

Chapter 62

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ARTICLE I. IN GENERAL**Sec. 62-1. Comprehensive plan adopted; purpose.**

(a) The Comprehensive Plan for the City of McAlester, Oklahoma, dated June 1978 as attached originally and on file in the city clerk's office and made a part of this chapter is hereby adopted.

(b) The comprehensive plan is hereby stated to be adopted for the purpose of providing orderly development of the community.
(Ord. No. 1871, § 1(21.1), 8-27-91)

Sec. 62-2. Filling and excavating of land.

(a) *Permit required.* It shall be unlawful for any individual or organization to fill in land within the city unless a permit is issued by the city. An application for permit shall be filed with the city and shall specify the type of material, location, depth, compaction and cover material to be used in the fill.

(b) *Permissible fill material.* Fill material shall consist of natural soil, earth, clay, gravel, loam, stones, bricks, brickbats, plaster, Portland cement, glass, cinders, metal chips and other non-combustible waste material as specified in section 106-301.

(c) *Exceptions.* Exceptions to the above requirements of this section shall be:

- (1) A fill less than one foot in depth, and placed on natural terrain, with a slope flatter than five horizontal to one vertical, or less than three feet in depth not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.
- (2) An excavation which is less than two feet in depth, or which does not create a cut of greater than five feet in height and steeper than 1½ to one vertical.

(Code 1974, § 18-68)

Secs. 62-3—62-25. Reserved.**ARTICLE II. PLANNING COMMISSION*****Sec. 62-26. Created; purpose.**

In order to direct the future development of the city and to encourage social and economic improvements in accordance with modern city planning principles, and to ensure the orderly, efficient and economic arrangement and development of future public works projects, there is hereby created a planning commission for the city.

(Ord. No. 1871, § 1(21.6), 8-27-91)

State law reference—Authority to create planning commission, 11 O.S. § 45-101.

Sec. 62-27. Composition; appointment, terms of members.

(a) The planning commission shall consist of 11 members who shall be nominated by the mayor and confirmed by the city council for a term of three years; provided in 2008 three members nominated and confirmed shall serve for a period of three years; in 2009 four members nominated and confirmed shall serve for a period of three years; in 2010 four members nominated and confirmed shall serve for a period of three years; and upon the expiration of their terms, respectively, successor members shall be nominated by the mayor and confirmed by the city council for terms of three years each. Appointments to fill vacancies shall be made by the mayor and confirmed by the council for the unexpired term only.

(b) In addition to the appointed members, the mayor and city engineer shall be ex-officio members of the planning commission.

(c) During the term of membership, any member who is absent for more than 50 percent of the meetings within a one-year period or three consecutive meetings, without good cause determined by the planning commission, shall automatically cease to be a member and a replacement shall be appointed by the mayor upon confirmation by the city council.

(Ord. No. 1871, § 1(21.7), 8-27-91; Ord. No. 2285, 4-8-08)

State law reference—Planning commission membership, 11 O.S. § 45-102.

***Cross reference**—Boards and commissions, § 2-166 et seq.

State law reference—Municipal planning commissions, 11 O.S. § 45-101 et seq.

Sec. 62-28. Qualifications of members.

The appointed members of the planning commission shall be residents of the city who are qualified by knowledge or experience to act upon matters pertaining to the physical, social and economic development of the city.
(Ord. No. 1871, § 1(21.8), 8-27-91)

State law reference—Residency requirement, 11 O.S. § 45-102.

Sec. 62-29. Removal of members; members shall serve without compensation.

Any appointed member of the planning commission may be removed by the mayor and city council at any time for due cause shown. All members shall serve without compensation.
(Ord. No. 1871, § 1(21.9), 8-27-91)

State law reference—Compensation of planning commission, 11 O.S. § 45-102.

Sec. 62-30. Election of officers; adoption of rules.

The planning commission shall elect from among its appointed members its own chairman, vice-chairman, secretary and treasurer, and may from time to time adopt such rules and regulations, not inconsistent with the laws of the state or with the charter or ordinances of the city, for its own organization and procedure as it may deem proper.
(Ord. No. 1871, § 1(21.10), 8-27-91)

Sec. 62-31. General duties.

(a) The duties of the planning commission shall be to prepare a comprehensive plan showing its ideas and recommendations for the physical development of the city; to provide programs, drawings, maps or plans covering the whole or any portion of the city and of any lands outside of the city, which, in the opinion of the commission, bears relation to the development or welfare of the city. Such plan shall show the commission's ideas and recommendation relative to:

- (1) The location, width and arrangement of streets, alleys, bridges, grade separations, parking, parkways, playgrounds, schools, public institutions or other public grounds or improvements.

- (2) The grouping of public buildings.
- (3) The design and planning of any memorials or works of art.
- (4) Transportation facilities, such as railroads railway or motor.
- (5) Street appurtenances, including lighting standards, street name signs, poles and wires, projecting signs, and the like; zoning plan and ordinance for the classification and regulation of land uses and open spaces about buildings; and other matters pertaining to the physical, social and economic improvement of the city, or any portion thereof.

(b) The commission shall submit such plan to the mayor and city council.
(Ord. No. 1871, § 1(21.11), 8-27-91)

State law reference—General powers of planning commission, 11 O.S. § 45-103.

Sec. 62-32. Recommendations as to subdivisions and closing of streets.

All plans and plats for the subdivision of land into streets or building lots, and all proposals for the closing of streets and alleys within the limits of the city or any additions thereto, shall be submitted to the planning commission for its recommendations before final acceptance or approval by the city. Such recommendations by the commission shall be made within 30 days of such submission and failure to do so shall constitute a waiver of its privilege to pass upon such plan, plat or closing.
(Ord. No. 1871, § 1(21.12), 8-27-91)

State law reference—Recommendations as to subdivisions, 11 O.S. § 45-104.

Sec. 62-33. Duty with respect to public works program.

It shall be the duty of the planning commission to prepare and submit an annual public works program to the mayor and city council, on or before June 30 of each year. It shall be the duty of each city department or agency to furnish the commission, upon request, any data, plans, estimates or programs and to collaborate with the commis-

sion in the preparation of such public works program.

(Ord. No. 1871, § 1(21.13), 8-27-91)

Sec. 62-34. Preparation and recommendation of proposed legislation.

It shall be the duty of the planning commission to prepare and recommend such municipal legislation as may be necessary to carry out the recommendations or suggestions of the commission.

(Ord. No. 1871, § 1(21.14), 8-27-91)

Sec. 62-35. Employment of planners, engineers, etc.

The planning commission may employ such planners, engineers, architects, clerks and other persons as may be necessary in the performance of its duties, subject to the approval of the city council. The salaries and compensation of such persons shall be fixed by the city council and appropriations be made therefor, if deemed necessary by the city council.

(Ord. No. 1871, § 1(21.15), 8-27-91)

State law reference—Similar provisions, 11 O.S. § 45-103.

Sec. 62-36. Reports to mayor and council.

The planning commission shall make an annual report to the mayor and city council covering its investigations, transactions and recommendations, and such other reports relative thereto as it may deem proper or as requested by the mayor or city council.

(Ord. No. 1871, § 1(21.16), 8-27-91)

Secs. 62-37—62-55. Reserved.

ARTICLE III. CLOSING OF PUBLIC WAYS AND EASEMENTS*

Sec. 62-56. Definitions.

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

Close means an ordinance of the city council enacted in accordance with the requirements hereafter set forth, discontinuing the public use of a public way or easement without affecting title to real property.

Easement means rights in real property as defined in 60 O.S. § 49 as presently existing or as may be hereafter amended.

Public way means a street, avenue, boulevard, alley, lane or thoroughfare open or platted for public use.

(Ord. No. 1871, § 1(21.21), 8-27-91)

Cross reference—Definitions generally, § 1-2.

Sec. 62-57. Petition generally.

(a) A petition for the closing of any public way or easement within the city shall be filed with the planning commission by any owner of property abutting the way petitioned to be closed, or his duly authorized representative, on a standard form furnished by the planning commission. All petitions for closing of a public way or easement shall be accompanied by a sketch, plan or copy of a map of the area surrounding the street, way or easement to be closed, drawn to approximate scale, showing the land of all abutting property owners, their names and mailing addresses.

(b) The applicant shall be also required to secure from a bonded abstractor, a plat of the area involved, the names and addresses of the owners of record, all within 300 feet of the proposed change. Upon receipt by the building official of

***Cross reference**—Streets, sidewalks and other public places, ch. 94.

State law references—Vacating plats and public ways, 11 O.S. § 42-101 et seq.; authority to close public ways, 11 O.S. § 42-110.

the plat, notice shall be sent by certified mail, return receipt requested, to all property owners of record within that 300 feet.
(Ord. No. 1871, § 1(21.22), 8-27-91)

Sec. 62-58. Fees to be paid by petitioner.

(a) Upon the filing of petition for closing, the property owner, or his duly authorized representative, shall pay a filing fee to the planning commission. All fees collected by the planning commission shall be deposited with the city treasurer and credited to the general fund of the city. The fees and expenses for all public notices pursuant to such petition shall be paid by the petitioner or his duly authorized representation, in accordance with the following schedule:

Schedule of Fees Required for Filing Petition to Change the Zoning of Land or to Request a Use Permitted on Review:

Square feet of land area involved:

0 to 19,000 sq. ft.	\$105.00
20,000 to 39,000 sq. ft.	125.00
40,000 to 50,000 sq. ft.	150.00
51,000 to 60,000 sq. ft.	165.00
61,000 to 80,000 sq. ft.	175.00
81,000 to 100,000 sq. ft.	200.00

All over 100,000 square feet shall be \$175.00, plus \$25.00 for each additional 100,000 square feet or fraction thereof.

Square feet of land in dedicated street and/or alley:

0 to 10,000 sq. ft.	\$ 90.00
11,000 to 20,000 sq. ft.	105.00
21,000 to 30,000 sq. ft.	125.00
31,000 to 40,000 sq. ft.	145.00
41,000 to 50,000 sq. ft.	165.00

All over 50,000 square feet shall be \$175.00, plus \$25.00 for each additional 20,000 square feet or fraction thereof.

(b) All fees collected by the planning department shall be deposited with the city treasurer and credited to the fund designated by the city.
(Ord. No. 1871, § 1(21.23), 8-27-91; Ord. No. 2166, § 1, 7-8-03)

Sec. 62-59. Hearing on petition.

The planning commission shall hold one or more public hearings upon a petition filed under this article, notice of which shall be given by the commission as follows:

- (1) Where a petition is filed to close an alleyway, notice of the hearing before the planning commission shall be given by mail to all owners of property abutting the alleyway, except such property owners as may have signed the petition to close the alleyway, by certified mail not less than 15 days nor more than 30 days prior to the hearing; provided, that where the notice cannot for any reason be given by mail, notice shall be given by publication in a newspaper of general circulation in the city one time, not less than 15 days and not more than 30 days prior to such public hearing.
- (2) Where a petition is filed to close a public street or easement, notice of the hearing shall be given by certified mail, return receipt requested, to all property owners owning property abutting upon the public street or easement in the area sought to be closed, and such other owners of record whose property is within 300 feet in any direction from the public way or easement sought to be closed, and by publication of the notice in a newspaper of general circulation in the city not less than 15 days and not more than 30 days prior to the public hearing.
- (3) The planning commission shall give written notice of any proposed closing of a public way or easement to any holder of a franchise or others determined by the planning commission to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least 30 days prior to a public hearing held upon the petition for closing.

(Ord. No. 1871, § 1(21.24), 8-27-91)

Sec. 62-60. Limitations on effect of closing.

The closing of a public way or easement shall not affect the right to maintain, repair, recon-

struct, operate or remove utility, public service company or transmission company facilities or services therein, nor shall such closing affect private ways existing by operation of law, unless released in writing executed by the owners thereof. (Ord. No. 1871, § 1(21.25), 8-27-91)

Sec. 62-61. Reopening.

The city hereby retains the absolute right to reopen a public way or easement which has been closed, without expense to the city, and the same may be reopened by:

- (1) Resolution of the city council upon its own motion; or
 - (2) Upon application of the property owners owning more than one-half in area of the property abutting on the public way or easement previously closed.
- (Ord. No. 1871, § 1(21.26), 8-27-91)

Secs. 62-62—62-80. Reserved.

ARTICLE IV. OPENING OF PUBLIC WAYS AND EASEMENTS*

Sec. 62-81. Definitions.

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

Easement means rights in real property as defined in 60 O.S. § 49, as presently existing or as may be hereafter amended.

Open means an ordinance of the city council enacted in accordance with the requirements hereafter set forth, designating for public use a public way or easement by dedication of such way or easement by property owner or owners desiring that such way be opened.

***Cross reference**—Streets, sidewalks and other public places, ch. 94.

State law reference—Reopening public ways, 11 O.S. § 42-110.

Public way means a street, avenue, boulevard, alley, lane or thoroughfare open or platted for public use.

(Ord. No. 1871, § 1(21.31), 8-27-91)

Cross reference—Definitions generally, § 1-2.

Sec. 62-82. Filing of petitions; required information.

Petition for the opening of any public way or easement within the municipal limits of the city shall hereafter be filed with the planning commission by any owner of property dedicating the way petitioned to be opened or his duly authorized representative, on a standard form furnished by the commission. All petitions for opening of a public way or easement shall be accompanied by a sketch, plan or copy of a map of the area surrounding the street, way or easement to be opened, drawn to approximate scale showing the land of all abutting property owners, their names and mailing addresses.

(Ord. No. 1871, § 1(21.32), 8-27-91)

Sec. 62-83. Fees and expenses.

Upon the filing of petition for opening, the property owner or owners or his or their duly authorized representative shall pay the appropriately designated filing fee to the planning commission. All fees collected by the planning commission shall be deposited with the city treasurer and credited to the general fund of the city. In addition thereto, the fees and expenses for all public notices herein required pursuant to such petition shall be paid by the petitioner or his duly authorized representative.

(Ord. No. 1871, § 1(21.33), 8-27-91)

Sec. 62-84. Compliance with subdivision regulations.

A petition as filed under this article shall comply with and be governed by the subdivision standards and regulations in article VI of this chapter.

(Ord. No. 1871, § 1(21.34), 8-27-91)

Sec. 62-85. Closing.

The city hereby retains the absolute right to close the public way or easement without expense to the city and the same may be closed by:

- (1) Resolution of the city council upon its own motion; or
- (2) Upon application of the property owners owing more than one-half in area of the property abutting on the public way or easement and in accordance with article III of this chapter.

(Ord. No. 1871, § 1(21.35), 8-27-91)

Secs. 62-86—62-105. Reserved.**ARTICLE V. ZONING*****DIVISION 1. GENERALLY****Sec. 62-106. Title.**

This article is enacted in pursuance of the authority granted by the legislature of the state in 11 O.S. arts. XLII, XLIII, XLIV (11 O.S. §§ 43-101 et seq., 44-101 et seq., 45-101 et seq.), and shall be known as the "Zoning Ordinance of the City of McAlester," and shall be cited as such.

(Ord. No. 1843, § 1(art. I, § 1), 2-14-89)

Sec. 62-107. Definitions.

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

Generally. 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 tenses; 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.

*State law reference—Zoning generally, 11 O.S. § 43-101 et seq.

Accessory building means a building customarily incidental and subordinate to the main building and located on the same lot with the main building.

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

Advertising sign or structure means any cloth, card, paper, metal, painted glass, wooden, plastic, plaster, stone sign, flashing or illuminated portable sign, flags, tinsel, balloons, banners and other promotional types, or other statuary, placed for outdoor advertising purposes on the ground, or on any tree, wall, bush, rock, post, fence, building, pole, wire or other support, including structures. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, suspending, flying or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross section of such structure. Neither direction, warning nor other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

Agriculture means the use of land for agricultural purposes including farming, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further, that the above uses shall not include the commercial feeding of garbage to swine or other animals.

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

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, vans, trucks, buses, motor scooters and motorcycles.

Automotive wrecking yard means the use of any building, lot, portion of lot or tract of land for the storage, keeping, salvaging or dismantling of automobiles and/or related automotive vehicles and parts of equipment for the primary purpose of salvaging any part or parts or components thereof, including the processing of such salvaged or salvageable parts or components incidental to such use, and the processing of resultant scrap materials accessory to the above.

Base flood means the flood which has a one-percent chance of being equalled or exceeded in any given year (100-year flood).

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

Building means any roofed structure, enclosed or not by walls, intended for shelter, housing, or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

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

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

Child care center means any place, structure or institution licensed by the state which receives 13 or more children under the age of 18 years, and not of common parentage, for care apart from their natural parents, legal guardians or custodi-

ans, when received for regular periods of time for compensation; provided, however, this definition shall not include public or private schools organized, operated or approved under the state laws; 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, meetings, or classes, or engaged in church activities. Structures designated or classified as child care centers shall comply in all respects with division 3 of this article and meet licensing requirements of the state department of human services.

Child (day) care home means a family home or structure in a residential neighborhood that provides monetary compensated day care and protection for 12 or fewer children under the age of 18 years, for any part of a 24-hour day. A day care home shall not include informal arrangements which parents or guardians make independently with neighbors or relatives or friends, nor does it include caretakers in the child's own home. It is required to be licensed by the state and meet requirements of the state department of human services.

Clinic, veterinarian means a veterinarian practice designed to be restricted to the medical treatment of, or indoor boarding of, nonagricultural animals, or small animal household pets only. Restricted small animal clinics must also meet the following conditions in addition to screening requirements:

- (1) These facilities shall not be permitted within 100 feet of residential districts on any side.
- (2) Plans and specifications for proposed facilities shall detail provisions for sound-proofing, avoidance of odors, and satisfactory sanitary services. These plans shall be submitted to the city planning and engineering offices for review.
- (3) There will be no outside animal storage or runs. All animals will be kept indoors behind solid structured soundproofed walls.

- (4) Such facilities shall be restricted to treatment of common household pets, further defined as animals that could be expected to live indoors in a residential dwelling.

Development means any manmade 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.

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

Dwelling means any building, or portion thereof, which is designated or used as living quarters for one or more families, but not including house trailers.

Dwelling, multiple means a dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort-type hotels.

Dwelling, single-family means a dwelling designed to be occupied by one family.

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

Family means one or more persons related by blood or marriage or adoption, or a group (not to exceed five persons) not all related by blood or marriage, occupying the premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or single dwelling for group use.

Fencing means screening as an opaque, solid ornamental fence or wall, designed and built to be in harmony and conformance to the surrounding buildings and uses within the district where it is located, displaying no advertising signs or letters and maintained in a proper state of repair.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of

lakes, streams, rivers or any other inland waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community issued by the U.S. Department of Housing and Urban Development Federal Insurance Administration, where the areas having special flood hazards have been designated as zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which the U.S. Department of Housing and Urban Development Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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.

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

- (1) Basements.
- (2) Elevator shafts and stairwells at each floor.
- (3) Floor space for mechanical equipment with structural headroom of seven feet.
- (4) Penthouses.
- (5) Attic space providing headroom of seven feet or more.
- (6) Interior balconies, mezzanines and enclosed covered porches and enclosed steps.
- (7) Accessory uses in enclosed covered space, but not including space used for off-street parking.

Floor area, net means the total floor area within a building devoted to or intended to be devoted to a particular use, with structural head-

room of seven feet or more, whether above or below the finished lot grade, excluding the following:

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

Garage, private means an accessory building or a part of a main building used only for storage purposes; for no more than four automobiles; or for a number of automobiles which does not exceed $1\frac{1}{2}$ times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is greater.

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

Gasoline or filling station means any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

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.

Home occupation means that occupation or profession which is carried on by the inhabitants residing at and inhabiting the dwelling; is clearly incidental and secondary to the primary use of the dwelling for dwelling purposes; does not change the character of the dwelling in any manner; and is conducted entirely within the main or preexisting accessory buildings, provided that the acces-

sory building shall have existed for at least one year previously; and provided that such occupation or profession does not:

- (1) Offer for sale any items on the premises; does not involve any type of retail trade on the premises; and does not trade in merchandise other than that which is crafted within the building.
- (2) Utilize any mechanical equipment which creates a disturbance such as noise, dust, odor or electrical disturbance, or emit noise, dust or odor outside the structure.
- (3) Store outside the confines of the dwelling or accessory buildings, any material or equipment.
- (4) Display any merchandise or advertising sign more than two feet square in area, which must be attached to the main or accessory building, and which must be nonilluminated.
- (5) Exceed 30 percent of the gross area of the main building. Tearooms, restaurants, resthomes, ceramic or upholstery shops, clinics, doctor's or dentist's offices, barber-shops or beauty shops, child care centers, tourist homes, cabinet, metal, gunsmith, taxidermy, or auto repair shops or any kind of shop or store, are specifically excluded from this definition.

Any violation of the foregoing restrictions shall be considered a violation of the city codes and punishable as an offence, and further shall be considered a nuisance subject to abatement procedures.

Hospital, veterinarian means a veterinarian practice designed to accept, treat, indoor or outdoor board, both large and small animals, including those animals most commonly associated with and for agricultural purposes.

Housing, specialized:

Apartment house or multifamily dwelling means a building designed for occupancy by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort-type hotels.

Boardinghouse 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 or more, but not exceeding 12 persons.

Condominium or townhouse means single-family dwelling units on platted lots, detached, semidetached or attached, at the side(s) in a structure of not less than four nor more than ten such dwelling units, each of which shall have a front and rear entrance, a private outdoor area, access to common open space, and is designed to be owned and occupied individually and separately.

Dependent life care facilities (convalescent—nursing—rest homes): These facilities are designed for older persons who need a wide range of health and support services, including personal nursing care, without having to leave the supportive environment. They generally include any place or institution, which makes provisions for bed care, or for chronic or convalescent care for one or more persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. All dependent life care facilities shall be construed as a medical use.

Garage apartment means a dwelling unit for one family erected above or attached to a private garage within an appropriate residential district.

Group home means a number or collection of unrelated individuals forming a social unit by assembling together, having some unifying relationship, or regarded as an assemblage with a shared element in common, occupying an establishment or domicile that provides residence and/or special care on a 24-hour-per-day basis. Group homes shall be licensed by a state agency for the type of care or accommodations that are to be provided. The absence of such license by a group home shall be grounds for denial for location within a residential district.

All group homes will be subject to a use permitted after review hearing prior to establishment.

Hotel, motel or transient residential means a building or group of buildings under one ownership intended for transient use as sleeping accommodations with the primary compensation derived from providing this lodging. These structures shall consist of one or more sleeping rooms occupied, intended or designed primarily to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, or any sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint. All accessory residential uses incidental to commercial establishments are prohibited, including a night watchman or employee residing overnight on the premises.

House trailer means any portable or mobile vehicle used or designed to be used for living purposes and with its wheels, rollers or skids in place.

Independent living options (retirement centers; elderly complexes) means apartments of condominium developments or multifamily structures reserved for and primarily occupied by independent older persons; including design features making them fully accessible for elderly persons with physical handicaps, but who are considered to be independent. Such centers shall generally consist of individual apartments, community dining centers and common recreation areas. Older citizens living in such housing generally desire privacy and independence and only need limited support services. Independent housing facilities shall not be considered as a medical use.

Roominghouse means a building where lodging is provided for compensation for no more than five persons. All in excess of this number shall be defined as a hotel under the terms of this article.

Junk means used, broken, discarded or abandoned materials. This shall include wood, paper, glass, rags, rubber, metal, concrete, plastic, wood or other personal property, whether of value or

valueless. It shall also include automobiles or machines of any type and/or parts thereof, which are no longer in operable condition.

Junkyard operation means the sale, storage, display, dismantling, demolition of junk as defined in this section.

Kennel means any lot, premises, shelter, or establishment on which more than four dogs, cats or other animals older than 12 weeks are kept, even if the purpose is not for the breeding or boarding of said animals. Humane Society activities shall be construed as meeting the definition of a kennel.

Landscaping means the planting and maintenance of trees, shrubs, lawns, and other evergreen ground cover or material including accessory materials utilized to accent or complement vegetation within open spaces immediately contiguous to parking areas or streets.

Lodges and other service institutions means a building or group of buildings intended or designed to be used only for special or seasonal uses by persons with common association or interests, such as fraternities, Masonic lodges, Boy Scouts, Red Cross, etc.

Lot(s) means any plot of land occupied or intended to be occupied by one building, a group of buildings, and its accessory buildings, and uses, including such open spaces as required by this article and other laws or ordinances, and having its principal frontage on a street, and further defined as follows:

Area means the total area measured on a horizontal plane [plane] included within lot lines.

Corner means a lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Depth means the average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Double frontage means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Frontage means that dimension of a lot or portion of a lot abutting on a public dedicated street, excluding the side dimension of a corner lot and one end of a double frontage lot.

Interior means a lot other than a corner lot.

Lines means the lines bounding a lot as defined in this section.

Manufactured housing: Defined as "mobile homes."

Medical facilities:

Dental clinic or *medical clinic* means a facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions. This definition shall include dental and/or doctor's offices.

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

Public health center means a facility primarily utilized by a health unit for the provisions of public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

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

Mixed beverage establishments means a business or operation allowing mixed beverages as defined and permitted by the state alcohol control board.

Mobile home or *manufactured housing* means a structure, transportable in one or more sections,

which is built on a permanent chassis, designed to be used with or without a permanent foundation when connected to the required facilities.

Mobile home court means a parcel of land under single ownership which has been planned and improved for a placement of mobile homes for nontransient use.

Mobile home lot means a parcel of land for the exclusive use of the occupants of a single mobile home.

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).

Mobile home stand means the part of an individual lot which has been reserved for the placement of the mobile home.

Modular housing means structures designed to meet all city building codes and generally constructed at one location with standardized units or dimensions for flexibility and variety in use, containing all electrical and plumbing components, then transported to a different site for actual assembling.

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 situated.

Open porch means a porch which has no side or front walls, screens or other enclosures, except structural roof supports where a roof is provided.

Planned unit development means the planned unit development (PUD) overlay district which is a zoning district offering development of a unified design for housing, commercial, industrial and institutional uses in a combination of densities and varieties of functions; which, by design, would intend to hold one developer responsible for all improvements and construction.

Professional office means the office of persons engaged in the practice of the following recog-

nized professions: law, accountancy, architecture, chiropody, chiropractic, dentistry, engineering, medicine (other than veterinary medicine), optometry, osteopath, healing arts, electrology, real estate broker, insurance and funeral homes.

Salvage yard means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including places where such uses are conducted entirely within a completely enclosed building.

Satellite dish (communication) antenna means a large, generally metallic device incorporating a reflective surface that is solid, open mesh, or bar configured; and is in the shape of a shallow concave round dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

Self-service laundry or drycleaning 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 mechanical appliances which are operated primarily by the customers on the premises.

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 the excavation for a basement, footings, piers 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 or any part thereof on 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 parks or mobile home subdivision, and 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.

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 is no floor above it, then the space between the floor and the ceiling next above it.

Story, half means a space under a sloping roof which has the line of intersection of roof decking and will face not more than three feet above the top floor level, and in which space not more than two-thirds 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.

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

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

Street, major means an arterial street which is designated on the major street plan and designed to carry intercity traffic and to relate the various neighborhoods within the city.

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.

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

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started; or, 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 terms do not, however, include either 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 any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Travel trailer or recreational vehicle court means land or property which is used or intended to be used or rented for occupancy by one or more trailers or recreational vehicles which are intended as movable sleeping quarters.

Variance means a relaxation of the terms of this article, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure of yards and open spaces. Variances shall not be sought for the establishing or expansion of a use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district, or adjoining zoning district.

Yard(s) means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this article that an accessory building 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 least horizontal distance between the lot line (or street right-of-way line) and the main building shall be used. Definitions are as follow:

Front means a yard located in front of the front elevation of a building and extended across a lot between the front property line and the main building or any projection thereof, other than steps.

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 main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

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 property line and the side of the main building or any projections other than steps. (Ord. No. 1843, § 1(art. II, § 2), 2-14-89; Ord. No. 2155, § 1, 7-23-02)

Cross reference—Definitions generally, § 1-2.

Sec. 62-108. Violations and penalties.

A violation of this article shall be deemed a misdemeanor and shall be punishable by fine. Any person who violates or refuses to comply with any of the provisions of this article may be fined as provided for in section 1-8 of this Code. Each day that a violation is permitted to exist constitutes a separate offense.

(Ord. No. 1843, § 1(art. VII, § 4), 2-14-89)

Sec. 62-109. Invalidity of a part; repeal of conflicting ordinances.

In case any portion of this article shall be held to be invalid or unconstitutional, the remainder

of the article shall not thereby be invalid, but shall remain in full force and effect. Any ordinance now in effect that conflicts with any provisions of this article is hereby repealed.
(Ord. No. 1843, § 1(art. VII, § 8), 2-14-89)

Sec. 62-110. Article deemed continuation of prior ordinance.

The city's zoning ordinance was originally adopted on July 22, 1968 by Ord. No. 1243. Provisions in this article (this article being derived from Ord. No. 1843, adopted February 14, 1989, as amended) found in such original zoning ordinance are not to be construed as being amended or changed by either the adoption of Ord. No. 1843 or an amendment thereto or the codification of such provisions in this article.
(Ord. No. 1843, 2-14-89)

Sec. 62-111. Purpose and necessity.

This article is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city; and to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate provisions of adequate facilities for transportation, water, sewage, schools, parks and other public requirements; and promote a more homogeneous relationship of land use within the incorporated limits of the city; to protect property values; and to regulate the use of the land and to promote the orderly development of the community in accordance with the comprehensive plan as adopted by the planning commission and approved by the city council; and all other accepted purposes of zoning.

(Ord. No. 1843, § 1(art. I, § 2), 2-14-89)

State law reference—Purpose of zoning ordinances, 11 O.S. § 43-103.

Sec. 62-112. Nature of zoning plan.

This article classifies and regulates the use of land, buildings, and structures within the city limits of the city as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience and welfare of the inhabitants by dividing the city 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, density of population and location of buildings.
(Ord. No. 1843, § 1(art. I, § 3), 2-14-89)

Sec. 62-113. Conflicting provisions.

(a) As provided under 11 O.S. § 43-108, any provision or regulation of this article imposing higher standards than any other applicable statute, local ordinance or regulation shall govern.

(b) As concerns interpretation and application, the provisions of this article shall be held to be minimum requirements. Where this article imposes a greater restriction than is imposed or required by other provision of law, or by rules or regulations or ordinance, the provision of this article shall control.

(Ord. No. 1843, §§ 1(art. I, § 4), 2, 2-14-89)

Secs. 62-114–62-125. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Subdivision I. General Provisions

Sec. 62-126. Zoning clearance permit required.

(a) *Purpose.* The zoning clearance permit is a permit issued by the zoning administrator which states that a particular development meets all of the requirements of the zoning ordinance. It is not a building permit and does not authorize construction; it simply clears the land and structure in terms of zoning, and authorizes the building official to issue the building permit. This permit also provides a good check for the applicant, in that any irregularities can be eliminated before the detailed plans are prepared.

(b) *Existing buildings.* Any building, structure or use lawfully existing at the time of enactment of this article may be continued, even though such building, structure or use does not conform with the provisions of this article. However, no nonresidential building or other structure shall be erected, constructed, enlarged, altered, or repaired,

in such a manner as to prolong the life of the building; nor shall the use of any land or building or other structure be changed without a zoning clearance permit issued authorizing such construction, alteration, repair or use changes as being in compliance with the provisions of this article.

(c) *Application.* An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be con-

ducted thereon. Within three days the zoning administrator shall grant or deny said zoning clearance permit in accordance with the terms of this article.

(d) *Accompanying material.* All applications for zoning clearance permits for new construction shall be accompanied by a plot plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, and the size and location of the building to be erected and such other information as may be necessary to satisfy the requirements of these regulations.

(e) *Required form.* The form to be used pursuant to this section is as follows:

DATE _____

PLAN REVIEW NO. _____

ZONING ORDINANCE

plan review

JURISDICTION _____

(City, County)

LOCATION _____

(Street address)

LOT NUMBER AND SUBDIVISION _____

(Legal description)

LOT AREA _____

ZONING DISTRICT _____

PROPOSED USE _____

ACCESSORY USES _____

YARDS, FRONT _____ REAR _____ SIDE _____

LOT COVERAGE _____ ENCROACHMENTS _____

OFF-STREET PARKING SPACES, REQUIRED _____ PROVIDED _____

LOADING SPACE _____

HEIGHT _____

SIGNS _____

PLANNING COMMISSION APPROVAL REQUIRED? _____

CORRECTION LIST

NO.	DESCRIPTION	ORDINANCE SECTION	CHECK OFF

(Ord. No. 1843, § 1(art. VII, § 1), 2-14-89)

Sec. 62-127. Building permit or certificate of occupancy required.

This article shall be enforced by a building official, acting at the direction of the chief administrative officer. It shall be a violation of this article for any person to change or permit the change in the use of the land or buildings or structures, or to erect, alter, move, or improve any building or structure until a building permit has been obtained under the following conditions:

- (1) *Building permits.* Every application for a building permit shall be accompanied by:
 - a. A plat drawn to scale, showing the plot, showing:
 - 1. The exact size, shape and dimensions of the lot to be built upon;
 - 2. The exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be built, repaired, altered, erected or moved;
 - 3. The size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities, if such be for a business, commercial or industrial building.

- b. A declaration of the existing use or intended use of each existing and proposed building or structure on the lot and the number of families and house-keeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
- c. A survey prepared by an engineer or surveyor, registered in the state, indicating the boundaries of the lot on which the improvement is proposed to be located, with permanent survey pins or monuments on all corners. All existing easements must be shown, as well as ground elevations, finished floor elevations and certifications concerning base flood elevations.
- d. Any additional information relating to the proposed improvement needed to determine compliance with these regulations.
- e. The building official shall be a person, who, in the judgement and opinion of the city manager, is competent by reason of building experience, to properly cause inspections to be made and to determine whether permits should be granted. The building official shall serve by appointment of the city manager and his term shall begin upon the

passage of this article and one year thereafter, and shall continue to serve unless removed by the city manager, who may remove without cause. All applications for building shall be filed with the building official.

(2) *Fee schedule.* Whenever any structure or building is to be improved, erected, moved, or structurally altered, a building permit shall be obtained from the building official. The fees for the permit required by this code shall be in accord with the following schedule:

- a. The applicant for a permit to construct, remodel, repair or add to any residential building, shall pay a fee of \$0.035 per square foot of total construction area covered by roof, with a minimum fee of \$10.00.
- b. The applicant for a permit to construct, remodel, repair, or add to any commercial or industrial building, shall pay a fee of \$0.05 per square foot of total construction area covered by roof, with a minimum fee of \$20.00.
- c. All structures of more than 2,500 square feet of construction area covered by roof, requiring a detailed plan review by the engineering, code, and fire departments, may be charged \$10.00 per hour per actual time for such plan examination, recommendation or approval.
- d. The building inspector shall make the five normal and necessary inspections required for such fees: footing; slab/steel; framing; insulation; and final. Any additional inspections required shall be charged at the standard \$5.00 per inspection as provided for in electrical and plumbing sections.
- e. For the moving of any building or structure, the fee shall be as prescribed in section 18-348.
- f. For the demolition of any building or structure, the fee shall be \$10.00 for each issuance.

(3) *Certificate of occupancy.* No change shall be made in the use of any land or building or

structure after the passage of this article until a certificate of occupancy is obtained from the building official certifying that all of the provisions of this article 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.

(Ord. No. 1843, § 1(art. VII, § 2), 2-14-89)

Sec. 62-128. Procedure for authorizing uses permitted after review.

The uses listed under the various districts herein as uses permitted after review are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly such uses permitted after review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (1) An application is to be filed with the city planning commission for review. The application shall show the location and intended use of the site, the names of all the property owners and existing land uses within a 300-foot radius of the exterior boundary of the subject property and any other material pertinent to the request which the planning commission may require.
- (2) The planning commission shall hold one or more public hearings thereon.
- (3) The planning commission shall within 45 days of the date of application, transmit to the city council its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and the recommendation of the planning commission concerning use thereon. Thereupon the city

council may authorize or deny the issuance of a building permit for the use of land or buildings as requested.

(Ord. No. 1843, § 1(art. VII, § 3), 2-14-89)

Sec. 62-129. Amendments.

(a) The city council may, by ordinance, amend, change or repeal this article or any part thereof; provided, however, that before the city council shall amend, change or repeal this article or any part thereof, it shall request the planning commission to submit its recommendations on such proposed amendment, change or repeal. The planning commission recommendations shall be made after not less than one public hearing, thereon which hearing may be adjourned from time to time. After considering the commission's recommendations, at a public hearing for which proper public notice shall be given, the city council may approve the recommendations in whole or in part, or return the recommendations to the planning commission for further consideration.

(b) The planning commission may, upon its own initiative, hold at least one public hearing on a proposed amendment, change or repeal of this article or any part thereof; and, any recommendations therefrom shall be transmitted to the council. The city council shall consider and act upon such recommendation in the same manner as herein set forth for recommendations requested by the city council.

(c) Notice of public hearing as herein required shall include at least one publication notice in a newspaper of general circulation in the city, not less than 15 days, but not more than 30 days, prior to such hearing. If a proposed amendment is for the purpose of rezoning a lot, parcel or tract of land, public notice as herein required shall also include the posting of at least one sign on such lot, parcel or tract of land and such sign shall remain there for a period of 15 successive days prior to the public hearing, including the day immediately preceding the day for which such public hearing is scheduled, and shall include notice, sent by certified mail, to all property owners within a 300-foot radius of the exterior boundary of the subject property. The notice, as herein referred to, shall state the nature of the proposed amend-

ment, change or repeal of this article, or any part thereof, and the date, time and place of the public hearing.

(d) Petition for amendment to the zoning ordinance and zoning map shall henceforth be filed with the planning commission by the owner of the property concerned, or duly authorized representative thereof, on a standard form furnished by the commission. All petitions for amendment proposing a change in zoning district classification shall be accompanied by sketch plans of the area proposed to be rezoned, drawn to approximate scale and showing the boundaries and dimensions of the tract, the outline of existing and proposed buildings and structures, the size and location of off-street parking lots, the type of surfacing proposed for said lots, and the plan of structures and the drives proposed for ingress and egress. An area map showing land of all abutting property owners shall also be submitted unless such is shown on the tract sketch.

(e) If a protest against an amendment, change or repeal of this article or any part thereof is presented, duly signed and acknowledged by 20 percent of the interested property owners as defined by section 62-128(1), such amendment shall not be passed except by the favorable vote of three-fourths of the city council.

(f) Upon the filing of a petition of amendment to these regulations, the property owner or his duly authorized representative shall pay a filing fee which is hereby fixed and established according to the following schedules:

- (1) Schedule of fees required for filing petitions to change the zoning of land and to amend the district boundaries:

<i>Land area involved in rezoning request</i>	<i>Fee</i>
Over 0 sq. ft. but not over 10,000 sq. ft.....	\$ 82.00
Over 10,000 sq. ft. but not over 20,000 sq. ft.....	90.00
Over 20,000 sq. ft. but not over 30,000 sq. ft.....	97.00
Over 30,000 sq. ft. but not over 40,000 sq. ft.....	105.00

Over 40,000 sq. ft. but not over 50,000 sq. ft.....	112.00
Over 50,000 sq. ft. but not over 60,000 sq. ft.....	120.00
Over 60,000 sq. ft. but not over 70,000 sq. ft.....	127.00
Over 70,000 sq. ft. but not over 80,000 sq. ft.....	135.00
Over 80,000 sq. ft. but not over 90,000 sq. ft.....	142.00
Over 90,000 sq. ft. but not over 100,000 sq. ft.	150.00
Over 100,000 sq. ft. but not over 120,000 sq. ft.....	157.00
Over 120,000 sq. ft. but not over 140,000 sq. ft.....	165.00
Over 140,000 sq. ft. but not over 160,000 sq. ft.....	172.00
Over 160,000 sq. ft. but not over 180,000 sq. ft.....	180.00
Over 180,000 sq. ft. but not over 200,000 sq. ft.....	187.00
Over 200,000 sq. ft. but not over 220,000 sq. ft.....	195.00
Over 220,000 sq. ft. but not over 240,000 sq. ft.....	202.00
Over 240,000 sq. ft. but not over 260,000 sq. ft.....	210.00
Over 260,000 sq. ft. but not over 280,000 sq. ft.....	217.00
Over 280,000 sq. ft. but not over 300,000 sq. ft.....	225.00

All over 300,000 square feet is \$225.00, plus \$37.00 for each additional 100,000 square feet or fraction thereof.

(2) Schedule of fees required for filing petitions to vacate alleys.

<i>Land area involved in dedicated alley</i>	<i>Fee</i>
Over 0 sq. ft. but not over 10,000 sq. ft.....	\$ 82.00
Over 10,000 sq. ft. but not over 20,000 sq. ft.....	90.00
Over 20,000 sq. ft. but not over 30,000 sq. ft.....	97.00
Over 30,000 sq. ft. but not over 40,000 sq. ft.....	105.00

Over 40,000 sq. ft. but not over 50,000 sq. ft.....	112.00
Over 50,000 sq. ft. but not over 60,000 sq. ft.....	120.00
Over 60,000 sq. ft. but not over 70,000 sq. ft.....	127.00
Over 70,000 sq. ft. but not over 80,000 sq. ft.....	135.00
Over 80,000 sq. ft. but not over 90,000 sq. ft.....	142.00
Over 90,000 sq. ft. but not over 100,000 sq. ft.	150.00
Over 100,000 sq. ft. but not over 120,000 sq. ft.....	157.00
Over 120,000 sq. ft. but not over 140,000 sq. ft.....	165.00
Over 140,000 sq. ft. but not over 160,000 sq. ft.....	172.00
Over 160,000 sq. ft. but not over 180,000 sq. ft.....	180.00
Over 180,000 sq. ft. but not over 200,000 sq. ft.....	187.00
Over 200,000 sq. ft. but not over 220,000 sq. ft.....	195.00
Over 220,000 sq. ft. but not over 240,000 sq. ft.....	202.00
Over 240,000 sq. ft. but not over 260,000 sq. ft.....	210.00
Over 260,000 sq. ft. but not over 280,000 sq. ft.....	217.00
Over 280,000 sq. ft. but not over 300,000 sq. ft.....	225.00

All over 300,000 square feet is \$225.00, plus \$37.00 for each additional 100,000 square feet or fraction thereof.

(3) Schedule of fees required for filing petitions to vacate streets.

<i>Land area involved in dedicated street</i>	<i>Fee</i>
Over 0 sq. ft. but not over 10,000 sq. ft.....	\$ 97.00
Over 10,000 sq. ft. but not over 20,000 sq. ft.....	112.00
Over 20,000 sq. ft. but not over 30,000 sq. ft.....	127.00
Over 30,000 sq. ft. but not over 40,000 sq. ft.....	142.00

Over 40,000 sq. ft. but not over 50,000 sq. ft.	157.00
Over 50,000 sq. ft. but not over 60,000 sq. ft.	172.00
Over 60,000 sq. ft. but not over 70,000 sq. ft.	187.00
Over 70,000 sq. ft. but not over 80,000 sq. ft.	202.00
Over 80,000 sq. ft. but not over 90,000 sq. ft.	217.00
Over 90,000 sq. ft. but not over 100,000 sq. ft.	232.00
Over 100,000 sq. ft. but not over 120,000 sq. ft.	247.00
Over 120,000 sq. ft. but not over 140,000 sq. ft.	262.00
Over 140,000 sq. ft. but not over 160,000 sq. ft.	277.00
Over 160,000 sq. ft. but not over 180,000 sq. ft.	292.00
Over 180,000 sq. ft. but not over 200,000 sq. ft.	307.00
Over 200,000 sq. ft. but not over 220,000 sq. ft.	322.00
Over 220,000 sq. ft. but not over 240,000 sq. ft.	337.00
Over 240,000 sq. ft. but not over 260,000 sq. ft.	352.00
Over 260,000 sq. ft. but not over 280,000 sq. ft.	267.00
Over 280,000 sq. ft. but not over 300,000 sq. ft.	382.00

All over 300,000 square feet is \$382.00, plus \$50.00 for each additional 100,000 square feet or fraction thereof.

(4) All fees collected by the planning department shall be deposited with the city clerk and credited to the fund designated by the city.

(g) If the planning commission fails to set up a petition for amendment for public hearing within 30 days after its proper filing with the planning commission at a regular scheduled meeting; or if after public hearing, the planning commission fails to recommend that this article be amended in accordance with such petition for amendment, such failure shall be deemed the final determination and decision of the planning commission. The final

determination of the planning commission may be appealed to the city council provided a written request for a hearing before the city council is served on the chairman of the planning commission within 15 days after the final determination of the planning commission.

(h) The planning commission shall supervise the official zoning map and shall keep same up to date with all changes and amendments.

(Ord. No. 1843, § 1(art. VII, § 5), 2-14-89)

State law reference—Zoning ordinance amendments, 11 O.S. §§ 43-104–43-106.

Sec. 62-130. Notice requirements in zoning map changes.

Upon the filing of an application for a change in the zoning map of the city dated July 22, 1968, as filed with the city clerk, the applicant shall be required to secure from a bonded abstractor a plat of the area involved, the names and addresses of the owners of record, all within 300 feet of the proposed zone change. Upon receipt by the building official of the plat, notice shall be sent by certified mail, return receipt requested, to all property owners of record within 300 feet of the proposed zone change.

(Ord. No. 1843, § 1(art. VII, § 7), 2-14-89)

State law reference—Additional notice requirements, 11 O.S. § 43-106.

Secs. 62-131–62-140. Reserved.

*Subdivision II. Board of Adjustment**

Sec. 62-141. Created.

There is hereby created within and for the city a board of adjustment, with the powers and duties as set forth in this division.

(Ord. No. 1843, § 1(art. VI, § 1), 2-14-89)

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

Sec. 62-142. Membership.

(a) The board of adjustment shall be composed of five members, citizens of the city, each appointed by the mayor with the approval of the

*Cross reference—Boards and commissions, § 2-166 et seq.
State law reference—Board of adjustment, 11 O.S. § 44-101 et seq.

council for a term of three years; provided, however, that for the first appointment under the provisions of this article, one member shall be appointed for a term of one year; two members shall be appointed for a term of two years; and two members shall be appointed for a term of three years. Two alternate members shall be appointed for overlapping terms of two years. All appointments thereafter shall be for a term of three years.

(b) Not less than two members shall be appointed from the membership of the planning commission.

(c) The board shall elect a chairman from its membership to serve a term of two years.
(Ord. No. 1843, § 1(art. VI, § 2), 2-14-89)

State law reference—Membership of board of adjustment, 11 O.S. § 43-101.

Sec. 62-143. Rules of procedure.

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

(Ord. No. 1843, § 1(art. VI, § 3), 2-14-89)

State law references—Meetings and rules, 11 O.S. § 44-102; required vote, 11 O.S. § 44-105(B).

Sec. 62-144. Powers generally.

The board of adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, require-

ment, decision, or determination made by an administrative official in the interpretation or enforcement of this article.

- (2) Where, by 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, which condition is not generally prevalent in the area, the strict application of this article would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the board is hereby empowered to authorize upon an appeal relating to such property, a variation 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 this article.

(Ord. No. 1843, § 1(art. VI, § 6), 2-14-89)

State law references—Similar provisions, 11 O.S. § 44-104(1), (3); variances, 11 O.S. § 44-107.

Sec. 62-145. Powers relative to exceptions.

(a) Upon appeal, the board of adjustment is hereby 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 article where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which zoning map is attached to and made a part of this article.
- (3) To grant exceptions to the off-street parking requirement 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.

(4) To grant exceptions to the setback and area requirements herein established, where the slope of the land on 20 percent or more of the lot to be built on, exceeds ten percent, and where such slope interferes with the reasonable development of the property for the uses permitted in the district in which the lot is located; provided, however, that whenever exceptions are granted to setback or to area requirements, new setback and area requirements for the lot or lots covered by the exception shall be specifically set forth in a manner that will carry out the purpose and intent of these regulations.

(5) The board of adjustment, as established by the zoning codes of the city, is hereby authorized, upon appeal, to hear and approve variances to requirements on sign setbacks, area, height and size requirements where a strict application of these requirements would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner/occupant of such property, provided and assuming that all other applicable provisions of the sign ordinance have been complied with. The board is also authorized 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 interpretation or enforcement of this article.

(b) In exercising the abovementioned powers, the board of adjustment shall have the concurring vote of at least four of its members in order that it may, in conformance with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision 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 article, 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 in 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 city. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal.

(Ord. No. 1843, § 1(art. V, § 6), 2-14-89)

State law reference—Powers relative to special exceptions, 11 O.S. §§ 44-104(2), 44-107.

Sec. 62-146. 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 city affected by any decision based on this article. Such appeal shall be taken within 30 days from the date of the decision by filing with the officer from whom the appeal is taken and with the city clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee of \$45.00 at the office of the city clerk, at the time the notice is filed. The officer from whom the appeal is taken, shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the case shown.

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

(c) Notice of the public hearing before the board of adjustment, shall be given by publication in a newspaper of general circulation in the city, and

by mailing written notice by the city clerk to all property owners within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain:

- (1) Legal description of the property and the street address or approximate location in the city or town.
- (2) Present zoning classification of the property and the nature of the variance or exception requested.
- (3) Date, time and place of hearing.

(d) A copy of the published notice and written notice shall be published and mailed at least 14 days prior to the hearing.

(Ord. No. 1843, § 1(art. VI, §§ 4, 5), 2-14-89)

State law reference—Appeals, 11 O.S. § 44-109.

Sec. 62-147. Appeal to district court.

(a) An appeal from any action, decision, ruling, judgement or order of the board of adjustment, may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the city to the district court by filing notice of appeal with the city clerk, and with the board of adjustment within ten 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 forthwith transmit to the court clerk of the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling in the case, together with the order, decision or ruling of the board.

(b) An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment, from which the appeal is taken, certifies to the court clerk, after the notice of appeal shall have been filed, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms

and provisions of this article, and upon notice to the chairman of the board of adjustment for which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

(Ord. No. 1843, § 1(art. VI, § 7), 2-14-89)

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

Secs. 62-148--62-160. Reserved.

*Subdivision III. Nonconforming Structures and Uses**

Sec. 62-161. Intent.

(a) Within the districts established by this article or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this article was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this article or future amendment.

(b) It is the intent of this article to permit these nonconformities to continue until they are removed, or cessation of use occurs, but not to encourage their survival. Such uses are declared by this article to be incompatible with permitted uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged upon, altered, expanded or extended (in such a manner as to prolong the life of the building), nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(c) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this article.

(Ord. No. 1843, § 1(art. III, § 1), 2-14-89)

Sec. 62-162. Lots of record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this article, a single-family dwelling and customary accessory build-

*State law reference—Nonconforming uses, 11 O.S. § 44-107.1.

ings may be erected on any single lot of record at the effective date of adoption or amendment of this article. Such lot must be in separate ownership and not a continuous frontage with other lots in the same ownership. Variance of area, width and yard requirements shall be obtained only through action of the board of adjustment. (Ord. No. 1843, § 1(art. III, § 2), 2-14-89)

Sec. 62-163. Structures.

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

- (1) No such structure may be enlarged or altered in any way which increases its nonconformity, or in any manner which prolongs the life of the building.
- (2) Should such structure be destroyed by any means, or deteriorated by age, neglect or obsolescence, to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this article.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 1843, § 1(art. III, § 3), 2-14-89)

Sec. 62-164. Uses of structures.

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

- (1) No existing structure devoted to a use not permitted by this article in the district in

which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located; except in the case of an existing nonconforming single-family dwelling, the existing dwelling may be enlarged or extended no more than 25 percent of its square footage of area at the effective date of this article.

- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this article, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned, intentionally or unintentionally, for six consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. No. 1843, § 1(art. III, § 4), 2-14-89)

Sec. 62-165. Uses of land.

Where, at the effective date of adoption or amendment of this article, lawful uses of land exist that are no longer permissible under the terms of this article as enacted or amended, such uses may

be continued, so long as they remain otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this article.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this article.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of land shall conform to the regulations specified by this article for the district in which such land is located.

(Ord. No. 1843, § 1(art. III, § 5), 2-14-89)

Secs. 62-166—62-175. Reserved.

DIVISION 3. ZONING DISTRICTS AND DISTRICT REGULATIONS*

Subdivision I. General Provisions

Sec. 62-176. Districts enumerated.

For the purpose of this article and the promotion of public health, safety and general welfare of the community, the following districts are hereby established and shall be designated as follows:

- (1) *Residential:*
 - R-1A single-family district (rural subdivision)
 - R-1B single-family district
 - R-1C existing single-family district
 - R-2 two-family dwelling district
 - R-3 multiple-family dwelling district
- (2) *Commercial:*
 - C-1 office district
 - C-2 neighborhood convenience district

*State law reference—Districts and district regulations authorized, 11 O.S. § 43-102.

C-3 general commercial district (central business)

C-4 restricted commercial district

C-5 highway commercial/recreation district

(3) *PUD:*

Planned unit development district

(4) *Industrial:*

I-1 light industrial district

I-2 heavy industrial district

(5) *Health/Medical:*

H-1 health facilities district

(6) *Agricultural:*

A-1 agricultural district

(7) *Floodplain:*

F-O flood hazard overlay

Specific district regulations are set forth in subdivision II of this division and division 4 of this article.

(Ord. No. 1843, § 1(art. II, § 1.2), 2-14-89)

Sec. 62-177. Official zoning map.

(a) As districts are designated, they shall be bounded and defined as shown on a map entitled "Zoning Map of the City of McAlester, Pittsburg County, State of Oklahoma." The zoning map, dated January 1981, or as hereafter amended and all of the explanatory materials thereon, is hereby made a part of this article.

(b) The city is divided into zones or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article with the same force and effect as if set out in full herein.

(c) The official zoning map shall be identified by the signature of the mayor, attested to by the clerk, and shall bear the seal of the city under the following words: "This is to certify that this is the Official Zoning Map of the City of McAlester," together with the date of February 14, 1989.

(d) If changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the ordinance amendment has been approved by the city council together with an entry on the official zoning map as follows: "On (date), by official action of the City Council, the following change(s) were made in the Official Zoning Map: (brief description of nature of change)." Such entry shall be signed by the mayor and attested to by the clerk.

(e) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this article, and in keeping with the language of the ordinance.

(f) Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the planning department, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

(g) If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor and attested to by the clerk and shall bear the seal of the city under the following words: "This is to certify that this Official Zoning Map has been adopted (date of adoption of map being replaced)."

(Ord. No. 1843, § 1(art. II, §§ 1.1, 1.3, 1.4), 2-14-89)

Sec. 62-178. Annexation clause.

All territory annexed to the corporate limits of the city subsequent to February 14, 1989, is within the jurisdiction of this article, and will, upon annexation, be zoned as R-1A single-family residential district, unless otherwise classified by the city

council. Within six months after the effective date of such annexation, the city council shall in accordance with 11 O.S. §§ 43-101-45-104 and this article, rezone the annexed territory in keeping with the comprehensive plan.

(Ord. No. 1843, § 1(art. IV, § 14), 2-14-89)

Sec. 62-179. Vacations of public easements.

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

(Ord. No. 1843, § 1(art. IV, § 16, art. VII, § 6), 2-14-89)

Sec. 62-180. Application of regulation to uses of 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 intended to be used primarily for nonresidential purposes.

(Ord. No. 1843, § 1(art. IV, § 1), 2-14-89)

Sec. 62-181. Existing buildings and land use.

Except as herewith provided, no building or parcel of land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified.

(Ord. No. 1843, § 1(art. IV, § 2), 2-14-89)

Sec. 62-182. Height and density.

No building shall hereafter be erected or altered which will exceed the height limit nor shall any building or land be used or occupied hereafter in excess of the density regulations for that district; no building shall hereafter be erected or altered to accommodate a greater number of families than those specified for that district; no

building shall be erected or altered to exceed the specification of required lot size, maximum coverage, yard requirements, height limitations, or bulk limitation for that district as defined. (Ord. No. 1843, § 1(art. IV, § 3), 2-14-89)

Secs. 62-183–62-195. Reserved.

Subdivision II. Specific Districts

Sec. 62-196. R-1A single-family residential district (rural subdivision district).

(a) *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 the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, 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 each element.

(b) *Uses permitted.*

- (1) Single-family dwellings.
- (2) Public parks or playgrounds.
- (3) Accessory buildings, including private garages or part of the main building.
- (4) Elementary, junior or senior high school; or other schools offering general education courses as generally offered in public schools, provided they have major street frontage as shown on the major street plan.
- (5) Home occupations, as defined and regulated by this article.
- (6) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements in subsection (d).

(c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in section 62-128.

- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
- (2) Municipal uses; public building and public utilities, in conjunction with one of the other permitted uses, and subject to screening requirements in section 62-290.
- (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
- (4) Golf course, provided it has major street frontage as shown on the major street plan.
- (5) Library, provided it has major street frontage, as shown on the major street plan.

(d) *Area regulations.* The following requirements shall apply to all permitted uses. All lots shall comply with the specific lot definition and specific yard (front, side, rear) definition found in section 62-107.

- (1) *Minimum lot area:* Will be two acres; except as specifically required for churches, i.e., maximum percentage of possible building coverage, plus required off-street parking for that maximum building coverage, equals the minimum lot area required.
- (2) *Minimum lot frontage:* At the front building line will be 100 feet for residential and 200 feet for all others.
- (3) *Maximum percentage of coverage:*
 - a. Main and accessory buildings shall not cover more than 25 percent of the lot area on interior lots.
 - b. Not more than 30 percent of the lot area on corner lots.
 - c. Accessory buildings shall not cover more than 20 percent of the rear yard.
 - d. All other uses shall not cover more than 50 percent of the lot.

- (4) *Maximum height:* Will be 35 feet or 2½ stories, provided that the height regulations set out in section 62-163 are not breached.
- (5) *Front yard setback:* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
- a. The minimum depth of the front yard shall be 30 feet for residential buildings, and 50 feet for all other buildings.
 - b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 30 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback already so established by the existing buildings. This regulation shall not require a front yard of greater depth than 40 feet.
- (6) *Side yard setback:*
- a. For buildings of more than one story, the minimum width of the side yard on all lots shall not be less than ten feet.
 - b. For dwelling and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street not less than 15 feet in case such lot is back-to-back with another corner lot, and 30 feet in every other case.
 - c. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
 - d. 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 division 6 of this article.
- (7) *Rear yard setbacks:* Rear yard setbacks shall be 20 feet or 20 percent of the lot depth.
(Ord. No. 1843, § 1(art. V, § 1), 2-14-89)

Sec. 62-197. R-1B single-family residential district.

(a) *General description.* The R-1B single-family residential district is established as a district in which the use of land is for single-family dwellings, yet providing for a somewhat higher density with basic restrictions similar to the R-1A single-family residential district. The development and continued use of this land for residential dwellings is encouraged and the encroachment of commercial and industrial use or any other use which would substantially interfere with the development of or continuation of this district as residential is prohibited. Any use which would generate traffic or create congestion on neighborhood streets other than normal traffic which serves the residences on the street is discouraged. Encouraged are those uses, which, because of character or size would not create additional requirements and costs for public services, which are in excess of such requirements and costs if the district were developed solely for residential dwellings.

(b) *Uses permitted.*

- (1) Single-family dwellings.
- (2) Public parks or playgrounds.
- (3) Accessory buildings, including private garages, and uses customarily incidental to the primary use.
- (4) Elementary, junior or senior high school; or other schools, provided they have major street frontage as shown on the major street plan.
- (5) Home occupations, as defined and regulated by this article.
- (6) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements found in subsection (d).

(c) *Uses permitted after review.* The following uses may be permitted after review by the planning commission in accordance with provisions in this article:

- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.

- (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions in section 62-290.
- (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
- (4) Golf course, provided it has major street frontage as shown on the major street plan.
- (5) Library, provided it has major street frontage, as shown on the major street plan.
- (6) Group homes (as defined), provided they are licensed/controlled by the appropriate state/federal agency.
- (7) Bed and breakfast: For the purposes of these regulations on bed and breakfast[s, "bed and breakfast"] shall be defined as a use carried on in a structure designed for single-family occupancy which provides to the general public overnight accommodations and breakfast. Such use shall be permitted after review, subject to the following conditions:
 - a. Operator or host family must reside on the premises.
 - b. Bed and breakfast home may not have more than five units or host more than ten overnight guests at one time.
 - c. Guests must be within principal structure. Detached buildings and/or garage apartments may not be converted to guest quarters.
 - d. Provide one parking space per guest quarters plus two parking spaces per single-family dwelling unit. Parking requirements are not intended to destroy landscaping or damage the integrity of the dwelling, therefore, the planning commission may alter the parking space requirements if it is determined that sufficient parking can be provided to service the bed and breakfast.
 - e. Signs: One nonilluminated freestanding or wall-mounted sign not more than six square feet may be located on the site. Sign design, color and location

shall not detract from the neighborhood and be in harmony with the neighborhood. The word "hotel" or "motel" shall not be allowed on sign. Any lighting for sign must be general or indirect lighting.

- f. Guest may be provided breakfast by the host, but no other meal may be served. There will be no cooking in guest rooms.

(d) *Area regulations.* The following requirements shall apply to all permitted uses. All lots shall comply with the specific lot definition and specific yard (front, side, rear) definition found in section 62-107.

(1) *Minimum lot area:*

- a. Minimum will be 6,000 square feet, except as specifically shown for churches; i.e., maximum percentage of possible building coverage, plus required off-street parking for that maximum building coverage, equals the minimum lot area required. No dwelling or use shall be constructed or commenced in an R-1B district which does not conform to the minimum lot size requirements.
- b. For churches and main and accessory buildings, (other than dwellings and buildings accessory to dwellings), the lot areas must be adequate to provide yard areas required by this section, plus the off-street parking areas required in section 62-332.

(2) *Minimum lot frontage:*

- a. At the front building line, the frontage will be 50 feet.
- b. When a yard has a double frontage, the front yard requirements shall be provided on both streets.
- c. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size, may be a minimum of 45 feet at the street line.
- d. A minimum lot width of 200 feet at the front building line for all churches,

main and accessory buildings (other than dwellings and buildings accessory to dwellings), will be required.

(3) *Maximum percentage of coverage:* Maximum by all buildings shall not be greater than 35 percent.

(4) *Maximum height:* Maximum height will be no greater than 35 feet.

(5) *Front yard setback:* Front yard setback will be no less than 25 feet from the street right-of-way line.

(6) *Side yard setback:*

a. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of no less than five feet for dwellings of more than one story, except as provided in section 62-164. For unattached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than four feet from an interior side lot line when all parts of the accessory building are located not more than 50 feet from the rear property line.

b. For dwelling and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street side property line no less than 15 feet in case such lot is back-to-back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

c. 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 no less than 30 feet.

(7) *Rear yard setback:*

a. Rear yard setback will be no less than 20 feet.

b. For buildings more than two stories in height, the minimum rear yard required hereby shall be increased by five feet for each additional story or fraction thereof.

c. There shall be a rear yard for a main building of no less than 20 feet or 20 percent 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.

(Ord. No. 1843, § 1(art. V, §§ 2.1—2.4), 2-14-89; Ord. No. 2022, § 1, 9-13-94)

Sec. 62-198. R-1C existing single-family residential district.

(a) *General description.* This is the least restrictive single-family residential district which is in a transition from residential to commercial. This district is designed as commercial or industrial on the comprehensive plan, but is not quite ready for commercial or industrial development. These R-1C districts shall consist of each and all of the single-family dwellings which were existing in the districts designated as commercial or industrial as the zoning ordinance came to be approved in July 1968.

Once a dwelling is removed from a lot in this R-1C district, or the use of such structure or property ceases to be that of residential, the property shall have a zoning classification as designated on the zoning map of the city. Such property shall not be used for residential purposes again unless the property owner follows outlined procedures for amendment to the official zoning map and obtains proper approval.

Note: Previously conforming dwelling units destroyed by fire or any act of God may be rebuilt, provided that all aspects of the R-1B area regulations are met.

(Ord. No. 1843, § 1(art. V, § 2.5), 2-14-89)

Sec. 62-199. R-2 two-family dwelling (duplex) district.

(a) *General description.* This is a residential district to provide for a slightly higher population density, but with basic restrictions similar to the

R-1A and R-1B districts. The principal use of land is for single-family and two family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. 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 and arrangement of each element.

(b) *Uses permitted.*

- (1) Single-family dwellings.
- (2) Two-family (duplex) residential dwellings.
- (3) Public parks or playgrounds.
- (4) Accessory buildings, including private garages, and uses customarily incidental to the primary use.
- (5) Elementary, junior or senior high school; or other schools offering general education courses as generally offered in public schools, provided they have major street frontage as shown on the major street plan.
- (6) Home occupations, as defined and regulated by this article.
- (7) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements found in subsection (d).

(c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in this article:

- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
- (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions found in section 62-290.

- (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
- (4) Golf course, provided it has major street frontage, as shown on the major street plan.
- (5) Group homes (as defined), provided they are licensed/controlled by the appropriate state or federal agency.
- (6) Child or day care homes, only as defined in section 62-107.
- (7) Bed and breakfast. (Regulations as outlined in subsection 62-197(c)(7).)

(d) *Area regulations.*

- (1) *Minimum lot area and use intensity:* The following requirements shall apply:
 - a. For each single-family dwelling and accessory building, there shall be a lot area of no less than 6,000 square feet.
 - b. For each two-family dwelling (duplex) and accessory building, there shall be a lot area of no less than 8,000 square feet.
 - c. A garage apartment located on the same lot with a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases, a garage apartment shall be provided with the same lot area required by a single-family dwelling.
 - d. Where a lot has less area than herein required, and all boundary lines of that lot touch lands under other ownership on the effective date of this article, that lot may be used for any use permitted in the R-1A and R-1B single-family districts, except churches.
 - e. For churches and main and accessory buildings (other than dwellings and buildings accessory to dwellings), the lot areas shall be adequate to provide the yard areas required in the R-1B district under churches and the off-street parking areas required in section 62-332.

- (2) *Minimum lot frontage:* The following requirements shall apply:
- a. For single-family dwellings, or single-family dwellings and garage apartments, there shall be a minimum lot width of no less than 60 feet at the front building line. The lot shall abut on a street for a distance no less than 35 feet.
 - b. For two-family dwellings (duplexes), the minimum lot width shall be no less than 60 feet at the front building line. The lot shall abut on a street for a distance of no less than 45 feet.
 - c. All other uses shall have a minimum lot width of no less than 200 feet.
- (3) *Maximum percentage of coverage:* The following requirements apply:
- a. Main and accessory buildings shall not cover more than 30 percent of the lot area.
 - b. Accessory buildings shall not cover more than 20 percent of the rear yard.
 - c. All other uses shall not cover more than 50 percent of the lot area.
- (4) *Maximum height:* No building shall exceed 2½ stories or 35 feet in height, except as provided in section 62-163.
- (5) *Front yard setback:* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:
- a. The minimum depth of the front yard shall be 25 feet for residential uses. All other uses shall have a minimum depth of the front yard of 50 feet.
 - b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five 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 any greater depth than 40 feet.
 - c. When a yard has a double frontage, the front yard requirements shall be provided on both streets.
- (6) *Side yard setback:* The following requirements apply:
- a. *Interior:*
 1. For dwellings of one story, located on interior lots, there shall be a side yard on each side of the main building of no less than five feet. For dwellings of more than one story, and for garage apartments, except as heretofore provided in section 62-162, the setback shall be no less than eight feet.
 2. For unattached buildings of accessory use, there shall be a side yard of no less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line, when all parts of the accessory building are located no more than 50 feet from the rear property line.
 - b. *Corner:* For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of no less than 15 feet in case such lot is back-to-back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings as for an interior lot.
 - c. *Church:* 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 no less than 25 feet.
- (7) *Rear yard setback:* The following requirements apply:
- a. For main buildings, other than garage apartments, there shall be a rear yard

of no less than 20 feet or 20 percent of the depth of the lot, whichever is smaller.

- b. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten feet to the rear lot line.
- c. Unattached buildings of accessory use may be located in the rear yard of a main building.

(Ord. No. 1843, § 1(art. V, § 3), 2-14-89; Ord. No. 2022, § 1, 9-13-94)

Sec. 62-200. R-3 multiple-family dwelling district.

(a) *General description.* This is a residential district designed to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious, and educational facilities normally required to provide the basic elements of 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 consideration of the proper functional relationship of each element.

(b) *Uses permitted.*

- (1) Single-family dwellings.
- (2) Two-family (duplex) residential dwellings, including garage apartments.
- (3) Roominghouses or boardinghouses.
- (4) Multifamily dwellings, including condominiums, townhouses or apartments.
- (5) Accessory buildings, including private garages, and uses customarily incidental to the primary use.
- (6) Elementary, junior or senior high school; or other schools offering general education courses as generally offered in public schools, provided they have major street frontage as shown on the major street plan.

- (7) Public parks or playgrounds.
- (8) Home occupations, as defined and regulated by this article.
- (9) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements found in subsection (d).

(c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in section 62-128.

- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
- (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions found in section 62-290.
- (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
- (4) Golf course, provided it has major street frontage, as shown on the major street plan.
- (5) Library, provided it has major street frontage, as shown on the major street plan.
- (6) Group homes (as defined), provided they are licensed/controlled by the appropriate state or federal agency.
- (7) Child/day care homes (as defined in section 62-107).
- (8) Mobile home/trailer court, allowed only if found to be in compliance with the requirements in subsection (e) of this section.

(d) *Area regulations.* The following requirements shall apply to all permitted uses. All lots shall comply with the specific lot definition and yard definition found in section 62-107.

- (1) *Minimum lot area and use intensity:* The following requirements shall apply:
 - a. There shall be a lot area of not less than 6,000 square feet for a single-family dwelling, no less than 8,000 square feet for a two-family dwelling,

and no less than 8,000 square feet plus an additional area of no less than 2,000 square feet for each family that is more than two, occupying a dwelling.

- b. There shall be a lot area of no less than 8,000 square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling, the lot area shall provide no less than 2,000 square feet more than is required for the two-family or multiple-family dwelling.
- c. Where a lot has less area than herein required, and all boundary lines of that lot touch lands under other ownership on February 14, 1989, that lot may be used for any use, except churches, permitted in the R-1A and R-1A single-family dwelling district.
- d. For churches and main and accessory buildings, other than dwellings and building accessory to dwellings, the lot areas shall be adequate to provide the yard areas required in the R-1B district under churches and the off-street parking areas required in section 62-332.

(2) *Minimum lot frontage:* The following requirements apply:

- a. For single-family dwellings, or single-family dwellings and garage apartments, there shall be a minimum lot

- width of no less than 50 feet at the front building line. The lot shall abut on an open street a distance of no less than 35 feet.
- b. For two-family dwellings (duplexes), the minimum lot width shall be no less than 60 feet at the front building line. The lot shall abut on an open street a distance of no less than 45 feet.
 - c. Multifamily residential uses shall have a minimum lot width of 60 feet, plus an additional ten feet at the building line for each additional dwelling unit other than two. The lot width at the front building line shall not be required to be greater than 200 feet.
 - d. All other nonresidential allowed uses shall have a minimum lot width of not less than 100 feet.
- (3) *Maximum percentage of coverage:* The following requirements shall apply:
- a. Main and accessory buildings shall not cover more than 50 percent of the lot area.
 - b. Accessory buildings shall not cover more than 20 percent of the rear yard.
- (4) *Maximum height:* No building shall exceed 2½ stories or 35 feet in height, except as provided in section 62-163. There is no limit on multifamily dwellings.
- (5) *Front yard setback:* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:
- a. The minimum depth of the residential front yard shall be 25 feet. All other allowed uses shall be 35 feet.
 - b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback already so established by the existing buildings. This regulation shall not require a front yard of greater depth than 40 feet.
 - c. When a yard has double frontage, the front yard requirements shall be provided on both streets.
- (6) *Side yard setback:* All buildings shall be set back from street right-of-way lines to comply with the following side yard requirements:
- a. *Interior:*
 1. For dwellings located on an interior lot, a side yard of no less than five feet shall be provided on both sides of the main dwelling for the first story, and an additional three feet of side yard shall be provided for each additional story or part thereof.
 2. For unattached buildings of accessory use, there shall be a side yard of no less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory building are located not more than 50 feet from the rear property line.
 - b. *Corner:* For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street right-of-way line of no less than 15 feet, in case the lot is back-to-back with another corner lot; and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
 - c. *Church:* 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 35 feet.
- (7) *Rear yard setback:* The following requirements apply: For main buildings, other than

garage apartments, there shall be a rear yard of no less than 20 feet or 20 percent of the depth of the lot, whichever is smaller.

(e) *Specific mobile home (trailer) court regulations.*

- (1) The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.
- (2) The proposed site shall be a minimum of 2½ acres in size and shall contain no more than 12 mobile home stands per acre. The proposed site shall have a minimum frontage of 200 feet on a street designated as a major street or collector street in the major street plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of 200 feet in depth.
- (3) It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
- (4) The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet from any solid fencing, screen planting or wall of six feet in height.
- (5) The proposed site shall be screened or buffered on all sides with a solid wall fence six feet in height, or a screen planting which will attain at least a six feet to eight feet height at maturity.
- (6) The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each two mobile home stands.

(7) The proposed site shall provide a connection for each mobile home stand to all public utilities, i.e., water, sewer, and other facilities necessary for the health, safety and general welfare of the public.

(8) All public utilities shall be underground in all courts.

(9) Trailer courts shall be planned in such a manner that no trailer, or related building, shall be located any closer than 15 feet to any side lot line.

(Ord. No. 1843, § 1(art. V, § 4), 2-14-89)

Sec. 62-201. C-1 office district.

(a) *General description.* This commercial district is for the conduct of retail trade and to provide personal services 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 elements, more restrictive requirements for light, air, open space and off-street parking are made than are provided for in other commercial areas.

(b) *Uses permitted.* Property/buildings in an office commercial district shall be used only for the following purposes:

- (1)
 - a. Barbershop and/or beauty shop.
 - b. Business college.
 - c. Cleaning/dyeing works.
 - d. Fraternal organizations.
 - e. Independent living options (retirement centers/elderly complexes).
 - f. Lodge halls.
 - g. Medical and/or dental clinics.
 - h. Museums.
 - i. Music conservatory.
 - j. Pharmacy.
 - k. Professional offices.
 - l. Public uses, i.e., fire station; community building; utility building; library; auditorium; municipal building.
- (2) Nameplate and sign relating only to the use of the store and premises or to products sold on the premises.

- (3) Accessory buildings and uses customarily incidental to the above uses.
- (4) Any building used for any of the above enumerated uses may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections (1) through (3) above shall be stored or displayed outside of a building.
- (5) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-201(d)(1)d.
- (c) *Uses permitted after review (UPAR).* The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 63-163.
- (1) Child care centers (with stipulations); any child care center authorized under this UPAR shall comply with the following provisions:
- a. Child care centers are not to be located in single-family dwellings which are the permanent residence (domicile) of the operator.
 - b. The child care center shall provide a minimum indoor space available for child care, of no less than 35 square feet per child exclusive of hallways, bathrooms, kitchen and space occupied by furniture not intended for children's use.
 - c. The child care center shall provide a minimum outdoor space of 75 feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height or said fencing shall be in accordance with the appropriate screening requirements of the particular zoning district. This area must be hazard free and keep children away from traffic, water and other dangers.
 - d. The child care center shall meet city-county-state health requirements as to safety, design, facilities, equipment and licensing of the features. All child care centers shall be inspected by the state department of human services, city fire marshal, building inspectors, and the city planner, or their designees, prior to licensing, and reinspections may occur during the licensing period. The interior and exterior of all buildings shall comply with the city building codes.
- e. The child care center shall be operated in a manner that will not adversely affect property and other uses in the area. Parking for the leaving and picking up of children shall be required, so as not to interfere with the normal flow of traffic. Off-street hard surface parking areas shall be required.
- f. A license shall be obtained from the state department of human services and all requirements relative to their standards must be adhered to.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-107.
- (1) *Minimum lot area and use intensity:* The following requirements shall apply:
 - a. The minimum lot area for this district shall be no less than 12,000 square feet.
 - b. The minimum lot area for rezoning to a C-1 (office commercial district) shall not be less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in section 62-332.
 - (2) *Minimum lot frontage:* The following requirements apply: The minimum lot frontage for this district shall be no less than 100 feet.
 - (3) *Maximum percentage of coverage:* The following requirements shall apply: Main and accessory buildings shall not cover more than 50 percent of the lot area.

- (4) *Maximum height:* The following requirements apply: No building shall exceed 2½ stories or 35 feet in height, except as provided in section 63-163 and section 63-165.
- (5) *Front yard setback:* The following requirements apply: All buildings shall set back from the street right-of-way line to provide a front yard setback of no less than 25 feet in depth.
- (6) *Side yard setback:* The following requirements apply:
- a. On a side of a lot adjoining a residential dwelling district only, there shall be a side yard setback of no less than one foot per each one foot of height, or 35 feet.
 - b. On a side of a lot adjoining the same commercial district only, there shall be no side yard setback required.
 - c. For those uses specified in section 62-165(3), those setback requirements will apply; i.e., one foot of side setback and rear setback for each two feet of height above 35 feet.
- (7) *Rear yard setback:* There shall be no rear yard setback requirements except in the following cases:
- a. Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
 - b. For those uses specified in section 62-165(3), those setback requirements will apply; i.e., one foot of rear setback and side yard setback for each two feet of height above 35 feet.
- (e) *Screening requirements.*
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as the screening does not interfere with the sight triangle clearance requirements at intersections.
 - (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
 - (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along said lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
 - (f) *Parking requirements.* Parking requirements shall follow those regulations set out in division 6 of this article.
(Ord. No. 1843, § 1(art. V, § 5), 2-14-89)

Sec. 62-202. C-2 neighborhood convenience district.

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

(b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the conditions and restrictions enumerated below:

- (1) Any of the following uses shall be permitted:
 - a. Artist supplies and hobby shop.
 - b. Bakery shop.
 - c. Barbershop and beauty shop.
 - d. Bookstore.
 - e. Cleaning and dyeing works.
 - f. Clothing and wearing apparel shop.
 - g. Drugstore.
 - h. Financial institution.

- i. Florist shop.
 - j. Gift shop.
 - k. Grocery store.
 - l. Jewelry store.
 - m. Laundry and dry cleaning pickup station.
 - n. Liquor store.
 - o. Medical and dental clinics.
 - p. Motor fuel sales only (not intended for service station operations).
 - q. Pharmacy.
 - r. Professional offices (not including animal clinics/hospitals, and only in specified zones).
 - s. Public uses; i.e., fire station, community building, utility building, library, auditorium, municipal building.
 - t. Self-service laundries.
 - u. Shoe repair shop.
 - v. Stockbroker.
 - w. Variety store.
- (2) Accessory buildings and uses customarily incidental to the above uses.
- (3) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-200(d)(1)d.
- (c) *Uses permitted after review (UPAR).* The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-128:
- (1) Child care centers (with stipulations). Any child care center authorized under this UPAR shall comply with the following provisions:
- a. Child care centers are not to be located in single-family dwellings which are the permanent residence (domicile) of the operator.
 - b. The child care center shall provide a minimum indoor space available for child care, of no less than 35 square feet per child exclusive of hallways, bathrooms, kitchen, and space occupied by furniture not intended for children's use.
 - c. The child care center shall provide a minimum outdoor space of 75 feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height or said fencing shall be in accordance with the appropriate screening requirements of the particular zoning district. This area must be hazard free and keep children away from traffic, water and other dangers.
 - d. The child care center shall meet city-county-state health requirements as to safety, design, facilities, equipment and licensing of the features. All child care centers shall be inspected by the state department of human services, city fire marshal, building inspectors, and the city planner, or their designees, prior to licensing, and reinspections may occur during the licensing period. The interior and exterior of all buildings shall comply with the city building codes.
 - e. The child care center shall be operated in a manner that will not adversely affect property and other uses in the area. Parking for the leaving and picking up of children shall be required, so as not to interfere with the normal flow of traffic. Off-street hard surface parking areas shall be required.
 - f. A license shall be obtained from the state department of human services and all requirements relative to their standards must be adhered to.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-107.
- (1) *Minimum lot area and use intensity:* The following requirements shall apply.
- a. The minimum lot area for this district shall be no less than 12,000 square feet.
 - b. The minimum lot area for rezoning to a C-2 (neighborhood convenience district) shall not be less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and

buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in section 62-332.

- d. It is intended that the grouping of buildings and parking areas be designated to protect, insofar as possible, adjacent residential areas. In no case shall the design of any shopping area provide less than the following standards.
- (2) *Minimum lot frontage:* The following requirements apply: The minimum lot frontage for this district shall be no less than 100 feet.
- (3) *Maximum percentage of coverage:* The following requirements shall apply: Main and accessory buildings shall not cover more than 50 percent of the lot area.
- (4) *Maximum height:* The following requirements apply: No building shall exceed 2½ stories or 35 feet in height, except as provided in section 62-163 and section 62-165.
- (5) *Front yard setback:* The following requirements apply.
- a. All buildings shall set back from all street right-of-way lines to provide a front yard setback no less than 25 feet in depth.
- b. If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (6) *Side yard setback:* The following requirements apply.
- a. On a side of a lot adjoining a residential dwelling district only, there shall be a side yard setback of no less than one foot per each foot of height, or a minimum of ten feet.
- b. On a side of a lot adjoining the same commercial district or another commercial district, there shall be no side yard setback required.
- c. If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (7) *Rear yard setback:* There shall be no rear yard setback requirements except in the following cases: Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
- (e) *Screening requirements.*
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as said screening does not interfere with the sight triangle clearance requirements at intersections.
- (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
- (3) Screening shall consist of an opaque (solid) fence or wall, no less than five feet high and no more than eight feet high. It shall be maintained in good condition along the lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
- (f) *Bulk limitations: Floor area ratio.* In no instance shall the total floor space of the structures in a C-2 district exceed the relationship of 1:1; i.e., there must be provided one square foot of open space to each square foot of floor space in the structure.
- (g) *Parking requirements.* Parking requirements shall follow those regulations set out in division 6 of this article.

(Ord. No. 1843, § 1(art. V, § 6), 2-14-89)

Sec. 62-203. C-3 general commercial district.

(a) *General description.* This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district, or areas of mixed business enterprises. It will not normally be applied in the case of any new commercial areas.

(b) *Uses permitted.* Property and buildings in a C-3 general commercial district, may be used for the following purposes:

- (1) a. Artist supplies and hobby shop.
- b. Auditorium.
- c. Bakery.
- d. Bank.
- e. Barbershops and beauty shops.
- f. Bookstore.
- g. Business college.
- h. Bus terminal.
- i. Child care centers (provided stipulations in subsection (c)(1) are met).
- j. Cleaning and dyeing works.
- k. Clothing and apparel stores.
- l. Commercial school or hall.
- m. Communications.
- n. Dance hall.
- o. Department store.
- p. Electrical repair shop.
- q. Financial institutions.
- r. Florist shop.
- s. Fraternal organizations.
- t. Frozen food locker.
- u. Furniture store—repair and/or upholstery.
- v. Funeral parlor or mortuary.
- w. General offices.
- x. Gift shop.
- y. Grocery.
- z. Hotel.
- aa. Interior decorating store.
- bb. Jewelry store.
- cc. Key shop.
- dd. Laundry/drycleaning pickup stations.
- ee. Leather goods shop.
- ff. Liquor store.
- gg. Lodge halls.
- hh. Medical/dental clinics/facilities.
- ii. Messenger and telegraph service.
- jj. Motel and motor inns.
- kk. Motor fuel sales only (not intended for service station or mechanic operations).
- ll. Museums.
- mm. Music conservatory.
- nn. Music, radio or television shop/repair.
- oo. Reserved.
- pp. Nightclub.
- qq. Nursery or garden supply store.
- rr. Office supply.
- ss. Pawn shop.
- tt. Pet shop (not including veterinarian clinic/hospital).
- uu. Pharmacy.
- vv. Printing and stationery store.
- ww. Professional offices.
- xx. Research laboratories.
- yy. Restaurant.
- zz. Self-service laundry.
- aaa. Sewing machine repair.
- bbb. Shoe repair shop.
- ccc. Sign printing shop.
- ddd. Sporting goods store.
- eee. Stock and bond broker.
- fff. Tavern.
- ggg. Telephone and telegraph offices.
- hhh. Theatre.
- iii. Toy store.

jjj. Variety store.

kkk. Youth recreation center.

- (2) Any public buildings or uses, including fire stations, community buildings, utility buildings, library or municipal building.
- (3) Accessory buildings, structures and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- (4) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in subsection 62-200(d)(1)d.

(c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-128:

- (1) New and/or used automobile sales and/or service.

(d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-107.

- (1) *Minimum lot area and use intensity:*
 - a. There are no minimum lot area requirements.
 - b. The minimum lot area for rezoning to a C-3 (general commercial district) shall be no less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in division 6 of this article.
- (2) *Minimum lot frontage.* There are no minimum lot frontage requirements.

- (3) *Maximum percentage coverage:* Main and accessory buildings shall not cover more than 90 percent of the lot area.
- (4) *Maximum height:* There are no maximum height requirements.
- (5) *Front yard setback:* There are no front yard setback requirements; provided, however, that if and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (6) *Side yard setback:* There are no side yard setback requirements; provided, however, that if and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (7) *Rear yard setback:* There are no rear yard setback requirements in this district, except where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.

(e) *Screening requirements.*

- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as the screening does not interfere with the sight triangle clearance requirements at intersections.
- (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
- (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along said lot line. The materials used in the construction of said screening shall be greatly compatible with the same materials used in the construction of the structure itself. Great care should also be ex-

exercised to provide for aesthetic compatibility of any adjacent businesses in the district. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.

(f) *Parking requirements.* Parking requirements shall follow those regulations set out in division 6 of this article.

(Ord. No. 1843, § 1(art. V, § 7), 2-14-89; Ord. No. 2530, § 1, 2-10-15)

Sec. 62-204. C-4 restricted commercial district.

(a) *General description.* This commercial district is established for a high grade restricted commercial district removed from the central business district, along a thoroughfare, provided with adequate open space and parking.

(b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the conditions and restrictions enumerated below. It is intended that the grouping of buildings and parking areas be designed, insofar as possible, next to adjacent residential areas. In no case shall the permitted uses provide less than the standards outlined within.

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| <p>(1) a. Artist supplies and hobby shop.</p> <p>b. Bakery.</p> <p>c. Barbershop and beauty shop.</p> <p>d. Bookstore.</p> <p>e. Business college.</p> <p>f. Car wash.</p> <p>g. Child care center (with stipulations as shown).</p> <p>h. Cleaning and dyeing works.</p> <p>i. Clothing and wearing apparel shops.</p> <p>j. Dairy products store.</p> <p>k. Delicatessen.</p> <p>l. Department store.</p> <p>m. Drugstore.</p> <p>n. Financial institutions.</p> | <p>o. Florist shop.</p> <p>p. Fraternal organizations.</p> <p>q. Funeral parlor/mortuary.</p> <p>r. Gasoline or filling station.</p> <p>s. General offices.</p> <p>t. Gift shop.</p> <p>u. Grocery store.</p> <p>v. Hardware store.</p> <p>w. Health spa.</p> <p>x. Independent living options (retirement centers/elderly complexes).</p> <p>y. Jewelry store.</p> <p>z. Key shop.</p> <p>aa. Lawn mower repair shop.</p> <p>bb. Laundry/dry cleaners pickup stations.</p> <p>cc. Liquor store.</p> <p>dd. Lodge halls.</p> <p>ee. Medical/dental clinics.</p> <p>ff. Museums.</p> <p>gg. Music conservatory.</p> <p>hh. New and/or used automobile sales and/or service.</p> <p>ii. Pet stores.</p> <p>jj. Professional offices.</p> <p>kk. Restaurants.</p> <p>ll. Retail furniture store.</p> <p>mm. Self-service laundry.</p> <p>nn. Sign printing shop.</p> <p>oo. Shoe repair shop.</p> <p>pp. Small engine repair.</p> <p>qq. Sporting goods store.</p> <p>rr. Stockbroker.</p> <p>ss. Tailor shop.</p> <p>tt. Variety store.</p> <p>uu. Veterinarian clinic.</p> <p>vv. Ambulance operations, office and garage (no mechanical work).</p> |
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- (2) Accessory buildings and uses customarily incidental to the above uses.
- (3) Any public buildings or uses, including: fire stations, community buildings, utility buildings, library, auditorium or municipal building.
- (4) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown in subsection 62-200(d)(1)d.
- (c) *Uses permitted after review.* No current uses are listed as requiring review.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-107.
- (1) *Minimum lot area and use intensity:*
- The minimum lot area for this district shall be no less than 12,000 square feet.
 - The minimum lot area for rezoning to a C-4 (restricted commercial district) shall not be less than 50,000 square feet.
 - For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches, and the off-street parking areas required in section 62-332.
- (2) *Minimum lot frontage:* The following requirements apply: The minimum lot frontage for this district shall be no less than 100 feet.
- (3) *Maximum percentage of coverage:* The following requirement applies: Main and accessory buildings shall not cover more than 50 percent of the lot area.
- (4) *Maximum height:* The following requirement applies: No building shall exceed 2½ stories or 35 feet in height, except as provided in section 62-163 and section 62-165.
- (5) *Front yard setback:* The following requirements apply:
- All buildings shall set back from all street right-of-way lines to provide front yard setback no less than 25 feet in depth.
 - If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (6) *Side yard setback:* The following requirements apply:
- On a side of a lot adjoining a residential dwelling district only, there shall be a side yard setback of no less than one foot per each foot of height, or a minimum of ten feet.
 - On a side of a lot adjoining the same commercial district or another commercial district, there shall be no side yard setback required.
 - If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (7) *Rear yard setback:* There shall be no rear yard setback requirements except in the following cases: Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, rear yard, or combination thereof of no less than 20 feet.
- (e) *Screening requirements.*
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as said screen-

(g) *Parking requirements.* Parking requirements shall follow those regulations set out in division 6 of this article.

(Ord. No. 1843, § 1(art. V, § 8), 2-14-89; Ord. No. 2080, § 1, 3-24-98)

Sec. 62-205. C-5 highway commercial and commercial recreation district.

(a) *General description.* This general commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not and should not locate in the central business district or the neighborhood convenience district.

(b) *Uses permitted.*

- (1) Any use permitted in the C-1, C-2, C-3 or C-4 commercial districts.

ing does not interfere with the sight triangle clearance requirements at intersections.

- (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and said adjacent street.
- (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along the lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.

(f) *Bulk limitations; floor area ratio.* In no instance shall the total floor space of the structure in a C-4 district exceed the relationship of 1:1; i.e., there must be provided one square foot of open space to each square foot of floor space in the structure.

(g) *Parking requirements.* Parking requirements shall follow those regulations set out in division 6 of this article.
(Ord. No. 1843, § 1(art. V, § 8), 2-14-89; Ord. No. 2080, § 1, 3-24-98; Ord. No. 2530, § 1, 2-10-15)

Sec. 62-205. C-5 highway commercial and commercial recreation district.

(a) *General description.* This general commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not and should not locate in the central business district or the neighborhood convenience district.

(b) *Uses permitted.*

- (1) Any use permitted in the C-1, C-2, C-3 or C-4 commercial districts.
- (2) Additional uses include:
 - a. Ambulance service, office and garage.
 - b. Amusement enterprises.
 - c. Automobile service station.
 - d. Boat sales.
 - e. Bowling alleys.
 - f. Building material store—Retail and wholesale.
 - g. Bus terminal.
 - h. Drive-in theatre or restaurant, standard theatre.
 - i. Feed and fuel store.
 - j. Food stores.
 - k. Frozen food locker.
 - l. Furniture repair and upholstery.
 - m. Garden centers/stores.
 - n. Golf course, miniature or practice range.
 - o. Heating/plumbing sales and service.
 - p. Humane Society animal shelter.
 - q. Ice plant.
 - r. Key shop.
 - s. Kennels.
 - t. Motels or motor inns.
 - u. New and/or used automobile/truck sales and/or service.
 - v. New and used machinery sales and service.
 - w. Nightclubs.
 - x. Novelty shop.
 - y. Pawn shop.
 - z. Recreation center—Private.
 - aa. Research laboratories.
 - bb. Roller skating rink.
 - cc. Storage warehouse.

- dd. Tavern.
- ee. Travel trailer park and sales.
- ff. Veterinarian clinic and/or hospital.
- gg. Wholesale distributing center.

- (3) Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- (4) 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 or traffic than those above.
- (5) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in subsection 62-200(d)(1)d.
- (6) Mobile home courts—In compliance with the following requirements:
 - a. The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.
 - b. The proposed site shall be a minimum of 2½ acres in size and shall contain no more than 15 mobile home stands per acre. The proposed site shall have a minimum frontage of 200 feet on a street designated as a major street or collector street in the major street plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of 200 feet in depth.
 - c. It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent of the mobile home stands

devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.

- d. The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet solid fencing, screen planting or wall of six feet in height.
- e. The proposed site shall be screened or buffered on all sides with a solid wall fence six feet in height or a screen planting which will attain at least six feet in height.
- f. The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each two mobile home stands.
- g. The proposed site shall provide a connection for each mobile home stand to all public utilities, i.e., sewer, water, and other facilities necessary for the health, safety, and general welfare of the public.

(c) *Uses permitted after review.* No current uses are listed as requiring review.

(d) *Area regulations.* The following requirement shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-107.

- (1) *Minimum lot area and use intensity.*
 - a. The minimum lot area for this district shall be no less than 10,000 square feet.
 - b. The minimum lot area for rezoning to a C-5 (highway commercial district) shall not be less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwell-

ings, the lot area shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in section 62-332.

- (2) *Minimum lot frontage:* The following requirement applies: The minimum lot frontage for this district shall be no less than 100 feet.
 - (3) *Maximum percentage of coverage:* The following requirement applies: Main and accessory buildings shall not cover more than 70 percent of the lot area.
 - (4) *Maximum height:* There is no current maximum height requirement for this district.
 - (5) *Front yard setback:* The following requirement applies: All buildings shall set back from all property lines no less than 50 feet to provide front yard setback.
 - (6) *Side yard setback:* The following requirement applies: On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
 - (7) *Rear yard setback:* There shall be no rear yard setback requirements except in the following case: Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
- (e) *Screening requirements.*
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as said screening does not interfere with the sight triangle intersection clearance requirements.
 - (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.

- (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along the lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.

(f) *Parking requirements.* Parking requirements shall follow those regulations set out in division 6 of this article.

(Ord. No. 1843, § 1(art. V, § 9), 2-14-89; Ord. No. 2530, § 1, 2-10-15)

Sec. 62-206. Planned unit development.

(a) Planned unit development shall be permitted when, in the opinion of the planning commission, the following objectives are achieved:

- (1) To promote a flexible but unitary site development plan for residential development.
- (2) To permit a clustering of dwelling units at appropriate gross densities for the preservation of existing landscape features and to promote the most efficient possible use of open space.
- (3) To combine and coordinate building forms and building relationships within the planned unit developments.
- (4) To encourage innovative development of smaller parcels of land that have been passed over.
- (5) To ensure a quality of construction and public improvements commensurate with other quality development within the city.
- (6) To provide a choice in the types of ownership, and community facilities available to existing and potential residents.
- (7) To give the developer reasonable assurance of ultimate approval before investing in complete design development while pro-

viding the city with assurances that the project will retain the character envisioned at the time of approval.

(b) The minimum area required to qualify for a planned unit development shall be one contiguous acre of land.

(c) Planned unit development shall be subject to the following area regulations:

<i>Requirements*</i>	<i>R-1B District</i>	<i>R-2 District</i>	<i>R-3 District</i>	<i>C-1 District</i>
Individual lot, square feet	3,250	3,250	1,500	1,500
Minimum area in PUD per individual platted lot, square feet	6,000	4,000	1,500	1,500
Lot width, minimum, feet	20	20	20	20
Yards, minimum	None	None	None	None
Floor area ratio, maximum PUD	0.30	0.30	0.40	0.80
Individual lot	0.40	0.50	0.60	1.20
Maximum coverage of individual lot, percent	40	40	50	50

*These requirements apply to interior yards of a planned unit development only. All perimeter yards (yards that abut property not included in the development plat) are subject to area regulations of the base zoning district.

(d) Before being placed on the planning commission agenda, the proposed planned unit development shall be reviewed by the planning department no less than 30 days prior to the date of the planning commission meeting. Such a review, or pre-application conference, shall be for the purpose of informing the city of the development concept and to familiarize the developer with the planned unit development process. At the conference, the developer shall submit a concept plan that clearly shows the following:

- (1) The general outlines of the interior roadway system and all existing rights-of-way and easements.
- (2) The general extent, size and composition in terms of the total number of dwelling units and the approximate percentage allocation by dwelling unit type.
- (3) A calculation of the residential density in dwelling units per gross acre including interior roadways.
- (4) The interior open space system.
- (5) Proposed treatment of the perimeter of the PUD.

(e) The review by the planning department will include written comments to the applicant no later than two weeks after the pre-application conference. Planning department review will concern the following elements in the order that they are presented below:

- (1) The design must first provide for certain external factors of community-wide concern. This includes adherence to the general plan in relationship to major streets, designated open spaces, parkways and major drainage channels.
- (2) The proposal shall meet the objectives as expressed in subsection (a) of this section.
- (3) The design must be properly related to proposed and existing land uses of adjacent properties.
- (4) The design shall give proper attention to internal detailing, including layout of streets, lots, and blocks that, at a minimum, reflect urban design principles of the city subdivision regulations.

(f) The following materials shall be submitted with an application for a use permissible on review:

design principles, and shall be presented separate from the required site development plan and supporting maps.

(1) *Site development plan and supporting maps:*

- a. The existing site conditions including contours at two-foot intervals, floodplains, watercourse, and existing vegetation.
- b. Proposed lot lines and building lines.
- c. The location and maximum floor area size of all existing and proposed buildings, structures, and other improvements including maximum height, density and types of dwelling units.
- d. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system.
- e. A general landscape plan indicating the treatment of materials used for private and common open spaces.
- f. Proposed treatment of the perimeter of the planned unit development, including materials and techniques used such as screens, fences and walls.

(2) *Written documents:*

- a. A statement of specific planning objectives to be achieved by the planned unit development through the approach proposed by the applicant. Staff recommendations will, in part, reflect whether or not the proposed design effectively meets the stated planning objectives.
- b. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structure; total amount of open space; and total amount of nonresidential construction.

(3) *Preliminary plat:* The preliminary plat shall, at a minimum, incorporate urban

(g) All plats and building plans submitted subsequent to the approval of a PUD shall be in substantial conformity to the approved site development plan. A plat or building plan shall be deemed in substantial compliance so long as the plat or plan does not involve a change of one or more of the following:

- (1) Violate any provision of this article.
- (2) Vary any lot area as indicated on the preliminary plat by more than ten percent.
- (3) Increase the ground area covered by buildings on any lot as depicted by the site development plan by more than five percent.
- (4) Realign any street, sidewalk, or bicycle path.
- (5) Change the location of any building or structure by more than ten feet in any direction.

(h) Preliminary plats and approved site development plans for planned unit development shall become null and void if no final plat has been submitted for approval within 12 months after the date of enactment by the city council of the request for the use permissible on review.

(i) If no development has occurred pursuant to the adopted final plat within 12 months after approval, the approved site development plan shall become null and void and approval of a new site development plan shall be required.

(Ord. No. 1843, § 1(art. V, § 10), 2-14-89)

State law reference—Planned unit developments, 11 O.S. § 43-110 et seq.

Sec. 62-207. I-1 light industrial district.

(a) *General description.* The purpose of the I-1 light industrial district is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses. Because of the traffic generated and other objectionable influences created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district except I-2.

(b) *Uses permitted.*

- (1) Bottling works.
- (2) Building materials manufacturing, storage, distribution and pole yards.

- (3) Commercial trade and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
- (4) Compounding, processing and blending chemical products, but not including any materials which decompose by detonation.
- (5) Dairy products, products and distribution.
- (6) General and administrative offices incidental to permitted uses.
- (7) Machine shops and metal products manufacture and tool and dye shops, provided they do not include any of the following equipment: automatic screw machines, drop forges or riveting machines.
- (8) Mail order houses.
- (9) Manufacturing and assembling (or any combination of such processes), products from wood, cork, glass, leather, fur, plastic, felt and other textiles, but not including, as a principal operation, the processing of any raw materials.
- (10) Manufacturing and assembling electrical and electronic products and equipment.
- (11) Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing or testing any of the following materials, goods or merchandise; apparel, clothing, jewelry, or optical goods:
- (12) Printing and binding plants.
- (13) Public utility distribution centers.
- (14) Research laboratories.
- (15) Warehouses and storage facilities.
- (16) Water filtration plants, pumping stations, reservoirs, and lift stations.
- (17) Any other manufacturing process or establishment which can operate in compliance with the aforementioned requirements.

(18) Accessory uses incidental to and on the same zoning lots as a principal use.

(c) *Required development standards.*

- (1) No building shall be used for residential purposes except that a watchman may reside on the premises.
- (2) No retail sales or services shall be permitted except as incidental to or accessory to or associated with a permitted use.
- (3) No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the I-1 district.
- (4) No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.
- (5) No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.
- (6) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
- (7) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.
- (8) Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.
- (9) No storage, manufacture or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than 200 feet from the boundary of any nonindustrial use district, and unless such storage shall be so screened by ornamental fencing or evergreen planting so that it cannot be seen by a person standing on ground level in the adjacent district; provided, however, that screening shall not be required in excess of

seven feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times.

- (10) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.

(d) *Uses permitted after review (UPAR).* The following use may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-128:

- (1) Child care centers (with stipulations): Any child care center authorized under the UPAR shall comply with the following provisions:
 - a. Child care centers are not to be located in single-family dwellings which are the permanent residence (domicile) of the operator.
 - b. The child care center shall provide a minimum indoor space available for child care of no less than 35 square feet per child, exclusive of hallways, bathrooms, kitchens and space occupied by furniture not intended for children's use.
 - c. The child care center shall provide a minimum outdoor space of 75 feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height, or the fencing shall be in accordance with the appropriate screening requirements of the particular zoning district. This area must be hazard-free and keep children away from traffic, water and other dangers.
 - d. The child care center shall meet city-county-state health requirements as to safety, design, facilities, equipment and licensing of the features. All child care centers shall be inspected by the state department of human services, city fire marshal, building inspectors, and the city planner, or their designees, prior to licensing, and other inspections may occur during the licensing period. The interior and exterior of all buildings

shall comply with the city building codes.

- e. The child care center shall be operated in a manner that will not adversely affect property and other uses in the area. Parking for the leaving and picking up of children shall be required, so as not to interfere with the normal flow of traffic. Off-street hard-surface parking areas shall be required.
- f. A license shall be obtained from the state department of human services and all requirements relative to their standards must be adhered to.

(e) *Area regulations.* All buildings and uses hereafter established or enlarged shall comply with the following requirements:

- (1) *Minimum lot area and use intensity:* There are no current minimum lot area requirements.
- (2) *Minimum lot frontage:* There are no current minimum frontage requirements.
- (3) *Maximum percentage of coverage:* Main and accessory buildings shall not cover more than 60 percent of the lot area.
- (4) *Maximum height:* There are no current maximum height requirements.
- (5) *Front yard setback:* All buildings shall set back from all property lines no less than 35 feet.
- (6) *Side yard setback:*
 - a. When abutting another industrial district zoned lot, the side yard setback shall be no less than 25 feet.
 - b. On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
- (7) *Rear yard setback:* There are no current rear yard setback requirements.

(f) *Parking requirements.* Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards; public utility buildings; contractor's equipment and lumber yards; research laboratories; business service establishments, such as blueprinting and printing and engraving; binding, publishing and issuing

newspapers or other reading matter; soft drink bottling establishments; laundry and dry cleaning plants; fabricating plants; and all other structures devoted to similar mercantile or industrial pursuits and not otherwise specifically classified shall be provided with two parking spaces for each three employees or one space for each 500 square feet of floor space, whichever requires the greater number of spaces.

(Ord. No. 1843, § 1(art. V, § 11), 2-14-89; Ord. No. 1876, § 1, 2-25-92)

Sec. 62-208. I-2 heavy industrial district.

(a) *General description.* The purpose of the I-2 heavy industrial district is to provide a location for industries, which, by their nature, may create nuisances. The intent is to preserve this land especially for industry, in locations with access to major streets as designated on the major street plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this district, it is necessary to provide a buffer or setback strip between this district and other zoning districts, except I-1.

(b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the following conditions or restrictions:

- (1) Any use permitted in the I-1 light industrial district, including:
 - a. Automobile wrecking and junkyards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight feet in height.
 - b. Blacksmiths, tinsmiths and sheet metal shops.
 - c. Bulk fuel sales and storage.
 - d. Canning or preserving factories.
 - e. Coal storage plants.
 - f. Heavy machinery rental, sales and service.
 - g. Machine/welding shops.
- (2) Manufacturing, fabricating, assembling, repairing, storing, cleaning, servicing or testing any of the following materials, goods or merchandise:
 - a. Beverages (nonalcoholic), processing and bottling.

- b. Building materials specialties.
 - c. Compounding or processing, blending, packaging or storing of chemical products, but not including any products which decompose by detonation.
 - d. Cosmetics and toiletries.
 - e. Drugs and pharmaceutical products.
 - f. Electrical and acoustic products and components.
 - g. Food products (except fish, sauerkraut, vinegar and yeast).
 - h. Furniture.
 - i. Glass products.
 - j. Ice, dry and natural.
 - k. Medical laboratory supplies, equipment and specialties.
 - l. Metal products and utensils.
 - m. Musical instruments.
 - n. Paper products, including boxes and containers.
 - o. Radio, phonograph recorder and television sets and parts.
 - p. Textiles.
 - q. Toys and children's vehicles.
 - r. Trailers and carts.
 - s. Wood products, including boxes and containers.
- (3) Monument stone cutting.
 - (4) Motor freight terminals.
 - (5) Pattern shops.
 - (6) Printing plants.
 - (7) Processing of meat and vegetable products, including animal slaughter.
 - (8) Soldering and welding shops.
 - (9) Sign painting.
 - (10) Spray painting and mixing.
 - (11) Railroad yards and switching areas, including loading and sleeping facilities for transient railroad labor.
 - (12) Any other industrial use provided it meets the standards in subsection (c) of this section.

(c) *Required development standards.* Any use constructed, established, altered, or enlarged in the I-2 heavy industrial district after February 14, 1989, shall be so operated as to comply with the following standards. No use already established on February 14, 1989 shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the I-2 heavy industrial district.

- (1) No building shall be used for residential purposes, except that a watchman may reside on the premises.
- (2) No storage, manufacture, or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than 200 feet from the boundary of any nonindustrial use district, and unless such storage shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level in the adjacent district, provided, however, that screening shall not be required in excess of seven feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times.
- (3) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
- (4) All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water, and merchandise, shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odorous, glare, heat, fire or explosive hazards.
- (5) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.

(d) *Uses permitted after review.* No current uses are listed as requiring review.

(e) *Area regulations.* All buildings and uses hereafter established or enlarged shall comply with the following requirements:

- (1) *Minimum lot area and use intensity:* There are no current lot area minimum requirements.
- (2) *Minimum lot frontage:* There are no current minimum frontage requirements.
- (3) *Maximum percentage of coverage:* Main and accessory buildings shall not cover more than 60 percent of the lot area.
- (4) *Maximum height:* There is no current maximum height requirement.
- (5) *Front yard setback:* All buildings shall set back from all property lines no less than 35 feet to provide front yard setback.
- (6) *Side yard setback:*
 - a. When abutting another industrial district zoned lot, the side yard setback shall be no less than 25 feet.
 - b. On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
- (7) *Rear yard setback:* There are no current rear yard setback requirements.

(f) *Parking requirements.* Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards; public utility buildings; contractor's equipment and lumber yards; research laboratories; business service establishments, such as blueprinting and printing and engraving; binding, publishing and issuing newspapers or other reading matter; soft drink bottling establishments; laundry and dry cleaning plants; fabricating plants; and all other structures devoted to similar mercantile or industrial pursuits and not otherwise specifically classified shall be provided with two parking spaces for each 500 square feet of floor space, whichever requires the greater number of spaces.

(Ord. No. 1843, § 1(art. V, § 12), 2-14-89)

Sec. 62-209. H-1 health facilities district.

(a) *General description.* The purpose of the H-1 health facilities district shall be to provide a separate location exclusively for medical and health facilities and related uses thereof.

(b) *Uses permitted.* Property and buildings located in an H-1 health facilities district shall be used only for the following purposes:

- (1) Dependent life care facilities (convalescent; nursing; rest homes).
- (2) Hospital.
- (3) Public health center.
- (4) Sanatorium.
- (5) Accessory buildings and uses customarily incidental to the above uses.

(c) *Uses permitted after review.* Supporting facilities, necessary in conjunction with the existing health facility, may be permitted only after review by the city planning commission, as follows:

- (1) Ambulance service.
- (2) Artificial limbs and braces; sales and service.
- (3) Barbershop and beauty shop.
- (4) Dental laboratory or supply house.
- (5) Drugstores.
- (6) Hotel and motel.
- (7) Medical clinic or dental clinic.
- (8) Orthopedic appliance sales.
- (9) Pharmacy.
- (10) Restaurant.
- (11) Nameplate or sign relating only to the use of the store and premises, or to products sold on the premises.
- (12) Accessory buildings and uses customarily incidental to the above uses.

Any building used primarily for the above enumerated uses shall not have more than 40 percent of the floor area devoted to purposes incidental to the primary use. Stores, shops and businesses permitted under this section shall be retail establishments exclusively and shall be conducted entirely within an enclosed building.

(d) *Area regulations.* All buildings and uses hereafter established or enlarged shall comply with the following requirements:

- (1) *Minimum lot area and use intensity:* Minimum lot area for an H-1 health facilities district shall not be less than 50,000 square feet.
- (2) *Minimum lot frontage:* There are no current requirements for minimum lot frontage.
- (3) *Maximum percentage coverage:*
 - a. No more than 40 percent of floor space may be devoted to incidental uses.
 - b. There are no current other maximum coverage percentage requirements.
- (4) *Maximum height:* There shall be no limit, except as heretofore provided in section 62-163 and section 62-165; and with the exception of one foot of setback per each two feet of height above 25 feet for the front, side and rear yards.
- (5) *Front yard setback:* All buildings shall set back from all street right-of-way lines no less than 25 feet to provide front yard setback.
- (6) *Side yard setback:*
 - a. When abutting another health facilities district zoned lot, the side yard setback shall be no less than one foot setback for each one foot in height.
 - b. On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
- (7) *Rear yard setback:* There are no current rear yard setback requirements except as follows: Where a health facility building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof, of not less than 20 feet.

(e) *Parking requirements.*

- (1) Hospitals shall be provided with one parking space for each three patient beds,

exclusive of bassinets, plus one space for each professional staff member, plus one space for each two employees (including nurses), plus adequate off-street space for loading and unloading emergency vehicles.

- (2) Convalescent or nursing homes, sanitariums, asylums, orphanages and all other similar institutions shall be provided with one parking space for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each two employees, including nurses, plus adequate off-street space for loading and unloading emergency vehicles.

(Ord. No. 1843, § 1(art. V, § 13), 2-14-89)

Sec. 62-210. A-1 agricultural district.

(a) *General description.* The A-1 agricultural district shall be established for several purposes: to provide for the continued use of land for predominantly agricultural purposes; to preserve undeveloped areas until they can feasibly be developed at urban standards but with adequate public safeguards of health, safety, etc.

(b) *Uses permitted.* No buildings or uses hereafter shall be established or enlarged within the A-1 agricultural district, except as a building or use devoted to one of the following purposes:

- (1) Agriculture, as defined in this article.
- (2) Single-family dwellings.
- (3) Churches and temples.
- (4) Elementary schools and high schools.
- (5) Golf courses, but not including golf driving ranges, pitch and putt courses or miniature golf courses.
- (6) Parks and forest preserves, operated not-for-profit.
- (7) Temporary buildings and uses for construction purposes only, and not for dwelling purposes nor for a period that exceeds the completion of the construction.
- (8) Accessory buildings or uses incidental to the foregoing principal uses.

- (9) Municipal or community recreation centers.
- (10) Police or fire stations.
- (11) Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries or museums.
- (12) Public or not-for-profit auditoriums, stadiums, arenas, armories or sanitoriums.
- (13) Public or private schools or colleges.
- (14) Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations, and other similar facilities, subject to screening provisions in section 62-290.

(c) *Uses permitted after review.* No current uses are listed as requiring review.

(d) *Area regulations.* The following requirement shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-107.

- (1) *Minimum lot area and use intensity:*
 - a. The minimum lot area for this district shall be no less than two acres.
 - b. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches, and the off-street parking areas required in section 62-332.
- (2) *Minimum lot frontage:* The minimum lot frontage for this district shall be no less than 100 feet.
- (3) *Maximum percentage of coverage:* Main and accessory buildings shall not cover more than 30 percent of the lot area.
- (4) *Maximum height:* No buildings shall exceed 2½ stories or 35 feet in height, except as provided in sections 62-163 and 62-165.

(5) *Front yard setback:* All buildings shall set back from all property lines no less than 60 feet to provide front yard setback.

(6) *Side yard setback:*

- a. *Corner:* For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 30 feet in case such lot fronts the same as its adjacent lot.
- b. *Interior:* The interior side yard setback shall be no less than 20 feet.
- c. *Other:* The side yard setback shall be no less than 60 feet in every other case.

(7) *Rear yard setback:*

- a. For main buildings, other than garage apartments, there shall be a rear yard of no less than 20 feet or 20 percent of the depth of the lot, whichever is smaller.
- b. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten feet to the rear lot line.
- c. Unattached buildings of accessory use may be located in the rear yard.

(Ord. No. 1843, § 1(art. V, § 14), 2-14-89)

Sec. 62-211. Specific district regulations.

(a) *General provisions.* This section establishes **specific regulations** which have **limited application within the city** in order to assure **additional** considerations for areas of special interest, development sensitivity or particular value.

(b) *Intent and purpose.* The purposes of this section are to:

- (1) Provide a framework for the creation of special regulations.
- (2) Provide categorization of all special regulations which may be adopted as a result of the enabling legislation provided herein.
- (3) Provide guidelines for the application of all special regulations created to assure conformity with the objectives of good planning and zoning practices.

(c) *Application.* Special regulations may be adopted within this article and applied to designated areas within the city when the planning commission and city council find conditions or purposes within such areas merit special consideration in order to protect the health, safety and general welfare.

(d) *Special area regulations.* Modification or changes to the regulations specified within the special regulations shall be subject to the provisions of the amendment procedure for the city zoning ordinance contained in section 62-128. (Ord. No. 2026, § 1, 10-25-94)

Sec. 62-212. Wyandotte Avenue Corridor development.

(a) *Creation.* There is hereby created the Wyandotte Avenue Corridor development ("WA").

(b) *Purpose.* The planning commission and city council find conditions and purposes within the Wyandotte Avenue Corridor that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of special regulations created to assure conformity with the objectives of good planning and zoning practices.

Further, by adoption of these regulations the city council makes specific findings that special regulations are necessary to secure safety from fire, panic, traffic and other dangers, and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan.

The provisions of the Wyandotte Avenue Corridor Development District are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.

(c) *General provisions and description.* The WA district and its regulations may be applied to property located within one and one-half blocks either side of Wyandotte Avenue (north and south) be-

tween Sixth Street and Strong Boulevard. More particularly, this area as described in the following platted blocks of the original plat of the city:

Lots south of the East/West alley in blocks 399, 400, 401, 402 and 403.

All of blocks 420, 421, 422, 423, 424, 449, 450, 451, 452, 453.

The north half of blocks 470, 471, 472, 473 and 474.

The WA district and its regulations may be applied to the described properties even though, and at the same time, the property is under the regulations of the R-1B, single-family residential district, and C-3, general commercial district.

The WA district is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject property(ies) when developed in the underlying property zoning classifications.

(d) *Zoning districts allowed.* The following zoning district developments may be constructed without review:

R-1B and R-2 zoning districts

Zoning districts allowed on portions of the WA district having frontage on Wyandotte Avenue:

R-1B, R-2, C-1, C-2, C-3, and C-4

The authorization of the underlying zoning districts shall be upon approval by the planning commission and the city council in accordance with the procedures for authorizing uses permitted after review in section 62-128. The provisions of the underlying R-1B, R-2, C-1, C-2, C-3 and C-4 zoning districts may be modified by the further stipulations of the WA development district.

(e) *Access allowance.*

(1) *Land not having frontage on Wyandotte Avenue.* The residentially zoned lots and land not having frontage on Wyandotte Avenue shall have individual access to the public streets and alleys upon which they border as elsewhere provided in the zoning ordinance and any other applicable regulations of the city.

- (2) *Land having frontage on Wyandotte Avenue.* In accordance with the purpose of the WA district, provisions are made for access to lots and land having frontage onto Wyandotte Avenue, as follows: All lots developed as C-1, C-2, C-3 or C-4 shall have access designed to eliminate cross lane movement in either direction.

(f) *Request for closure of streets.* The closure of north/south streets may contribute to order in the traffic movements on Wyandotte Avenue through the lessening of the number of points of turning movements. To accomplish these purposes of the WA district either the city may close north/south streets in the WA district either permanently or temporarily. Such street closings may be accomplished at the request of private parties, or the planning commission after they have made a study of the traffic land use and other merits. In any closing of such streets, which shall involve a vacation of right-of-way the city may reserve an easement for various public purposes.

(g) *Landscaping requirements.* The landscaping requirements as outlined in this land development code are intended to be a part of the development plan for any commercial district proposed and shall be a part of the site plan as submitted for uses permitted after review.
(Ord. No. 2026, § 1, 10-25-94)

Sec. 62-213. Wade Watts Corridor Development.

(a) *Creation.* There is hereby created the Wade Watts Avenue Corridor Development district ("WW district").

(b) *Purpose.* The planning commission and city council find conditions and purposes within the Wade Watts Avenue corridor that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of a special regulation created to assure conformity with objectives of good planning and zoning practices.

Further, by adoption of these regulations the city council makes specific findings that special regulations are necessary to secure safety from

fire, panic, traffic and other dangers and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan.

The provisions of the Wade Watts Avenue Corridor Development district are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.

(c) *General provisions and descriptions.* The WW district and its regulations may be applied to property located within one block north of Wade Watts Avenue and one block south of Wade Watts Avenue between Strong Boulevard and George Nigh Expressway (Highway 69). More particularly, this area as described in the following platted blocks of the original plat of the city:

- All of Blocks 412, 413, 414, 415, 416, 417, 418, 419, 457, 458, 459, 460 and 461.

The WW district and its regulations may be applied to the described properties even though, and at the same time, the property is under the regulations of the R-1B (Single-Family Residential) district, and C-2 (Neighborhood Convenience Commercial) district.

(d) *Uses permitted.*

- (1) R-1B Single-Family Residential;
- (2) C-2 Neighborhood Convenience Commercial.

(e) *Uses permitted after review.*

- (1) a. Barber and/or beauty shop;
- b. Medical and/or dental clinics;
- c. Pharmacy;
- d. Professional offices;
- e. Public uses;
- f. Financial institute [institution];
- g. Florist/gift shops;
- h. Grocery store;

- i. Motor fuel sales only (no service station);
 - j. Variety store;
 - k. Pet shop (not including veterinarian clinics);
 - l. Restaurant;
 - m. Self-service and/or full-service laundry;
 - n. Car wash;
 - o. Funeral facilities.
- (2) Accessory buildings or uses customarily incidental to the allowed uses.
 - (3) Any public building or use.
 - (4) Churches, provided they have major street frontage as shown on the major street plan and meets requirement for off-street parking.

(f) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with specific lot definition and definition found in section 62-107.

- (1) *Minimum lot area and use intensity.* The minimum lot area for this district shall not be less than 12,000 square feet. (The 50,000 square-foot requirement does not apply to this WW district.)
- (2) *Minimum lot frontage.* Not less than 75 feet.
- (3) *Maximum percentage coverage.* Main and accessory building shall not cover more than 75 percent of lot.
- (4) *Maximum height.* Two and one-half stories.
- (5) *Front yard setback.*
 - a. All buildings shall set back from the street right-of-way lines not less than 25 feet.
 - b. When motor fuel is sold in this district, fuel pumps shall be no closer than 11 feet to any property line, nor closer than 15 feet to any building.

(6) *Side yard.*

- a. On any side, the lot adjoining a residential district, the side yard shall be a minimum of ten feet.
- b. On any side that is adjoining this district or another commercial district there shall be no side yard setback required.

(7) *Rear yard.* When building will be serviced from the rear, a minimum of 20-foot setback shall be provided. Where no rear service, there will be no rear setback required.

(g) *Exterior standards/visual appeal.* This development area has as its goal to permute [promote] a visual appealing environment. To accomplish this goal the following objectives are established and shall apply to all structures:

- (1) To implement quality building design and construction throughout this district, various exterior wall finishes will be considered by the planning commission and city council. Brick, vinyl, stucco, stone, wood and cosmetically equivalent exterior siding, etc., except no metal exterior walls may be visible from any street.
- (2) To correct deteriorating areas and structures through their revitalization, redevelopment and/or screening.
- (3) To develop signage that compliments to visual appeal of this district.

(h) *Access allowance.*

- (1) *Land not having frontage on Wade Watts Avenue.* The residentially zoned lots and land not having frontage on Wade Watts Avenue shall have individual access to the public streets and alleys upon which they border as elsewhere provided in the zoning ordinance and any other applicable regulations of the city.
- (2) *Land having frontage on Wade Watts Avenue.* In accordance with the purpose of the Wade Watts Avenue district, provisions are made for access to lots and land having frontage onto Wade Watts Avenue,

as follows: The entrance and exit shall be so designed to discourage cross traffic on Wade Watts Avenue.

(i) *Landscaping and screening.*

- (1) *Purpose.* To provide a visually appealing and ecologically sound district and assure the purpose of the "WW" corridor is accomplished.
- (2) *[Plan.]* A landscape plan shall accompany any application within this district. The plan shall show the location, size, spacing and quality of all existing and proposed materials.
- (3) *[Buffer.]* A landscape buffer will be provided between Wade Watts Avenue and all parking. The buffer shall be a minimum of four feet wide with grass and/or shrubs. All corner lots will maintain a 30-foot site triangle with no plant over two feet in height.
- (4) *[Screening.]* Screening shall be required between any development that abuts any existing residential structure. The screen shall be constructed in such a way to be compatible with the proposed development and the abutting residential. Screening shall also be required to screen dumpsters and other trash receptacles from public streets and adjoining residential properties.

(Ord. No. 2195, § 1, 6-28-05; Ord. No. 2218, § 1, 12-13-05; Ord. No. 2350, § 1, 3-9-10)

Sec. 62-214. Downtown and old town loft apartment overlay district.

(a) *Creation.* There is hereby created the "downtown and old town loft apartment overlay district" ("loft district").

(b) *Purpose.*

- (1) The planning commission and city council find conditions and purposes within the downtown and old town loft apartment overlay district that merit special consideration in order to protect the health, safety and general welfare of the city. It shall be the purpose of these regulations

to provide guidelines for the application of a special regulation created to assure conformity with objectives of good planning and zoning practices.

- (2) Further, by adoption of these regulations the city council makes specific findings pursuant to chapter 34, Existing Structures of the 2009 International Building Code; and chapter 62, the Land Development Code of the McAlester City Code of Ordinances, that special regulations are necessary to secure safety from fire, panic, traffic and other dangers; and for the protection of the public from overcrowding of land to avoid undue concentration of population; to promote a more homogeneous relationship and transition between land uses; to protect property values; and to regulate the use of land in accordance with the comprehensive plan.
- (3) The provisions of the downtown and old town loft apartment overlay district are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.

(c) *General provisions and descriptions.*

- (1) The loft district and its regulations may be applied to property located within the general boundaries of the district as described below:
 - a. The downtown loft district area includes the area defined by: West side of Main Street from Chickasaw to Carl Albert, north side of Carl Albert from Main St to 5th St., east side of 5th St. to Choctaw, south side of Choctaw from 5th St. to 3rd St., east side of 3rd St. from Choctaw to Chickasaw, south side of Chickasaw from 3rd St. to West side of Main Street.
 - b. Old town loft district area includes the area defined by: East and west side of Main Street from 2600 North Main to the south side of East Smith Avenue.

(2) More particularly, this area as described:

a. The downtown loft district area includes the following platted lots and blocks of the original plat of the city:

1. Lots south of the east/west alley in Blocks 318, 319, 321 and lots 5, 6 and 7 in Block 320.
2. Lots 4 and 5 in Block 344; lots 1 through 7 in Block 345; lots 7 through 11 in Block 346; and all of Blocks 347, 348, 349, 350, 359, 360, 361, 362 and 363.
3. All of Blocks 378, 379 and 380, lots 1, 2 and 3 in Block 393; lots 1, 2, S1, S2, S3, S4, B1, B2, B3 and B4 in Block 394; and lots 1, 2, 3 and 4 in Block 395.

b. The old town loft district area includes the following platted lots and blocks in North McAlester:

1. Lots 9, 10, 11, 12 and 13 in Block 101; lots 7, 8, 9, 10 and 11 in Block 85A; and lots 13, 14, 15, 16, 17, 18, 19, 20 and 21 in Block 118A; and lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 in Block 119.

(3) The loft district regulations and permitted uses may be applied to the above-described properties even though, and at the same time, the property is under the regulations of the C-3, general commercial district (R-3, multiple-family dwelling district for lots 4 and 5 in Block 348).

(4) The loft district is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property(s) when developed in the underlying property zoning classifications.

(d) *Uses permitted.*

- (1) C-3, general commercial district;
- (2) R-3, multiple-family dwelling district for lots 4 and 5 in Block 348 only; and

(3) Single, two-family and multifamily residential dwellings on the upper stories of existing buildings.

(e) *Uses permitted after review.* Single-, two-family and multifamily residential dwellings on the ground floor or basement of existing buildings are allowed as a use permitted after review. The procedure for authorizing the uses permitted after review are set forth in section 62-128.

(Ord. No. 2529, § 1, 2-10-15)

Secs. 62-215—62-220. Reserved.

DIVISION 4. FLOOD HAZARD OVERLAY
DISTRICT AND FLOOD DAMAGE
PREVENTION

Subdivision I. General Provisions

Sec. 62-221. Definitions.

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

Accessory structure means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include, but are not limited to, garages and storage sheds.

Area of special flood hazard is the land in the floodplain within the city subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation in feet above mean sea level of the base flood or one-percent chance flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

BFE means base flood elevation.

CFR means Code of Federal Regulations.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development permit means a permit issued by the city floodplain administrator which authorizes development in a special flood hazard area in accordance with this division.

Elevated building means a nonbasement building built, in the case of a building in zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of zones AE, A, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation

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

FEMA means the Federal Emergency Management Agency.

FIRM means flood insurance rate map.

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

- (1) The overflow of inland or tidal waters, or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map means an official map of the city on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

Flood insurance study is the official report provided by FEMA for the city which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within city subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain administrator means a person accredited by the OWRB and designated by the City Council of the City of McAlister to administer and implement laws, ordinances and regulations relating to the management of floodplains.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flood).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including,

but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 a designated height. A floodway is located within areas of special flood hazard established in article III, section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include longterm storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee or levees and associated

structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of title 44 CFR.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the city's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of McAlester City Council and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are

to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city floodplain board.

OWRB means the Oklahoma Water Resources Board.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 basement, footings, piers 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 part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other

structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- (2) Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Variance is a grant of relief by the City of McAlester City Council to a person from the terms of this division when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this division. (For full requirements see section 60.6 of title 44 CFR.)

Violation means the failure of a structure or other development to be fully compliant with this city flood damage prevention ordinance.

Water surface elevation means the height, in relation to the North American Vertical Datum

(NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. No. 1843, § 1(art. VIII, div. 2, § 1), 2-14-89; Ord. No. 2177, § 1, 8-10-04; Ord. No. 2355, § 1, 5-11-10)

Cross reference—Definitions generally, § 1-2.

Sec. 62-222. Statutory authorization.

The Legislature of the State of Oklahoma has in 11 O.S. §§ 41—47, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the City of McAlester, Oklahoma, ordains the following, to be effective on and after July 22, 2010:

(Ord. No. 1843, § 1(art. VIII, div. 1, § 1), 2-14-89; Ord. No. 2355, § 2, 5-11-10)

Sec. 62-223. Enforcement; violations, penalties.

Although recognized that the flood damage prevention ordinance is a legally enforceable document, specific enforcement measures and related penalties to be imposed for failure to comply with the provisions of this division are hereby included, as minimum requirements for participation in the National Flood Insurance Program. Any person who shall violate a provision of this division or fail to comply therewith any of the requirements thereof, or who shall erect, construct, alter, repair or move, or causes construction, erection, alteration, repair or fill in violation thereof, shall be guilty of a misdemeanor, and upon conviction, shall be fined as prescribed by section 1-8 of this Code. Each day upon which an offense continues shall be deemed a separate offense.

(Ord. No. 1843, § 1(art. VIII, div. 5, § 6), 2-14-89)

Sec. 62-224. Findings of fact.

(a) The flood hazard areas of the state 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.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains 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.

(Ord. No. 1843, § 1(art. VIII, div. 1, § 2), 2-14-89)

Sec. 62-225. Statement of purpose.

It is the purpose of this division 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 floodplains.
- (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.
- (7) Ensure that potential buyers are notified that property is in a flood area.
- (8) Ensure that all other specific district regulations of the zoning ordinance continue to apply to all sites and construction allowed within a special flood hazard district.

(Ord. No. 1843, § 1(art. VIII, div. 1, § 4), 2-14-89)

Sec. 62-226. Methods of reducing flood losses.

In order to accomplish its purposes, this division uses the following methods:

- (1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities.
- (2) Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (4) Controls filling, grading, dredging and other development which may increase flood damage.
- (5) Prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 1843, § 1(art. VIII, div. 1, § 5), 2-14-89)

Sec. 62-227. Interpretation.

In the interpretation and application of this division, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit or repeal any other powers granted under state statutes.

(Ord. No. 1843, § 1(art. VIII, div. 3, § 6), 2-14-89)

Sec. 62-228. Abrogation and greater restrictions.

This division is not intended to repeal, abrogate or impair any existing easement, covenant or deed restriction. However, where this division and another provision conflict or overlap, which ever imposes the more stringent restrictions shall prevail.

(Ord. No. 1843, § 1(art. VIII, div. 3, § 7), 2-14-89)

Sec. 62-229. Warning and disclaimer of liability.

The degree of flood protection required by this division 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 manmade or natural causes. This division 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 division shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made thereunder.

(Ord. No. 1843, § 1(art. VIII, div. 1, § 3), 2-14-89)

Sec. 62-230. Lands to which this division applies.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of McAlester, Oklahoma.

- (a) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by FEMA in a scientific and engineering report titled "The Flood Insurance Study for Pittsburg County, Oklahoma, and Incorporated Areas" dated July 22, 2010, with the accompanying flood insurance rate map (FIRM) are hereby adopted by reference and declared to be a part of this division. This division shall go into effect immediately per the emergency clause; however, this division shall continue to administer and enforce said regulations based on the current city flood insurance rate map. Then on July 22, 2010, this division shall be administered and enforced based on the July 22, 2010, Pittsburg County Flood Insurance Study and FIRM as indicated above.

- (b) *Establishment of development permit.* A development permit shall be required to ensure conformance with the provisions of this floodplain management division.

(Ord. No. 1843, § 1(art. VIII, div. 3, § 1), 2-14-89; Ord. No. 2197, § 1, 7-26-05; Ord. No. 2355, § 3, 5-11-10)

Sec. 62-231. Compliance.

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

(Ord. No. 1843, § 1(art. VIII, div. 3, § 6), 2-14-89)

Sec. 62-232. General description of flood hazard district.

The flood hazard district is intended to comprise those areas which are subject to periodic or occasional flooding during the base flood (having a one percent or greater chance of flooding in any given year), which results in special hazards to life and property, in the disruption of commerce and governmental services and poses a direct threat to the public health, safety and general welfare. These regulations are designed to regulate and control uses within the flood hazard district to protect human life and health, to minimize damage to public and private property, to minimize surface water and groundwater pollution, to prevent the encroachment of buildings and improvements in floodway areas which will impede runoff and contribute to flooding in other areas, and to protect natural scenic areas and provide for the conservation of natural resources. (Ord. No. 1843, § 1(art. VIII, div. 3, § 2), 2-14-89)

Sec. 62-233. Application as combining (overlay) regulations.

The boundaries of the flood hazard district, which is identified by the Federal Emergency Management Administration on its flood hazard boundary map, may cut across and overlay the boundaries of other zoning districts. The regulations applicable to the flood hazard district shall be interpreted as being in addition to the requirements of other district regulations, and wherever a conflict in requirement results, the regulations of the flood hazard district shall supersede all other regulations.

(Ord. No. 1843, § 1(art. VIII, div. 3, § 3), 2-14-89)

Sec. 62-234. Uses permitted.

The following uses are permitted in the flood hazard district:

- (1) Agricultural uses including the growing of crops and the use of land for pasture

and grazing where farm animals are otherwise permitted by the district provisions of this article.

- (2) Private and public recreational uses not otherwise prohibited, such as natural scenic areas, golf courses, swimming and picnic areas, game farms, hiking and horse-back riding trails and similar uses.
- (3) Lawns, gardens and recreational uses which are accessory to residential uses.
- (4) Residential uses designed for human occupancy which have the lowest floor elevation, including basement, not less than one foot above the highest elevation of the base flood. A registered professional engineer, architect, or land surveyor shall submit certification to the floodplain administrator that this subsection is satisfied. All residential uses must conform to the area requirements as set out in division 3 of this article.
- (5) All commercial, industrial or other non-residential structures which either have the lowest floor elevation, including basement, not less than one foot above the highest elevation of the base flood, or together with attendant utility and sanitary facilities, must 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 floodplain administrator that the standards of this subsection are satisfied. All commercial, industrial and nonresidential uses must be designated a specific district that allows that use, and thus must conform to those area regulations.
- (6) No manufactured homes (mobile homes) shall be placed in any flood hazard district.
- (7) No uses shall be permitted which shall encourage, or induce encroachments, in-

cluding fill; new commercial or residential construction; substantial improvements; and other development within the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge as shown on the latest flood boundary and floodway map.

(Ord. No. 1843, § 1(art. VIII, div. 3, § 4), 2-14-89)

Secs. 62-235—62-245. Reserved.

Subdivision II. Administration and Enforcement

Sec. 62-246. Designation of floodplain administrator.

The City Council of the City of McAlester designates John C. Modzelewski, P.E., CFM, as the McAlester Floodplain Administrator to administer and implement the provisions of this division and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

(Ord. No. 1843, § 1(art. VIII, div. 4, § 1), 2-14-89; Ord. No. 2176, § 1, 6-22-04; Ord. No. 2355, § 4, 5-11-10; Ord. No. 2472, § 1, 7-9-13)

Sec. 62-247. Duties, responsibilities of floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Become accredited by the OWRB in accordance with 82 O.S. §§ 1601—1618, as amended.
- (2) Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by this division.
- (4) Review proposed development to assure that all necessary permits have been ob-

tained from those federal, state or local governmental agencies from which prior approval are required.

- (5) 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 a conflict between a mapped boundary and actual field conditions).
- (6) Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) Shall require the developer/applicant to provide and/or determine the base flood elevation data and other information on a certified FEMA elevation certificate in order to administer the provisions of this division.
- (9) When a floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE as delineated on the Pittsburg County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.
- (10) After a disaster or other type of damage occurrence to structures in the city, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
- (11) Maintain a record of all actions involving an appeal from a decision of the city council.

- (12) Maintain and hold open for public inspection all records pertaining to the provisions of this division.

(Ord. No. 1843, § 1(art. VIII, div. 4, § 2), 2-14-89; Ord. No. 2355, § 5, 5-11-10)

Sec. 62-248. Development permit—Establishment.

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

(Ord. No. 1843, § 1(art. VIII, div. 3, § 5), (art. VIII, div. 4, § 1) 2-14-89)

Sec. 62-249. Permit procedures.

(a) An application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her 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, including the placement of manufactured homes, 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 new and substantially improved structures; and
- (2) 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 floodplain administrator shall be based on all of the provisions of this division 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;
- (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.

(c) The floodplain administrator or city council, as applicable, may approve certain development in zones A or AE delineated on the Pittsburg County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the development permit in that case first complies with 44 CFR section 65.12.

(Ord. No. 1843, § 1(art. VIII, div. 4, § 3), 2-14-89; Ord. No. 2355, § 6, 5-11-10)

Sec. 62-250. Variances.

(a) *General provisions.*

- (1) The City Council of the City of McAlester may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this division, if the applicant for the variance presents adequate proof that:

- a. Compliance with this division will result in an arbitrary and unreason-

able taking of property without sufficient benefit or advantage to the people; and

- b. Satisfies the pertinent provisions of this section. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
- (2) Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
 - (3) In no case shall variances be effective for a period longer than 20 years.
 - (4) Any person seeking a variance shall file a petition with the city council, accompanied by a filing fee of \$25.00.
 - (5) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half 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 C(2) and provisions of Section D of this division have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (6) Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the mayor of the city council which states that:
 - a. The cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and
 - b. Such construction below the base flood level increases risks to life and property.
 - (7) At such time as the city council deems the petition ready for notification to the public, the city council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Pittsburg County at least 30 days prior to the hearing.
 - (8) The city council shall conduct the hearing and make determinations in accordance with the applicable provisions of this section. The city council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
 - (9) 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;
 - 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, regulations or ordinances; and
 - d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (10) Upon consideration of the factors stated in this section D and the intent of this division, the city council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in article I, section C.
 - (11) The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the floodplain board shall be sent by the floodplain administrator to the OWRB and FEMA within 15 days after issuance of the variance.

(b) *Special provisions.*

- (1) 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 division.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria of subsections D(1)(e), D(1)(i), D(2)(b); and D(2)(c) of this division are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 1843, § 1(art. VIII, div. 4, § 4), 2-14-89;
Ord. No. 2355, § 7, 5-11-10)

Secs. 62-251—62-260. Reserved.*Subdivision III. Provisions for Flood Hazard Reduction***Sec. 62-261. General standards for all areas of special flood hazard.**

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modi-

fied) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 - (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
 - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (Ord. No. 1843, § 1(art. VIII, div. 5, § 1), 2-14-89)

Sec. 62-262. Specific standards.

In all areas of special flood hazards where base flood elevations have been provided or are otherwise determined as set forth in article III section B, article IV section B(8), or article V section C(1), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall

submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade; and
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within zone A on the Pittsburg County FIRM shall be installed using methods and practices that minimize flood damage and have

the bottom of the I-beam elevated at least 36 inches above grade or at least at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the floodplain administrator by said installer prior to habitation of the manufactured home.

b. Require that manufactured homes that are placed or substantially improved within zone AE on the Pittsburg County FIRM on sites:

- 1. Outside of a manufactured home park or subdivision,
- 2. In a new manufactured home park or subdivision,
- 3. In an expansion to an existing manufactured home park or subdivision, or
- 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood,

be elevated on a permanent foundation such that the bottom of the I-beam for the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with state law and compliance herewith shall be certified in writing to the floodplain administrator by said installer prior to habitation of the manufactured home.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A and AE on the Pittsburg County FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of article IV, section C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) *Accessory structure.* Accessory structures to be placed on sites within zones A and AE on the Pittsburg County FIRM shall comply with the following:

- a. The structure shall be unfinished on the interior;
- b. The structure shall be used only for parking and limited storage;
- c. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
- d. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
- e. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- f. The structure shall be designed to have low flood damage potential and constructed with flood resistant materials;
- g. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

- h. Floodway requirements must be met in the construction of the structure;
- i. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- j. The structure shall be located so as not to cause damage to adjacent and nearby structures.

(Ord. No. 1843, § 1(art. VIII, div. 5, § 2), 2-14-89; Ord. No. 2355, § 8, 5-11-10)

Sec. 62-263. Standards for subdivisions.

(a) The applicant for a development permit for any subdivision located in zones A and AE which is 51 or more lots or greater than five acres shall generate the base flood elevation data for that subdivision.

(b) All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(c) All subdivisions including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
(Ord. No. 1843, § 1(art. VIII, div. 5, § 3), 2-14-89; Ord. No. 2355, § 9, 5-11-10)

Sec. 62-264. Standards for areas of shallow flooding (AO/AH zones).

Located within the established areas of special flood hazard are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth num-

ber specified in feet on the city's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures shall have:

- a. The lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified);
- b. Together with attendant utility and sanitary facilities be designed 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; or
- c. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section are satisfied.

(3) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. For areas outside the identified flood hazard areas which have experienced temporary flooding in periods of brief, heavy rainfall or where development is occurring, an elevation of one foot above the base flood elevation is required to compensate for the loss of stormwater or drainage areas. Distances shall be determined by the topography of the specific area through a registered surveyor.

(Ord. No. 1843, § 1(art. VIII, div. 5, § 4), 2-14-89)

Sec. 62-265. Floodways.

The following provisions shall apply to floodways:

(1) Encroachments, including but not limited to fill, new construction, substantial improvements and other development are

prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge.

- (2) If article V, section D.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article V.
- (3) The city may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the development permit complies with all of 44 CFR section 65.12.

(Ord. No. 1843, § 1(art. VIII, div. 5, § 5), 2-14-89; Ord. No. 2355, § 9, 5-11-10)

Sec. 62-266. Floodplain management fee schedule.

(a) The McAlester City Council may impose the following fee schedule not to exceed \$500.00 for any one service at their discretion:

(1) Notice of intent fee, maximum.....	\$ 25.00
(2) Floodplain development permit application review	100.00
(3) Floodplain development permit fee.....	50.00
(4) Inspection fee, per inspection.....	50.00.

(b) *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this division and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this division is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this division by failure to comply with any

of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this division or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in each case. Nothing herein contained shall prevent the City Council of the City of McAlester or its city attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

(c) *Certification.* It is hereby found and declared by the City Council of the City of McAlester that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

This division goes into effect immediately and after this date supersedes any previous floodplain management regulations or ordinance(s) applicable to the City of McAlester. However, the current flood map for the city shall be used until July 22, 2010, when at this time the new FIS and FIRM dated July 22, 2010, shall be used.
(Ord. No. 2355, § 10, 5-11-10)

Secs. 62-267—62-275. Reserved

DIVISION 5. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 62-276. Open space.

(a) No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for any other building or structure.

(b) Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two feet. Open porches may project into a front or rear yard a distance not to exceed four feet.

(c) Where the dedicated street right-of-way on which the main building front is less than 50 feet, the depth of the front yard shall be measured starting at a point 25 feet from the centerline of the street easement.

(d) No dwelling shall be erected on a lot which does not abut on at least one open street for at least 35 feet and have a width of at least 50 feet at the building line. 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, as shall driveways. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

(e) No minimum lot sizes and open spaces are prescribed for industrial uses. It is the intent of this article that lots of sufficient size be used by any industry to provide adequate parking and loading and unloading space required for operation of the enterprise.

(f) On any corner lot on which a front and side yard are required, no wall, fence, sign, structure or any plant growth having a height in excess of three feet above the elevation of the lowest point 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 30 feet along the front and side lot lines and connecting the points so established, to form a sight triangle on the area of the lot adjacent to the street intersection.

(g) An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street easement line.

(h) A private garage located in an R zone shall not be used for storage of more than one commercial vehicle which does not exceed 1½ tons rated capacity, per family living on the premises.

(i) Private swimming pools may be constructed as an accessory use, but shall be enclosed by a permanent solid wall or fence no less than four feet high, with gate latches that prevent entry by small children. A building permit, with requisite inspections, and construction compliance with applicable building codes, is mandatory.

(j) The architectural design and material used for the construction of fences shall harmonize with the main building to which said fence is accessory. Proper building materials of good quality, compatible aesthetically with the neighborhood character and design, and construction in a workmanlike manner shall be required.

(Ord. No. 1843, § 1(art. IV, § 4), 2-14-89)

Sec. 62-277. Height.

The following regulations set forth in this section qualify or supplement, as the case may be, the specific district regulations appearing in division 3:

- (1) In measuring heights, a habitable basement or attic shall be counted as a story, except that a story in a sloping roof the area of which story does not exceed two-thirds of the floor area of the story immediately below it, and which does not contain an independent apartment, and no greater than four feet above the floor 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. Satellite communication antennas shall not be affected by this provision.
- (3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may exceed the height limitations 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 feet by which the height of such public or semipublic structure exceeds the prescribed height limit.
- (4) No building or land shall be used or occupied hereafter in excess of the density regulations for that district.

(Ord. No. 1843, § 1(art. IV, § 5), 2-14-89)

Sec. 62-278. Placement of buildings.

Any building hereafter erected or structurally altered shall be located on one lot except as provided herein; and there shall be no more than one principal building and the customary accessory buildings may not be erected or placed in the front and side yard areas as required in the separate districts.

(Ord. No. 1843, § 1(art. IV, § 6), 2-14-89)

Sec. 62-279. Street access.

No principal building shall be constructed on a lot which does not abut an open public dedicated

street. The public street must be officially open to traffic and meet minimum city street specifications as set out in chapter 62, article VI, table 1. (Ord. No. 1843, § 1(art. IV, § 7), 2-14-89)

Sec. 62-280. Storage and parking of trailers and commercial vehicles.

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

- (1) No more than one commercial vehicle, which does not exceed one and one-half 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 liquefied petroleum products be permitted.
- (2) No more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed 24 feet in length, or eight feet in width; and further provided that the trailer shall not be parked or stored for more than 48 hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the city.
- (3) A mobile or manufactured home shall be stored or parked only in a trailer court or mobile home park which is in conformity with the ordinances of the city.

(b) No vehicle or trailer of any kind shall be parked on any corner property or right-of-way in such a position as to interfere with the vehicle's driver's vision as he approaches within the sight triangle concept area.

(Ord. No. 1843, § 1(art. IV, § 8), 2-14-89)

Sec. 62-281. Group housing projects.

In case of a housing project consisting of a group of two or more buildings to be constructed on a

plot of ground of at least two acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this article to the individual buildings in such housing project, the application of such requirements to such housing project shall be done by the city council, upon recommendation of the planning commission, in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required by this article 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.

(Ord. No. 1843, § 1(art. IV, § 9), 2-14-89)

Sec. 62-282. Development time limits; rezoning application.

Construction should be started within two years of the effective date of approval of the rezoning of any parcel in any district by the city council. Failure to begin the construction within two years could be grounds for that parcel to revert back to its original zoning district. Upon written request received by the planning commission, prior to the expiration of the two-year period, an extension shall be granted by the planning commission at no extra fee. The extension is not to exceed one year. Timely reports concerning the status of rezoned parcels and development activities shall be made at least annually to the planning commission by the department of planning.

(Ord. No. 1843, § 1(art. IV, § 10), 2-14-89)

Sec. 62-283. Existing lots of record.

In any district where single-family residences are permitted, a single-family detached dwelling may be erected on any lot which is of official record on February 14, 1989, subject to the following restrictions:

- (1) There must be provided a minimum lot width of 50 feet.

- (2) There must be provided a minimum of ten feet in side yards with five feet on any one side.

- (3) The front and rear yards must comply with the requirements set forth for the zoning district within which the lot of record is located.

(Ord. No. 1843, § 1(art. IV, § 11), 2-14-89)

Sec. 62-284. Storage of liquefied petroleum gases.

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the city and the regulations of the state liquefied petroleum gas administration.

(Ord. No. 1843, § 1(art. IV, § 12), 2-14-89)

Sec. 62-285. Trailer parks.

Trailer parks shall be constructed in accordance with the requirements of the ordinances of the city relating thereto.

(Ord. No. 1843, § 1(art. IV, § 13), 2-14-89)

Sec. 62-286. New commercial district areas.

The minimum area for any new commercial district shall be 50,000 square feet. However, an existing commercial district may be increased by less than this amount, provided the additional area is in the same commercial category as the existing district, and is contiguous to the property within the commercial district.

(Ord. No. 1843, § 1(art. IV, § 15), 2-14-89)

Sec. 62-287. Industrial pilot plants.

For the purpose of encouraging industrial development, the city council may permit the installation of pilot plants for industrial purpose in any existing commercial building for a period of one year, subject to review by the city council and time extension not to exceed two additional years.

(Ord. No. 1843, § 1(art. IV, § 17), 2-14-89)

Sec. 62-288. Temporary location of mobile homes.

(a) *Construction trailer.* It shall be common operational policy to allow a construction contractor to bring onsite all necessary supplies, equipment and materials, including mobile offices necessary for completion of the job after a building permit is issued for construction of a building, or when the city engineer approves construction plans for utility work.

(b) *Mobile home sales offices.* Mobile homes that are used as sales offices shall be allowed only on property where mobile homes or travel trailers are being sold.

(c) *Temporary location of mobile homes or trailers for temporary office use.* A mobile home or trailer for temporary use as a business shall be allowed in all commercial districts only, provided that onsite construction to replace the trailer on a permanent-type structure has begun. The temporary mobile home or trailer shall not be allowed on the site for more than 365 consecutive days. (Ord. No. 1843, § 1(art. IV, § 18), 2-14-89)

Sec. 62-289. Satellite communication antennas.

(a) Specific aesthetic standards by which the proliferation of satellite dish (communication) antennas may be regulated, are hereby adopted to accomplish the following:

- (1) Clearly define aesthetic objectives to protect residential neighborhoods.
- (2) Define reasonable safety considerations for the general populace.
- (3) Allow satellite operations in such a manner as not to impose unreasonable governmental limitations on reception of satellite-delivered signals by antennas.
- (4) Allow municipal regulation of satellite transmission antennas in such a manner as not to impose excessive costs upon users.
- (5) Continue to utilize accepted yard requirements that promote a homogeneous char-

acter in surroundings, and provide a certain amount of open space on each residential lot.

- (6) Orient activities and uses to appropriate locations on residential lots.

(b) Satellite antennas may be permitted as an accessory use only in residential districts (R-1B, R-2, R-3), provided the following standards are met:

- (1) The antenna shall not be permitted as a primary use on a lot.
- (2) The antenna shall be ground mounted, and located in the rear yard only.
- (3) The antenna shall not exceed 12 feet in diameter, and the materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish or reflective, and shall employ, to the extent possible, materials and colors that blend with the surroundings.
- (4) The antenna, including any guy wires, supporting structures, and accessory equipment, shall be located and designed so as to minimize the negative visual impact on surrounding properties and from public streets. Antennas should be screened through the addition of architectural features such as evergreen plantings, fencing and/or landscaping that harmonize with the elements and characteristics of the property. The height of the screening shall be equal to at least 75 percent of the antenna height.

(c) A building permit shall be required for the construction and installation of any satellite communication antenna, and all applications for a building permit shall include certification by a registered engineer that the proposed installation complies with those standards listed in section 623.0 of the BOCA National Building Code as adopted by the city.

(d) All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.

(e) Only one satellite dish antenna may be permitted per lot, and shall be used only for private noncommercial purposes.

(f) Special exception uses: Roof-mounted satellite dish antennas up to 12 feet in diameter may be allowed in residential districts, subject to the following criteria:

- (1) Demonstration by the applicant that compliance with subsections (b)(5) and (d) of this section would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- (2) The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- (3) All applications must include certification by a registered engineer that the proposed installation complies with those standards listed in section 623.0 of the BOCA National Building Code as adopted by the city. Also, written documentation of such compliance, including load distributions within the building's support structure shall be furnished.

(g) All satellite dish antennas, previously erected in any district prior to February 14, 1989 which do not conform to the requirements of the provisions of this section, shall be accepted as non-conforming accessory uses for a period of three years to expire January 1991. Thereafter, the satellite dish antennas shall be subject to modification or relocation to comply with the standards of this section.

(Ord. No. 1843, § 1(art. IV, § 19), 2-14-89)

Sec. 62-290. Utility screening requirements.

The construction and installation of any public utility service use shall require the provision of an adequate green screening as a barrier between the utility service and any adjoining district. The screening shall consist of closely spaced, rapidly growing evergreen (nondeciduous) woody shrubs or plants reaching a minimum of six to eight feet in height at maturity, that will provide an aesthetically pleasing solid green space around the

entire perimeter of the utility service within two years after planting. The evergreen screening shall be well maintained by the utility service at all times, with any dead shrubs/plants removed and replaced.

(Ord. No. 1843, § 1(art. IV, § 20), 2-14-89)

Secs. 62-291–62-300. Reserved.

DIVISION 6. OFF-STREET PARKING AND LOADING

Subdivision I. General Provisions

Sec. 62-301. Intent and application.

It is the intent of this division that adequate parking and loading facilities be provided off the street for each use of land within the city. Requirements are intended to be based on the demand created by each use. The requirements of this division shall apply to all uses in all districts. Whenever there is a use of land proposed which is not specifically mentioned in this division, the requirements for off-street parking facilities for a use which is so mentioned, and which is similar to the unmentioned use, shall apply. If such proposed use cannot be determined to be similar to a use specifically mentioned, the planning commission shall make a determination of the parking demand and such demand shall become a requirement and be made a condition of the building permit authorizing such use. The planning commission shall then recommend an amendment of this division to include such use and parking requirement.

(Ord. No. 1843, § 1(art. V, § 15.1), 2-14-89)

Sec. 62-302. Enforcement.

The city manager or an officer or employee of the city designated by him is hereby authorized to enforce this division.

(Ord. No. 1843, § 1(art. V, § 15.2), 2-14-89)

Sec. 62-303. Requirements for mixed land uses.

In the case of mixed uses of land, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed

separately; and the off-street parking for one use shall not be considered as providing the required off-street parking for any other use; provided, however, that if the type of one structure indicates that its periods of usage will not be simultaneous with the usage of other structures (as determined by the planning commission), the parking provided for such other structures may be counted for the purpose of complying with the parking requirement for such structure.

(Ord. No. 1843, § 1(art. V, § 15.7), 2-14-89)

Sec. 62-304. Access to street or alley; parking space deemed required open space.

Required parking spaces shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not therefore be reduced, diminished or encroached upon in any manner.

(Ord. No. 1843, § 1(art. V, § 15.3), 2-14-89)

Sec. 62-305. Ownership and location.

The ownership of the land which parking is provided shall be the same as the ownership of the land upon which the principal use exists for which the parking is provided; and shall be located within 200 feet of the proposed land use, exclusive of streets and alleys. The area between the street right-of-way lines and setback lines may be used for parking when such area is hard surfaced and an adequate means of ingress is provided.

(Ord. No. 1843, § 1(art. V, § 15.4), 2-14-89)

Sec. 62-306. Paving.

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

(Ord. No. 1843, § 1(art. V, § 15.5), 2-14-89)

Sec. 62-307. Size of spaces.

The parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 21 feet, plus adequate area for ingress and egress.

(Ord. No. 1843, § 1(art. V, § 15.6), 2-14-89)

Sec. 62-308. Handicapped parking requirements.

(a) *General overview.* Building construction in the city (including parking space requirements for all districts) is governed and controlled through the application of several building codes (including designs and tables for handicapped accessibility) adopted for specific use by the city council; i.e., BOCA National Building Code; National Electrical Code; BOCA Plumbing Code; CABO One and Two Family Dwelling Code; NFPA; Architectural and Transportation Barriers Compliance Board through its "Minimum Guidelines and Requirements for Accessible Design"; the American National Standards Institute's "Specification for Making Buildings and Facilities Accessible To and Usable By Physically Handicapped People" (ANSI A117.1-1980); which standards are also the basis for the BOCA Code. Within these standards are the requirements for making parking spaces and passenger loading zones accessible for handicapped people.

(b) *Scope.* The ANSI standards specification in the BOCA Code adopted by the city council are intended to make buildings and facilities accessible to, and usable by, people with such physical disabilities as the inability to walk, difficulty walking, reliance on walking aids, sight and hearing disabilities, incoordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes of physical size. Accessibility and usability allow a disabled person to get to, enter and use a building or facility.

(c) *Construction specifications.* State and federal handicap regulations specify that any building or facility (other than a privately owned residential structure, unless leased for federally subsidized housing programs), intended to be "accessible to the general public," is required to be designed, constructed or altered so as to be readily accessible to, and usable by, physically handicapped people.

(d) *ANSI standards applicability.*

- (1) The design and construction of new buildings and facilities, including both rooms and spaces, site improvements and public walks.

- (2) Remodeling, alteration and rehabilitation of existing construction.
- (3) Permanent, temporary and emergency conditions.
- (e) *Parking and passenger loading zone minimum requirements.*
- (1) If any parking is required to be provided by this article for employees or visitors or both in any district, each such parking area shall comply with section 1190.60 (36 CFR P.1190), Parking and Passenger Loading Zones diagram;
- (2) ANSI Standard 4.6.1 (ANSI A117.1-1980); and
- (3) The following table from Section 1190.31 (36 CFR 1190)

<i>Total parking in lot</i>	<i>Required minimum number of accessible spaces</i>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 percent of total
Over 1000	20 plus 1 for each 100 over 1,000

(f) *General parking requirements; commercial/industrial districts.*

- (1) *Location.* Accessible parking spaces and accessible passenger loading zones shall:
 - a. Be the spaces or zones located closest to the nearest accessible entrance on an accessible route in accordance with ANSI 4.6.2.
 - b. If located in a separate building or facility, be on the shortest accessible route to an accessible entrance of the parking facility.
 - c. Passenger loading zones shall have an access aisle of at least five feet wide by

20 feet long, adjacent, parallel and level with vehicle standard space (ANSI 4.6.5).

- d. Have curb ramps conforming to section 1190.70 Ramps and Curb Ramps, if there are any curbs between the accessibility aisle and other portions of the access route.

- (2) *Conformance required.* Conformance in all other areas of handicapped accessibility required by the Architectural Barriers Act and BOCA Codes, incorporating the ANSI standards for handicapped accessibility shall be required, as well as any applicable city codes.

(Ord. No. 1843, § 1(art. V, §§ 15.28-15.33), 2-14-89)

Sec. 62-309. Landscaping requirements for off-street parking.

(a) *Intent.* The intent of this section is to protect and promote the public health, safety and welfare by requiring the landscaping of parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to prevent soil erosion; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to provide shade; to visually enhance the appearance of parking lots; and to generally promote a healthful and pleasant environment. All areas used for the display, parking, or storage of any and all types of vehicles; boats are also subject to provisions herein.

(b) *Landscaping requirements for off-street parking/other vehicular use areas with ten to 30 spaces.*

- (1) *Peripheral landscaping requirements.*
 - a. Peripheral landscaping shall be required along any side of a parking area that abuts adjoining property that is not a street or alley right-of-way.
 - b. A landscaping strip four feet in width shall be located between the parking area and the abutting property lines.
 - c. At least one tree for each 40 linear feet or fraction thereof shall be planted in the landscaping strip. The required trees may be evenly spaced or grouped.

- d. In addition to the required trees, a wall, fence, hedge, berm, or other durable landscape barrier shall be planted or installed. The height of any such hedge or barrier shall be no less than six feet.
- e. At least one shrub or vine for each ten feet of nonliving durable barrier (such as a wall or fence) shall be planted between the parking lot and the barrier.
- f. Peripheral landscaping requirements shall not be applicable in the following situations:
 - 1. To those portions of the property that are opposite a building located on the abutting property line.
 - 2. Where the abutting property is zoned for nonresidential uses, only the tree provision and the landscape strip, planted with grass or ground cover, shall be required.
- g. Twenty percent of the trees for peripheral landscaping requirements can be evergreens that normally grow to an overall height of a minimum of 15 feet.

(2) *Street landscaping requirements.*

- a. Street landscaping shall be required along any side of a parking lot that abuts the right-of-way of any street, road or highway.
- b. A landscaping strip five feet in depth shall be located between the abutting right-of-way and the parking lot.
- c. At least one tree for each 40 linear feet or fraction thereof shall be planted in the landscaping strip. The required trees may be evenly spaced or grouped.
- d. A hedge, landscaped berm, or other living durable landscape barrier shall extend the entire length of the landscaping strip. The height of any such barrier or hedge shall be no more than three feet. The first ten feet on both sides of any driveway pavement is excluded from this requirement, but shall be planted with grass or ground cover.
- e. In lieu of the requirements of subsections (b)(2)c and (b)(2)d of this section, at least one tree for each 20 linear feet

or fraction thereof shall be planted in the landscaping strip. The required trees may be evenly spaced or grouped.

(c) *Landscaping requirements for off-street parking/other vehicular use areas with more than 30 spaces.*

(1) *Interior landscaping requirements.*

- a. Off-street parking areas shall have at least ten square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections hereof and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.
- b. Each separate landscaped area shall contain a minimum of 50 square feet, shall have a minimum dimension of at least five feet, and shall include at least one tree. The remaining area shall be landscaping material not to exceed three feet in height.
- c. The total number of trees shall not be less than one for each 100 square feet or fraction thereof of required interior landscaped area.
- d. No parking space shall be located more than 100 feet from a portion of landscaped open space required by this section.

(d) *Plant material.* Species of plant material shall be acceptable to the director of planning, with guidance and recommendations from the tree board.

(1) *Trees.*

- a. For the purposes of this division, trees are defined as any self-supporting woody plants which usually produce one main trunk and normally grow to an overall height of a minimum of 15 feet.
- b. Trees having an average natural spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. Trunks must be main-

tained in a clean condition over five feet of clear wood.

- c. Tree species shall be a minimum of six feet overall height immediately after planting.
- d. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely contained within a barrier acceptable to the director of planning, with guidance and recommendations from the tree board.

(2) *Shrubs and hedges.*

- a. For the purposes of this division, shrubs are defined as any woody plant that usually remains low and produces shoots or trunks from the base.
- b. Hedges, where required shall be a minimum of two feet in height when measured immediately after planting and shall be maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after planting.

(3) *Vines.* For the purposes of this division, vines are defined as plants which normally require support to reach mature form.

(e) *Other requirements for landscaped areas.*

(1) *Installation.*

- a. All landscaping shall be installed according to accepted planting procedures and landscaped areas shall require protection from vehicular encroachment. The tree board shall be contacted for information, guidance and direction on how to follow the community tree board's master plan for street trees, and to ensure that landscaping efforts will be in harmony with the urban forestry's survey.
- b. A building permit, including a certificate of occupancy therein, is required for all parking areas having ten or more spaces and no certificate will be issued unless the landscaping meets the re-

quirements herein provided; or unless a bond is posted acceptable to the director of planning, who may accept such a bond in lieu of landscaping due to weather or climate conditions unsuitable for planting. Such a bond will not be maintained in lieu of planting for more than nine months.

(2) *Maintenance.*

- a. The owners shall be responsible for providing, protecting, and maintaining all landscaping in growing and healthy condition; shall replace it when necessary; and shall keep it reasonably free from debris.
- b. Should the owner not maintain the property as provided in subsection (e)(2)a of this subsection, the city has the authority to enter the premises upon written notice and perform the necessary maintenance. The cost of performing the maintenance shall be certified by the director of planning to the owner, upon information provided by the director of community services. Should the owner fail to pay the cost of maintenance within 30 days from date of the invoice, the cost shall become a lien on the property as provided by law.

(Ord. No. 1843, § 1(art. IV, § 21), 2-14-89)

Secs. 62-310–62-320. Reserved.

Subdivision II. Space Requirements

Sec. 62-321. Application of division.

Off-street parking and loading facilities shall be provided in all districts in accordance with the provisions of this division.

(Ord. No. 1843, § 1(art. V, § 15.8), 2-14-89)

Sec. 62-322. Dwellings.

(a) The following requirements shall apply in residential districts:

- (1) Dwelling, single-family or duplex: Two parking spaces for each separate dwelling unit within the structure.

- (2) Dwelling, multiple-family: The number of spaces provided shall not be less than 1½ times the number of units in the dwelling.

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

- (1) All sides of the parking 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 feet. Such fence, wall or hedge shall be maintained in good condition.
- (2) No parking shall be permitted within a front yard setback line whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, a minimum five-foot setback shall be required.
- (3) Driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width, exclusive of curb returns.
- (4) Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.
- (5) 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 nonintermittent white lighting of signs shall be permitted.

(Ord. No. 1843, § 1(art. V, § 15.9), 2-14-89)

Sec. 62-323. Hotels, motels, tourist homes and other places offering overnight accommodations.

Hotels, clubs, lodging houses, tourist homes and cabins, motels, trailer courts, boardinghouses and roominghouses, dormitories, sororities, fraternities and all other similar places offering overnight accommodations, and not otherwise provided for in this division, shall be provided with one parking space for each guestroom. If assembly halls, bars, restaurants, nightclubs, retail shops or room for other shops, service establishments or businesses are provided at such places, additional

off-street parking spaces will be required in accordance with the regulations set forth in this division for such uses.

(Ord. No. 1843, § 1(art. V, § 15.10), 2-14-89)

Sec. 62-324. Mobile home parks.

(a) Mobile home parks accommodating tourists or other transient guests shall be provided with one parking space for each mobile home stand, plus one additional space for each four mobile home stands.

(b) Mobile home parks accommodating long-term or nontransient guests shall be provided with one parking space for each mobile home stand, plus one additional space for each two mobile home stands.

(Ord. No. 1843, § 1(art. V, § 15.11), 2-14-89)

Sec. 62-325. Hospitals.

Hospitals shall be provided with one parking space for each three patient beds, exclusive of bassinets, plus one space for each professional staff member, plus one space for each two employees, including nurses, plus adequate off-street space for loading and unloading emergency vehicles.

(Ord. No. 1843, § 1(art. V, § 15.12), 2-14-89)

Sec. 62-326. Convalescent homes, orphanages and similar institutions.

Convalescent or nursing homes, sanatoriums, asylums, orphanages and all other similar institutions shall be provided with one parking space for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each two employees, including nurses, plus adequate off-street space for loading and unloading emergency vehicles.

(Ord. No. 1843, § 1(art. V, § 15.13), 2-14-89)

Sec. 62-327. Restaurants, bars and other similar eating and drinking establishments.

Restaurants, bars, taverns, nightclubs, lunch counters, diners and all similar dining or drinking establishments, unless otherwise specifically clas-

sified shall be provided with one parking space for each three seats provided for patron use.
(Ord. No. 1843, § 1(art. V, § 15.14), 2-14-89)

Sec. 62-328. Places of public assembly generally.

Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance halls, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, funeral homes and mortuaries, community centers, libraries, places of amusement or recreation, museums and all other similar places of relatively frequent public assembly and not otherwise specifically classified, shall be provided with one parking space for each four seats provided for patron use, or one space for each 50 square feet of floor area, whichever requires the greater number of spaces.
(Ord. No. 1843, § 1(art. V, § 15.15), 2-14-89)

Sec. 62-329. Theatres generally.

Theatres, including motion picture houses, but not including drive-in theatres, shall be provided with one parking space for each two seats provided for patron use.
(Ord. No. 1843, § 1(art. V, § 15.16), 2-14-89)

Sec. 62-330. Drive-in theatres.

Drive-in theatres shall be provided with parking reservoir space equal to ten percent of the vehicle capacity of the theatre.
(Ord. No. 1843, § 1(art. V, § 15.17), 2-14-89)

Sec. 62-331. Bowling alleys.

Bowling alleys shall be provided with four parking spaces for each alley.
(Ord. No. 1843, § 1(art. V, § 15.18), 2-14-89)

Sec. 62-332. Religious institutions.

Religious institutions shall be provided with one parking space for each four seats, based on maximum seating capacity, or one space per 150 square feet of floor area, whichever is greater.
(Ord. No. 1843, § 1(art. V, § 15.19), 2-14-89)

Sec. 62-333. Schools.

Schools, including academies, colleges, universities, elementary schools, junior high schools, high schools, prep schools and all other similar institutions of learning not otherwise specifically classified, shall be provided with two parking spaces for each three employees, including administrators, teachers and building maintenance personnel, plus one space for each ten students enrolled at a grade level above junior high school.
(Ord. No. 1843, § 1(art. V, § 15.20), 2-14-89)

Sec. 62-334. Retail establishments generally.

Retail establishments, including personal service shops, equipment or repair shops, motor vehicle sales or repair establishments, retail stores and businesses and banks or other financial and lending institutions, unless otherwise specifically classified, shall be provided with one parking space for each 150 square feet of net floor area.
(Ord. No. 1843, § 1(art. V, § 15.21), 2-14-89)

Sec. 62-335. Motor fuel stations.

Motor fuel stations shall be provided with two parking spaces for each three employees, plus two spaces for each service bay, whether enclosed or not, plus one space for each service vehicle.
(Ord. No. 1843, § 1(art. V, § 15.22), 2-14-89)

Sec. 62-336. Office buildings generally.

Office buildings, including commercial, governmental and professional buildings, unless otherwise specifically classified, shall be provided with one parking space for each 200 square feet of net floor area.
(Ord. No. 1843, § 1(art. V, § 15.23), 2-14-89)

Sec. 62-337. Medical and dental clinics or offices.

Medical and dental clinics or offices shall be provided with six parking spaces for each professional staff member, plus one space for each two employees.
(Ord. No. 1843, § 1(art. V, § 15.24), 2-14-89)

Sec. 62-338. Wholesale, manufacturing and industrial plants, etc.

Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards; public utility buildings; contractor's equipment and lumber yards; research laboratories; business service establishments, such as blueprinting and printing and engraving; binding, publishing and issuing newspapers or other reading matter; soft drink bottling establishments; laundry and dry cleaning plants; fabricating plants; and all other structures devoted to similar mercantile or industrial pursuits and not otherwise specifically classified shall be provided with two parking spaces for each three employees or one space for each 500 square feet of floor space, whichever requires the greater number of spaces.

(Ord. No. 1843, § 1(art. V, § 15.25), 2-14-89)

Sec. 62-339. Terminal facilities generally.

Terminal facilities, including airports, railroad passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities not otherwise specifically classified shall be provided with such number of spaces as the planning commission shall deem adequate to serve the public or customers, patrons and visitors.

(Ord. No. 1843, § 1(art. V, § 15.26), 2-14-89)

Sec. 62-340. Motor freight terminals.

Motor freight terminals shall be provided with two parking spaces for each three employees.

(Ord. No. 1843, § 1(art. V, § 15.27), 2-14-89)

Secs. 62-341–62-360. Reserved.

ARTICLE VI. SUBDIVISION REGULATIONS*

DIVISION 1. GENERALLY

Sec. 62-361. Definitions.

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

Alley means a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood which has a one-percent chance of being equalled or exceeded in any given year (100-year flood).

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 green strips, rural land or drainage channels or a combination thereof.

Building line or *setback line* means a line or lines designating the area outside of which buildings may not be erected.

Development means any manmade 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.

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.

*State law reference—Subdivisions and plats, 11 O.S. §§ 41-101 et seq., 45-104.

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

- (1) The overflow of lakes, streams, rivers or any other inland waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administration where the areas having special flood hazards have been designated as zone A.

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.

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.

General plan means the comprehensive development plan for the city which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities.

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.

Lot means a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

Lot, corner means a lot located at the intersection of and abutting on two or more streets.

Lot, double frontage means a lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

Lot, reverse frontage means a double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Mobile home means a structure, transportable in one or more sections, which is built on a permanent chassis, designed to be used with or without a permanent foundation when connected to the required utilities.

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).

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.

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.

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, piers 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 perma-

ment framing or assembly of the structure or any part thereof on 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.

Street means any public or private right-of-way which affords the primary means of access to abutting property.

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.

Street, cul-de-sac means a minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

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.

Street, major means an arterial street which is designated on the major street plan or expressway plan.

Street, minor means any street not classified as a major street on the major street plan or expressway plan.

Subdivider means any person, firm, partnership, corporation, or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Subdivision means the division or redivision of land into two 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 or easement.

Subdivision, rural means the division or redivision of land into two or more lots, tracts, sites or parcels of not less than two acres for the purpose

of transfer of ownership or for development of single-family residential, or the dedication or vacation of a public or private right-of-way easement.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or, 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 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 any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

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

(Ord. No. 1492, § 3(art. I, § 4), 7-27-76)

Cross reference—Definitions generally, § 1-2.

Sec. 62-362. Purpose.

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 in this article for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open space, 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. These regulations are designed, intended and should be administered in a 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, located within the tract of land being developed, be borne by the owners or developers of the tract, and also 50 percent of the cost of city-owned trunk lines to serve subdivisions be borne by same owners or developers.
 - (5) Provide the best possible design for the tract.
 - (6) Reconcile any differences of interest.
 - (7) Establish adequate and accurate records of land subdivision.
- (Ord. No. 1492, § 3(art. I, § 1), 7-27-76)

Sec. 62-363. Penalty.

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be punished as provided in section 1-8. Each day such violation shall be permitted to exist shall constitute a separate offense. In addition to the other remedies provided herein, the city may institute any proper action or proceedings to enforce the provisions of this article.

(Ord. No. 1492, § 3(art. V, § 5), 7-27-76)

Sec. 62-364. Separability of provisions.

If any section, clause, paragraph, provision or portion of this article shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other sec-

tion, clause, paragraph, provision or portion of this article.

(Ord. No. 1492, § 3(art. V, § 3), 7-27-76)

Sec. 62-365. Authority.

The subdivision regulations and minimum standards for land development in this article are adopted by ordinance passed by the city council under the authority granted by 11 O.S. art. 45 (11 O.S. § 45-101 et seq.).

(Ord. No. 1492, § 3(art. I, § 2), 7-27-76)

Sec. 62-366. Administration and amendment.

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

(Ord. No. 1492, § 3(art. V, § 2), 7-27-76)

Sec. 62-367. Jurisdiction.

The regulations and development standards in this article shall apply to the following forms of land subdivision:

- (1) The division of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten acres in area.
 - (2) The division of land previously subdivided or platted into a tract, lot, site or parcel of two or more acres which is to be resubdivided into three or more lots or ownerships.
 - (3) 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.
 - (4) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.
 - (5) The division of land previously subdivided as a portion of a rural subdivision.
- (Ord. No. 1492, § 3(art. I, § 3), 7-27-76)

Sec. 62-368. 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 this article would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, such requirements of design, but not of 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 this article preserved. Such modification may be granted upon written request of the subdivider stating the reason(s) for each modification and may be waived by three-fourths vote of the regular membership of the planning commission, subject to the acceptance of the plat and the dedications thereon by the city council.

(Ord. No. 1492, § 3(art. V, § 1), 7-27-76)

Sec. 62-369. Conditions for issuing building permit.

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 this article.

(Ord. No. 1492, § 3(art. V, § 4), 7-27-76)

Secs. 62-370–62-380. Reserved.**DIVISION 2. PLATS AND PLAT APPROVAL****Sec. 62-381. General procedure.**

(a) *Plat approval.* For all cases of subdividing within the scope of this article, a plat of the land in question or an easement with a description in writing where appropriate shall be drawn and submitted to the planning commission and city council for approval or disapproval as provided; provided that no rural subdivision shall be platted or approved within the area bounded by U.S. Highway 69 Bypass on the south and east and Business Route 69 on the west.

(b) *Official recording.* No plat or other land subdivision instrument shall be filed in the office of the county clerk until it has been approved by the planning commission and by the city council as hereinafter set forth. All final plats shall be filed within one year of the date of approval by the planning commission, and no lots shall be sold from any plat until recorded. Failure to record the plat within one year of the date of planning commission or city council approval, whichever is the later, shall void all approvals thereto.

(c) *Agenda.* 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 this article. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exception and enumerates in detail the reasons therefor.

(d) *Filing fee.* To defray partially the costs of notification and administration procedures, there shall be paid to the city treasurer at the time of submission of the preliminary plat a fee in the following amounts: \$5.00 plus \$1.00 per lot for the first ten lots; plus \$0.10 for each additional lot. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five years of the 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.

(Ord. No. 1492, § 3(art. IV, § 5), 7-27-76)

Sec. 62-382. Subdivision review committee.

(a) There is hereby created a subdivision review committee, the membership of which shall be made up of one representative of each of the following agencies and such other public officials as the chief administrative officer of the municipality may designate:

- (1) City manager.
- (2) Planning department.
- (3) Planning commission.

- (4) Engineering department.
- (5) Utilities department.
- (6) County health department.

(b) It shall be the responsibility of the subdivision review committee to meet together, on call of the director of planning who shall serve as chairman, to review preapplication plans, to study the suitability of the proposed subdivision for the purposes for which it is intended and to submit its findings and recommendations to the planning commission at the time the preliminary plat is to be reviewed by the planning commission.

(Ord. No. 1492, § 3(art. IV, § 1), 7-27-76)

Cross reference—Boards and commissions, § 2-166 et seq.

Sec. 62-383. Preapplication plans and data.

Not less than 14 days prior to the filing of an application for approval of a preliminary plat, the subdivider shall present to the subdivision review committee the following information:

- (1) A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include data on existing covenants and agreements, the availability of utilities and community facilities, the proposed use of each portion of the subdivision, proposed lot sizes and building sites, proposed business areas, playground, park and school sites and other pertinent data as may be needed to supplement the sketches required in subsections (2) and (3) below.
- (2) A general location map shall be submitted and shall show the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries, and other features that will affect and influence the subdivision such as hospitals, churches, airports, railroads, and shopping and employment centers.
- (3) A sketch plan drawn to approximate scale shall be submitted and shall show topography, using a contour interval of not greater than five feet, the proposed street

layout, lots and other planning features. The street and lot plan may be in the form of a freehand pencil sketch.

(Ord. No. 1492, § 3(art. IV, § 2), 7-27-76)

Sec. 62-384. Preliminary plat.

(a) *Generally.* The subdivider shall prepare a preliminary plat for submission to the planning commission. Four copies of the preliminary plat shall be submitted to the office of the city clerk not less than 12 days prior to the meeting at which it is to be considered.

(b) *Certification of design.* The preliminary plat shall be accompanied by a statement signed by the registered engineer or registered land surveyor preparing the plat 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.

(c) *Contents.* The preliminary plat shall be drawn at a scale of 100 feet to one inch. Whenever this becomes impractical, scales shall be allowed by the city engineer to be adjusted to produce an overall drawing not exceeding 21 inches by 33½ inches in size between borderlines on a standard 24-inch by 36-inch sheet, but in no case shall the scale be greater than 200 feet to an inch. The preliminary plat 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 subdivision, engineer or surveyor preparing the plat, including registration number.
- (4) A vicinity 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 city limits, if falling within or immediately adjoining the tract.
- (6) Existing and proposed contours established by field survey relating to United States Geological Survey or Coastal and Geodetic Survey benchmark or movement are to be shown on the same map as the proposed subdivision layout. Acceptable contour intervals shall be as follows:
 - a. Grades up to 5 percent 2 feet
 - b. Grades over 5 percent 5 feet
- (7) The location of existing buildings, water, watercourses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision; provided, however, that the actual measured distances shall not be required.
- (8) Whenever any stream or important surface drainage course is located in the area being subdivided, provision shall be made for an easement that shall include all land that has an elevation below the 50-year maximum flood elevation in accordance with section 62-397(c)(2) and also for the purpose of widening, deepening, realigning, improving or protecting the stream for drainage purposes.
- (9) 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.
- (10) The location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipelines 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, submains and laterals. Septic tank systems shall be planned and oriented with respect to abutting streets or alleys so as to minimize exterior plumbing changes needed to connect to a future central sewage collection system.
 - c. Storm sewers, culverts and drainage structures.
 - d. Street improvements.
- (11) The location of all drainage channels and subsurface drainage structures and the proposed method 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.
- (12) The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, expressway, primary thoroughfare, secondary thoroughfare, collector, (or minor) directly on each street.
- (13) A certification identifying the date for completion of all utilities including water, sewer, drainage and streets.
- (14) The plan for staged development of any utilities not to be constructed as an entire unit (i.e., phased construction of streets, sewers, waterlines and/or storm drainage).
 - (d) *Planning commission action.* The planning commission shall approve, approve conditionally, or disapprove the plat within 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 is taken by the planning commission at the end of 60 days after submission, the plat shall be deemed to have been approved. 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 applicant may proceed with the staking of streets and roads and with the preparation of a final plat.

(Ord. No. 1492, § 3(art. IV, § 3), 7-27-76; Ord. No. 1544, § 3, 1-24-78)

Sec. 62-385. Final plat.

(a) *Generally.* A final plat, neatly drawn in ink on tracing cloth, and three darkline prints thereof shall be submitted to the office of the city clerk not less than 12 days before the planning commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted three 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.

(b) *Time of submission.*

- (1) The final plat of the proposed subdivision shall be submitted to the planning commission and the city council 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 recorder within one year after approval by the city council and planning commission, or if not filed within such time, the approval shall be considered as having been voided.
- (2) In the instance where the means of sewage disposal is proposed by individual septic tank and filter fields, the final plat shall be accompanied by a copy of the Oklahoma State Department of Health Environmental Health Services Soil Report for Subdivisions or Individual Sites, or any applicable form which supersedes said form for each

lot contained with the final plat. Such form shall be executed by a registered professional engineer or by a registered professional sanitarian.

- (3) In the instance of where the means of sewage disposal is proposed by individual septic tank and filter fields, one print of the final plat denoting the location on each lot where percolation tests have been performed shall be filed with the application for approval of the final plat.
- (4) In the case of a plat proposing the reserving or dedicating of land to be used in common by owners of lots in the subdivision, there shall be submitted by the subdivider evidence acceptable to counsel of the city that all necessary steps have been taken for:
 - a. The establishment of some process for adequately maintaining the common property; and
 - b. Disposition of the common property in the event of dissolution of the maintenance process which had been previously established.

(c) *Drafting.* The final plat shall be drawn at a scale of 100 feet to the inch from an accurate survey and on sheets whose dimensions are 21 inches by 33½ inches between borderlines. 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 sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half inch surrounding the sheet shall be left blank at the top, bottom, and right-hand side, and a margin of two inches at the left side for binding purposes.

(d) *Contents.* The final plat shall show:

- (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.
- (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 adjacent subdivisions identified by official names.
 - (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 and/or direction of an alley is not readily discernible from data given for lot and block lines, the length and/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 that 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 throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part."
 - (10) The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.
 - (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 acknowledgments of owners and the consent by the mortgagee to plat restrictions.
 - (13) The following which shall be made and shown on the cloth tracing:
 - a. Owner's certificate and dedication, signed.
 - b. Certificate of survey, executed with registered engineer's or registered land surveyor's 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 recorder of deeds which directly affect the land being subdivided.
 - e. Certificate of planning commission approval.
 - f. Certificate of city council acceptance of ways, easements, and public land dedications.
 - g. Treasurer's certificate.
 - (14) A title which shall include:
 - a. Name of the subdivision.
 - b. Name of city, county and state.
 - c. Location and description of the subdivision referenced to section, range and township.
 - (15) A notification to any purchaser of any lot contained in the plat that the city will not issue a building permit for construction of any private improvements thereon until all public utilities guaranteed by and contained in the plat have been completed to that lot and a certificate of completion of utilities has been issued by the city engineer.
 - (16) The plan for staged development of any utilities not to be constructed as an entire unit (i.e., phased construction of streets, sewers, waterlines, and/or storm drainage).
 - (17) A separate instrument reflecting the restrictive covenants imposed on the subdivision, provided that said restrictive covenant shall not be in violation of any applicable law of the United States, the

state or the city and further provided that in all instances where a tract of two or more acres is being platted, said restrictive covenant shall contain the following provision:

"No lot, herein described, may be resubdivided into three or more lots or ownerships without first being resubdivided and replatted in accordance with the applicable plat preparation and approval procedure of the ordinances of the City of McAlester."

- (18) A separate instrument reflecting the restrictive covenants imposed on the subdivision, provided that the restrictive covenant shall not be in violation of any applicable law of the United States, the state or the city and further provided that in all instances where the subdivision is a rural subdivision said restrictive covenant shall contain the following provision:

"No lot, herein described, may be resubdivided into two or more lots or ownerships without first being resubdivided and replatted in accordance with the applicable plat preparation and approval procedure of the ordinances of the City of McAlester."

(e) *Planning commission action.* The planning commission shall act upon the final plat within 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 45 days after submission, the plat shall be deemed to have been approved. A certificate by the city clerk as to date of submission of the plat for final approval and failure of the planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval. 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 with which the plat does not comply.

(f) *City council action.* Before recording the final plat, it shall be submitted to the city council 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 and attested to by the city clerk or his deputy. The disapproval of any plat or plan by the city council shall be deemed a refusal of the proposed dedication shown thereon.

(g) *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 code administrator with two darkline prints thereof, and one contact reproducible cloth tracing, such tracing to be filed with the city engineer. The applicant, accompanied by a representative of the city, shall file the original tracing with the county clerk, and the applicant shall pay all required filing fees.

(Ord. No. 1492, § 3(art. IV, § 4), 7-27-76; Ord. No. 1544, § 3, 1-24-78)

Secs. 62-386–62-395. Reserved.

DIVISION 3. DESIGN STANDARDS

Sec. 62-396. 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:

- (1) *Neighborhood unit.* It is intended that the urban area shall 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, educa-

tional and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood.

- (2) *Size of lots and blocks.* The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities.
- (3) *Natural features.* The arrangement 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.
- (4) *Design and circulation.* Circulation within the urban area shall be provided in accordance with the following design criteria:
 - a. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street and expressway plan. Arterial streets should be located on the perimeter of the residential neighborhood.
 - b. 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.
 - c. Collector streets should be designed to provide a direct route from other minor streets to the major street and expressway system.
 - d. Ingress and egress to residential properties should be provided only on minor streets.

e. Sidewalk improvements. Sidewalks may be required along officially designated major streets where deemed essential for public convenience or safety by the city council. All required sidewalks and crosswalks shall be paved and shall be constructed in accordance with standards established by the city council. Construction shall be under the supervision of the city engineer, and shall be subject to his approval.

- (5) *Minimum standards.* Minimum standards for development are contained in the zoning ordinance, the building code, and in this article. However, the general plan expresses policies designed 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 this article rather than be limited to the minimum standards required herein.

(Ord. No. 1492, § 3(art. II, § 1), 7-27-76)

Sec. 62-397. Subdivision design standards.

(a) *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:

- (1) Major streets shall be planned to conform with the major street and expressway plan.
- (2) 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 nonaccess 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 through and local traffic.

- (3) Minor streets shall be laid out so that their use by through traffic will be discouraged.
- (4) 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.
- (5) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the planning commission.
- (6) 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 street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- (7) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connections for such resubdivision.
- (8) Street jogs with centerline offsets of less than 150 feet should be avoided.
- (9) Street right-of-way widths shall be in accordance with the city transportation plan, and where not otherwise designated, it shall be the responsibility of the developer to dedicate right-of-way to provide a width of not less than the following:

- a. *Major streets:*
 - Primary arterial 100 feet
 - Secondary arterial 80 feet
- b. *Minor streets:*
 - Collector 60 feet
 - Urban local (residential) 60 feet
 - Rural local 60 feet
 - Cul-de-sac 50-foot radius

Whenever the major or minor street is located wholly within the proposed subdivision, the total width of the right-of-way shall be dedicated; and whenever the major or minor street is located adjacent to the outer edge of the subdivision, one-half of the right-of-way shall be dedicated, if it is equitable and feasible from an engineering design standpoint for the other half of the right-of-way to be dedicated from adjacent property.

- (10) In general, the design criteria as set forth in Table 1 shall be followed in the layout and design of major and minor streets. All collector streets shall have a paved surface not less than 32 feet in width, measured from face-to-face of curbs; and all other minor streets shall have a paved surface of not less than 27 feet in width, measured from back-to-back of curbs. All construction shall be in accordance with the street construction specifications of the city.
- (11) A cul-de-sac should not exceed 500 feet in length, measured from the entrance to the center of the turnaround, and if more than 150 feet in length shall be provided with a turnaround having a radius of not less than 50 feet at the property line and not less than 40 feet at the curb line.
- (12) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this article; 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 prop-

erty is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract which is being subdivided.

- (13) The arrangement 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.
- (14) 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.
- (15) Vehicular entrances to commercially or industrially zoned or used areas shall be no closer to the intersection of adjacent streets and roads than 100 feet measured along the curb from the outside limits of the curbline extended to the closest curb of the drive.
- (16) The grades of all streets shall not exceed the following, except where unusual topographic conditions justify, in the opinion of the planning commission, a modification of these standards:

<i>Major streets</i>	<i>Percent</i>
Primary	5
Secondary	7
Minor	10

No street shall be less than 0.3 percent.

(b) *Alleys.*

- (1) 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.
- (2) Alleys serving commercial and industrial areas shall not be less than 20 feet in width.

- (3) Alleys are not required for residential areas, but when provided shall not be less than 20 feet in width.
- (4) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the planning commission.

(c) *Easements.*

- (1) Where alleys are not provided, easements not less than ten feet wide shall be provided along each rear lot line, and along side lot lines where necessary for use by public and private utilities. The planning commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.
- (2) Where a subdivision is traversed by a watercourse, drainage channel, or stream, there shall be provided a right-of-way for drainage and public parks and public utility purposes adequate to contain all of the runoff from a 50-year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the 50-year maximum flood elevation which shall be calculated in accordance with, and shall be adequate to provide for the drainage requirements of the ordinances and regulations relating thereto. This shall not be interpreted as prohibiting the reclamation of lands subject to flooding by filling or by other appropriate means.

(d) *Public areas and open spaces.* Public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the general plan and in the ordinances relating thereto.

(e) *Blocks.*

- (1) The lengths, widths and shapes of blocks shall be determined with due regard for the following:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot sizes and dimensions.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
- (2) Blocks for residential use shall not be longer than 1,800 feet, measured along the centerline of the block. When a block exceeds 600 feet in length, the planning commission may require a dedicated easement not less than 15 feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block.
- (3) Blocks used for residential purposes should be of sufficient width to allow for two 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.

(f) *Lots.*

- (1) Residential lots other than lots for townhouses shall be not less than 50 feet in width at the front building line and shall abut a street a distance of not less than 35 feet, except that a corner lot shall be not less than 60 feet in width at the front building line.
- (2) Side lot lines should be approximately at right angles or radial to street lines.
- (3) The depth of residential lots other than lots for townhouses shall not be less than 120 feet.
- (4) The area of residential lots other than lots for townhouses shall not be less than 6,000 square feet.
- (5) Lots for townhouses shall have a width, depth, and area of not less than that required by article V for the zoning district in which the townhouses are to be located.
- (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 no individual parcel shall be created for a particular commercial or industrial use that has an area, width or depth that is less than is required for the permitted use under the applicable provisions of the zoning ordinance.
- (7) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten 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. At the discretion of the planning commission, the developer may substitute for an easement and a planting screen a permanent ornamental fence of a height and architectural design which will appropriately screen and be harmonious with residential or other neighborhood elements.
- (8) In residential subdivisions where septic tanks or individual sewage disposal devices are to be installed, the area of the lot shall not be less than 20,000 square feet and the width of the lot at the front building line shall not be less than 100 feet. The minimum size lot for a rural subdivision will be no less than two acres.

(g) *Building lines.* Building lines shall be provided for all residential subdivisions as follows:

- (1) A front building shall be located 25 feet back of the street right-of-way line.
- (2) A side yard building line on the side of a corner lot abutting the street shall be located not less than 15 feet back of the street right-of-way when such lot is back to back with another corner lot and not less than 25 feet back of the street right-of-way in every other case.
- (3) A side yard building line shall be provided not less than ten feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk.
- (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.

(h) *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 surrounding property and the general welfare of the entire community. However, in no case shall the lot area be less than 6,000 square feet for detached single-family dwellings.

(i) *Flood hazard prevention.*

- (1) All subdivision proposals shall be consistent with the stated purpose and objectives of this article and those of article V, division 4 of this chapter.
- (2) All proposals for the development of a subdivision shall meet the following standards:
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

- b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- c. All new construction or substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
- d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into the floodwaters.
- f. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- (3) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than 50 lots or five acres, whichever is the lesser.
- (4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 1492, § 3(art. II, § 2), 7-27-76; Ord. No. 1547, § 3(2), 2-28-78; Ord. No. 2466, § 1, 6-11-13)

Secs. 62-398—62-410. Reserved.

DIVISION 4. IMPROVEMENTS

Sec. 62-411. Minimum standards generally.

All improvements shall be designed and installed in accordance with all of the elements of

the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

(Ord. No. 1492, § 3(art. III, § 1), 7-27-76)

Sec. 62-412. Plan preparation.

(a) Plans for the improvements required in this division shall be prepared by the city engineering department or by a qualified engineer, registered in the state. Two sets of prints of the proposed plans and specifications for all improvements shall be filed with the city clerk. One set of as-built plans and specifications, certified and signed by an engineer registered in the state, shall be filed with the city clerk prior to the acceptance by the city council of any improvement installed by the subdivider.

(b) In lieu of completion of the improvements herein required, the subdivider shall file a surety bond with the city clerk to secure to the city the actual construction of such improvements according to specifications within a reasonable period of time from the date of approval of the final plat. This period of time shall be identified upon the filing of the preliminary and final plats in accordance with sections 62-384 and 62-385. Such bond shall be in the amount of 100 percent of the estimated cost of the improvement as determined by the council and in such form and with conditions satisfactory to the council; provided, however, that no building construction shall be permitted on any lot that does not comply with the provisions of these regulations and other applicable elements of the master plan of the city, and no municipal utility service will be furnished to such lot; and further provided that in any case where the council does not require a bond for the improvements required herein, the subdivider shall furnish his written undertaking guaranteeing to the council the actual construction of such improvements as herein provided and shall be liable to the city for the cost of reimbursement for such improvements in the event of failure to perform. (Ord. No. 1492, § 3(art. III, § 2), 7-27-76; Ord. No. 1544, § 1, 1-24-78)

Sec. 62-413. Continuity of improvements.

All improvements shall be designed and installed such as to provide for a logical system of

utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. If utility improvements, including streets, are to be staged as development occurs, then the staging plan requires approval by the city council at the time of acceptance of the preliminary and final plats.

(Ord. No. 1492, § 3(art. III, § 3), 7-27-76; Ord. No. 1544, § 1, 1-24-78)

Sec. 62-414. Permanent markers.

Each block and subdivision corner shall be marked with iron pipes or pins not less than one-half inch in diameter and 24 inches long at least one inch below finished grade.

(Ord. No. 1492, § 3(art. III, § 4), 7-27-76)

Sec. 62-415. 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 specifications of the city 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 state highway department, but in no case shall the standard be less than the applicable city specifications.
- (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 subdivision, as determined by the city council.
- (3) All driveways which connect with public streets shall be constructed in accordance with the transportation plan of the city.

- (4) Streets in rural developed areas shall be improved in compliance with the applicable standards and specifications of this Code relating to streets in rural areas.
(Ord. No. 1492, § 3(art. III, § 5), 7-27-76)

Sec. 62-416. Waterlines.

The subdivider shall install waterlines and fire hydrants, and installation shall be in accordance with the specifications for waterline construction, applicable to the city.
(Ord. No. 1492, § 3(art. III, § 6), 7-27-76)

Sec. 62-417. Sanitary sewers.

The subdivider shall install sanitary sewers, and installation shall be in accordance with the specifications for sanitary sewer construction applicable to the city. If sewer lines are not within a reasonable distance, as determined by the city,

permission may be granted for use of septic tanks in accordance with the following provisions:

- (1) A lot on which a unit disposal system is located shall not be less than 20,000 square feet in area.
- (2) No portion of any unit disposal system shall be located closer than 20 feet to the lot line of the lot on which the system is located.
- (3) In the instance where individual sewage disposal is proposed by means of septic tank and filter fields, each lot, block or tract shall have a suitable location for such treatment system evidenced by one or more percolation tests, the number of such tests for each lot to be determined by the city engineer and the registered professional sanitarian of the county health department. The percolation tests must meet minimum requirements of both federal and state department of health regulations in effect at the time of construction.
- (4) The provisions herein set forth shall apply regardless of the zoning district or area of the tract of land involved, provided, however, that at such time as city sewer service becomes available and is installed within 300 feet of the tract of land involved, the property owner shall connect to same as required by ordinance.

(Ord. No. 1492, § 3(art. III, § 7), 7-27-76)

Sec. 62-418. Storm sewers and drainage.

Storm sewers and drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto. (Ord. No. 1492, § 3(art. III, § 8), 7-27-76)

Sec. 62-419. Maintenance and supervision.

(a) 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 area 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 city council for the proper and continuous opera-

tion, maintenance and supervision of such facilities.

(b) Prior to the acceptance of required improvements by the city council, the developer or contractor shall be required to provide a maintenance bond in such form, and guaranteed by, such assurances as the city council may approve. The bond shall be filed with the city clerk and shall be payable to the city. The amount of the bond shall be equal to 15 percent of the entire cost of materials and labor for all waterlines, sewer lines, paving, grading and drainage improvements for the required period of time. The duration of the maintenance bond shall be five years for urban streets and three years for water, sanitary sewer and storm sewer improvements from the date of acceptance of the improvements by the city council. (Ord. No. 1492, § 3(art. III, § 9), 7-27-76)

Sec. 62-420. Sidewalks.

(a) The city council, after consultation with 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. In such cases a plan for a system of sidewalks and walkways shall be prepared that will provide adequate pedestrian walkways within a residential or commercial subdivision or portion thereof with consideration given to sidewalk connections 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.

(b) Sidewalks and walkways required by this division shall be completed either:

- (1) At the time the streets are installed; or
- (2) On each lot or parcel of land subsequent to the improvement of said lot or parcel of land, but prior to the final inspections of such improvements by the city engineer.

(c) All sidewalks so required shall be constructed according to the specifications and requirements of this Code, including the following:

- (1) Sidewalks shall be shown typically in plan on paving plans.

- (2) Street rights-of-way shall be graded so that the slope between the right-of-way limits and the top of the curb will not exceed ten percent and be not less than two percent, and the sidewalk shall have a transverse slope of not to exceed two percent.
- (3) All sidewalks shall be located within street rights-of-way. Placement within the street right-of-way shall be at the discretion of the city engineer and/or city planner who shall take into consideration the factors of safety, adjacent sidewalk location, topography and landscape. On curvilinear streets, the alignment shall generally be an equal distance

from the back of the curb. The minimum radius of a horizontal curvature shall be 15 feet measured along the centerline of the sidewalk. The maximum grade of a sidewalk shall not exceed ten percent. Steps should be avoided wherever possible and may be installed only after obtaining the written approval of the city engineer.

(d) No dwelling unit or business establishment shall be occupied until required sidewalk construction is completed, inspected and accepted by the city.
(Ord. No. 1492, § 3(art. III, § 10), 7-27-76)

TABLE 1. DESIGN STANDARDS FOR McALESTER STREETS

<i>Design Element</i>	<i>Primary Arterial</i>	<i>Secondary Arterial</i>	<i>Collector</i>	<i>Local</i>
Design speed				
Outlying areas	50 mph	45 mph	30 mph	25 mph
Urbanized areas	40 mph	40 mph	30 mph	25 mph
Maximum grade				
Outlying areas	4%	7%	10%	15%
Urbanized areas	6%	7%	10%	15%
Minimum grade	0.5%	0.5%	0.5%	0.5%
Stopping sight distance	350'	200'	200'	200'
Number of traffic lanes	4 min.	4	2	2
Traffic lane effective width	12'	12'	12'	—
Number of parking lanes	Not allowed	Not allowed	1 side	1 side
Total minimum street width (Face-to-face of curbs)	48' min.	48' min.	32'	26'
Minimum paving thickness				
Asphalt section	8½"	8½"	8½"	8½"
Concrete section	6"	6"	6"	6"
Width of shoulder/parkline lane	10'	10'	8'	8'
Right-of-way width	100' min.	80' min.	70' min.	60' min.
Access control	Planned	Planned	—	—
Structure design load	HS-20	HS-20	H-15	H-15

<i>Design Element</i>	<i>Primary Arterial</i>	<i>Secondary Arterial</i>	<i>Collector</i>	<i>Local</i>
Vertical clearance	15.5'	15.5'	15.5'	15.5'
Surface type	High	High	High	High

Note: All streets shall have 6-inch curbs and enclosed storm drainage, plus 6-inch for local residential streets, 6-inch for local commercial streets.

Secs. 62-421–62-440. Reserved.

ARTICLE VII. SIGNS*

DIVISION 1. GENERALLY

Sec. 62-441. Short title.

This article shall be known and may be cited as the "sign ordinance."
(Code 1974, § 25-1)

Sec. 62-442. Definitions.

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

Accessory sign means a sign which advertises a business located on the same premises as the sign.

Awning means any structure made of cloth or metal with a metal frame attached to a building and projecting over a thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

Canopy means any structure, other than an awning, made of cloth or metal with a metal frame attached to a building, projecting over a thoroughfare and carried by a frame supported by the ground or sidewalk.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

*Cross reference—Street banners prohibited, § 94-5.

Facing or surface means any surface of a sign upon, against or through which the message is displayed or illustrated on the sign.

Ground sign means any sign supported by uprights or braces placed upon the ground and not attached to any building.

Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Incombustible material means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Marquee means any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

Nonaccessory sign means a sign which advertises a business or a product not located or sold on the premises where the sign is located.

Projecting sign means any sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. A horizontal projecting sign is a projecting sign which is greater in width than in height. A vertical projecting sign is a projecting sign which is greater in height than in width.

Roof sign means any sign erected, constructed and maintained wholly upon or over the roof of any building, with the principal support on the roof structure.

Sign means and includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign,

projecting sign, temporary sign, marquee, awning, canopy and street clock, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.

Street clock means any timepiece erected upon a standard upon a sidewalk, or on the exterior of any building or structure for the convenience of the public, and placed and maintained by some person for the purpose of advertising his place of business.

Structural trim means the molding, battens, cap-pings, nailing strips, latticing and platforms which are attached to a sign structure.

Temporary sign means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.

Wall sign means all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of the building or other structure.

(Code 1974, § 25-2)

Cross reference—Definitions generally, § 1-2.

Sec. 62-443. Exemptions.

(a) The provisions of this article shall not apply to the following signs:

- (1) Real estate signs not exceeding eight square feet in area which advertise only the sale, rental or lease of the premises upon which such signs are located.
- (2) Professional nameplates not exceeding two square feet in area.
- (3) Bulletin boards not over eight square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions.
- (4) Signs painted on the exterior surface of a building or structure; provided, however, if such signs have raised borders, letters, char-

acters, decorations or lighting appliances, they shall be subject to the provisions of this article.

- (5) Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding 16 square feet in area.
- (6) Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two square feet in area.
- (7) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (8) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or nonadvertising signs as may be approved by the city council.

(b) The exemptions granted by subsection (a) above shall not apply to section 62-467, and all signs mentioned in such subsection shall be subject to the provisions of section 62-467.

(Code 1974, § 25-3)

Sec. 62-444. Nonaccessory signs prohibited on certain property.

Nonaccessory signs shall be prohibited on all property joining Carl Albert Parkway and all overpasses and underpasses over or under Carl Albert Parkway from the east city limits to the west city limits, and all other overpasses and underpasses in the city limits.

(Code 1974, § 25-4)

Sec. 62-445. Wind pressure and dead load requirements.

All signs shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area, and shall be constructed to receive dead loads as required in the building code or other ordinances of the city.

(Code 1974, § 25-5)

Sec. 62-446. Information required to be displayed.

Every sign erected after November 14, 1966, shall have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

(Code 1974, § 25-6)

Sec. 62-447. Signs on or near street lines must have smooth surface.

All signs which are constructed on street lines, or within five feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and extend in front of the sign.

(Code 1974, § 25-7)

Sec. 62-448. Gooseneck reflectors and lights.

Gooseneck reflectors and lights shall be permitted on ground signs, roof signs and wall signs; provided, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

(Code 1974, § 25-8)

Sec. 62-449. Floodlights, spotlights prohibited on signs extending over public property.

It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

(Code 1974, § 25-9)

Sec. 62-450. Obstruction of doors, windows, fire escapes; attachment to standpipe or fire escape.

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

(Code 1974, § 25-10)

Sec. 62-451. Interfering with or distracting traffic.

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "drive-in," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(Code 1974, § 25-11)

State law reference—Display of unauthorized signs, signals, or markings, 47 O.S. § 11-206.

Sec. 62-452. Display of obscene matter.

It shall be unlawful for any person to display upon any sign any obscene matter.

(Code 1974, § 25-12)

Secs. 62-453—62-465. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Subdivision I. General Provisions

Sec. 62-466. Inspections.

The code administrator shall inspect annually, or at such other times as he deems necessary, each sign regulated by this article for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

(Code 1974, § 25-13)

Sec. 62-467. Removal or repair of unsafe and unlawful signs.

If the code administrator shall find that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this article, he shall give written notice to the owner thereof or to the person to whom the permit for such sign was issued. If the permittee or owner fails to remove or alter the sign so as to comply with the required standards within ten days after

such notice, such sign or other advertising structure may be removed, or altered to comply, by the code administrator at the expense of the permittee or owner of the property upon which it is located. The code administrator shall refuse to issue permits under this chapter to any permittee or owner who has refused to pay the costs so assessed. The code administrator may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(Code 1974, § 25-14)

Sec. 62-468. Removal of obsolete signs.

Any sign which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign is located, within 30 days after written notification from the code administrator. Upon failure to comply with such notice within the time specified, the code administrator is hereby authorized to cause the removal of such sign and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

(Code 1974, § 25-15)

Sec. 62-469. Board of adjustment.

The board of adjustment is hereby authorized, upon appeal, to hear and approve variances to requirements on sign setbacks, area, height and size requirements where a strict application of these requirements would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner/occupant of such property. The board is also authorized 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 interpretation or enforcement of this article.

(Code 1974, § 25-16)

Secs. 62-470—62-480. Reserved.

Subdivision II. Sign Permit

Sec. 62-481. Required.

It shall be unlawful for any person to erect, alter or relocate any sign within the city, without first obtaining a permit from the code administrator.

(Code 1974, § 25-26)

Sec. 62-482. Application generally.

Application for a permit under this division shall be made upon forms provided by the code administrator and shall contain or have attached thereto the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The location of the building, structure or lot to which or upon which the sign is to be attached or erected.
- (3) The position of the sign in relation to nearby buildings or structures.
- (4) The name of the person erecting the sign.
- (5) The insurance policy and bond required by section 62-483.
- (6) Plans and specifications showing the method of construction and attachment to the building or the ground.
- (7) If the sign is more than 35 feet in height, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure, in any direction, in the amount required by this article and any other ordinance of the city.
- (8) Such other information as the code administrator may require to show full compliance with this article and all other ordinances of the city.

(Code 1974, § 25-27)

Sec. 62-483. Applicant's bond and insurance.

(a) Every applicant for a permit under this division shall, before the permit is granted, file with the code administrator a continuing bond in the penal sum of \$1,000.00 executed by the applicant and a surety company to be approved by the city council, and conditioned for the faithful observance of the provisions of this article and all amendments thereto, and of all laws and ordinances relating to signs. Such bond shall indemnify and save harmless the city from any and all damages, judgments, costs or expenses which the city may incur or suffer by reason of the granting of the permit. A liability insurance policy issued by an insurance company authorized to do busi-

ness in the state and conforming to this section shall also be required of such applicant. Such policy shall be in the amounts of \$5,000.00/\$10,000.00/\$5,000.00.

(b) Any person lawfully maintaining a sign regulated by this article on November 14, 1966 shall, within 30 days after such enactment, comply with all the provisions set forth in this section.
(Code 1974, § 25-28)

Sec. 62-484. Approval or disapproval of application.

(a) It shall be the duty of the code administrator, upon the filing of an application for a permit under this division, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If it shall appear that the proposed sign is in compliance with all the requirements of this article and all other ordinances of the city, he shall approve the application. If it appears that the sign does not comply with such requirements, the code administrator shall disapprove the application.

(b) The application for a permit for the erection of a sign in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the city, and he shall approve such application if the plans and specifications comply with such code, or disapprove the application if noncompliance with such code is found. This action of the electrical inspector shall be taken prior to submission of the application to the code administrator for final approval or disapproval.
(Code 1974, § 25-29)

Sec. 62-485. Fee.

(a) Every applicant, before being granted a permit under this division, shall pay the following permit fee for each sign covered by the individual and separate permit:

- (1) Temporary signs and portable electric signs, \$10.00.

- (2) Wall signs less than 50 square feet in size, \$10.00.

- (3) Permanent ground signs, \$25.00.

(b) In addition to the fees prescribed above, any applicable permit and/or inspection fees for illuminated signs prescribed by the electrical code shall be paid.

(c) Any additional inspection made necessary by initial work being rejected or incomplete will be a minimum of \$10.00.
(Code 1974, § 25-30)

Sec. 62-486. Issuance.

The permit required by this division shall be issued by the code administrator if the application has been approved and the applicant has complied with the provisions of this article.
(Code 1974, § 25-31)

Sec. 62-487. Expiration generally.

If the work authorized by a permit issued under this division has not been commenced within six months after the date of issuance, the permit shall expire and thereafter be null and void.
(Code 1974, § 25-32)

Sec. 62-488. Duration of permit for temporary sign.

Permits for temporary signs shall authorize the erection of such signs and their maintenance for a period not exceeding 30 days.
(Code 1974, § 25-33)

Sec. 62-489. Revocation.

(a) All rights and privileges acquired under the provisions of this article or any amendment thereto are mere licenses, revocable for cause at any time by the city council, and all permits issued under this division shall contain this provision.

(b) The code administrator is hereby authorized and empowered to revoke any permit issued by him under this division upon failure of the holder thereof to comply with any provision of this article.
(Code 1974, § 25-34)

Secs. 62-490–62-500. Reserved.

DIVISION 3. REQUIREMENTS FOR SPECIFIC TYPES OF SIGNS

Subdivision I. General Provisions

Secs. 62-501–62-510. Reserved.

Subdivision II. Ground Signs

Sec. 62-511. Incombustible material required; exception.

All ground signs shall have a surface or facing of incombustible material; provided; however, that combustible trim may be used thereon. (Code 1974, § 25-55)

Sec. 62-512. Maximum height.

It shall be unlawful to erect any ground sign whose total height is greater than 70 feet above the level of the ground upon which the sign is erected. (Code 1974, § 25-56)

Sec. 62-513. Space between sign and ground and other signs and structures.

Ground signs shall have an open space not less than two feet between the base line of the sign and the ground level. This open space may be filled in with a platform or decorative latticework which does not close off more than one-half of any square foot of such open space. No ground sign shall be nearer than two feet to any other sign, building or structure. (Code 1974, § 25-57)

Sec. 62-514. Setback line.

No ground sign shall be nearer the street than ten feet or the building line, as established by article V of this chapter, whichever is less. No nonaccessory ground sign shall be nearer the street than 25 feet or the building line, as so established, whichever is greater. (Code 1974, § 25-58)

Sec. 62-515. Bracing, anchorage and supports.

All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three feet below the natural surface of the ground. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground. (Code 1974, § 25-59)

Sec. 62-516. Letters, figures, etc., in cutout or irregular form.

All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements of section 62-447. (Code 1974, § 25-60)

Sec. 62-517. Maintenance of signs and surrounding premises.

All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds. (Code 1974, § 25-61)

Secs. 62-518–62-530. Reserved.

Subdivision III. Wall Signs

Sec. 62-531. Incombustible material required; exception.

All wall signs shall have a surface or facing of incombustible material; provided, however, that combustible trim may be used thereon. (Code 1974, § 25-72)

Sec. 62-532. Maximum area.

No wall sign shall exceed an area of 500 square feet. (Code 1974, § 25-73)

Sec. 62-533. Not to cover wall opening or project beyond ends or top of wall.

No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
(Code 1974, § 25-74)

Sec. 62-534. Extension beyond building line; minimum height.

No wall sign shall be permitted to extend more than six inches beyond the building line. No such sign shall be attached to a wall at a height of less than ten feet above the sidewalk or ground.
(Code 1974, § 25-75)

Sec. 62-535. Supports and attachment.

All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than three-eighths inch in diameter embedded in the wall at least three inches; provided, however, that such signs may rest in, or be bolted to, strong, heavy metal brackets or saddles set not over six feet apart, each of which shall be securely fixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails.
(Code 1974, § 25-76)

Secs. 62-536–62-545. Reserved.

Subdivision IV. Roof Signs

Sec. 62-546. Incombustible material required; exception.

Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided, however, that combustible trim may be used thereon.
(Code 1974, § 25-87)

Sec. 62-547. Area and height limitations.

No roof sign shall have a surface or facing exceeding 300 square feet, nor have its highest point extended more than 20 feet above the roof level.
(Code 1974, § 25-88)

Sec. 62-548. Required setback from roof edge.

No roof sign shall be erected or maintained with the face thereof nearer than five feet to the outside wall toward which the sign faces.
(Code 1974, § 25-89)

Sec. 62-549. Bracing, anchorage and supports.

Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fire-proof material, the bearing plates of the sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.
(Code 1974, § 25-90)

Sec. 62-550. Space between sign and roof; clearance between vertical supports.

All roof signs shall have a space of at least five feet in height between the base of the sign and the roof level, and at least five feet clearance between the vertical supports thereof.
(Code 1974, § 25-91)

Sec. 62-551. Prohibited obstructions.

No roof sign shall be placed on the roof of any building or structure in such a manner as to prevent free passage from one part of the roof to any other part thereof or interfere with openings in the roof.
(Code 1974, § 25-92)

Secs. 62-552–62-560. Reserved.

Subdivision V. Projecting Signs

Sec. 62-561. Design by structural engineer, approval by code administrator and electrical inspector.

Every projecting sign, including the frames, braces and supports thereof, shall be designed by a structural engineer or manufacturer and shall

be approved by the code administrator as in compliance with the building code of the city and by the electrical inspector as in compliance with the electrical code of the city.

(Code 1974, § 25-103)

Sec. 62-562. Incombustible material required.

Every projecting sign shall be constructed of incombustible material.

(Code 1974, § 25-104)

Sec. 62-563. Area limitations.

Except by special permission of the city council, projecting signs shall be limited in area as follows:

- (1) Horizontal projecting signs, 50 square feet each side.
- (2) Vertical projecting signs, 100 square feet each side.

(Code 1974, § 25-105)

Sec. 62-564. Thickness limitation.

The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.

(Code 1974, § 25-106)

Sec. 62-565. Location.

Every projecting sign shall be placed at least ten feet above the public sidewalk over which it is erected, and at a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto. No such sign or part thereof shall extend nearer the curblines than one foot. Every projecting sign erected over public driveways, alleys and thoroughfares shall be placed not less than 15 feet above the level of the same.

(Code 1974, § 25-107)

Sec. 62-566. Attachments and supports.

(a) Projecting signs exceeding ten square feet in area or 50 pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. Such signs shall

be attached to masonry walls with galvanized expansion bolts at least three-eighths inch in diameter or shall be fixed in the wall by means of bolts extending through the wall, and shall contain a proper size metal washer or plate on the inside of the wall.

(b) No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign. (Code 1974, § 25-108)

Sec. 62-567. To be two-faced; V-shaped signs prohibited.

Every projecting sign shall be two-faced. V-shaped projecting signs, consisting of two single-faced signs erected without a roof or ceiling, shall not be permitted.

(Code 1974, § 25-109)

Sec. 62-568. Illumination.

Every projecting sign shall be illuminated. The reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property. No floodlight, spotlight or reflector of the gooseneck type shall be permitted on projecting signs.

(Code 1974, § 25-110)

Sec. 62-569. Use of glass or other transparent material.

The lettering or advertising designs to be illuminated on a projecting sign may be composed of glass or other transparent or semitransparent incombustible material. Any glass forming a part of any sign shall be safety glass or plate glass at least one-quarter inch thick and in case any single piece or pane of glass has an area exceeding three square feet, it shall be wire glass. One section, not exceeding three square feet in area, constructed of wire glass or safety glass shall be permitted on each side of the sign.

(Code 1974, § 25-111)

Sec. 62-570. Movable parts secured.

Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.

(Code 1974, § 25-112)

Secs. 62-571–62-580. Reserved.*Subdivision VII. Marquees**Subdivision VI. Temporary Signs***Sec. 62-581. Material requirements.**

No temporary sign of combustible material shall exceed four feet in one of its dimensions or 100 square feet in area. Such signs in excess of 60 square feet shall be made of rigid materials, i.e., of wallboard or other light materials with frames. (Code 1974, § 25-123)

Sec. 62-582. Signs exceeding 50 pounds to be approved by building official.

Every temporary sign weighing in excess of 50 pounds must be approved by the code administrator as conforming to the safety requirements of the building code of the city. (Code 1974, § 25-124)

Sec. 62-583. Extension over or into street or sidewalk or over wall opening.

No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare a distance greater than four inches from the wall upon which it is erected and shall not be placed or projected over any wall opening. (Code 1974, § 25-125)

Sec. 62-584. Anchorage and support.

Every temporary sign shall be attached to the wall with wire or steel cables and no strings, ropes or wood slats for anchorage or support purposes shall be permitted. (Code 1974, § 25-126)

Sec. 62-585. Permitted advertising.

The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature. (Code 1974, § 25-127)

Secs. 62-586–62-595. Reserved.**Sec. 62-596. Design by structural engineer, approval by code administrator and electrical inspector.**

All marquees shall be designed by a structural engineer and approved by the code administrator as in compliance with the building code of the city and by the electrical inspector as in compliance with the electrical code of the city. (Code 1974, § 25-138)

Sec. 62-597. Illumination required.

All marquees shall be illuminated. (Code 1974, § 25-139)

Sec. 62-598. Incombustible material required.

All marquees, including the anchors, bolts, supports, rods and braces thereof, shall be constructed of incombustible materials. (Code 1974, § 25-140)

Sec. 62-599. Roof use and material.

The roofs of all marquees shall be used for no other purpose than to form and constitute a roof, and at least 25 percent of the area of the roof of every marquee shall be of glass or other incombustible transparent substance. (Code 1974, § 25-141)

Sec. 62-600. Drainage.

The roofs of all marquees shall be properly guttered and connected by downspouts to a sewer so that the water therefrom will not drip or flow onto public property. (Code 1974, § 25-142)

Sec. 62-601. Minimum height.

No portion of a marquee shall be less than ten feet above the level of the sidewalk or other public thoroughfare. (Code 1974, § 25-143)

Sec. 62-602. Setback from curbline.

No marquee shall be permitted to extend beyond a point two feet inside the curbline.
(Code 1974, § 25-144)

Sec. 62-603. Maximum width.

No marquee shall be wider than the entrance or entrances of the building, plus five feet on each side thereof; provided, however, that where the entrances to a building are not more than 20 feet apart, a marquee may be made a continuous single structure between the entrances.
(Code 1974, § 25-145)

Sec. 62-604. Support.

Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefor.
(Code 1974, § 25-146)

Sec. 62-605. Anchorage to wood structure.

No marquee shall be erected on any building of wood frame construction, unless attached to the masonry, concrete or steel supports of the building.
(Code 1974, § 25-147)

Sec. 62-606. Live load requirements.

The roof of a marquee, except the required glass area, shall be designed and constructed to support a live load of not less than 100 pounds per square feet.
(Code 1974, § 25-148)

Sec. 62-607. Signs and advertising material attached to marquee.

Signs attached to or hung from a marquee shall be completely within the borderline of the marquee's outer edge, and shall in no instance be lower than ten feet above the sidewalk or public thoroughfare. No sign or advertising material shall exceed five feet in height exclusive of the name of the establishment exhibiting such marquee. No advertising material shall be placed upon the roof of any marquee.
(Code 1974, § 25-149)

Secs. 62-608–62-620. Reserved.*Subdivision VIII. Awnings and Canopies***Sec. 62-621. Permitted materials.**

(a) Awnings may be constructed of cloth or metal; provided, however, all frames and supports shall be of metal.

(b) Canopies may be constructed of cloth or metal hood; provided, however, all frames and supports shall be of metal.
(Code 1974, § 25-160)

Sec. 62-622. Minimum height.

(a) All awnings shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of the sidewalk or public thoroughfare.

(b) All canopies shall be constructed and erected so that the lowest portion thereof shall be not less than nine feet above the level of the sidewalk or public thoroughfare.
(Code 1974, § 25-161)

Sec. 62-623. Setback requirements generally.

No awning or canopy shall be permitted to extend beyond a point two feet inside the curbline.
(Code 1974, § 25-162)

Sec. 62-624. Width.

There shall be no limitation on the width of awnings. No canopy shall be permitted to exceed eight feet in width.
(Code 1974, § 25-163)

Sec. 62-625. Support for awnings.

Every awning shall be securely attached to and supported by the building. Posts or columns beyond the building line shall not be permitted for awnings. No awning shall be attached to the wood jambs, frames or other wood members of a building (frame buildings excepted), when such building is less than ten feet from public property.
(Code 1974, § 25-164)

Sec. 62-626. Frames and supports for canopies.

The framework of all canopies shall be designed by a structural engineer and approved by the code administrator as in compliance with the building code of the city. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in section 62-445.
(Code 1974, § 25-165)

Sec. 62-627. Permitted advertising.

No advertising shall be placed on any awning or canopy except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding eight inches in height on the front and side portions thereof.
(Code 1974, § 25-166)

Sec. 62-628. Awnings rolled or folded except when in service.

Every awning shall be rolled or folded against the building wall except when in service as a protection from sun, rain, snow or other inclement weather.
(Code 1974, § 25-167)

Secs. 62-629–62-640. Reserved.*Subdivision IX. Street Clocks***Sec. 62-641. Incombustible material required.**

All street clocks shall be constructed of incombustible material, including the frames, braces and supports thereof.
(Code 1974, § 25-178)

Sec. 62-642. Minimum diameter of dial.

The dial of a street clock shall be not less than 30 inches in diameter.
(Code 1974, § 25-179)

Sec. 62-643. Glass requirements.

Any glass forming a part of a street clock or the sign thereon shall be safety glass or plate glass at least one-fourth inch thick. In case any single piece

or pane of glass has an area exceeding three square feet, it shall be constructed of wire glass, securely held in place.
(Code 1974, § 25-180)

Sec. 62-644. Movable parts secured.

Any movable part of a street clock, such as the cover or service opening, shall be securely fastened by metal hinges.
(Code 1974, § 25-181)

Sec. 62-645. Limitation on number at same location.

No person shall be permitted to erect more than one street clock for any place of business at any one location.
(Code 1974, § 25-182)

Sec. 62-646. Special permit required for erection on sidewalk.

Any person erecting a street clock on any public sidewalk shall obtain the special written permission of the city council, in addition to all other permits required by this article.
(Code 1974, § 25-183)

Sec. 62-647. Height, location when erected on sidewalk.

Every street clock erected on a sidewalk shall be supported upon a post of ornamental design, the total height of which shall not be less than 15 feet, and which shall be at least 20 feet from the point of intersection of the lines of any street, measured parallel with the street.
(Code 1974, § 25-184)

Sec. 62-648. Height, projection when supported on building corner.

Street clocks supported on the corner of any building or structure at the intersection of two streets shall not be less than 15 feet or more than 20 feet above the sidewalk and shall not project from the face or wall of the building or structure in any direction more than five feet.
(Code 1974, § 25-185)

Sec. 62-649. Supports and attachments.

All street clocks erected on the exterior of any building or structure shall comply with the requirements set forth in section 62-535 regulating wall signs, or section 62-566 regulating projecting signs, whichever applies.
(Code 1974, § 25-186)

Sec. 62-650. Permitted advertising.

Only the name of the owner, proprietor or manager of the place of business erecting and maintaining a street clock shall be permitted as advertising matter on such clock.
(Code 1974, § 25-187)

Sec. 62-651. Keeping of accurate time.

Street clocks shall keep accurate time, and if this condition is not complied with, the clock shall be promptly repaired or removed.
(Code 1974, § 25-188)

Chapters 63–65

RESERVED