the floor area devoted to purposes that are accessory and customarily incidental to such primary use.

44) Business or commercial schools of dancing, music, or martial arts academies that are less than 5,000 square feet in gross floor area. (Ord. No. 710, §1, 08-04-2015)

45) Fitness centers that are less than 5,000 square feet in gross floor area. (Ord. No. 710, §1, 08-04-2015)

B) **Specific Uses:** Specific uses permitted in the C-2 Commercial District pursuant to Section 24-25 and Section 24-26 of this chapter shall be limited to only the following uses:

1) Amusement place, video arcade or theater;

2) Banks and financial institutions including cash advance, check cashing services;

3) Bowling alley;

4) Business or commercial schools of dancing, music, or martial arts academies that contain 5,000 square feet or more in gross floor area; (Ord. No. 710, §2, 08-04-2015)

5) Child Care Center;

6) Church, synagogue, mosque, temple or similar building used for the gathering of people for the study or worship of religious beliefs, and/or fellowship, and provided the building:

a) Has direct and primary means of ingress and egress from Britton Road, Hefner Road, May Avenue, or Pennsylvania Avenue;

b) Has a minimum lot size of at least one half (1/2) acre; and

c) *Is not located in a shopping center or strip mall.*

(Ord. No 673, §1, 08-21-2012)

7) Church-Rectory/Parsonage; provided the rectory/parsonage use is secondary to the primary use of the property as a church and provided that the rectory/parsonage use is located in, or structurally connected to and made a part of the main building;

8) Community Center or similar place of assembly;

9) Fitness centers that contain 5,000 square feet or more in gross floor area; (Ord. No. 710, §2, 08-04-2015)

10) Fraternal organization or similar place of assembly;

11) Funeral home.

12) Group counseling centers, services;

13) Gun range;

14) Laundry, dry cleaning or dyeing establishment;

15) Motel, Hotel;

16) Movie Theater;

17) Oil and gas production facilities;

18) Pawnshop;

19) Skating rink.

C) **Exclusions:** Uses that are specifically excluded from the C-2 Commercial District include, but are not limited to, the following:

1) *Abortion Clinics;*

2) *Adult Bookstores;*

3) *Adult Entertainment Establishments;*

4) *Alcoholic Beverage Establishment meaning any beer or wine establishment, or bottle club, which has been licensed by the Alcoholic beverage Law Enforcement Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises. (State Law Reference --Title 37 O.S. §§ 518.3, as amended.)*

5) *Bed & Breakfast;*

6) *Bingo & Similar Gaming Operations;*

7) *Manufacturing & Assembly Facility;*

8) *Massage parlor, massage therapist, but not including physical therapy conducted by a licensed physician.*

9) *Pool or Billiard Hall;*

10) *Palm Reader, Tea Reader. Card Reader, Psychic, Fortune Teller, or other Similar Spiritualist;*

11) *Storage & Warehousing Facility;*

12) *Telemarketing, call centers;*

13) *Tattoo Parlor & Body Piercing Establishment;*

14) *Vocational School, Business College, Public or Private Schools.*

D) All other uses not listed in this section are specifically excluded from the C-2 Commercial District.

E) Any church located in the C-2 Commercial District as of October 19, 2004 shall not be considered a non-conforming use and therefore shall not be subject to the limitations provided in Division 5 of this Chapter pertaining

to non-conformances. Nothing herein shall prevent an existing church from using C-2 Commercial properties already in church ownership as of October 19, 2004 or from acquiring adjacent or nearby C-2 property, provided however that the church will be required to obtain a Specific Use Permit or obtain re-zoning from C-2 Commercial to C-1 Commercial prior to extending church operations, programs or activities to any such property purchased after October 19, 2004.

F) Any residence or accessory building or accessory structure associated thereto that is situated on any property at the time the property is zoned as C-2 Commercial District shall be razed and removed from the property before the property may be used for any of the purposes provided for in this section.

(Code 1976, §12-6-7; Ord. No. 505, §2, 9-20-1994; Ord. No. 596 §8, 10-19-2004)

Sec. 24-189. Area regulations.

The area requirements for buildings and accessory buildings and structures in the C-2 Commercial District shall be as follows:

(1) Front yard.

(a) All main buildings, accessory buildings and accessory structures shall set back from the front property line to provide a front yard having not less than twenty-five (25) feet in depth, provided however, that the structural support columns of automotive service station canopies and service islands shall be set back from the street right-of-way to provide a front yard of not less than fifteen (15) feet in depth.

(b) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty five (25) feet from the centerline of the street easement.

(2) Side yard.

(a) There shall be no side yard set back in the C-2 Commercial District for main buildings, accessory buildings or accessory structures except as follows:

(1) When a side yard is adjacent to the A-1 Single Family Residential district no main building, accessory building or accessory structure shall be

located closer than fifteen (15) feet from any adjoining residential lot line, provided however, when a side yard is adjacent to property developed for multifamily residential use, no main building, accessory building or accessory structure shall be located closer than five (5) feet from the adjoining residential lot line. (Ord. No. 541, §1, 8-4-98)

(2) No main building shall be built or placed closer than three (3) feet from any utility easement.

(3) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any side or rear lot line or closer than three (3) feet from any utility easement.

(3) Rear yard.

(a) There shall be no rear yard set back in the C-2 Commercial District for main buildings, accessory buildings or accessory structures except as follows:

(1) When a rear yard is adjacent to the A-1 Single Family Residential district no main building, accessory building or accessory structure shall be located closer than thirty (30) feet from any adjoining residential lot line, provided however, when a rear yard is adjacent to property developed for multifamily residential use, no main building, accessory building or accessory structure shall be located closer than five (5) feet from the adjoining residential lot line. (Ord. No. 541, §2, 8-4-98)

(2) No main building shall be built or placed closer than three (3) feet from any utility easement.

(3) No accessory building or accessory structure, except temporary or portable buildings, shall be built or placed closer than three (3) feet from any rear lot line or closer than three (3) feet from any utility easement.

(4) Lot size. No minimum lot sizes and open spaces are prescribed for permitted uses in the C-2 Commercial District. It is the intent of this chapter that lots of sufficient size be used by any permitted use to provide adequate parking and loading and unloading space required for operation of the use.

(5) Coverage. Main and accessory buildings shall not cover more than thirty-five (35) percent of the total lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

(6) Screening. Whenever any commercial district 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 six (6) feet high shall be constructed and maintained in good condition along said side or rear lot line up to, but not beyond, the abutting residential setback building line, except where the front yard is used for off-street parking, then the provisions of Article IV of this chapter, 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.

(7) Open space. No open space, lot area, frontage or off-street parking area required for any main building and accessory building or use associated thereto shall, during its life, be occupied by or shared by, or counted as part of the area requirement or open space, lot area, frontage or off-street parking for any other primary or main building or accessory building or use associated thereto.

(8) Street access. A public street shall form the direct and primary means of ingress and egress for all permitted uses in the C-2 Commercial District. Alleys, where they exist, shall form only a secondary means of ingress and egress. If a permitted use is located on a lot, which does not immediately abut, or face a public street, as in a shopping center, public street access may be from a common parking lot or private drive.

(9) Height requirements.

(a) No main building or accessory building shall exceed forty-eight (48) feet in height. Any such main building or accessory building shall have no more than four (4) stories.

(b) Chimneys, elevators, poles, tanks, towers, spires, steeples, bell towers and other similar projections not intended for human occupancy may be erected to a height above the maximum height permitted herein but shall be subject to height limitations established by other applicable building codes.

(c) For every building or structure that exceeds twenty-four (24) feet in height up to a maximum of thirty-six (36) feet, a five-foot setback shall be added to every one foot of building height over twenty four (24) feet in addition to the required minimum required setbacks.

(d) For every building or structure that exceeds the height of thirty-six (36) feet up to a maximum height of forty-eight (48) feet there shall be four (4) feet of setback to every one (1) foot of building height over thirty-six (36) feet in addition to the other maximum setback requirements in paragraph (c) above.

(e) Parapet walls shall not exceed four (4) feet and shall not be less than three (3) feet in height. Such parapet walls shall not be counted in computing the overall building height.

(Code 1976, §12-4-3(C); §12-6-2(1); §12-6-2(3); §12-6-2(4); Ord. No. 289, §3, 4-21-81; Ord. No. 505 §2, 9-20-94; Ord. No. 541, §1, §2, 8-4-98)

DIVISION 4.

PLANNED UNIT DEVELOPMENTS

Sec. 24-200. Scope and Intent.

(a) This division applies to the PUD Planned Unit Development Districts.

(b) It is the intent of this division to establish planned unit development requirements and procedures, which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city.

(c) Within a designated planned unit development, conditions relating to the use of land, including but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking and loading, compatibility and land use density shall be determined in accordance with the planned unit development regulations contained in this division. The planned unit development conditions need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

State law reference--Similar provisions 11 O.S. §43-110

(Ord. No. 505, §2, 9-20-94)

Sec. 24-201. Compliance.

A Planned Unit Development may be authorized in any district, provided that all of the provisions of this division are complied with.

Sec. 24-202. Application and review procedures.

(a) The developer of a PUD shall adhere to the following application and review procedures:

(1) Application for rezoning submission of PUD master plan including a design statement and master development plan map.

(2) Submission of preliminary plat.

(3) Review of traffic flow, proposed curb cuts, traffic control devices and other safety related concerns by the traffic and safety commission.

(4) At least one (1) public hearing shall be held on the application for rezoning, the PUD master plan, and plat by the planning and zoning commission in accordance with the provisions of Sections 24-61, 24-62 and 24-63 of this chapter.

(5) Application for review of site plan and building plans shall be made to the planning and zoning commission.

(7) Application for site plan approval and building permit(s) approval shall be made to the city council.

(b) Application for rezoning and planned unit development master plan:

(1) The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms of the City of The Village. The PUD master plan, which is submitted with application for rezoning, shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet submission requirements of this section.

(a) The master development plan map shall be a graphic representation of the development plan for the area, prepared at a scale appropriate for the

size of the project but no less than the minimum required for preliminary plats. The purpose of the map is to conceptually portray the development commitments described in the PUD design statement. The map shall show the following:

(1) Location of proposed land uses, and residential densities;

(2) Location of collector streets within the PUD and adjacent arterial streets;

(3) Sufficient surrounding area to demonstrate the relationship to the PUD to adjoining uses, both existing and proposed;

(4) Location and approximate size of proposed open space and recreation areas;

(5) Areas where access to streets will be limited and location of driveways where appropriate;

(6) Any other pertinent information necessary for review, approval, and administration of the PUD.

(b) The PUD design statement shall be a written report submitted as a part of the PUD master plan containing a minimum of the following elements:

(1) Title of the PUD;

(2) List of the owners and/or developers;

(3) Statement on the general location and relationship to adjoining land uses both existing and proposed;

(4) Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;

(5) The existing PUD zoning districts in the development area and surrounding it;

(6) A list of all special development regulations or the conventional zoning district regulations, which will be applicable; plus a list of requested variations to the other applicable development regulations;

(7) A statement on the existing and proposed streets, including right-of-way standards and street design concepts;

(8) The following physical characteristics; elevation, slope analysis, soil characteristics, tree cover, and drainage information;

(9) A topographic map with minimum five (5) foot contour intervals;

(10) Drainage information, including number of acres in drainage area and delineation of applicable flood levels;

(11) A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which ones will remain private;

(12) The proposed densities, and the types and sizes of structures; and

(13) A description of the proposed sequence of development.

Sec. 24-203. Design standards.

(1) The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the land uses and zoning districts adjacent to it.

(2) Design of the PUD may provide for modification of conventional zoning ordinance requirements for such elements as yard areas, densities, setback, height, lot coverage, landscaping and off-street parking. (Ord. No. 639, §1, 03-17-2009)

(3) The minimum size of the site on which a PUD shall be located shall not be less than four (4) standard-size residential lots of at least seven thousand two hundred square feet each for residential developments.

(4) Building codes and other related city code development requirements shall not be reduced in the design of a PUD.

(5) Location and type of housing shall be established in a general pattern and shown on the master development plan map.

(Ord. No. 401, §1, 1-19-88; 2014 City Code)

Sec. 24-204. Minimum design and construction standards for streets and alleys.

Streets and alleys for a PUD shall be designed and constructed in accordance with city standards and specifications for right-of-way width and paving cross section; provided that modifications may be requested and approved as a part of the master plan if the following criteria are met:

(1) Public streets and alleys. Proposed public street and alley modifications shall satisfy the following criteria:

(a) Street right-of-way and paving widths shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street, and the land uses served.

(b) Paving cross sections shall be designed to be adequate to provide acceptable drainage in conformity with the drainage plan for the PUD; to receive loading commensurate with anticipated traffic based on the design of the overall street system; and to have a maintenance level commensurate with that of facilities constructed to regular standards.

(2) Private streets and alleys. Proposed private street and alley modifications shall satisfy the criteria for public facility modifications listed above and the following:

(a) Private streets shall not be connected to an adjacent parcel, which is not part of the PUD in a manner that will circulate traffic into and through the private street system.

(b) The owner/applicant shall clearly demonstrate the existence and capabilities of a property or homeowners association to provide the ongoing and long-term maintenance of the private street and alley facilities that will not be provided by the city.

(c) The owner/applicant shall clearly demonstrate the accessibility of emergency and sanitation equipment to all proposed structures served by private streets and alleys.

(d) The owner/applicant shall clearly demonstrate the adequacy of on and off street parking for all property served by private streets and alleys.

(Ord. No. 401, §1, 1-19-88)

Cross reference--Chapter 25, Subdivision Regulations.

Sec. 24-205. General design and development guidelines.

(1) Densities. Proposed residential densities should be compatible with adjacent developed neighborhoods.

(2) Amenities. Amenities should be considered as an important justification for development and city approval of a PUD. Where densities are to be increased to promote the economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where it is necessary to provide for amenity and public safety.

(3) Streets:

(a) Street design should restrict through traffic from residential areas as much as possible.

(b) Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac. Reduction of conventional minor street design widths should be considered appropriate on such streets, when they are designed with limited length and only one access point.

(c) Reduction of design widths on streets designed in a conventional pattern should not be approved.

(d) Development of a private street system should be considered appropriate under certain conditions where there is no through traffic. However, a private street system should not serve as a reason for reduction of minimum design and paving standards.

(e) On-street parking bays or other similar areas where vehicles must back into the traffic flow should not be approved on arterial or collector

streets or any local street; provided, however, that certain cul-de-sac or small loop street designs may be considered as appropriate.

(f) Off-street parking. The off-street parking requirements set forth in Article IV of this chapter for residential and mixed-use Planned Unit Developments may be complied with by providing one (1) or more permanent, common, off-street facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers, and service. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required. (Ord. No. 639, §2, 03-17-2009)

(4) Relationship to abutting uses:

(a) The master development plan map should show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earth berms, retention ponds, drainage channelization, or similar techniques.

(b) It is appropriate to specifically establish areas with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.

(5) Mixed land use developments. Where a PUD proposes a mix of uses, which may generally be incompatible with a conventional development, the PUD master plan should specifically establish appropriate guidelines to assure a harmonious development.

(Ord. No. 401, §1, 1-19-88)

Cross reference--Chapter 25, Subdivision regulations, Sections 25-18, 25-19, 25-20 and 25-30.

Sec. 24-206. Approval of PUD.

(a) Within a reasonable time after holding the public hearing, the city council shall deny the request, approve the request, or approve the request with conditions.

State law reference--Similar provisions 11 O.S. §43-110.

(b) Upon final approval by the city council of the PUD master plan and the appropriate approval of rezoning, these elements shall become a part of the official zoning districts map.

(c) The approved PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the city council as provided herein. The developer shall furnish a reproducible copy of the approved master plan map for signature by the chairman of the planning and zoning commission, the mayor, and acknowledgment by the city clerk. The PUD master plan, including the signed map, shall be made a part of the permanent file and maintained by the city clerk.

(Ord, No. 401, §1-19-88; Ord. No. 505, §2, 9-20-94)

Sec. 24-207. Conditional approval of PUD.

(a) Reasonable conditions may be required by the city council in conjunction with the approval of a planned unit development. Conditions imposed shall:

(1) Be designed to take into consideration natural environment, the health, safety and welfare of the residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of police power, and to the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established by this article for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

(b) The conditions imposed with respect to the approval of a land use or activity shall be stated in the record of the approval actions, and shall not be changed or amended except as provided herein.

Sec. 24-208. Plan changes.

Any deviation from the plans of a planned unit development submitted at the time of rezoning shall constitute a violation of the rezoning and changes in plans shall be resubmitted for review following the same procedure required in the original adoption of the plan. The city council shall maintain a record of the conditions, which are changed.

Sec. 24-209. Time limit.

The construction of planned unit development shall be started within one (1) year of the effective date of the approval of plans by the city council. Failure to begin the development within said one (1) year shall automatically void the development plans and the land shall revert to the same zoning classification which existed immediately preceding the approval of the PUD, provided however, that prior to the expiration of the development plans, the city council may extend the PUD in increments of one (1) year upon written request by the owner/developer.

(Ord. No. 401, §1, 1-19-88)

Sec. 24-210. Application fee.

The fee for filing a petition to obtain approval of a planned unit development shall be as established by resolution. The fee shall be payable upon receipt of the petition by the city clerk, such receipt to be a prior condition to any action on the petition by the city. The fee shall be nonrefundable, regardless of the disposition of the application.

Secs. 24-211--24-249. Reserved.

ARTICLE IV. OFF STREET PARKING AND LOADING

Sec. 24-250. Generally.

It is the intent of this division that adequate parking and loading facilities be provided off the street 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 except as otherwise indicated.

(Code 1976, § 12-5-1; Ord. No. 461, §3, 11-5-91)

Cross reference--Chapter 25, Section 25-11(b).

Sec. 24-251. Size of parking space.

The size of a parking space for one (1) vehicle shall consist of a space containing an area as specified by the following tables and legend:

a) Legend for Tables 1, 2 & 3:

1. Stall Angle
2. Stall Width
3. Vehicle Projection for 18' Stall Length
4. Curb Length Per Car
5. Aisle Width
6. Wall to Wall Width for Double Aisle
7. Overlap Center to Overlap Center Width for Double Aisle.

b) **Table 1** – Parking Layout Dimensions for 8'6" and 9'0" (Minimum Standards) at Various Angles with One-Way Aisles.

TABLE 1						
A	B	C	D	E	F	G
45°	8'6"	18.7	12.0	12.8	50.2	44.5
	9'0"	19.1	12.7	12.3	50.5	44.7
60°	8'.6"	19.8	9.8	17.8	57.2	53.2
	9'0"	20.1	10.4	17.1	57.3	53
75°	8'6"	19.6	8.8	20.3	60.0	57.9
	9'0"	19.7	9.3	20.6	60.0	57.7

c) **Table 2** - Parking Layout Dimensions for 8'6" and 9'0" (Minimum Standards) at Various Angles with Two-Way Aisles.

TABLE 2						
A	B	C	D	E	F	G
45°	8'6"	18.7	12.0	22.6	60.0	54.3
	9'0"	19.1	12.7	21.8	60.0	54.2
60°	8'.6"	19.8	9.8	20.4	60.0	56.0
	9'0"	20.1	10.4	19.8	60.0	55.7
75°	8'6"	19.6	8.8	20.8	60.0	57.9
	9'0"	19.7	9.3	20.6	60.0	57.7

d) **Table 3** - Parking Layout Dimensions for 8'6" and 9'0" (Minimum Standards) at 0° and 90° Angles.

TABLE 3					
A	B	C	D	E	F
0°	8'0"	8.0	22.0	12.0 (24.0)	28.0 (1-WAY) (40.0) (2-WAY)
90°	8'6"	18.0	8.5	24.0	60.0
	9'0"	18.0	9.0	24.0	60.0

(Code 1976, §12-5-6; Ord. No. 462, §1, 11-19-91; Ord. No. 580 § 1, 1-7-03)

Cross reference--Chapter 24, Definition parking space, Section 24-1.

Sec. 24-252. Joint 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 the aggregate total gross floor area of each commercial use within the common building, shopping center, or other integrated building complex as provided in Section 24-254 herein.

(Ord. No. 580 § 2, 1-7-03)

Sec. 24-253. Off-street parking lots, construction, maintenance.

(1) The provisions of this section shall apply to off-street parking lots that are incidental to any use other than a single-family residence.

(a) All off-street parking lots 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, except as otherwise provided herein.

(b) Off-street parking or loading space shall be a part of the required open space associated with a permitted use and shall not be reduced or encroached upon in any manner.

(c) The land upon which the off-street parking lot is located shall be owned or controlled by the same entity, which owns or controls the land on which the principal use is located.

(d) All sides of any off-street parking lot abutting a residential lot shall be enclosed with an opaque, ornamental fence or wall having a height of not less than six (6) feet. Such fence or wall shall be maintained in good condition.

(e) No off-street parking lot shall be permitted within five (5) feet of the property line of any abutting residential lot. In all other cases no setback shall be required; provided, however, that on any corner lot formed by two (2) intersecting streets no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of two (2) feet above the elevation of the site where the wall, fence, sign, structure or plant is located shall be maintained in a triangle formed by measuring a distance of twenty-five (25) feet along said front and the points so established to form a triangle on the area of the lot adjacent to the street intersection.

(f) At least five (5%) percent of the total lot area, exclusive of the area of the adjacent rights-of-ways, of any off-street parking lot shall be landscaped with grass, shrubs, and ground cover.

(g) Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

(h) The intensity of lights and arrangements of reflectors shall be such as not to interfere with residential district use.

(i) No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent incandescent lighting of signs shall be permitted.

(j) The number of egress and ingress driveways permitted on street frontage shall not exceed one (1) opening per fifty (50) feet.

(Code 1976, §12-5-3; §12-5-5; §12-5-8; Ord. No. 366, §1, 6-17-86; Ord. No. 461, § 5, 11-5-91; Ord. No. 505, §2, 9-20-94)

Sec. 24-254. Schedule of requirements.

a) Table 1. Parking requirements for retail uses.

TABLE 1 RETAIL	FOR THE 1ST 12,000 SQ. FT. GROSS FLOOR AREA		FROM 12,001 TO 48,000 SQ. FT. GROSS FLOOR AREA		OVER 48,000 SQ. FT. GROSS FLOOR AREA
		PLUS		**PLUS**	
	ONE SPACE PER 225 SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 250` SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 275` SQ. FT. GROSS FLOOR AREA

b) Table 2. Parking requirements for office and service uses.

TABLE 2 OFFICE/ SERVICE	FOR THE 1ST 12,000 SQ. FT. GROSS FLOOR AREA		FROM 12,001 TO 48,000 SQ. FT. GROSS FLOOR AREA		OVER 48,000 SQ. FT. GROSS FLOOR AREA
		PLUS		**PLUS**	
	ONE SPACE PER 225 SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 300 SQ. FT. GROSS FLOOR AREA		ONE SPACE PER 350` SQ. FT. GROSS FLOOR AREA

c) Table 3. Parking requirements for miscellaneous uses.

TABLE 3 – MISCELLANEOUS USES	
Dwelling:	Two (2) parking spaces for each separate dwelling unit within the structure, plus garage.
Hospital:	One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles
Medical/ Dental Clinics	Medical or dental clinics or offices: Seven (7) spaces per doctor plus two (2) spaces for each three (3) employees.
Sanatoriums convalescent or nursing homes	One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses.
Community center, theater, auditorium	One (1) parking space for each three (3) seats, based on maximum seating capacity.
Convention hall, lodge, club, library, museum, place of	One (1) parking space for each fifty (50) square feet of gross floor area used for assembly or recreation in the building

amusement or recreation.	
Restaurants and eating establishments:	One (1) parking space for every one hundred (100) square feet of gross floor area.
Fast Food Eating Establishment	One (1) parking space per fifty (50) square feet of gross floor area, provided, however, that cold storage shall not be included in computation of the gross floor area for parking purposes.
Fast Food Eating Establishment with Drive-Through Order Windows	One (1) parking space per eight-five (85) square feet of gross floor area, provided, however, that cold storage shall not be included in computation of the gross floor area for parking purposes.
Eating Establishments: Drive-In	One (1) parking space per one hundred (100) square feet of gross floor area, provided, however, that cold storage shall not be included in computation of the gross floor area for parking purposes.
Church sanctuary or other similar religious facility	One (1) parking space for each four (4) seats, based on maximum seating capacity.
Apartment, housing or multiple dwelling units:	Two (2) parking spaces for each separate one (1) bedroom dwelling unit and one (1) parking space for each additional bedroom in the dwelling unit within the structure.
Elementary School	One (1) parking space per ten (10) classroom seats
Jr. High School	One (1) parking space per four (4) classroom seats
High School	One (1) parking space per two (2) classroom seats
For all other uses not enumerated herein.	The Planning and Zoning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

(Code 1976, §12-5-7; Ord. No. 580, § 3, 1-7-03)