

CHAPTER 12

PLANNING, ZONING AND DEVELOPMENT

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ARTICLE 1

BOARDS AND COMMISSIONS

DIVISION 1

PLANNING COMMISSION

Section 12-101 PLANNING COMMISSION CREATED.

There is hereby created a planning commission of the city. The commission shall be composed of five (5) members, nominated by the Mayor and confirmed by the Town Board. Members of the governing body may be appointed as members of the Planning Commission. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office. The appointed members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the Town Board only for inefficiency, neglect of duty or malefaction in office. Vacancies occurring, otherwise than through the expiration of term, shall be filled only for the un-expired terms by the Mayor with confirmation by the Town Board.

State Law Reference: Planning commissions, 11 O.S. 45-101 et seq.

SECTION 12-102 QUORUM.

Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Any action taken shall be official when concurred in by not less than a majority of all appointed members of the planning commission present.

SECTION 12-103 ORGANIZATION AND RULES.

Each year the commission shall elect a chairman, a vice chairman and a secretary, and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman, and secretary shall be one year. The planning commission shall adopt rules for the transaction of business and regulations necessary to effectuate the purposes of this Chapter 12 of the city code.

SECTION 12-104

POWER TO EMPLOY STAFF.

The planning commission, subject to approval of the Town Board, shall have the power and authority to employ planners, engineers, attorneys, clerks and other help deemed necessary within the limits of the appropriation fixed by the Town Board. The salary and compensation of such employees shall be fixed by the Town Board and shall be paid out of the city treasury as are other officers and employees. Necessary expenses incurred by the commission shall be paid from the city treasury as other legal expenses of the city.

SECTION 12-105

POWERS AND DUTIES.

The planning commission shall have the power to prepare and recommend to the Town Board for adoption a comprehensive plan for the physical development of the city. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the city and may make recommendations as it may deem advisable concerning the adoption thereof to the Town Board. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of its activities. Before final action is taken by the Town Board on the location or design of any public buildings, statue, memorial, park, boulevard, street, alley, playground, public grounds, bridge or change in any location of any street or alley, such question shall be submitted to the planning commission for investigation and report. In the preparation of the comprehensive plan, the planning commission may from time to time prepare and recommend to the Town Board for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the city or one or more major elements of the comprehensive plan. The planning commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan.

SECTION 12-106

PURPOSES OF PLAN.

In the preparation of such plan, the planning commission may make careful and comprehensive surveys and studies of present conditions and future growth of the city with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience,

prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

SECTION 12-107 SUBDIVISION OF LAND.

The planning commission may prepare and recommend to the Town Board for adoption rules and regulations governing the subdivision of land within the corporate limits for the city. All plans, plats or replats of land laid out in lots, plots, blocks, streets, alleys or other ways intended to be dedicated to public or private use within the corporate limits of the city may first be submitted by the Town Board to the planning commission for its recommendations. The disapproval of any such plan, plat or replat by the Town Board shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the Mayor, attested by the City Clerk, certifying the approval and acceptance thereof by the Town Board.

SECTION 12-108 ZONING COMMISSION.

The planning commission shall also act as the zoning commission, which shall have the power to prepare and to recommend to the Town Board for adoption a zoning plan to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes.

SECTION 12-109 UNIFORMITY OF REGULATIONS.

The planning commission may recommend the division of the city into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

SECTION 12-110 COMPREHENSIVE PLAN, PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

SECTION 12-111 EXPENSES

Any person requesting a Zoning Change or Use by Review or other zoning or planning related request shall pay an application fee of One Hundred Dollars (\$100.00) to be used to defray any associated expenses such as postage for notice to property owners within the 300' radius as required and all publication costs. The applicant shall further submit with its application a certified abstractor, registered professional engineer or a registered surveyor's list of the names of all property owners within a three hundred foot (300') radius of the exterior boundary of the territory on which the applicant seeks the amendment. The City will provide the stationary, labor, required notices, mailing and publication.

DIVISION 1

BOARD OF ADJUSTMENT

SECTION 12-121 BOARD OF ADJUSTMENT CREATED.

There is hereby created a board of adjustment consisting of five (5) members, who shall be appointed for a term of three (3) years, and removable for cause by the Town Board upon written charges and after public hearing. The members of the Town Board shall not be members of the Board of Adjustment. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The board of adjustment in effect on the effective date of this section shall be constituted as the board

of adjustment, with terms of three (3) years, or until their successors are appointed and qualified.

SECTION 12-122 MEETINGS AND PROCEDURES.

The board of adjustment shall elect one of its members as chairman. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board of adjustment shall be subject to the open meeting laws of the state, and all meetings, deliberations and voting of the board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of all official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.

SECTION 12-123 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 municipality affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the City Clerk notice of appeal specifying the grounds therefore, and by paying the fee as provided in Section 12-129. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

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

C. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the city clerk to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of the written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

D. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

1. Legal description of the property and the street address or approximate location in the municipality;
2. Present zoning classification of the property and the nature of the appeal or variance requested; and
3. Date, time and place of hearing.

E. At the hearing, any party may appear in person or by agent or by attorney.

F. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.

SECTION 12-124 POWERS, APPEALS.

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

SECTION 12-125 POWERS TO GRANT VARIANCES.

The board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Sections 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in

unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

1. At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;

2. The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;

3. Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area;

4. Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in Sections 12-201 et seq. of this code.

SECTION 12-126 POWERS RELATIVE TO EXCEPTIONS.

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

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

2. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the City Clerk; and

3. To grant exceptions to the off-street parking requirements when it is determined that the size and shape of

the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

SECTION 12-127 EXERCISE OF POWERS

In exercising its power, the board may, in conformance with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as out 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 title, the board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the 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.

SECTION 12-128 APPEAL TO DISTRICT COURT.

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the district court by filing notice of appeal, with the City Clerk and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment from which the appeal is taken certifies to the court clerk, after the notice of appeal has been filed, that by reason of

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

SECTION 12-129 EXPENSES.

Any person requesting a variance, special condition or any other relief from the Board of Adjustment shall pay an application fee of One Hundred Dollars (\$100.00) to be used to defray any associated expenses, such as postage for notice to property owners within the 300' radius as required and all publication costs. The applicant shall further submit with its application a certified abstractor's, registered professional engineer's or registered land surveyors list of the names of all property owners within a three hundred feet (300') radius of the exterior boundary of the territory on which the applicant seeks the amendment. The City will provide the stationary, labor, required notices, mailing and publication.

ARTICLE 2

DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

Section 12-201 TITLE.

This chapter shall be known as and may be cited and referred to as the "Zoning Ordinance of the City of Ringwood".

Section 12-202 PURPOSE.

This chapter is enacted for the purpose of encouraging the most appropriate use of land throughout the community and promoting the development of the community in accordance with a comprehensive plan.

Section 12-203 INTERPRETATION AND APPLICATION.

The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinance, the provisions of this chapter shall control. Terms and words are to be used and interpreted as defined in Section 12-205 of this chapter. The word "shall" is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

Section 12-204 JURISDICTION.

This ordinance shall be in full force and effect in the corporate limits of the Town. Territory annexed to the corporate limits of the Town, subsequent to the effective date of this chapter shall immediately be subject of the provisions of this chapter and shall be deemed to be designated as R-1-2 Single Family Residential District until altered or reclassified in the manner provided by law. In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of the chapter shall not thereby be invalid, but shall remain in full force and effect. Any ordinance now in effect that conflicts with any provision of this chapter is hereby repealed.

Section 12-205 DEFINITIONS.

For the purpose of these regulations, the following terms shall have the meanings respectively provided herein:

1. "Accessory use of structure" means a use or structure customarily incidental, appropriate and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith;

2. "Agriculture" means the use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feed lots for cattle;

3. "Alley" means a minor right-of-way dedicated to public use affording a secondary means of access to abutting property;

4. "Automobile or trailer sales area" means an open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition;

5. "Automobile repair" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning;

6. "Automobile service station or filling station" means any area used for retail sale of gasoline or oil fuels or automobile accessories and incidental services including facilities for lubricating, and washing and cleaning, but not including the sale of butane or propane fuels;

7. "Automobile wash or automatic car wash" means a building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles;

8. "Block", in describing the boundaries of a district, refers to the legal description. In all other cases, the work "block" refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse;

9. "Boarding house and rooming house" means where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities;

10. "Board of adjustment" means the board of adjustment of the Town, also referred to as the "board";

11. "Building" means any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property;

12. "Building height" means the vertical distance of the highest points of the building;

13. "Building line" means a line established beyond which no part of a building shall project, except as otherwise provided by this chapter;

14. "Building principal" means a building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site;

15. "Bulletin board" means any sign announcing the activities of an educational, religious, institutional or similar use;

16. "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes;

17. "Child care center" means any place, home or institution other than schools or churches which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parent, legal guardians or custodians, and received for regular periods of time for compensation;

18. "Town Board" means the official governing body of the Town;

19. "Town planning commission" means the Ringwood Town Planning Commission, as established by the statutes. The Town planning commission shall also be the zoning commission for the Town;

20. "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises;

21. "Club" means a nonprofit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise;

22. "Comprehensive plan" means the official Town plan of the Town; also refers to the specific document, "Comprehensive Plan of Ringwood, Oklahoma";

23. "Convalescent home" means a nursing home, a rest home, a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate

family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury;

24. "Coverage" means the lot area covered by all buildings located thereon including the area covered by all overhanging roofs;

25. "Dwellings" means any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, boarding or rooming house, hotel or motel;

26. "Dwelling, single-family" means a building containing one dwelling unit and designed for or used exclusively by one family;

27. "Dwelling, two-family" means a building containing two (2) dwelling units and designed for or used exclusively by two (2) families; also includes the word "duplex";

28. "Dwelling, multi-family" means a building or portion thereof containing three (3) or more dwelling units and designed for or used by three (3) or more families; also includes the word "apartments";

29. "Dwelling unit" means a room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family;

30. "Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings;

31. "Family" means a person living alone or two (2) or more persons related by blood or marriage, living together as a

single housekeeping unit, for culinary purposes, as distinguished from a group occupying a boardinghouse, lodging house, hotel or motel;

32. "Floor area" means the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings;

33. "Frontage" means the lineal measurement of a lot boundary which is abutting a street;

34. "Garage apartment" means a dwelling for one family erected as a part of a private garage;

35. "Garage, parking" means any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided;

36. "Garage, public or for repair" means the structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles;

37. "Garage, private" means a detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers;

38. "Home occupation" means any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated name plate, not more than two (2) square feet in area, attached to the main or accessory building, and no mechanical equipment is used except such as is customarily used in purely domestic or household purposes. A tea room, restaurant, rest room, clinic, barber shop, doctor's or dentist's office, child care center, tourist home or cabinet shop, metal shop, lawn mower repair, or auto repair garage shall not be deemed a home occupation;

39. "Hotel" means a building or group of buildings containing six (6) or more sleeping rooms occupied or intended or designated to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation;

40. "Industry" means the storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use;

41. "Institutional uses" means those uses organized established, used or intended to be used for the promotion of a public, religious, educational charitable, cultural, social, or philanthropic activity and normally operated on a nonprofit basis;

42. "Junk or salvage yard" means a place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations;

43. "Kennel" means any structure or premises on which three (3) or more dogs are kept;

44. "Loading space" means a space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials;

45. "Lot or parcel" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, and having access on a public street;

46. "Lot, corner" means a lot which has at least two (2) adjacent sides abutting on a street;

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

48. "Lot, double frontage" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot;

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

50. "Lot, line" means any boundary of a lot;

51. "Lot line, front" means the boundary of a lot which abuts a public street, where the lot abuts more than one street, the owner may select the front lot line;

52. "Lot line, rear" means the boundary of a lot which is most distant and most nearly parallel to the front lot line;

53. "Lot line, side" means any boundary of a lot which is not a front lot line or a rear lot line;

54. "Lot, wedge shaped" means a lot situated so that the front is either wider or narrower than the rear of the lot;

55. "Lots of record" means a separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of Major County, State of Oklahoma;

56. "Mean lot elevation" means the average elevation of a lot;

57. "Medical facilities" means:

a. Dental or medical clinic or doctor or dentist offices: A building used for the examination and treatment of the physically ill;

b. Hospital: An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff

offices which are an integral part of the facilities;

- c. Nursing homes, rest or convalescent homes; and
- d. Public Health Center: A facility primarily utilized by a health unit for providing public health services, including related facilities;

58. "Mobile Home" means a manufactured, detached structure not meeting the one-and two-family structure requirements of the building code, but which is originally designed, constructed, and used for long-term occupancy as a complete single-family dwelling, is mounted on a permanent chassis with wheels attached thereto which is transportable in one or more components or two (2) or more units separately towable but designed to be joined into one integral unit, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on piers or permanent foundations, skirting, connection to utilities and similar operations. Mobile homes shall have a steel frame and are tied down with straps and rest on blocks or similar foundation, footing or stem wall. Motor Homes, Travel trailers and Camping trailers are not deemed Mobile Homes for the purpose of this Section.

59. "Mobile home park" means a parcel of land which has been planned and improved for placement of mobile homes to be occupied as residences;

60. "Mobile home lot" means a portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home;

61. "Motel" means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities;

62. "Open space" means an area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches;

63. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it;

64. "Street" means a public right-of-way which provides the primary public means of access to abutting property and used primarily for vehicular circulation;

65. "Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders;

66. "Structure" means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement area);

67. "Trailer" means a portable or mobile unit, other than a mobile home, used or designed to carry or transport material or animals;

68. "Yard" means a required space on a lot unobstructed except as expressly permitted;

69. "Yard front" means a yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude;

70. "Yard rear" means a yard extending across the rear of a lot measured from side lot line to side lot line; and

71. "Yard side" means a yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude.

72. Zero Lot line shall mean the location of a building on a lot in such a manner that one of the building's sidewalls rests directly on a lot line.

DIVISION 2

ESTABLISHMENT OF DISTRICTS

Section 12-210 ZONING DISTRICTS ESTABLISHED.

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

- A. A-G AGRICULTURAL DISTRICT;

- B. R-1-2 SINGLE-FAMILY RESIDENTIAL DISTRICT;
- C. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT;
- D. R-2 MULTI-FAMILY RESIDENTIAL DISTRICT;
- E. R-3 MOBILE HOME RESIDENTIAL DISTRICT;
- F. C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT;
- G. C-2 GENERAL COMMERCIAL ZONING DISTRICT;
- H. C-3 HIGHWAY COMMERCIAL BUSINESS DISTRICT;
- I. I-1 INDUSTRIAL DISTRICT (LIGHT); and
- J. I-2 INDUSTRIAL DISTRICT (HEAVY).
- K. P-I PUBLIC INSTITUTIONAL DISTRICT

Section 12-211 ZONING MAP INCORPORATED.

The locations and boundaries of the zoning districts shall be established by Ordinance No. 2017-01 adopted on the 14th day of March 2017, and shall be shown on a map entitled "Zoning Map of the Town of Ringwood, Oklahoma" on file in the Office of the Town Clerk, and the zoning map is hereby incorporated as a part of this chapter.

Section 12-212 DISTRICT BOUNDARIES ESTABLISHED.

The boundaries of a zoning district shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the "Zoning Map of the Town of Ringwood" the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

Section 12-213 MAINTENANCE OF OFFICIAL ZONING MAP.

It shall be the duty of the zoning administrator to maintain an up-to-date official "Zoning Map of the Town of Ringwood, Oklahoma", including all amendments directly adopted by the Town Board.

DIVISION 3

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

Section 12-220 APPLICATION OF REGULATIONS IN DISTRICTS AUTHORIZED.

No land, building structure, or improvement shall be used and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, coverage, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by Article 2, Division 4, entitled "Non-conformities".

Section 12-221 USE OF YARDS AND DIVISION OF LOTS.

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

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

Section 12-222 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

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

A. No more than one commercial vehicle, which does not exceed two and one-half (2 ½) 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 to be permitted;

B. No more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted. A camping or travel trailer shall not be occupied permanently while it is parked or stored in any area within the incorporated limits, except in a mobile home park authorized under the ordinances of the Town.

Section 12-223 DISPLAY OF TRAILERS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of the vehicles or in such industrial districts allowing the manufacture; provided, however, the vehicles may not be used for dwelling purposes either temporarily or permanently.

Section 12-224 SPECIFICATIONS FOR SCREENING WALL OR FENCE.

When the provisions of this chapter require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

A. Shall be constructed, designed, and arranged to provide visual separation of uses, irrespective of vegetation;

B. Shall not be less than five (5) feet nor more than eight (8) feet in height; and

C. Shall be constructed with all braces and supports on the interior.

Section 12-225 MAINTENANCE OF SCREENING WALL OR FENCE.

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

Section 12-226 SEWER SERVICE.

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewer

system, unless and until the Town Engineer certifies that a septic tank or any substitute disposal system can be installed and operated safely and effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner.

Section 12-227 PARKING SPACE DEFINED.

The term "parking space," as used in this Division, shall mean a parcel of land or a stall Two Hundred (200) square feet in area, exclusive of drives, lanes or aisles, provided with an unobstructed access thereto from a public street, alley or other open space approved by the Town.

Section 12-228 OFF-STREET PARKING REQUIRED.

In all residential, commercial and industrial use districts, parking space, as defined herein, shall be provided and maintained as accessory to every principal use, building or structure enumerated in this Division, whenever the principal use, building or structure is hereafter erected or enlarged.

Section 12-229 SCHEDULE OF PARKING SPACE REQUIREMENTS.

For buildings or structures containing more than one occupancy use, the total number of parking spaces required shall be the sum of the number of parking spaces for each individual occupancy or use. Such parking space shall be provided for any principal use, building, or structure, in compliance with the following schedule of requirements:

A. Assembly halls, convention halls, exhibition halls, auditoriums, lecture halls, theaters, stadiums, and any other places of indoor or outdoor assembly: Parking spaces required: One for each four (4) fixed seats, or one for each sixty (60) square feet of assembly floor space where the seats are not fixed, with a minimum of four (4).

B. Automobile washing stations, parking spaces required: Four (4) reserve spaces per washing stall.

C. Automobile service stations, parking spaces required: One for each thousand (1,000) square feet of gross lot area, with a minimum of two (2).

D. Barber shops and beauty shops, parking spaces required: Two for each chair, with a minimum of two (2).

E. Bowling alley, parking spaces required: Four (4) for each lane, plus one per three hundred (300) square feet of gross floor area used for other purposes.

F. Child care centers or nursery schools, parking spaces required: Two (2) for each three (3) employees, plus one for each six (6) children that the center is licensed to accommodate.

G. Churches, or places of worship, parking spaces required: One for each five seats, at maximum capacity, with a minimum of four (4).

H. Cleaners, automatic self-help, parking spaces required: One for each two (2) washing or cleaning machines, or one for each one hundred (100) square feet of gross floor area, whichever is the greater.

I. Drive-in windows, parking spaces required: Four (4) reserve spaces per Drive-in window.

J. Dwellings, parking spaces required:

1. Single-family, one per bedroom with a minimum of two (2).

2. Multiple-family, two (2) per unit in the dwelling with a minimum of four (4).

K. Group Home: A group home is a facility, licensed by the State of Oklahoma, providing housing and rehabilitative services to persons with developmental disabilities. For purposes of zoning, a Group Home providing housing and rehabilitative services to five (5) or fewer persons not including staff, shall be considered a single family. One off-street parking space for each staff member calculated on the basis of the maximum on duty at any one time, and one parking space for each four residents.

L. Home occupation, parking spaces required: One (1) in addition to the space required for such residential dwelling.

M. Hotels, transient, parking spaces required: One per thousand (1,000) feet of gross floor area, or one per bedroom, whichever is the greater.

N. Libraries and art galleries, parking spaces required: One for each one hundred (100) feet of floor area with the minimum of two (2).

O. Manufacturing, warehousing or wholesaling, parking spaces required: Three-fourth space per each employee, calculated on the basis of maximum employees on duty at any one time.

P. Medical clinics, parking spaces required: One for each one hundred fifty (150) feet of gross floor area, with a minimum of three (3).

Q. Mortuaries and funeral homes, parking spaces required: One for each one hundred (100) square feet of gross floor area, or one for each three (3) seats in assembly area, whichever is greater, with a minimum of three (3).

R. Motels, parking spaces required: One per sleeping room.

S. Office buildings, parking spaces required: One for each four hundred (400) square feet of gross floor area, with a minimum of four (4).

T. Passenger stations, parking spaces required: Two (2) per one hundred (100) square feet of waiting area.

U. Private clubs, parking spaces required: One for each four (4) seats provided for customer use, plus one per employee.

V. Public housing (low income), parking spaces required: One per dwelling unit with a minimum of two (2).

W. Retail stores, parking spaces required:

1. Retail stores either free standing or in a shopping center of less than 25,000 square feet parking spaces required: One for each two hundred (200) square feet of floor area (unless otherwise specifically mentioned herein).

2. Retail shopping centers having gross leasable area of over 25,000 square feet, parking spaces required: 4.5 for each

1000 square feet of gross leasable area. (One for each two hundred twenty-two square feet of floor area).

X. Restaurants, parking spaces required: One for each four (4) seats provided for customer use, plus one per employee.

Y. Rest homes, philanthropic, rooming homes, asylums, hospitals, sanitariums, parking spaces required: One for each (4) beds, or one for each bedroom, whichever is greater, with a minimum of four (4).

Z. Rooming or boarding houses, one for each two hundred (200) square feet of gross floor area, or one per bedroom, whichever is greater, with a minimum of four (4).

AA. Schools, parking spaces required:

1. Elementary or junior high, one for each classroom and two (2) for each office, with a minimum of four (4).

2. Other schools, a maximum combination of two (2) for each classroom, plus one for each five (5) auditorium seats, with a minimum of four.

BB. Parking for physically disabled for business or industrial districts: One space for each 25 spaces provided with a minimum of one or otherwise provided by the Town's building code.

Section 12-230 DEVELOPMENT AND USE OF PARKING SPACES.

The development and maintenance of the premises for the parking of motor vehicles shall be in compliance with the following:

A. Parking spaces as regulated herein shall not be reduced in number or size.

B. In all off-street parking areas containing more than three (3) parking spaces, ingress and egress shall be provided in a manner that will prevent vehicles from backing directly into the traffic lanes of any highway or major arterial.

C. Parking places shall be surfaced in accordance with specifications approved by the Town Board to prevent the raising of dust.

D. All lights used to illuminate such parking spaces shall be installed to prevent glare into abutting property.

E. Required parking spaces for property used for residential purposes shall be located on the same lot as the principal building or upon an adjoining lot. Required parking places for property other than that used for residential purposes shall be located on the same lot as the principal building or on an adjoining lot, except that if insufficient space exists on the same adjoining lot, all or any part of the required parking spaces may be located in any area which permits parking, within three hundred (300) feet of the principal building measured along lines of public access from the nearest boundary of the parking area to the principal building entrance without crossing an arterial street, provided that the location and plan of operation of said parking area shall be approved by the governing body after due hearing and provided further, that a copy of such approval together with any conditions or limitations attached thereto, shall be recorded with the county register of deeds, and shall be covenant running with the land as long as the uses of the premises require the parking. For the purpose of this article, lots separated only by an alley, easement or street, shall be considered as adjoining lots.

F. Land designated as the required parking area shall be considered as a part of the site of the principal building and the certificate of occupancy for any such principal building shall be valid only during such time as the required number of parking spaces are provided in accordance with this article, and where the parking spaces are on adjoining or other lots other than the one upon which the principal use is located, the certificate of occupancy shall so state and shall be recorded in the office of the register of deeds of the county.

G. Joint use of required parking space by non-conflicting uses is to be encouraged and shall be permitted provided that the maximum parking demands of joint uses occur at non-overlapping times. Joint use parking facilities may carry a zoning designation of either principal use.

Section 12-231 PAVED SURFACE REQUIRED.

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

Section 12-232-234 RESERVED.

Section 12-235 LOCATION OF ADULT NOVELTY SHOPS.

A. As used in this Section:

1. "Adult novelty shop" means a commercial establishment located within the corporate limits of the Town and which displays, sells, or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices; and

2. "Sadomasochistic practices" means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

B. Any adult novelty shop to be located within the Town shall be permitted only in a C-2 General Commercial Zoning District, subject to a use by review application and approval, as provided in Section 12-282. Further the location of such adult novelty shop is specifically prohibited within one thousand (1,000) feet of:

1. Any building primarily and regularly used for worship services and religious activities;

2. Any public or private school;

3. Any public park or playground;

4. Any public library; or

5. Any land zoned or used for residential purposes.

Provided, that if any such building used for worship and religious activities, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of the adult novelty shop along the street right-of-way

line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

DIVISION 4

NONCONFORMITIES

Section 12-240 NO NONCONFORMITIES USES, INTENT.

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

Section 12-241 NONCONFORMING LOTS OF RECORD.

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

Section 12-242 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of

the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity; and

B. Should such structure be destroyed by any means to an extent of more than ninety-five percent (95%) in value, it shall not be reconstructed except in conformity with the provisions of this chapter.

Section 12-243 NONCONFORMING USES OF STRUCTURES.

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

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

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming uses may not thereafter be resumed, except as provided in this chapter;

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located; and

E. Where nonconforming use status applies to a structure and premises in combination, removal or intentional destruction of the structure shall eliminate the nonconforming status of the land.

Section 12-244 NONCONFORMING USES OF LAND.

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

B. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

Section 12-245 CHANGES IN NONCONFORMITY.

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed to a different nonconforming use unless changed to a use permitted in the district in which located; except that the board of adjustment may permit a change to a different nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use.

Section 12-246 RESERVED.

Section 12-247 RESERVED. SEE ARTICLE 3 OF THIS CHAPTER

DIVISION 5

SPECIFIC DISTRICT REGULATIONS

Section 12-250 A-G AGRICULTURAL DISTRICT, GENERAL DESCRIPTION.

The A-G agricultural district is established for several purposes:

A. To provide for the continued use of land for predominantly agricultural purposes;

B. To preserve undeveloped areas until they can feasibly be developed to urban standards and with adequate public safeguards of health, safety, etc.; and

C. To restrict development in areas subject to severe inundation until such time as it can be shown that these areas are no longer subject to flooding.

Section 12-251 USES PERMITTED.

Within the A-G agricultural district, the following uses are permitted:

1. Agricultural, as defined in this chapter;
2. Single-family dwellings and multiple family dwellings;
3. Churches and temples;
4. Elementary schools and high schools;
5. Golf courses, and including golf driving ranges, pitch and putt courses, or miniature golf courses;
6. Parks and forest preserves operated 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 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 sanitariums;
13. Public or private hospitals or sanitariums;
14. Public or private schools or colleges; and

15. 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.

Section 12-252 AREA AND HEIGHT REGULATIONS.

The following uses may be permitted after review and approval by the Planning Commission.

Minimum Lot Area	Minimum % Frontage	Maximum Height Coverage	Maximum Front	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Yard Setback
1 Acre	100'	None	100'	25'	10'	10'

All lots and improvements within the A-G district shall meet the following requirements:

A. All lots shall have not less than one acre of land, and not more than one principal building shall be placed on any one lot;

B. Each lot shall have a frontage of not less than one hundred (100) feet;

C. No improvement or structure shall exceed one hundred (100) feet in height above the mean elevation of the lot;

D. All structures shall have not less than a twenty-five (25) foot front yard setback;

E. All principal structures shall have not less than a ten (10) foot side yard setback. Accessory buildings may have a rear yard of not less than ten (10) feet.

Section 12-253-259 RESERVED.

Section 12-260 R-1-2 SINGLE-FAMILY RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

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

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

Section 12-261 USES PERMITTED.

Within the R-1-2 Single-Family Residential District, the following uses are permitted:

1. Single-family detached dwellings-maximum two (2) per acre;
2. Public and private schools;
3. Public park or playground;
4. Agricultural uses of the garden type that are not intended for commercial purposes; and
5. Accessory buildings and uses customarily incidental to the above uses when located on the same lot

Section 12-262 USES PERMITTED BY REVIEW IN R-1-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The following uses may be permitted after review and approval by the Planning Commission in accordance with Section 12-12-334A.C, D, E, F & G (Use By Review):

1. Accessory buildings and uses which are not customarily incidental to the Permitted Uses;
2. Child care centers or day nurseries, provided they are located on a lot not less than ten thousand (10,000) square feet in area;
3. Churches with a minimum lot size of one acre;

4. Community services, cultural and utility facilities, provided they are located on a lot of not less than one acre;
5. Convalescent homes, rest home, nursing home, and hospitals, public or private;
6. Golf course, private or public, or country club, provided that the chief activity is for recreational purposes, and any commercial activity is accessory or incidental thereto;
7. Home occupation, provided that it is in keeping ~~the~~ with the meaning of "home occupation" as defined in this chapter;
8. Junior high or senior high schools;
9. Library;
10. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed.

Section 12-263 AREA AND HEIGHT REGULATIONS.

Single-Family:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
21,780	25'	75%	35'	25'	5'	20'

All lots and improvements within the R-1-2 Single-Family Residential District shall meet the following requirements:

A. All lots shall have an area of not less than twenty one thousand seven hundred eighty (21,780) square feet for a single-family dwelling, with no more than two (2) single-family homes placed on each acre of property. For uses other than dwelling purposes, the lot area shall not be less than 21,780 square feet (1/2 acre) except as otherwise specified.

B. Each lot shall have a frontage of not less than twenty-five (25) feet for single-family dwelling;

C. Not more than seventy-five percent (75%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;

D. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;

E. A minimum front yard setback of twenty-five (25) feet shall be provided on all single-family dwellings;

F. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet; and

G. A rear yard of twenty (20) feet of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

H. Not more than two (1) principal building shall be placed on any one (1) lot; provided a maximum of two (2) single-family dwellings can be placed on each acre of real property.

Section 12-264 through Section 12-269 RESERVED

Section 12-270 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, GENERAL DESCRIPTION.

The R-1 single-family residential district is established as a district in which the use of land is for single-family dwellings but with a greater density than in a R-1-2 Single - Family Residential District. It is the purpose and intent of this district to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This district further encourages only those uses which, because of character or size, would not create additional requirements and costs for public services in excess of requirements and costs for single-family dwellings. The intent is to encourage the discontinuance of any existing uses, that would not be permitted as new uses under the provisions of this chapter.

Section 12-271 USES PERMITTED.

Within the R-1 single-family residential district, the following uses are permitted:

A. Single-family detached dwellings and with a maximum of seven single-family residences to be set on each acre of real property.

B. Public park or playground, public buildings, public utility and municipal uses, and publicly owned recreational facilities;

C. Agricultural uses of the garden type that are not intended for commercial purposes, nor the raising of livestock; and

D. Accessory buildings and uses which are not a part of the main building including a private garage or accessory buildings which are a part of the main building, including a private garage.

Section 12-272 USES PERMITTED BY REVIEW IN R-1 RESIDENTIAL DISTRICTS.

The following uses may be permitted after review and approval by the Planning Commission in accordance with Section 12-12-334A.C, D, E, F & G (Use By Review), contingent upon the performance of reasonable conditions, including but not limited to adequate off-street parking:

1. Churches;
2. Library;
3. Home occupation;
4. Plant nursery, provided that no building or structure is maintained in connection therewith and no retailing of any materials is carried on upon the premises;
5. Golf course, private or public, or country club, provided that the chief activity is for recreational purposes, and any commercial activity is accessory or incidental thereto, and not including miniature golf

courses, driving ranges or pitch and putt golf courses;

6. Public or private schools; and
7. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed.

Section 12-273 AREA AND HEIGHT REGULATIONS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
3,000 sq. ft.	25'	75%	35'	25'	5'	20'

All lots and improvements within the R-1 district shall meet the following requirements:

A. All lots shall have not less than three thousand (3,000) square feet of lot area and not more than one principal building shall be placed on any one lot; provided however, up to seven single-family residences can be placed on each acre of property.

B. Each lot shall have a frontage of not less than twenty five (25) feet;

C. Not more than seventy five percent (75%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provisions;

D. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;

E. All structures shall have not less than a twenty-five (25) foot front yard setback; and

F. For a single-family dwelling of one story, the minimum width of the side yard shall be five (5) feet for interior lot lines and ten (10) feet for the side yard abutting the side street on a corner lot.

Section 12-274 RESERVED

Section 12-275 HOME OCCUPATIONS.

A. Purpose

Home occupations:

1. Can be an incubator for new business;
2. Can help people enter or stay in the work force who might otherwise be unable to work; and/or
3. can provide jobs for the elderly or those who do not wish to work in a conventional work setting, and those for whom a conventional work setting does not exist or work.

On the other hand, home occupations can sometimes be intrusive on a residential neighborhood and can become nuisances. This section takes into consideration the effect of a home occupation on traffic patterns, parking availability, aesthetics, and nuisances and is designed to maintain a residential character in residential neighborhoods.

B. Definition

"HOME OCCUPATION" is an accessory use of a dwelling unit located in any residential district for the purpose of gainful employment conducted by a member of the family residing in the dwelling which is clearly customary, incidental and a subordinate secondary use of the dwelling unit as a residence and does not alter the exterior of the property or affect the residential character of the neighborhood.

C. Home Occupations Permitted by Right

The following home occupations shall be permitted by right, but shall comply with the provisions set out in subsection E:

Artists
Authors and Composers
Catering/Food Service
Computer Programming
Home cooking and preserving
Home crafts
Ironing
Sewing
Telephone answering and/or solicitation
Tutorial service

D. Prior to commencement of a Home Occupation, accessory uses of a dwelling unit used for gainful employment, that meet the definition of Home Occupation and which comply with the provisions set out in subsection E, but which are not permitted by right to be a Home Occupation as provided in subsection C, are subject to a use by review process as provided in Section 12-12-334A.C, D, E, F & G entitled "Uses by Review." The Planning Commission and/or Town Board may provide for any specific condition or requirement necessary to further the purpose of the Home Occupation, including but not limited to requiring additional parking spaces, if necessary. In the event the Home Occupation is granted, such use shall be terminated in the event:

1. Ownership of the property changes. The approval of a Use By Review for a home occupation is intended to be for the existing land owner only. Any transfer of ownership after the home occupation is approved nullifies the particular approved use.

2. The nature of home occupation changes from that which was reviewed.

3. The home occupation lapses for a period of ninety (90) days.

4. Reviewed conditions and agreements are not followed.

E. Requirements for all Home Occupations, whether by right or permitted according to the use by review process.

1. The use is conducted entirely within:

a. The principal dwelling unit and attached garage and/or

b. One accessory building.

Such use is limited to members of the family or other residents residing in the dwelling unit; provided however, one additional employee may be specifically permitted by Board recommendation and Commission approval.

2. No vehicular traffic shall be generated by the home occupation business in greater volumes than would reasonably be expected in the residential neighborhood or create unreasonable parking or traffic congestion for the abutting or adjoining

neighbors or for the immediate neighborhood. Any parking or traffic of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, shall be considered unreasonable. It shall be a defense to prosecution under this subsection that the parking or traffic created was reasonable under the totality of the circumstances existing in the neighborhood.

3. The use is clearly incidental and secondary to the residential use of the dwelling and may not alter the existing residential character of the principal dwelling or garage/accessory building to comply with nonresidential construction code is prohibited, except for accessibility requirements.

4. Except as herein provided, a change in the outside appearance of the dwelling unit or lot indicating the use or conduct of a home occupation, including advertising signs or displays is prohibited. All equipment, goods, wares, merchandise or materials associated with home occupation, including equipment, goods, wares, merchandise or materials located in or on vehicles, must not be visible from any public street or public right-of-way or from other location off the premises.

5. The direct sale of commodities, goods, wares, materials, merchandise or products to the general public is prohibited unless:

- A. The sale was made after an appointment to view the commodities, goods, wares, materials, merchandise or products occurred between the seller and purchaser;
- B. The sale was made pursuant to an order filled on the premises pursuant to a prior individual oral or written invitation; or
- C. The sale was made pursuant to a prior individual oral or written invitation or if placed earlier by a customer by phone, mail, Internet, or on or off site sales parties.

6. Excepting one (1) non-illuminated nameplate not more than two (2) square feet in an area attached to the main or accessory building or located on the real property and/or advertising on a vehicle as herein provided. For purpose of

this section "vehicle" is defined as a passenger automobile, passenger van, motorcycle or pick-up truck. All advertising on vehicles shall be mounted flat against or painted on the vehicle and shall not refer to the street address of the home occupation business.

7. All off-site advertising, including signs, displays, billboards, television, radio, and/or any other advertising medium uses that refers to the street address is prohibited, other than business stationary, business cards, the home occupation business website, newsletters and applicable trade directories.

8. No mechanical equipment shall be used which will be obnoxious or offensive by reason of vibrations, noise, odor, dust, smoke or fumes. No combustible materials shall be permitted on the premises that are in violation of the Town's fire code.

9. Any use permitted by right which use materially violates any of the above listed subsections herein may be required by the Planning Commission to secure a use by review approval pursuant to this section prior to continuing such home occupation or otherwise forfeit the right to continue such permitted home occupation.

10. No use involving a vehicle, boat or small engine repair, painting, welding or metal shop, restaurant, or child care facility for more than five (5) children shall be considered for a home occupation.

F. Special Requirements:

1. Area - Height and Setback Requirements. The height and setback requirements shall be the same as the Residential zone in which the permitted use is located.

2. Special Requirements - Parking areas must be surfaced or otherwise covered with a material which prevents dust. Any application subject to a use by review process shall have on-site parking issues specifically reviewed with appropriate requirements or conditions made, if any.

Section 12-276 R-2 MULTI-FAMILY DISTRICT

This residential district is intended to provide for high population density residential uses. Single-Family Dwellings are

permitted but not encouraged. It is established as a district in which the principal uses of the land are for duplexes, multi-family dwellings and higher density residential development. The intent is to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of duplexes or other multi-family dwellings, including apartments, in this district. It is further intended to discourage any use which would generate traffic or create congestion on the neighborhood streets other than the normal traffic which serves the dwellings or similar residential uses in this district, and discourage any use which because of its character or size, would create additional requirements and costs for public services which would be in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses.

Section 12-277 USES PERMITTED.

Within the R-2 Multi-Family District, the following uses are permitted:

1. Single-family detached dwellings;
2. Duplex;
3. Multi-family dwelling;
4. Apartments;
5. Rooming or boarding house;
6. Public and private schools;
7. Public park or playground;
8. Agricultural uses of the garden type that are not intended for commercial purposes; and
9. Accessory buildings and uses customarily incidental to the above uses when located on the same lot

Section 12-278 USES PERMITTED BY REVIEW IN R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

The following uses may be permitted after review and approval by the Planning Commission in accordance with Section 12-12-334A.C, D, E, F & G (Use By Review):

1. Accessory buildings and uses which are not customarily incidental to the Permitted Uses;
2. Child care centers or day nurseries, provided they are located on a lot not less than ten thousand (10,000) square feet in area;
3. Churches with a minimum lot size of one acre;
4. Community services, cultural and utility facilities, provided they are located on a lot of not less than one acre;
5. Convalescent homes, rest home, nursing home, and hospitals, public or private;
6. Golf course, private or public, or country club, provided that the chief activity is for recreational purposes, and any commercial activity is accessory or incidental thereto;
7. Home occupation, provided that it is in keeping ~~the~~ with the meaning of "home occupation" as defined in this chapter;
8. Junior high or senior high schools;
9. Library;
10. Plant nursery, provided that no building or structure is maintained in connection therewith and no retailing of any material is carried on upon the premises;
11. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed.

Section 12-279 AREA AND HEIGHT REGULATIONS.

Single-Family:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
3,000 sq. ft.	25'	60%	35'	25'	5'	20'

Duplex:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
5,000 sq. ft.	35'	75%	35'	25'	5'	20'

Multi-Family:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
6,000 sq. ft.	50'	75%	35'	25'	5'	20'

All lots and improvements within the R-3 Multi-Family District shall meet the following requirements:

A. All lots shall have an area of not less than three thousand (3,000) square feet for a single-family dwelling, five thousand (5,000) square feet for a two-family dwelling, or six thousand (6,000) square feet for each dwelling unit over two (2) for multi-family dwellings. For uses other than dwelling purposes, the lot area shall not be less than six thousand (6,000) square feet except as otherwise specified.

B. Each lot shall have a frontage of not less than twenty-five (25) feet for single-family dwelling, thirty-five (35) feet for two-family dwelling, and fifty (50) feet for multi-family dwelling and all other uses;

C. Not more than seventy-five percent (75%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;

D. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;

E. A minimum front yard setback of twenty-five (25) feet shall be provided on all single-family and duplex and multi-family dwellings;

F. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet; and

G. A rear yard of twenty (20) feet of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

H. Not more than one (1) principal building shall be placed on any one (1) lot.

Section 12-280 R-3 MOBILE HOME RESIDENTIAL DISTRICT

The purpose of this residential district is to permit mobile homes, trailer parks and mobile home subdivisions. The specific terms and requirements of this district are detailed in Article 4 of this Chapter 12.

Section 12-281 C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.

A. GENERAL DESCRIPTION. The purpose of this commercial district is for the conduct of general and professional offices and a limited number of retail trade activities to provide for the needs and convenience of the people of adjacent residential areas and the community in such a manner as to not be offensive to a general neighborhood containing, residential, religious, recreational, and educational elements. It is intended that this district be located as not to introduce traffic into a solely residential district, but to serve as a buffer between residential and more intensive commercial activities.

B. DISTRICT USE REGULATIONS. Uses Permitted.

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

1. Any use permitted in any Residential District.
2. Medical and dental offices, including clinics.
3. Office buildings for executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, and non-profit corporations.
4. Publicly owned buildings, exchanges, and public utility offices, but not including electrical or gas substations.

5. Museums, cultural centers and open space designed to serve persons conducting business in this District.

6. Convalescent Home, Rest Home, Nursing Home and Hospitals, Public or Private.

7. Accounting and insurance offices, banks, credit unions, savings and loan companies and associations, real estate offices, and other businesses which perform services on the premises.

8. Dry cleaning establishments or pick-up stations dealing directly with the consumer.

9. Generally recognized retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as but not limited to bakeries, or stores selling books, stationary, clothing, dairy products, delicatessens, dry goods, florists, groceries, hardware, meat market, pharmacies, and self-service gas stations (no repair).

10. Personal service establishments which perform services such as but not limited to appliance and small items shops (watches, radio, television, shoe, etc.), beauty parlors or barber shops, dance schools, photographic, artists, and other miscellaneous studios, post offices, self-service laundries, tailor shops, and governmental office buildings serving persons living in adjacent residential areas.

11. Professional services, including medical clinics (out-patient only) and offices of doctors, dentists, osteopaths, and similar professions.

Uses Permitted by Review

The following uses may be permitted after review in accordance with Section 12-12-334A.C, D, E, F & G (Uses by Review).

1. Billiard parlors, pool halls.
2. Building, plumbing, electrical and mechanical contractor shops.
3. Business schools.
4. Car wash.

5. Ceramic shops.
6. Commercial greenhouses and garden supply shops.
7. Mortuary establishments.
8. Restaurants, cafes, or drive-in restaurants.
9. Service stations (excluding body repair work)
10. Public or private parking lots needed to accommodate any use permitted in the Commercial Zoning Districts.

11. Other uses which, in the opinion of the Planning Commission, are similar to the above uses and are in keeping with the general description of the zoning district and meet the three (3) standards as specified in Section 12-12-334A.D (Conditions for Authorization).

C. SITE DESIGN REQUIREMENTS. It is intended that building and parking areas be designed to protect, in so far as possible, the value and character of adjacent residential areas. In no case shall the design of a proposed site, provide less than the following standards:

1. Height. No building shall exceed twenty-five (25) feet in height, measured from the mean elevation of the lot.

2. Front yard setback, Ten (10) Feet.

3. Side yard setback; Interior Lot, Ten (10) Feet; Corner Lot Street Side, Fifteen (15) Feet; Corner Lot Interior Side, Ten (10) Feet; side adjacent to a residential district, Twenty-five (25) Feet, measured from the side property line abutting the residential district or development.

4. Rear yard setback, Twenty (20) Feet.

5. No Minimum Lot Area; Frontage, Fifty (50) Feet at the building line.

6. Screening and landscaping. Property shall be landscaped and screened in accordance with Section 12-337 (Site Plan Review).

7. Off-Street Parking, Access. All permitted uses shall contain adequate space to provide for parking, loading, and

maneuvering of vehicles in accordance with Section 12-228 (Off-street Parking Requirements).

8. Signs. All advertising signs relating to the permitted uses shall be designed in such a manner as to be harmonious with the other design features of the site.

9. Site Plan. Prior to the issuance of a building permit for any permitted use, a site Plan shall be submitted and approved in accordance with Section 12-334 (Site Plan Review).

Section 12-282 C-2 GENERAL COMMERCIAL ZONING DISTRICT.

A. GENERAL DESCRIPTION. This District is intended to provide for the normal range of commercial services within the community in such a manner that the District will accommodate both quick-stop and longer visit shopping, as well as provide for additional retail, cultural and entertainment trade. Additionally, District regulations are intended to minimize traffic congestion and noise, provide adequate and controlled parking and expansion area, allow safe pedestrian movement, minimize adverse impacts on residential areas, encourage improved commercial site design and layout, and promote the re-use and development of existing commercial structures and encourage visual quality in commercial development.

B. DISTRICT USE REGULATIONS. Property and buildings in the C-2 General Commercial District shall be used only for the following purposes:

1. Automobile assembling, painting, upholstering, rebuilding, reconditioning, and body work.
2. Automobile sales and service.
3. Bakery (Commercial or wholesale).
4. Banks, Savings and Loans, Finance Companies.
5. Bars and Taverns, private clubs.
6. Billiards and pool halls.
7. Bottling works.
8. Bowling alley.

9. Building plumbing, electrical, and mechanical contractor shop.
10. Business schools.
10. Bus station or service.
12. Car wash.
13. Clothing store.
14. Dancing school or studio.
15. Discount store.
16. Dry cleaners.
17. Feed and seed stores.
18. Florist or gift shops.
19. Food processing (retail on premises).
20. Furniture store.
21. Garages (service, storage or sales) for motor vehicles.
22. Glass fabrication and installation.
23. Grocery stores.
24. Hardware stores.
25. Itinerant merchant or transient vendor.
26. Jewelry store.
27. Kennel.
28. Laundry or dyeing establishment.
29. Manufacture of articles sold only at retail on the premises.
30. Medical facilities (hospitals and clinics).

31. Metal fabrication, light (sheet metal, ducts, gutters, and leaders).
32. Miniature golf course or commercial driving range.
33. Mini-storage, rental storage.
34. Mobile home sales.
35. Motel or hotel.
36. Movie theaters.
37. Music stores, studios.
38. Offices.
39. Optical and scientific instruments and jewelry manufacturing.
40. Pawnshops, Second-hand and auction stores.
41. Pet store.
42. Printing, lithographic or publishing company.
43. Public garages.
44. Public parking lots.
45. Radio and television broadcasting studios.
46. Recreational facilities (including swimming pool).
47. Restaurants, drive-in restaurants.
48. Service stations.
49. Shoe store and repair.
50. Small animal hospital.
51. Taxidermist.
52. Taxi service.
53. Television and radio repair shop.

54. Tourist courts (for travel, camp trailers)
55. Transfer and storage offices.
56. Upholstering shops.
57. Weaving apparels (fabrication and processing).
58. Wholesale sales office and sample room.
59. Any use permitted by right in a C-1 district.

Uses Permitted by Review.

The following uses may be permitted after review and approval by the Planning Commission in accordance with Section 12-12-334A. B, C, D, E, F & G (Use by Review.)

1. Commercial warehouse, provided that the gross floor area of such warehouse shall not exceed forty percent (40%) of the total tract, lot, or parcel of land on which it is situated.

2. Any other similar business or service which is in keeping with the general description, and meets the three standards as specified in Section 12-12-334A.D (Conditions for Authorization).

3. Public and private utility or contractor equipment and material storage and maintenance yards or buildings, provided that any stored material or equipment shall be within a building or enclosed by a six (6) foot high fence or suitable landscaping to screen the materials or equipment from the view of the adjacent public streets, parks, recreation areas and residential properties.

4. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this District.

C. SITE DESIGN REQUIREMENTS. The following minimum requirements shall in a C-2 General Commercial Zoning District:

1. No minimum lot area and width.
2. Height. No building shall exceed twenty-five feet (25') in height, measured from the mean elevation of the lot.

3. A twenty-five feet (25') setback.

4. No side yard setbacks, except for sides adjacent to residential properties, in which case the setback shall be twenty-five feet (25'), and except when any side of the subject lot faces a street, in which case the setback from the street shall be twenty-five feet (25').

5. No Rear yard setbacks, except for when the rear yard is adjacent to residential properties, in which case the setback shall be ten feet (10').

6. Screening and Landscaping. Property shall be landscaped and screened in accordance with Section 12-337 (Site Plan Review.)

7. Off-Street Parking, Access. All permitted uses shall contain adequate space to provide for parking, loading, and maneuvering of vehicles in accordance with Section 12-229 (Parking Space Requirements).

8. Signs. All advertising signs relating to the permitted uses shall be designed in such a manner as to be harmonious with the site.

9. Site Plan. Prior to the issuance of a Building Permit for any permitted use, a Site Plan shall be submitted and approved in accordance with Section 12-337 (Site Plan Review).

Section 12-283 RESERVED.

Section 12-284 C-3 HIGHWAY COMMERCIAL BUSINESS DISTRICT.

A. This District is intended to provide for the range of commercial services which are normally oriented toward through-highway traffic within the Community, in such a manner that the District will accommodate both quick-stop and longer-visit shopping, as well as provide for additional highway-oriented office, retail, cultural and entertainment trade. Additionally, District regulations are intended to minimize traffic congestion and noise, provide adequate and controlled parking and expansion area, allow safe pedestrian movement, minimize adverse impacts on residential areas, encourage improved commercial site design and layout and encourage improved visual quality in highway commercial development.

B. Permitted Principal Uses and Structures. The following uses are permitted:

1. Any use permitted in the C-2 General Commercial District
2. Automotive display, sales, service and repair - 1 space for every 300 sq. ft. of sales, service or office floor area.
3. Fair implement display, sales, service) and repair - 1 space for each employee.
4. Boats, motors, travel trailers and mobile home display, sales, service and repair- 1 space for each employee plus 1 space for each vehicle used by the industry.
5. Drive-in theaters - Storage lanes outside of ticket booth to accommodate 10% of theatre capacity.
6. Quick-stop type grocery stores (with or without gasoline sales facilities) - 1 space for every 200 sq. ft. of floor area.
7. Liquor stores - 1 space for every 200 sq. ft. of floor area.
8. Gasoline, service or filling station - 1 space for every 200 sq. ft. of (building) floor area.
9. Drive-in restaurants - 1 space for each employee in addition to the desired number of customer spaces.
10. Restaurant, cafe, mixed beverage club, bottle club or tavern - 1 space for every 500 sq. ft. of floor area, plus 1 space for each employee.
11. Garden centers, nurseries, greenhouses and horticultural sales outlets which include either enclosed or unenclosed display areas, or both - 1 space for each employee, plus 1 space for each 200 sq. ft. of structural floor area.
12. Video arcades and electronic game centers - 1 space for every 50 sq. ft. of floor area, plus 1 space for each employee.
13. Mini-storage buildings or mini-warehouses, divided into totally-enclosed compartments of not more than five

hundred (500) square feet, with no outside storage areas and no activities permitted other than storage of personal property - 1 space per 20 units, in addition to adequate access to all units.

14. Mini-storage buildings, etc. (same as #13 above), with area set aside or constructed for office space, primarily in conjunction with the operation of the storage facility - 1 space per 20 units, plus 1 space for each employee.

For all uses not covered above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

C. Uses and Structures Permitted on Review/Minimum Lot Areas, Set Backs and Height.

D. The following uses may be permitted after review and approval by the Planning Commission in accordance with Section 12-12-334A. B, C, D, E, F & G (Use by Review.)

1. Public and private utility or contractor equipment and material storage and maintenance yards or buildings; provided, that:

2. Any stored material or equipment shall be within a building or enclosed by a six (6) foot high fence or suitable landscaping to screen the materials or equipment from the view of adjacent public streets, parks, recreation areas and residential properties;

E. Lot Area and Width for Commercial Uses: No minimum lot area and width.

F. Setbacks for Commercial Uses: Where apartments are above a store or shop, a rear yard setback of twenty (20) feet shall be provided; where adjacent to a Residential District, a side yard setback of ten (10) feet and a street-side setback of twenty (20) feet shall be provided; a thirty (30) foot rear yard, alley or service area shall be provided.

G. Maximum Height shall be two (2) stories or twenty-five (25) feet

H. Screening and landscaping. Property shall be screened in accordance with Section 12-337 (Site Plan Review).

Project structural and street coverage (excluding parking) shall not exceed fifty percent of the total land area.

I. Off-Street Parking, Access. All permitted uses shall contain adequate space to provide for parking, loading, and maneuvering of vehicles in accordance with Section 12-228 (Parking Space Requirements.)

J. Signs. All advertising signs relating to the permitted uses shall be designed in such a manner as to be harmonious with the site.

K. Site Plan Review. Prior to the issuance of a Building Permit for any permitted use, a Site Plan shall be submitted and approved in accordance with Section 12-337 (Site Plan Review).

Section 12-285 AND SECTION 12-288 RESERVED

Section 12-289 I-1 INDUSTRIAL (LIGHT)

1. GENERAL DESCRIPTION

This Industrial District is intended primarily for the activity of light manufacturing, assembling, and fabrication and for some warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes.

2. PERMITTED USES

A. Any use except dwellings, permitted in the Commercial Districts. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in this district.

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

C. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

D. Freighting or trucking yard or terminal.

E. Oilfield equipment storage yard.

F. Public Utility service yard or electrical receiving or transforming station.

G. Sale barn.

H. No article or material permitted in this District shall be kept stored or displayed outside the confines of a building when abutting a residential zone or residential development, unless it be so screened by fences, walls or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

The following uses when conducted within a completely enclosed building:

I. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.

J. The manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stone, shell textiles, tobacco, wood, yard, and paint not employing a boiling process.

K. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

L. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilation ducts, and equipment, cornices, eaves and the like.

M. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

N. Truck repair and overhauling, tire retreading or recapping and battery manufacturing.

O. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.

P. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

Q. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and the like.

The use permitted under this Section shall be conducted in such a manner that any noxious odor, fumes or dust generated beyond the property line of the lot on which the use is located will do so only with compliance with all Town, State and Federal pollution regulations.

3. USES BY REVIEW:

- a. Any other similar business or service which is in keeping with the general description and meets the three (3) standards as described in Section 12-12-334A. B, C, D, E, F & G (Use by Review).
- b. Salvage yards, provided the property can be used in compliance with ordinances licensing salvage yards.

4. AREA REGULATIONS:

A. Front Yard Set-Back:

Adjacent to State or Federal Highway - forty feet.
Adjacent to a principal arterial - thirty feet.
Adjacent to a minor arterial or a section line road - twenty-five feet.
Adjacent to any public road or street other than a Federal, State or County Highway and principal arterial - twenty-five feet.

B. Side Yard Set-Back - None.

C. Rear Yard Set-Back - None unless abutting a Federal, State, a County Highway, or arterial street, or residential zone or development in which case the setback shall be forty (40) feet.

5. HEIGHT REGULATIONS:

No building shall exceed three and one-half (3 ½) stories or forty-five (45) feet in height.

Section 12-290 I-2 INDUSTRIAL (HEAVY)

1. GENERAL DESCRIPTION

This Industrial District is generally intended to provide for heavy industrial uses as well as other uses not otherwise provided for in the districts established by these regulations. The intensity of uses permitted in this district makes it desirable that they be located in an area separated from residential and commercial uses.

2. PERMITTED USES:

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

A. All residential uses except sleeping facilities required by nightwatchmen and caretakers employed upon the premises.

B. All uses not complying with these regulations or any other Town, County, State or Federal Regulation or law.

C. All of the following uses until they have been studied by the Planning Commission and have received the express approval of the Town Board. The Planning Commission may require approval of the County Health Department, the State Fire Marshal and other State and County regulating agencies and may attach to the approval specific restrictions designed to protect the Public Welfare.

1. Acid Manufacture.
2. Cement, lime, gypsum or plaster of paris manufacture.
3. Explosives, manufacture or wholesale (liquid explosive) storage.
4. Gas manufacture.
5. Grain elevator and storage.

6. Petroleum or its products, refining of.
 7. Wholesale or bulk storage of gasoline, propane, butane or other petroleum.
 8. Salvage yards, unless authorized by review under Section 12-12-334A. B, C, D, E, F & G (Use by Review), herein as to property which can comply with the requirements of licensing ordinances for salvage yards.
3. AREA REGULATIONS:
- a. Front Yard Set-Back - same as I-1
 - b. Side Yard Set-Back - none.
 - c. Rear Yard Set-Back - none.
4. HEIGHT REGULATIONS:
- None

Section 12-291 STANDARDS.

A. Any use, constructed, established, altered, or enlarged in the I-2 Industrial district after the effective date of this chapter shall be so operated as to comply with the following 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 a permitted use.
3. No noise either continuous or intermittent from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the I-2 Industrial 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 lot on which the use is located;

5. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located;

6. Exterior lighting fixtures shall be shaded wheresoever 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. No outside storage of equipment or material, except equipment for daily use, shall be permitted in such a location where it can be viewed from any public street; or

9. 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.

Section 12-292 RESERVED

Section 12-293 AREA AND HEIGHT REGULATIONS.

A. There are no area requirements in an I-2 Industrial district.

B. There are no lot frontage requirements in an -2 Industrial district.

C. Not more than ninety percent (90%) of the lot area shall be covered with improvements. Paved areas are not considered as improvements within the meaning of this provision.

D. There are no height requirements in an -2 Industrial district.

E. No structure shall be erected, commenced or maintained which has a front yard of less than twenty-five (25) feet.

F. No structure shall be erected, commenced or maintained which has a front yard of less than twenty-five (25) feet.

G. No structure shall be erected, commenced or maintained which has a rear yard of less than twenty-five (25) feet.

SECTION 12-294 RESERVED

SECTION PI PUBLIC/INSTITUTIONAL

A. GENERAL DESCRIPTION. This District is intended for those uses not otherwise specifically covered by the other districts. The primary purpose is for public and quasi-public uses.

B. DISTRICT USE REGULATIONS.

1. Uses Permitted:

Property and buildings in the PI Public/Institutional District shall be used only for the following purposes:

- a. Public and private schools and colleges not to include day-care centers.
- b. Any uses accessory to schools and colleges that are owned and/or controlled by said schools or colleges, including one, two-family, and multi-family dwellings.
- c. County clubs.
- d. Golf course (public or private)
- e. Hospitals, clinics, and medical or dental offices surrounding and in direct relationship to the hospital or clinic.
- f. Libraries, archives, and museums, publicly or privately owned.
- g. Federal, State and Town owned property.

B. Uses Permitting by Review:

The following uses may be permitted after review in accordance with Section 12-12-334A. C, D, E and F (Uses by Review).

Other uses which, in the opinion of the Ringwood Planning Commission, are similar to the above uses and are in keeping with the general description of the zoning district and meet the conditions for authorization as specified in Section 12-12-334A. C, D, E and F (Uses by Review).

3. Site Design Requirements.

The following regulations shall apply to any site proposed for development after January 1, 2017. For purpose of this subsection, "proposed development" shall mean the formal submission of a Site Development Plan in compliance with Section 12-337 (Site Plan Review).

- a. Area. No minimum lot area and width.
- b. Height. No building or structure shall exceed Forty-five (45) feet in height, measured from the mean elevation of the lot.
- c. Front Yard Setback. The minimum front yard setback shall be twenty-five (25) feet.
- d. Side yard Setback. The minimum side yard setback shall be as follows:
 1. Zero (0) feet, unless the lot abuts a residential district or development, in which case the setback shall be ten (10) feet, measured from the side property line abutting the residential district or development.
- e. Rear yard. The minimum depth of the rear yard shall be as follows:
 1. Zero (0) feet, unless the lot abuts a residential district or development, in which case the setback shall be ten (10) feet, measured from the rear property line abutting the residential district or development.

- f. Off-Street Parking. Access. All permitted uses shall contain adequate space to provide for parking, loading and maneuvering of vehicles in accordance with Section 12-228 (Parking Space Requirements).
- g. Signs. All advertising signs relating to the permitted uses shall be designed in such a manner as to be harmonious with the other design features of the site.
- h. Site Plan. Prior to the issuance of a Building Permit for any permitted use, a Site Plan shall be submitted and approved in accordance with Section 12-337 (Site Plan Review).

ARTICLE 3

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

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

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

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

SECTION 12-301 OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 2 herein:

1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure;

2. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, or hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed four (4) feet in height, and no other wall or fence shall exceed seven (7) feet in height;

3. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by measuring fifty (50) feet back from the center line of the street easement; provided, however, that this shall not be construed as reducing specific district requirements;

4. No dwelling shall be erected on a lot which does not abut on at least one street, at least fifty (50) feet in width, for at least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of these regulations. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard;

5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of these regulations that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise;

6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two (2) feet six (6) inches and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection;

7. An attached or detached private garage or carport which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line;

8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used; and

9. Whenever one or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning commission.

SECTION 12-302 HEIGHT.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 2 herein:

1. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story;

2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit;

3. Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

SECTION 12-303 GROUP HOUSING PROJECTS.

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

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

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

1. Not more than one vehicle, which does not exceed one and one-half (1½) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, chemicals, gasoline, liquified petroleum products or similar hazardous product be permitted;

2. Not more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted and the trailer shall not exceed thirty-three (33) feet in length, or eight and one half (8 ½) feet in width; and further provided that the trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. All such vehicles shall be parked behind the front yard build 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 regulations of the Town; and

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

4. The above size, duration and use requirements shall also apply to boats.

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

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

SECTION 12-306 ANIMALS.

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

DIVISION 2

NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

SECTION 12-320 NONCONFORMING BUILDINGS AND STRUCTURES.

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

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

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

to conform to all of the regulations of the district in which it is located.

SECTION 12-322 OUTDOOR ADVERTISING SIGNS AND STRUCTURES.

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform to the provisions hereof, shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of these regulations (September 21, 1965).

SECTION 12-323 RESERVED.

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

SECTION 12-324 CHANGE IN USE.

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

B. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, but where the use of nonconforming building or structure is changed to a use of more restricted district classification, it thereafter shall not be changed to a use of less restricted district classification; provided, however,

that a building or structure that is nonconforming as to use at the time of adoption of these regulations, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

SECTION 12-325 DAMAGE TO BUILDING.

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

DIVISION 3

ADMINISTRATION

SECTION 12-330 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED.

These regulations shall be enforced by a building inspector, acting at the direction of the Mayor. It shall be a violation of these regulations for any person to change or permit the change in the use of land or buildings or structure or to erect, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained under the conditions in this article.

SECTION 12-331 BUILDING PERMIT.

Whenever any structure or building is to be improved in an amount exceeding One Thousand Dollars (\$1000.00), or erected, moved, or structurally altered, a building permit shall be obtained from the building inspector. The building inspector may require any applicant for a building permit to furnish the following information:

1. A plot plan, drawn to scale, showing:
 - a. The exact size, shape, and dimensions of the lot to be built upon;

- b. The exact size and location on the lot of all existing buildings and structures;
- c. The exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved; and
- d. The size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities;

2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate;

3. Additional information relating to the proposed improvement needed to determine the compliance with these regulations; and

4. A survey prepared under the supervision of the Town engineering department or by an engineer registered in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located.

SECTION 12-332 CERTIFICATE OF OCCUPANCY.

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

Cross Reference: As regards building permits, see also Section 12-331 of this code.

SECTION 12-333 VIOLATIONS AND PENALTIES.

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm,

or corporation who violates or refuses to comply with any of the provisions of these regulations shall be punished as provided in Section 1-108 of this code. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 12-334 PLANNING COMMISSION RECOMMENDATION REQUIRED; AMENDMENTS; APPLICATION FOR AMENDMENT; NOTICE AND PUBLIC HEARING; PLANNING COMMISSION ACTION; Town ACTION; PROTESTS TO AMENDMENTS.

A. The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the Town Board a report and recommendation on the proposed change.

B. The Town Board may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the planning commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least twenty (20) days' notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the Town.

C. An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application. The applicant shall pay the fee as set out in this Section 12-111.

D. Parties in interest and citizens shall have an opportunity to be heard at a public hearing before the planning commission on any application, and before any district regulation, restriction, or boundary shall become effective. Upon receipt of an application, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. At least fifteen (15) days' notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the Town. The notice shall include a map of the area to be affected which indicates

street names or numbers, streams, or other significant landmarks in the area.

E. Except as authorized in subsection F of this section, in addition to the notice requirements provided for in subsection A hereinabove, a notice of a public hearing on any proposed zoning change, except by a municipality acting pursuant to subsection C of this section, shall be given twenty (20) days prior to the hearing by mailing written notices by the secretary of the planning commission, to all the owners of real property within a three hundred (300) feet radius of the exterior boundary of the territory contained in the application. The application submitted by the applicant shall contain a certified abstractor's, registered professional engineer's or registered land surveyor's list of the names of all property owners within such area; no application shall be accepted without such list. The notice shall contain the following:

1. Legal description of the property and the street address or approximate location of the municipality;
2. Present zoning of the property and the zoning sought by the applicant; and
3. Date, time and place of the public hearing.

Additional notice may also be given by posting the notice of the hearing on the affected property at least twenty (20) days before the date of the hearing.

F. If the planning commission or the Town proposes reclassification in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to flood plains, drainage, historic preservation, and blighted areas, the planning commission or Town Board shall require, in addition to the notice requirements provided for in subsection E hereinabove, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

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

2. Who will conduct the public hearing;
3. The desired zoning classification;
4. The proposed use of the property; and
5. Other information as may be necessary to provide adequate and timely public notice.

G. In addition to the notices required by Subsection D & E hereinabove, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or non-medical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

H. After notice and public hearing, the planning commission shall vote to:

1. Recommend to the Town Board that the application be approved as submitted, or as amended, or be approved subject to modification; or
2. Recommend to the Town Board that the application be denied.

I. An application recommended for approval, or approval subject to modification, shall be transmitted to the Town with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.

J. An application recommended for denial shall not be considered further unless the applicant, within fifteen (15) days from the date of the planning commission action, files a written request with the Town Board for a hearing. Upon notice of such request, the planning commission shall forthwith transmit the application and its report and recommendation to the Town Board. There shall be no fee charged the applicant for the hearing.

K. The Town Board shall consider the recommendation of the Planning Commission on each application regularly transmitted. The Town Board shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the Town planning commission for further study.

L. Protests against the proposed changes in regulations, restrictions and district boundaries in the Town shall be filed at least three (3) days before the date of the public hearing before the Town Board. If protests are filed by:

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

2. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all the members of the Town Board.

SECTION 12-334A USES BY REVIEW

A. USES BY REVIEW. The development and administration of a Zoning Ordinance is based upon the division of the Town into Zone Districts within which Districts the use of land and buildings and the bulk and position of buildings and structures in relation to the land are relatively uniform. It is recognized, however, that there are occasions when in addition to the principal permitted uses, other uses, hereinafter referred to as "USES BY REVIEW", because of their unique characteristics and because of the uniqueness of their proposed location, may be allowed after careful consideration

of the impact of the particular uses upon the neighborhood and the public facilities thereon.

B. AUTHORIZATION. The Town Board may grant a use that is listed under the Uses by Review in a particular zone or as otherwise provided for after recommendation and at least one public hearing by the Planning Commission. The subject property will be required to be posted twenty (20) days prior to the public hearing. In addition, prior to the hearing, a written notice shall be mailed to all owners of real property located within a three hundred (300) foot radius of the exterior boundary of the property proposed for the use by review. The applicant shall, at his own cost, provide the Town with a certified list of property owners from an abstractor, together with a copy of any restrictive covenants that are applicable to the tract which is the subject of the use by review. The mailed and posted notices shall contain the:

1. Legal description of the property and the street address or approximate location in the municipality;
2. Present zoning of the property and use by review sought by the applicant; and
3. Date, time and place of the public hearing.

C. CONDITIONS FOR AUTHORIZATION. No Use by Review shall be granted by the Town Board until the Planning Commission first finds:

1. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the Use by Review are not substantially injured.
2. Intent of General Description: That the Use by Review is consistent with the intent and purpose of the particular zone to promote public health, safety and general welfare.
3. Land Use Plan: That the Use by Review is in keeping with the Land Use Plan of the Town.

D. APPLICATION. An application for a Use by Review shall be filed with the Zoning Officer. Any evidence as may be necessary to enable the Planning Commission and Town Board to properly consider the request should accompany the

application. The applicant for a Use by Review shall pay a fee in the same amount as the re-zoning application fee.

A. The Town Board may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the planning commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least twenty (20) days' notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the Town.

B. Every such proposed amendment shall be referred to the Town planning commission for report. If a protest against such amendment be presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land within such area proposed to be altered, or by the owner of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the Town Board.

C. Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged to the Town Board requesting an amendment of the regulations prescribed for such area, it shall be held the duty of the Town Board to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the Town clerk.

D. For each petition for amendment to the zoning regulations a fee as set by the council plus the cost of legal publication shall be paid to the Town clerk.

SECTION 12-335 CLASSIFICATION OF NEW ADDITIONS.

A. All new additions and annexations of land to the Town shall be in an R-1 residential zone unless otherwise classified by the Town Board, for a period of time not to exceed one year from the effective date of the ordinance annexing the addition.

B. Within this one-year period of time the Town Board shall instruct the Town planning commission to study and make

recommendations concerning the use of land within the annexation to promote the general welfare and in accordance with the comprehensive plan, and upon receipt of such recommendations, the Town Board shall, after public hearings as required by law, establish the district classification of the annexation; provided, however, that this shall not be construed as preventing the Town Board from holding public hearings prior to annexation and establishing the district classification at the time of the annexation.

SECTION 12-336 VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacated portion accrues.

Section 12-337 SITE PLAN REVIEW.

A. PURPOSE. By reason of potential adverse effect on public service, community appearance, environment, welfare, and to neighboring land uses, Site Plan Review and approval shall be required of development. For the purpose of assuring proper accessibility, circulation, functional relationships of use, and compatibility with adjoining and nearby development, no Building or Occupancy Permit shall be issued, nor use commenced, except in accordance with a Site Plan submitted and approved by the Town.

B. INTENT. The Site Plan Review process recognizes that the developments to which it is made applicable, even though generally suitable for location in a particular district or on a particular site, are, because of their nature, size, complexity, or other indicators of probable impact, capable of adversely affecting the purposes for which these regulations are established, unless careful consideration has been given to critical design elements. Therefore, it is the intent of this process to insure that all elements are reviewed for compatibility with the provisions of these regulations. A Site Plan, much like a preliminary plat of subdivision, is intended to serve as a working document for the developer and the Town. It shall provide sufficiently detailed information to allow an informed decision concerning the overall acceptability of the proposed development.

C. APPLICABILITY. Site Plan Review shall be required, as a precondition to the issuance of a Building or Occupancy Permit, in the following instance:

The development or establishment of any commercial, industrial or public/institutional use.

D. RESERVED.

E. DESIGN STANDARDS. The following design standards shall apply to any development requiring Site Plan Review:

1. Access. All developments requiring Site Plan Review shall have adequate and safe vehicular access to adjacent streets. All entrance and exit driveways to public streets shall be located with due consideration for traffic flow so as to afford minimum conflict to traffic on public streets. All such entrances and exits shall be so located and designed so as to comply with the Traffic Control Policies of the Town and in the case of State Highways, with the Oklahoma State Highway Commission's Driveway Regulations for Oklahoma Highways.

2. Drainage. Proper surface drainage shall be provided so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system and will, so far as practicable, avoid flooding, erosion, and detrimental depositing of silt, gravel or stone. Surface water shall be removed from all roofs, canopies and paved areas and disposed of in an appropriate drainage system. Surface water in all paved areas shall be disposed of in a manner approved by the Street Commissioner.

3. Reserved.

4. Lighting. All lighting in parking areas, as part of signs and advertising or special lighting, shall be so arranged to avoid unreasonable reflection, glare, or radiation onto operators of motor vehicles, pedestrians, and neighboring land uses or properties. Outdoor lighting when provided, shall have an arrangement of reflectors and an intensity which will not interfere with adjacent land uses or the use of adjacent streets. No flickering, moving or flashing lights shall be permitted.

5. Parking. The location, width and layout of interior drives shall be appropriate for the proposed interior circulation (See 12-231). The location and layout of

accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provisions shall be made for access by police, fire and emergency vehicles.

6. Surfacing. All property used for parking of vehicles, storage and display of merchandise, and all driveways used for vehicle ingress and egress shall be paved with a permanent hard surface (See Section 12-231).

7. Relation of proposed structures to environment. Proposed structures on the site shall be related in style and design and shall also relate visually to the terrain and existing buildings and roads in the vicinity. The achievement of such harmonious relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings. Proposed structures shall be so cited as to minimize any adverse impact upon the surrounding area, and particularly upon nearby residences, by reason of:

- a. Building location, height, bulk and shadows;
- b. Location, intensity, direction and time usage of outdoor lighting;
- c. Likelihood of nuisances;
- d. Other similar considerations.

Appropriate screening shall be required to minimize any such adverse impact.

8. Screening. Development and maintenance of plantings, fences, and walls shall be provided as an aesthetic barrier against traffic, noise, heat, glare, and dust for the protection and conservation of property. Whenever any lot located in any commercial zone is to be developed or occupied by commercial uses(s) and it abuts a lot located in any residential zone or a lot developed residentially, the lot shall be screened by the development with a minimum 75% opaque barrier not less than 5 feet in height along the entire abutting lot line. Said screening or barrier shall be dense

landscaping, earthen berm, solid lumber or masonry fence, wall, or combination thereof. Solid lumber fencing shall be treated or painted in earth tone colors. More extensive screening may be required by the Planning Commission and Mayor and Town Board in instances where the above described screening does not adequately protect adjacent properties from unsightly or distracting activity. The screening shall be maintained in good condition. Prescribed screening need not be provided along a lot line if a building, fence, wall or dense landscaping of at least equivalent height, capacity, and maintenance exists immediately abutting on the opposite side of said lot line. In addition, the Planning Commission and the Mayor and Town Board may require that existing landscaping and vegetation on the site which serves a partial or full screening be retained in order to satisfy the requirements of this Section.

9. Special Features. Outside storage areas, service and machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property.

10. Waste disposal. All containers for the disposal of wastes can be required to be located on a concrete pad and shall be screened to the extent that the container cannot be viewed by the public.

11. Public Rights-of-Way, Streets and Easements. Each Site Plan shall provide for the appropriate dedication and improvement of needed rights-of-way and easements as are necessary to adequately serve the proposed development and occupancy, and the minimum design standards of the Town.

F. PRE-APPLICATION REVIEW. Prior to submission of a Site Plan, the applicant should discuss with the Zoning Officer the procedure and the requirements of the general layout of the site, utilities, access to arterials, general design and narrative, the availability of existing services, and similar matters. The intent of the pre-application review is to expedite the Site Plan Review process and to facilitate the approval of the Development.

G. SITE PLAN PREPARATION.

1. Site Plans or any portion thereof involving Public Engineering improvements shall be certified by a Professional Engineer registered in the State of Oklahoma.

2. Every Site Plan shall include a Boundary Survey completed and certified by a land surveyor licensed by the State of Oklahoma.

3. Site Plans shall be prepared to a scale of one inch equals fifty feet or larger.

4. A Site Plan shall be prepared on one or more sheets to show clearly the information required by these regulations and to facilitate the review and approval of the plan. If appropriate, match lines shall clearly indicate where sheets join.

5. Site Plans shall be submitted in three (3) clearly legible blue or black line copies and shall also include any supportive maps or data as may be required.

6. The Site Plan must, at the time of submittal, be accompanied by the completed application form. The filing fee for Site Plan Review shall be twenty-five dollars (\$25.00). An application for the approval of a Site Plan may be processed simultaneously with and contingent upon, the approval of, an application for a zoning amendment.

H. CONTENTS OF THE SITE PLAN.

1. All Site Plans shall contain the following information:

a. Location of the tract, with references to names of adjoining streets, streams, bodies of water, railroads, subdivisions, or other landmarks sufficient to clearly identify the location of the property.

b. The name, address and telephone of the owner or developer, north arrow, date, scale of drawing, and number of sheets.

c. Boundary dimensions and references as indicated by survey.

- d. Existing topography, with a maximum contour interval of two (2) feet, if required by the Zoning Officer.
- e. All existing and proposed streets, pedestrian circulation systems, utilities and easements, indicating their name, type and dimensions and the location of all private utility service lines and connections to public utilities.
- f. Zoning of all adjacent properties.
- g. The delineation of any flood hazard areas and drainage features as defined by the Federal Insurance Administration.
- h. Location, type and dimensions of vehicular entrances to the site.
- i. All off-street parking and loading areas in accordance with off-street parking regulations as specified in this Code.
- j. The proposed location, use, number of floors, height and gross floor area for each building; any outside display areas; signs and lighting. Elevation drawings shall be submitted for all signs and buildings.
- k. Location, type, size and height of fencing, retaining walls, screening, plantings, or landscaping. Elevation drawings shall be submitted for all screen planting and fencing.
- l. Provisions for the adequate disposition of natural storm water in accordance with the adopted design criteria, standards, and ordinances of the Town indicating the location, size, type and grade of ditches, catch basins and dips, and connections to existing drainage systems and on-site storm water detention systems.
- m. Proposed finished grading by contours of two (2) feet supplemented where necessary by spot elevation if required by the Zoning Officer.

I. SITE PLAN SUBMISSION AND REVIEW. Plans for Development on Property.

1. All Site Plans shall be reviewed and approved by the Planning Commission prior to the issuance of any Building Permit or Occupancy Permit for the property.

2. The Site Plan shall be submitted to the Zoning Officer no later than 10 days prior to the Planning Commission meeting date at which it is to be considered.

3. The Zoning Officer shall review the Site Plan for completeness and compliance with the provisions of these regulations. Any necessary modifications shall be forwarded to the applicant for resubmittal.

4. After review, the Zoning Officer shall provide to the Planning Commission, a written report recommending and listing reasons for the approval or denial of the Site Plan.

5. The Planning Commission shall conduct a public hearing regarding the proposed Site Plan and shall consider:

- a. Whether the proposed Site Plan is consistent with the Land Use Plan.
- b. Whether the proposed Site Plan harmonizes with the existing and expected development of surrounding areas.
- c. Whether provisions have been made for proper accessibility, circulation and functional relationships of land uses.
- d. Whether the proposed Site Plan is consistent with the purposes and standards of these regulations.

6. The Planning Commission may take the following actions:

- a. Approval. If the Site Plan is recommended for approval, the developer may make application for permits in compliance with the approved Site Plan.
- b. Conditional approval. The Planning Commission may recommend conditional approval of the Site Plan subject to any necessary amendments.

- c. Denial. If the Site Plan is recommended for denial, the reasons for such shall be recorded in the minutes of the Planning Commission meeting. The reasons for denial shall refer to specific provisions of these regulations which the Site Plan does not conform.

7. The recommendation of the Planning Commission shall be referred to the Mayor and Town Board for final action.

8. The Mayor and Town Board shall approve, conditionally approve or deny the Site Plan. In the case of any action other than approval, the Mayor and Town Board shall state the reasons for its action. As a condition of approval, the Mayor and Town Board may require certain on-site and off-site improvements to be installed.

J. PUBLIC NOTICE.

1. After the Zoning Officer receives an application for Site Plan Review, the subject property shall be posted with a notice or notices which shall describe the development being proposed and the time and place in which the application may be viewed by any interested person.

2. Said Notice shall be posted no later than ten (10) days prior to the hearing before the Planning Commission. The subject property shall remain posted until a final decision has been made concerning the application.

Upon approval of the Site Plan, building permits may be issued in accordance with the provisions of the approved Site Plan.

K. AMENDMENTS. Minor changes to the Site Plan may be accomplished administratively through the Zoning Officer so long as substantial compliance is maintained with the approved Site Plan. Proposed changes which could represent a significant departure from the Site Plan, as approved by the Planning Commission or Mayor and Town Board, shall require resubmittal. Major changes to an approved Site Plan which would require resubmittal shall include but not be limited to, an increase in the bulk of any building by more than five percent (5%), and increase in residential density, or an increase in total ground area covered by buildings by more than five percent (5%).

L. OCCUPANCY PERMIT. Prior to the issuance of any Certificate of Occupancy, the applicant shall complete in a manner satisfactory to the Zoning Officer, all improvements required by these regulations and as required by the Mayor and Town Board.

M. EXCEPTIONS: The foregoing Site Plan Procedure shall not apply to any use permitted on a temporary basis for a period of not to exceed six (6) months or attached or unattached additions to existing non-residential buildings or uses; provided however, such additions must not change the character of the use or cause or extend a nuisance or nonconformity and must otherwise conform to the appropriate Town ordinances.

N. ADMINISTRATIVE SITE PLAN REVIEW: The following Administrative Site Plan Review procedures shall apply to additions to existing non-residential buildings or uses, when such additions do not change the character of the use, cause or extend a nuisance or nonconformity and otherwise conform to the appropriate Town ordinances.

1. There is hereby created an Administrative Site Plan Review Board (hereinafter the "Board") to review applications for Administrative Site Plan Review (hereinafter the "review"). The Board shall be composed of the Zoning Officer, the Planning Advisor and the Chairman of the Planning Commission or his designee.

2. Any Administrative Site Plan Review Applicant (hereinafter the "Applicant") shall request a Pre-Application Review with the Zoning Officer as provided by subsection F. Prior to the administrative hearing, the Zoning Officer may choose, in his sole discretion, to send the Application for consideration and review by the Planning Commission and the Mayor and Town Board.

3. The Zoning Officer shall determine which design standards (as provided in subsection E), what site plan preparation (as provided in subsection G) and which site plan contents are applicable for this type of Application, together with any such other related matters to expedite the Application. Upon submission of such applicable items in the Application by the Applicant to the Town Clerk, the affected property shall be immediately posted with a notice which describes the development being proposed and the time and place of the administrative hearing before the Board. The

property shall be posted for at least five (5) days prior to the date of the administrative hearing. At the hearing, the Board shall consider:

- a. Whether the proposed Site Plan is consistent with the Land Use Plan;
- b. Whether the proposed Site Plan harmonizes with the existing and expected development of surrounding areas;
- c. Whether provisions have been made for the proper accessibility, circulation and functional relationships of land uses;
- d. Whether the proposed Site Plan is consistent with the purposes and standards of these regulations; and
- e. Whether, as a condition of approval, certain on-site and off-site improvements should be installed at the Applicant's sole cost.

The decision of any two members of the Board shall be binding on the Applicant. All Board decisions shall be reduced to writing and forwarded to the Planning Commission for their records. Any person may appear at the administrative hearing and be heard. If no appeal to the decision of the Board is filed with the Town Clerk within three (3) days of the Board's decision, such decision shall be binding. Any decision appealed shall be heard and decided by the Mayor and Town Board.

ARTICLE 4

MOBILE AND MODULAR HOUSING

DIVISION 1

GENERAL PROVISIONS

SECTION 12-401 PURPOSE.

A. The purpose of this Article is to provide for areas within the corporate boundaries of the Town wherein the location and development of mobile homes, mobile home parks, trailer parks, mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.

B. The regulations set forth in this Article are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of mobile home parks and subdivisions, trailer parks and modular housing units and additions.

SECTION 12-402 DEFINITIONS.

For the purpose of this Article, the following words and phrases shall have the meanings indicated hereinbelow:

1. Health Officer. The term "Health Officer" shall mean the legally designated health authority of the Town (or his authorized representative), or the authorized representative of the State Department of Health.

2. Inspection Officer. The term "Inspection Officer" shall mean the Building Official of the Town or his authorized agent.

3. Mobile Home. The term "mobile home" shall mean any single-family dwelling designed for transportation on streets and highways on its wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, locations of jacks or permanent foundations, connection to utilities and similar operations.

4. Mobile Home Park. The term "mobile home park" shall mean any plot of ground upon which two (2) or more mobile homes, occupied for dwellings or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

5. Mobile Home Space. The term "mobile home space" shall mean any plot of ground within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.

6. Mobile Home Subdivision. The term "mobile home subdivision" shall mean any subdivision designed and intended for residential use, where residence is in mobile homes exclusively, and mobile home lots are sold for occupancy.

7. Modular Home. The term "modular home" shall mean any factory-fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation. The term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site.

8. Park. The term "park" shall mean a mobile home and/or travel trailer park.

9. Public Water or Sewer System. The terms "public water system" or "public sewer system" shall mean any such system built and owned by, or dedicated to, and accepted by, the Town; all other such systems shall be deemed private systems.

10. Service Building. The term "service building" shall mean any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities, as required by this Article or desired by the park operator.

11. Subdivision. The word "subdivision" shall mean a mobile home subdivision, unless otherwise indicated.

DIVISION 2

MOBILE HOME AND TRAILER PARKS

SECTION 12-410 INSPECTION OF MOBILE HOMES AND TRAVEL TRAILER PARKS.

A. Local Health and/or Inspection Officers are hereby authorized to make inspections to determine the condition of mobile home and travel trailer parks located within the Town in order to perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

B. The Health Officer shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Article or of regulations promulgated thereunder.

C. The Health and/or Inspection Officer shall have the power to inspect the register containing a record of all mobile homes and occupants using the park.

D. It shall be the duty of every occupant of the park to give the owner thereof, or his agent or employee, access to any part of such mobile home or trailer park, or their premises, at reasonable times for the purposes of making such repairs or alterations as are necessary to effect compliance with this Article, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Article.

E. The owner, or a duly authorized attendant or caretaker, shall be charged at all times with keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The owner, attendant or caretaker shall be answerable for the violation of any provisions of this Article.

SECTION 12-411 NOTICES, HEARINGS AND ORDERS.

A. Whenever the Health and/or Inspection Officer determines violations of pertinent regulations exist, he shall notify the owner of the alleged violation. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Contain an outline of remedial action, which, if taken, will affect compliance with provisions of this Article and other pertinent regulation;
4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and
5. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

B. Any person affected by any notice issued under this Article or resulting regulations, may request and shall be granted a hearing on the matter before the Town Board of Trustees; provided that such person shall file with the Inspection Officer a written request within ten (10) days after the notice was served. The filing of such request shall state the notice of suspension of any permits and/or licenses, except in cases of orders issued under 12-111 D. The hearing

shall be held at the next Town Board of Trustees meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the Inspection Officer determine sufficient cause for such delay exists.

C. After such hearing, the health and/or inspection officer shall compile the findings of the Town Board of Trustees as to compliance with this Article and pursuant regulations, and shall issue an order in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in 12-111 D.

D. Whenever the health and/or inspection officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of any permit. Notwithstanding any other provisions of this Article, when such order is directed, affected person/owner shall comply therewith immediately, but upon petition to the Town Board of Trustees, shall be afforded a hearing at the next regular meeting, even if the agenda has been completed.

SECTION 12-412 SUPERVISION.

The owner or a duly authorized attendant or caretaker, shall be charged at all times with keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The owner, attendant or caretaker shall be answerable for the violation of any provision of this Article.

SECTION 12-413 LOCATION AND CONSIDERATIONS FOR PARKS.

A. All mobile home parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

B. Intensity of development shall be limited to no more than ten (10) mobile homes per gross acre for a mobile home park, and not more than fifteen (15) travel trailers per gross acre for a travel trailer park. (Area used for sewage treatment facilities shall not be included in density computations).

C. Every mobile home and travel trailer space shall be clearly defined.

D. It shall be unlawful to locate a mobile home or travel trailer so that any part of such mobile home or travel trailer will obstruct any roadway or walkway of such park.

E. No mobile home or trailer park may be constructed in the Town without prior approval of the Town Board of Trustees and the Oklahoma State Department of Health.

F. In mobile home or travel trailer parks existing at the effective date of this Article, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the Town Board of Trustees.

SECTION 12-414 SERVICE BUILDINGS FOR TRAVEL TRAILER PARKS.

A. Each travel trailer park shall be provided with at least one (1) service building adequately equipped with flush-type toilet fixtures and other sanitary facilities, as required in this Article. No service building shall contain less than one (1) toilet for females, one (1) toilet for males and one (1) lavatory and shower or bathtub for each sex.

B. Travel trailer spaces shall not be more than two hundred (200) feet from a private building.

C. All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a menace.

SECTION 12-415 SEWAGE DISPOSAL FOR MOBILE HOME PARKS.

A. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system of such construction and in such manner as approved by the Oklahoma State Health Department and in accordance with all applicable ordinances of the Town.

B. Each mobile home space shall be provided with a sewer connection at least four (4) inches above the surface of the ground; the sewer connection should be protected by a concrete collar.

C. In the event that a public water system is, or becomes available, within three hundred (300) feet of a mobile home or travel trailer park, connection shall be made to the public system within one hundred eighty (180) days.

D. Every mobile home occupying a mobile home park space shall tie into the park sewage system and shall dump any accumulated wastes into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Health Department. Any other dumping of accumulated waste within the Town is prohibited.

E. Sewer connections shall be watertight. Park owners or operators shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is not sewage or water leakage on park premises.

F. The design of the private treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into any waters of the state. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The Oklahoma State Health Department must approve the type of treatment proposed and design of any disposal facilities and sewer systems, prior to construction.

SECTION 12-416 WATER SUPPLY FOR MOBILE HOME PARKS.

A. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (250) gallons per day, per mobile home space. Where a public supply of water of such quality is available within three hundred (300) feet, its supply shall be used exclusively. Where private water supplies must be developed, the health officer must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.

B. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces. Each mobile home shall be provided with a cold water tap at least four (4) inches above the ground.

C. All water piping shall be constructed and maintained in accordance with State and Local law. The water piping system shall not be connected with non-potable or questionable water supplies, and shall be protected against the hazards of backflow or back-siphonage. All water connections shall be weathertight.

D. Individual water-service connections which are provided for direct use by mobile homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers.

E. Provisions shall be made within one hundred fifty (150) feet of each travel trailer space to supply water for travel trailer reservoirs.

SECTION 12-417 REFUSE DISPOSAL FOR MOBILE HOME PARKS.

A. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, fire hazards or air pollution.

B. All refuse shall be stored in fly-tight, water-tight and rodent-proof containers, which shall be located within one hundred and fifty (150) feet of any mobile home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

C. Racks or holders shall be provided for all refuse containers. Such containers, racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.

D. All refuse shall be collected at least once weekly, or as otherwise required by the Health Officer. Where municipal garbage collection is not available, the mobile home park operator shall either employ a private agency or provide this service.

E. When municipal refuse disposal service is available, it must be used.

SECTION 12-418 INSECT AND RODENT CONTROL.

A. Insect and rodent control measures to safeguard public health as required by the Health Officer shall be applied in the park.

B. Effective larvicidal solutions may be required by the Health Officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.

C. The Health Officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.

D. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.

E. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action as directed by the Health Officer to exterminate them.

SECTION 12-419 ALTERATIONS AND ADDITIONS.

A. All plumbing and electrical alterations or repairs in the park shall be made in accordance with State and local law.

B. Skirting of mobile homes is mandatory and areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.

C. A Building Permit issued by the Building Official shall be required before any major construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. All such construction, additions or alterations shall be in compliance with applicable local and State laws. No permit shall be required for the addition of steps, canopy, awnings or antennas.

DIVISION 3

MOBILE HOME SUBDIVISION

SECTION 12-420 MOBILE HOME SUBDIVISIONS.

A. Mobile home subdivisions shall comply with the adopted Subdivision Regulations and Zoning Ordinance of the Town if applicable, except as otherwise provided herein.

B. The minimum size of a mobile home subdivision shall be ten (10) acres. In special cases, the Board of Trustees reserves the right to waive the minimum size when mitigating factors warrant.

C. No residences except mobile homes shall be permitted in a mobile home subdivision.

D. Minimum effective lot widths in a mobile home subdivision shall be forty (40) feet, measured at the front building line; minimum lot areas shall be four thousand (4,000) square feet; provided that at least a five (5) foot side yard shall be provided on each lot beyond any mobile home and additions thereto; and further provided, that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the Health Officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home lot from one (1) diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line, or an extension thereof.

DIVISION 4

MODULAR HOUSING

(RESERVED)

DIVISION 5 - MISCELLANEOUS PROVISIONS

SECTION 12-430 PLACEMENT AND SPACING REQUIREMENTS.

A. All mobile homes shall be at least twenty (20) feet away from any other mobile home; at least thirty (30) feet away from existing dwellings; at least twenty (20) feet from

any street; and at least fifteen (15) feet away from any alley. Variances to these provisions may be granted by the Town Board of Trustees.

B. Written permission from a majority of adjoining land owners is required before the development of any mobile home park or the placement of any individual mobile home.

C. Off-street parking must be provided within the property line of any mobile home park, trailer park, or site of any individual mobile home.

D. All alleys are restricted for emergency and essential town vehicles only. Ingress and egress for any mobile home park or location of any individual mobile home must be located on a dedicated street.

E. There shall be mandatory usage of the Town's water, sewage, and garbage systems for all mobile homes, trailers, or portable structures used as a dwelling. If such water, sewage or garbage system is not available when the structure is placed but becomes available in the future, use of the town services is required within 180 days of the above date the service becomes available.

SECTION 12-431 REGULATIONS.

The mobile home resident's name, address, and date of occupancy shall be registered with the Town Clerk.

SECTION 12-432 APPLICATION OF PROVISIONS.

The requirements of this Article address both individual mobile homes and mobile home parks, with the exception of those that specifically address mobile home parks.

ARTICLE 5

OIL AND GAS DRILLING

DIVISION 1

GENERAL PROVISIONS

SECTION 12-501 PURPOSE.

A. In order to protect the public health, peace, safety and welfare of the Town and its residents, this Article is promulgated to establish reasonable and uniform limitations, safeguards and controls for the drilling, operation and production of oil, gas and other hydrocarbon substances within the corporate limits of this Town and provide that this land use may be conducted in harmony with other uses within this Town.

B. The provisions set forth in this Article shall be considered as minimum requirements and shall not relieve any person, company or other business entity from any duty imposed by law to use reasonable care and take reasonable precautions for the safeguarding of people and the protection and noninterference with property rights.

SECTION 12-502 ZONING CLASSIFICATIONS.

A. In order to protect areas of this Town which have been developed or are planned to be developed in the future, there are hereby designated two areas denoted as Zone X and Zone Y in which the drilling operation and production of oil, gas and other hydrocarbons is regulated in order to protect the character of said areas from the inherent hazards of these operations and to provide protection from noise, congestion, heavy traffic and encourage a suitable environment for people, their homes, schools and parks.

B. Zone Y shall include all land within the Town except that land in Zone X.

C. Zone X shall include that land within 1/4 mile of the corporate limits of the Town.

SECTION 12-503 ZONING RESTRICTIONS.

A. When any of the property in Zone Y is rezoned from agricultural usage, said land will also be rezoned into Zone X.

B. Oil and gas wells drilled in Zone Y shall not be nearer than two hundred (200) feet from the property line, unless the location of the well is approved and written permission is granted by all adjoining property owners whose property is within two hundred (200) feet of the well.

SECTION 12-504 PERMIT REQUIRED.

A. Any person, company or other business entity wishing to drill an oil or gas well within the areas designated as Zone X and Zone Y must apply to the Town and receive written approval by permit authorizing said drilling in accordance with existing state laws and other town ordinances. If any well blows out or becomes out of control, the operator shall immediately notify the Mayor of the Town Board of the Town by telephone and Chief of Police and Department of Public Safety's office by telephone or personal contact and their operator shall protect the area from pollution or other damages.

B. In considering said application for the approval permit the Town Board shall consider the dangers of fire, explosion, leaking gas, noise pollution, street damage and the traffic generated by said activity for the purpose of assessing the impact of this use upon the environment of the area and its effect upon the inhabitants of the new area and the whole Town.

C. Permits shall be obtained from the Town Board for the erection of tanks for the storage of crude oil within the Town limits other than specified in the original permit; each request or permit must be accompanied by a diagram showing exact location, arrangement, size and construction of each tank.

SECTION 12-505 BOND REQUIRED.

Any applicant for approval permit for the drilling of an oil or gas well shall post a certificate of insurance with the Town which has been executed by a company authorized to do business in the State of Oklahoma showing that said company

will pay and discharge any liability imposed by law for damages to public or private property and bodily injury, including death, in the following amounts and conditions:

- (i) \$500,000.00 Bodily Injury Per Person
\$5,000,000.00 Per Occurrence.
- (ii) \$2,500,000.00 Property Damage
Per Occurrence,
including but not limited to under-
ground damage, explosion, collapse,
blow-out, contamination, pollution
and cratering.
- (iii) \$2,500,000.00 Annual Aggregate Property
Damage.

DIVISION 2

REGULATORY PROVISIONS

SECTION 12-510 DUMPING PROHIBITED.

A. It shall be a violation of this permission and approval permit granted for any person, firm or corporation to deposit, place, throw, divert, or in any manner dispose of or cause to be deposited, placed, thrown, diverted or disposed of within the corporate limits of the Town any crude petroleum oil or oily by-product thereof, or any tar or any product containing tar or any liquid with petroleum content or any oil substances containing tar or any liquid within petroleum content or any oil substances thereof upon the waters of any lagoon, creek, or tributary thereof, or upon the banks thereof or upon any land adjacent thereto which by reason of this location may cause such petroleum, oil or liquid with petroleum content to be deposited or diverted or may run or be transferred or carried into any lagoon or creek or the banks or tributaries thereof, except that the Town Board may permit the depositing, placing or discharging of mud or slush in such places as they may approve or into pipelines properly approved by the Town Board.

B. It shall be a violation of the approval permit for any person, firm or corporation to deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon, any oil or liquid with petroleum content or any oil substance

or any mud, rotary mud, sand, water or salt water, or in any manner to permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person, firm or corporation and to flow or to be carried into or upon such public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon within the corporate limits of the Town, except in such cases where mud or slush is carried in pipeline as provided in the preceding section, or in such instances where oil by-products are used for maintenance or private lease roads.

SECTION 12-511 INGRESS AND EGRESS UPON APPROVAL.

Prior to issuance of approval permit, all ingress and egress to oil or gas drilling sites shall be from section line roads, except upon approval of Town Board. Special provisions to prevent wind and/or water erosion of roadways by application of dust control agents will be required when in the opinion of the inspector such treatment is necessary.

SECTION 12-512 SPACING REQUIREMENT.

Oil and gas wells drilled in Zone X shall not be nearer than three hundred (300) feet from a property line unless the location of the well is approved and written permission is granted by all adjoining property owners whose property is within three hundred (300) feet of the well.

SECTION 12-513 DRILLING IN TOWN PARK PROHIBITED.

No oil and gas wells, whether in Zone X or Zone Y, shall be permitted to be drilled in any Town Park.

SECTION 12-514 FIRE HAZARDS PROHIBITED.

A. No oil or gasoline vapor in sufficient quantity to constitute a fire hazard shall be allowed to accumulate within a radius of one hundred (100) feet from any oil and gas well and the determination of said gas or vapor being in sufficient quantity to constitute a fire hazard shall be at the sole discretion of the Town.

B. No building constructed of combustible materials shall be located or permitted to remain within fifty (50) feet of the well hole.

C. All electrical wiring on or about any derrick, buildings, structures or tract of land upon which any well is drilled or put down, shall be run in accordance with the ordinances of the Town governing electrical wiring installation. All electrical fixtures for lighting or power purposes used shall be a vapor proof design.

D. No artificial light, except as now approved by the United States Bureau of Mines for use in explosive atmosphere, shall be used within forty (40) feet of the tank, or of any well after such well is completed as a producer of oil or gas.

SECTION 12-515 SAFETY PRECAUTIONS.

A. Tanks and well heads shall be enclosed in woven wire fence of not less than nine gauge chain link mesh or not more than two (2) inches, at least six (6) feet high and with locked gates. An angular extension outwardly secured by three (3) strands of barb wire shall be placed on top of the fence. Such fence shall be constructed not less than three (3) feet distance from the outside of the base of embankment. Said fence shall be installed prior to production.

B. All crude oil tanks shall be painted within ninety (90) days after well completion and kept in proper painted condition after installation and have conspicuously upon their sides in red letters at least six (6) inches high the wording "Flammable Keep Fire Away" and "No Smoking."

C. Metal or fiberglass tanks shall be constructed as to have a factor of safety of at least 2.5.

D. All tanks shall have roofs or tops and the openings of tanks shall be fully protected; they shall be firmly and securely jointed to the tanks and all joints in both sides and the top shall be gas tight and free from leakage as nearly as possible and lockable.

E. Tanks which are more than one (1) foot above ground shall have foundations and supports of non-combustible material and shall not be permitted under or within ten (10) feet of any above-ground outside storage tanks.

G. Any tanks, batteries, separators, heater treater, etc., shall be enclosed with earthen or other acceptable retaining walls with a storage capacity of at least one and

one half (1 1/2) times the liquid capacity of the tanks within the retaining walls.

SECTION 12-516 DRILLING REGULATIONS.

Any drilling of oil and gas wells or production in Zone Y or X shall be subject to the following requirements:

1. During drilling operations, the engine shall be muffled the maximum amount recommended by the manufacturer of the engine.

2. During production, trucks may drain or otherwise service tank batteries only between 8:00 o'clock a.m. and 6:00 p.m.

3. The noise level of the pumping unit is not to exceed 70 Decibels at a distance of thirty-three (33) feet therefrom.

4. An electrical centrifugal mud pump must be provided at each production location for the purpose of pumping mud to the mud service trucks, thereby reducing ambient noise levels from vacuum pumps on or for mud trucks.

5. Metal tanks shall be used for the holding of all drilling wastes and fiberglass tanks may be used for holding saltwater.

6. Any valve in the barrier shall be kept closed at all times. Any fluid trapped within the well site shall be pumped into steel tanks for storage and removal. The gate in the barrier may be temporarily opened under supervised conditions for rainwater drainage, and then only if it can be demonstrated that such rainwater has not been contaminated with oil, chemicals, salt or any other deleterious substances.

7. Reserve pits shall not be constructed within the barrier in Zone Y. Drilling mud operations shall be conducted in steel tanks or frac trucks inside the barrier which shall be removed from the property immediately upon completion of the well.

8. Conductor casing shall be set a minimum of fifty (50) feet or to any greater depth required to penetrate the overlying alluvium, and thirty (30) feet into the red beds. The conductor hole shall be drilled with air or fresh water and native mud. No chemicals or foreign substances are to be

added to the drilling fluid and cement shall be circulated to the surface.

9. The surface casing holes shall be drilled with air or fresh water using native mud or near location mud. Chemically inert substances such as bentonite, barite, or lost-circulation material may be added to the fluid system as long as testing of the fresh water filtrate from a solution of the added material remains inert and of a nonpolluting nature.

10. Centralizers shall be placed near the base of the shoe joint, and at least every sixty (60) feet above the depth of the surface, in order to assure a good cement sheath. Cement shall be circulated to surface and allowed to set at least twenty-four (24) hours before re-entering the well bore.

11. The operator shall certify by written affidavit that the well has been set according to good engineering practices. Such affidavit shall stipulate the number of sacks of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure and final pumping pressure. Certification shall also stipulate whether check valves (float shoes, float collar) held the pressure. Beginning and ending times of the operation shall be stipulated. The form shall be completed by a cementing service company, signed by both the operator and the cementing service operator.

12. Dual hydraulically operated blowout preventers shall be installed on the surface casing prior to drilling below the casing shoe. Both preventers shall be tested to assure they are in good working order and drilling or working over the well shall cease if either of the preventers is inoperative.

13. Separators shall be used at each well to adequately care for the output of the well. For both oil and gas without spraying oil through the separator vent line. At no time will the noise caused by such wasting, producing or escaping of gas be audible for a distance of three hundred (300) feet or more from the well. When it appears that an explosive mixture of gas may be accumulating near the ground, the inspector shall require that the well be shut down until the gas is dissipated. All separators shall be vented either separately or through a manifold into a vent, the minimum shall be twenty-five (25) feet above the normal ground surface. Said vent shall not be less than two (2) inches in diameter. It shall not be closer than sixty-five (65) feet to the well hole, center line of street or the lease boundary.

No separator shall be used which has less than one hundred twenty-five (125) pounds working pressure; in addition, all separators on which a pressure of greater than one hundred twenty-five (125) pounds per square inch shall be carried, shall be tested by the hydrostatic method to at least one and one-half (1 1/2) times the working pressure to be carried on said separator.

14. All vent lines shall be fastened with at least three (3) steel guy lines to each vent, said guy lines to be securely anchored to "deadman" buried at least two (2) feet under ground and not less than twenty (20) feet from such vent.

15. The storage of crude oil shall be outside buildings in aboveground tanks. Tanks must be set not closer than fifty (50) feet from non-fireproof buildings or from outside block lines; provided however, that an application in writing may be made to the Mayor of the Town Board and, when approved by him and the Town Board, setting the tanks at a closer, distance may be allowed. Such distance may be increased at the discretion of the Town Board after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings or adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks and degree of public fire protection in the vicinity.

16. In Zone Y, total capacity of the aboveground batter of crude oil storage tanks shall be limited to 1,050 barrels utilizing low profile tanks and each tank shall have the capacity not to exceed two hundred and ten (210) barrels.

17. All tanks shall be provided with a pressure vacuum vent system sufficient to adequately dispense excess gas from the tanks. Vent openings may be made removable, but shall be kept firmly attached. The covers for manholes, hand holes and gauge holes shall be made tight fitting and lockable.

18. Every person, firm or corporation, operating a portable pumping unit used for the pumping of oil within the corporate limits of the Town shall equip the same before the operation for use thereof, on both the suction and discharge sides, with steel flexible tubing or pipe composed of some other material that is approved by the Mayor of Town Board. All pumping units in Zone Y shall be operated by electric

motors and have all fencing requirements imposed by the zone in which said pumping unit is located.

19. Each string of casing or pipe within any well (except the outside surface casing), shall have the fitting thereon securely anchored to the casing immediately enclosing it. The provisions of this section in regard to requiring two (2) master gates and the stems and valves used in connection with the master gates shall not apply to wells which are on artificial lift or on pump. It shall be the duty of the Chief Inspector to see that the provisions of this section are in compliance.

20. Drilling below three thousand (3,000) feet shall be done with mud weighing at least 8.8 pounds per gallon. The hole shall be kept full at designated weight at all times until the producing sand is reached. The mud shall be weighed at such intervals as may be determined by the inspector. When withdrawing the drill pipe, pipe shall be filled with mud after each eleven (11) stands have been withdrawn. Drilling the producing oil sand however, may be done with oil in lieu of mud; provided however, that if the oil is in circulation, such oil shall not be over 30-B gravity with a flash point of not less than three hundred fifty (350) degrees Fahrenheit and after being so used, shall be turned into a circulating tank instead of into the pits. If, at any time, the weight of such mud shall be less than specified herein, an inspector or officer of the Town shall have the right to suspend drilling and all operations in or about such well, until the weight of such mud shall comply herewith or the conditions of the oil shall be made to comply with the provisions of this Chapter.

21. Oil and gas wells drilled in Zone X shall use slush pits so constructed as to prevent pollution of the surrounding land surfaces. Within six (6) months after any oil and gas well within the limits of the Town shall have been completed for production of oil and/or gas, or within six (6) months after the same shall have been completed in cases where the same is abandoned for the reason that a "dry hole is found", the slush pit shall be filled with dirt and leveled off.

22. In the event of abandoning operation because of failure of the well or wells to produce oil or gas in paying quantities, it shall be the duty of every person, firm or corporation or lessee owning any oil or gas well within the corporate limits of the town and of the officers, agents and employees of such owners, to begin to remove all derricks,

machinery, concrete foundations and any and all other objects that interfere with the leveling of said land, and to grade, level and restore said property to the same surface condition as nearly as possible as when the oil or gas well thereon was first commenced. Said cleanup to begin within thirty (30) days from the day of such abandonment and to continue in a workmanlike manner which shall not exceed sixty (60) days.

23. Upon completion of the well, all contaminated soil shall be physically removed from the area and then restored to its normal condition insofar as possible. All lines, including flow lines, gas lines, water lines, and electric, shall be buried to a minimum depth of twenty-four (24) inches. All lines carrying corrosive materials shall be plastic-coated internally and shall be coated externally if required by soil conditions. The materials shall be of sufficient quality to serve the property for the life of the well

SECTION 12-517 INSPECTOR TO ENFORCE RULES.

The Town shall have the right to designate an inspector or inspectors who shall have access to the well site for the purpose of observing the compliance with these rules.

SECTION 12-518 DUTIES OF INSPECTOR.

A. The Inspector, to be appointed by the Town Board, shall check the well and equipment operated or maintained in connection with each well to determine if same are maintained or operated in a safe condition from a structural stand point. Discrepancies noted shall be detailed in writing and forwarded to the well operators. Discrepancies noted must be corrected within seventy-two (72) hours of the date of notification.

B. The Inspector shall check each well location located within the corporate limits of the Town limits of the Town to see the same is kept clean, and that all papers, trash or other flammable waste is picked up and removed. Sufficient quantities of shale and rock shall be in place to keep down weeds, which in the judgment of the Inspector constitute a fire hazard or a public nuisance.

C. All approved roadways shall be inspected for compliance with Section 12-511.

D. The Inspector shall check all the master gates, valves, pipes, pipelines, tank batteries, pipe connections and

fittings upon each well to see if same are maintained in sufficient number and size as provided by the ordinances of the Town and/or the State of Oklahoma and shall also check to see if same are tight, safe and not leaking. A high-low valve pressure control shall be installed adjacent to the well head in the flow line to control high and low pressure. The high-low pressure valve shall be checked once a month.

E. The Inspector shall check any pressure line tubing or fittings, equipment or connections maintained in connection with such lines or tubing to see if same are tight, safe and not leaking.

F. The Inspector shall check the dikes and fences in, and about each well to determine if same are properly maintained as required by this Article or any other ordinances of the Town.

SECTION 12-519 INSPECTION FEE.

There is hereby provided an annual inspection fee per well as provided in the Section 18-502 for the purpose of reimbursing the Town for annual expenses in conducting the well inspections that are set forth and incident thereto. Such fee shall be a condition precedent for the annual renewal of the authority of the Town Board by permit.

SECTION 12-520 FLOOD PLAIN PROVISIONS.

All earthen pits shall be above the one hundred (100) year flood plain or properly diked above the one hundred (100) year flood plain with a dike which is sufficient to repel flood water. Prior to the commencement of any drilling operation, an artificial barrier shall be constructed completely surrounding the well site no closer than fifty (50) feet from the well bore. The top of the artificial portion of the barrier to be constructed down drainage from the well shall be level at all points, at a height of no less than two (2) feet above the ground level at the well bore, in order that any deleterious matter from the well or operations thereon would be trapped and stored before such matter can enter into proper drainage. An adequate diversion ditch or dike shall be constructed across and around the uphill edge of the well site so that no surface drainage water can enter the area of the well location.

SECTION 12-521 APPLICABLE STATE AND FEDERAL LAWS APPLY.

All transmission lines of the gathering or transmission of gas or oil shall comply with ordinances of the Town and all applicable State and Federal laws regulating those lines.

SECTION 12-522 ENFORCEMENT PROVISIONS.

A. The Mayor of the Town Board, and any employee designated by him, is hereby directed and empowered to enforce the provisions of this ordinance, and all holders of the approval permit for the drilling of oil and gas wells shall promptly furnish any information requested by the Town Board or its designee, as to the status and conduct of their drilling or production operations.

B. The Mayor of the Town Board or his designee may shut down the drilling or production of any oil and gas wells which are an immediate threat to the public safety and may also shut down said wells for violation of this ordinance which are not corrected in a twenty-four (24) hour period after verbal notice to the operator of the particular violation involved. A written log of such communications will be on file.

C. The Town Board shall have the authority to suspend or revoke the Permit of any person, company or other business association to drill or operate any well where the provisions of this Article are violated. Before suspending or revoking said permit, the Town Board shall cause written notice to be served upon the permit holder, advising him of the time and date of the hearing to consider his suspension or revocation. A minimum of fifteen (15) days' notice of said hearing shall be given prior to any action being taken by the Town Board.

SECTION 12-523 SEVERABILITY CLAIMS.

If any section, subdivision, sentence, clause, phrase, or portion of this Article, or its application to any person, company or other business entity is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article or its application to any other person, company or other business entity.

DIVISION 3

PENALTY - JUDICIAL RELIEF

SECTION 12-530 PENALTY.

Any person, firm, or corporation violating any of the provisions of this Article or causing or permitting the same to be done, or who shall violate any lawful regulation or order made by any of the officers provided for in this Article; shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed one hundred dollars (\$100.00) plus costs.

SECTION 12-531 RELIEF IN THE COURTS.

No penalty imposed by, and pursuant to this Article shall interfere with the right of the Town also to apply to the proper courts of the State for a mandamus, an injunction or other appropriate action against such person, firm, or corporation.

ARTICLE 6

PENALTY

SECTION 12-600 PENALTY.

Any person, firm or corporation who violates any provision of this Charter shall be guilty of an offense, and upon conviction thereof, shall be fined in an amount not to exceed one hundred dollars (\$100.00), plus costs. Each day upon which such violation continues shall be deemed a separate offense.