

Planning, Zoning and Development

PART 12

PLANNING, ZONING AND DEVELOPMENT

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Section 12-261	Uses permitted.
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Section 12-300	Application of regulation to the uses of a more restricted district.
Section 12-301	Open space.
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PLANNING COMMISSION

SECTION 12-101 TOWN PLANNING COMMISSION CREATED; MEMBERSHIP.

A planning commission is hereby created for Cashion, effective when all of the appointive members have been appointed as herein provided: It shall consist of five (5) appointive members, all of whom shall be electors of the town, and the mayor and engineer as exofficio members. The appointive members shall be nominated by the mayor and appointed by the Board, and shall serve for terms of three (3) years; the terms to end on June 30 of the year of their termination. Of the original appointive members, one shall serve until June 30 the next year after appointment; two (2) shall serve until June 30 two (2) years after their appointment; and two (2) shall serve until June 30 (3) years after their appointment. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The Board may remove members of the planning commission for cause.

SECTION 12-102 ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES.

The planning commission shall elect a chairman, a vice chairman, and a secretary, who shall serve a term of one (1) year ending on June 30. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the

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Chairman, the mayor, or any three (3) members, may call special meetings of the commission. The commission may employ attorneys, clerks, and other help deemed necessary, subject to the approval of the Board. Their salaries and compensation shall be fixed by the Board, and shall be paid out of the Town treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the Town treasury as other legal expenses of the government are paid.

SECTION 12-103 POWERS AND DUTIES

The planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provision of state law.

SECTION 12-104 PLANNING COMMISSION TO HAVE POWER OF A ZONING COMMISSION

A. The planning commission is hereby appointed the zoning commission of the town. And the planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the planning commission.

B. Exercising the powers of a zoning commission, the planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by Sections 401 through 410 of Title 11 of the Oklahoma Statutes, and all powers which now or in the future may be granted by applicable state law to such authorities.

ARTICLE B

BOARD OF ADJUSTMENT

SECTION 12-110 BOARD OF ADJUSTMENT

There is hereby created a board of adjustment with the powers as hereinafter set forth. The board of adjustment shall be the duly qualified or elected Town Trustees. Each member shall serve for such length of time on the board of adjustment as the period of time for which he has been elected or appointed. The mayor shall be the chairman of the board of adjustment.

SECTION 12-111 MEETINGS AND PROCEDURES

A. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine and shall be open to the public. The chairman, or in his absence, the acting chairman, may administer oaths and require the attendance of witnesses by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be a public record. The concurring vote of two (2) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under any such ordinance or code, or to effect any variation in such ordinance or code.

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B. The board of adjustment shall adopt rules in accordance with the provisions of this chapter herein adopted by the Town.

C. If any board member is absent without cause, as determined by a public hearing called by the board, for three (3) consecutive meetings, he shall thereupon cease to be a board member.

SECTION 12-112 APPEALS

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the building official or zoning administrator. Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the Town Clerk notice of appeal specifying the grounds therefore, and by paying a filing fee at the office of the Town Clerk at the time the notice is filed. The clerk shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action appealed from unless the Town Clerk certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the Town Clerk and on the cause shown.

C. The board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

SECTION 12-113 POWERS, APPEALS

The board of adjustment shall have the powers to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning regulations set forth in Sections 12-201 et seq. of this code.

SECTION 12-114 POWERS TO GRANT VARIANCES

A. The board of adjustment shall have the power to authorize upon appeal in specific cases such as variances from the terms of the zoning regulations in Sections 12-201 et seq. of this code.

B. Whereby reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the regulations would result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of such property, the board of adjustment is hereby empowered to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of the regulations.

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Before relief is granted, however, consideration should be given to ensure that the variance will not cause substantial detriment to the public good, or impair the purposes and intent of the regulations or the comprehensive plan.

SECTION 12-115 POWERS RELATIVE TO EXCEPTIONS

The board shall have the power to hear and decide special exceptions to the terms of this title upon which the board is required to pass under this title. Upon appeal, the board is empowered to permit the following exceptions:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;
2. To interpret the provisions of this code where the street layout actually on the ground varies from the street layout as shown on the zoning map fixing the several districts, which map is on file in the office of the Town Clerk and made a part of this code; and
3. To grant exceptions to the off-street parking requirements set forth in Sections 12-201 et seq. of this code when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

SECTION 12-116 EXERCISE OF POWERS

In exercising its powers the board may, in conformance with the provisions of this code, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this code, the board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the town. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal.

SECTION 12-117 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 Town to the district court by filing notice of appeal with the Town Clerk and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

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A. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment from which the appeal is taken certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title, and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

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CHAPTERS 2 AND 3

ZONING REGULATIONS

ARTICLE A

DEFINITIONS

Section 12-201	Citation.
Section 12-202	Purpose.
Section 12-203	Nature and application.
Section 12-204	Interpretation of words and terms.
Section 12-205	Number of districts.

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Section 12-258	Height regulations.
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ARTICLE C

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ARTICLE D.

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Section 12-310	General intent and application of off-street automobile and vehicle parking and loading.
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NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Section 12-320	Nonconforming buildings and structures
Section 12-321	Alteration or enlargement of buildings and structures
Section 12-322	Outdoor advertising signs and structures
Section 12-323	Building vacancy
Section 12-324	Change in use
Section 12-325	Damage to building
Section 12-326	Nonconforming use of land

ARTICLE F

ADMINISTRATION

Section 12-330	Building permit or certificate of occupancy required
Section 12-331	Building permit
Section 12-332	Certificate of occupancy
Section 12-333	Violations and penalties
Section 12-334	Amendments
Section 12-335	Classification of new additions
Section 12-336	Vacation of public easements

ARTICLE A

DEFINITIONS

SECTION 12-201 CITATION

These regulations, in pursuance of the authority granted by the Legislature of the State in Title 11 of the Oklahoma Statutes, shall be known as the "Zoning Regulations of the Town of Cashion," and may be cited as such.

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SECTION 12-202 PURPOSE

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of these regulations, they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION 12-203 NATURE AND APPLICATION

A. These regulations classify and regulate the use of land, buildings, and structures within the corporate limits of the town as hereinafter set forth by dividing the town into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

B. Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

SECTION 12-204 INTERPRETATION OF WORDS AND TERMS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory:

1. "Accessory building" means a subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises;

2. "Accessory use" means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith;

3. "Advertising sign or structure" means any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including a statutory, placed for outdoor 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 shall be determined as the area of the largest cross-section of the structure. Neither directional, warning nor other signs posted by public officials in the course of their official duties nor merchandise or materials being offered for sale shall be construed as advertising signs of the purpose of these regulations;

ORDINANCE NO. 18-3

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE TOWN OF CASHION, OKLAHOMA, BY AMENDING SECTION 12-204 (54) PERTAINING TO DEFINITION OF A MOBILE HOME SPACE AND AMENDING SECTION 12-238 (C1) INCREASING THE SIDE YARD SET BACK TO TEN (10) FEET; PROVIDING FOR SEVERABILITY, REPEALER AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CASHION:

Section 1. Sections 12-204 (54) and 12-238 (C1) of the Zoning Ordinance of the Town of Cashion is hereby amended as shown on the attached Exhibit A which exhibit is incorporated in and made a part of this ordinance.

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

Section 4. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the Town of Cashion, and the inhabitants thereof that this ordinance be put into force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

END

The foregoing Ordinance was introduced before the Board of Trustees of the Town of Cashion on the 7 day of Oct, 2018, and was duly adopted and approved by the Mayor and Town Board on the 7 day of Oct, 2018, after public

hearing before the Planning and Zoning Commission and Town Board and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:



MAYOR



TOWN CLERK

***VOTE ON EMERGENCY CLAUSE SEPARATELY. EMERGENCY CLAUSE
REQUIRES 3 VOTES TO PASS. IF EMERGENCY PASSES THEN PUBLISH BY TITLE
ONLY. IF IT DOESNT PASS THEN PUBLISH IN FULL.***

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4. "Alley" means a minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes;
5. "Apartment house": See Multiple family dwelling;
6. "Automobile" means a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, busses, motor scooters and motorcycles;
7. "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 ($\frac{1}{2}$) 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;
8. "Boarding house" means a dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twelve (12) persons on a weekly or monthly basis.
9. "Building" means any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building;
10. "Building height" means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity or a mansard roof or to the average height of the highest gable of a pitch or hip roof;
11. "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 dwelling shall be deemed to be a main building on the lot on which it is situated;
12. "Carport" means a structure which houses an automobile and which is unenclosed on three (3) sides above a height of three (3) feet;
13. "Child care center" means any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities;
14. "Coverage" means the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs;
15. "District" means any section or sections of the town for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building there:

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16. "Dwelling" means any building or portion thereof, which is designed or used as living quarters for one or more families, but not including trailer homes. (See Trailer home);
17. "Dwelling, single family" means a detached dwelling designed to be occupied by one family;
18. "Dwelling, two (2) family" means a detached dwelling designed to be occupied by two (2) families living independently of each other;
19. "Dwelling, multiple" means a detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels;
20. "Family" means one or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or similar dwelling for group use;
21. "Garage apartment" means a dwelling unit for not more than one family erected above a private garage;
22. "Garage, parking" means any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided;
23. "Garage, private" means an 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;
24. "Garage, repair" means a building in which are provided facilities for the care, servicing, repair, or equipping of automobiles;
25. "Gasoline service or filling stations" means any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels;
26. "Home occupation" means any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one nonilluminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used except such as is customary for purely domestic or household purposes. A beauty or barber shop, tea room or restaurant, rest home or clinic, doctor's or dentist's office, child care center, tourist home, or cabinet, metal or auto repair shop shall not be deemed a home occupation;
27. "Hotel" means a building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less

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

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

29. "Lot" means any plot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by these regulations and other laws or regulations, and having its principal frontage on a street;

30. "Lot, corner" means a lot which has at least two (2) adjacent sides abutting 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 degrees (135°);

31. "Lot, depth" means the horizontal distance between the front and rear lot lines;

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

33. "Lot, interior" means a lot other than a corner lot;

34. "Lot, area" means the total area measured on a horizontal plane, included within lot lines;

35. "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;

36. "Lot lines" means the lines abounding a lot;

37. "Medical facilities" means any of the following:

- a. Convalescent, rest or nursing home means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation;
- b. Dental clinic or medical clinic means a facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight except under emergency conditions;
- c. Offices for dentists, doctors, oculists, optometrists, osteopaths and chiropractors is defined as the same as dental or medical clinic;
- d. Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities;

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- e. Public health center means a facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith; and
- f. Sanitarium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents;

38. "Nonconforming use" means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located;

39. "Rooming house" means a building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of these regulations;

40. "Self-service laundry or dry cleaning establishment" 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 drycleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer;

41. "Stable, public" means a stable, other than a private stable, with a capacity for more than two (2) horses or mules;

42. "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;

43. "Story, half" means a space under a sloping roof which has the line of intersection 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 (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story;

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

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

46. "Structure" means anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground, and including (without limiting the generality of the foregoing) advertising signs, billboards, poster panels and like constructions;

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

48. "Tourist court" means an area containing one or more buildings designed or intended

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to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients;

49. "Tourist home" means a dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation;

50. "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;

51. "Trailer home, mobile home or house trailer" means a portable or mobile living unit used or designed for human occupancy on a permanent basis;

52. "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;

53. "Trailer court or mobile home park" means a parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one or more trailer houses or mobile homes;

54. "Trailer home or mobile home space" means a plot of ground within a trailer court designed for the accommodation of one mobile home;

55. "Yard" means an open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in these regulations that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used;

56. "Yard, front" means a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension;

57. "Yard, rear" means a yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. 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; and

58. "Yard, side" means a yard between the building and the side line 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 outside wall of the side of the main building.

SECTION 12-205 NUMBER OF DISTRICTS.

A. For the purpose of these recommendations, the following districts are hereby established ~~for the city~~:

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1. Agricultural districts:
 - a. A-1 General Agriculture District; and
 - b. A-2 Suburban District;
2. Residential districts:
 - a. E-1 Estate Residential District;
 - b. R-1 Single Family Residential District;
 - c. R-2 Restricted Residential District; and
 - d. R-3 General Residential District;
3. Commercial districts:
 - a. C-1 Neighborhood Shopping District; and
 - b. C-2 General Commercial District;
4. Industrial districts:
 - a. I-1 Light Industrial District; and
 - b. I-2 Heavy Industrial district;
5. F Flood plain; and
6. PUD Planned Unit Development District.

B. The Town is hereby divided into districts as shown on the zoning map, filed with the Town Clerk. The zoning map, and all of the explanatory material thereon, is hereby made a part of these regulations.

ARTICLE B SPECIFIC DISTRICT REGULATIONS

SECTION 12-209. ZONING DETERMINATION FOR USES NOT LISTED

Where a proposed use of land is not specifically listed as a permitted use in any of the zoning districts of this chapter, the proposed use shall be submitted to the Planning and Zoning Commission for its recommendation to the Town Board on the appropriate zoning district for such use. The Town Board may either approve, deny or modify the recommendation of the Planning and Zoning Commission, after conducting a public hearing on the matter. In determining the appropriate zoning district for such use the following factors shall be considered: (a) amount of noise, dust and traffic generated by the use; (b) zoning district which has uses most similar uses to use proposed; (c) impact on property values of neighborhood; (d) impact on health, safety and welfare of neighborhood and citizens.

SECTION 12-210 A-1 GENERAL AGRICULTURE DISTRICT, GENERAL DESCRIPTION

This district is intended to provide an area primarily for agricultural uses or the extraction of the various products such as oil, minerals, rock and gravel from the earth. The rural nature and low density of population in this district requires only that the buildings and extraction facilities related to the uses of this district have a reasonable set-back from streets and highways. It is the purpose of this district to protect such uses from unplanned urbanization so long as the land therein is devoted primarily to agriculture or extraction of minerals.

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SECTION 12-211 USES PERMITTED.

A. Property and buildings in an A-1 general agriculture district shall be used only for the following purposes:

1. One family or two (2) family dwelling for farm owner, operator or employee;
2. All agricultural land uses, buildings and activities;
3. Mining, quarrying and earth-extraction industries;
4. Transportation, pipeline and utility easements and right-of-way;
5. Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to one-third (1/3) of the display area for produce may be used for the sale of products not grown on the premises. The temporary structure shall be required to set back from the roadway an adequate distance to permit parking and ingress and egress, and shall not be constructed in such location as would create an undue traffic hazard subject to the determination of the city engineer;

6. All of the following uses:

- a. Advertising signs;
- b. Church;
- c. Home occupation;
- d. Kennel (no animals permitted on tracts smaller than five (5) acres);
- e. Library;
- f. Park or playground or public recreation area;
- g. Plant nursery or greenhouse;
- h. Public utility buildings and facilities; and
- i. Schools, colleges and universities; or

7. Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building.

SECTION 12-212 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with the provisions contained in Section 12-113 of this code:

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1. Airport or landing field;
2. Cemetery;
3. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two (2) square feet in area, attached to the main building;
4. Oil well or gas well including the drilling thereof;
5. Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity;
6. Public stable or riding academy (no animals permitted on tracts smaller than five (5) acres);
7. Sale barn; or
8. Any enterprise operated by a subdivision of the State of Oklahoma.

SECTION 12-213 AREA REGULATIONS.

A. Front yard. All buildings and mining operations, except temporary roadside stands for the sale of farm products grown on the premises, shall be set back from road and street right-of-way lines to comply with the following front yard requirements:

1. All buildings shall set back from a state or federal highway or county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater; or
2. On all public roads or streets, other than federal, state or county highways and section line roads, all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

B. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one story, and of not less than twelve (12) feet for dwellings of more than one story, except as hereinafter provided in Section 12-301 of this code:

2. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the

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accessory buildings are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to the dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

C. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

SECTION 12-215 A-2 SUBURBAN DISTRICT, GENERAL DESCRIPTION.

This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the near future. Many tracts in this district will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, required area, and intensity of use of land which is permitted in this district is designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture.

SECTION 12-216 USES PERMITTED.

Property and buildings in an A-2 Suburban District shall be used only for the following purposes:

1. Detached one family dwelling for farm owner, operator or employee;
2. Church;
3. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping;
4. Agricultural crops;
5. The raising of farm animals in accordance with the regulations of the city, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than ten (10) acres the raising of hogs shall be prohibited, and on all other tracts the number of hogs weighing more than twenty-five (25) pounds shall not exceed twenty (20) grain fed or three (3) garbage fed hogs. Hogs shall not be located closer than two hundred (200) feet to the property line of the tract on which they are located;

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6. All of the following uses:
 - a. Country club and golf course;
 - b. Home occupation;
 - c. Library;
 - d. Park or playground or public recreation area; or
 - e. Plant nursery;
7. Transportation, pipeline and utility easements, and rights-of-way;
8. Bulletin board or sign, not exceeding forty (40) square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold; or
9. Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, and private garages and accessory buildings which are a part of the main building.

SECTION 12-217 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with the provision contained in Section 12-113 of this code:

1. Airport or landing field;
2. Cemetery;
3. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building;
4. Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity;
5. Public stable or riding academy;
6. Kennel;
7. Radio or television station;
8. Sewage lagoon; or

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9. Oil well or gas well, including location or drilling of the well.

SECTION 12-218 AREA REGULATIONS.

A. Front yard. All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

1. All buildings shall set back from a state or federal highway, county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater;

2. On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater;

3. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet; or

4. When a yard has double frontage the front yard requirements shall be complied with on both streets.

B. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one story, and of not less than twelve (12) feet for dwellings of more than one story, except as hereinafter provided in Section 12-301 of this code;

2. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

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C. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. Lot width. For 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.

E. Intensity of use regulations are as follows:

1. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than one acre;

2. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 12-310 to 12-317 of this code; and

F. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

SECTION 12-219 HEIGHT REGULATIONS

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except as provided in Section 12-302 of this code.

SECTION 12-225 E-1 ESTATE RESIDENTIAL DISTRICT, GENERAL DESCRIPTION

This is the most restrictive residential district. The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different areas. This district is limited to a maximum of twenty (20) lots, each lot being a minimum of two (2) or more acres in size.

SECTION 12-226 USES PERMITTED

Property and buildings in an E-1 Estate Residential District shall be used only for the following purposes:

1. Detached one family dwelling;
2. Churches, but not including missions or revival tents or arbors;
3. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;

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4. Public park or playground;
5. Library;
6. Agricultural crops, but not the raising of farm animals or poultry;
7. Home occupation;
8. Transportation and utility easements, alleys and rights-of-way;
9. Accessory buildings which are not a part of the main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage;
10. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;
11. A church bulletin board or sign not exceeding fifteen (15) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building;
12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed; and
13. Parking lot required to serve the uses permitted in this district.

SECTION 12-227 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-113 of this code:

1. Municipal use, public building and public utility;
2. Plant nursery in which no building or structure is maintained in connection therewith;
3. Golf course or country club; or
4. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building.

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SECTION 12-228 AREA REGULATIONS.

A. All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements.

B. Front yard regulations are as follows:

1. The minimum depth of the front yard shall be thirty-five (35) feet;

2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet; and

3. When a yard has double frontage the front yard requirements shall be complied with on both streets.

C. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as provided in Section 12-301 of this code;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

D. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; provided however, that no accessory building shall be located closer than ten (10) feet to the rear lot line where no alley exists and not closer than three (3) feet to the rear lot line where an alley exists.

E. Lot width. For 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.

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F. Intensity of use regulations are as follows:

1. For each dwelling, and building accessory thereto, there shall be a lot area of not less than eighty-seven thousand one hundred twenty (87,120) square feet, (two (2) acres); and
2. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 12- 310 to 12-317 of this code; provided however, that the lot area for a church shall not be less than eighty-seven thousand one hundred twenty (87,120) square feet, (two (2) acres).

G. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

SECTION 12-229 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in Section 12-302 of this code.

SECTION 12-230 DRIVEWAY REGULATIONS.

Each dwelling shall have a concrete driveway, a minimum of twenty (20) feet in width, extending from garage to street.

SECTION 12-235 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. GENERAL DESCRIPTION.

This is a residential district to provide for a slightly higher population density, but with similar restrictions to the E-1 District. The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different areas.

SECTION 12-236 USES PERMITTED.

Property and buildings in a R-1 Single Family Residential District shall be used only for the following purposes:

1. Detached one family dwelling;
2. Churches, but not including missions or revival tents or arbors;

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3. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
4. Public park or playground;
5. Library;
6. Agricultural crops, but not the raising of farm animals or poultry;
7. Home occupation;
8. Transportation and utility easements, alleys and rights-of-way;
9. Accessory buildings which are not a part of the main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage;
10. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;
11. A church bulletin board or sign, not exceeding fifteen (15) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building;
12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed; and
13. Parking lot required to serve the uses permitted in this district.

SECTION 12-237 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-113 of this code::

1. Municipal use, public building and public utility;
2. Plant nursery in which no building or structure is maintained in connection therewith;
3. Golf course or country club;
4. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building;

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SECTION 12-238 AREA REGULATIONS.

A. All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements.

B. Front yard regulations are as follows:

1. The minimum depth of the front yard shall be twenty-five (25) feet;

2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum set back so established by the existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet; and

3. When a yard has double frontage the front yard requirements shall be complied with on both streets.

C. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than eight (8) feet for dwellings of more than one story, except as hereinafter provided in Section 12-301 of this code;;

2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; and

4. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

D. Rear yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line where no alley exists and not closer than three (3) feet to the rear lot line where an alley exists.

E. Lot width. For dwellings there shall be a minimum lot width of fifty (50) feet at

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the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

F. Intensity of use regulations are as follows:

1. For each dwelling, and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet; and

2. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 12-310 to 12-317 of this code; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet;

G. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

H. Height regulations. No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in Section 12-302 of this code.

SECTION 12-240 R-2 RESTRICTED RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 District. The principal use of land is for single family, two family dwellings, and multiple family structures and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship of the different uses.

SECTION 12-241 USES PERMITTED.

Property and buildings in an R-2 Restricted Residential District shall be used only for the following purposes:

1. Any uses permitted in R-1 Single Family Dwelling District;
2. Two family dwelling or a single family dwelling and a garage apartment;
3. Multiple family dwelling; or
4. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

SECTION 12-242 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with provisions contained in Section 12-113 of this code:

1. Any use permitted on review in R-1 Single Family Dwelling District; and
2. Child care center.

SECTION 12-243 AREA REGULATIONS.

A. All buildings shall set back from street right-of-way and lot lines to comply with the following yard requirements.

B. Front yard regulations are as follows:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet; and
3. When a lot has double frontage the front yard requirements shall be provided on both streets.

C. Side yard regulations are as follows:

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than eight (8) feet for dwellings of more than one story except as hereinafter provided in Section 12-301 of this code;
2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet from the front lot line;
3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot; or
4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines and a distance of

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the following yard requirements.

B. Front yard:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than fifty (50) feet; and
3. When a yard has double frontage the front yard requirements shall be complied with on both sides.

C. Side yard:

1. For dwellings located on interior lots there shall be a side yard on each side of the main dwelling of not less than five (5) feet for dwelling;
2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line;
3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twelve and one-half (12½) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;
4. Mobile home parks shall be planned in such a manner that no trailer, or related building, shall be located closer than ten (10) feet to any side lot line; and
5. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

D. Rear yard:

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line where no alley exists and not closer than three (3) feet to the rear lot line where an alley exists; and
2. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line.

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E. Lot width. There shall be a minimum lot width of fifty (50) feet at the front building line and a lot shall abut on a street not less than thirty-five (35) feet.

F. Intensity of use:

1. There shall be a lot area of not less than six thousand (6,000) square feet for a single family dwelling, not less than five thousand (5,000) square feet for a two family dwelling, and an additional area of not less than one thousand (1,000) square feet for each family, more than two (2), occupying a dwelling;

2. There shall be a lot area of not less than seven thousand (7,000) square feet where a garage apartment is located on the same lot with a single family dwelling. When a garage apartment is located in the rear yard of a two family or multiple*family dwelling the lot area shall not be less than two thousand (2,000) square feet more than is required for the two family or multiple family dwelling; and

3. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Sections 12- 310 to 12-317 of this code; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

G. Coverage. Main and accessory buildings shall not cover more than thirty- five percent (35%) of the lot area on interior lots and not more than forty percent (40%) of the lot area on corner lots. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

SECTION 12-249 HEIGHT REGULATIONS.

No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Section 12-302 of this code.

SECTION 12-255 C-1 NEIGHBORHOOD SHOPPING DISTRICT. GENERAL DESCRIPTION.

This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, open space and off-street parking are made than are permitted in other commercial districts

SECTION 12-256 USES PERMITTED.

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

1. Any use permitted in an R-3 General Residential District;
2. Any use permitted on review in an R-3 General Residential District;

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3. Retail stores and shops, the total area of which do not exceed fourteen thousand (14,000) square feet of gross floor area and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience as follows:

- a. Antique shop;
- b. Appliance store;
- c. Art school, gallery or museum;
- d. Artists materials, supply studio;
- e. Automobile parking lot;
- f. Baby shop;
- g. Bakery goods store;
- h. Barber shop;
- i. Beauty shop;
- j. Book or stationery store;
- j-1 Brewery/Pub
- k. Camera shop;
- l. Candy store;
- m. Cleaning, pressing, laundry collection agency;
- n. Curio store or gift shop;
- o. Drugstore or fountain;
- p. Drygoods store;
- q. Dairy products or ice cream store;
- r. Delicatessen;
- s. Dress shop;
- l. Florist shop, greenhouse, nursery;
- u. Furniture store;
- v. Grocery store or supermarket;
- w. Hardware store;

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- x. Hotel;
- y. Jewelry or notion store;
- z. Lodge hall;
- aa. Meat market;
- bb. Medical facility;
- cc. Messenger or telegraph service;
- dd. Musical instrument sales;
- ee. Newspaper or magazine sales;
- ff. Office, business;
- gg. Optometrists sales and service;
- hh. Photographer studio;
- ii. Pharmacy;
- jj. Radio and television sales and service;
- kk. Restaurant but not drive-in restaurants;
- ll. Self-service laundry or dry cleaning;
- mm. Sewing machine sales, instruction;
- nn. Sporting goods sales;
- oo. Shoe repair shop;
- pp. Tailor shop;
- qq. Toy store; and
- rr. Variety store;

4. One name plate and sign of reasonable size relating only to the use of the store and premises or to products sold on the premises;

5. Accessory buildings and uses customarily incidental to the above uses; and

6. A building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material

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or goods offered for sale or stored in connection with the uses enumerated in paragraphs 1 through 5 of this subsection shall be displayed or stored outside of a building.

SECTION 12-257 AREA REGULATIONS.

A. The area requirements for dwellings shall be the same as the requirements of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this district.

B. Front yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

C. Side yard. On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. There shall be a side yard setback from an intersecting street not less than twenty (20) feet.

D. Rear yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet.

SECTION 12-258 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Section 12-302 of this code.

SECTION 12-260 C-2 GENERAL COMMERCIAL DISTRICT, GENERAL DESCRIPTION.

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

SECTION 12-261 USES PERMITTED.

Property and buildings in a C-2 General Commercial District shall be used only for the following purposes:

1. Any use permitted in a C-1 Neighborhood Shopping District; provided, however, that multiple family structures must comply with all requirements of the R-3 General Residential District except the intensity of use requirements which shall not apply;
2. Amusement enterprises;
3. New automobile sales and services, new machinery sales and service, and public garage, provided no gasoline is stored above ground; used automobile and machinery sales and service, and automobile and machinery repairing if conducted in conjunction with a retail agency and wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards;

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4. Any of the following uses:
 - a. Advertising signs or structures;
 - b. Auto court or tourist court;
 - c. Ambulance service, office or garage;
 - d. Automobile service station;
 - e. Bait sales;
 - f. Bakery;
 - g. Bath house;
 - h. Boat sales;
 - i. Bus terminal;
 - j. Cleaning plant;
 - k. Cabinet shop;
 - l. Clothing or apparel store;
 - m. Commercial school or hall;
 - n. Dance studio;
 - o. Department store;
 - p. Drive-in theater or restaurant;
 - q. Electric transmission station;
 - r. Feed and fuel store;
 - s. Frozen food locker;
 - t. Furniture repair and upholstery;
 - u. Funeral parlor or mortuary;
 - v. Golf course, miniature or practice range;
 - w. Heating, ventilating or plumbing supplies, sales and service;
 - x. Hospital for small animals;

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- y. Interior decorating store;
- z. Ice storage locker plant or storage house for food;
- aa. Key shop;
- bb. Kennel;
- cc. Laboratories, testing and experimental;
- dd. Laundry;
- ee. Leather goods shop;
- ff. Music, radio or television shop;
- gg. Museum;
- hh. Night club;
- ii. Novelty shop;
- jj. Nursery or garden supply store;
- kk. Outdoor advertising signs;
- ll. Pawn shop;
- mm. Pet shop;
- nn. Printing plant;
- oo. Recreation center;
- pp. Research laboratories;
- qq. Roller skating rink;
- rr. Sign painting shop;
- ss. Sporting goods store;
- tt. Stock and bond broker;
- uu. Storage warehouse;
- vv. Theater;
- ww. Tavern;

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- xx. Toy store;
- yy. Travel trailer park;
- zz. Used automobile sales; and
- aaa. Wholesale distributing center;

5. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;

6. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments; and

7. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

SECTION 12-262 OPEN DISPLAY USES PERMITTED.

A. The following uses shall be permitted in the C-2 General Commercial District, provided that they comply with the additional provisions of this subsection:

- 1. Boat sales and service;
- 2. Farm implement and machinery, new and used, sales;
- 3. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales;
- 4. Mobile home and travel trailer sales;
- 5. Monument sales;
- 6. New and used automobile sales;
- 7. Prefabricated house sales; and
- 8. Trailers for hauling, rental and sales.

B. The uses enumerated in paragraphs 1 through 8 of subsection A of this section shall comply with the following provisions:

- 1. All of the lot used for the parking vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed

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surface pavement and maintained in such a manner that no dust will be produced by continued use;

2. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building;

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

4. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

SECTION 12-263 AREA REGULATIONS.

A. The area regulations for dwellings shall be the same as the requirements of the R-3 General Residential District. The following requirements shall apply to all other uses permitted in this district:

B. Front and side yards. There are no specific front or side yard requirements for uses other than dwellings.

C. Rear yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet in width.

D. Area for off-street parking. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Sections 12-310 to 12-317 of this code.

SECTION 12-264 HEIGHT REGULATIONS.

The height regulations for dwellings and buildings accessory to dwellings shall be the same as those in the R-3 General Residential District. For other uses no building shall exceed forty-five (45) feet in height, except as hereinafter provided in Section 12-302 of this code. ~~(Prior~~

SECTION 12-270 I-1 LIGHT INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.

This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

SECTION 12-271 USES PERMITTED.

A. Property and buildings in an I-1 Light Industrial District shall be used only for the following purposes:

1. Any use, except dwelling, permitted in the C-2 General Commercial District. No

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dwelling use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises, shall be permitted in an I-1 Light Industrial District;

2. Any of the following uses:

- a. Bakery;
- b. Bottling works;
- c. Book bindery;
- d. Candy manufacturing;
- e. Engraving plant;
- f. Electronic equipment assembly;
- g. Electronic equipment assembly and manufacture;
- h. Food products processing and packing;
- i. Furniture manufacturing;
- j. Instrument and meter manufacturing;
- k. Jewelry and watch manufacturing;
- l. Laundry and cleaning establishment;
- m. Leather goods; fabrication;
- n. Optical goods manufacturing;
- o. Paper products manufacturing;
- p. Show manufacturing;
- q. Sporting goods manufacturing; and
- r. Wholesale or warehousing enterprise;

3. Any of the following uses:

- a. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;
- b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors;

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- c. Freighting or trucking yard or terminal;
 - d. Oil field equipment storage yard;
 - e. Oil field service companies;
 - f. Public utility service yard or electrical receiving or transforming station; and
 - g. No article or material permitted in paragraphs 1 and 2 of subsection A of this section shall be kept, stored or displayed outside of a building unless it be fenced;
4. The following uses when conducted within a completely enclosed building:
- a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
 - d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;
 - e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;
 - g. Machine shop;
 - h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;
 - i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like; and
 - j. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

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B. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

SECTION 12-272 AREA REGULATIONS.

A. Front yard and side yard. There are no specific front or side yard requirements for uses in this district; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the side lot line that adjoins a dwelling district.

B. Rear yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a dwelling district.

C. Rear area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Sections 12-310 through 12-317 of this code.

SECTION 12-273 HEIGHT REGULATIONS.

No building shall exceed ninety (90) feet in height, except as hereinafter provided in Section 12-302 of this code.

SECTION 12-275 I-2 HEAVY INDUSTRIAL DISTRICT, GENERAL DESCRIPTION.

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by these regulations. The intensity of uses in this district makes it most desirable that they be located down-wind and separated from residential and commercial uses.

SECTION 12-276 USES PERMITTED.

Property and buildings in an I-2 Heavy Industrial District may be used for any use except the following:

1. All residential uses except sleeping facilities required by nightwatchmen and caretakers employed upon the premises;
2. All uses not complying with these regulations, or any other county, state or federal regulation or law;
3. Automobile salvage or junk yard;
4. Building materials salvage yard;
5. Junk or salvage yard of any kind;
6. Scrap metal storage yard;

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7. Cement, lime or gypsum manufacture;
8. Commercial feed pens for livestock;
9. Natural gas production and distribution;
10. Petroleum production and refining;
11. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products; or
12. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.

SECTION 12-277 USES PERMITTED ON REVIEW.

The following uses may be permitted on review by the board of adjustment in accordance with the provisions contained in Section 12-113 of this code:

1. Cement, lime or gypsum manufacture;
2. Commercial feed pens for livestock;
3. Natural gas production and distribution;
4. Petroleum production and refining;
5. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products;
6. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants;
7. Salvage yards for automobiles, building materials, scrap metal, junk or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental fences, walls and evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located, and further provided, however, that no screening in excess of seven (7) feet in height shall be required; and
8. Any use not otherwise authorized by these regulations.

SECTION 12-278 AREA REGULATIONS.

- A. Front and side yard. There are no specific front or side yard requirements for uses in this district.

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B. Rear yard. Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles whichever is the greater. In all other cases no rear yard is required.

C. Yard area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Sections 12-310 through 12-317 of this code.

SECTION 12-279 HEIGHT REGULATIONS.

Where a lot adjoins a dwelling district the building shall not exceed thirty-five (35) feet, unless it is set back ten (10) feet from all front and side yard lines, plus an additional one foot of setback for each foot of additional height above forty-five (45) feet, except as otherwise provided in Section 12-302 of this code.

SECTION 12-280 F-FLOOD PLAIN DISTRICT, GENERAL DESCRIPTION.

This district is intended to comprise those areas which are subject to periodic or occasional flooding and therefore are unsuited for all residential uses and for most commercial and industrial uses. It is intended that the area be retained for agricultural and recreational uses only until danger from flooding is eliminated.

SECTION 12-281 USES PERMITTED.

Property and buildings in the F-Flood Plain District shall be used only for the following purposes:

1. The growing of agricultural crops and nursery stock and gardening;
2. The raising of poultry and livestock in accordance with the municipal ordinances relating thereto, but not the operation of commercial feed pens for cattle or hogs; and
3. Public recreation.

SECTION 12-285 PLANNED UNIT DEVELOPMENT SUPPLEMENTAL DISTRICT DESCRIPTION.

Planned Unit Development is an alternative to conventional development where the particular tract is under common ownership or control, and a detailed plan (outline development plan) for the development of the tract as a unit is proposed and submitted for public review. The supplemental zoning district PUD must be approved by the city council as a prerequisite to the planned unit development.

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SECTION 12-286 PURPOSES.

The purposes of Planned Unit Development are as follows:

1. To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located; and
2. To permit flexibility in design, placement of buildings, and use of open spaces, circulation facilities, and off-street parking areas and to best utilize the potential of sites characterized by special features of geography, topography, size or shape.

SECTION 12-287 GENERAL PROVISIONS.

Planned Unit Development is permitted on tracts that have the supplemental district designation PUD. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this chapter. No modification or use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this chapter is submitted to and approved by the planning commission and filed of record in the office of the county clerk.

SECTION 12-288 PRINCIPAL USES PERMITTED IN PLANNED UNIT DEVELOPMENTS.

A Planned Unit Development shall primarily be residential when located within an R-1, R-2, or R-3 District. The development may consist of one or more of the following dwelling types: Single Family Detached Dwelling, Duplex Dwelling, Multifamily Dwelling, Townhouse, and similar uses. The uses other than dwellings, which are permitted by right or uses, other than dwellings, which are permitted by right or exception in the R Districts may be included within a PUD, if such non-residential uses do not occupy more than ten percent (10%) of the gross area of the PUD which are in the R-1, R-2, or R-3 Zone, and are designed and located to be compatible with the residential use of adjacent properties. Land set aside for public facilities such as schools, libraries, firehouses, etc., shall be excluded for the purposes of calculating the gross area of the PUD. The uses permitted in areas zoned as commercial or industrial districts shall be limited to those uses permitted in the district to which the property is zoned.

SECTION 12-289 ACCESSORY USES.

Accessory uses customarily incident to the residential uses included within the PUD are permitted. Accessory signs shall comply with the provisions of the Residential Districts except as hereafter provided for accessory commercial uses. Within a PUD accessory commercial facilities may be included in accordance with the following standards:

1. The commercial uses shall be limited to convenience goods and services and eating places other than drive-ins;

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2. The aggregate floor area of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet;

3. Each commercial establishment shall be limited to a maximum of three thousand five hundred (3,500) square feet of floor area;

4. Commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted; and

5. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, and shall be designed and located in such manner as to be compatible with the residential use of the PUD and of adjacent properties.

SECTION 12-290 LOT WIDTH AND LOT AREA MINIMUMS.

Within a PUD, a minimum lot size requirement of eight hundred (800) square feet shall apply to lots utilized for dwelling purposes. A minimum lot width requirement of twenty (20) feet shall apply to lots utilized for dwelling purposes.

SECTION 12-291 NUMBER OF PERMITTED DWELLING UNITS.

A. It is the intent of this code that the aggregate density and intensity of use within the PUD remain the same as that which would be permitted if the area were developed conventionally, but that within the PUD the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a PUD shall be computed as follows:

$$\text{Permitted D.U.'s} = \frac{\text{Residential Area of the PUD}}{\text{Minimum land area per d.u. permitted in the applicable use district.}}$$

B. The residential area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space and recreation areas. Each six hundred (600) square feet of a quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two (2) or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

SECTION 12-292 LIVABILITY SPACE.

Livability space may be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to

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be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Sections 12-297 and 12-298 of this code.

SECTION 12-293 BUILDING HEIGHT.

Within a PUD, the maximum building height shall be established in the outline development plan as set forth in these regulations.

SECTION 12-294 YARDS.

Within a PUD, there shall be no minimum yards except as provided within Section 12-295 of this code.

SECTION 12-295 PERIMETER REQUIREMENTS.

The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located, provided that within two hundred (200) feet of any abutting property in an R-1 classification, structures containing more than two (2) dwelling units and exceeding fifteen (15) feet in height measured from the ground floor to the top of the top plate shall be setback twenty-five (25) feet plus two (2) feet of setback for each one foot of building height exceeding fifteen (15) feet measured from the ground floor level to the top of the top plate. Unenclosed offstreet parking area, containing six (6) or more spaces, shall be screened from adjoining R-1 Districts by the erection of a screening wall or fence along the lot line or lines in common with the R-1 District, provided that if the parking area is located more than fifty (50) feet from the R-1 District, the screening requirement shall not apply.

SECTION 12-296 OFF-STREET PARKING AND LOADING.

Off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements for off-street parking and loading. Required spaces may be provided on the lot containing the dwelling units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Sections 12-297 and 12-298 of this code.

SECTION 12-297 GENERAL ADMINISTRATION OF PLANNED UNIT DEVELOPMENT.

A. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of not less than two (2) acres in size may make application for the approval of a PUD by filing an application for an outline development plan and a supplemental zoning district designation PUD.

B. An application for the approval of an outline development plan and the supplemental district designation PUD, may be processed simultaneously with and contingent upon an application for an amendment to the zoning map.

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SECTION 12-298 APPLICATION AND OUTLINE DEVELOPMENT PLANS.

An application for a Planned Unit Development shall be filed with the planning commission. The application shall be accompanied by the payment of a Thirty-five Dollar (\$35.00) fee. Such fee shall not include advertising and sign costs which shall be billed to the applicant. The application shall be in such form and content as the planning commission may by resolution establish, provided that three (3) copies of an outline development plan shall accompany the filing of the application. The outline development plan shall consist of maps or text which contain the following:

1. Existing topographic character of the land;
2. Proposed land uses, including public uses and open space and the approximate location of buildings and other structures;
3. The character and approximate density of dwellings. Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the PUD;
4. The approximate location of thoroughfares;
5. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
6. An explanation of the character of the planned development; and
7. The expected schedule of development.

ARTICLE C

GENERAL PROVISIONS APPLYING TO ALL OR TO
SEVERAL DISTRICTS

SECTION 12-300 APPLICATION OF REGULATION TO THE USES OF A MORE
RESTRICTED DISTRICT.

A. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or identified to be used primarily for non-residential purposes.

SECTION 12-301 OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article B herein:

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1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure;
2. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, or hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed four (4) feet in height, and no other wall or fence shall exceed seven (7) feet in height;
3. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by measuring fifty (50) feet back from the center line of the street easement; provided, however, that this shall not be construed as reducing specific district requirements;
4. No dwelling shall be erected on a lot which does not abut on at least one street, at least fifty (50) feet in width, for at least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of these regulations. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard;
5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of these regulations that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise;
6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two (2) feet six (6) inches and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection;
- ⑦ An attached or detached private garage or carport which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line;
8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used; and
9. Whenever one or more residential, institutional, commercial or industrial 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 planning commission.

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SECTION 12-302 HEIGHT.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article B herein:

1. In measuring heights, a habitable basement or attic shall be counted as a story. 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 ($2/3$) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story;
2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit;
3. Churches, schools, hospitals, sanitariums, and other public and semi-public buildings 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 foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

SECTION 12-303 GROUP HOUSING PROJECTS.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of these regulations to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the board of adjustment, in a manner that will be in harmony with the character of the neighborhood; will insure a density of land use no higher and a standard of open space at least as high as required by these regulations in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located.

SECTION 12-304 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

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

1. Not more than one commercial vehicle, which does not exceed one and one-half ($1\frac{1}{2}$) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquified petroleum products be permitted;
2. Not more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted and the trailer shall not exceed twenty-four (24) feet in length, or eight (8) feet in width; and further provided that the trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored

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in any area within the incorporated limits except in a trailer court authorized under the regulations of the city; and

3. A mobile home shall be parked or stored only in a trailer court which is in conformity with the regulations of the city.

SECTION 12-305 ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory.

SECTION 12-306 ANIMALS.

Animals in any district shall be kept only in accordance with the regulations of the city.

SECTION 12-307 STORAGE OF LIQUIFIED PETROLEUM GASES.

The use of land or buildings for the commercial, wholesale or retail storage of liquified petroleum gases shall be in accordance with the regulations of the city and the regulations of the Liquified Petroleum Gas Administration of the State of Oklahoma.

SECTION 12-308 TRAILER PARK REGULATIONS.

Travel trailer parks and mobile home parks shall be constructed in accordance with the requirements of the regulations of the city.

ARTICLE D

OFF-STREET PARKING REQUIREMENTS

SECTION 12-310 GENERAL INTENT AND APPLICATION OF OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement 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.

SECTION 12-311 REQUIRED OPEN SPACE.

Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner. The area required for off-street parking shall be in addition to the yard areas herein required; except that the front yard required in a C-1 Neighborhood Shopping District may be used for uncovered parking area. The front yard required in a residential district may be used for the uncovered

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6. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses; and

7. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non- intermittent white lighting of signs shall be permitted.

ARTICLE E

NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

SECTION 12-320 NONCONFORMING BUILDINGS AND STRUCTURES.

A nonconforming building or structure existing at the time of adoption of these regulations may be continued, maintained and repaired, except as otherwise provided in this article.

SECTION 12-321 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES.

A nonconforming building or structure shall not be added to or enlarged in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which the building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of the building or structure is made to conform to all of the regulations of the district in which it is located.

SECTION 12-322 OUTDOOR ADVERTISING SIGNS AND STRUCTURES.

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform to the provisions hereof, shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of these regulations.

SECTION 12-323 BUILDING VACANCY.

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

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SECTION 12-324 CHANGE IN USE

A. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. 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 if occupied within a period of six (6) months after the effective date of these regulations, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

B. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, but where the use of nonconforming building or structure is changed to a use of more restricted district classification, it thereafter shall not be changed to a use of less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of these regulations, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

SECTION 12-325 DAMAGE TO BUILDING

When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty percent (50%) of its true value, it shall not be restored except in conformity with the district regulations, unless express approval thereof is permitted by the planning commission after proper application is made therefore.

SECTION 12-326 NONCONFORMING USE OF LAND

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than One Thousand Dollars (\$1,000.00), existing at the time of adoption of these regulations, may be continued for a period of not more than three (3) years therefrom, provided that:

1. The nonconforming use may not be extended or expanded nor shall it occupy more area than was in use on the effective date of these regulations; and
2. If the nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which the land is located.

ARTICLE F

ADMINISTRATION

SECTION 12-330 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED

These regulations shall be enforced by a building inspector. It shall be a violation of these Regulations for any person to change or permit the change in the use of land or buildings or

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parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Section 12-317 of this code.

SECTION 12-312 LOCATION.

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

SECTION 12-313 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 each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

SECTION 12-314 SIZE OF OFF-STREET PARKING SPACE.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) by twenty (20) feet plus adequate area for ingress and egress.

SECTION 12-315 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.

A. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, single family or duplex: One parking space for each separate dwelling unit within the structure;
2. Dwelling, multiple family: The number of spaces provided shall not be less than one and one-half (1½) times the number of units in the dwelling;
3. Boarding or rooming house or hotel: One parking space for each two (2) guests provided overnight accommodations;
4. Hospitals: One space for each four (4) patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles;
5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one space for each two (2) employees;
6. Sanitariums, convalescent or nursing homes: One space for each six (6) patient beds plus one space for each staff or visiting doctor plus one space for each two (2) employees including nurses;

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7. Community center, theater, auditorium, church sanctuary: One parking space for each four (4) seats, based on maximum seating capacity;

8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;

9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service;

10. Commercial establishments not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public; and

11. Industrial establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

B. For all uses not covered in paragraphs 1 through 11 above, the planning 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.

SECTION 12-316 PAVED SURFACE REQUIRED.

All parking spaces shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from the continued use.

SECTION 12-317 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS.

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition;

2. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required;

3. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round;

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

5. All of the lot used for parking and driveway purposes shall be paved with a sealed

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structure or to erect, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained under the conditions in this article.

SECTION 12-331 BUILDING PERMIT

Whenever any structure of building is to be improved in an amount exceeding Five Hundred Dollars (\$500.00), or erected, moved, or structurally altered, a building permit shall be obtained from the building inspector. The building inspector may require any applicant for a building permit to furnish the following information:

1. A plot plan, drawn to scale, showing:
 - a. The exact size, shape, and dimensions of the lot to be built upon;
 - b. The exact size and location on the lot of all existing buildings and structures;
 - c. The exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved; and
 - d. The size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities;
2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate;
3. Additional information relating to the proposed improvement needed to determine the compliance with these regulations; and
4. A survey prepared under the supervision of an engineer registered in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located.

SECTION 12-332 CERTIFICATE OF OCCUPANCY

No change shall be made in the use of any land or building or structure after the passage of these regulations until a certificate of occupancy is obtained from the city clerk certifying that all of the provisions of these regulations are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

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CHAPTER 4

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GENERAL PROVISIONS

SECTION 12-401 PURPOSE

- A. The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses and for streets, alleys, schools, parks, and other public purposes, will determine to a large degree the conditions of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.
- B. These regulations are designed, intended, and should be administered in the following manner to:
1. Implement the general plan;
 2. Provide neighborhood conservation and prevent the development of slums and blight;
 3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
 4. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the whole community;
 5. Provide the best possible design for the tract;
 6. Reconcile any differences of interests; and
 7. Establish adequate and accurate records of land subdivision.

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SECTION 12-402 AUTHORITY

These subdivision regulations and minimum standards for land development are adopted by ordinance passed by the Town Board of Trustees under the authority granted by Sections 44-101 et seq. and 45-104 of Title 11 of the Oklahoma Statutes.

SECTION 12-403 APPLICATION TO TYPES OF SUBDIVIDING

These regulation and development standards shall apply to the following forms of land subdivision:

- A. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area;
- B. The division of land, previously subdivided or platted, into tracts, lots, sites, or parcels of less than ten (10) acres in area;
- C. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; and
- D. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

SECTION 12-404 DEFINITIONS

For the purpose of these regulations, certain terms used herein are defined as follows:

- A. "Alley" means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes;
- B. "Block" means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof;
- C. "Building line" or "setback line" means a line or lines designating the area outside of which buildings may not be erected;
- D. "Town" means the Town of Cashion, Oklahoma;

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- E. "Town Board" means the Cashion Board of Trustees;
- F. "Easement" means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes;
- G. "General plan" means the comprehensive development plan for the Town which has been officially adopted to provide long-range development policies for the area subject to the urbanization in the foreseeable future and which included, among other things, the plan for land use, land subdivision, circulation and community facilities;
- H. "Lot" means a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development;
- I. "Lot, corner" means a lot located at the intersection of and abutting on two (2) or more streets;
- J. "Lot, double frontage" means a lot which runs through a block from street to street and which has two (2) non-intersecting sides, abutting on two (2) or more streets.
- K. "Lot, reverse frontage" means a double-frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress provided on a minor street;
- L. "Planning commission" means the Cashion Planning Commission;
- M. "Plat, preliminary" means a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land;
- N. "Plat, final" means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land;
- O. "Street" means any public or private right-of-way which affords the primary means of access to abutting property;
- P. "Street, major" means an arterial street which is designated on the major street plan;

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- Q. "Street, minor" means a street whose primary purpose is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged;
- R. "Street, collector" means a minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility;
- S. "Street, cul-de-sac" means a minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround;
- T. "Street, frontage or service" means a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access;
- U. "Subdivider" means any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined; and
- V. "Subdivision" means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way easement.

SECTION 12-405

GENERAL PROCEDURE FOR PLAT APPROVAL, RECORDING, FILING

- A. For all cases of subdividing within the scope of these regulations, a plat of the land in question shall be drawn and submitted to the planning commission and Town Board for their approval or disapproval, as provided hereafter in these regulations.
- B. No plat or other land subdivision instrument shall be filed in the office of the county clerk until it shall have been approved by the planning commission and by the Town Board as hereinafter set forth. All final plats shall be filed within two (2) years of date of approval by the planning commission, and no lots shall be sold from any plat until recorded. Failure to record the plat within two (2) years of this date of planning commission or Town Board approval, whichever is the later, shall void all approvals thereto.
- C. Each plat submitted for preliminary or final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefore.

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- D. To defray partially the costs of notification and administration procedures, there shall be paid to the Town Clerk, at the time of submission of the preliminary plat, a fee as prescribed by Resolution of the Town Board of Trustees. Where only a portion (defined as 50%, unless otherwise determined by the Commission) of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within three (3) years of the date of preliminary approval without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.
- E. Plats containing four (4) lots or fewer may be exempted from the provisions of all or part of procedural provisions contained in this section and Article D of this chapter upon written approval of the planning commission.

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ARTICLE B
DESIGN

SECTION 12-410 URBAN DESIGN PRINCIPLES

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

- A. It is intended that the Cashion urban area should be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served by one elementary school. Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood;
- B. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate air, light, open space, landscaping, and off-street parking and loading facilities;
- C. The arrangements of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area;
- D. Circulation within the urban area shall be provided in accordance with the following design criteria:
 1. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan. Arterial streets should be located on the perimeter of the residential neighborhood;
 2. Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes;
 3. Collector streets should be designed to provide a direct route from other minor streets to the major street system;

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4. Ingress and egress to residential properties should be provided only to minor streets; and
 5. Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks should be designed to provide all residential building sites with direct access to all neighborhood facilities, including the elementary school, parks and playgrounds, churches and shopping centers; and
- E. Minimum standards for development are contained in the zoning regulations, the building code and in these regulations. However, the general plan expresses policies which are intended to achieve optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the general plan and in these regulations rather than be limited to the minimum standards required herein.

SECTION 12-411 STREETS

The arrangement character, extent, width, grade, and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- A. Major streets shall be planned to conform with the major street plan;
- B. Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic;
- C. Minor streets shall be laid out so that their use by arterial traffic will be discouraged;
- D. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures;
- E. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the town under conditions approved by the planning commission;

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- F. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future tract system for the unsubdivided portion may be required by the subdivider;
- G. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easement;
- H. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided;
- I. Street right-of-way widths shall be in accordance with the major street plan and, where not designated therein, shall be not less than the following:
1. Major Streets

Primary	100 feet;
Secondary	50 feet;
 2. Minor Streets

Collector	60 feet;
Minor	60 feet;
Cul-de-sac	50 feet;
- J. The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. However, the paved width for any secondary street or cul-de-sac shall be a minimum of thirty (30) feet and shall be constructed in one of the following manners:
1. With a six (6) inch concrete curb, thirty (30) inch concrete gutter, and with six (6) inches of asphalt stabilized base with a double bituminous surface; or
 2. With a six (6) inch concrete curb and thirty (30) inch concrete gutter with six (6) inches of Portland cement surface;
- K. Lane widths for all streets shall be as follows;
1. All major streets shall have lanes for traffic movement of not less than eleven (11) feet or more than twelve (12) feet in width, and lanes for parallel parking or emergency stopping of not less than ten (10) feet in width; and

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2. All minor streets shall have lanes for traffic movement of not less than ten (10) feet or more than twelve (12) feet in width, and a lane for parallel parking of not less than eight (8) feet in width. Streets should be developed in accordance with the general standards given in Figure 1. This figure is included for the purpose of illustration and is not to be considered a mandatory design standard;
- L. A cul-de-sac should not exceed five hundred (500) feet in length, measured from the entrance to the center of the turnaround, and if more than one hundred fifty (150) feet in length shall be provided with a turnaround having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line. There shall be provided in the center of the turnaround an unpaved island, improved with grass and landscaping that will not interfere with sight distance, which has a radius of not less than twelve (12) feet, or more than sixteen (16) feet;
- M. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- N. The arrangements of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The planning commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties; and
- O. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission.

SECTION 12-412. STANDARD STREETS IN ESTATE RESIDENTIAL SUBDIVISIONS.

- A. An Estate Residential subdivision street is defined as follows:
 1. The street will serve no more than twenty (20) lots;
 2. All lots served by street shall be one (1) acre or more in size;
 3. No public use other than emergency nor any other major traffic generator will be served by the street;
 4. No commercial or industrial zones or uses will be served by the street;
 5. The street will not be on a section line; and

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6. The street will not connect with or be an outlet for any other subdivision.
- B. The street right-of-way width for estate type streets shall not be less than sixty (60) feet: A cul-de-sac on estate type streets shall be on a right-of-way having a minimum radius of not less than fifty (50) feet.
- C. Geometric design standards for estate type streets shall be the same as minor streets, subject to minor modifications as approved by Town Board when such modifications are fully documented as needed.
- D. The minimum paved width of residential estate type streets shall be twenty (20) feet, with two (2) foot wide shoulders, and constructed in accordance with standards as adopted by the Town Board.
- E. A dead-end residential estate subdivision street shall not exceed one thousand three hundred (1,300) feet in length, measured from the centerline of the intersecting street to the end, and if more than five hundred (500) feet in length shall be provided with a circular turnaround (cul-de-sac) having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet radius of paved area.
- F. The minimum standards required for total paving thickness shall be five (5) inches Portland cement concrete with two (2) inches of sand cushion. Where unusual soil conditions exist the Town may require higher standards of paving for residential estate subdivision streets.
- G. A maximum of twenty (20) acres will be allowed to drain to the street. This limit shall be controlled by street layout, diversion dikes, or other methods. Concentrated drainage will not be allowed to enter the street, however small the drainage area. Minimum culvert size will be eighteen (18) inches, State Highway Standard gauge, with a minimum of twelve (12) inches cover over the culvert.
- H. Concrete curbs are optional; however, they may be required in areas near the urban limits, areas of intensified development, and extensions of streets that have curbs, where conditions indicate that erosion of a side ditch may occur; where a side ditch would have a slope of less than fifty percent (50%), and other places deemed necessary by the Town Board.
- I. The minimum ditch slope shall be fifty percent (50%). The maximum allowable ditch slope will be governed by the existing soil type, average velocity of flow in the ditch, and scour control devise. Ditches shall have a minimum bottom width of two (2) feet, and the bottom shall be a minimum of twelve (12) inches below the edge of the finished street surface. Maximum allowable side slopes will be 4:1 on the roadbed, and 2:1 on the back slope.

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No ditches will be required where the land drains away from the roadbed, but the edge of the finished street surface shall be six (6) inches above the adjacent ground surface – with sodded road shoulder to slope from top edge of the roadway surfacing to natural grade not less than four (4) feet laterally from the surfacing.

- J. A residential estate subdivision street as platted shall not be extended nor provide access to any other lots or subdivision.
- K. The Town Board may, at their discretion, require a screening easement to preclude further extension or access to a residential estate subdivision street.
- L. These standards are considered the minimum acceptable in usual conditions. Compliance with additional requirements may be required by the Town in unusual conditions where these standards are inadequate.

SECTION 12-413 ALLEYS

- A. Alleys shall be provided in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- B. Alleys serving commercial and industrial areas shall be not less than thirty (30) feet in width.
- C. Alleys may be required for residential areas, and when provided should be not less than twenty (20) feet in width.
- D. Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- E. Dead-end alleys should be avoided, but if necessary, shall be provided with adequate turnaround facilities at the dead end, as determined by the planning commission.

SECTION 12-414 EASEMENTS

- A. Where alleys are not provided and to facilitate underground installation, an easement for utilities at least ten (10) feet wide shall be provided along each side of a side line of lots or the rear line of lots where necessary to form a continuous right-of-way at least twenty (20) feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

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- B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Town Board by ordinance upon the recommendation of the planning commission.
- C. Additional easements for pole guys should be provided at the outside of turns. When possible, lot lines should be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.
- D. Perimeter easements around the outside boundaries of a subdivision shall consist of a minimum of fifteen (15) feet in width, provided a ten (10) foot easement joined by additional ten (10) feet contiguous thereto from the adjoining landowner will be acceptable to the city.
- E. Drainage easement for storm sewers may be required. Easements for open channel drainage may be required where the cost for the installation of storm sewers is considered to be prohibitive. These easements may be along the side lot lines, but usually the design should be such that the drainage will be carried along the rear of the lots. If open channel drainage is to be carried in the street right-of-way, additional right of way width shall be provided. When the drainage is carried down the rear lot lines, the easement shall be of adequate width for workers, with trucks, if needed, to enter the easement and keep it cleaned out. The size and location of such easements for open channel drainage shall be determined by the Town.
- F. When a subdivision is traversed by a water course, drainage channel or stream which drains one hundred sixty (160) acres or more of land, there shall be provided a right-of-way for drainage and public parks and public utility purposes, adequate to contain all the run-off from a fifty (50) year maximum flood elevation which shall be calculated in accordance with and shall be adequate to provide for the drainage requirements of these regulations and any other regulations relating thereto.
- G. Paragraph "F" of this section shall not be interpreted as prohibiting the reclaiming of lands subject to flooding by filling or other appropriate methods. Easements along streams in a subdivision shall be adequate along each side for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage park way or recreational use.

SECTION 12-415 RESERVED

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SECTION 12-416 WATER LINES, WATER AND SEWER CONNECTIONS.

- A. Where an approved public water supply is reasonable accessible or procurable, the subdivider shall connect with such water supply and make it available for each lot within the subdivided area. The final plat shall not receive approval until it is certified that there has been compliance with the regulations of the Oklahoma State Health Department.

- B. In all new subdivisions for residential purposes submitted to the Town, water lines to and within the subdivisions shall be constructed. The owners or developers of the subdivision shall provide all material for both trunk lines and for other water lines to and within the subdivision, including all fire hydrants with valves. The Town shall provide labor and ditching for the trunk and other water lines.

- C. Where water line in excess of six (6) inches are required by the Town, the Town shall pay for the costs of material in the line in excess of a normal six (6) inch line.

- D. In all cases where the water supply or sewage disposal systems will be connected to lines or mains owned or operated by the Town, construction as to the facilities shall be made according to the plans, specifications and requirements and subject to the inspection, supervision and approval of the governing bodies, and of the State Health Department. Approval of the plans for any such water or sewer system by the above shall satisfy the requirements of these regulations with respect to water and sewer facilities.

SECTION 12-417 FIRE HYDRANTS.

Fire hydrants shall be installed by the subdivider as provided in Section 12-416 of this chapter. Fire hydrants complying with the specifications of the respective Town or National Board of Fire Underwriters shall be installed.

SECTION 12-418 LIGHTING.

Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision in accordance with standards and specifications of the Town.

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SECTION 12-419 OIL OR GAS WELLS.

- A. Where there is found to be a producing oil or gas well which is in, or within one hundred fifty (150) feet of the boundaries of the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the Oklahoma Corporation Commission and so certified by the corporation commission and which is outside the boundaries of a proposed subdivision but within one hundred fifty (150) feet thereof, there shall be a building setback line so placed on the plat so as to prevent the erection of building within one hundred fifty (150) feet of such wells.

- B. Where there is found to be an abandoned oil or gas well which is not adequately plugged according to the standards established by the state law and the Oklahoma Corporation Commission, which well is within the boundaries of a proposed subdivision, the well shall be adequately plugged according to the standards and so certified by the Oklahoma Corporation Commission before the plat of such addition is given final approval. In any event, a certificate shall be obtained from the Oklahoma Corporation Commission as to the existence of any wells reflected in their records.

SECTION 12-420 LOT SPLITS.

Any proposed lot split shall be submitted to the planning commission for review. If the planning commission is satisfied that the proposed lot split is not contrary to applicable regulations, it shall, within thirty (30) days after submission, approve the lot split and, on presentation of a conveyance of interest of the parcel, shall stamp "approved by the Planning Commission, no plat required", and have it signed by the chairman or other official as may be designated by it. In doing so, the planning commission may require the submission of a sketch plat, record survey and such other information as it may deem pertinent to its determination. As of the effective date of these regulations, no parcel of land may be granted more than one lot split.

SECTION 12-421 MODIFICATION: UNDUE HARDSHIP.

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of the regulation would cause practical difficulty or exceptional and undue hardship, the planning commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of this regulation or the desirable general development of the neighborhood and the community in accordance with the general plan and the zoning regulations. Any modification thus granted shall be included in the minutes of the planning commission setting forth the reasons which, in the opinion of the planning commission, justified the modification.

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SECTION 12-422 UNDERGROUND ELECTRICITY.

All final subdivision plats hereinafter accepted by the Town shall contain provision for underground electrical wiring.

SECTION 12-423 BLOCKS.

- A. The lengths, widths, and shapes of blocks shall be determined with due regard for the following:
1. Provision for adequate building sites suitable to the special needs of the type of use contemplated;
 2. Zoning requirements as to lot sizes and dimensions;
 3. Needs for convenient access, circulation control and safety of street traffic; and
 4. Limitations and opportunities of topography.
- B. Blocks for residential use shall not be longer than one thousand eight hundred (1,800) feet, measured along the center line of the block. When a block exceeds six hundred (600) feet in length, the planning commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.
- C. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off street parking and loading facilities.

SECTION 12-424 LOTS.

The design standards for lots are as follows:

1. Residential lots shall be not less than fifty (50) feet in width at the front building line and shall abut a street a distance of not less than thirty-five (35) feet; except that a corner lot shall be not less than sixty (60) feet in width at the front building line;
2. Side lots lines should be approximately at right angles or radial to street lines;
3. The depth of residential lots should be not less than one hundred twenty (120) feet;

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4. The area of residential lots shall be not less than six thousand (6,000) square feet.
5. In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than twenty thousand (20,000) square feet and the width of the lot at the front building line shall be not less than one hundred (100) feet;
6. Lots are not required for subdivisions for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use; and
7. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right-of-access across a planting screen easement.

SECTION 12-425 BUILDING LINES.

Building lines shall be provided for all residential subdivisions as follows:

1. A front building line shall be located not less than twenty-five (25) feet back from the street right-of-way line;
2. A side yard building line of the side of a corner lot abutting the street shall be located not less than twelve and one-half (12 ½) feet back of the street right-of-way when such lot is back to back with another corner lot, and not less than twenty (20) feet back of the street right-of-way line in every other case.
3. A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk; and
4. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

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SECTION 12-426

NEIGHBORHOOD UNIT DEVELOPMENT.

Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or playground area is provided, through traffic is cared for adequately and the majority of the minor streets are of the cul-de-sac or loop type, the planning commission may vary the requirements of this article in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision as well as the character of the entire community. However, in no case shall the lot area be less than six thousand (6000) square feet for detached single family dwellings.

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ARTICLE C
IMPROVEMENTS

SECTION 12-430 GENERAL PROVISIONS.

All improvements shall be designed and installed in accordance with the elements of the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

SECTION 12-431 PLAN PREPARATION.

Plans for the improvements herein required shall be prepared by a qualified engineer . Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the Town clerk at the time of submission of the final plat. One set of "as built" plans and specifications, certified and signed by an engineer registered in the State of Oklahoma, shall be filed with the Town Clerk prior to the acceptance by the Town Board of any improvement installed by the subdivider.

SECTION 12-432 SURETY BOND.

In lieu of completion of the improvements herein required, the Town Board may require the subdivider to file a surety bond with the Town Clerk to insure the actual construction of such improvements according to the plans and specifications approved by the planning commission within a period of time not to exceed two (2) years from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvement as determined by the planning commission and with surety and conditions satisfactory to the Town Board. In any case, where the Town Board does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the subdivision unless a bond, in the amount of one hundred percent (100%) of the estimated cost, is posted for the portion of the drainage or utility improvements that will protect the affected area.

SECTION 12-433 PERMANENT MARKERS.

Each lot and block corner shall be marked with iron pipes or pins not less than one-half (½) inch in diameter and not less than eighteen (18) inches long at least one inch below the finished grade. Each subdivision corner shall be marked with a permanent concrete marker capped with a noncorrosive metal plate, set not less than one inch below the finished grade. A plan of an acceptable marker is on file in the office of the Town Clerk and may be inspected by any interested person on request.

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SECTION 12-434 STREET IMPROVEMENTS.

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes, shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the street construction specifications of the Town and in accordance with the following provisions:

1. The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Oklahoma State Highway Department, but in no case shall the standard be less than the applicable street construction specifications of the Town.

2. Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivisions as determined by the planning commission; and

3. All driveways which connect with public streets shall be constructed with "Standard Design of Driveway Entrances for Oklahoma Highways," as revised and subsequent amendments thereto, as prepared by the Oklahoma State Highway Department.

SECTION 12-435 SIDEWALKS.

A plan for a system of sidewalks and walkways may be required to be prepared that will provide every lot within a residential or commercial subdivision, or portion thereof, with a direct sidewalk connection with all of the community facilities and commercial enterprises located within or adjacent to the subdivision, and in a manner that will provide convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located. The planning commission may require the construction of sidewalks to connect with existing or future proposed sidewalks in areas adjacent to the subdivision where such sidewalks are needed for pedestrian circulation. Sidewalks and walkways shall be constructed in the subdivision in accordance with the specifications governing sidewalk and walkway construction.

SECTION 12-436 WATER LINES.

Water lines and fire hydrants shall be installed in accordance with Town policy and regulations.

Planning, Zoning and Development

SECTION 12-437 SANITARY SEWERS.

- A. The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the planning commission. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction which requires at a minimum a manhole every three hundred (300) feet and a pipe size of eight (8) inches.
- B. Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used in accordance with the following provisions:
 - 1. A lot for residential use on which a unit disposal system is located shall be not less than twenty thousand (20,000) square feet in area;
 - 2. No portion of any unit disposal system shall be located closer than twenty (20) feet to the lot line of the lot on which the system is located; and
 - 3. All unit disposal systems shall comply with the requirements of the state and county health departments.
- C. When subdivisions contain five (5) acres or more, the planning commission may require the subdivider to install sanitary sewers, and a disposal system that is adequate to serve all of the lots within the subdivision.

SECTION 12-438 STORM SEWERS AND DRAINAGE.

Storm sewers and drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

SECTION 12-439 MAINTENANCE AND SUPERVISION.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance and supervision of such facilities.

Planning, Zoning and Development

ARTICLE D
PLAT PREPARATION AND APPROVAL PROCEDURE

SECTION 12-440 THE PRELIMINARY PLAT.

The subdivider shall prepare a preliminary plat for submission to the planning commission. Four (4) copies of the preliminary plat shall be submitted to the office of the Town Clerk not less than fourteen (14) days prior to the meeting at which it is to be considered.

SECTION 12-441 CERTIFICATION OF DESIGN.

The preliminary plat shall be accompanied by a statement signed by a qualified engineer preparing the plat certifying that he has, to the best of his ability, designed the subdivision in accordance with the general plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.

SECTION 12-442 CONTENTS OF THE PRELIMINARY PLAT.

The preliminary plat shall be drawn at a scale of one hundred (100) feet to one inch and shall contain or be accompanied by the following information:

1. The scale, north point and date;
2. The proposed name of the subdivision;
3. The name and address of the owner of record, the subdivider and the registered engineer preparing the plat;
4. A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;
5. The names, with location of intersecting boundary lines, of adjoining subdivisions, and the location of Town limits, if falling within or immediately adjoining the tract;
6. The land contours with vertical intervals not greater than two (2) feet referenced to a United States Geological Survey and Geological Survey bench mark or monument;

Planning, Zoning and Development

7. The location of existing buildings, water, water courses, and the location of dedicated streets at the point where they adjoin or are immediately adjacent to the subdivision, provided however, that actual measured distances shall not be required;
8. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location, and width of streets, alleys, easements and setback lines and the approximate lot dimensions;
9. The location, approximate size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
 - a. Water mains;
 - b. Sanitary sewer mains, sub-mains;
 - c. Storm shelters;
 - d. Street improvements;
10. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all runoff from the proposed subdivision; and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat; and
11. The classification of every street within or adjacent to the subdivision in accordance with the intended use to the street based on the proposed design. This shall be done by placing the appropriate term, primary thoroughfare, secondary thoroughfare, collector, or minor street in parentheses, directly on each street.

SECTION 12-443

PLANNING COMMISSION ACTION.

The planning commission shall approve, approve conditionally, or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the planning commission chairman and shall be attached to one copy of the plat and transmitted to the subdivider. Unless stipulation for additional time is agreed to by the subdivider, if no action be taken by the planning commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved.

Planning, Zoning and Development

2. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified;
3. The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with the adjacent subdivisions identified by official names. Material which is not a part of the subdivision shall be shown in dashed or dotted lines;
4. The lines of all proposed streets fully dimensioned by lengths and bearings or angles;
5. The lines of all proposed alleys. Where the length or direction of an alley is not readily discernible from data given for lot and block lines, the length or bearing shall be given;
6. The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located;
7. The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except where a lot line meets a street line at right angles, the angle or bearing value may be omitted;
8. The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public";
9. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively through each block, with areas to be excluded from platted marked "Reserved" or "Not a Part";
10. The location of all building lines, set-back lines, and easements for public services or utilities and dimensions showing their locations;
11. The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns;
12. The proper acknowledgements of owners and the consent by the mortgage to plat restrictions;

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The reasons for disapproval or conditional approval shall refer specifically to those parts of the general plan or specific regulations with which the plat does not conform. On conditionally approving a plat, the planning commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and planning commission agree upon any revision which shall be filed with the planning commission on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.

SECTION 12-444 THE FINAL PLAT.

A final plat, neatly drawn in ink on tracing cloth, and three (3) dark line prints thereof, shall be submitted to the office of the Town Clerk not less than fourteen (14) days before the planning commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted two (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

SECTION 12-445 TIME OF SUBMISSION.

The final plat of the proposed subdivision shall be submitted to the planning commission and Town Board for final approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved unless the planning commission agrees to an extension of time. The final plat shall be filed in the office of the county clerk with two (2) years after approval by the Town Board and planning commission, or if not filed within such time, the approval shall be considered as having been voided.

SECTION 12-446 DRAFTING.

The final plat shall be drawn at a scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three (33) inches between border lines. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half (½) inch surrounding the sheet shall be left blank at the top, bottom and right hand side, and a margin of two (2) inches at the left side for binding purposes.

SECTION 12-447) CONTENTS OF THE FINAL PLAT.

The final plat shall show the following:

1. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

Planning, Zoning and Development

13. The following which shall be made and shown on the cloth tracing:
 - a. Owner's certificate and dedication, signed;
 - b. Engineer's certificate of survey, signed and his seal;
 - c. Certificate for release of mortgage for any portion dedicated to the public;
 - d. Reference to any separate instruments, including restrictive covenants, filed in the office of the county clerk which directly affect the land being subdivided;
 - e. Certificate of planning commission approval;
 - f. Certificate of Town Board acceptance of ways, easements, and public land dedications
 - g. Treasurer's certificate; and
 - h. Certificate of Town Clerk related to special assessments; and

14. A title which shall include:
 - a. Name of the subdivision;
 - b. Name of the Town, County, and State; and
 - c. Location and description of the subdivision referenced to section, range, and township.

SECTION 12-448

PLANNING COMMISSION ACTION.

- A. The planning commission shall act upon the final plat within forth-five (45) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the planning commission chairman or secretary member. Unless stipulation for additional time is agreed to by the subdivider and if no action is taken by the planning commission at the end of forty-five (45) days after a submission, the plat shall be deemed to have been approved. A certification by the Town Clark as to date of submission of plat for final approval and failure of planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

Planning, Zoning and Development

- B. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not comply.

SECTION 12-449 TOWN BOARD.

Before recording the final plat, it shall be submitted to the Town Board for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor of the Town and attested to by the Town Clerk or his/her deputy. The disapproval of any plat or plan by the Town Board shall be deemed a refusal of the proposed dedication shown thereon.

SECTION 12-450 RECORDING OF PLAT.

After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the Town Clerk with two (2) dark line prints thereof, and one contact reproducible cloth tracing. The applicant shall file the original tracing, one dark line print on cloth, and one contact reproducible cloth tracing or film with the county clerk.

Planning, Zoning and Development

ARTICLE D
ADMINISTRATION AND AMENDMENT

SECTION 12-460 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, such requirements of design, but not procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of these regulations preserved. Such modifications may be granted upon written request of the subdivider stating the reason or reasons for each modification and may be waived by three-fourths (¾) vote of the regular membership of the planning commission.

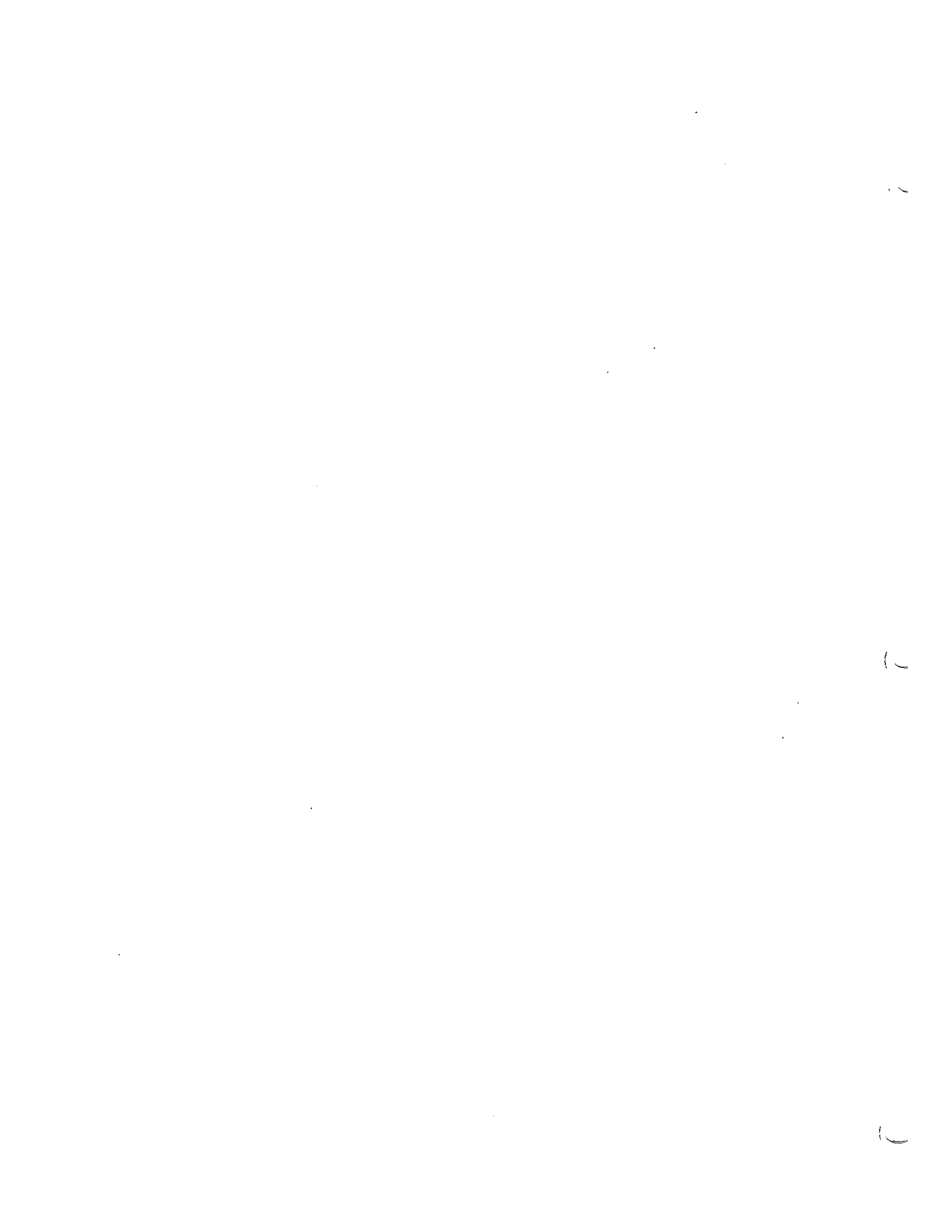
SECTION 12-461 ADMINISTRATION AND AMENDMENT.

The Town Board may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be enlarged or amended by the Town Board after public hearing, due notice of which shall be given as required by law.

SECTION 12-462 VIOLATION AND PENALTY.

A. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.

B. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be punished as provided in the Cashion Municipal Code. Each day a violation is permitted to exist shall constitute a separate offense.



FAX

To: Rita Henze

From: Bill Moyer, Town Consultant
Town of Cashion, Oklahoma

Flood Hazard Prevention ordinance as per our conversation.



CHAPTER 2

FLOOD HAZARD PREVENTION

Section 12-201	Statement of purpose.
Section 12-202	Finding of facts.
Section 12-203	Methods of reducing flood losses.
Section 12-204	Definitions.
Section 12-205	Application; compliance; interpretation.
Section 12-206	Basis for establishing the areas of special flood hazard.
Section 12-207	Development permit required.
Section 12-208	Warning and disclaimer of liability.
Section 12-209	Designation of building inspector; duties.
Section 12-210	Permit procedures; approval or denial.
Section 12-211	Variance procedures.
Section 12-212	General standards; flood hazard areas.
Section 12-213	Specific standards; flood hazard areas.
Section 12-214	Standards for subdivision proposals; flood hazard areas.

Note: Does town have flood plain ordinance?

SECTION 12-201 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure the potential buyers are notified that property is in a flood area.

SECTION 12-202 FINDINGS OF FACT.

The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

SECTION 12-203 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, these regulations are established to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will increase flood hazards to other lands.

SECTION 12-204 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application:

1. "Appeal" means a request for a review of an interpretation by the town board of trustees or its designated agency of any provision of this chapter or a request for a variance;
2. "Area of shallow flooding" means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three (3) feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident;
3. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year;
4. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year;
5. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;
6. "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original effective date of this chapter;
7. "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of

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utilities, either final site grading or pouring of concrete pads, or the construction of streets);

8. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation of runoff of surface waters from any source;

9. "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated a Zone A;

10. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community;

11. "Flood insurance study" means the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map;

12. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot;

13. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor";

14. "Mean sea level" means the average height of the sea for all stages of the tide;

15. "Mobile home" means a structure, transportable in one or more sections, which is built on permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers;

16. "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the original effective date of this chapter;

17. "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, plots or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure

(other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure on any part thereof of its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed;

18. "Structure" means a walled and roofed building that is principally above ground, as well as a mobile home;

19. "Substantial improvement" means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred;

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; and

20. "Variance" means a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the chapter.

SECTION 12-205 APPLICATION; COMPLIANCE; INTERPRETATION.

A. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the town.

B. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

C. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. In the interpretation and application of this chapter, all provisions shall be:

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1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 12-206 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), for the town, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

SECTION 12-207 DEVELOPMENT PERMIT REQUIRED.

A development permit shall be required to ensure conformance with the provisions of this chapter.

SECTION 12-208 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

SECTION 12-209 DESIGNATION OF BUILDING INSPECTOR; DUTIES.

A. The town building inspector is hereby appointed to administer and implement the provisions of this chapter.

B. Duties and responsibilities of the town building inspector shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
2. Review, approve or deny all applications for development permits required by Section 12-207 of this code;
3. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
4. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be conflict between a mapped boundary and actual field conditions);

5. Notify adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished; and

7. When base flood elevation data has not been provided in accordance with Section 12-206, obtain review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of Sections 12-212 through 12-214 of this code.

SECTION 12-210 PERMIT PROCEDURES; APPROVAL OR DENIAL.

A. Application for a development permit shall be presented to the town building inspector on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;

2. Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Section 12-213 of this code; and

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Approval or denial of a development permit by the town building inspector shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

5. Notify adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished; and

7. When base flood elevation data has not been provided in accordance with Section 12-206, obtain review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of Sections 12-212 through 12-214 of this code.

SECTION 12-210 PERMIT PROCEDURES; APPROVAL OR DENIAL.

A. Application for a development permit shall be presented to the town building inspector on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;

2. Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Section 12-213 of this code; and

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Approval or denial of a development permit by the town building inspector shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

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7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

Cross Reference: Building permits, procedures, Sections 5-101 et seq.

SECTION 12-211 VARIANCE PROCEDURES.

A. The town's board of trustees shall hear and render judgment on requests for variances from the requirements of this chapter. It shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the building inspector in the enforcement or administration of the chapter. Any person or persons aggrieved by the decision of the board of adjustment may appeal such decision in the courts of competent jurisdiction.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 12-210 (B) of this code have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. Upon consideration of the factors noted above and the intent of this chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of Section 12-201 of this code.

C. Prerequisites for granting variances include the following:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

2. Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation no more than two (2) feet below the base flood elevation, and that the cost of flood insurance

will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

F. The building inspector shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

SECTION 12-212 GENERAL STANDARDS; FLOOD HAZARD AREAS.

In all areas of special flood hazards the following provisions are required:

1. All new construction and substantial improved for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and

6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-213 SPECIFIC STANDARDS; FLOOD HAZARD AREAS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 12-206, 12-209 and 12-214 of this code the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the town engineer that the standard of this subsection, as proposed in Section 12-210 of this code is satisfied;

2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit a certification to the town engineer that the standards of this paragraph as proposed in Section 12-210 of this code are satisfied; and

will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

F. The building inspector shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

SECTION 12-212 GENERAL STANDARDS; FLOOD HAZARD AREAS.

In all areas of special flood hazards the following provisions are required:

1. All new construction and substantial improved for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and

6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-213 SPECIFIC STANDARDS; FLOOD HAZARD AREAS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 12-206, 12-209 and 12-214 of this code the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the town engineer that the standard of this subsection, as proposed in Section 12-210 of this code is satisfied;

2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit a certification to the town engineer that the standards of this paragraph as proposed in Section 12-210 of this code are satisfied; and



3. Mobile Homes. No mobile home shall be placed in a floodway, or if applicable, a coastal high hazard area, except in an existing mobile home park or existing mobile home subdivision. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Specific requirements shall be:

- a. Over-the-top ties at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side;
- b. Frame ties at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;
- c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- d. Any additions to the mobile home be similarly anchored.

SECTION 12-214 STANDARDS FOR SUBDIVISION PROPOSALS; FLOOD HAZARD AREAS.

- A. All subdivision proposals shall be consistent with Sections 12-201 through 12-203 of this code.
- B. All proposals for the development of subdivisions shall meet development permit requirements of Sections 12-207, 12-210 and 12-212 through 12-214 of this code.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres, if not otherwise provided pursuant to Sections 12-206 and 12-209 of this code.
- D. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

