

TITLE 11 ZONING REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

11-1-1: CITATION AND CODIFICATION:

This title, including the zoning district maps made a part hereof by reference, is adopted pursuant to the authority granted by the city charter, and shall be known and cited as the *ZONING ORDINANCE 1999 EDITION* and codified as title 11 of the city code. (Ord. 5916, 8-9-1999)

11-1-2: PURPOSE:

The regulations contained herein are necessary to:

- A. Encourage the most appropriate uses of land according to the policies set forth in the Ponca City master plan;
- B. Maintain and stabilize the value of property;
- C. Secure safety from fire, panic and other damages to public health and safety;
- D. Provide adequate light and air;
- E. Decrease traffic congestion and its accompanying hazards;
- F. Prevent undue concentration of population; and
- G. Create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. (Ord. 5916, 8-9-1999)

11-1-3: JURISDICTION:

These regulations shall be in full force and effect within the corporate limits of the city. All land within said boundaries shall be classified as being in one of the zoning districts adopted in this title. All new additions of land to the city shall be in the R-1 single-family residential district unless otherwise classified by the planning commission and board of commissioners at the time of annexation. (Ord. 5916, 8-9-1999)

11-1-4: AUTHORITY:

- A. This title classifies and regulates the use of land, buildings, and other structures as hereinafter set forth. The regulations are necessary to promote the health, safety, convenience, and welfare of the inhabitants of the city by dividing the city into districts and

regulating therein the use of the land as to:

1. Use of buildings;
2. Size of buildings and other structures;
3. Location of buildings and other structures;
4. Coverage of land by buildings;
5. Size of yards and open spaces;
6. Density of population; and
7. Conditions applicable to specified uses of land.

B. Restrictive covenants are a private agreement between property owners and are not part of the zoning ordinance. Restrictive covenants are enforced by the affected property owners, not by the city. (Ord. 5916, 8-9-1999)

11-1-5: APPLICABILITY:

Except as may be hereinafter otherwise provided, no land, building, other structure, or improvement, shall be used, made, erected, constructed, moved, altered, enlarged, or rebuilt, that is designed, arranged, or intended to be used or maintained for any purpose, or in any manner, except in accordance with the use, height, lot area, density, yard and open space, and other requirements established in the district in which such land, building, structure, or other improvement is located, and in accordance with the provisions of the chapters contained herein relating to any or all districts, structures and uses. (Ord. 5916, 8-9-1999)

11-1-6: EXEMPTIONS:

- A. Nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been lawfully issued prior to the effective date hereof, and pursuant to such permit, construction of which is diligently carried to completion. Upon completion, any such building or use not in conformance with these regulations may continue as regulated in section [11-14-2](#) of this title.
- B. At any time within two (2) years after the effective date hereof, a building permit may be issued or a use of land commenced in accordance with the terms and conditions of a special use permit or site plan (other than PUD) approved by the city commission or variance granted by the board of adjustment prior to the effective date hereof.
- C. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for distribution to consumers of public utility and communication services, but not including substations and towers located on or above the surface of the ground, shall be exempt from the provisions of these regulations.
- D. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad

right of way, and maintenance and repair work on such facilities, shall be exempt from the provisions of these regulations. (Ord. 5916, 8-9-1999)

CHAPTER 2 DEFINITIONS

11-2-1: CONSTRUCTION OF LANGUAGE:

Unless the content clearly indicates to the contrary, certain words or phrases used herein shall have the following interpretations for the purpose of this title:

- A. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- B. Shall is mandatory, and may is permissive; and
- C. Where there is a reference in this title to a specific chapter, section, or subsection that is not identified as being part of any other document, the reference is to a chapter, section, or subsection of this title. (Ord. 5916, 8-9-1999)

11-2-2: DEFINITION OF TERMS:

ACCESSORY BUILDING OR STRUCTURE: A building or structure customarily incidental and subordinate to, and located on the same lot as, the principal building or structure (see also section [11-5-1](#) of this title).

ACCESSORY USE: A use customarily incidental and subordinate to, and located on the same lot as, the principal use of a building, structure, or land (see also section [11-5-1](#) of this title).

ADMINISTRATIVE OFFICER: An employee of the city of Ponca City at the level of division head or above.

ADULT ENTERTAINMENT USES: Those uses considered an accessory use and which are designed for adults, and meet one or more of the following classifications and definitions:

Adult Amusement Or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "sexual conduct" or "specified anatomical areas", as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

Adult Bookstore: An establishment having as a significant portion of its stock in trade books, film, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".

Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".

Adult Motel: A motel wherein material is presented, as part of the motel services, via closed circuit television or otherwise, which is distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".

Adult Motion Picture Arcade: Any place at which slug operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".

Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing "sexual conduct" or "specified anatomical areas".

Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "sexual conduct" or where any person providing such treatment, manipulation or services related thereto exposes "specified anatomical areas".

Sexual Conduct And Specified Anatomical Areas: Shall be defined as follows:

A. "Sexual conduct" includes the following:

1. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
2. Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
3. Masturbation, and;
4. Excretory functions as part of or in connection with any of the activities set forth in subsections A1 through A4 of this definition.

B. "Specified anatomical areas" includes the following:

1. Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sexual Encounter Center: Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with, or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to, bath houses, massage parlors, and related or similar activities.

No part of this title will be deemed to disenfranchise any member of the healing arts licensed by the state to perform manipulation of body parts as part of their profession or counseling of said persons by licensed practitioners.

AIRPORT: The Ponca City municipal airport.

AIRPORT HAZARD: Any structure or object of natural growth located on or in the vicinity of the airport, or any use of land near the airport, that obstructs the airspace used by aircraft in landing or take off at the airport.

AIRPORT ZONE: A supplemental district which delineates one or more areas within which special height restrictions are in effect to prevent airport hazards (see also section [11-3-2](#) and chapter [16](#) of this title).

ALLEY: A minor right of way less than twenty feet (20') wide dedicated for public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes but is not intended for general traffic circulation.

APPEAL: A request to the board of adjustment for a review of a decision, action, or interpretation of the building official or other administrative officer with respect to this title.

ARCHITECTURALLY SIGNIFICANT: Those structures that have characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction.

BED AND BREAKFAST HOME: A residential dwelling in which the residents of the home render an accessory service which provides, for compensation, temporary sleeping rooms and a breakfast meal to not more than ten (10) guests at one time, subject to receiving a special use permit from the city of Ponca City.

BOARD OF ADJUSTMENT: The Ponca City board of adjustment (see also [title 3, chapter 1, article B](#) of this code).

BUFFER STRIP: A tract of land required between a parking area and the property line which shall remain unpaved and free from vehicular parking and movement and which shall be landscaped to provide a more pleasing visual appearance of the parking area.

BUILDABLE AREA: All of that portion of a lot, tract, or parcel of land which remains after the minimum yard, easement, and open space requirements of this title have been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, equipment, goods, or materials of any kind.

BUILDING CODE: The international building code and amendments thereto, adopted by the city of Ponca City.

BUILDING FRONTAGE: The length of a building facade on the side of the building facing a street.

BUILDING LINE: A line parallel to the street line at a distance therefrom equal to the depth of the front or exterior side yard required for the zoning district in which the lot is located.

BUILDING OFFICIAL: The head of the building inspection and code enforcement division of the city of Ponca City, or authorized representative (see also subsection [11-17-1A](#) of this title).

BUILDING SITE: Any plat or parcel of land or combination of contiguous lots or parcels of land under one ownership which are occupied or intended to be occupied by one or more buildings or structures.

CARPOR: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

CHILD DAYCARE: A principal use as described in subsection [11-4-2C6](#) of this title, or residential accessory use as defined in Family Daycare Home of this section (see also section [11-5-6](#) of this title).

CITY: The city of Ponca City, Oklahoma.

CITY CHARTER: The charter of Ponca City, which appears at the front of the city code book.

CITY CLERK: The director of finance of the city, or authorized representative.

CITY CODE: The Ponca City code.

CITY COMMISSION: The mayor and board of commissioners of the city.

CITY ENGINEER: The head of the engineering division of the city, or authorized representative.

CITY MANAGER: The chief administrative officer and head of the administrative branch of the city government, or authorized representative.

CITY STAFF: Salaried employees of the department of community development or any administrative officer of the city.

COLLECTOR STREET: A street which collects traffic from local streets and connects with minor and principal arterial streets.

COMMERCIAL CATEGORIES: Groups of uses related to provision and maintenance of goods and services (see also subsection [11-4-2C](#) of this title).

COMMERCIAL DISTRICT: A zoning district having a symbol beginning with the letter "C" (see also [chapter 7](#) of this title).

COMMON AREA OR FACILITY: A portion of a development, subdivision, lot, or structure used in common by two (2) or more owners or tenants of other portions of such development, subdivision, lot, or structure.

COMMON OPEN SPACE: A common area which is not enclosed in a building.

CONSTRUCTION: The placement and/or assembly of utilities, streets, or a structure in a permanent location. Land preparation and accessory structures shall not be considered to be construction for the purpose of establishing the date of start of construction for compliance with any time limit required by this title. The definition of this term is modified in [chapter 15](#) of this title for use only in reference to the flood hazard regulations.

CONVENTIONAL DISTRICT: The zoning districts listed in section [11-3-1](#) of this title (see also definition of Zoning District).

CORNER LOT: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°).

DEPARTMENT OF COMMUNITY DEVELOPMENT: The city of Ponca City department of planning and community development.

DETACHED EMERGENCY SHELTER: An accessory building not attached to or part of another building, and which is designed and intended for temporary human habitation during periods of violent storms or nuclear attack (see also subsection [11-5-1B10](#) of this title).

DETACHED SOLAR COLLECTOR: An exterior accessory device not attached to or part of a building, and which is specifically designed and intended to provide a net energy gain by transferring, storing, or converting solar radiation for the purpose of heating or electricity generation (see also subsection [11-5-1B11](#) of this title).

DEVELOPMENT: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, excavation, paving, or drilling operations.

DEVELOPMENTAL DISABILITY: A severe chronic disability of a person which:

- A. Is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, or autism;
- B. Is manifested before the person attains twenty two (22) years of age;
- C. Is likely to continue indefinitely;
- D. Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
 1. Self-care;
 2. Learning;
 3. Receptive and expressive language;
 4. Mobility;

5. Self-direction;
6. Capacity for independent living;
7. Economic self-sufficiency; and

E. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

DEVELOPMENTALLY OR PHYSICALLY DISABLED PERSON: A person with a developmental or physical disability.

DILAPIDATED STRUCTURES: Structures that do not provide safe and adequate shelter. A dilapidated structure has one or more critical defects as defined below, or has a combination of other property maintenance code violations in sufficient number to require extensive repair or rebuilding, or is of inadequate original construction. Examples of critical defects, which result from continued neglect or indicate serious damage to the structure, include holes, open cracks, or missing materials over a large area of the floors, walls, roof, or other parts of the structure which cause inadequate protection from the elements, and serious damage by storm or fire. Inadequate original construction includes structures built of makeshift materials and inadequately converted cellars, sheds or garages not originally intended for their present use. Structures in dilapidated condition are not usually worth repairing.

DISTRICT: A zoning district or supplemental district, depending on the context.

DISTRICT REGULATIONS: The provisions of this title contained in [chapters 6, 7, 8](#) and [9](#) of this title.

DWELLING: Any building or portion thereof which is used as living quarters for one or more families.

DWELLING UNIT: One or more rooms connected together but physically separated from any other dwelling units in the same dwelling, and which are designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EARTH BERM: A mound or bank of soil extending above the natural grade at a slope of twenty five percent (25%) or more, and which is constructed as an architectural feature, as an environmental buffer, or for drainage control (see also subsection [11-14-1B4](#) of this title).

EARTH-INTEGRATED BUILDING: A building having at least fifty percent (50%) of the exterior envelope in direct contact with, or covered by, soil or subsurface mineral substances (see also subsection [11-14-1B4](#) of this title).

EASEMENT: A grant of one or more of the property rights by the property owner to the public, corporation, or other persons for the use of land for specific purposes.

ENCLOSED PARKING: Off street vehicle parking spaces located inside a garage or other building or portion thereof having at least fifty percent (50%) of the exterior facade on all sides

constructed of opaque materials.

EXTERIOR SIDE YARD: On a corner lot, the side yard abutting a street (see also definition of Side Yard).

FACILITY: A structure or equipment that is built, installed, or established to serve a particular purpose.

FAMILY: One or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons (excluding domestic servants) not all so related, occupying a dwelling unit and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a group quarters or an institutional residence.

FAMILY DAYCARE HOME: A licensed or approved family home that provides care and protection for seven (7) or fewer children for part of the twenty four (24) hour day. The term "daycare home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, caretakers in the child's own home, and shall not include nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

FAMILY HOME: A dwelling unit occupied by a family.

FINAL DEVELOPMENT PLAN: A combined site plan/preliminary subdivision plat required for approval by the planning commission and city commission prior to construction of a planned development. It may be a site plan only, where no subdivision action is required or proposed (see also [chapter 10](#) of this title).

FLOOD HAZARD AREA: A supplement district which delineates the floodplain within which special development restrictions are in effect to minimize flood hazards (see also section [11-3-2](#) and chapter [15](#) of this title).

FLOODPLAIN: The intermediate regional floodplain, a land area susceptible to a flood having an average frequency of occurrence of once in one hundred (100) years (see also [chapter 15](#) of this title).

FRATERNITY OR SORORITY HOUSE: Any building occupied and maintained by a social association of college students and containing group living quarters where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided exclusively for members of the organization and their guests.

FRONT LOT LINE: The property line separating the front yard of a lot from an abutting street.

FRONT YARD: A yard extending across a lot between the side lot lines, and measured as the minimum horizontal distance between a front lot line and the nearest portion of the principal building. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On through lots, both yards abutting a street shall each be considered a front yard (see also definitions of Through Lot and Yard).

GARAGE: A deck, building, or other structure, or part thereof, used or intended to provide enclosed parking or storage spaces for vehicles.

GOOD REPAIR: A condition which not only meets minimum standards of health and safety, but which also guarantees conditioned attractiveness, continued structural soundness and continued usefulness.

GROSS DENSITY: The number of dwelling units per total area of land, measured as dwelling units per acre.

GROSS FLOOR AREA: The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet (6').

GROSS LEASABLE AREA: The total floor area for which tenants pay rent and which is designated for the tenants occupancy and exclusive use.

HAZARD AREA: An area of the city which is subject to special development regulations due to its location with regard to the airport and/or the floodplain (see also section [11-3-2](#) of this title).

HEIGHT: Except as otherwise noted in subsection [11-14-1D1](#) of this title, the vertical distance from the average elevation of that portion of the lot covered by a building or other structure to the highest point of the building or structure, but not including all or portions of attached nonhabitable structures exempted by subsection [11-14-1D2](#) of this title.

HOME OCCUPATION: Any occupation activity that occurs within structures or on property which has residential use as the primary land use, and where the occupation is clearly incidental to the residential use.

ILLEGALLY NONCONFORMING: A lot, structure, or use which violates in some manner or degree a regulation existing at the time that the lot, structure, or use is established.

INDUSTRIAL CATEGORIES: Groups of uses related to the manufacturing, processing, distribution, and storage of products and materials (see also subsection [11-4-2D](#) of this title).

INDUSTRIAL DISTRICT: A zoning district having a symbol beginning with the letter "I" (see also [chapter 8](#) of this title).

INFRASTRUCTURE CATEGORIES: Groups of uses related to governmental, institutional, transportation, utility, and other public facilities and services (see also subsection [11-4-2E](#) of this title).

INTENSELY LIGHTED SIGN: A sign utilizing visible bare bulb illumination in excess of twenty five (25) watts per bulb.

INTENSITY: The degree of nuisance associated with one or more uses (e.g., noise, traffic, lighting, size of structures, etc.) such that greater degrees of nuisance are considered higher intensity. For residential uses, intensity also means the square feet of lot area per dwelling unit (see also definitions of Good Repair and Net Density in this section).

INTERIOR LOT: A lot other than a corner lot.

INTERIOR SIDE YARD: A yard extending between the front lot line and rear lot line, and measured as the minimum distance between a side lot line in common with another lot, and the nearest portion of the principal building (see also definition of Yard).

KENNEL: Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept.

LAND USE: A description of how land is actually occupied or utilized.

LANDSCAPING: The addition of lawns, trees, plants, and other natural and decorative features to land.

LAWFULLY OR LEGALLY NONCONFORMING: An existing lot, structure, or use which was in conformance with the regulations which were in effect at the time it was established, but in some manner or degree does not conform with different regulations which have been subsequently applied to the lot, structure, or use. Lawful nonconformities are considered "grandfathered" unless otherwise limited by specific provisions of this title.

LOCAL STREET: A street which is designed to provide direct vehicular access to abutting property and to discourage through traffic.

LODGING OR BOARDING HOUSE: A building where, for compensation and by prearrangement for definite periods, sleeping and living quarters, and/or meals (but not individual cooking facilities) are provided to three (3) or more, but not exceeding forty (40) persons. Such facilities which exceed the forty (40) person limit shall be considered as a hotel under the terms of this title.

LOT: Any parcel or plot of land, which may consist of one or more lots of record, and which is occupied or intended to be occupied by one or more principal buildings and accessory buildings, including such open spaces as required by this title, and having its principal frontage on a public street or a private street in a planned development.

LOT AREA: The total horizontal area bounded by the lot lines of a lot.

LOT COVERAGE: The percentage of the lot area which is occupied by buildings.

LOT FRONTAGE: The length of the front lot line.

LOT LINE: A line of record bounding a lot which divides one lot from another lot, or from a public or private street or any other public space.

LOT OF RECORD: A lot which exists as shown on a subdivision plat recorded in the office of the Kay County clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: The horizontal distance between the side lot lines of a lot located at the building setback line of the required front yard, and measured as a straight line perpendicular to a line connecting the midpoints of the front lot line and rear lot line.

LOW INCOME FAMILIES: Families with incomes that do not exceed eighty percent (80%) of

the median income of the area as determined by HUD, with adjustments for family size.

MANUFACTURED HOME: A structure constructed or manufactured off site as a dwelling and delivered in one or more components to the site for installation or assembly, and is set on a continuous, permanent foundation, transportation features removed. A manufactured home which complies with the above and the structural requirements of the international residential code may be permitted as a special exception by the board of adjustment, in accordance with subsection [11-17-7A6](#) of this title.

MANUFACTURED HOME SUBDIVISION: A subdivision designed and intended primarily for sale of lots for permanent occupancy by manufactured homes.

MASTER PLAN: The Ponca City master plan.

MINOR ARTERIAL: A street which augments and interconnects the principal arterial system, and which collects and distributes traffic to and from collector streets.

MINOR IMPROVEMENT: Changes or additions to an existing building, structure, or site not involving structural alteration, enlarged floor area, or increased occupancy, and not substantially affecting the existing use or exterior appearance.

MINOR STRUCTURE: Any nonhabitable structure having dimensions not greater than ten feet by ten feet by ten feet (10' x 10' x 10'), and which is not permanently affixed to the ground.

MOBILE HOME: A principal residential use described in subsection [11-4-2B3](#) of this title.

MOBILE HOME PARK: Land or property that is used or intended to be used or rented for temporary occupancy by mobile homes, including all necessary utilities, streets, and other common amenities.

MOBILE HOME SUBDIVISION: A subdivision designed and intended primarily for sale of lots for permanent occupancy by mobile homes.

NET DENSITY: The number of dwelling units per acre of land area, excluding public rights of way and private streets used for general circulation.

NET FLOOR AREA: The total of all floor areas of a building, excluding stairwells and elevator shafts, mechanical equipment rooms, incidental storage areas, interior vehicle parking or loading, and basement areas not used or intended to be used for human habitation or service to the public.

NONCONFORMING LOT: A lot of record which does not meet the applicable minimum lot area or lot width requirements of the district in which it is located. A nonconforming lot is lawful if it is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and/or width at such location would not have been prohibited by any ordinance, and has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by ordinance (see also section [11-14-2](#) of this title).

NONCONFORMING STRUCTURE: A structure which does not meet the applicable setback,

lot coverage, or height requirements of the district in which it is located (see also section [11-14-2](#) of this title).

NONCONFORMING USE: A use of a structure or land which is not permitted in the district in which it is located (see also section [11-14-2](#) of this title).

OFF STREET LOADING: Space located for pick up and delivery of people or bulk materials in an area not within a dedicated right of way, which is scaled for the delivery vehicles expected to be used, and accessible to such vehicles when all required off street parking spaces are filled (see also [chapter 13](#) of this title).

OFF STREET PARKING: A temporary storage area for one or more vehicles that is directly accessible to a driveway, aisle, alley, or street, and which is not located on a dedicated right of way (see also [chapter 13](#) of this title).

OPEN SPACE: A parcel or area of land which is not enclosed in a building, and which is dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land neighboring such open space.

PARKING AREA: Off street parking spaces, together with required associated driveways and landscaping.

PEDESTRIAN FLOOR AREA: The total floor area within an enclosed building intended for use by the public.

PERMITTED USE: A use contained in a use category that is indicated with an "X" in tables 11-6-2.1, 11-7-2.1, 11-8-2.1 and 11-9-2.1 of this title as a use permitted by right in a zoning district (see also definition of Use Permitted By Right).

PERSON: An association, company, corporation, firm, or organization, as well as an individual, unless the context indicates that the term refers only to an individual. The term includes an assignee, receiver, trustee, or similar authorized representative of any of the named entities.

PHYSICAL DISABILITY: A condition which causes the restricted use of extremities by an individual or which limits other bodily functions of an individual and which requires the specialized training, habilitation, or rehabilitation services provided by a group home.

PLANNED UNIT DEVELOPMENT: A district that allows flexibility in the application of conventional district regulations, and is subject to special review procedures (see also [chapter 10](#) of this title).

PLANNING COMMISSION: The Ponca City planning commission.

PLANNING STAFF: The employees of the planning division in the department of planning and community development.

PLAZA: An open space accessible to the public at all times which is not at a point more than five feet (5') above nor more than twelve feet (12') below the curb level of the nearest adjoining street, and which is unobstructed from its lowest level to the sky except for arbors, awnings, fountains, flag poles, light fixtures, and furniture.

PRINCIPAL ARTERIAL: A street which is a high traffic volume corridor with restricted parking, whereby the concept of service to abutting land is subordinate to accommodating traffic movements between major centers of activity.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which it is situated.

PRINCIPAL USE: The main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained.

PRIVATE STREET OR DRIVE: A street in a common area of a mobile home park, planned development, or other development which serves more than one lot or facility, and which is not in a dedicated public right of way.

PROPERTY LINE: Same as lot line (see also definition of Lot Line).

PUBLIC: Owned or operated by an agency of government.

PUBLIC STREET: A right of way at least forty feet (40') wide which is dedicated to the public for vehicular traffic.

REAR LOT LINE: The property line which is on the opposite end of a lot from the front lot line, and which separates the rear yard of the lot from an abutting lot.

REAR YARD: A yard extending across a lot between the side lot lines, and measured as the minimum horizontal distance between a rear lot line and the nearest portion of the principal building. The rear yard shall in all cases be at the opposite end of the lot from the front yard (see also definition of Yard).

RECREATIONAL VEHICLE: Any vehicular portable structure with an overall length not exceeding thirty two feet (32'), used as a temporary dwelling for travel, recreational, or vacation use, and which is either self-propelled or built on a chassis and drawn by a motor vehicle. This term shall include those vehicles commonly known and referred to as travel trailers, campers, and motor homes (see also section [11-5-1B17](#) of this title).

REDEVELOPMENT: The reconstruction, alteration, or replacement of an existing facility or development.

REMODEL: Structural and/or aesthetic alteration, but not enlargement, of a building.

RESIDENTIAL CATEGORIES: Groups of uses related to nontransient living accommodations (see also subsection [11-4-2B](#) of this title).

RESIDENTIAL CARE/REHABILITATIVE CENTERS: Includes community residential facilities serving persons in drug, alcohol, juvenile, child, parole, family shelters, battered spouse shelters, halfway houses, and other programs of treatment, care supervision, or rehabilitation in a residential setting; may be allowed in residential and commercial districts upon obtaining a special use permit (see also subsection [11-5-6D](#) of this title).

RESIDENTIAL DISTRICT: A zoning district having a symbol beginning with the letter "R" (see

also [chapter 6](#) of this title).

RESOURCE CATEGORIES: Groups of uses related to agriculture and oil, gas, and mineral extraction (see also subsection [11-4-2A](#) of this title).

RIGHT OF WAY: A strip of land, the ownership and/or maintenance of which is conveyed by dedication, prescription, or condemnation for railroad, utility, and/or public roadway purposes.

SIC NUMBER: A code from the standard industrial classification manual which identifies a specific land use or group of land uses (see also section [11-3-4](#) of this title).

SATELLITE TV DISH ANTENNA: A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of receiving television signals transmitted via satellite communications facilities, and serving the same or similar function as the common television antenna (see also subsection [11-5-1B12](#) of this title).

SCREENING: A method of visually shielding or obscuring one abutting lot, structure, or use from another by fencing, walls, earth berms, or densely planted vegetation (see also section [11-14-3](#) of this title).

SEALED SURFACE PAVEMENT: The minimum paving standard for all private drives and off street parking and loading areas for the purpose of controlling mud, dust, and erosion.

SETBACK: The distance between a property line and the building or other applicable structure.

SETBACK LINE: The line which is the innermost boundary of a minimum required yard, and which also defines a boundary of the maximum buildable area.

SIDE LOT LINE: Any property line other than a front or rear lot line.

SIDE YARD: A yard extending across a lot between the front and rear lot lines, and measured as the minimum horizontal distance between a side lot line and the nearest portion of the principal building (see also definition of Yard).

SIDEWALK CAFE: The use of a portion of a public right of way normally reserved for pedestrian use as a place for patrons of an eating establishment on the adjacent lot to sit and consume their food and/or drink.

SIGN: A surface, fabric, device, or display described and regulated in chapter [12](#) of this title.

SIGHT TRIANGLE: An area described and regulated in subsection [11-14-1B5](#) of this title at the intersection of two (2) streets, or a street and private driveway, which must remain clear of obstacles in order to facilitate vehicular safety.

SPECIAL EXCEPTION: An exception to, or exemption from, certain provisions of this title which are specifically identified in the text as being eligible for such exception to be granted by the board of adjustment for a specific lot (see also section [11-17-7](#) of this title).

SPECIAL USE: A land use which is subject to special review and approval procedures prior to establishment in a particular zoning district, and which is indicated with an "S" in tables 11-6-

2.1, 11-7-2.1, 11-8-2.1 and 11-9-2.1 of this title (see also section [11-17-4](#) of this title).

SPECIAL USE PERMIT: Written documentation of city commission approval of a special use (see also section [11-17-4](#) of this title).

STREET: Any thoroughfare right of way, other than an alley, which provides the principal vehicular access to abutting properties.

STRUCTURAL ALTERATION: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURALLY SOUND: Any structure not considered dilapidated (see also definition of Dilapidated Structures).

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

STUDIO APARTMENT: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

SUBDIVISION REGULATIONS: Governing the division of land ownership, and the design and implementation of certain public improvements located thereon (see also title 12 of this code).

SUBSTANDARD STRUCTURES: Substandard structures include those which have one or more violations of the property maintenance code; inadequate sanitation, structural hazards, faulty weather protection, hazardous wiring, plumbing, or mechanical equipment, improper occupancy, etc., sagging roof ridge lines, cracked, bulging, or sagging foundations, doors and windows out of plumb, some missing or rotted roofing and siding material, tilting walls or chimney, insufficient window screening, broken glass, inadequate guttering and downspouts, improper grading around foundations, rotted or missing porch structural members, etc., are indications of substandard structures. These structures are usually worth repairing to bring them up to standard conditions.

SUPPLEMENTAL DISTRICT: An area listed in section [11-3-2](#) of this title which may consist of one or more, or portions of, underlying conventional zoning districts, and within which certain special development regulations take precedence over the normal regulations of the conventional district wherever they may conflict.

TECHNICAL REVIEW COMMITTEE (TRC): A committee composed chiefly of city personnel, established by the city of Ponca City which has the responsibility of review development proposals and making recommendations and attaching conditions to such proposals. The TRC deals with development issues such as: parks, streets, utilities, access, electricity, parking areas, and similar issues.

TEMPORARY STRUCTURE: A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased (see also section [11-5-3](#) of this title).

TEMPORARY USE: A use established for a fixed period of time with the intent to discontinue

such use upon the expiration of the time period (see also section [11-5-3](#) of this title).

THROUGH LOT: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

UNENCLOSED PARKING: Off street vehicle parking spaces located outside of any building or structure, or within a structure or portion thereof having less than fifty percent (50%) of the exterior facade on all sides constructed of opaque materials.

USE: Same as land use (see also definition of Land Use).

USE CATEGORY: The title assigned to a group of specific uses having similar characteristics and described in general in [chapter 4](#) of this title, and are used in tables 11-6-2.1, 11-7-2.1, 11-8-2.1 and 11-9-2.1 of this title for the purpose of determining in which districts the various land uses are permitted.

USE CONDITION: A requirement imposed by the city commission as a condition of approval of a site plan or special use, or by the board of adjustment in granting a special exception or variance.

USE PERMITTED BY RIGHT: A use allowed in a zoning district without any special review and approval procedures, but subject to any restrictions or use standards which are applicable to that use and zoning district.

USE STANDARD: A standard applied to a use by [chapter 5](#) of this title, or other provisions of this title or city code.

VARIANCE: A modification in a provision of this title with respect to a specific lot by the board of adjustment (see also section [11-17-8](#) of this title).

VISUAL BARRIER: Screening which is required for certain uses or certain lots by section [11-14-3](#) of this title (see also definition of Screening).

WIND ENERGY ELECTRICITY GENERATOR: An electricity generator which operates by the force of the wind on mechanical components attached to the generator, and which is mounted on a tower or other structure to facilitate a proper orientation with respect to the wind.

YARD: An open space that lies between a building and adjoining lot lines, unoccupied and unobstructed from the ground upward except as otherwise provided in subsection [11-14-1B](#) of this title.

ZONING DISTRICT: A specifically delineated area or district listed in section [11-3-1](#) of this title, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land, buildings, and other structures.

ZONING MAP: The map or maps which are a part of the zoning ordinance, and delineate the boundaries of zoning districts and supplemental districts.

ZONING ORDINANCE: The zoning ordinance, title 11 of the city code, together with attached or referenced exhibits. (Ord. 5916, 8-9-1999; amd. Ord. 5951, 7-9-2001; 2003 Code)

CHAPTER 3 ZONING DISTRICTS AND MAP

11-3-1: ZONING DISTRICTS ESTABLISHED:

The city is arranged in zoning districts, as shown on the current zoning map posted in department of planning and community development and filed with the city clerk. The map, and all explanatory material thereon, is hereby made a part of this title.

The zoning districts, the descriptions of which are set forth in sections [11-6-1](#), [11-7-1](#), [11-8-1](#), [11-9-1](#) and [11-10-1](#) of this title, shall be designated as follows, and may be referred to by full name or by symbol only:

| Symbol | Name Of District |
|--------|---|
| R-1 | Single-family dwelling district |
| R-2 | Two-family dwelling district |
| R-2M | Medium density dwelling district |
| R-3 | Multi-family dwelling district |
| RMHP | Mobil home park dwelling district |
| RMHS | Mobile home subdivision dwelling district |
| C-1 | Local commercial district |
| C-2 | General commercial district |
| CBD | Central business district |
| IP | Industrial park district |
| I-1 | Light industrial district |
| I-2 | Moderate industrial district |
| I-3 | Heavy industrial district |
| A | Agricultural district |
| RA | Rural acreage dwelling district |
| P | Public district |
| PUD | Planned unit development |

(Ord. 5916, 8-9-1999)

11-3-2: SPECIAL OVERLAY DISTRICTS AND SUPPLEMENTAL DISTRICTS:

The following areas are established as special "overlay" districts, pursuant to the regulations set forth in [chapter 11](#), "Special Districts", [chapter 15](#), "Flood Hazard Regulations; District", [chapter 16](#), "Airport Hazard Regulations" of this title. Said regulations shall supersede any conflicting provisions of this title where applicable.

| Symbol | Name Of District |
|------------------|--|
| HMC | Hospital-medical complex district ("overlay" district) |
| HP | Historic preservation district ("overlay" district) |
| FH | Flood hazard district ("overlay" district) |
| AH (conditional) | Airport hazard district ("overlay" district) |

(Ord. 5916, 8-9-1999)

11-3-3: DISTRICT BOUNDARIES:

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- A. Where the designation of a boundary line on the zoning map coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district;
- B. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district; and
- C. Where the boundary line of a zoning district does not coincide with the location of streets, alleys, or lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning map except as may otherwise be determined, as a special exception, by the board of adjustment that a zoning district delineated by such boundary line dividing a single lot, tract, or parcel of land under one ownership may be extended to the nearest property line. (Ord. 5916, 8-9-1999)

11-3-4: USE CLASSIFICATION:

The identification and classification of all principal uses of land or buildings permitted in the various zoning districts are grouped into use categories, which are described in [chapter 4](#) of this title and listed for each zoning district in sections [11-6-2](#), [11-7-2](#), [11-8-2](#), and [11-9-2](#) of this title. The specific uses included in each use category are listed in tables entitled "Uses Permitted" according to the corresponding standard industrial classification (SIC) numbers from the "Standard Industrial Classification Manual (1972)", prepared by the statistical policy division of the office of management and budget, executive office of the president, and available from the superintendent of documents, U.S. government printing office. An SIC number listed and followed by an asterisk is not contained in the SIC manual but is established only for this title. Some SIC numbers have been divided for the purpose of establishing special uses for certain categories and shall be interpreted as such. A use specifically listed in a use category shall not by interpretation be included as a principal use within any other category. It shall be the duty of the building official to classify any use not specifically listed for the purpose of designating the zoning districts in which such use may be located. (Ord. 5916, 8-9-1999)

CHAPTER 4

USE CATEGORIES

11-4-1: ESTABLISHMENT:

All principal uses of land or buildings permitted in the various zoning districts are listed in sections [11-6-2](#), [11-7-2](#), [11-8-2](#), and [11-9-2](#) of this title. For the purpose of functional classification, and to facilitate convenient reference, individual uses are grouped into categories whereby the uses are related by having similar functions, products, or performances which provide a basis for their systematic assignment to specific zoning districts in accordance with criteria directly relevant to the health, safety, and public welfare of the citizens of Ponca City. The use categories, which are further grouped into five (5) general land use classifications, are established by the criteria described in section [11-4-2](#) of this chapter. (Ord. 5916, 8-9-1999)

11-4-2: DESCRIPTION:

- A. Resource Categories: These uses are the initial stages of creating or obtaining raw materials from the earth's natural resources for further processing and/or distribution.
1. Restricted Horticulture: Outdoor cultivation of floricultural specialties and plant nursery products intended for ornamental or landscaping purposes on a wholesale basis, and such that no building or structure is maintained on the premises.
 2. General Horticulture: Cultivation of horticultural and floricultural specialties intended for ornamental, landscaping, or food purposes on a wholesale basis and requiring a building or structure on the premises.
 3. Crop Production: Premises devoted to the cultivation, primarily for sale rather than home consumption, of agricultural products such as grain, forage, vegetables, fruit, and nuts.
 4. Livestock Production: Premises where large animal livestock, excluding swine, are fed or kept for commercial purposes other than as a stockyard or feedlot.
 5. Animal Specialties: Premises devoted primarily to poultry, dairy, and other operations for commercial production of small animal livestock and their byproducts, excluding the keeping of such animals for fur bearing purposes.
 6. On Premises Agricultural Processing: Packing or processing of crops grown on the premises, including, picking, cutting, sorting, and boxing; but not including canning, reduction, or similar activity.
 7. Off Premises Agricultural Processing: Packing or processing of crops and their byproducts raised off the premises, including cutting, sorting, and boxing; but not including canning, reduction, or similar activity.
 8. Crude Petroleum And Natural Gas Extraction: Premises devoted primarily to subsurface exploration and extraction of oil and gas, including necessary aboveground facilities, but not including buildings.

9. Mineral And Raw Material Mining: Premises devoted primarily to surface or subsurface mining, excavation, or extraction of nonmetallic minerals, except fuels, with essential on site processing of such products.

10. Disposal Wells: Any well drilled or actually used for injection of salt water or other substances into the earth at a point other or different than the point of extraction or production, including necessary facilities, but not including buildings.

B. Residential Categories: These uses include the occupancy of living accommodations on a nontransient basis, and shall specifically exclude those providing twenty four (24) hour hospital care, and those providing forced residence such as detention and correction facilities.

1. Detached Conventional Single-Family: One dwelling unit conforming to the normal setback requirements that is a freestanding and structurally separated building which is located on a lot or building site that is unoccupied by any other dwelling unit or principal structure.

2. Zero Lot-Line Single-Family: One dwelling unit that is a freestanding and structurally separated building which is located on a lot or building site that is unoccupied by any other dwelling unit or principal structure, and which is located such that one wall has approximately no setback along a side property boundary.

3. Mobile Home: 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, and which is transportable in one or more sections at least ten feet in width and thirty two feet in length (10' x 32').

4. Manufactured Home: A manufactured structure bearing a seal verifying it is built in compliance with the federal manufactured housing construction and safety standards adopted July 13, 1994 (aka HUD building codes), and is originally designed, constructed, and used for long term occupancy as a complete single-family dwelling, containing two (2) or more sections of at least ten feet in width and thirty two feet in length (10' x 32'), mounted on a permanent chassis, set up on a continuous, permanent foundation and transportable features removed. (Ord. 5916, 8-9-1999)

5. Modular Home: A manufactured structure fabricated off site meeting the one- and two-family structure requirements of the international building codes; designed, constructed, and used for long term occupancy as a complete dwelling unit(s), containing two (2) or more sections of at least ten feet in width and thirty two feet in length (10' x 32'), mounted on a permanent chassis, set up on a continuous, permanent foundation, transportable features removed. (Ord. 5916, 8-9-1999; amd. 2003 Code)

6. Semi-Detached Single-Family: One dwelling unit which is located on a lot or building site that is unoccupied by any other dwelling unit or principal structure, but which is attached to one other single-family dwelling unit on a separate lot by a common vertical wall along their mutual property boundary.

7. Group Homes: Public, quasi-public, or private community based residential facilities for

no more than six (6) developmentally or physically disabled persons requiring specialized living arrangements under the care and supervision of a responsible adult and which is licensed by the state department of health, or homes for the deaf or blind, mentally handicapped, physically handicapped.

8. Residential Care/Rehabilitation Centers: Includes community residential facilities serving persons in drug, alcohol, juvenile, child, parole, and other programs of treatment, care, supervision, or rehabilitation in a residential setting.

9. Two-Family: A building (duplex) located on a lot or building site that is unoccupied by any other principal structure, and which provides independent living facilities for occupancy by two (2) families such that the two (2) dwelling units are placed adjacent to one another with structural parts touching.

10. General Multiple-Family: Three (3) or more dwelling units (apartments) contained within one building that is freestanding and structurally separated from any other building or group of dwelling units.

11. Condominium: A form of real estate ownership whereby a building, or group of buildings, in a residential development contain dwelling units that are owned individually, while the exterior structure, common areas and facilities, and underlying land are owned and maintained collectively by all the owners on a proportional, undivided basis.

12. Townhouse: A one-family dwelling unit in a row of at least three (3) such units whereby each unit is located on a separate lot platted for individual ownership, each unit has its own access to the outside, no unit is located over another unit, each unit is separated from any other unit by one or more common fire resistant walls along their mutual property boundary, and where certain common areas and facilities not on the private lots may be owned and maintained collectively by all the owners on a proportional, undivided basis.

13. Group Quarters: A dwelling that houses unrelated individuals not constituting a family on a nontransient basis such that there may be separate sleeping and bathrooms, but other living facilities are shared as a single housekeeping unit.

14. Limited Mixed Use: One or more dwelling units located on the second floor or above of a building having two (2) or more stories in which the first floor is occupied entirely by a commercial use, and where such commercial use is permitted in the zoning district.

C. Commercial Categories: These uses include the distribution, sale, rental, or repair of goods, as well as the provision of most professional, business, and consumer services.

1. Administrative And Professional Offices: Offices of firms or organizations providing professional, executive, or administrative services of a specialized nature such as law offices, real estate offices, architectural and engineering offices, insurance offices, and corporate offices, etc.

2. Adult Entertainment Uses: Those uses which are designed for adults, including, but not limited to: adult amusement or entertainment; adult bookstore; adult mini motion picture theater; adult motel; adult motion picture arcade; adult motion picture theater; massage parlor; and sexual encounter center, as defined under the term "adult entertainment uses"

in section [11-2-2](#) of this title.

3. Research Services: Administrative offices with research or testing facilities of a technical or scientific nature located within a completely enclosed building, and not involving product manufacturing.

4. Business Support Services: Establishments not elsewhere specifically classified which are primarily engaged in the provision of services of a clerical, employment, protective, financial, technical, or minor processing nature to other businesses, rather than to individuals, and where there is no storage of goods or equipment other than as samples or as necessary for daily operation.

5. Convenience Sales And Personal Services: Establishments primarily engaged in the provision of frequently needed, day to day retail commercial goods and services whereby such uses are designed and intended to serve a limited local market, be within short walking or short driving distance of a residential area, and which do not create substantially increased traffic, noise, or such other impacts considered incompatible with residential uses.

6. Child Daycare Center: A licensed or approved facility which provides care and protection of eight (8) or more children for a part of the twenty four (24) hour day. The term "daycare center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, caretakers in the child's own home, and shall not include nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

7. Restricted Medical Services: Personal health services including prevention, diagnosis, and treatment or rehabilitation services provided by physicians, dentists, nurses, and other health personnel, including incidental sales, but not including overnight care.

8. General Medical Services And Sales: Facilities for outpatient care and for the rental or sale of prescription drugs, medical supplies, and other medical related items.

9. Restricted Funeral And Interment Services: Undertaking services such as funeral homes and mortuaries that prepare the dead for burial, and arrange and manage funerals, including crematory services within the same structure.

10. General Funeral And Interment Services: Interring facilities, such as cemeteries, involving the permanent disposition of human bodies, and which may include on site structures for such accessory uses as columbariums, crematoriums, funeral homes, and mausoleums.

11. Laundry Services: Establishments primarily engaged in the provision of commercial laundering, dry cleaning, dyeing, and linen supply services other than those included in "convenience sales and personal services".

12. Product Repair Services: Establishments primarily engaged in the repair or cleaning of personal items and household goods, whereby all activities and storage are maintained entirely within an enclosed building.

13. Restricted Consumer Services: Businesses not elsewhere specifically classified providing informational, instructional, personal improvement, or other similar services which may be located in an office type building.
14. General Consumer Services: Establishments, not elsewhere specifically classified, whose primary function is the provision of services, as opposed to the sale of products, to customers or clients whereby all activity, except off-site, takes place within a completely enclosed building, but such uses have one or more of the following characteristics: high customer volume, hand carried parcel delivery or mailing facilities, overnight parking of service or delivery vehicles, or sale of nonmercantile items such as postage stamps or public event tickets.
15. Retail Food And Beverage Sales: Businesses such as grocery stores and delicatessens that are primarily engaged in the sale of food and nonalcoholic beverages for off premises consumption.
16. Retail Alcoholic Beverage Sales: Establishments such as package liquor stores that are primarily engaged in the sale of alcoholic beverages for home consumption.
17. Restricted Eating Establishments: Coffee shops, cafeterias, and restaurants not having drive up windows, engaged primarily in the sale of prepared food and nonintoxicating beverages to customers, and where indoor dining facilities are provided on the premises.
18. Eating Establishments Permitting Alcoholic Beverages: Businesses where customers are seated and served, and which permit on-premises consumption of beverages containing more than 3.2 percent alcohol by volume as an incidental activity to a restaurant operation.
19. Drinking Establishments: Taverns or private clubs with minimal or no kitchen or facilities for serving food, and which are primarily engaged in the sale, mixing, or dispensing of beverages containing more than 3.2 percent alcohol by volume for consumption on the premises.
20. In Vehicle Sales And Services: All uses where, as a principal use, sales or service transactions occur through the customer's vehicle window while the customer remains inside the vehicle. The standards described in subsection [11-5-1B27](#) of this title regarding drive up windows as accessory uses shall apply to this use category.
21. Specialty Retail Sales: Commercial businesses, other than those included in "convenience sales and service", specializing in the retail sale or rental of a limited line of merchandise to the general public for personal or household use, and where all sales and storage functions are contained within an enclosed building.
22. General Merchandise Sales: Department stores, variety stores, and discount stores offering a large stock of general goods and merchandise for retail sale to the general public for personal or household use.
23. Indoor Used Merchandise Sales: Establishments not elsewhere specifically classified whose primary function is the sale or rental of used goods or merchandise, both retail and wholesale, and rendering of services incidental to the sale of such goods.

24. **Outdoor Sales:** Commercial businesses or facilities, not elsewhere classified, where the principal use involves the display, exchange, barter, or sale of new or used goods or perishable produce primarily outside of enclosed buildings on a permanent basis.
25. **Home Improvement Sales And Services:** Establishments specializing in retail sales and services related to the provision of building supplies, lumber, hardware, interior decorating materials, or other home improvements.
26. **Construction Sales And Services:** Establishments primarily engaged in building construction and related special trades, including incidental storage on lots other than construction sites, and retail or wholesale trade of materials and equipment used in the construction of buildings or other structures, but excluding uses specifically included in the heavy vehicle, or wholesale storage and distribution, categories.
27. **General Maintenance Services:** Establishments such as janitorial services, exterminators, vending machine sales and services, and landscaping and gardening services, which are engaged primarily in the delivery of equipment, supplies, and services to off site locations for the maintenance of household or business operations.
28. **Oil And Gas Field Services:** Businesses providing oil and gas exploration and extraction services and supplies, and requiring outside storage or parking of heavy equipment and related vehicles.
29. **Agricultural Supplies And Services:** Businesses such as tree service firms, crop dusting supply stores, and feed, seed, fertilizer, or pesticide stores, which are primarily engaged in the retail or wholesale trade of agriculturally related products and related services, with any incidental storage on property other than where the service is rendered.
30. **Low Impact Animal Services:** Commercial and professional businesses such as pet grooming shops and small animal veterinary clinics where all activities and facilities are contained within a completely enclosed building.
31. **High Impact Animal Services:** Kennel, training, livestock, and veterinary services for large or small animals, and which require incidental outdoor facilities.
32. **Light Vehicle Sales And Rentals:** Sale or rental from the premises of more than two (2) motorcycles, automobiles, light trucks up to eleven thousand (11,000) pounds gross vehicle weight, and small trailers or delivery vehicles, including incidental maintenance and repair facilities which are a part of the agency.
33. **Moderate Vehicle Sales And Rentals:** Sale or rental from the premises of light trucks up to twenty four thousand (24,000) pounds gross vehicle weight, recreational vehicles, utility trailers, boats, or mobile homes, including incidental maintenance and repair facilities.
34. **Heavy Vehicle Sales And Rentals:** Sale or rental from the premises of heavy farm or construction equipment, trucks over twenty four thousand (24,000) pounds gross vehicle weight, buses, or similar heavy mobile equipment, including incidental maintenance and repair facilities.
35. **Automobile Service Station:** Establishments primarily engaged in the on site retail sale

of petroleum products with incidental retail sales associated with automobile maintenance, and which may have limited enclosed repair facilities, but not the permanent parking or storage of damaged, wrecked, or inoperable vehicles. This category also includes self-service facilities for cleaning, washing, and/or waxing of motorcycles and automobiles.

36. Truck Stop: Establishments primarily engaged in the on site retail sale of petroleum products and incidental vehicle maintenance services for automobiles and large trucks, as well as other accessory uses such as the sale of prepared foods and beverages for on premises consumption.

37. Light Motor Vehicle Maintenance: Commercial businesses or self-service facilities for washing, polishing, and repairing of motorcycles and automobiles, including the sale, installation, and servicing of automobile equipment and parts, but excluding body repairs and painting.

38. Heavy Motor Vehicle Maintenance: Heavy repair of automobiles, trucks, buses, aircraft, and recreational or utility vehicles, including the sale, installation, and servicing of engines, equipment, and other parts, and body repair, painting, and wrecking services having temporary storage of damaged vehicles.

39. Outdoor Vehicle Storage: Storage of vehicles used regularly in business operations or as a service to individual vehicle owners and not available for sale or long term storage, and facilities or structures for the storage of nonoperating motor vehicles, but excluding junk or salvage yards.

40. Automobile Parking: Nonstorage transient parking of automobiles or noncommercial vehicles with or without a fee, and within an off street parking area or multi-level structure as a principal use.

41. Personal Storage Warehouse: A structure containing enclosed individual rental dead storage facilities serving primarily residential customers, not exceeding eight hundred (800) square feet per unit, and not used for sales purposes or storage of hazardous materials.

42. Horse Stables: Facilities for commercial boarding, breeding, raising, or training of horses, and areas for the riding of horses by other than the occupants of the premises.

43. Indoor Participant Recreation And Entertainment: Commercial participant recreation and entertainment uses conducted within an enclosed building such as bowling alleys, billiard parlors, dance halls, gymnasiums and health clubs, skating rinks, and arcades.

44. Outdoor Participant Recreation And Entertainment: Commercial participant recreation and entertainment uses, other than horse stables, conducted in open facilities such as miniature golf courses, driving ranges, go-cart tracks, and amusement parks.

45. Indoor Commercial Lodging: Lodging facilities involving room accommodations for travelers, and incidental food, drink, and other sales and services intended for the convenience of guests.

46. Outdoor Commercial Lodging: Campground services involving temporary accommodations for recreational or vacation purposes, including sites for tents and

recreational vehicles, and incidental sales, services, and facilities intended for the convenience of guests.

47. Restricted Indoor Spectator Sports And Entertainment: Enclosed buildings such as theaters or amusement places with a capacity of five hundred (500) or less people providing facilities for cultural, entertainment, or athletic events, as well as social or fraternal gatherings, and including retail sales and storage facilities that are incidental to the operation of such uses.

48. Intensive Indoor Spectator Sports And Entertainment: Indoor facilities generating significant noise, or traffic such as large theaters and exhibition halls having a capacity of more than five hundred (500) people providing for cultural, entertainment, or athletic events, and including retail sales and storage facilities that are incidental to the operation of such uses.

49. Outdoor Spectator Sports And Entertainment: Large scale facilities such as race tracks, fairgrounds, sports stadiums, and drive in theaters, where the activities occur primarily outside of buildings and which generate significant noise, odor, or traffic.

D. Industrial Categories: These uses include on site wholesale storage, and all nonfarm businesses engaged in the mechanical or chemical transformation of raw materials, semi-finished products, or reclaimed finished products into new products, including the assembly of component parts, blending of materials, and other manufacturing premises.

1. Custom Handicraft Production: On site production of goods such as ceramics, candles, or custom jewelry by hand manufacturing which involves only the use of hand tools or small mechanical equipment not exceeding two (2) horsepower, or a single kiln not exceeding eight (8) kilowatts, and incidental direct sale to consumers of only those goods produced on the premises.

2. Restricted Indoor Warehousing: Wholesaling storage, and distribution services within an enclosed building, whereby all transfer facilities for rail and truck loading are located inside the building.

3. General Indoor Warehousing: Refrigerated warehousing, and other wholesaling, storage, and distribution services within an enclosed building, whereby transfer facilities for rail or truck loading are located outside the building.

4. Outdoor Storage: Facilities having, as a principal function, open air storage and handling of materials and equipment, including grain elevators, road construction materials, monument or stone yards, wholesale vehicle or building material lots, and other open storage yards where activity may generate noise and dust.

5. Low Impact Manufacturing And Processing: Establishments engaged in the manufacture, assembly, research, or processing of products and goods with all operations occurring entirely within an enclosed structure, requiring no outdoor industrial wastewater treatment system, producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke, or dust associated with the industrial operation detectable outside a building, and where there is no outdoor storage of raw materials or products.

6. Moderate Impact Manufacturing And Processing: Establishments engaged in the manufacture, assembly, research, or processing of products, including incidental outdoor storage of raw materials and products if properly screened, such that all operations meet the environmental standards of this title, as well as all other applicable government standards for wastewater and airborne industrial emissions.

7. High Impact Manufacturing And Processing: Establishment engaged in the manufacture, assembly, research, or processing of products, including outdoor storage of raw materials and products, such that all operations meet the environmental standards of this title, as well as all other applicable government standards for wastewater and airborne industrial emissions.

8. Hazardous Materials Operations: Facilities involving the manufacture, bulk storage, or sale of flammable, explosive, poisonous, toxic, caustic, or radioactive materials, such that all operations meet the applicable government standards for wastewater and airborne industrial emissions.

9. Salvage Operations: Facilities involving the storage, sale, dismantling or processing of used or waste materials that are not intended for reuse in their original form.

E. Infrastructure Categories: These uses are strongly vested with public or social importance and, together, form the basic community framework of facilities and services needed to sustain residential, commercial, industrial, and civic functions of the urban settlement.

1. Government: Property and buildings not elsewhere classified which are owned, used or operated in the public interest by any branch of government for functions normally associated with the administration and maintenance of the public infrastructure.

2. Public Education: Elementary and secondary schools, and libraries, owned, used, or operated by public bodies, and available to the general public.

3. Restricted Community Recreation And Food Production: Passive and active public recreational, social, and multipurpose uses not using artificial lighting at night, as well as neighborhood and community fruit and vegetable gardens that are available for public use during daylight hours.

4. Intensive Community Recreation: Active public recreational, social, and multipurpose uses, including open or enclosed accessory structures having a capacity limited to five hundred (500) persons, and which have outdoor lights for illuminating nighttime activities.

5. Low Impact Institutional: Quasi-public or private activities and facilities of an educational or religious nature such as churches, libraries, elementary and secondary schools.

6. Moderate Impact Institutional: Public, quasi-public, or private activities and facilities such as hospitals, vocational and vocational rehabilitation schools, professional schools, and nursing and similar care facilities, which may have a significant impact on surrounding uses due to the nature of the intended use.

7. High Impact Institutional: A college or university which, due to area requirements, traffic generation, and light or noise generation, has the potential for major impact on surrounding

uses.

8. Indoor Cultural: Public, quasi-public, or private facilities for museum like preservation and exhibition of objects of artistic, cultural, or scientific interest, and gallery exhibition of works of art for study and pleasure, where all activities are contained entirely within an enclosed building.

9. Outdoor Cultural: Botanical and zoological gardens, or other large scale cultural facilities, where activities occur primarily outside of enclosed buildings, and which may have a significant impact on, surrounding uses with respect to traffic, light, or noise generation.

10. Surface Passenger Transportation: Public or commercial mass transportation facilities contributing to the surface movement of people on a local or intercity basis by rail or road vehicles.

11. Surface Freight Transportation: Facilities which contribute to the surface movement of intercity freight, including processing, loading, and transfer storage.

12. Aircraft Transportation: Facilities providing access to airborne transport for people and goods, including administrative, operational, maintenance, and storage functions, and provision of incidental sales and services intended for the convenience of crews and passengers.

13. Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms, including studios, satellite receiving facilities and business dispatching or receiving antennas, but excluding those uses included in "communication towers".

14. Communication Towers: Structures for radio and television transmitting antennas, microwave antennas, cellular or PCS telephone service antennas and all antennas which are taller than fifty feet (50') above ground level at grade, as a principal use.

15. Restricted Light Utility: Utility facilities such as elevated water tanks, water or sewage pumping stations, gas pressure control stations, and electricity regulating substations needing locations near the area to be served and having minimal land needs, but not requiring incidental storage of equipment or vehicles, nor having a negative impact upon surrounding land uses.

16. General Light Utility And Public Protection: Essential public services such as ambulance, fire protection, police, and civil defense facilities involving direct citizen contact as well as incidental storage and maintenance of necessary equipment or vehicles, and facilities required for utility operation and maintenance involving storage of equipment and vehicles, such that there may be a minor impact on surrounding areas.

17. Heavy Utility: Public services and utilities such as sewage disposal facilities, water treatment plants, water storage reservoirs, refuse transfer stations, electricity generating plants, and resource recovery operations which may have a substantial impact due to attendant hazards, nuisance characteristics, or maintenance and operational characteristics. (Ord. 5916, 8-9-1999)

CHAPTER 5 USE STANDARDS

11-5-1: ACCESSORY STRUCTURES AND USES:

- A. General Description: Accessory structures and uses are permitted in any zoning district in connection with a corresponding principal building or use which is permitted, and which:
1. Are subordinate in area, extent, or purpose to the principal building served;
 2. Contribute to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or use served; and
 3. Are located on the same site as the principal building or use served, except as provided in section [11-13-1](#) of this title for off street parking.
- B. Permitted Uses: Accessory structures and uses include, but are not necessarily limited to, the following:
1. Yard Accouterments: Yard accouterments such as statuary, trellises, flagpoles, children's play facilities, dog houses, outdoor clotheslines, fences, walls, and hedges subject to the requirements listed below:
 - a. Front Yard Fences: Defined as a fence located within the required front yard setback area for all structures, or in front of the front wall of the main building on the site. It shall be considered as a structure and shall be subject to the regulations of the building code.
 - (1) A permit shall be required.
 - (2) Shall be a decorative type fence that is see through and does not exceed four feet (4') in height. Decorative wrought iron fences are not to exceed six feet (6') in height.
 - (3) Only picket, split rail, chainlink, or decorative wrought iron (or galvanized steel, aluminum, or similar material having the appearance of) shall be permitted. Maximum width of pickets shall be two and one-half inches (2 1/2") and minimum separation of pickets shall be two and one-half inches (2 1/2").
 - (4) Spiked caps or spears shall not be used on pickets under five and one-half feet (5 1/2') in height.
 - (5) Retaining walls may be allowed to solve drainage or topographical problems.
 - (6) Barbed, hog or chicken wire, or electric strand(s) fences shall not be allowed except in agricultural or industrial zoning districts. Collar activated, electronic pet containment systems are allowed.
 - (7) No front yard fence shall be erected within twenty five feet (25') of the intersection of right of way lines of any public or private street.

(8) A front yard fence or a front yard fence with a hedge or similar vegetation shall not cause a view obstruction for any private driveway and shall not in any case be erected within twelve feet (12') of the intersection of any private driveway and the pavement edge or maintained portion of a public or private street.

(9) Shall not obstruct any public walkway even if said public walkway is on private property.

(10) Shall be kept in good repair, and in a safe and sanitary condition at all times by the property owner.

(11) Regardless of these fence regulations, the property owner is advised there may be more restrictive privately enforced regulations, such as plat restrictions, declarations of covenants, and restrictions relating to architectural controls, deed restrictions, or platted setback lines that may further limit the construction of a fence on a parcel.

b. Side And Rear Yard Fences: Defined as a fence located behind the front wall of the main building on the site.

(1) No such fence shall be constructed of sheet metal, garage door panels, plywood sheets, or other material not commonly used for fencing.

(2) No such fence shall exceed eight feet (8') in height.

2. Adult Entertainment Use: "Adult entertainment uses" such as those uses directed at adults and containing sexually explicit acts, nudity, suggestive acts, or uses related to adult books, audio or videos, as defined in section [11-2-2](#) of this title, shall meet the following requirements and are subject to a special use permit as described in section [11-17-4](#) of this title:

a. "Adult entertainment uses" as specified hereinabove and defined in section [11-2-2](#) of this title shall be permitted to locate only in the C-2 zoning district as a special use.

b. No such zoning shall be granted for any proposed location which is within a one thousand two hundred foot (1,200') radius of any other "adult entertainment uses" as defined in section [11-2-2](#) of this title.

c. No adult entertainment use shall be allowed to locate within a five hundred foot (500') radius of any church, public or private school (type which offers a compulsory education curriculum) or public or private park. Nor shall any adult entertainment uses be allowed to locate within five hundred feet (500') of any area zoned for residential use.

d. All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and are measured to the nearest property line of the public or private lot, school, park, church, residentially zoned lot, or adult entertainment use within the proscribed distance, if any.

3. Bed And Breakfast Homes: "Bed and breakfast homes" such as those residential homes that provide for a fee, rooms and food, on a temporary basis, to a clientele whose principal

place of residence is elsewhere, as defined in section [11-2-2](#) of this title, are subject to a special use permit as described in section [11-17-4](#) of this title, and are subject to the following requirements:

- a. The host family must be the owner(s) of the dwelling proposed to be used as the bed and breakfast facility. Any permit granted pursuant to such an application for a special use permit shall expire when the applicants cease to be the owner(s) or resident(s) of the dwelling.
- b. The host family must reside in the principal structure, and persons employed other than members of the host family shall be disclosed by the applicant and shall be considered in the course of consideration of the special use permit application.
- c. The home must be developed, maintained, and operated so that the building, yard, drive, and street have the appearance and character of a single-family dwelling and does not detract from adjacent properties.
- d. The bed and breakfast home must have no more than five (5) guest bedrooms or host more than ten (10) overnight guests at one time.
- e. The location of guest bedrooms in the principal or accessory structures is subject to the review given the special use permit.
- f. One off street parking space for each guest bedroom is required. The planning commission may, upon appeal, waive such additional required parking when it is determined that sufficient parking exists within the neighborhood.
- g. One nonilluminated sign, not more than four (4) square feet in area, shall be allowed. Its color, text and location shall be identified on the permit application. The words "hotel" or "motel" shall not be allowed.
- h. Guests only may be provided a morning meal by the host, but no other meal may be served and no cooking shall be permitted in guest bedrooms.
- i. Bed and breakfast homes must meet all building, electric, plumbing, fire and health codes of the city and appropriate agencies.
- j. A site plan, as described in section [11-17-3](#) of this title, shall be submitted with the application, indicating the location of the principal and accessory structures, guest rooms, parking and signage. (Ord. 5916, 8-9-1999)

4. Communication Towers And Antennas: See section [11-5-2](#) of this chapter for regulations for the siting of wireless communication towers and antennas. (2003 Code)

5. Detached Garages, Carports, And Storage Buildings: Detached garages, carports, and storage buildings; provided, that any storage of any equipment or materials is clearly in keeping with the principal use of the property, and provided that a permit, if applicable, is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title.

6. Carports: Carports are permitted to be added to an existing residential structure subject to the following conditions and requirements:

- a. Building permit required.
- b. A carport may be permitted on the side property line of an interior lot; on a side property line of a corner lot line abutting a street, provided it does not interfere with the sight triangle; and on the side property line of zero lot line developments.
- c. All carports shall be located only over an existing paved driveway.
- d. All carports shall be kept in an attractive state and in good repair, and in a safe and sanitary condition.
- e. All carports shall be constructed, erected, or installed to conform with the structural requirements of the city building code, as amended, and shall have an architectural design and appearance compatible with the primary building on the property.
- f. No carport in conjunction with a single-family or two-family dwelling shall exceed twelve feet (12') in width for a single-family garage and/or driveway and shall not exceed twenty four feet (24') in width for a double garage and/or driveway. Under no circumstances shall a carport used in conjunction with a single-family or two-family dwelling exceed twenty four feet (24') in width. All width measurements shall be from eaves line to eaves line. No more than one carport shall be permitted for each dwelling unit.
- g. All carports will remain permanently open on at least three (3) sides from the grade surface to eaves line. All carports which extend into the required front yard setback shall be permanently open on all sides from grade surface to eaves line.
- h. No carport which extends into the required front yard setback will be permitted closer than five feet (5') from the front property line, and at no time shall a carport violate a sight triangle.
- i. Regardless of these regulations, the property owner is advised there may be more restrictive privately enforced regulations such as plat restriction, declarations of covenants and restrictions relating to architectural controls, deed restrictions, or platted setback lines that may further limit the construction of a carport on a parcel.

7. Detached Barn; Outbuildings: Detached barn and other farm outbuildings not intended for human habitation, incidental to any permitted residential use only in the RA or A districts, and provided that a permit, if applicable, is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title.

8. Detached Guest House: Detached guest house without kitchen facilities, provided that a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title, and provided further that such accessory building is:

- a. Incidental to a permitted residential use only in the R-1 or A district; and
- b. Used only for the occasional housing of guests of the occupants of the principal

building, and not as rental units for permanent household occupancy.

9. Private Swimming Pools And Bathhouses: Private swimming pools and bathhouses incidental to a permitted residential use; provided, that a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title, and subject to the following conditions:

a. The yard containing such uses shall be enclosed with a fence at least five feet (5') in height having no opening or space greater than six inches (6"), and be equipped with spring or automatic closing and latching gates with the latch being located at the top of the fence; and

b. The fencing may not include, nor be constructed in such a manner so as to allow, openings from any living unit into any such area other than single-family.

10. Detached Emergency Shelter: "Detached emergency shelter" as defined in section [11-2-2](#) of this title; provided, that a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title and subject to the condition that no such shelter shall be located in a provided front or exterior side yard unless it is not physically feasible to install elsewhere on the property, in which case no part of the shelter shall exceed eighteen inches (18") in height above ground level.

11. Detached Solar Collector: "Detached solar collector" as defined in section [11-2-2](#) of this title; provided, that a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title, subject to the following conditions:

a. No part of such device shall be located in any required front or side yard;

b. If located within the buildable area in a front or side yard, the structure shall have an exterior appearance that is compatible with that of the principal building.

12. Satellite TV Dish Antennas: "Satellite TV dish antennas" as defined in section [11-2-2](#) of this title; provided, that a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title, and subject to the following conditions:

a. No part of such device shall be located in any required front or side yard; and

b. If larger than four feet (4') in diameter and located within the buildable area in a front or side yard, the antenna shall be enclosed with a visual barrier of at least six feet (6') in height.

13. Amateur Radio Antennas: Amateur radio antennas not attached to, or part of, a building, subject to the following conditions:

a. No part of such device shall be located in any required front or side yard;

b. All structural elements shall be designed and installed to withstand wind velocities in accordance with the applicable building codes and FCC regulations;

c. All guy wires and anchors shall be located within the setbacks prescribed in this

section for accessory structures; and

d. No radio or telecommunication frequency interferences may be caused beyond the boundaries of the property in which the antenna is located.

14. Wind Energy Electricity Generator: "Wind energy electricity generator" as defined in section [11-2-2](#) of this title; provided, that a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title, and subject to the following conditions:

a. No part of such device shall be located in any required front or side yard;

b. The height measured from grade to the center of the hub of the rotor assembly shall not be greater than forty feet (40') above the maximum permitted height prescribed for buildings in the applicable zoning district;

c. All structural elements shall be designed and installed to withstand a wind velocity load of at least one hundred (100) miles per hour;

d. All guy wires and anchors shall be located within the setbacks prescribed in this section for accessory structures;

e. Access to the system by climbing shall be limited by a fence with a locking gate at a minimum distance of four feet (4') from the tower on all sides, by limiting climbing apparatus to no more than twelve feet (12') from the ground, or by an anti-climbing device twelve feet (12') from the ground;

f. There shall be mounted on all sides of the tower at eye level within view of a person standing on the ground, at least one sign warning of the hazard of electrical shock and describing or illustrating shut down procedures;

g. No electromagnetic interference may be caused beyond the boundaries of the property in which the system is located;

h. If the proposed location of the generator is in any residential district, it shall be permitted only upon compliance with section [11-17-4](#) of this title.

15. Home Occupations: "Home occupation" as defined in section [11-2-2](#) of this title in residential districts are permitted, provided they do not detract from the residential character, appearance, or makeup of the neighborhood in which the home occupation is located. Applicants for a home occupation must complete an application which may be obtained in the city planning department. Home occupations which rely upon attraction of the general public (e.g., retail sales) are not permitted. Retail sales may not be conducted on the premises; however products for sale may be mailed to customers or carried to another location at which site they may be sold to customers. Ideally, a home occupation is an office occupation in which customer contact is nonexistent, such as taking orders or information over the telephone and shipping products or information to customers remotely located from the site of the home occupation. A home occupation is not intended to take the place of commercial space located elsewhere in the community which is zoned for intensive commercial and retail activities. Owners of home occupations must be very

cautious about how they operate their home occupation to ensure they do not adversely impact the surrounding neighborhood. The following factors define a legal home occupation and shall be used to determine if a home occupation is violating this title:

a. **Extent Of Home Occupation:** Whether or not the residential use is still the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the home occupation and the amount of time the home occupation is operated on a daily basis. The following criteria are established for a legitimate home occupation:

- (1) Home occupations shall be carried on by a member of the family residing on the premises.
- (2) No person other than a member of the immediate family residing on the premises shall be employed.
- (3) No retail sales of products is allowed on the premises to customers visiting the premises.
- (4) No mechanical equipment is used which creates a disturbance such as noise, dust, odor, or electrical disturbance.
- (5) No merchandise or goods shall be displayed, stockpiled, or stored outside the dwelling or inside the dwelling in such a manner as to be visible from outside the home.
- (6) The home occupation shall not occupy more than thirty five percent (35%) of the gross combined floor area of the main and all accessory buildings.
- (7) The home occupation shall be incidental and secondary to residential use of the dwelling.
- (8) It is the intent of the home occupation provision that no more than two (2) customers/clients/students be at the site of the occupation at any one time.
- (9) The term "home occupation" shall not be interpreted to include any of the following uses:
 - (A) Commercial stable or kennels.
 - (B) Metal working, machine shops, or cabinet making.
 - (C) Welding.
 - (D) Automobile repair, automobile body repair, or automobile painting.
 - (E) Salvage of any type.
 - (F) Retail sales of products on the premises to customers on the premises.

(G) Offices of doctors, physicians, chiropractors, nurses.

b. Appearance From Adjacent Street: Whether or not the use of the property as a home occupation is distinguishable from an adjacent street. Except for a nonilluminated, permanent identification sign, no larger than two (2) square feet in size, attached to the principal structure, there shall be nothing that occurs on the property that can be observed from adjacent streets that makes it readily apparent that a home occupation is being operated on the premises. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance, and no activity related to the conduct of the home occupation shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract attention to the home occupation or adversely impact the residential character of the neighborhood.

c. Impact On Neighborhood: Whether or not the home occupation activity is causing a nuisance to surrounding property owners; is adversely impacting the peace, health, or safety of neighborhood residents; and/or is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:

(1) Traffic: Whether or not the home occupation is generating traffic that is excessive and/or detrimental to the neighborhood. A home occupation will be allowed to generate no greater than ten (10) vehicle trips per day.

(2) Parking: Whether or not parking problems are resulting from the home occupation use. Factors which shall be used to evaluate this criteria include, but are not limited to, the following:

(A) The home occupation shall accommodate parking associated with their occupation on the property on which the home is located;

(B) Parking on the property shall be on a surface equal to the paving surface of any existing driveway (asphalt or concrete) unless there is no surface other than the ground, in which case a gravel surface shall be provided; and

(C) Parking on the street may go beyond the property boundaries to accommodate special gatherings, or for the drop off or pick up of customers, or products not to exceed fifteen (15) minutes in duration.

(3) Nuisance: Whether or not the home occupation activity is causing a nuisance to surrounding property owners or is deviating from the residential character or appearance of the neighborhood. Existing property maintenance codes, fire codes, building codes, environmental and safety codes, etc., shall be the primary basis for establishing a nuisance.

A violation of any one of these criteria, may cause the code official to terminate the use described as a home occupation, and in such case the use shall cease upon notification by the code official.

16. Family Daycare Homes: "Family daycare homes", as defined in section [11-2-2](#) of this title, (7 or less children), and provided for in subsection [11-5-6A](#) of this chapter, incidental to any single-family residential use; provided, that such accessory use:

a. Complies with all rules, regulations, and licensing requirements adopted by the state of Oklahoma through its department of human services; and

b. Be so developed, maintained, and operated that the building and yards have the appearance and character of a single-family dwelling, and do not detract from abutting single-family dwelling properties.

17. Parking Campers, Recreational Vehicles: Parking of boats, trailers, campers, and recreational vehicles incidental to residential uses, if the parking area were inside a garage or carport, or outside in the side yard or rear yard. Outside parking in the front yard is permitted with the following requirements:

a. Space is not available or there is no reasonable access to either the rear or side yard; a corner lot is always deemed to have reasonable access to the rear yard.

b. The unit is parked on a hard surfaced area not counted as required off-street parking. Provisions of subsection [11-14-1F2](#) of this title must also be met.

c. No part of the unit extends into the public right of way.

d. No required sight triangle is to be violated.

18. Storage Of Boats, Trailers, Campers And Recreational Vehicles:

a. At no time shall a boat, trailer, camper, or recreational vehicle be used for dwelling purposes (provisions made for transient type trailer courts/campgrounds). They shall not be connected to any utility, other than temporary electrical hookup which is necessary for charging batteries to prepare said vehicle for use. Other hookup facilities shall comply with applicable state law and the Ponca City electrical code. A period of forty eight (48) hours shall be a reasonable time period for active loading and unloading.

b. No such recreational vehicle shall discharge any litter, sewage, effluent or other matter, except into sanitary facilities designed to dispose of such materials.

c. At no time shall said vehicle be used for storage of goods, materials, or equipment other than those items considered being a part of the unit or essential for its immediate use.

19. Auto And Truck Rental: Rental of autos, utility trailers and single axle trucks incidental to an automobile service station, provided that a paved and landscaped area for such accessory use is provided in addition to the service driveway and required off-street parking.

20. Gasoline Sales; Convenience Grocery Stores: Sale of gasoline incidental to convenience grocery stores; provided, that the service drives are in addition to the driving isles serving the required off-street parking spaces; and provided, that all pump islands and canopy support structures are within the required building setbacks of the applicable zoning district. Pump island canopies may project into a required yard as permitted by subsection [11-14-1B3d](#) of this title.

21. Restaurants; Gift Shops: Restaurants, drug stores, gift shops, clubs, newsstands, travel bureaus, and ticket agencies when located in a permitted hotel, motel, or transportation depot.

22. Employee Restaurants And Cafeterias: Employee restaurants and cafeterias when located in a permitted business or industrial building.

23. Caretaker Living Quarters: Living quarters for caretaker or watchman and immediate family in a nonresidential structure or detached dwelling incidental to a nonresidential use on the same premises.

24. Signs: Signs in accordance with the provisions of [chapter 12](#) of this title.

25. Off Street Parking And Loading: Off street parking and loading In accordance with the provisions of [chapter 13](#) of this title.

26. Sidewalk Cafe: "Sidewalk cafes", as defined in section [11-2-2](#) of this title will be allowed in the CBD district as an accessory use to the restricted eating establishment use category under the following conditions:

a. A special use permit is approved in accordance with section [11-17-4](#) of this title, which permit shall be particularly reviewed for the impact the use will have on pedestrian use of the sidewalk;

b. The sidewalk to be used is a minimum twelve feet (12') wide with a minimum six feet (6') being maintained as a pedestrian path;

c. The actual display and selling of the food, beverages, and other merchandise will not be conducted on the sidewalk, this does not prohibit use of waiters or waitresses; and

d. The owner or operator of the sidewalk cafe will agree to carry liability insurance in an amount of at least one hundred thousand dollars (\$100,000.00) and agrees to name the city as a coinsured on said policy. The owner or operator further will agree to defend and indemnify the city in the event any claim or lawsuit is commenced against the city arising out of the use of the sidewalk as a sidewalk cafe.

27. Drive Up Windows: Drive up windows, in commercial districts, provided a permit is obtained from the building official pursuant to the requirements of section [11-17-1](#) of this title and subject to the following conditions:

a. For restaurants and banks, counting the space at the point of service, there shall be provided a minimum queue capacity for five (5) cars not blocking any parking spaces or driveways;

b. For other uses utilizing a drive up window there shall be a minimum queue capacity of two (2) spaces, counting the space at the point of service, not blocking parking spaces or driveways; and

c. The city engineer shall review all requests for drive up window permits for proper circulation and interaction with the adjacent street(s), and may require additional queue

capacity if warranted by the particular use and site design.

C. Prohibited Uses: The following uses are not allowed as accessory uses except as otherwise noted:

1. Overnight parking in a residential district of trucks or buses, except those trucks having a manufacturer's rating of less than one ton which may be permitted, and except one bus per multiple-family complex; and
2. Outdoor storage of materials or equipment, except as specifically permitted in the district regulations.

D. Bulk Standards: Accessory buildings and structures other than signs are subject to the following yard, lot coverage, and height regulations:

1. Front Yard: The minimum front yard requirement of the individual districts shall apply to all accessory buildings and structures except as provided in section [11-14-1](#) of this title.
2. Side Yard: Interior side yards shall be the minimum of that required of principal buildings in the applicable district, except that no more than three feet (3') shall be required in a residential district when all parts of the accessory structure are within fifty feet (50') of the rear lot line. Exterior side yards shall be the same as that required of the principal building. All fences and walls are exempt from any interior side yard requirement, and certain other accessory structures may be allowed in side yards as provided in section [11-14-1](#) of this title.
3. Rear Yard: There are no minimum rear yard requirements for accessory structures and buildings, except in the residential districts, where a minimum setback of three feet (3') from side lot line, and one foot (1') from rear right of way or easement shall be provided for structures other than fences and walls.
4. Lot Coverage: Coverage of required rear yards by accessory structures in the R-1, RMHS, or R-2 districts shall not exceed twenty percent (20%), and in the multiple-family residential districts shall not exceed thirty percent (30%).
5. Height: The maximum permitted height for accessory structures shall be the same as that required of principal buildings in the applicable district, except as otherwise specifically provided in this section and in section [11-14-1](#) of this title. (Ord. 5916, 8-9-1999)

11-5-2: WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS; SITING

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A. Purpose: The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goal of this section is to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in nonresidential areas;

3. Minimize the total number of towers throughout the community;
 4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers;
 5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 8. Consider the public health and safety of communication towers; and
 9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the city shall give due consideration to the master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
- B. Definitions: As used in this section, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURE: Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounted structures that camouflage or conceal the presence of antennas or towers.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BACKHAUL NETWORK: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA: The federal aviation administration.

FCC: The federal communications commission.

HEIGHT: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date hereof, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

C. Applicability:

1. **New Towers And Antennas:** All new towers or antennas in the city shall be subject to these regulations, except as provided in subsections C2 through C4, inclusive, of this section.

2. **Amateur Radio Station Operators/Receive Only Antennas:** This section shall not govern any tower, or the installation of any antenna, that is under seventy feet (70') in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

3. **Preexisting Towers Or Antennas:** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of subsections D6 and D7 of this section.

4. **AM Array:** For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

5. **Guyed Towers:** Guyed towers shall not be allowed within the city limits unless there is substantial evidence showing no other alternative is feasible.

D. General Requirements:

1. **Principal Or Accessory Use:** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot, provided it meets required setback distances.

2. **Lot Size:** For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot. (Ord. 5928, 4-24-2000)

3. **Inventory Of Existing Sites:** Each applicant for an antenna and/or tower shall provide to the community development director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The community development director may share such information with other applicants applying for administrative approvals or special use permits under this

section or other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the community development director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics: Towers and antennas shall meet the following requirements:

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. State Or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. Building Codes Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the electronic industries association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

8. Measurement: For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.

9. Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities,

or private utilities. (Ord. 5928, 4-24-2000)

10. Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the community development director.

11. Public Notice: For purposes of this section, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in subsection G2e(2) of this section, table 2, in addition to any notice otherwise required by the zoning ordinance.

12. Signs: No signs shall be allowed on an antenna or tower.

13. Buildings And Support Equipment: Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection H of this section.

14. Multiple Antenna/Tower Plan: The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

E. Permitted Uses:

1. General: The uses listed in this subsection E are deemed to be permitted uses and shall not require administrative approval or a special use permit.

2. Permitted Uses: The following uses are specifically permitted: antennas or towers located on property owned, leased, or otherwise controlled by the city, provided a license or lease authorizing such antenna or tower has been approved by the city.

F. Administratively Approved Uses:

1. General: The following provisions shall govern the issuance of administrative approvals for towers and antennas:

a. The community development director may administratively approve the uses listed in this section.

b. Each applicant for administrative approval shall apply to the community development director providing the information set forth in subsections G2a and G2c of this section and a nonrefundable fee in such amount as set by resolution of the board of commissioners from time to time to reimburse the city for the costs of reviewing the application.

c. The community development director shall review the application for administrative approval and determine if the proposed use complies with subsections D, G2d and G2e of this section.

d. The community development director shall respond to each application by either

approving or denying said application.

e. In connection with any such administrative approval, the community development director may, in order to encourage shared use, administratively waive any separation distances between towers in subsection G2e of this section by up to fifty percent (50%).

f. In connection with any such administrative approval, the community development director may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

g. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to subsection G of this section prior to filing any appeal that may be available under this title.

2. List Of Administratively Approved Uses: The following uses may be approved by the community development director after conducting an administrative review:

a. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any district zoned industrial or C-2 general commercial.

b. Locating antennas on existing structures or towers consistent with the terms of subsections F2b(1) and F2b(2) below:

(1) Antennas On Existing Structures: Any antenna which is not attached to a tower may be approved by the community development director as an accessory use to any commercial, industrial, professional, or institutional structure, provided:

(A) The antenna does not extend more than thirty feet (30') above the highest point of the structure;

(B) The antenna complies with all applicable FCC and FAA regulations; and

(C) The antenna complies with all applicable building codes.

(2) Antennas On Existing Towers: An antenna which is attached to an existing tower may be approved by the community development director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one courier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(A) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the community development director allows reconstruction as a monopole.

(B) Height:

i. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna.

ii. The height change referred to in subsection F2b(2)(C)i below may only occur one time per communication tower.

iii. The additional height referred to in subsection F2b(2)(C)i below shall not require an additional distance separation as set forth in subsection G of this section. The tower's premodification height shall be used to calculate such distance separations.

(C) On Site Location:

i. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within fifty feet (50') of its existing location, provided it continues to satisfy setback requirements.

ii. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

iii. A relocated on site tower shall be measured from the new tower location for purposes of calculating separation distances between towers pursuant to subsection G2e of this section.

iv. The on site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in subsection G2e of this section shall only be permitted when approved by the community development director.

c. New towers in nonresidential zoning districts. Locating any new tower in a nonresidential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the community development director concludes the tower is in conformity with the goals set forth in subsection A of this section and the requirements of subsection D of this section; the tower meets the setback requirements in subsection G2d of this section and separation distances in subsection G2e of this section; and the tower meets the following height and usage criteria:

(1) For a single user, up to ninety feet (90') in height;

(2) For two (2) users, up to one hundred twenty feet (120') in height; and

(3) For three (3) or more users, up to two hundred feet (200') in height.

d. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the community development director is in conformity with the goals set forth in subsection A of this section.

e. Installing a cable microcell network through the use of multiple low powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

G. Special Use Permits:

1. General: The following provisions shall govern the issuance of special use permits for towers or antennas by the planning commission:

- a. If the tower or antenna is not a permitted use under subsection E of this section or permitted to be approved administratively pursuant to subsection F of this section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- b. Applications for special use permits under this section shall be subject to the procedures and requirements of this title, except as modified in this section.
- c. In granting a special use permit, the planning commission may impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- e. An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as set by resolution of the board of commissioners from time to time to reimburse city for the costs of reviewing the application.

2. Towers:

- a. Information Required: Applicants for a special use permit for a tower shall submit the following information in addition to any other required information:
 - (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in subsection G2e of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the community development director to be necessary to assess compliance with this section.
 - (2) Legal description of the parent tract and leased parcel (if applicable).
 - (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection D3 of this section shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - (5) A landscape plan showing specific landscape materials.
 - (6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - (7) A description of compliance with subsections D3, D4, D5, D6, D7, D10, D12 and D13, G2d and G2e of this section and all applicable federal, state or local laws.

(8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(11) A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

b. **Factors Considered In Granting Special Use Permits For Towers:** In addition to any standards for consideration of special use permit applications, the planning commission shall consider the following factors in determining whether to issue a special use permit, although the planning commission may waive or reduce the burden on the applicant of one or more of these criteria if the planning commission concludes that the goals of this section are better served thereby:

(1) Height of the proposed tower;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in section G2c of this section.

c. **Availability Of Suitable Existing Towers, Other Structures, Or Alternative Technology:** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Substantial evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low power transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

d. Setbacks: The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the planning commission may reduce the standard setback requirements if the goals of this section would be better served thereby:

(1) Towers must be set back a distance equal to at least seventy five percent (75%) of the height of the tower from any adjoining lot line.

(2) Accessory buildings must satisfy the minimum zoning district setback requirements.

e. Separation: The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the planning commission may reduce the standard separation requirements if the goals of this section would be better served thereby.

(1) Separation from off site uses/designated areas.

(A) Tower separation shall be measured from the base of the tower to the lot line of the off site uses and/or designated areas as specified in table 1, except as otherwise provided in table 1.

(B) Separation requirements for towers shall comply with the minimum standards established in table 1.

TABLE 1, SEPARATION DISTANCES

| Off Site Use/Designated Area | Separation Distance |
|---|---|
| Single-family or duplex residential units ¹ | 200 feet or 300 percent height of tower, whichever is greater |
| Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired | 200 feet or 300 percent height of tower ² , whichever is greater |
| Vacant unplatted residentially zoned lands ³ | 100 feet or 100 percent height of tower, whichever is greater |
| Existing multi-family residential units greater than duplex units | 100 feet or 100 percent height of tower, whichever is greater |
| Nonresidentially zoned lands or nonresidential uses | None; only setbacks apply |

1 Includes modular homes and mobile homes used for living purposes.
2 Separation measured from base of tower to closest building setback line.
3 Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

(2) Separation distances between towers.

(A) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in table 2.

(B) Table 2:

TABLE 2, EXISTING TOWERS - TYPES

| | Lattice | Guyed | Monopole 75 Feet In Height Or Greater | Monopole Less Than 75 Feet In Height |
|---------------------------------------|---------|-------|---------------------------------------|--------------------------------------|
| Lattice | 5,000 | NA | 1,500 | 750 |
| Guyed | NA | NA | NA | NA |
| Monopole 75 feet in height or greater | 1,500 | NA | 1,500 | 750 |
| Monopole less than 75 feet in height | 750 | NA | 750 | 750 |

f. Security Fencing: Towers shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the planning commission may waive such requirements, as it deems appropriate.

g. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the planning commission may waive such requirements if the goals of this section would be better served thereby.

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

(3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

H. Buildings Or Other Equipment Storage:

1. Antennas Mounted On Structures Or Rooftops: Equipment storage buildings or cabinets shall comply with all applicable building codes.

2. Antennas Mounted On Utility Poles Or Light Poles: The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

a. Residential Districts: In residential districts, the equipment cabinet or structure may be located:

(1) In a front or side yard, provided the cabinet or structure is no greater than four feet (4') in height and the cabinet/structure is located a minimum of three feet (3') from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty two inches (42") to forty eight inches (48") and a planted height of at least thirty six inches (36").

(2) In a rear yard, provided the cabinet or structure is no greater than eight feet (8') in height. The cabinet or structure shall be screened by an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36").

b. Commercial Or Industrial Districts: In commercial or industrial districts the equipment cabinet or structure shall be no greater than eight feet (8') in height. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with an ultimate height of eight feet (8') and a planted

height of at least thirty six inches (36").

3. Antennas Located On Towers: The related unmanned equipment structure shall be located in accordance with the minimum yard requirements of the zoning district in which located.

4. Modification Of Building Size Requirements: The requirements of subsections H1 through H3 of this section may be modified by the community development director in the case of administratively approved uses or by the planning commission in the case of uses permitted by special use to encourage collocation.

I. Removal Of Abandoned Antennas And Towers: Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense and/or a fine not to exceed two hundred dollars (\$200.00) per offense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

J. Nonconforming Uses:

1. Not Deemed Expansion Of Nonconforming Use: Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting Towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

3. Rebuilding Damaged Or Destroyed Nonconforming Towers Or Antennas: Notwithstanding subsection I of this section, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in subsections G2d and G2e of this section. The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the current applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection I of this section. (Ord. 5928, 4-24-2000; amd. 2003 Code)

11-5-3: TEMPORARY STRUCTURES AND USES:

Permitted Uses: The following "temporary structures" and "temporary uses", as defined in section [11-2-2](#) of this title, are permitted subject to the specified regulations, location requirements, time limits, and other applicable regulations of the district in which the use is permitted:

- A. Itinerant Merchant Activities: Itinerant merchant activities in accordance with the provisions of the city code.
- B. Contractor's Office And Equipment Sheds: Contractor's office and equipment sheds accessory to a construction project, provided that:
 - 1. Only one office or shed may contain sleeping or cooking accommodations;
 - 2. Ingress and egress must be from arterial or collector streets except, however, the board of adjustment may approve, as a special exception, a location with access to a minor street upon finding that such location would result in less traffic on streets in residential areas; and
 - 3. The use may continue for a period not to exceed one year in the same location, unless extended as a special exception by the board of adjustment.
- C. Real Estate Sales Office: Real estate sales office for activities incidental to the marketing of properties in the subdivision in which located, provided that:
 - 1. The office shall not contain sleeping or cooking accommodations unless located in a model home; and
 - 2. Any such office may remain for two (2) years or until ninety percent (90%) of the properties therein have been sold, whichever is sooner, unless an extension of the period shall have been granted as a special exception by the board of adjustment.
- D. Christmas Tree Sales: Christmas tree sales in any type of district other than residential or office, for a period of time not to exceed forty five (45) days.
- E. Garage, Yard Sales: Residential garage or yard sales of used personal and household goods, provided that such sales are consistent with city regulations.
- F. Temporary Signs: Temporary signs in accordance with the provisions of [chapter 12](#) of this title. (Ord. 5916, 8-9-1999)

11-5-4: NONRESIDENTIAL CONVERSION OF RESIDENTIAL STRUCTURES:

- A. Existing residential structures in a residential district may be converted to a nonresidential use that is permitted in the district without complying with the increased minimum lot area, lot width, and yard requirements; provided, that any new structural additions shall comply with the applicable setbacks, and the structure and property are in conformance with the applicable building code and off street parking requirements for the nonresidential use.
- B. Conversion of existing residential structures to a nonresidential use, other than administrative and professional offices, child daycare centers, low and moderate impact institutional, or indoor cultural uses, as described in subsections [11-4-2C1](#) and C5 and subsections [11-4-2E5](#), E6 and E8 of this title, is prohibited in all nonresidential and nonagricultural districts except as may otherwise be determined, as a special exception, by the board of adjustment, that such conversion would be in the best interests of preserving an architecturally significant or structurally sound building meeting all code requirements. In

the case of a permitted conversion, any existing nonconformity with respect to yard requirements may continue; provided, that any new structural additions shall comply with the applicable setbacks, and the structure and property are in conformance with the applicable building code and off street parking and loading requirements for the nonresidential use. (Ord. 5916, 8-9-1999)

11-5-5: LOCATION OF ALCOHOLIC BEVERAGE ESTABLISHMENTS:

- A. Location Near School Or Church: It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club, which has been licensed by the alcoholic beverage laws enforcement (ABLE) commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or place licensed for on premises consumption of low point beer, or retail package store, to be located within three hundred feet (300') of any public or private school or church property primarily and regularly used for worship services and religious activities.
- B. Measuring Distance: The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club, retail package store, or place licensed for on premises consumption of low point beer.
- C. Exceptions:
1. The provisions of this section shall not apply to mixed beverage establishments, beer and wine establishments, bottle clubs, which have been licensed to sell alcoholic beverages for on premises consumption, or places licensed for on premises consumption of low point beer, or retail package stores prior to November 1, 2000; provided, if at the time of application for license renewal, the licensed location has not been in actual operation for a continuous period of more than sixty (60) days, the license shall not be renewed.
 2. If any school or church shall be established within three hundred feet (300') of any retail package store, mixed beverage establishment, beer and wine establishment, bottle club, or place licensed for on premises consumption of low point beer, subject to the provisions of this section after such retail package store, mixed beverage establishment, beer and wine establishment, bottle club, or place licensed for on premises consumption of low point beer has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days.
 3. Change In Ownership: When any mixed beverage establishment, beer and wine establishment, or bottle club, subject to the provisions of this section which has a license to sell alcoholic beverages for on premises consumption, or place licensed for on premises consumption of low point beer, or retail package store changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified. (Ord. 5916, 8-9-1999; amd. 2003 Code)

11-5-6: DAYCARE SERVICES, GROUP HOMES AND CARE CENTERS:

- A. **Family Daycare Homes:** Family daycare homes are permitted as a home occupation according to the provisions of subsection [11-5-1B15](#) of this chapter, and as an accessory use according to the provisions of subsection [11-5-1B16](#) of this chapter.
- B. **Child Daycare Centers:** Child daycare centers, as described in subsection [11-4-2C6](#) of this title, may be permitted as a principal use in certain districts, subject to obtaining a special use permit and subject to the following conditions:
1. Such use shall comply with all rules, regulations, and licensing requirements adopted by the state of Oklahoma through its department of human services.
 2. Adequate off street loading areas shall be convenient for the customers.
 3. If located in a single-family residential district, such use shall:
 - a. Be permitted only upon compliance with section [11-17-4](#) of this title.
 - b. Be so developed, maintained, and operated that the building and yards have the appearance and character of a single-family dwelling, and do not detract from abutting single-family dwelling properties.
 - c. Be designed such that there is no play equipment or care of children in the front or side yard, and such that all outdoor facilities shall be placed within a rear yard that is totally enclosed by a fence with an automatically closing and latching gate.
- C. **Group Homes:** Group homes are a use allowed by right in all residential districts and may be established in other specified zoning districts as a special use, provided the owner of such group home shall first submit an application to the city and the following conditions are met:
1. The proposed group home will be a minimum of one thousand two hundred feet (1,200') from any other group home or similar community residential facility serving persons in drug, alcohol, juvenile, child, parole, and other program of treatment, care supervision, or rehabilitation in a residential setting.
 2. The group home has been licensed by the state department of health.
 3. The applicant submits an application for a special use permit and a fee in an amount established by the city commission and a list of names and addresses of all property owners within three hundred feet (300') for the purpose of mailing notification to the affected property owners of the intent to establish a group home. The notice shall include:
 - a. The legal description of the property;
 - b. The street address or approximate location of the group home; and
 - c. A statement regarding the nature of the group home to be established, supervision and number of residents.
- D. **Residential Care/Rehabilitative Centers:** Residential care/rehabilitative centers may be

established in various zoning districts upon obtaining a special use permit as outlined in section [11-17-4](#) of this title, subject to approval by the city commission following public hearing(s). Residential care/rehabilitative centers include community residential facilities serving persons in drug, alcohol, juvenile, child, parole, family shelters, battered spouse shelters, halfway houses, and other programs of treatment, care supervision, or rehabilitation in a residential setting, and shall be a minimum of one thousand two hundred feet (1,200') from any other group home or similar residential care/rehabilitative center as defined above.

1. The proposed residential care/rehabilitative centers will be a minimum of one thousand two hundred feet (1,200') from any other group home or similar community residential facility serving persons in drug, alcohol, juvenile, child, parole, and other program of treatment, care supervision, or rehabilitation in a residential setting.

2. The residential care/rehabilitative center has been licensed, if required, by the state department of health.

3. The applicant submits an application for a special use permit and a fee in an amount established by the city commission and a list of names and addresses of all property owners within three hundred feet (300') for the purpose of mailing notification to the affected property owners of the intent to establish a group home. The notice shall include:

a. The legal description of the property;

b. The street address or approximate location of the center; and

c. A statement regarding the nature of the center to be established, supervision and number of residents. (Ord. 5916, 8-9-1999)

11-5-7: ZERO LOT LINE DEVELOPMENTS:

A. Single-family Zero Lot Line Housing:

1. Zero Lot Line: Detached dwellings may, where permitted, be located such that an exterior sidewall is constructed with no setback from an interior property line as described in subsection [11-4-2B2](#) of this title, and subject to the following conditions:

a. No windows, doors, or other openings are permitted in said sidewall.

b. The opposite side yard on the same property shall be a minimum of twelve feet (12') in width.

c. A perpetual twelve foot (12') easement for the purpose of building maintenance and separation between structures shall be provided on the lot adjacent to the exterior dwelling sidewall along the common property line, provided that:

(1) The maintenance easement shall apply only to principal buildings, and to any accessory structures or vegetation that do not allow reasonable access to the full height and width of the zero setback exterior sidewall for the purpose of maintenance;

(2) Roof overhangs from principal buildings may penetrate the easement on the adjacent lot a maximum of two feet (2') excluding gutter, but the roof shall be so designed that water runoff from the structure placed on the lot line is limited to the easement area; and

(3) Such easement must be shown on a subdivision plat, or otherwise recorded by an irrevocable covenant which shall run with the land, whereby proof of such recorded documents shall be submitted with applications for a building permit for any structure to be so constructed.

d. If a driveway is to be located along the lot line, a note of waiver must be recorded on the plat, or permission otherwise obtained from the city engineer, for a curb cut turning radius encroachment on the frontage of the adjacent property.

2. Semidetached Single-Family Dwellings: Semidetached single-family dwellings on two (2) adjacent lots may, where permitted, be located such that they have no setback from the same common interior property line as described in subsection [11-4-2B6](#) of this title, subject to the following conditions:

a. The common wall shall not contain doors or other openings between the two (2) units, and shall be designed and constructed to meet the applicable building and fire code requirements.

b. The minimum lot width for a pair of units so constructed may be reduced to twenty five feet (25') for each individual lot, and the minimum lot area for each individual lot may be reduced to three thousand six hundred (3,600) square feet. Properties subdivided at less than the normal lot width and area standards shall be eligible for the issuance of building permits only for dwellings in the semidetached configuration.

c. Driveways for each two (2) dwelling units within a structure may be adjacent along the common property line.

d. Each pair of lots, or entire subdivision, intended for such use shall have covenants or restrictions which run with the land upon which the units are located. Said covenants or restrictions shall specify methods and responsibilities for dealing with common expenses among owners of abutting units and other maintenance agreements consistent with shared property or easements. Proof of such recorded documents shall be submitted with applications for a building permit for any structure to be so constructed.

3. Townhouse Attached Dwellings: Townhouse attached dwellings, as described in subsection [11-4-2B12](#) of this title are subject to the following conditions in addition to the applicable provisions of [chapter 10](#) of this title:

a. Common walls shall not contain doors or other openings between the two (2) units, and shall be designed and constructed to meet the applicable building and fire code requirements.

b. The minimum lot width for units so constructed shall be twenty feet (20'), and the minimum lot area shall be one thousand (1,000) square feet.

c. Each group of abutting lots, or entire subdivision, intended for such use shall have covenants or restrictions which run with the land upon which the units are located. Said covenants or restrictions shall specify methods and responsibilities for dealing with common expenses among owners of abutting units.

B. Zero Lot Line Office Building: Office structures in commercial districts may be constructed on two (2) or more adjacent lots such that they have no setback from the same common interior property line for future sale of individual portions of the building with its lot, provided the following provisions are met:

1. The other side yard requirements are met;
2. The entire structure is built at one time;
3. The common wall has no doors or other openings between the units and shall be designed and constructed to meet the applicable building and fire code requirements; and
4. The lots intended for such use shall have covenants or restrictions which run with the land which state the methods and responsibilities for dealing with common maintenance agreements among property owners of abutting units consistent with shared property or easements, particularly with regard to driveways and parking lots. Proof of such recorded documents shall be submitted with applications for a building permit for any structure to be so constructed. (Ord. 5916, 8-9-1999)

11-5-8: RESIDENTIAL/COMMERCIAL MIXED USE:

Buildings of at least two (2) stories containing both residential and commercial uses, as described in subsection [11-4-2B14](#) of this title are permitted in certain commercial districts where, if new construction, the minimum area of the lot shall be not less than six thousand (6,000) square feet, and a ratio of total floor area to lot area shall not exceed eight-tenths (0.8), except in the CBD district where the only requirement is the provision of off street parking. In all cases the required off street parking shall be the sum of that required for the residential use and the commercial use, unless the periods of usage will not be simultaneous as determined by the planning commission. (Ord. 5916, 8-9-1999)

11-5-9: FREESTANDING SELF-SERVICE FACILITIES:

Any self-service use including, but not limited to, automatic bank teller machines, postal vending and depository facilities, or newspaper vending machines, which are located in freestanding structures devoted solely to such use either on a separate lot or as an accessory use within a complex of buildings, are subject to the following conditions:

- A. The self-service use must be located in a zoning district that would permit the use by right as a principal nonself-service activity;
- B. The structure may not occupy any off street parking, loading, or landscaping area required for any other use;
- C. Pedestrian walkways must be provided adjacent to the structure to minimize pedestrian

conflicts with vehicular traffic; and

- D. The self-service use shall comply with all other applicable standards and requirements of this title for principal uses with regard to setbacks, parking, signs, screenings, vehicular access, etc. (Ord. 5916, 8-9-1999)

11-5-10: ANIMAL KEEPING AND VETERINARY:

- A. All animal uses shall be conducted so as to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties.
- B. Keeping of animals within the city is subject to the regulations set forth in the city code.
- C. Small animal veterinary clinic buildings classified as low impact animal services, as described in subsection [11-4-2C30](#) of this title shall be located at least fifty feet (50') from any dwelling.
- D. All uses classified as high impact animal services, as described in subsection [11-4-2C31](#) of this title shall have all buildings and outside structures located at least two hundred feet (200') from any residential district. (Ord. 5916, 8-9-1999)

11-5-11: HAZARDOUS MATERIALS OPERATIONS:

- A. Manufacturing: Manufacturing of acid, cement, lime gypsum, explosives, or gas, refining of petroleum and allied products, and other industrial processes involving flammable, explosive, poisonous, toxic, caustic, or radioactive materials as primary materials in the product manufacture, are uses considered to be potentially hazardous to human health and safety. Such uses are allowed only in the general industrial district, and only upon approval of a special use permit. Approval of the city-county health department, the state fire marshal, and other appropriate city, state, and county regulating agencies is required, along with the imposition of specific restrictions intended to protect the public welfare.
- B. Storage: Bulk storage of gasoline, propane, butane, or other similar petroleum products is considered to be potentially hazardous to human health and safety. Such uses are allowed only in the general industrial district, and only upon approval of a special use permit. Compliance with the regulations administered by the occupational and hazardous substance division of the Oklahoma department of health, and approval of the city-county health department, the state fire marshal, and any other appropriate city, state, and county regulating agencies is required, along with the imposition of specific restrictions intended to protect the public welfare.
- C. Use: The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the city, and the regulations of the liquefied petroleum gas administration of the state of Oklahoma. (Ord. 5916, 8-9-1999)

CHAPTER 6 RESIDENTIAL DISTRICTS

11-6-1: GENERAL DESCRIPTION:

A. Purpose Of Regulations: The regulations for residential districts are designed to:

1. Protect the residential character of areas so designated by excluding therefrom principal commercial and industrial activities;
2. Encourage a suitable environment for family life by accommodating appropriate neighborhood facilities such as churches, schools, and playgrounds;
3. Permit certain institutions and utility facilities considered necessary in, and compatible with, residential neighborhoods;
4. Preserve openness of the living areas, facilitate privacy, and avoid overcrowding;
5. Make available areas suitable for a variety of dwelling types and densities; and
6. Protect residential areas against hazardous or objectionable influences.

B. Districts Described: The individual residential districts are described as follows:

1. R-1 Single-Family Dwelling District: The R-1 district is the most restrictive residential district in that the only dwelling type permitted is a conventional detached single-family house on a lot of not less than seven thousand two hundred (7,200) square feet in size.
2. R-2 Two-Family Dwelling District: The R-2 district is generally located adjacent to multi-family, high population density areas and is designed to permit a transition from high density residential and high land value areas to the single-family residential and to secure the character as outlined in the R-1 district.
3. R-2M Medium Density Dwelling District: The R-2M district is intended to provide for medium population density and can provide more flexibility in design and more variety in residential development. It is intended that the district will provide incentives for infill housing consistent with the existing character and density of an area. The principal use of this district is for garage apartments, zero lot line homes, duplexes, tri-plexes, four-plexes, townhouses, and condominiums. Apartment complexes with maximum of eight (8) attached dwelling units per structure will be allowed. Professional offices shall also be allowed upon review as provided in the permitted uses table, section [11-6-2.1](#) of this chapter.
4. R-3 Multi-Family Dwelling: The R-3 district is a high population density area generally located adjacent to commercial districts. It is intended that this district retain its residential character but to allow professional offices. Local commercial is allowed upon review as provided in the permitted use table, section [11-6-2.1](#) of this chapter.
5. RMHP Mobile Home Park Dwelling District: The RMHP district is established in which the principal use of land is for single-family mobile home dwellings located in a park setting in which lots are not individually owned.
6. RMHS Mobile Home Subdivision Dwelling District: The RMHS district is established in

which the principal use of land is for single-family mobile home dwellings which have been designed and platted into individual lots and which may be sold fee simple. (Ord. 5916, 8-9-1999)

11-6-2: PERMITTED USES; TABLE:

Uses permitted in the various residential districts are as set forth in the following table. Meanings of symbols and references in the table are as follows:

- A. Where an "X" appears in the column of a district, the use category listed to the right of the "X" is permitted as a use of right in that district;
- B. Where an "S" appears in the column of a district, the use category listed to the right of the "S" is permitted only through the approval of a special use permit, in accordance with the provisions of section [11-17-4](#) of this title;
- C. The letters preceding the general land use classifications, and the numbers preceding the individual use categories, relate directly to the corresponding system of identification in section [11-4-2](#) of this title; and
- D. Where a cross reference number appears in the "reference" column to the right of a particular use category, that category is subject to the requirements set forth in that section or subsection of this title, or other location in the city code. (Ord. 5916, 8-9-1999)

TABLE 11-6-2.1, USES PERMITTED IN RESIDENTIAL DISTRICTS

| R-1 | R-2 | R-2M | R-3 | RMHP | RMHS | Uses | Reference |
|--------------------------------------|-----|------|-----|------|------|---|-----------|
| (A) RESOURCE CATEGORIES (11-4-2A) | | | | | | | |
| X | X | X | X | X | X | (1) Restricted Horticulture: Ornamental floriculture and nursery products (no building or structure) | |
| X | X | X | X | X | X | (3) Crop Production: Field crops; vegetables and melons; fruits and tree nuts | |
| (B) RESIDENTIAL CATEGORIES (11-4-2B) | | | | | | | |
| X | X | X | X | X | X | (1) Detached conventional single-family | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|----------|
| S | X | | X | X | | | (2) Zero lot line single-family | 11-5-7A1 |
| | | | | | | X | (3) Mobile home | |
| | | | | | | X | X (4) Manufactured home | |
| | X | X | X | X | X | X | X (5) Modular home | |
| | S | X | X | X | | | (6) Semi-detached single-family | 11-5-7A2 |
| | | X | X | X | | S | (9) Two-family | |
| | | | X | X | | | (10) General multiple-family | |
| | | | X | X | | | (11) Condominium | |
| | | S | X | X | | | (12) Townhouse | 11-5-7A3 |
| | X | X | X | X | X | X | (7) Group Homes: Homes for the deaf or blind; homes for the mentally handicapped; homes for the physically handicapped and developmentally disabled | 11-5-6C |
| | S | S | S | S | | S | (8) Residential care/rehabilitation centers includes community residential facilities serving persons in drug, alcohol, juvenile, child, parole, family shelters, battered spouse shelters, halfway houses, and other programs of treatment, care supervision, or rehabilitation in a residential setting, residential shelters, halfway house, sheltered workshops | 11-5-6D |
| | | | | X | | | (9) Group Quarters: Rooming and boarding houses; dormitories; organization hotels and lodging houses (membership basis); fraternity and sorority houses | |

| | | | | | | | | | |
|---|---|--|---|---|---|---|---|---|----------------------------|
| S | S | | S | S | | S | Bed and breakfast homes | 11-5-1B3 | |
| X | X | | X | X | X | X | Home occupation | 11-5-1B15 | |
| (C) COMMERCIAL CATEGORIES (11-4-2C) | | | | | | | | | |
| | | | | | | X | (1) Administrative And Professional Offices: Insurance offices; real estate offices; investment offices; legal services; individual, family and organizational social services; engineering, architectural, planning and surveying services; accounting, auditing and bookkeeping; offices | | |
| | | | | | | S | (5) Convenience Sales And Personal Services: Delicatessen; convenience grocery store; self-service postal facilities (indoor); news dealer and self-service newspaper vending machine (indoor); automatic teller machine (indoor); garment pressing, and agents for laundries and dry cleaners; self-service laundry and cleaning; tailor shop; beauty and barber shops | | |
| | | | | | | S | S | (6) Child Daycare Center: Baby sitting bureau; daycare center; nursery and preschools | 11-5-6B |
| | | | | | | S | S | (40) Automobile Parking: Automobile parking lots and | Chapter 13 |

structures as principal use

(41) Personal Storage Warehouse: Personal storage mini warehouse

(E)
INFRASTRUCTURE
CATEGORIES (11-
4-2E)

| | | | | | |
|---|---|---|---|---|---|
| S | S | S | S | S | (1) Government: Government offices; municipal facilities and activities |
| S | S | S | S | S | (2) Public Education: Public elementary and secondary schools; public libraries and information centers |
| S | S | S | S | S | (3) Restricted Community Recreation: Community gardens available for public use on a prearranged basis; public golf course; passive recreation park; active recreation park or playground (no night lighting) |
| S | S | S | S | S | (4) Intensive Community Recreation: Outdoor public participant sports park or playground (with night lighting); indoor public recreation facilities |
| S | S | S | S | S | (5) Low Impact Institutional: Private elementary and secondary schools; private libraries and information centers; nursing and similar residential care facilities (for 5 or fewer residents); residential |

| | | | | | |
|---|---|---|---|---|---|
| | | | | | care facilities for 5 or fewer residents; church, chapel, synagogue, or other place of worship; convent, monastery, religious school |
| S | S | S | S | S | (6) Moderate Impact Institutional: Public or private junior college, technical institute, professional school; vocational schools; job training and vocational rehabilitation services; sheltered workshop; nursing and similar residential care facilities (for more than 5 residents); residential care facilities for more than 5 residents; group homes for more than 6 residents |
| S | S | S | S | S | (8) Indoor Cultural: Art gallery; museum; planetarium; aquarium; indoor cultural facilities |
| S | S | S | S | S | (15) Restricted Light Utility: Pipelines for subsections other than natural gas or water; electricity regulating substation; natural gas transmission facilities/pressure control station; water storage facility/pressure control station; sewage pressure control station |
| S | S | S | S | S | (16) General Light Utility And Public Protection: Ambulance service; garbage and refuse collecting and transporting service facility, excluding disposal; telephone |

company service facility with garaging, maintenance, and storage; electric company service facility with garaging, maintenance, and storage; gas company service facility with garaging, maintenance, and storage; utility services; police station; fire station

(Ord. 5973, 5-13-2002)

11-6-3: AREA AND BULK STANDARDS:

A. Table 11-6-3.1, Residential Area Standards: Every residential use in a residential district shall be subject to the lot width, lot area, and density requirements set forth in table [11-6-3.1](#), except as otherwise provided in this subsection, and in sections [11-5-7A](#) and [11-14-1](#) of this title.

TABLE 11-6-3.1, RESIDENTIAL AREA STANDARDS

| | Minimum Lot Width (Feet) | Minimum Lot Area (Sq. Ft) | Intensity (Minimum Square Feet Lot Area Based On Number of Dwelling Units) | Maximum Permitted Gross Density (Dwelling Units Per Acre) | | | | | |
|-------------------|-------------------------------|-------------------------------|--|---|--------------------|-------------------------|------------------|-----|--|
| One Dwelling Unit | Two Dwelling Units | 3 & 4 Family Units | Other Uses | Single Dwelling Unit | Two Dwelling Units | 3 & 4 Family Residences | Nonresi -dential | Oth | |
| R-1 | 50' @ BL, must abutstreet 45' | | | 100' @ BL, must abutstreet 45' | 7,200 | 7,200 | | | |
| R-2 | 50' @ BL, must abutstreet 45' | 50' @ BL, must abutstreet 45' | | 100' @ BL, must abutstreet 45' | 6,000 | 6,000 | 7,200 | | |

| | | | | | | | |
|------|---|--|--|------|-----------------------|-------|-------|
| R-2M | 50' @ BL, must abutstreet 45' | 50' @ BL, must abutstreet 45' | 60' @ BL, must abutstreet 45' | 100' | 5,000 | 5,000 | 6,000 |
| R-3 | 50' @ BL, must abutstreet 45' | 50' @ BL, must abutstreet 45' | 60' @ BL, must abutstreet 45' | 100' | 5,000 | 5,000 | 5,000 |
| RMHP | 30' | | | -- | 3,500 per space | -- | -- |
| RMHS | 50' | | | | 6,000 | 6,000 | 5,000 |

B. Table 11-6-3.2, Residential Bulk Standards: Every residential use in a residential district shall be subject to the yard, lot coverage, and height requirements set forth in table 11-6-3.2, except as otherwise provided in this subsection and in sections [11-5-7A](#) and [11-14-1](#) of this title.

TABLE 11-6-3.2, RESIDENTIAL BULK STANDARDS

| District | Minimum Yards (Feet) | | Maximum Lot Coverage (Percent) | Maximum Height (Feet) | Maximum Height | | |
|----------|----------------------|---------------|--------------------------------|-----------------------|----------------|--|----------------------------|
| | Front Corner (7) | Side Interior | | | Rear Corner | Corner Interior | Interior |
| R-1 | 20 | 25 | 25 | 20 | 6 | 20; or 25% of depth whichever is less (8)(1) | 30 25 2 1/2 stories or 35' |
| R-2 | 20 | 25 | 25 | 20 | 6(3) | 20 on corner or interior lot (1)(4) | 30 30 2 1/2 stories or 35' |
| R-2M | 20 | 25 | 25 | 20 | 6 | 10 on corner or interior lot (1)(4) | 40 40 2 1/2 stories or 35' |
| R-3 | 20 | 25 | 25 | 20 | 6 | 10 on corner or interior lot | 40 40 2 1/2 stories |

| | | | | | | | |
|------|--|---|------|------|--------|-------|----------------------|
| | | | | | (1)(4) | | or 35' |
| RMHP | 35 from center - line of access drive(5) | 35 from center-line of access drive (5) | 9(6) | 9(6) | 15(6) | 35 35 | 2 1/2 stories or 35' |
| RMHS | 25 | 25 | 9(6) | 6(6) | 15(6) | 40 40 | 2 1/2 stories or 35' |

Notes to table 11-6-3.2:

- (1) Accessory buildings 1 foot from rear property line or easement.
- (2) Accessory buildings shall not cover more than 20% of rear yard.
- (3) Garage apartments shall set back 6 feet from side property line.
- (4) Garage apartment shall set back 12 feet from centerline of alley or easement or 3 feet from rear property line, whichever is greater.
- (5) No mobile home shall be parked less than 10 feet from any property line of a mobile home park. No mobile home shall be located less than 25 feet from public street or highway.
- (6) Any accessory building shall not be less than 3 feet to any interior or rear mobile home lot line or easement.
- (7) Houses on a corner shall be considered as having 2 front yards, and shall meet the front yard requirements on both corners.
- (8) Rear yards for Nonnamaker addition, blocks 3 and 4, shall have a depth of 15 feet or 25 percent of the depth of the lot, whichever is smaller.

All uses shall contain adequate space on private property to provide for parking, loading and maneuvering vehicles.

All lighting shall be arranged so there will be no annoying glare directed or reflected toward adjacent property.

- C. Zero Lot Line Developments: No interior side yard is required on one side for zero lot line and semidetached single-family dwellings in the districts where permitted. The opposite side yard for zero lot line dwellings shall not be less than twelve feet (12'). (See section [11-5-7](#) of this title.)
- D. Yard, Lot And Height: All principal uses, other than dwellings, in any residential district, shall be subject to the following requirements except as otherwise provided in sections [11-5-4](#) and [11-14-1](#) of this title.

1. Minimum yards: Twenty five feet (25') on all sides.
 2. Maximum lot coverage: As set forth in table 11-6-3.2 for the respective districts.
 3. Maximum height: As set forth in table 11-6-3.2 for the respective districts.
- E. Multi-Family Parking Areas: Multi-family parking areas shall be screened from surrounding uses by a six foot (6') sightproof fence. Lighting for multi-family parking lots shall be designed such that it will not illuminate surrounding uses (see section [11-7-4](#) of this title). (Ord. 5916, 8-9-1999)

CHAPTER 7 COMMERCIAL DISTRICTS

11-7-1: GENERAL DESCRIPTION:

A. Purpose Of Regulations: The regulations for commercial districts are designed to:

1. Provide areas in which business may be conducted, goods sold and distributed, services rendered, and such other activities related to the function of commercial development;
2. Fulfill the need for shopping areas that range in size and function from minor commercial centers to the central business district, the locations of which are delineated by the master plan;
3. Relate functional differences in the various types of commercial uses to the appropriate land use intensities and relationships; and
4. Ensure compatibility of the various commercial areas within the city infrastructure.

B. Districts Described: The individual commercial districts are described as follows:

1. C-1 Local Commercial District: As a neighborhood center for convenience shopping, the C-1 district is designed to provide locations for the conduct of retail trade and personal service enterprises to meet the regular needs of nearby residential areas, as well as to permit some businesses which may also serve the entire city. (Ord. 5916, 8-9-1999)
2. C-2 General Commercial District: The C-2 district is intended for the conduct of general business to which the public requires frequent and direct access, but which is not characterized by either constant heavy trucking other than stocking and delivery of retail goods, or by any nuisance factors other than occasioned by the congregating of people and passenger vehicles. It is encouraged that the compatible business enterprises concentrate to the mutual benefit of consumers and merchants.
3. CBD Central Business District: The CBD district is intended to provide a pedestrian oriented concentration of mixed uses allowing for a wide range of commercial, residential, office, and limited light industrial uses. There may be limited off street parking requirements. Convenience shopping and the stability of retail development are promoted by encouraging continuous retail frontage. It is intended for the downtown core to facilitate

the adaptation of existing buildings to a more vital mixture of uses while conserving the exterior quality of and era of historic significance.

a. Legal Description: The legal description of this area is as follows: Donahoes Addition, Blocks 1, 26, 27, 28, and Block 25, Lots 1 through 5; Myatts Addition, Blocks 13, 14, 25, and 26; Townsite of Hartman, Block 32, Lots 11-20, Blocks 33-41, and Blocks 46-50; and, Townsite of Lynchville, Blocks 3-7. All of the above stated additions, blocks, and lots are contiguous and are located within the city limits of Ponca City, Kay County, Oklahoma.

b. Allowed Uses: See table 11-7-2.1, "Uses Permitted In Commercial Districts," in this chapter. (Ord. 5916, 8-9-1999; amd. 2003 Code)

C. Accessory Uses: The following uses are permitted, subject to review:

1. General accessory structures.

2. Accessory uses with specific regulations:

a. Fence:

(1) Stockade fencing, chainlink fencing with opaque materials inserted/woven between the fence material, and sightproof metal fencing are not permitted; however, stockade fencing and chainlink fencing with the insertions/weaving may be used for the screening of dumpsters.

b. Business signs and outdoor advertising signs may be erected in front of the building setback lines in accordance with the following provisions:

(1) One square foot of display surface area per each lineal foot of street frontage per floor is permitted; or a maximum of ten percent (10%) of the building facade square footage.

(2) Overhanging signs may extend over the public right of way to within two feet (2') of the curb line perpendicular, and must also be a minimum of nine feet (9') from the grade level.

D. Development Regulations:

1. Site Design Requirements:

a. Height: The maximum building height, including any structure on top of a building, shall not exceed sixty feet (60'); provided, the planning commission may approve a building height above sixty feet (60'), but not exceeding eighty feet (80'), if the proposed building is compatible with the scale, width and bulk of existing buildings located on the same block and across the street.

b. Yard Requirements: No yards required for front, side, or rear.

c. Parking Lots: Parking lots in the CBD shall be landscaped in accordance with the

landscaping standards as set forth in section [11-14-3](#) of this title.

2. Outside Storage:

- a. Material stored outside and visible from an abutting street shall be screened from the abutting street in accordance with subsection D2b of this section.
- b. Dumpsters and other commercial waste collection receptacles shall be sightproof screened from view on all sides of the dumpsters. A building, fence, vegetation, or other form of screening shall satisfy this requirement.

E. Design Review Process: A certificate of approval from the Ponca City Main Street design committee shall be required prior to obtaining a building permit from the community development department to begin work on the following:

1. The construction of any new building, whether preengineered or site built.
2. The total or partial demolition of any (main) structure.

The design committee, when considering applications for a certificate of approval, shall base its decisions upon the design guidelines as contained below. An applicant may appeal the decision of the committee to the planning commission, which can affirm, reverse, or modify the decision. Any appeal shall be made in writing to the community development director within twenty (20) days following the decision by the design committee. Final appeals may be made to the mayor and board of commissioners.

F. General Design Guidelines: The following design guidelines are advisory and intended to serve as a reference for any person or entity contemplating the construction, renovation, remodel, or restoration of any building located within the CBD. The Ponca City Main Street design committee may provide technical assistance for any such work.

1. Setbacks for new buildings and additions to buildings should be in keeping with other buildings on the block; normally, new buildings should be located in the front and side property lines. Where new buildings are not situated on the front and/or side property lines, the setback area should be designed and landscaped so as to complement the existing facilities within the core area. The historic character and texture of the area is best served through the observance of platted building property lines.
2. Original building facades are an established and a critical characteristic of the CBD. New and renovated facades should enhance or complement this characteristic. The design and construction of new buildings should incorporate facade elements that are consistent with and otherwise enhance these same characteristics.
3. Buildings should have the appearance of a flat roof from the ground, and parapets should hide pitched roofs. Roofs with other appearance should be closely reviewed for the districts' architectural improvement and for design impact on the district and adjacent structures.
4. Window alignment and type should be compatible with adjacent buildings. During and after the restoration and renovation of window openings, the windows should be set in two

inches (2") to three inches (3") from the facade front.

5. Original window, door, and freight bay door openings should be reestablished during renovations, on a story level by story level basis for those stories included within a building permit application, if these openings have been blocked in with wood, brick or other materials. Doors, windows and freight bay doors should not typically be blocked in with brick and panels. For example, one of the compatible styles of closure for freight bay doors would resemble a tongue and groove wooden warehouse door.

6. Existing brick surfaces should not be covered with paint, wood, plastic, metal, or other materials. This shall not apply to historic signage, as these may be restored with paint. The preferred method of signage of buildings is the attached sign mounted on the building.

7. The removal of paint from a facade should utilize a method which is known not to damage the brick, brick glazing, or stucco. Sandblasting would not generally be considered an appropriate method of paint removal for brick surfaces.

8. Facades should be designed or renovated with a design that is compatible with the older and historic buildings common to the area. Facade designs to be discouraged include those characterized by mirrored glass; panel walls made of glass, plastic or metal; smooth steel or smooth composite walls; or prefabricated tilt up concrete walls. Historic building ornamentation should not be removed or covered.

9. A building recognized locally or nationally for its architectural or historical significance should not be demolished unless there is no reasonable economic alternative.

10. Rooftop accessory and rooftop nonaccessory signs may be appropriate if designed as a landmark that conveys a message or logo enhancing the identity of the district.

11. Nonaccessory signs serving as local directional signs for patrons of the CBD may be utilized on a limited basis, such as two (2) per geographic block. The display surface should not exceed twelve (12) square feet per sign. Styles of lettering commonly used around the 1920s are recommended. Wall and ground signs constructed of wood and/or metal are preferred.

12. Sightproof screening may include natural or manmade materials and the design should yield a screen that is durable. When the material used is not vegetation, brick or stone, the surface should be painted or otherwise coated in a uniform color.

13. Street frontages of parking lots are highly visible and the lot boundaries can be designed to create security, a pleasant environment, and an obscured view of both debris and parked vehicles. The addition of landscaping can provide beneficial microclimatic effects. (Ord. 5992, 10-27-2003)

11-7-2: PERMITTED USES; TABLE:

Uses permitted in the various commercial districts are as set forth in table 11-7-2.1. Meanings of symbols and references in the table are as follows:

A. Where an "X" appears in the column of a district, the use category listed to the right of the

"X" is permitted as a use of right in that district;

- B. Where an "S" appears in the column of a district, the use category listed to the right of the "S" is permitted only through the approval of a special use permit, in accordance with the provisions of section [11-17-4](#) of this title;
- C. The letters preceding the general land use classifications, and the numbers preceding the individual use categories relate directly to the corresponding system of identification in section [11-4-2](#) of this title; and
- D. Where a cross reference number appears in the "reference" column to the right of a particular use category, that category is subject to the requirements set forth in that section of this title, or other location in the city code. (Ord. 5916, 8-9-1999)

TABLE 11-7-2.1, USES PERMITTED IN COMMERCIAL DISTRICTS

| C-1 | C-2 | CBD Uses | Reference |
|-----|--------------------------------------|---|-----------|
| | (B) RESIDENTIAL CATEGORIES (11-4-2B) | | |
| X | X | X (1) Detached conventional single-family | |
| X | X | X (9) Two-family | |
| X | X | X (7) Group Homes: Homes for the deaf or blind; homes for the mentally handicapped; homes for the physically handicapped and developmentally disabled | 11-5-6C |
| S | S | S (8) Residential care/rehabilitative centers includes community residential facilities serving persons in drug, alcohol, juvenile, child, parole, family shelters, battered spouse shelters, halfway houses, and other programs of treatment, care supervision, or rehabilitation in a residential setting | 11-5-6D |
| S | X | X (10) General multiple-family | |
| X | X | X (11) Condominium | |
| S | X | X (13) Group Quarters: Rooming and boarding houses; dormitories; organization hotels and lodging houses (membership basis); fraternity and sorority houses | |
| X | X | X (14) Limited mixed use | 11-5-8 |
| X | X | X Bed and breakfast homes | 11-5-1B3 |
| | (C) COMMERCIAL CATEGORIES (11- | | |

| | | | | |
|---|-------|---|---|----------------------------|
| | 4-2C) | | | |
| | S | | (2) Adult entertainment uses | 11-2-2 and 11-5- 1B2 |
| X | X | X | (1) Administrative And Professional Offices: Insurance offices; real estate offices; investment offices; legal services; individual, family, and organizational social services; engineering, architectural, planning, and surveying services; accounting, auditing and bookkeeping; offices | |
| | S | X | (3) Research Services: Research and development laboratories; commercial testing laboratories; noncommercial educational, scientific, and social research organization | |
| X | X | X | (4) Business Support Services: Farm labor and management services; advertising agencies; consumer credit and mercantile reporting and collection agencies; blueprinting and photocopying; commercial photography, art and graphics services; stenographic services; news syndicates; personnel services; computer and data processing services; management consulting, and public relations services; detective agencies and protective services; business machines rental and repair; photo finishing laboratories; trading stamp service; auctioneering service (commission or fee basis); bail bonding; inventory computing; merchandise liquidator (contract basis); music distribution service (noncoin operated); repossession service; sign painting and lettering service; telephone answering service; medical and dental laboratories | |
| X | X | X | (5) Convenience Sales And Personal Services: Delicatessen; convenience grocery store; self-service postal facilities (indoor); news dealer and self-service newspaper vending machines (indoor); automatic teller machine (indoor); garment pressing, and agents for laundries and dry cleaners; self-service laundry and cleaning; tailor shop; beauty and barber shops | 11-4- 2C5 |
| X | X | X | (6) Child Daycare Center: Baby sitting | 11-5- |

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| | | bureau; daycare center; nursery and preschools | 6B |
| X | X | X (7) Restricted Medical Services: Medical, dental, and other health practitioner offices | |
| X | X | X (8) General Medical Services And Sales And Pharmacy: Orthopedic, medical appliances, surgical, and dental supply stores; outpatient care facility; health and allied services | |
| X | X | X (9) Restricted Funeral And Interment Services: Funeral homes, mortuaries, and undertakers | |
| S | X | S (10) General Funeral And Interment Services: Cemeteries, crematoriums, columbariums and mausoleums | |
| X | X | X (11) Laundry Services: Laundry, dry cleaning, garment, and supply services | |
| X | X | X (12) Product Repair Services: Shoe repair and shine shops; hat cleaning shop; radio and television repair shops; household appliance repair; watch, clock, and jewelry repair; reupholstery and furniture repair; light welding repair; armature rewinding shop; bicycle repair shop; miscellaneous repair shops | |
| X | X | X (13) Restricted Consumer Services: Travel agency; photographic portrait studio; health clubs, spas, and reducing salons; rental of items for personal use; miscellaneous personal services; photocopy service; personal investigation service; recording studio; taxidermist; correspondence school; data processing school; business and secretarial schools; fine arts studio for professional work or teaching of art, photography, music, drama, or dance; miscellaneous educational services; miscellaneous social services; miscellaneous religious organizations; membership organizations | |
| X | X | X (14) General Consumer Services: Newspaper publishing; commercial job printing; postal service; transportation company business office; communication company business office; utility company business office; banks, savings and loan, and credit agencies; car title and tag | |

| | | services | |
|---|---|--|-----------|
| X | X | X (15) Retail Food And Beverage Sales: Grocery store; meat and fish market (indoor); fruit and vegetable market (indoor); confectionery store; dairy products store; bakery; catering service; ice dealer | |
| S | X | X (16) Retail Alcoholic Beverage Sales: Package liquor store | 11-5-5 |
| X | X | X (17) Restricted Eating Establishments: Cafeteria; coffee shop; restaurant | |
| S | X | X (18) Eating Establishments Permitting Alcoholic Beverages: Restaurants and private clubs | 11-5-5 |
| S | X | X (19) Drinking Establishments: Bars, taverns, night clubs | 11-5-5 |
| S | X | X (20) In-Vehicle Sales And Service: Restaurant with drive up window; drive in restaurant | 11-5-1B27 |
| X | X | X (20) In-Vehicle Sales And Service: Financial institutions with drive up window or remote teller device; laundry and cleaning establishments with drive up window; photographic film sales and developing service with drive up window; miscellaneous in-vehicle sales and service | 11-5-1B27 |
| X | X | X (21) Specialty Retail Sales, Automobile Parts And Accessories: Apparel and clothing accessories; furniture and accessory home furnishings; household appliances; radio and television stores; music store; sporting goods and bicycle dealers; book store; stationery and office supplies; jewelry store; hobby, toy, and game shops; gift, novelty, and souvenir shops; luggage and leather goods; sewing, needlework and piece goods stores; florist shop; tobacco products and accessories; office equipment, furniture and supplies; art and architectural supplies; pet shop; business machine dealer; miscellaneous specialty retail sales | |
| X | X | X (22) General Merchandise Sales: Department, variety, and general merchandise stores; mail order, catalogue, and direct delivery establishments | |
| S | X | X (23) Indoor Used Merchandise Sales: | |

| | | | |
|---|---|---|---------|
| | | Antique store; pawn shop; miscellaneous used merchandise sales; auction rooms (retail, general merchandise) | |
| | S | S (24) Outdoor Sales: Plant nursery; farm produce market; flea market | |
| S | X | X (25) Home Improvement Sales And Services: Home improvement center; paint, glass, and wallpaper stores; hardware store; lawn and garden supply store; floor covering store; drapery, curtain, and upholstery stores. Less than 25 percent of area of principal building in outdoor storage. | |
| S | X | S (26) Construction Sales And Services: Building construction contractor; heavy construction general contractor; electrical, plumbing, heating, carpentry, masonry, and other special building trade contractor; lumber and other building materials dealer; used building materials dealer. 25 percent or greater area of principal building in outdoor storage. | |
| S | X | X (27) General Maintenance Services: Ornamental shrub and tree service; window cleaning; disinfecting and exterminating services; janitorial services (contract basis); miscellaneous cleaning and maintenance services; vending machine supply and services; bottled liquefied petroleum gas dealer | |
| | X | X (29) Agricultural Supplies And Services: Soil preparation service; crop planting, cultivation, protection, harvesting services; forestry services; farm supplies, feed, fertilizer and agricultural chemicals | |
| S | X | X (30) Low Impact Animal Services: Small animal hospital or veterinary clinic; pet grooming and training (indoor) | 11-5-10 |
| | X | (31) High Impact Animal Services: Large animal hospitals, and small animal hospitals with outdoor kennels; livestock services; boarding kennels; animal training (outdoor) | 11-5-10 |
| S | X | X (32) Light Vehicle Sales And Rentals: Automobile dealer; motorcycle dealer | |
| | X | X (33) Moderate Vehicle Sales And Rentals: Boat dealer; truck dealer; mobile home dealer; recreational and utility trailer dealer; | |

| | | | |
|---|---|--|----------------------------|
| | | motor home dealer | |
| | X | S (34) Heavy Vehicle Sales And Rentals: Construction and mining machinery and equipment; farm and garden machinery and equipment; aircraft dealer; truck dealer | |
| S | X | X (35) Automobile Service Station: Gasoline service station; motor vehicle washing facility (self-service or automatic) | |
| | S | (36) Truck Stop: Truck stop | |
| S | X | X (37) Light Motor Vehicle Maintenance: Automotive trim and upholstery shops; tire service; mechanical automotive repair shops; exhaust system service; glass replacement shop; radiator repair shop; transmission service; wheel alignment service; motor vehicle washing facility (self-service or automatic); automotive diagnostic and inspection services; motorcycle repair shop | |
| | X | S (38) Heavy Motor Vehicle Maintenance: Motor vehicle passenger transportation maintenance facilities; boat repair shop; aircraft service and repair facilities; automotive body and paint shops; major engine overhaul facilities; automotive repair shops; farm machinery repair shops | |
| | X | (39) Outdoor Vehicle Storage: Storage yard for operable buses, trucks or recreational vehicles as principal use | |
| | S | (39) Outdoor Vehicle Storage/Impoundment Yard: Storage yard for automotive towing service with impoundment yard for operable buses; trucks or recreational vehicles as principal use; automotive towing service with impoundment yard | |
| X | X | X (40) Automobile Parking: Automobile parking lots and structures as principal use | Chapter 13 |
| S | X | S (41) Personal Storage Warehouse: Personal storage mini warehouse | |
| S | X | X (43) Indoor Participant Recreation And Entertainment: Dance hall, ballroom; billiard and pool establishments; bowling alley; amusement arcade; membership sports and recreation facilities (indoor); table game parlor; ice or roller skating rinks; indoor amusement and recreation services | |

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| | X | | (44) Outdoor Participant Recreation And Entertainment: Amusement park; membership sports and recreation facilities (outdoor); miniature golf, driving range |
| S | X | X | (45) Indoor Commercial Lodging: Hotel, motel |
| | S | | (46) Outdoor Commercial Lodging: Recreational vehicle park and camp sites |
| X | X | X | (47) Restricted Impact Indoor Spectator Sports And Entertainment: Drama/music facilities and spectator sports arena; motion picture theater; civic, social, and fraternal organizations |
| | X | X | (48) Intensive Impact Indoor Spectator Sports And Entertainment: Drama/music facilities and spectator sports arena |
| | S | | (49) Outdoor Spectator Sports And Entertainment: Open air drama/music facilities; spectator sports stadium; racing or driving tracks of any kind |

(D) INDUSTRIAL
CATEGORIES (11-
4-2D)

| | | | |
|---|---|---|---|
| S | X | X | (1) Custom Handicraft Production: Apparel and other hand sewn fabric products; wood products; hand fabricated leather products; cut or fabricated wood products; hand fabricated pottery products; fabricated metal novelty products; precious metal jewelry; costume jewelry and novelties, and miscellaneous notions; candles; miscellaneous art and handicraft fabrication or processing |
| | S | S | (2) Restricted Indoor Warehousing: Local trucking with storage; farm product storage (excluding elevators and refrigerated); packing, crating, moving, and storage of household goods; general warehousing and storage; freight trucking terminal; wholesale distribution of durable goods; wholesale distribution of nondurable goods |
| | S | S | (3) General Indoor Warehousing: Local trucking with storage; farm product storage (excluding elevators); refrigerated warehousing, commercial food locker; packing, crating, moving, and storage of |

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|---|-----------------|---|
| | | household goods; general warehousing and storage; freight trucking terminal; wholesale distribution of durable goods; wholesale distribution of nondurable goods |
| S | S | S (5) Low Impact Manufacturing And Processing: Dairy products; canned and preserved fruits and vegetable; bakery products; sugar and confectionery products; fats and oils; bottled and canned soft drinks and carbonated waters; flavoring extracts and syrups; miscellaneous food preparations and related products; ice plant; apparel and other finished fabric products; cabinetry; furniture and fixtures; printing, publishing, and allied industries; glass products made of purchased glass; fabricated, leather goods; clay product pottery and figurines; fabricated structural metal products; electronic computing equipment; electrical and electronic machinery, equipment and supplies (assembly only); phonograph records and prerecorded magnetic tape; engineering, laboratory, scientific, and research instruments; measuring and controlling instruments; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; watches, clocks, and similar devices and parts; precious metal jewelry and lapidary materials; musical instruments; toys, games, amusement, sporting, and athletic goods; office, drafting, and artists materials; costume jewelry, costume novelties, buttons, and miscellaneous notions; signs and advertising displays; heavy welding repair, blacksmith shop |
| | (E) | |
| | INFRASTRUCTURE | |
| | CATEGORIES (11- | |
| | 4-2E) | |
| X | X | X (1) Government: Government offices; municipal facilities and activities |
| S | S | S (2) Public Education: Public elementary and secondary schools; public libraries and information centers |
| S | X | X (3) Restricted Community Recreation And |

| | | | |
|---|---|---|---|
| | | | Food Productions: Community gardens available for public use on a prearranged basis; public golf course; passive recreation park; active recreation park or playground (no night lighting) |
| S | S | S | (4) Intensive Community Recreation: Outdoor public participant sports park or playground (with night lighting); indoor public recreation facilities |
| S | S | S | (5) Low Impact Institutional: Private elementary and secondary schools; private libraries and information centers; nursing and similar care facilities (for 5 or fewer residents); church, chapel, synagogue, or other place of worship; convent, monastery, religious school |
| S | S | S | (6) Moderate Impact Institutional: Public or private junior college; technical institute, professional school; vocational schools; job training and vocational rehabilitation services; nursing and similar care facilities (for more than 5 residents) |
| S | S | S | (7) High Impact Institutional: College or university; hospitals |
| X | X | X | (8) Indoor Cultural: Art gallery; museum; planetarium; aquarium; indoor cultural facilities |
| S | X | X | (9) Outdoor Cultural: Arboreta, botanical, and zoological gardens; outdoor cultural facilities |
| S | X | X | (10) Surface Passenger Transportation: Local bus line operation office; local airport transportation service office; taxicab operation office; intercity/interstate bus line office; charter bus service office; school bus company office; bus terminal operation |
| | | S | (11) Surface Freight Transportation: Railroad transportation facilities and services; local trucking without storage; long distance trucking |
| | | S | (12) Aircraft Transportation: Aircraft transportation facilities and airfield services |
| S | S | S | (13) Communication Services: Telephone exchange buildings and relay stations without garaging, maintenance, or storage facilities; telegraph services; radio |

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| | | | broadcasting station; television broadcasting or translator stations; communication services | |
| S | S | S | (14) Communication Towers: Telephone/telegraph transmission microwave tower; communication towers | 11-5-2 |
| S | S | S | (15) Restricted Light Utility: Pipelines for substations other than natural gas or water; electricity regulating substation; natural gas transmission facilities/pressure control station; water storage facility/pressure control station; sewage pressure control station | |
| S | S | S | (16) General Light Utility: Garbage and refuse collecting and transporting service facility, excluding disposal; telephone company service facility with garaging, maintenance, and storage; electric company service facility with garaging, maintenance, and storage; gas company service facility with garaging, maintenance, and storage; utility services | |
| X | X | X | (16) General Light Utility And Public Protection: Ambulance service; police station; fire station | |

(Ord. 5973, 5-13-2002)

11-7-3: AREA AND BULK STANDARDS:

- A. Nonresidential Areas: Nonresidential uses in the commercial districts shall not be subject to specific lot width, lot area, or height requirements except as provided in this section and in section [11-14-1](#) of this title.
- B. Table 11-7-3.1, Commercial Bulk Standards: Every nonresidential use in a commercial district shall be subject to the yard and lot coverage requirements set forth in table 11-7-3.1, except as otherwise provided in this subsection and in section [11-14-1](#) of this title.

TABLE 11-7-3.1, COMMERCIAL BULK STANDARDS

| | Minimum Yards (Feet) (1) | Maximum Lot Coverage (Percent) |
|-----------------------|--------------------------------|---|
| Front Interior (1) | Side | Rear (2) (When abutting indicated) |

| Interior (When abutting indicated district or across alley or easement) | Corner | district or across alley or easement) | | | | |
|---|--------|---|-------------|-----------------------------|-------------|------------|
| | | Commercial | Residential | Commercial Or Industrial | Residential | Commercial |
| C-1 | 25 | 0 | 6 | 15 | 15 | 0 15 30 |
| CBD | 0 | 0 | 0 | 0 | 0 | 0 0 100 |
| C-2 | 25 | 0 | 15 | 15 | 15 | 0 15 30 |

1. New residential development in commercial district shall meet same requirements as R-3.

2. Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof not less than thirty feet (30') wide.

C. Residential Uses: Residential uses shall not be permitted on the same lot as a commercial use, except as provided in [chapter 10](#) of this title, and section [11-5-8](#) of this title. Residential uses otherwise located in a commercial district shall be subject to the area and bulk requirements of the R-3 district. (Ord. 5916, 8-9-1999)

11-7-4: SIGHTPROOF SCREENING:

Sightproof screening is required in any commercial lot which is located adjacent to or contiguous to a lot zoned residential. Commercial uses shall be screened from residential uses by a six foot (6') sightproof fence. Sightproof fence shall mean a solid, nonopaque surface designed to prevent light from passing onto the adjacent lots. (Ord. 5916, 8-9-1999)

11-7-5: PARKING LOT LIGHTING:

Parking lot lighting constructed on any commercial lot for the purpose of lighting parking and access areas, or for security purposes, shall be designed and installed so that it will not illuminate adjacent lots. (Ord. 5916, 8-9-1999)

CHAPTER 8 INDUSTRIAL DISTRICTS

11-8-1: GENERAL DESCRIPTION:

A. Purpose Of Regulations: The regulations of industrial districts are designed to:

1. Meet the needs of the area's industrial economy by making available a wide range of

suitable sites for most types of warehousing, manufacturing, assembly, repair, testing, research, and related activities;

2. Reserve such sites for industrial use by protecting them from encroachment by nonindustrial uses;

3. Differentiate between levels of industrial use intensity, objectionable influences, and requirements with respect to the city transportation and utility infrastructure; and

4. Provide for the use of the less intensive industrial districts as buffers between residential districts and more intensive industrial districts.

B. Districts Described: The individual districts are described as follows:

1. I-P Industrial Park District: The I-P district is intended primarily to provide an environment conducive to the development and protection of modern administrative facilities, research institutions, specialized manufacturing plants, and similar enterprises whose operations are contained entirely within buildings, and which are ordinarily free of environmental nuisances, and may be appropriately located together in a visually compatible setting.

2. I-1 Light Industrial District: The I-1 light industrial district is intended as an area in which light manufacturing, warehousing and wholesale servicing may be conducted but would not include the use of any material that would create a danger to the surrounding area through fires, explosion, noise, dust, smoke, odor, or water pollution.

3. I-2 Moderate Industrial District: This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale, and service uses which may generate relatively low levels of noise, odor, smoke, dust, or intense light. Industrial uses permitted may require good accessibility to air, rail or street transportation routes, but do not depend heavily on frequent personal visits of customers or clients. Provision is also made for outdoor operations, display, and storage.

4. I-3 Heavy Industrial District: In the I-3 heavy industrial district, it is intended that the land be used for heavy industrial and commercial enterprises which would, through necessary and unavoidable processes, create nuisance that would not be in harmony with residential and business. (Ord. 5916, 8-9-1999)

11-8-2: PERMITTED USES; TABLE:

Uses permitted in the various industrial districts are as set forth in table 11-8-2.1. Meanings of symbols and references in the table are as follows:

A. Where an "X" appears in the column of a district, the use category listed to the right of the "X" is permitted as a use of right in that district;

B. Where an "S" appears in the column of a district, the use category listed to the right of the "S" is permitted only through the approval of a special use permit, in accordance with the provisions of section [11-17-4](#) of this title;

C. The letters preceding the general land use classifications, and the numbers preceding the

individual use categories, relate directly to the corresponding system of identification in section [11-4-2](#) of this title; and

D. Where a cross reference number appears in the "Reference" column to the right of a particular use category, that category is subject to the requirements set forth in that section of this title or other location in the city code. (Ord. 5916, 8-9-1999)

TABLE 11-8-2.1, USES PERMITTED IN INDUSTRIAL DISTRICTS

| I-P | I-1 | I-2 | I-3 | Uses | Section Reference |
|--------------------------------------|-----|-----|-----|---|-------------------|
| (A) RESOURCE CATEGORIES (11-4-2A) | | | | | |
| X | X | X | X | (1) Restricted Horticulture: Ornamental floriculture and nursery products (no building or structure) | |
| X | X | X | X | (2) General Horticulture: Ornamental floriculture and nursery products (including building or greenhouse); food crops grown under cover | |
| | | X | X | (3) Crop Production: Field crops; vegetables and melons; fruits and tree nuts | |
| | | X | X | (4) Livestock Production: Livestock grazing and accessory facilities | 11-5-10 |
| | | X | X | (5) Animal Specialties: Dairy farms; poultry and eggs; animal specialties | 11-5-10 |
| | X | X | X | (6) On Premises Agricultural Processing: Crop preparation for market (on premises) | |
| | X | X | X | (7) Off Premises Agricultural Processing: Crop preparation for market (off premises) | |
| | S | S | S | (9) Mineral And Raw Material Mining: Stone; sand and gravel; clay, ceramic, and refractory minerals; miscellaneous nonmetallic minerals | |
| (B) RESIDENTIAL CATEGORIES (11-4-2B) | | | | | |
| | S | S | | (1) Detached conventional single-family (5) modular home | 11-5-6C |
| | S | S | | (8) Residential Care/Rehabilitative | 11-5- |

Centers: Includes community residential facilities serving persons in drug, alcohol, juvenile, child, parole, family shelters, battered spouse shelters, halfway houses, and other programs of treatment, care supervision, or rehabilitation in a residential setting 6D

(C)
COMMERCIAL
CATEGORIES (11-
4-2C)

| | | | |
|---|---|---|---|
| X | X | X | X (1) Administrative And Professional Offices: Insurance offices; real estate offices; investment offices; legal services; individual, family, and organizational social services; engineering, architectural, planning, and surveying services; accounting, auditing and bookkeeping; offices |
| X | X | X | X (3) Research Services: Research and development laboratories; commercial testing laboratories; noncommercial educational, scientific, and social research organization |
| X | X | X | X (4) Business Support Services: Farm labor and management services; advertising agencies; consumer credit and mercantile reporting, and collection agencies; blueprinting and photocopying; commercial photography, art, and graphics services; stenographic services; news syndicates; personnel services; computer and data processing services; management, consulting, and public relations services; detective agencies and protective services; business machines rental and repair; photo finishing laboratories; trading stamp service; auctioneering service (commission or fee basis); bail bonding; inventory computing; merchandise liquidator (contract basis); music distribution service (noncoin operated); repossession service; sign painting and lettering service; telephone |

| | | | | | |
|---|---|--|---|---|---------|
| | | | | answering service; medical and dental laboratories | |
| | S | | S | (6) Child Daycare Center: Baby sitting bureau; daycare center; nursery and preschools (intended for employee use, may be internal to firm or as a separate use) | 11-5-6B |
| | X | | X | X (11) Laundry Services: Laundry, dry cleaning, garment, and supply services | |
| S | X | | X | X (12) Product Repair Services: Shoe repair and shine shops; hat cleaning shop; radio and television repair shops; household appliance repair; watch, clock, and jewelry repair; upholstery and furniture repair light welding repair; armature rewinding shop; bicycle repair shop; miscellaneous repair shops | |
| | S | | S | (13) Restricted Consumer Services: Travel agency; photographic portrait studio; health clubs, spas, and reducing salons; rental of items for personal use; miscellaneous personal services; photocopy service; personal investigation service; recording studio; taxidermist; correspondence school; data processing school; business and secretarial schools; fine arts studio for professional work or teaching of art, photography, music, drama, or dance; miscellaneous educational services; miscellaneous social services; miscellaneous religious organizations; membership organizations | |
| X | X | | X | X (17) Restricted Eating Establishments: Cafeteria; coffee shop; restaurant | |
| | S | | S | S (23) Indoor Used Merchandise Sales: Antique store; pawn shop; miscellaneous used merchandise sales; auction rooms (retail, general merchandise) | |
| | S | | S | S (24) Outdoor Sales: Plant nursery; farm produce market; flea market | |
| | X | | X | X (25) Home Improvement Sales And Services: Home improvement center; paint, glass, and wallpaper stores; | |

| | | | | | |
|---|---|--|---|--|---------|
| | | | | hardware store; lawn and garden supply store; floor covering store; drapery, curtain, and upholstery stores | |
| | X | | X | X (26) Construction Sales And Services: Building construction contractor; heavy construction general contractor; electrical, plumbing, heating, carpentry, masonry, and other special building trade contractor; lumber and other building material dealer; used building materials dealer | |
| S | X | | X | X (27) General Maintenance Services: Ornamental shrub and tree service; window cleaning; disinfecting and exterminating services; janitorial services (contract basis); miscellaneous cleaning and maintenance services; vending machine supply and services; bottled liquefied petroleum gas dealer | |
| S | X | | X | X (28) Oil And Gas Field Services: Oil and gas field exploration services | |
| | S | | X | X (29) Agricultural Supplies And Services: Soil preparation service; crop planting, cultivation, protection, and harvesting services; forestry services; farm supplies, feed, fertilizer, and agricultural chemicals | |
| | X | | X | (30) Low Impact Animal Services: Small animal hospital or veterinary clinic; pet grooming and training (indoor) | 11-5-10 |
| | S | | X | X (31) High Impact Animal Services: Large animal hospitals, and small animal hospitals with outdoor kennels; livestock services; boarding kennels; animal training (outdoor) | 11-5-10 |
| | S | | S | S (32) Light Vehicle Sales And Rentals: Automobile dealer; motorcycle dealer | |
| | X | | X | X (33) Moderate Vehicle Sales And Rentals: Boat dealer; truck dealer; mobile home dealer; recreational and utility trailer dealer; motor home dealer | |
| | X | | X | X (34) Heavy Vehicle Sales And | |

| | | | | | |
|---|---|--|---|--|----------------------------|
| | | | | Rentals: Construction and mining machinery and equipment; farm and garden machinery and equipment; aircraft dealer; truck dealer | |
| | X | | X | X (35) Automobile Service Station: Gasoline service station; motor vehicle washing facility (self-service or automatic) | |
| | S | | X | X (36) Truck Stop: Truck stop | |
| | X | | X | X (37) Light Motor Vehicle Maintenance: Automotive trim and upholstery shops; tire service; mechanical automotive repair shops; exhaust system service; glass replacement shop; radiator repair shop; transmission service; wheel alignment service; motor vehicle washing facility (self-service or automatic); automotive diagnostic and inspection services; motorcycle repair shop | |
| | X | | X | X (38) Heavy Motor Vehicle Maintenance: Motor vehicle passenger transportation maintenance facilities; boat repair shop; aircraft service and repair facilities; automotive body and paint shops; major engine overhaul facilities; automotive repair shops; farm machinery repair shops | |
| | S | | X | X (39) Outdoor Vehicle Storage: Storage yard for operable buses, trucks or recreational vehicles as principal use; automotive towing service with impoundment yard | |
| X | X | | X | X (40) Automobile Parking: Automobile parking lots and structures as principal use | Chapter 13 |
| X | X | | X | X (41) Personal Storage Warehouse: Personal storage mini warehouse | |
| | S | | S | S (42) Horse Stables: Horse grazing and stables; riding academy, and commercial rental of horses | |
| S | S | | S | S (43) Indoor Participant Recreation And Entertainment: Dance hall; ballroom; billiard and pool establishments; bowling alley; | |

| | | | | |
|---|---|---|---|--|
| | | | | amusement arcade; membership sports and recreation facilities (indoor); table game parlor; ice or roller skating rinks; indoor amusement and recreation services |
| S | S | S | S | (44) Outdoor Participant Recreation And Entertainment: Amusement park; membership sports and recreation facilities (outdoor); miniature golf, driving range |
| S | S | S | S | (47) Restricted Impact Indoor Spectator Sports And Entertainment: Drama/music facilities and spectator sports arena; motion picture theater; civic, social and fraternal organizations |
| | S | S | S | (48) Intensive Impact Indoor Spectator Sports And Entertainment: Drama/music facilities and spectator sports arena |
| | S | S | S | (49) Outdoor Spectator Sports And Entertainment: Open air drama/music facilities, spectator sports stadium; racing or driving tracks of any kind |

(D) INDUSTRIAL
CATEGORIES (11-
4-2D)

| | | | | |
|---|---|---|---|---|
| X | X | X | X | (1) Custom Handicraft Production: Apparel and other hand sewn fabric products; wood products; hand fabricated leather products; cut or fabricated wood products; hand fabricated pottery products; fabricated metal novelty products; precious metal jewelry; costume jewelry and novelties, and miscellaneous notions; candles; miscellaneous art and handicraft fabrication or processing |
| X | X | X | X | (2) Restricted Indoor Warehousing: Local trucking with storage; farm product storage (excluding elevators and refrigerated); packing, crating, moving, and storage of household goods; general warehousing and storage; freight trucking terminal; wholesale distribution of durable goods; wholesale distribution of |

| | | | | |
|---|---|---|---|--|
| | | | | nondurable goods |
| S | X | X | X | (3) General Indoor Warehousing: Local trucking with storage; farm product storage (excluding elevators); refrigerated warehousing, commercial food locker; packing, crating, moving, and storage of household goods; general warehousing and storage; freight trucking terminal; wholesale distribution of durable goods; wholesale distribution of nondurable goods |
| | X | X | X | (4) Outdoor Storage: Wholesale automobile and other motor vehicle storage yard; wholesale building and construction materials storage yard; wholesale steel and pipe products storage yard |
| | S | S | S | (4) Outdoor Storage: Grain elevator |
| S | X | X | X | (5) Low Impact Manufacturing And Processing: Dairy products; canned and preserved fruits and vegetables; bakery products; sugar and confectionery products; fats and oils; bottled and canned soft drinks and carbonated waters; flavoring extracts and syrups; miscellaneous food preparations and related products; ice plant; apparel and other finished fabric products; cabinetry; furniture and fixtures; printing, publishing, and allied industries; glass products made of purchased glass; fabricated, leather goods; clay product pottery and figurines; fabricated structural metal products; electronic computing equipment; electrical and electronic machinery, equipment and supplies (assembly only); phonograph records and prerecorded magnetic tape; engineering, laboratory, scientific, and research instruments; measuring and controlling instruments; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; watches, clocks, and similar devices |

and parts; precious metal jewelry and lapidary materials; musical instruments; toys, games, amusement, sporting, and athletic goods; office, drafting, and artists materials; costume jewelry, costume novelties, buttons, and miscellaneous notions; signs and advertising displays; heavy welding repair, blacksmith shop

S X X (6) Moderate Impact Manufacturing And Processing: Cotton ginning; grain mill products; beet sugar refining; fish and seafood preserving and packaging; tobacco products; textile mill products; wood containers; prefabricated wood buildings, mobile homes, and components; miscellaneous wood products; converted paper and paperboard products; drugs and medicines; toilet soap; perfumes, cosmetics, and other toilet preparations; miscellaneous fabricated rubber products, miscellaneous plastics products; fabricated leather goods; structural clay products; clay product furnishings, fixtures, and miscellaneous supplies; concrete products; cut stone and stone products; gaskets, packing, and sealing devices; cold rolled steel sheet, strip, and bars; foundry casting lightweight nonferrous metal not causing noxious fumes or odors; sheet metal work; metal furnishing; office and business machine assembly; jobbing and repair machine shops, excluding punch presses over 20 tons' rated capacity, drop hammers, and automatic screw machines; motor vehicles and passenger car bodies, assembly, painting, and upholstery; boats; motorcycles, bicycles, and parts; recreational trailers and light truck campers; transportation equipment; plated metal ware; miscellaneous manufacturing industries

- S S (7) High Impact Manufacturing And Processing: Grain mill; meat product preparation and packing, excluding slaughtering and holding pens; pet food; animal and marine fats and oils; beverages; sawing and planing mills; millwork, veneer, plywood, and structural wood members; wood preserving; particle board; pulp, paper, paper board, building paper, and building board mills and products; rubber and plastics products; leather tanning and finishing; flat glass; glassware, pressed or blown; hydraulic cement; concrete mixing plant; lime; gypsum products; abrasives, asbestos, and miscellaneous nonmetallic mineral products; primary metal industries; fabricated metal products; machinery and equipment, except electrical; electrical and electronic machinery, equipment, and supplies (other than assembly); truck and bus bodies; truck trailers; aircraft and parts; railroad equipment; guided missiles, space vehicles, and parts; military tanks and components
- S S (8) Hazardous Materials Operations: Alkalies and chlorine manufacturing; industrial gases manufacturing; inorganic pigments manufacturing; industrial inorganic chemicals manufacturing; plastics materials, synthetic resins, and nonvulcanizable elastomers manufacturing; synthetic rubber manufacturing; synthetic organic fibers manufacturing; soap, detergents, and cleaning preparations manufacturing; paints, varnishes, lacquers, enamels, and allied products manufacturing; gum and wood chemicals manufacturing; cyclic (coal tar) crudes and intermediates, dyes, and organic pigments manufacturing, industrial organic chemicals manufacturing; agricultural fertilizers, pesticides, and allied chemicals manufacturing; adhesives

and sealants manufacturing;
explosives manufacturing and
storage; miscellaneous chemicals and
chemical preparations manufacturing;
petroleum refining and related
industries; wholesale chemical and
petroleum bulk stations and terminals

S (9) Salvage Operations: Wholesale
storage and distribution of scrap and
waste materials for reclamation,
excluding motor vehicles

(E)
INFRASTRUCTURE
CATEGORIES (11-
4-2E)

| | | | |
|---|---|---|---|
| X | X | X | X (1) Government: Government offices; municipal facilities and activities |
| S | S | S | S (2) Public Education: Public elementary and secondary schools; public libraries and information centers |
| S | S | S | S (5) Low Impact Institutional: Private elementary and secondary schools; private libraries and information centers; nursing and similar care facilities (for 5 or fewer residents); church, chapel, synagogue, or other place of worship; convent, monastery, religion school |
| S | S | S | S (6) Moderate Impact Institutional: Public or private junior college, technical institute, professional school; vocational schools; job training and vocational rehabilitation services; nursing and similar care facilities (for more than 5 residents) |
| S | S | S | S (8) Indoor Cultural: Art gallery; museum; planetarium; aquarium; indoor cultural facilities |
| S | S | S | S (9) Outdoor Cultural: Arboreta, botanical, and zoological gardens; outdoor cultural facilities |
| X | X | X | X (10) Surface Passenger Transportation: Local bus line operation office; local airport transportation service office; taxicab |

| | | | | |
|---|---|---|---|---|
| | | | | operation office; intercity/interstate bus line office; charter bus service office; school bus company office; bus terminal operation |
| S | X | X | X | (11) Surface Freight Transportation: Railroad transportation facilities and services; local trucking without storage; long distance trucking |
| S | S | S | S | (12) Aircraft Transportation: Aircraft transportation facilities and airfield services |
| S | S | S | S | (13) Communication Services: Telephone exchange buildings and relay stations without garaging, maintenance, or storage facilities; telegraph services; radio broadcasting station; television broadcasting or translator stations; communication services |
| S | S | S | S | (14) Communication Towers: Telephone/telegraph transmission microwave tower; communication towers; radio/television transmission towers |
| X | X | X | X | (15) Restricted Light Utility: Pipelines for substations other than natural gas or water; electricity regulating substation; natural gas transmission facilities/pressure control station; water storage facility/pressure control station; sewage pressure control station |
| X | X | X | X | (16) General Light Utility And Public Protection: Ambulance service; garbage and refuse collecting and transporting service facility, excluding disposal; telephone company service facility with garaging, maintenance, and storage; electric company, service facility with garaging, maintenance, and storage; gas company service facility with garaging, maintenance and storage; utility services; police station; fire station |
| | | | S | (17) Heavy Utility: Electricity generating plant; water purification |

plant; sewage treatment plant, sludge drying beds; resource recovery operation for processing waste materials for use in energy production

(Ord. 5916, 8-9-1999; amd. Ord. 5973, 5-13-2002)

11-8-3: AREA AND BULK STANDARDS:

- A. Lot Dimensions; Building Height: Permitted uses in the industrial districts shall not be subject to specific lot width, lot area, or height requirements except as provided in this section and in section [11-14-1](#) of this title.
- B. Table 11-8-3.1, Industrial Bulk Standards: Every permitted use in an industrial district shall be subject to the yard and lot coverage requirements set forth in table 11-8-3.1, except as otherwise provided in this subsection and in section [11-14-1](#) of this title.

TABLE 11-8-3.1, INDUSTRIAL BULK STANDARDS

| | Minimum Yards (Feet) | | Maximum Lot Coverage (Percent) | | | | | | | | | |
|--|----------------------|------|---|---|---|---|----|----|----|----|----|----|
| | Front | Side | Rear (When abutting indicated district) | Interior (When abutting indicated district) | Exterior (When abutting indicated district) | C | R | A | I | P | C | R |
| | C | R | A | I | P | C | R | A | I | P | C | R |
| | I-P | 25 | 25 | 25 | 25 | 0 | 25 | 25 | 25 | 25 | 25 | 25 |
| | I-1 | 25 | 15 | 25 | 25 | 0 | 25 | 15 | 25 | 25 | 25 | 25 |
| | I-2 | 25 | 15 | 25 | 25 | 0 | 25 | 15 | 25 | 25 | 25 | 25 |
| | I-3 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 25 | 50 |

1. The minimum required front yard is twenty five feet (25') for lots adjacent to a frontage road or platted industrial street.

2. The minimum lot width in the I-P district is one hundred feet (100'), and the minimum lot area is fifteen thousand (15,000) square feet. (Ord. 5916, 8-9-1999)

CHAPTER 9 RA, A AND P DISTRICTS

11-9-1: GENERAL DESCRIPTION:

- A. RA Rural Acreage Dwelling District: The RA district provides single-family residential housing with rural amenities in the rural areas of the city. Special attention should be given to overall design and location of lots to assure provision of light, air, and open space, and to protect the area from intensified zoning once it has been developed and/or until it is ready to be urbanized. The district is intended to allow the development of one acre minimum (or determined by perc test) lots as part of a planned and designed rural subdivision of not less than ten (10) acres in size. (Ord. 5916, 8-9-1999; amd. 2003 Code)
- B. A Agricultural District: The A district is designed to encourage and preserve areas intended primarily for agricultural purposes and to prevent untimely development until it is ready to be urbanized. It offers protection to agricultural land within the city from the depreciating effect of objectionable, hazardous, and environmentally disruptive uses; permits low intensity residential development along with certain essential commercial and institutional uses; and prevents untimely scattering of more dense urban development. It is not intended that this district provide a lower standard of development than is authorized in other districts.
- C. P Public District: The P district is intended to offer protection of property held and used for the benefit of the general public, and where property is acquired and held for the special benefit of the inhabitants of the city, and to exercise the right of regulation over public properties in a manner consistent with the laws and general policies of the state. (Ord. 5916, 8-9-1999)

11-9-2: PERMITTED USES; TABLE:

Uses permitted in the agricultural, and public districts are as set forth in table 11-9-2.1. Meanings of symbols and references in the table are as follows:

- A. Where an "X" appears in the column of a district, the use category listed to the right of the "X" is permitted as a use of right in that district;
- B. Where an "S" appears in the column of a district, the use category listed to the right of the "S" is permitted only through the approval of a special use permit, in accordance with the provisions of section [11-17-4](#) of this title;
- C. The letters preceding the general land use classifications, and the numbers preceding the individual use categories relate directly to the corresponding system of identification in section [11-4-2](#) of this title; and
- D. Where a cross reference number appears in the "reference" column to the right of a particular use category, that category is subject to the requirements set forth in that section of this title or other location in the city code.

TABLE 11-9-2.1, USES PERMITTED IN A AND P DISTRICTS

| RA | A | P | Uses | Reference |
|--------------------------------------|---|---|---|-----------|
| (A) RESOURCE CATEGORIES (11-4-2A) | | | | |
| X | X | | (1) Restricted Horticulture: Ornamental floriculture and nursery products (no building or structure) | |
| X | X | | (2) General Horticulture: Ornamental floriculture and nursery products (including building or greenhouse); food crops grown under cover | |
| X | X | | (3) Crop Production: Field crops; vegetables and melons; fruits and tree nuts | |
| X | X | | (4) Livestock Production: Livestock grazing and accessory facilities | 11-5-10 |
| X | X | | (5) Animal Specialties: Dairy farms; poultry and eggs; animal specialties | 11-5-10 |
| X | X | | (6) On Premises Agricultural Processing: Crop preparation for market (on premises) | |
| X | X | | (7) Off Premises Agricultural Processing: Crop preparation for market (off premises) | |
| | S | S | (9) Mineral And Raw Material Mining: Stone; sand and gravel; clay, ceramic, and refractory minerals; miscellaneous nonmetallic minerals | |
| (B) RESIDENTIAL CATEGORIES (11-4-2B) | | | | |
| X | X | | (1) Detached conventional single-family | |
| | X | | Mobile home dwelling (10 acre tract only) | |
| S | S | S | Bed and breakfast homes | 11-5-1B3 |
| S | S | S | (7) Group Homes: Homes for the deaf or blind; homes for the mentally handicapped; homes for the physically handicapped and developmentally disabled | 11-5-6C |
| X | X | | Home occupation | 11-5-1B15 |
| (C) COMMERCIAL CATEGORIES (11-4-2C) | | | | |
| S | S | | (6) Child Daycare Center: Baby sitting | 11-5-6 |

| | | | |
|---|---|--|----------|
| | | bureau; daycare center; nursery and preschools | |
| S | S | (5) Convenience Sales And Personal Services: Delicatessen; convenience grocery store; self-service postal facilities (indoor); news dealer and self-service newspaper vending machines (indoor); automatic teller machine (indoor); garment pressing, and agents for laundries and dry cleaners; self-service laundry and cleaning; tailor shop; beauty and barber shops | 11-4-2C5 |
| | X | (17) Restricted Eating Establishments: Cafeteria; coffee shop; restaurant | |
| | X | (18) Eating Establishments Permitting Alcoholic Beverages: Restaurants and private clubs | 11-5-5 |
| | S | (24) Outdoor Sales: Plant nursery; farm produce market; flea market | |
| | S | (29) Agricultural Supplies And Services: Soil preparation service; crop planting, cultivation, protection, and harvesting services; forestry services; farm supplies, feed, fertilizer, and agricultural chemicals | |
| | S | (30) Low Impact Animal Services: Small animal hospital or veterinary clinic; pet grooming and training (indoor) | 11-5-10 |
| | S | (31) High Impact Animal Services: Large animal hospitals, and small animal hospitals with outdoor kennels; livestock services; boarding kennels; animal training (outdoor) | 11-5-10 |
| | X | S (42) Horse Stables: Horse grazing and stables; riding academy, and commercial rental of horses | 11-5-10 |
| | S | S (44) Outdoor Participant Recreation And Entertainment: Amusement park; membership sports and recreation facilities (outdoor); miniature golf, driving range | |
| | S | S (46) Outdoor Commercial Lodging: Recreational vehicle park and camp sites | |
| | S | S (49) Outdoor Spectator Sports And Entertainment: Open air drama/music facilities, spectator sports stadium; racing or driving tracks of any kind | |

(D) INDUSTRIAL
CATEGORIES (11-4-
2D)

S

(4) Outdoor Storage: Wholesale automobile and other motor vehicle storage yard; wholesale building and construction materials storage yard; wholesale steel and pipe products storage yard; grain elevator

(E)
INFRASTRUCTURE
CATEGORIES (11-4-
2E)

X

X (1) Government: Government offices; municipal facilities and activities

X

X (2) Public Education: Public elementary and secondary schools; public libraries and information centers

X

X (3) Restricted Community Recreation And Food Production: Community gardens available for public use on a prearranged basis; public golf course; passive recreation

S

X (4) Intensive Community Recreation: Outdoor public participant sports park or playground (with night lighting); indoor public recreation facilities

S S

S (5) Low Impact Institutional: Private elementary and secondary schools; private libraries and information centers; church, chapel, synagogue, or other place of worship; convent, monastery, religion school

S

S (6) Moderate Impact Institutional: Public or private junior college, technical institute, professional school; vocational schools; job training and vocational rehabilitation services; nursing and similar care facilities (for more than 5 residents)

S

S (7) High Impact Institutional: College or university; hospitals

S

X (8) Indoor Cultural: Art gallery; museum; planetarium; aquarium; indoor cultural facilities

S

X (9) Outdoor Cultural: Arboreta, botanical, and zoological gardens; outdoor cultural

- facilities
- S X (10) Surface Passenger Transportation: Local bus line operation office; local airport transportation service office; taxicab operation office; intercity/interstate bus line office; charter bus service office; school bus company office; bus terminal operation
- S S (12) Aircraft Transportation: Aircraft transportation facilities and airfield services
- S (13) Communication Services: Telephone exchange buildings and relay stations without garaging, maintenance, or storage facilities; telegraph services; radio broadcasting station; television broadcasting or translator stations; communication services
- S (14) Communication Towers: Telephone/telegraph transmission microwave tower; communication towers; radio/television towers 11-5-2
- X X (15) Restricted Light Utility: Pipelines for substations other than natural gas or water; electricity regulating substation; natural gas transmission facilities/pressure control station; water storage facility/pressure control station; sewage pressure control station
- S S (16) General Light Utility And Public Protection: Garbage and refuse collecting and transporting service facility, excluding disposal; telephone company service facility with garaging, maintenance, and storage; electric company service facility with garaging, maintenance, and storage; gas company service facility with garaging, maintenance, and storage; utility services
- X X (16) General Light Utility And Public Protection: Ambulance service; police station; fire station
- S S (17) Heavy Utility: Electricity generating plant; water purification plant; sewage treatment plant, sludge drying beds; resource recovery operation for processing waste materials for use in energy production

(Ord. 5916, 8-9-1999)

11-9-3: AREA AND BULK STANDARDS:

A. Rural Acreage: Uses permitted in the RA district shall be subject to the area and bulk requirements of this subsection and section [11-14-1](#) of this title.

1. Lot Width And Frontage:

a. For dwellings, there shall be a minimum lot width of two hundred feet (200') at the front building line, and the lot shall abut the street for a distance of not less than fifty feet (50') when abutting an arterial street; or

b. Minimum lot width of one hundred twenty five feet (125') at the front building line, and the lot shall abut the street for a distance of not less than fifty feet (50') when abutting a collector, local or any other type of street.

2. Minimum Parcel Size: Minimum parcel size eligible for rezoning is ten (10) acres.

3. Lot Area: The minimum lot area for a dwelling shall be one acre, or minimum area required for septic field (to be determined by perc test), whichever is greater.

4. Front Yard: All buildings and extractive operations shall be set back from a state or federal highway or section line road a minimum of forty feet (40') from the right of way line or ninety feet (90') from the centerline of the right of way, whichever is greater.

5. Side Yard: Side yard setback shall be twenty feet (20').

6. Rear Yard: Rear yard setback shall be minimum of twenty feet (20').

7. Maximum Lot Coverage: Maximum lot coverage shall be twenty percent (20%).

8. Maximum Height: Maximum height shall be two and one-half (2 1/2) stories or thirty five feet (35').

9. Adequate Space For Vehicles: All uses shall contain adequate space on private property to provide for parking, loading, and maneuvering of vehicles.

10. Lighted Outdoor Facilities: Lighted outdoor facilities shall not be located closer than twenty feet (20') to any property line that adjoins a residential use, and all lighting shall be arranged so there will be no annoying glare directed or reflected toward adjacent property.

B. Agricultural District: Uses permitted in the A district shall be subject to the area and bulk requirements of this subsection and section [11-14-1](#) of this title.

1. Lot Width And Frontage: For dwellings, there shall be a minimum lot width of two hundred feet (200') at the front building line. When a street is present, the lot shall abut the street for a distance of not less than fifty feet (50'). All lots shall have reasonable access.

2. Lot Area: The minimum lot area for a dwelling shall be ten (10) acres.

3. Front Yard: All buildings and extractive operations shall be set back from a state or federal highway or section line road a minimum of fifty feet (50') from the right of way line or ninety feet (90') from the centerline of the right of way, whichever is greater.

4. Side Yard:

a. Interior side yards for one-story dwellings shall be not less than fifteen feet (15'), and for dwellings of more than one story, not less than twenty feet (20'). Principal buildings other than dwellings shall have interior side yards of not less than thirty feet (30').

b. Exterior side yards shall be not less than thirty feet (30') for a corner lot.

5. Maximum Lot Coverage: Exclusive of required front, side, and rear yards, maximum lot coverage for residential uses shall be five percent (5%); nonresidential, twenty five percent (25%); agricultural, one hundred percent (100%).

6. Adequate Space For Vehicles: All uses shall contain adequate space on private property to provide for parking, loading, and maneuvering of vehicles.

7. Lighted Outdoor Facilities: Lighted outdoor facilities shall not be located closer than twenty feet (20') to any property line that adjoins a residential use, and all lighting shall be arranged so there will be no annoying glare directed or reflected toward adjacent property.

C. Public District: There are no area and bulk requirements specifically prescribed for the P district except as provided in section [11-14-1](#) of this title. (Ord. 5916, 8-9-1999)

CHAPTER 10 PLANNED UNIT DEVELOPMENTS

11-10-1: SCOPE OF REGULATIONS:

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls. As a type of development and as a regulatory process, the planned unit development is subject to special review procedures, and once approved it becomes a zoning classification for the property it represents. The PUD designation may be applied to any one or more conventional districts, except the A and P districts. (Ord. 5916, 8-9-1999)

11-10-2: GENERAL PROVISIONS:

A. Purpose: The regulations for the planned unit development zoning district are designed to:

1. Provide the developer with reasonable assurance of ultimate approval before the expenditure of complete design monies, while providing the city with assurances that the project will retain the character envisioned at the time of concurrence;

2. Encourage diversified living environments, and accommodate a mixture of land uses that otherwise would not be allowed together on the same site;

3. Permit flexibility within the development with respect to area and bulk standards to best utilize the physical features of a particular tract of land;
 4. Provide and preserve meaningful open space, particularly where it is necessary or desirable for such common areas to be shared by more than one owner;
 5. Encourage a more efficient use of land, public services, and natural resources than is generally achieved through conventional development;
 6. Provide a smooth transition from surrounding densities, intensities, and uses with those proposed in the PUD; and
 7. Encourage the provision of amenities beyond the minimum requirements of conventional development.
- B. Goals: In conjunction with the purposes stated in subsection A of this section, the following goals are established to help achieve high quality PUDs which are compatible with abutting developments.
1. Open Space: A PUD should provide meaningful open space to serve as a buffer between a PUD and the surrounding neighborhood when needed for a smooth transition.
 2. Energy Conservation: A PUD should be designed in such a way as to provide an energy efficient development.
 3. Home Ownership: PUDs that contemplate individual dwelling unit ownership should provide a copy of proposed restrictive covenants and, where necessary, the creation of a property owner's association for the maintenance of common space.
- C. Applicability: The provisions of this title shall remain applicable, except as specifically modified pursuant to the provisions of this chapter for the purpose of development of land for planned unit developments. No modifications of use, area, bulk, or subdivision requirements of the conventional zoning districts shall be permitted, except through applicable variance procedures, unless a planned unit development application is submitted and approved in accordance with the provisions of the section [11-10-4](#) of this chapter. (Ord. 5916, 8-9-1999)

11-10-3: DEVELOPMENT GUIDELINES:

- A. Authority: Because the PUD provides the opportunity for varying densities, greater design flexibility, mixed land uses, and improved marketability, the applicant should be prepared to provide amenities that might not be required or possible in a conventional development. Review and approval of a PUD is, therefore, a process to achieve the intents and purposes of these regulations and the master plan. In all cases, proposed PUDs are to be reviewed as to the types and locations of proposed uses and whether the overall design of the tract presents a development that is compatible with its surroundings. Standards and criteria established herein shall be used in the determination of the approval or disapproval of proposals for planned unit developments. Other factors not listed may also be considered in the review process in order to respond to specific design and land use proposals. A PUD application which is judged to comply with this section shall be considered to be qualified

for preliminary approval.

B. Mandatory Standards: Strict interpretation of the following criteria shall be required as a minimum level of compliance in the review of all PUD applications.

1. Permitted Uses: A PUD may be considered for any use or combination of uses allowed in an applicable conventional commercial or industrial district as a use permitted by right, special use, or accessory use. A PUD consisting of one or more underlying conventional residential districts may be considered for any use or combination of uses included in any residential use category, in addition to accessory uses authorized by section [11-5-1](#) of this title, and for one or more of the following listed membership sports and recreation clubs or physical fitness facilities: country club, golf club, boating club, bridge club, bathing beach, swimming club, racquetball or handball club, tennis club, horse riding club with stables, physical fitness center, gymnasium, and health club. The amount, type, and location of all land uses shall be established in the PUD application documents, and reviewed with respect to compliance with the master plan and compatibility with adjacent development.

2. Density: Residential density in the PUD is subject to the following guidelines:

a. In calculating the permitted number of dwelling units for a given land area of the PUD, any fractional remainder shall be rounded down to the nearest whole number.

b. In determining the equivalent number of dwelling units represented by group quarters and residential care facilities, each five (5) persons of capacity shall be counted as one family and therefore represent one dwelling unit.

c. Land area that is counted in determining the permitted number of dwelling units shall be used only for dwelling sites, uses accessory to dwellings including vehicular and pedestrianways, yards, and other open space or common areas reserved for use by residents of the dwellings.

d. When a portion of a PUD district is within a flood hazard area, that portion within the FH supplemental zone may be used to calculate the intensity of units per acre subject to the following conditions:

(1) The property must be contiguous, under the same ownership and cannot be used for these calculations more than once;

(2) None of the floodway shall be developed, and a drainage easement for the floodway shall be dedicated to the city as shown on the latest flood hazard boundary map for maintenance purposes. An access easement may also be required if the floodway is inaccessible to the city for maintenance purposes; and

(3) The use of the allowable density does not eliminate standard requirements of this title and [chapter 15](#) of this title.

3. Area And Bulk Standards: The design of the PUD may provide for modification of conventional zoning ordinance requirements for such elements as lot sizes, yards, lot coverage, and building height on individual lots in accordance with the PUD application. In all cases, however, the provisions of section [11-14-1](#) of this title shall prevail with respect to

these standards for areas along the perimeter of the PUD adjacent to bordering zoning districts, and with respect to corner visibility.

4. Screening: The PUD application should show graphically the transitional treatment, if any, that will be employed to separate the PUD from abutting properties, including commitments to fencing, vegetation, earth berms, landscape screening, or similar techniques. Whenever a PUD is adjacent to residentially zoned property, a six foot (6') sightproof fence shall be installed unless property is separated by a public or approved private street.

5. Access And Circulation: The traffic circulation system within the PUD should provide for the safe, convenient, and efficient movement of goods and people with a minimum of conflict between various modes of movement. Sidewalks shall be provided for pedestrian movement within the development and shall connect with existing pedestrian systems or allow for future extensions to activity centers such as schools and shopping areas outside the development. Shared parking facilities in commercial or industrial developments shall be authorized only where a commitment is provided in the PUD application for common access driveways within the development and abutting arterial streets. Favorable consideration should be given to design of short local streets serving limited areas, such as the residential cul-de-sac, and reduction of conventional minor street design widths should be considered appropriate on such streets when they are designed with limited length and only one access point. Development of a private street system may be appropriate under certain conditions where there is no through traffic. All private streets and drives must be approved and inspected by the city engineer.

6. Open Space: Open space may be provided for the common use of the residents or users of the PUD, and is required where densities are to be increased to promote economy of development, or where other methods of land use intensification are proposed. Such open space and other common use facilities shall be consistent with the planned function, and located within the PUD so as to be convenient and visually attractive to all of the intended users, as well as to protect flood hazard areas and natural wildlife habitats. Open space areas shall be left in their natural state or landscaped and maintained in accordance with the approved plans for environmental amenity, recreational, or park use.

7. Off Street Parking And Loading: Off street parking spaces may be provided on the lot containing the use for which they are intended to serve, or in a common area, in which case they shall be so located as to be accessible to the uses they are intended to serve. The minimum off street parking and loading requirements for all uses shall be as set forth in [chapter 13](#) of this title except, however, that parking requirements may be reduced where it can be demonstrated that a collective parking facility located in a common area can adequately serve two (2) or more uses while having fewer parking spaces than the total of the separate requirements for each use. Lighting for parking areas shall be designed and installed so that illumination will not fall on residentially zoned property.

8. Signs: Signs shall be regulated for all uses as set forth in [chapter 12](#) of this title for the applicable conventional district.

9. Accessory structures And Uses: Accessory structures and uses shall be regulated for all uses as set forth in [section 11-5-1](#) of this title.

10. Common Facilities: Privately owned common areas may be established where certain facilities are shared by several adjacent property owners within the PUD, or are available to the general public for use in connection with visiting individual properties in the PUD. Such common facilities may include private streets, off street parking and access drives, service areas, recreational facilities, plazas and other open space; provided, however, that at least fifteen percent (15%) of the area of any common open space shall be used for landscaping and/or pedestrian amenities. Common areas are to be shown on the subdivision plat, and the applicant shall clearly demonstrate the existence and capabilities of the owner(s) of the common area to provide for their permanent retention and continued maintenance.

11. Improvements: All structures and subdivision improvements in a PUD shall conform to the applicable codes and regulations of the city. The standards and requirements of the subdivision regulations for paving of public streets shall be observed for all publicly dedicated streets within or adjacent to a PUD, regardless of whether or not it is being subdivided. A paved pedestrian system which may, but not necessarily, be conventional curb line or property line sidewalks shall be provided connecting all building areas, parking areas, and common facilities on the site, and that of the city, as existing or planned. If it is not to be located in the public right of way, such pedestrian system shall be designated on the final development plan and the final plat as a pedestrian easement. (Ord. 5916, 8-9-1999)

11-10-4: ADMINISTRATION:

- A. Initiation: Any person owning or possessing a property right or interest in or to a tract of land may make application for establishment of a supplemental planned unit development district. Review, approval, and enforcement of the PUD application shall be conducted in accordance with the provisions of this section.
- B. Preapplication Conference: Prior to submission of a PUD application, the applicant must discuss with city staff the procedure for adopting a planned unit development, and the requirements for the general layout of major roadways and utilities, general design considerations, the availability of existing community services, and similar matters. The applicant may also be advised, when appropriate, to discuss the development with those officials, the technical review committee (TRC), who must eventually approve the various aspects of the proposal within their jurisdiction, generally when the preliminary development plan is complete. The intent of this preapplication conference is to expedite the process and to explain the procedures for approval of the PUD application.
- C. Required Documents For Preliminary Approval: A PUD application shall consist of the following documents which, if approved, shall be evidence of conformance with the requirements described in these regulations, as well as serve as the basis for review and approval of the final development plan, all subsequent subdivision plats, and building permits within the PUD.
1. Procedural Checklist: This form will be supplied to the applicant at the preapplication conference and is used to aid in facilitating orderly development of a PUD proposal.
 2. Application For Rezoning: The standard application form for a zoning map amendment shall be filed in accordance with the regular procedures set forth in section [11-17-5](#) of this title.

3. Preliminary Development Plan: The preliminary development plan is a graphic representation of the proposed development. The following items are required to be included on the preliminary development plan, which may be shown on one or more sheets depending on the size and complexity of the proposal, or depending on the desire of the applicant to present the landscaping items separate from the primary site plan elements, provided that items C3a, C3b and C3c of this section are shown on each sheet:

- a. Title of the planned unit development;
- b. Name and address of property owner of record and developer, if different;
- c. Graphic scale, north point, date, and legend;
- d. Length of boundaries of the tract measured to the nearest foot;
- e. Location and identification of abutting subdivisions, and relationship with airport approach zone, flood hazard area, or city limits if applicable;
- f. Existing physiographical characteristics including contour lines at two foot (2') intervals and identification of natural watercourses, floodplains, and wooded areas;
- g. Location and size of existing and proposed easements, utilities, and public rights of way/streets;
- h. Approximate location of all private streets;
- i. Location, orientation, area, and height of existing buildings and other structures;
- j. Approximate location, orientation, area, and height of proposed buildings and other structures to include typical elevations;
- k. Approximate location and dimensions of proposed lot lines;
- l. Approximate intensity of residential uses, if any, expressed by number of dwelling units allocated to each identifiable segment of the PUD;
- m. General location and identification of land use types, including common areas and facilities that are to be owned and maintained by an association of individual property owners in the PUD;
- n. Approximate location and proposed number of off street parking and loading spaces, and access drives;
- o. Approximate location of fences and pedestrian walkways;
- p. A conceptual landscape plan as required by subsection [11-14-3D](#) of this title.
- q. A separate written request, as applicable, for any of the foregoing items to be waived or amended, with necessary explanations to justify the request.

4. Statement Of Intent: The statement of intent is a written report which shall always accompany the application for rezoning, and which shall contain the following elements:

- a. Proposed title of the planned unit development;
- b. Name, address, and telephone number of the property owner(s) of record, and developer, if different;
- c. Statement of the general concept of the proposed PUD, the special considerations which require the PUD zoning classification rather than a conventional district designation, and why, in the applicant's opinion, the proposed district would be in the public interest and would be consistent with the stated objectives of the city with regard to the planned unit development district classification;
- d. Statement of the proposed development's intended compliance with each of the applicable guidelines addressed in subsection [11-10-3B](#) of this chapter;
- e. A statement of the substance of existing or proposed covenants; future ownership within the development; property owner's association contract, or other restrictions imposed upon the use of the land, buildings, and structures; and any other provisions which set forth mechanisms for ownership and maintenance of property within the PUD;
- f. A statement as to the form of agency proposed to own and maintain the common use areas and facilities shown as a part of the preliminary development plan;
- g. The anticipated development time schedule for completion of proposed phases or stages of construction; and
- h. A statement regarding the compatibility of the proposed development with the surrounding neighborhood to include such things as use of buffer or transition zones, projected range of value of structures, type of materials to be used, square footage of structures, etc.

D. Review: Review of a PUD application shall consist of the following steps:

1. The developer shall supply evidence at or before the required public hearing that he has met with, or attempted to meet with, the property owners within three hundred feet (300') of the subject property and has shown them the PUD proposal. Such meeting shall be held at a reasonable time and in a location convenient to the neighborhood at least ten (10) days prior to the public hearing. Going door to door in the neighborhood shall be considered to meet this requirement;
2. Within thirty (30) days after receipt by city staff of all required PUD application documents for preliminary approval, a public hearing date shall be established and proper notice given, in accordance with the provisions set forth in section [11-17-2](#) of this title. Review and approval of the PUD application shall be based on the following considerations:
 - a. Whether or not the proposed PUD is consistent with the master plan;

- b. Whether or not the proposed PUD is compatible with the existing and expected development of surrounding areas; and
 - c. Whether or not the proposed PUD is consistent with the stated purposes and standards of this chapter.
- E. Approval: The PUD application for rezoning shall be processed as prescribed in section [11-17-5](#) of this title for the establishment of any zoning district. Upon approval of the application for rezoning, the property shall receive the planned unit development zoning designation. The ordinance rezoning the subject tract to planned unit development district shall specifically incorporate into the ordinance by reference the statement of intent which will become a part of the official records of the city. Upon the effective date of such ordinance, the designation "PUD" shall be recorded for each identifiable segment of the subject tract on the official zoning map.
- F. Final Development Plan: The final development plan is a graphic representation of the proposed development which shall also serve as the preliminary plat if the subject tract is to be subdivided.
1. The final development plan shall be submitted in accordance with the procedures set forth in section [11-17-3](#) of this title and must be approved prior to the issuance of any building permits. Review and approval of the final development plan shall be based on the following considerations:
 - a. If including a preliminary plat, whether or not the proposed plat is consistent with all requirements of the subdivision regulations; and
 - b. Whether or not the final development plan is substantially consistent with the preliminary development plan and statement of intent.
 2. The following items are required to be included on the final development plan, which may be shown on one or more sheets depending on the size and complexity of the proposal, or depending on the desire of the applicant to present the landscaping items separate from the primary site plan elements, provided that items F2a, F2b, and F2c are shown on each sheet:
 - a. Title of the planned unit development;
 - b. Name and address of property owner of record and developer, if different;
 - c. Graphic scale, north point, date, and legend;
 - d. Statement and signature by registered architect, landscape architect, engineer, or surveyor certifying that the plan has, to the best of his/her knowledge, been designed in accordance with the master plan and applicable city ordinances and regulations;
 - e. Written legal description of the site, including the size of the property in acres;
 - f. Length of boundaries of the tract measured to the nearest foot;

- g. Location and identification of abutting subdivisions, and relationship with airport approach zone, flood hazard area, or city limits, if applicable;
 - h. Existing physiographic characteristics including contour lines at two foot (2') intervals and identification of natural watercourses, floodplains, and wooded areas;
 - i. Proposed grading, where different from existing contours;
 - j. Location and size of existing and proposed easements, utilities, and public rights of way;
 - k. Classification of every public street in accordance with the intended use and proposed design;
 - l. Location and typical cross sections of all private streets;
 - m. Location, orientation, area, and height of existing buildings and other structures;
 - n. Location, orientation, area, and height of proposed buildings and other structures;
 - o. Location and dimensions of proposed lot lines;
 - p. Approximate intensity of residential uses, if any, expressed by number of dwelling units allocated to each identifiable segment of the PUD;
 - q. Location and identification of land use types, including common areas and facilities that are to be owned and maintained by an association of individual property owners in the PUD;
 - r. Location, arrangement, and dimensions of off street parking and loading spaces, and access drives;
 - s. Location, dimensions, and materials of fences and pedestrian walkways;
 - t. Location, area, height, and orientation of any signs not attached to buildings;
 - u. General drainage system, including location of all drainage channels, subsurface drainage structures, and proposed method of disposing of runoff;
 - v. A final landscape plan demonstrating compliance with subsection [11-14-3D](#) of this title;
 - w. Identification of phase boundaries if development is to occur in phases; and
 - x. A separate written request, as applicable, for any of the foregoing items to be waived or amended, with necessary explanations to justify the request.
- G. Enforcement: No building permit shall be issued for property within the PUD except in accordance with the approved final development plan and statement of intent as adopted with the ordinance of rezoning, and pursuant to the requirements of section [11-17-1](#) of this

title. In the case of PUDs which are to be subdivided, the issuance of a building permit for any property located therein shall also be contingent upon prior approval and recording of a final plat that is consistent with the approved final development plan, and upon prior receipt of a copy of any covenants or other required restrictions along with proof that said documents have been filed with the county clerk. Certificates of occupancy may be contingent upon the completion of streets, drives, walks, minimum parking and loading facilities, landscaping, and common use facilities coincident with the completion of structures adjacent to, or being served by, such facilities. (Ord. 5916, 8-9-1999)

H. Minor Amendments: Minor modifications to an approved final development plan may be authorized by the planning commission, when submitted by the community development director to the planning commission for its consideration and approval, provided that such modification is a minor amendment in accordance with the provisions of section [11-17-3](#) of this title and does not violate the approved statement of intent for the PUD. Substantial amendments shall require compliance with the notice and procedural requirements set forth in this section for new PUD applications. (Ord. 5916, 8-9-1999; amd. 2003 Code)

I. Abandonment And Reversion: An approved planned unit development may be abandoned upon the request of the property owner(s) of record of the subject tract, and subject to the application for, and approval of, an ordinance rezoning the property to its original designation or to a new designation in accordance with the provisions of subsection [11-17-5B](#) of this title. Any planned unit development for which an application for approval of a final development plan is not submitted within five (5) years from the effective date of approval of the supplemental PUD designation or any planned unit development in which construction has not substantially commenced within five (5) years from the effective date of approval of the final development plan, will automatically revert to the zoning classification in effect on the property prior to the rezoning to planned unit development district. The owner thereof may reapply subject to the notice and procedural requirements set forth in this section for new PUD applications. (Ord. 5916, 8-9-1999)

CHAPTER 11 SPECIAL DISTRICTS

11-11-1: HOSPITAL-MEDICAL COMPLEX DISTRICT:

A. Intent:

1. The hospital-medical complex district is of special and substantial public interest because of its significance to the provisions for overall health care services and facilities for Ponca City and the surrounding region. The type of development that occurs within this area will have a direct impact on the future of health care services as well as an impact on the surrounding residential and commercial areas.

2. It is the intent of these regulations to promote a superior level of convenience, comfort, and amenity within the district; to encourage a safe and pleasant pedestrian circulation; and to assure beneficial visual relationships within the district, and with adjoining districts.

3. To these ends, development shall be designed to establish an open "campus type" effect within the hospital-medical office district, with a pedestrian circulation system forming a

convenient and coordinated network between and among the medical offices and the hospital facility.

4. The commercial area along 14th Street is to be designed in such a manner that will provide a lessening of traffic congestion, and that will promote groupings of activities and buildings in order to provide additional amenities for customers and employees alike.

5. To accomplish the objective for future development, this SPI district is divided into three (3) subdistricts: hospital-medical, residential, and commercial.

B. Permitted Principal Uses And structures: The following uses are allowed within the respective subdistricts of the hospital-medical complex district:

1. Hospital-Medical:

a. Professional office buildings.

b. Retail sales establishments dealing primarily in sales of medical related goods and supplies.

c. Medical clinics and laboratories.

d. Service establishments dealing primarily with providing service or repair of medically related goods, or with providing medical counseling or therapy services.

e. Structures and uses required for the operation of a public utility or performance of a governmental function, except uses or buildings involving storage as a primary purpose.

f. Parking lots.

2. Commercial:

a. Retail establishments, except service stations, new or used automotive, trailer, mobile home, or motorcycle sales and services; or establishments dealing with secondhand merchandise other than antiques.

b. Eating and drinking establishments.

c. Office buildings.

d. Service establishments, including personal and repair services other than repair services for automotive and heavy equipment.

e. Amusement and recreational enterprises.

3. Residential: Single-family detached dwellings.

C. Permitted Accessory Uses And Structures: Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be

permitted in each of the respective subdistricts, subject to the general restrictions on permitted principal uses and structures.

D. Floor Area Ratio: Gross floor area of buildings, with the exceptions noted at subsection L of this section shall not exceed one and six-tenths (1.6) times gross lot area within the commercial and hospital-medical subdistricts; provided, that within the low profile area of the hospital-medical subdistrict the floor area ratio shall not exceed five-tenths (0.5) times the gross lot area. Residential floor area ratios shall be the same or equivalent to the requirements of the single-family zoning district.

E. Lot Coverage: Lot coverage of buildings shall not exceed twenty five percent (25%) of the gross lot area for the hospital-medical and commercial subdistricts. Lot coverage in the residential subdistrict shall be the same as or equivalent to the requirements of the single-family zoning district.

F. Pedestrian Open space: Pedestrian or landscaped open space shall be provided in an amount equal to at least twenty five percent (25%) of the net lot area. (Ord. 5916, 8-9-1999)

G. Height Limitation: There shall be no height limitations for this district, but height limits may be set for all developments within the low profile area of the hospital-medical district. (Ord. 5916, 8-9-1999; amd. 2003 Code)

H. Sign Limitations: No sign intended to be read from any public street shall be permitted except as provided below.

I. Off Site Signs, Billboards And Poster Panels: Off site signs, billboards and poster panels will be prohibited.

J. Mounting Of Signs: Mounting of signs shall be only upon buildings, and no sign shall project more than three feet (3') beyond the wall on which mounted, or four feet (4') above the roof of the building; no sign shall project over any public way. However, within the hospital-medical subdistrict signs may be placed at the entrances to parking facilities or in front of professional office buildings in accordance with the provisions of subsection K of this section.

K. Number And Area Limitations:

1. For signs erected with their highest portions below a height of twenty feet (20') above curb level, minimum sign allotment shall be one sign and not to exceed thirty (30) square feet of surface area for each twenty feet (20') (or remaining portion of 10 feet or more) of lot line adjacent to a public street. Such sign area may be used in a lesser number of signs than the maximum permitted. Signs permitted shall be erected only on the exposure of the property from which the allotment is computed.

2. Signs erected with their lowest portions at or above a height of twenty feet (20') above curb level on buildings or portions of buildings shall be only general identification signs designating the name of the building and/or the name and nature of establishments therein. Only one such sign shall be permitted for each exposed face of the building, except that where the length of the building face exceeds one hundred fifty feet (150'), a second sign

shall be permitted. Minimum area allotment for any such signs shall be one hundred (100) square feet or two percent (2%) of the surface area of the building involved, up to a maximum of three hundred (300) square feet.

3. Within the hospital-medical subdistrict freestanding signs will be permitted at the entrance to parking facilities and/or at the front of buildings, providing the design and surface area is approved by the planning commission and board of commissioners in accordance with the provisions of this subsection.

L. Off Street Parking And Loading Requirements: Off street parking and loading shall be in accordance with general parking and loading requirements applying in limited commercial districts. In the course of plan approval on development involving multiple uses with different peak hours for parking requirements, reduction of total requirements may be permitted, subject to appropriate conditions and safeguards assuring adequate parking for all uses involved at peak demand periods.

M. Applications; Plan Review And Approval:

1. Before a permit is issued for the construction of any building or reconstruction or alteration resulting in enlargement of any building, detailed site plans, building plans and elevations, and maps or plans indicating the relation of the proposed development to surrounding or otherwise affected property in terms of: location, amount, character, and continuity of open space; protection of desirable principal views; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets; separation of pedestrian and vehicular traffic; signs; lighting; and such other matters as are appropriate to determinations in the circumstances of the case, shall be submitted to the planning commission for its recommendations. After due consideration, the commission shall transmit its recommendations and the application to the board of commissioners for its approval.

2. No such permit shall be issued without such approval. Approval may be granted for the plans as submitted, or conditionally, subject to stated modifications, or may be denied, with written reasons for the denial supplied to the applicant.

3. Public hearings may be held in connection with such plan review process, with such public or other notice as is deemed appropriate, but shall not be required. (Ord. 5916, 8-9-1999)

4. Determinations on such applications shall be based on compliance with the intent of the hospital-medical complex plan and other officially adopted plans or ordinance of the city in accordance therewith, and in particular shall involve consideration of the intent of the district, regulations for the district, and the necessity for variations in the circumstances of the particular case. (Ord. 5916, 8-9-1999; amd. 2003 Code)

N. Area Of Hospital-Medical Complex District: Said district shall comprise the following described area:

Beginning at the center line of Hartford Avenue and Joe Street; thence north along the center line of Joe Street, approximately 1,090 feet to the center line of Joe Street and the

alley south of Young Avenue; thence east along the center line of the alley south of Young Avenue, approximately 470 feet; thence north, between Lots 7 and 8 of Lake Subdivision, 170 feet to the center line of Young Avenue; thence continuing north along the center line of the alley west of Fairview to a point on the north line of the southeast quarter (SE 1/4) of Section 15, Township 26 North, Range 2 East of the Indian Meridian, Kay County, Oklahoma; thence east along said line a distance of approximately 525 feet; thence south, fifty (50) feet to a point on the center line of the fifty-foot alley easement; thence, continuing south along the center line of the fifty-foot alley easement, a distance of approximately 1,360 feet, to a point on the center line of the alley easement; thence east a distance of 150 feet along the lot line of Lots 42 and 43, Garden Acres Addition; thence south 300 feet to a point on the north right-of-way line of Patton Drive; thence continuing south a distance of 124 feet; thence southeasterly, 170 degrees 06 minutes, a distance of 66 feet; thence continuing southeasterly, thence 178 degrees, 36 minutes, a distance of 48.1 feet; thence continuing southeasterly, 133 degrees, 29 minutes, a distance of 57.7 feet to a point on the west right-of-way line of North 14th Street, thence south 375 feet to a point on the center line of Hartford Avenue; thence south 375 feet to a point on Hartford Avenue; thence south 375 feet to a point on the center line of Hartford Avenue; thence continuing south a distance of 280 feet to a point on the center line of Gary Avenue extended; thence west along the center line of Gary Avenue to a point on the center line of Joe Street extended, thence north along the center line of Joe Street extended, a distance of 290 feet to the true point of beginning.

(Ord. 5916, 8-9-1999)

11-11-2: HP HISTORICAL PRESERVATION DISTRICT:

A. Description and Purpose:

1. The historic preservation district ordinance, hereinafter referred to as the HP district and its regulations, may be applied to property located in any zoning district in accordance with the provisions of this section. The HP district is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel.

2. The city hereby declares that the historical, architectural, cultural, and aesthetic features of the city represent some of the finest and most valuable resources and such resources are the embodiment of the heritage of the people of the city. Therefore, it is hereby declared that the purposes of this section, to be known as the historic preservation district ordinance, shall be as follows:

- a. To promote the creation of historic districts and landmarks for the educational, cultural, economical and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures and areas of historic interest or importance within the city;
- b. To safeguard the heritage of the city by preserving and regulating historic landmarks and districts which reflect elements of its cultural, social, economical, political and architectural history;
- c. To preserve and enhance the environmental quality of neighborhoods;

- d. To strengthen the city's economic base by the stimulation of conservation and reuse;
- e. To establish and preserve property values;
- f. To foster economic development;
- g. To ensure the harmonious, orderly and efficient growth and development of the municipality;
- h. To promote the use of historic landmarks and districts for the culture, prosperity, education and welfare of the people of the city and visitors to the city;
- i. To establish a preservation plan to accomplish the goals of this section.

B. Definitions:

CERTIFICATE OF APPROPRIATENESS: The official document issued by the historic preservation advisory panel approving and/or concurring in any application for permit for erection, demolition, moving, reconstruction, restoration or alteration of any structure designated historic property.

GOOD REPAIR: A condition which not only meets minimum standards of health and safety, but which also guarantees continued attractiveness, continued structural soundness and continued usefulness.

HISTORIC PRESERVATION DISTRICT OR AREA: A defined area of historical, architectural, and/or cultural value, with clearly defined boundaries all of which are determined by the historic preservation advisory panel and within which the majority of owners have agreed to this designation.

IMPROVEMENT: Any building, structure, place, parking facility, fence, wall, work of art or other object, the addition or deletion of which constitutes a physical betterment of real property, or any part of such betterment of real property.

LANDMARK: An individual structure determined by the historic preservation advisory panel to be historically and/or architecturally significant.

ORDINARY MAINTENANCE AND REPAIR: Any work for which a building permit or any other city permit or certificate is not required and where the purpose of such work is stabilization, and further, where such work will not noticeably change the exterior appearance of the structure. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair. The application of paint to previously unpainted brick or masonry shall not be considered ordinary maintenance and repair, nor shall the construction or enlargement of a driveway or parking area be considered ordinary maintenance and repair.

PANEL: The historic preservation advisory panel of the city of Ponca City, Oklahoma.

PRESERVATION: The act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover

of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

RECONSTRUCTION: The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specific period of time.

REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while serving those portions or features of the property which are significant to its historical, architectural and cultural values.

RESTORATION: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

SIGN: Shall mean and include every sign, device, figure, painting, sculpture, drawing, message, placard, poster, billboard, ground sign, temporary sign, marquee, awning canopy, banner, pennant, flag, announcement, decoration, demonstration, display, illustration or insignia designed to be seen from outside any improvement, and which is used to advertise or promote the interests of any person when the same is placed in view of the general public.

C. Historic Preservation Advisory Panel:

1. **Creation:** There is hereby created an historic preservation advisory panel. The panel shall be appointed by the mayor and approved by the board of commissioners. Said panel shall consist of seven (7) members, all of whom have demonstrated interest in historic preservation.
2. **Membership:** Membership shall consist of seven (7) members, three (3) professional people with preservation related working experience (historian, architect, real estate person, planner, lawyer, archeologist, engineer, etc.) and four (4) with preservation interest.
3. **Terms Of Membership:** The term of each panel member shall be three (3) years.
4. **Removal Of Members:** Members may be removed from the panel in the same manner as they were appointed.
5. **Meetings And Rules Of Advisory Panel:** The advisory panel shall be empowered to adopt rules for the conduct of its business. The panel shall elect a chairman who shall serve for one year and who shall be eligible for reelection. All meetings of the advisory panel shall be open to the public. Any person, or duly appointed representative, shall be entitled to appear and be heard on any matter before the panel. The panel shall keep a record of its proceedings, a copy of which shall be filed for public view in the office of the planning department. A quorum shall consist of five (5) members of the panel unless there is a vacancy in the membership, in which case it shall be a majority of the active members and action taken at any meeting shall require the affirmative vote of a majority of the voting members of the panel. The director of the community development or the designated representative of such director, shall act as secretary of the panel and shall attend and

keep the minutes of all meetings. He or she shall act in an advisory capacity only and may participate in the panel's discussions but shall have no vote. The director of community development and the staff of the community development department shall assist the panel in discharging its duties.

- D. Duties Of Historic Preservation Advisory Panel: Unless otherwise specified in this title, the duties of the historic preservation advisory panel shall be as follows:
1. Prepare or cause to be prepared a comprehensive inventory of historical, architectural and archeological resources within the city.
 2. Prepare or cause to be prepared a general historic preservation plan to be incorporated within the comprehensive plan.
 3. Prepare findings of fact relating to the recommendation for designation of historical, architectural and archeological resources.
 4. Prepare findings of fact pursuant to action taken by the advisory panel relating to certificates of appropriateness.
 5. Make recommendations to the board of commissioners and planning commission concerning the acquisition of development rights, facade easements, and the development of historic preservation plans.
 6. Make recommendations to the board of commissioners concerning grants from federal and state agencies, private groups and individuals, and the utilization of budgetary appropriations to promote the preservation of historic architectural or archeological resources; and, when so directed by the board of commissioners the panel may oversee historical projects or programs.
 7. Promulgate rules governing the meetings of the panel.
 8. Increase public awareness of the value of historic architectural or archeological resources by developing and participating in public information programs and by recommending the update of the preservation program and by the giving of advice to owners or residents of such resources as to the problems and techniques of preservation work; and further, by placing monuments and markers at historical sites as chosen by the panel.
 9. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings of facts, determinations and decisions.
 10. Make recommendations to the board of commissioners, planning commission, board of adjustment, and building inspector regarding historic designations, certificates of appropriateness, and amendment and enforcement of this section and the city code.
 11. Monitor actions undertaken by other city agencies or actions of other governmental units (counties, state, etc.) with respect to the effect of such actions upon historical, architectural and archeological resources. Comment and make recommendation to the board of commissioners and planning commission.

12. Investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this section.

13. Conduct a periodic review of the status of designated landmarks and historic districts and provide periodic reports on the findings of said review, along with any resolutions for action as considered appropriate, to the board of commissioners.

14. Any other functions imposed by this section or which may be specified by the board of commissioners.

E. Mediation Hearings:

1. Citizens may file with the secretary of the panel formal written complaints concerning alleged violations of this section.

2. Upon receipt by the panel of such a written complaint charging any property owner, resident or occupant of a historic preservation district or a historic landmark district with violation of any provision of this section, the panel may schedule a mediation hearing to consider such complaint.

3. The secretary of the panel shall promptly notify the complainant and the person or persons alleged to have committed the violation by registered or certified mail, return receipt requested, of the time and place of the hearing and the nature of the complaint, and invite the parties to appear and to be heard.

4. Such hearing shall be held for the purpose of mediating the dispute which is the subject of the filed complaint and for the further purpose of fostering compliance with this section.

F. District Regulations And Restrictions:

1. Creation: The historic preservation zoning district is hereby created.

2. General Provisions: All provisions of this section, including the definitions contained in subsection B of this section, shall be applicable to this district.

3. District Identification Sites: District identification sites designated by the board of commissioners as being within the HP historic preservation district shall be identified on the official zoning map of the city and in other official writings by the symbol "HP".

4. District Restrictions: Unless otherwise specifically provided in this section, the following restrictions shall apply to this district:

a. The erection, moving, demolition, reconstruction, restoration or alteration of any structure is prohibited unless a certificate of appropriateness is granted by the Ponca City historic preservation advisory panel subsequent to review and analysis by that body;

b. All structures and grounds shall be kept in good repair;

c. All interior portions of structures shall be kept in such good repair to the extent necessary to prevent structural deterioration;

- d. All structures and grounds shall be maintained in good condition in keeping with the historical nature of the site designated;
- e. Outside storage of materials or supplies on a permanent basis is prohibited;
- f. All external signs and advertising displays shall conform to all requirements of the Ponca City sign ordinance ([chapter 12](#) of this title);
- g. All provisions and procedures of this district shall be complied with fully.

G. Uses Permitted: A building or premises shall be used only for the following purposes:

1. A single structure or structures within a historic district shall be permitted for the use under the existing zoning, i.e., commercial, single-family or multi-family residential.
2. Servant or caretaker quarters, either attached to or separate from a single-family dwelling.
3. Temporary buildings for use incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
4. Open or public park, playground or recreation area, but excluding recreation facilities or services furnished on payment of a fee or admission charge.
5. Private park, recreation area and clubhouse, when owned and maintained by members of a homeowners' association or organization activity engaged in supporting the preservation of a home of architectural and/or historical significance.
6. Directional and informational signs shall be permitted subject to the provisions of the Ponca City sign ordinance ([chapter 12](#) of this title) and certificate of appropriateness.
7. Private garage.

H. Uses Permitted Upon Review Of Special Uses: Uses permitted upon review of special uses, so designated, within the base zoning district.

I. Height Regulations: Heights permitted within the base zoning district.

J. Area And Setback Regulations: Area and setback regulations permitted within the base zoning district.

K. Ordinary Maintenance Or Repair Except As Previously Provided: Nothing in this section shall be construed to prevent ordinary maintenance or repair of any structure.

L. Historic District Designation Process; Procedure:

1. The city may designate tracts and sites for inclusion within the historic preservation district in the same manner prescribed for the designation of other zoning districts by this title and subject to compliance with this section; however, all designations of tracts and

sites for inclusion within the historic preservation district shall be reviewed and considered by the historic preservation advisory panel. Such panel shall forward its recommendation regarding a proposed district designation to the planning commission and board of commissioners.

2. Notice of consideration of a district designation by the historic preservation advisory panel shall be the same as required for consideration of the adoption or amendment of zoning district boundaries by the planning commission as such is prescribed in this title.

3. The initiation of a proposal of designation may be made by the panel, the board of commissioners, planning commission, the community development department or on the application of the owners of the parcel to be designated or their authorized agents. Any such application shall be made upon forms or pursuant to standards set by the panel for this purpose.

4. The following criteria shall be used in the evaluation for historic designation:

a. Character, interest or value as a part of the development, heritage or cultural characteristics of the city of Ponca City, state of Oklahoma or nation or other society;

b. Location of the site of a notable historical event;

c. Identification with a person or persons who contributed notably to the culture and development of the city, state, nation or society;

d. Relationship to properties which are significant and preserved or which are eligible for preservation;

e. Embodiment of distinctive elements of architectural design, detail material or craftsmanship related to a uniqueness to the area or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation;

f. Archaeological value in the sense that the site has, has produced, or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory;

g. Value as an aspect of community sentiment or public pride; or

h. An established, familiar visual feature of the neighborhood, community or skyline owing to its unique location or singular physical characteristic.

M. Certificate Of Appropriateness:

1. Required: Certificate of appropriateness shall be required in the following instances before the commencement of work upon any structure or site located within the HP historic preservation district:

a. Whenever such work requires a building permit issued by the city;

b. Whenever a fence or driveway is constructed beyond the front building line of a home;

or

c. Whenever such work includes the erection, moving, demolition, reconstruction, restoration or alteration of the exterior of any structure or site, except when such work satisfies all the requirements for "ordinary maintenance and repair" as defined in subsection B of this section.

2. General Provisions And Procedures:

a. No building permit shall be issued by the building inspector for any structure or site location within the HP historic preservation district until the application for such permit has been reviewed by the panel and a certificate of appropriateness approved by the panel.

b. In all cases that are not "ordinary maintenance and repair" as defined in subsection B of this section, a certificate of appropriateness shall be required and an application for such certificate shall be made.

c. When applying for a certificate of appropriateness as required in subsection M2b of this section, the applicant shall provide sufficient photographs and evidence to adequately show the work proposed.

d. When applying for a building permit the applicant shall furnish two (2) copies of such plans, elevations, perspectives and specifications as required by a building permit. The building inspector shall forward to the panel such application for a building permit. Any applicant may request a meeting with the panel before submitting an application and may consult with the panel during the review of the permit application.

e. Upon review of the application, the panel shall determine, within forty five (45) days of the date application is made for a certificate of appropriateness, whether the proposed work is of a nature which will adversely affect any historical or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this section. The panel shall apply the criteria established by this section and based thereon shall issue or refuse to issue such certificate of appropriateness. If the panel refuses to issue such a certificate of appropriateness, no permit shall be issued and the applicant may appeal the decision of the panel to the board of commissioners by filing a written appeal with the city clerk within ten (10) calendar days of the denial.

f. The panel shall develop such guidelines as it may find necessary to supplement the provisions of this section and to inform owners, residents, and the general public of those techniques which are considered most proper for undertaking work relating to historical and architectural resources. The panel shall have the opportunity to advise the board of commissioners concerning provisions in the building, electrical, plumbing, heat and air and housing codes and other codes which affect preservation work.

g. It is not the intent of this section to limit new construction to any one period or architectural style, but to preserve the integrity of historical and architectural resources and to ensure the compatibility of new work constructed in the vicinity. In the case of the disapproval of plans by the panel, the panel shall state in writing the reasons for such disapproval and may include suggestions of the panel in regard to actions the applicant

might take to secure the approval of the panel as to the issuance of a certificate of appropriateness.

h. The panel may approve the certificate of appropriateness subject to certain conditions. Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate, if any. It shall be the duty of the building inspector to inspect from time to time any work performed pursuant to a certificate of appropriateness to assure such compliance. In the event that such work is not in compliance, the building inspector shall issue a stop work order. The panel may request by resolution that the building inspector inspect the work and issue a stop work order.

3. Review Criteria: The historic preservation advisory panel shall utilize those criteria in "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983)". The standards are as follows:

a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

b. The distinguishing original qualities or character of a building, structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building shall not be undertaken.

h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alteration were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

k. In addition to the above mentioned criteria, the historic preservation advisory panel shall use specific design review guidelines which shall be prepared by the panel to outline the evaluation criteria used in assessing the appropriateness of proposed project work within the designated historic districts. These design review guidelines shall be prepared and amended by the historic preservation advisory panel as part of the regular duties of the panel and shall be adopted by the panel prior to their application in the review process.

4. Demolitions:

a. General Provisions: No structure or resource within any historic district shall be demolished and/or removed unless such demolition shall be approved by the historic preservation advisory panel and a certificate of appropriateness for such demolition and/or removal shall have been granted.

b. Procedures And Postponement Orders:

(1) The historic preservation advisory panel shall hold a public hearing for the purpose of considering certificates of appropriateness for demolition or removal. After such hearing the historic preservation advisory panel may approve the certificate of appropriateness thereby authorizing the demolition or may enter an order postponing demolition for not more than ninety (90) days.

(2) At the conclusion of such period of postponement as specified in the panel's order, the panel shall within forty five (45) days thereafter hold a second public hearing for the purpose of considering whether or not the historic preservation advisory panel should recommend to the board of commissioners that additional postponement of demolition be ordered.

(3) In the event the historic preservation advisory panel should make such recommendation of additional postponement to the board of commissioners, the board of commissioners shall hold a public hearing for the purpose of considering such additional postponement of demolition.

(4) After such public hearing the board of commissioners may enter an order approving the demolition or may enter an order postponing demolition for an additional period not to exceed sixty (60) days from the date of such order. At the conclusion of this final postponement period, the board of commissioners shall hold a public hearing and may either approve the requested demolition or may disapprove such requested demolition. In the event demolition is not approved, no demolition shall occur. For purposes of this section, the word "demolition" shall include "removal".

c. Criteria For Review Of Demolition: The historic preservation advisory panel and board of commissioners shall be guided by the following criteria in considering certificates of appropriateness and authorizations for demolition of structures or sites within the historic district:

- (1) The purposes and intent of this section.
- (2) The degree to which the proposed removal of the historical resource would serve to destroy the integrity and continuity of the historic district of which it is a part.
- (3) The nature of the resource as a representative type of style of architecture, socioeconomic development, historical association or other element of the original designation criteria applicable to such structure or site.
- (4) The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.
- (5) The alternatives available to the demolition applicant, including:
 - (A) Donation of the subject structure or site to a public or benevolent agency.
 - (B) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of historical easements.
 - (C) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
 - (D) The potential of such structure or site for renovation and its potential for continuing same.
 - (E) The potential of the subject structure or site for rezoning in an effort to render such property more compatible with the physical potential of the structure.
- (6) The ability of the subject structure or site to produce a reasonable economic return on investment to its owner; provided however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this section.

N. Certificate Of Economic Hardship:

1. Application: Application on forms prescribed by the panel for certificate of economic hardship may be made by the owner or agent for the owner who has been denied a certificate of appropriateness for any work specified in this section.
2. General Provisions And Procedures: The panel may require that the applicant for a certificate of economic hardship make submissions concerning any or all the following information before it makes a determination on the application:
 - a. An estimate of the cost of the proposed construction, alteration, demolition or removal and estimate of any additional cost that would be incurred to comply with

recommendations of the preservation panel for changes necessary for the issuance of a certificate of appropriateness.

b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure on the property and the suitability for rehabilitation.

c. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the preservation commission and, in the case of a proposed demolition, after renovation of the existing property for continued use.

d. In the case of a proposed demolition, and estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or reuse of the existing structure on the property.

e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or application and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

f. If the property is income producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.

h. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.

j. Assessed values of the property according to the two (2) most recent assessments.

3. Public Hearing Required: After the application for certificate of economic hardship has been submitted, the panel shall hold a public hearing at which any person may testify concerning economic hardship.

4. Determination Of Economic Hardship: The panel shall review all the evidence and information required of any applicant for a certificate of economic hardship and make a determination within forty five (45) days of receipt of the application whether the denial of a certificate appropriateness has deprived, or will deprive, the owner of the property of reasonable uses of, or economic return on, the property. If the panel disapproves such a certificate of economic hardship, the applicant shall proceed with work only when issued a certificate of appropriateness as provided in this section. (Ord. 5916, 8-9-1999)

CHAPTER 12

SIGN REGULATIONS ⁵⁷

11-12-1: DEFINITIONS:

Signs are defined and regulated according to the following terms listed in alphabetical order:

AWNING, CANOPY, OR MARQUEE SIGN: A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee such that the sign does not project more than one foot (1') above, below, or beyond the physical dimensions of the awning, canopy, or marquee.

BENCH SIGN: A sign which is placed upon, or is an integral part of a bench, and which is located immediately adjacent to and abutting a building, for the purpose of providing seating for citizens, and displaying a printed advertising message.

BULLETIN BOARD SIGN: A sign that indicates the name of a governmental, religious, educational, or other noncommercial institution on whose premises it is located, and which may contain the names of individuals connected with it and general announcements of events or activities occurring at the institution, or similar messages not advertising a specific product or business service.

BUSINESS SIGN: A sign which directs attention to a business, commodity, service or entertainment conducted on the premises.

DIRECTIONAL SIGN: Any sign which serves solely to designate the location or direction of any place or area, principally for pedestrian or vehicular traffic, on the premises where the sign is located.

DISPLAY SURFACE: The surface of a sign upon, against or through which the message is displayed or illustrated.

DISPLAY SURFACE AREA: The net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, figures, characters and delineations; provided, however, display surface area shall not include the structural supports for freestanding signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign; provided further, that one face of a double faced sign shall be included in the computation of display surface area, so long as both faces are parallel and the distance between the faces does not exceed two feet (2').

ELECTRIC SIGN: An electrically illuminated sign which employs incandescent lamps, electric discharge tubing, fluorescent lamps, or combinations thereof, and has words or symbols designed to convey information or attract attention. Signs on which the lights do not form a portion of the display surface are not considered to be electric signs.

GROUND SIGN: A sign which is an independent structure and which is not attached to or located above a building or similar structure.

IDENTIFICATION SIGN: A sign giving any combination of the name, nature, address, and recognized symbol or logo of a building, business, development, subdivision or establishment

on the premises where the sign is located.

LINEAR RUN SIGN: A sign which uses intermittent lights that gives the viewer a sense of linear motion and displaying a message in vertical running display fashion portraying public information.

MEMORIAL SIGN: A sign, tablet, or plaque commemorating a person, event, structure or site.

MOVING SIGN: A sign, all or part of which is animated, revolves, swings, or is otherwise designed to move by mechanical means or by the force of the wind.

NAMEPLATE SIGN: A sign giving only the name and/or address of the owner or occupant of a building or premises on which it is located and, where applicable, a professional status.

OUTDOOR ADVERTISING SIGN: A sign which directs attention to a business, commodity, service or entertainment, sold or offered elsewhere than the premises, and only incidentally on the premises if at all.

OUTDOOR DISPLAY STRUCTURE: Any fabricated sign, including its structure and display surface, located outside of buildings or similar structures to convey information or attract attention for advertising purposes.

PERMANENT SIGN: A sign which is designed and intended to be anchored to the ground, building, or other structure for the duration of the use of the premises to which the sign pertains.

POLE SIGN: A sign which is mounted on one or more freestanding poles; identical to a "ground sign" as defined above.

POLITICAL SIGNS: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, county, or local election.

PORTABLE SIGN: A sign that is transportable, with or without wheels and/or tires, designed for temporary use. Typically, such signs are less than six feet (6') in height; are mounted on a wheeled undercarriage or temporary base, and contain a display area designed to allow rapid revision of the letters, numbers, and other characters in the advertising message. Such signs are a separate type and class, do not meet the wind loading requirements as established by building officials and code administrators (BOCA) and shall not be construed as being one of the other signs addressed in, or defined by, this chapter.

PROJECTING SIGN: A sign which is affixed to the exterior wall of a building or structure and which projects more than fifteen inches (15") from the wall or building line.

PUBLIC SERVICE SIGN: A sign of a governmental or noncommercial nature including public transit and public utility information, traffic control, and any other sign erected by a public officer in the performance of a public duty.

REAL ESTATE SIGN: A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures.

ROOF SIGN: A sign which is erected, constructed, and maintained wholly upon or over the roof of any building, and with the principal support on the roof structure.

SEASONAL SIGN: A temporary sign in the nature of decorations clearly incidental to, and customarily associated with, any national, local, or religious holiday.

SETBACK: Where a setback is required or provided for any sign, it shall be measured horizontally from, and perpendicular to, the right of way line of the street to the nearest edge of the sign.

SIGN AREA: The intended or permitted area of signs in each zoning district which can encompass all of the sign copy.

SIGN COPY: The letters, numbers, symbols, or geometric shapes on a sign face either in permanent or changeable form.

SIGN HEIGHT: Unless otherwise limited for certain types of signs by specific provisions of the chapter, the maximum permitted height of signs in each zoning district shall be in accordance with the standards established above. The sign height shall be measured from ground level at the base of, or below, the sign to the highest edge of the sign.

SPECIAL EVENT SIGN: A temporary sign erected on the premises of an establishment having a grand opening or other special event only for the duration of such event. Special event signs meeting the definition of "portable sign" shall comply with the provisions pertaining to portable signs.

SUBDIVISION SIGN: Subdivision signs erected at the entrance to a new subdivision or development in which lots and/or structures are available for sale.

SWINGING SIGN: A sign, other than a banner, which hangs from a stationery support by hinges or other flexible connection so as to allow movement of the sign caused by wind.

TEMPORARY SIGN: Any nonpermanent sign not classified as a portable sign that is intended to be displayed for a short period of time, including such signs as banners, pennants, lightweight signs of cardboard, plastic and paper materials.

WALL SIGN: A sign fastened to, or painted on, the wall of a building such that the wall becomes the supporting structure for, or forms the background surface of, the sign, and which does not project more than fifteen inches (15") from the wall or building line.

WINDOW SIGN: A sign that is applied or attached to a window, or located in such a manner behind a window that it can be seen from the exterior. (Ord. 5916, 8-9-1999; amd. Ord. 5962, 1-16-2002)

11-12-2: NONCONFORMING SIGNS:

A. Conditions For Continuation: Any advertising signs, billboards, commercial advertising structure, or statuary which is lawfully existing and maintained at the time this title or any amendment of this title becomes effective may continue to be utilized, although such structure does not conform with the provisions of this title or any amendment of this title, so

long as it remains otherwise lawful, subject to the following conditions:

1. No such nonconforming sign may be enlarged or altered in a manner which increases its nonconformity.
2. Should such sign be destroyed or damaged to an extent of more than fifty percent (50%) of its replacement cost, it shall not be reinstalled, except in conformity with the provisions of this title.
3. Should such nonconforming sign be moved for any reason for any distance whatever, it shall thereafter conform to the provisions of this title.
4. Should the nature of the business for which the sign is used change, the use of said sign shall be discontinued, and any new sign shall be in conformance with the provisions of this title.

B. Flashing Lights: The provision of this section allowing nonconforming signs to continue in existence subject to certain exceptions shall not apply to any signs utilizing a flashing light or lights, which would be in violation of this title. Said signs utilizing a flashing light or lights shall be discontinued immediately upon the passage, approval and publication of this chapter. (Ord. 5916, 8-9-1999)

11-12-3: PERMITTED SIGNS:

The display of signs in each zoning district shall be as follows:

A. Residential, Business Signs And Outdoor Advertising: The following regulations apply to the location, size, height and appearance of any residential, business and outdoor advertising signs within the respective district:

1. General Conditions:

- a. All business and outdoor advertising signs shall be approved by the building official, or his/her designee, prior to the issuance of sign permits.
- b. No business or outdoor advertising sign, if illuminated, shall be located within one hundred feet (100') of a residential district if visible from such district.
- c. No flashing or animated sign shall be located within any district.
- d. One side of a double faced sign shall be included in the computation of display surface area, providing both faces are parallel, and the distance between the faces does not exceed two feet (2'). (Ord. 5916, 8-9-1999)
- e. Signs shall comply with a setback from the centerline of an abutting street one-half (1/2) of the right of way width designated on the major street plan, or thirty feet (30') if the street is not designated on the major street plan, providing that no sign shall protrude over the right of way line, except as provided for in the CBD district. (Ord. 5916, 8-9-1999; amd. 2003 Code)

f. Linear run signs providing public information shall not be construed as flashing and are limited solely to the core area, as set out in the definitions in section [11-12-1](#) of this chapter.

g. The following signs shall not be included in the computation of display surface area:

- (1) Temporary real estate and construction signs.
- (2) Signs which are not visible from a public street and do not exceed six (6) square feet in area.
- (3) Signs painted on glass surfaces or windows or doors, and pertaining to the business conducted therein.
- (4) Tablets built into the wall of a building or other structure and used for inscriptions or as a memorial tablet or for similar purposes.
- (5) Signs of warning, directive or instructional nature erected by a public utility, franchised transportation company or governmental agency.
- (6) Legal notices and street numbers.
- (7) Signs located within a building.
- (8) Signs, not exceeding three (3) square feet of display surface area, of a warning, directive or instructional nature, including entrance, exit and restroom signs.
- (9) Signs which are attached labels of a commodity offered for sale.

h. All signs, together with all their supports, braces, connections, anchors, and any appurtenances thereto, shall be kept in repair and proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a safe, clean, sanitary and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.

Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected within thirty (30) days upon notice by the building official, or his/her designee, or shall be removed.

i. Abandoned signs. Any sign which is located on a property which becomes vacant and unoccupied for a period of thirty (30) days, or any sign which was erected for an occupant or business unrelated to the present occupant or his/her business, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed within thirty (30) days after notification by the building official, or his/her designee.

2. Commercial, I-1 And I-2 Districts: Within the commercial district, I-1 and I-2 districts:

a. Ground signs shall not exceed thirty five feet (35') in height, measured from the mean grade level of the zoning lot upon which it is erected, provided that within one hundred feet (100') of the right of way of an abutting elevated street, a ground sign may be erected to a height of fifteen feet (15') above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign height does not exceed sixty feet (60').

b. Roof signs shall not extend more than nine feet (9') above the mean roof level of the structure to which it is affixed, nor shall the combined height of building and sign be greater than sixty feet (60').

c. Projecting signs shall not extend more than five feet (5') above the mean roof level of the structure to which it is affixed.

d. Portable and/or temporary signs shall not be allowed more than thirty (30) days per year at any one location. Nor shall they be allowed more than ten (10) consecutive days at any one location. Under no conditions shall portable signs be illuminated. The owner or renter of any temporary or portable sign shall obtain a temporary sign permit. Said permit shall be valid only for the duration of the time noted on the permit and, furthermore, subject to all applicable provisions of the city ordinances, including the provision that no sign be allowed in the right of way, nor allowed to overhang the right of way.

e. A zoning lot in C-1, C-2, I-1 and I-2 districts may utilize for business signs and outdoor advertising signs and aggregate surface area not exceeding:

(1) One square foot of display area per each lineal foot of street frontage; or

(2) One and five-tenths (1.5) square feet of display surface area per each lineal foot of street frontage when the principal use of the lot is providing the motoring public with the essential services of fuel, food, lodging and vehicular repair services, and when the lot is adjacent to and abutting a federal or state highway.

f. During the period of construction, a real estate sign advertising the sale, rental or lease of the premises or the type of project funding participation, may be erected on each street frontage of the development. The sign shall not exceed eighty (80) square feet in surface area, or fifteen feet (15') in height, and illumination, if any, shall be constant light.

3. I-3 District: Within the I-3 district, permitted display surface area limitation shall not apply to business signs and outdoor advertising erected behind the building line.

4. Residential Districts: Within the residential districts:

a. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area, nor fifteen feet (15') in height, and illumination, if any, shall be by constant light.

b. One identification sign may be erected on each street frontage of a multi-family development, single-family subdivision or permitted nonresidential use, providing that

such signs will be limited to one sign per each intersection of an interior development street with a frontage street, and not to exceed a total of four (4) signs for each development.

The sign shall not exceed twelve (12) square feet in surface area nor fifteen feet (15') in height, and illumination, if any, shall be by constant light.

c. During the period of construction, a real estate sign advertising the sale, rental or lease of the premises or the type of project funding participation, may be erected on each street frontage of the development. The sign shall not exceed eighty (80) square feet in surface area, nor fifteen feet (15') in height, and illumination, if any, shall be by constant light.

d. Bulletin boards or signs not exceeding six (6) square feet in area pertaining to the lease, sale or hire of a building or premises. Once the building or premises are sold, a sign depicting the building or premises as sold, may be displayed for a maximum of no more than ten (10) days. Provided, however, that the new owner will have the option of not displaying the "sold" sign and may require the removal of all signs as soon as he/she acquires possession of the property; provided, that in no case should the total area of the bulletin board or sign exceed six (6) square feet, and that a sign displaying the message of "sold", or "lease", or "hire" should not be displayed longer than ten (10) calendar days.

B. Additional Provisions:

1. Scope:

a. The general provisions of this section apply to the design, construction, installation, maintenance and alteration of signs and outdoor display structures.

b. The provisions of this section are not intended to apply to portable signs used inside of buildings or structures.

c. Where the term "sign" is used in the provisions of this title, the term shall be interpreted to include "outdoor display structure".

d. The changing of movable parts of signs that are designed for changes, or the repainting of display matter, shall not be deemed to be alterations.

2. Permits and bonds shall be in accordance with the city code, with the aforementioned clause that no sign permit shall be issued without prior approval of the code official or his/her designee. (Ord. 5916, 8-9-1999)

11-12-4: RESTRICTIONS OF LOCATIONS:

A. Signs shall not obstruct components of means of ingress/egress.

B. Signs shall not reduce light and ventilation of windows required by the provisions of the international building code.

- C. Signs shall not block the use of windows or access panels required for access through exterior walls by the provisions of international building code.
- D. Signs shall not block the access to roofs required by the provision of the international building code.
- E. Roof signs shall not prevent access from one area of a roof to another area.
- F. Signs shall not obstruct the movement of motorized fire department equipment on public ways. (Ord. 5916, 8-9-1999; amd. 2003 Code)

11-12-5: WALL SIGNS:

A. Restrictions:

1. Wall signs attached to the exterior walls of buildings or structures shall not extend more than fifteen inches (15") from the wall or structural member to which they are attached.
2. Wall signs shall not extend beyond the top or ends of the surface of the wall to which they are attached.
3. Wall signs having a display surface of more than forty (40) square feet in area shall be of noncombustible or approved limited combustible material, except that wall signs attached to buildings or structures of wood frame construction are permitted to be constructed of combustible materials. Cappings, decorations, lettering and moldings are permitted to be of combustible materials on signs required to be constructed of noncombustible or limited combustible material.

B. Support And Attachment:

1. Wall signs shall not be supported by and attached to walls or structural members that are not capable of supporting the weight of the signs and of transferring the wind loads to the foundations of the buildings, or resisting lateral forces of earthquakes.
2. Wall signs shall be attached to walls or to structural members with devices, such as metal anchors or bolts, that will transfer the weight of the sign and wind loads to the walls or to the structural members.
3. Attachment devices shall be corrosion resistant.
4. Wood blocks or anchorage with wood used in connection with screws or nails shall not be used for anchorage to masonry or concrete walls.
5. Wall signs shall not be supported by unbraced parapets. (Ord. 5916, 8-9-1999)

11-12-6: PROJECTING SIGNS:

A. Restrictions:

1. Projecting signs that are located over a street, alley, public place or public way shall not extend beyond an imaginary line perpendicular to a point located two feet (2') from the curb line, between the building line and the curb line.
2. The lower edge of projecting signs shall not be less than nine feet (9') above the curb level.
3. Projecting signs having a display surface more than two and one-half (2 1/2) square feet in area shall be made of noncombustible or approved limited combustible materials, except that decorations, facings and lettering set in or attached to noncombustible or approved limited combustible materials are permitted to be of combustible materials.

B. Support And Attachment:

1. Projecting signs shall not be supported by and attached to walls or structural members that are not capable of supporting the weight of the sign and of transferring the wind loads to the building or structure, or resisting lateral forces of earthquakes.
2. Projecting signs shall be attached to walls or to structural members by anchors, bolts, chains, guys or rods that will transfer the weight of the sign and wind loads to the walls or to the structural members.
3. Wood blocks or anchorage with wood used in connection with screws shall not be used for support, anchorage or guying to masonry or concrete walls.
4. Projecting signs shall not be supported by unbraced parapets.
5. Nails and staples shall not be used to attach projecting signs.
6. Turnbuckles or other means of adjustment shall be used with chains or wire rope supporting or guying projecting signs.
7. Chains, wire rope and their attachment devices shall be corrosion resistant. Other supports and braces shall be designed to be coated, such as with paint. (Ord. 5916, 8-9-1999)

11-12-7: GROUND SIGNS:

A. Restrictions:

1. Ground signs and outdoor display structures constructed of wood, including those on metal supports, shall not exceed thirty five feet (35') in height above grade. Ground signs constructed of wood are not permitted to be more than fifteen feet (15') in height, unless the horizontal separation equals or exceeds one-half (1/2) the height of the sign. (Ord. 5916, 8-9-1999)
2. Ground signs must be designed and constructed to conform to the provisions of the international building code. (Ord. 5916, 8-9-1999; amd. 2003 Code)

3. Metal framing and reflectors for external illumination are permitted to be located above signs but shall not be considered in determining the height of signs.
4. Ground signs that are required to be constructed of noncombustible or approved limited combustible material are permitted to have cappings, lettering or moldings of combustible materials.
5. The display surface of ground signs shall be not less than thirty inches (30") above the ground. The space below the display portion is permitted to have lattice or slats of combustible material provided:
 - a. The lath of slats are not more than one inch (1") in thickness;
 - b. The vertical projection of the lattice or slats does not exceed fifty percent (50%) of the gross area under the display portion; and
 - c. The lower level of lattice or slats is above the expected growth of vegetation.

B. Supports And Anchorage:

1. Ground signs shall be designed and constructed to support dead loads and any required live loads, to withstand wind loads, and to resist lateral forces of earthquakes.
2. The bottom surface of foundations, the bottom ends of supports that transfer the loads to soil, the anchors, and the bracing shall be below the frost line.
3. Anchors and supports shall be designed for safe bearing loads on the soil and for a resistance to withdrawal equal to a force twenty five percent (25%) greater than the required resistance to overturning.
4. Where supports, braces or anchors for ground signs are made of wood, the wood shall be treated with an approved preservative. (Ord. 5916, 8-9-1999)

11-12-8: ROOF SIGNS:

A. Restrictions:

1. Roof signs that are located above, or supported on the top of, buildings or structures shall be constructed of noncombustible materials.
2. Cappings, decorations, lettering and moldings are permitted to be of combustible materials.
3. The display portion of roof signs shall be not less than four feet (4') above the roof of the building or structure on which the sign is located. The space below the display surface, except for the supports and related structural members, shall be open, without lattice or slats.
4. Walkways required for maintenance of signs shall be constructed of noncombustible

materials.

5. Roof signs shall not project beyond the exterior walls of buildings or structures.

B. Support And Anchorage:

1. Roof signs shall not be supported on roofs or on structural members of walls of buildings that are not capable of supporting the weight of the sign and of transferring the wind loads to the foundations of buildings, or resisting lateral forces of earthquakes.

2. Roof signs shall be designed and constructed to withstand wind and earthquake loads.

3. Devices for attaching supports of roof signs to roofs or structural members of buildings or structures and the materials and devices used for anchoring, bracing or guying signs to structural members of buildings shall be designed to transfer wind loads to structural elements of buildings or structures.

4. Counterweights shall not be used in the design to withstand wind loads (to prevent overturning of signs), unless the structural elements of the building or structure are capable of supporting the counterweights. (Ord. 5916, 8-9-1999)

11-12-9: MARQUEE SIGNS:

A. Restrictions:

1. Signs which are part of, or attached to marquees constructed of noncombustible or approved limited combustible materials shall be constructed of noncombustible or approved limited combustible materials, except that decorations, facings and lettering set in or attached to noncombustible or approved limited combustible materials, are permitted to be of combustible materials. (Ord. 5916, 8-9-1999)

2. Signs that are on the sides of, or suspended from, marquees that are located over a street, alley, public place or public way shall not extend beyond the limits set forth by the provisions of the international building code. (Ord. 5916, 8-9-1999; amd. 2003 Code)

3. Signs that are mounted above marquees that are located over a street, alley, public place, or public way shall not extend beyond the limits set forth by the provisions of subsection [11-12-7A1](#) of this chapter.

B. Attachment And Support:

1. Signs shall not be attached to, installed on, or supported on marquees that are not capable of supporting the weight of the sign, or where the marquee and structural elements will not transfer the wind loads to the foundation of the building, or where the wall or structural components to which the marquee is attached are not capable of resisting lateral forces of earthquakes.

2. Signs attached to, installed on, or supported on marquees, shall be designed and constructed to withstand wind and earthquake loads.

3. Devices for attaching supports of signs to marquees, and the material or devices used for anchoring, bracing or guying signs to marquees, shall be designed to transfer the loads to marquees. (Ord. 5916, 8-9-1999)

11-12-10: TEMPORARY SIGNS:

A. Restrictions:

1. Temporary Signs:

a. Temporary signs shall not be allowed to be placed in the right of way, to block the line of sight at a street intersection, or to overhang the right of way.

b. Neither electricity nor electrical conduit may be attached to a temporary sign. (Ord. 5962, 1-16-2002)

B. Support And Attachments:

1. Temporary signs shall be anchored to withstand wind loads. The community development director shall determine by inspecting of the portable sign if anchoring devices are adequate.

2. Anchors and supports of a temporary sign shall not create a hazard for pedestrians or vehicles.

3. Anchors and supports of a temporary sign shall not be placed in or overhang the right of way.

4. Supports made of wood for temporary signs are not required to be treated with an approved preservative. (Ord. 5916, 8-9-1999)

11-12-11: ELECTRIC SIGNS:

A. Conformance:

1. Electric signs shall conform to the provision of the standard listed in the international building code and the national electrical code. (Ord. 5916, 8-9-1999; amd. 2003 Code)

2. The approval of electric signs shall be based upon tests and listings of electric signs by a nationally recognized testing laboratory.

B. Support And Attachment: Electric signs shall be supported, attached, anchored, braced or guyed as required for the type of sign. (Ord. 5916, 8-9-1999)

11-12-12: LOADS:

A. Wind Loads:

1. Signs, including display surfaces, frames and supports shall be designed and

constructed to withstand wind loads.

2. Wind loads for signs shall be calculated in accordance with the provisions of the international building code.

B. Earthquake Loads:

1. Signs designed to withstand wind loads, except as required by the provisions of the international building code, are considered to be capable of resisting lateral forces of earthquakes.

2. Signs located in areas designated as zone 3 shall be designed and constructed to resist lateral forces of earthquakes. In addition, ground signs located in areas designated as zone 2 shall also be designed and constructed to resist lateral forces of earthquakes.

3. Earthquake loads for signs shall be calculated in accordance with the provisions of the international code. (Ord. 5916, 8-9-1999; amd. 2003 Code)

11-12-13: PORTABLE SIGNS:

A. Restrictions:

1. Portable signs shall not be allowed more than thirty (30) days per year at any one location. Nor shall they be allowed more than ten (10) consecutive days at any one location.

2. Under no condition shall the portable sign be animated or flashing.

3. The owner of any portable sign shall obtain a temporary sign permit. Said permit shall be valid only for the duration of the time noted on the permit and subject to all applicable provisions of the city ordinances.

4. Portable signs shall not be allowed to be placed in the right of way, to block the line of sight at a street intersection, or to overhang the right of way.

5. Portable signs shall not exceed twelve (12) square feet in surface area nor fifteen feet (15') in height in a residential district.

6. Only portable signs of eight (8) square feet or less may be used with a political message.

7. No electricity nor electrical conduit shall be attached to a portable sign.

B. Support And Attachment:

1. Portable signs shall be anchored to withstand wind loads. The building official, or his/her designee, shall determine by inspection of the portable sign if anchoring devices are adequate.

2. Anchors and supports of a portable sign shall not create a hazard for pedestrians or

vehicles.

3. Anchors and supports of a portable sign shall not extend into the right of way. (Ord. 5916, 8-9-1999)

C. Installation And Permits:

1. "Portable signs", as defined in section [11-12-1](#) of this chapter, shall only be installed by an outdoor advertising contractor in compliance with the international building code. (Ord. 5916, 8-9-1999; amd. 2003 Code)

2. Penalty for failure to obtain a portable sign permit shall result in a penalty as described in section [1-4-1](#) of this code.

3. If a permit for an unlawful sign has not been obtained within ten (10) days following written notification by proper authorities, a nonpreference wrecker service may be requested to impound the sign, with the sign contractor absorbing costs and damages. (Ord. 5916, 8-9-1999)

11-12-14: BENCH SIGNS:

- A. Permit Required: The owner of a bench sign shall first obtain a sign permit before placing the sign on any particular site.
- B. Placement: Bench signs shall be permitted only when they are placed immediately adjacent to a building.
- C. Sign Area: bench signs shall be counted as part of the total sign area allowed for a particular site and business thereon.
- D. Nonconforming Use: Any bench sign lawfully placed in the right of way upon the effective date of this section shall be a nonconforming use but may otherwise remain in said right of way. The continued use of such signs shall otherwise be in strict conformance with these regulations. (Ord. 5962, 1-16-2002)

CHAPTER 13 OFF STREET PARKING AND LOADING

11-13-1: GENERAL PROVISIONS:

- A. Purpose: These regulations are intended to require adequate off street parking and loading facilities for new land uses and enlargement of existing uses, proportional to the need created by each use, in order to alleviate traffic congestion. Design standards are included to ensure the usefulness of parking and loading facilities, protect the public safety, and, where appropriate, to mitigate potential adverse impacts on adjacent land uses. Except as otherwise noted, the regulations of this chapter shall apply to all uses in all districts.
- B. Applicability: The regulations of this chapter apply to vehicular areas used for the display, parking, or storage. All off street parking and loading facilities for new, changed, or

expanded uses shall be constructed according to a site plan submitted to the building official and approved as a condition of the building permit. Any existing building or use hereafter enlarged or structurally altered to the extent of increasing the floor area or use area less than or equal to fifty percent (50%) of the existing floor or use area shall be provided additional off street parking and loading facilities only for the added floor or use area in conformance with the applicable standards. Any existing building or use hereafter enlarged or structurally altered to the extent of increasing the floor area or use area more than fifty percent (50%) of the existing floor or use area shall be provided additional parking and loading facilities for the entire building in conformance with the applicable standards. The provisions of subsection [11-13-2C](#) of this chapter shall apply to all existing and new parking and loading areas and drives as a condition of building permits for any remodeling or expansion, as well as for new construction.

- C. Location: The entire off street motor vehicle loading facilities required by this chapter shall be located on the same lot as the principal building or use being served, and the entire off street motor vehicle parking facilities required by this chapter shall be located on, or within five hundred feet (500') of, the property that uses the spaces. Public street and alley widths shall not be counted in calculating compliance with the five hundred foot (500') limitation. All off street parking facilities located in an R-1, R-2, R-2M, or R-3 district shall be intended to serve a use permitted in said districts. Required parking spaces may be provided in a carport or garage, provided that such is utilized and maintained in accordance with the provisions of this section.
- D. Ownership: The ownership of land upon which the required off street parking is located shall be the same as the ownership of land on which the principal use is located, except as may be otherwise permitted in accordance with the collective parking provisions of subsection [11-13-3A](#) of this chapter.
- E. Utilization: Required accessory off street parking facilities provided for the uses hereinafter listed shall be only for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses, and shall be maintained for the duration of the use requiring such areas. The type and size of motor vehicles allowed to be parked in accessory off street parking areas in residential districts shall be limited in accordance with the applicable provisions of section [11-5-1](#) of this title. Required accessory off street parking and loading facilities shall not be used for the sale, display, or storage of merchandise, except in accordance with section [11-5-3](#) of this title, nor shall such facilities be used for the storage, repair, or dismantling of vehicles or equipment for profit.
- F. Maintenance: All parking and loading facilities, including garages, shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be kept free of holes, mud, dust, trash, and other debris, and shall at all times be available for the off street parking or loading use for which they are required or intended. Further, all required landscaping and screening shall be maintained or replaced as necessary to assure continued conformance with the applicable standards. (Ord. 5916, 8-9-1999)

11-13-2: DESIGN STANDARDS:

- A. Perimeter Requirements: The relationship of off street parking and loading areas with adjoining uses and properties shall be regulated as follows:

1. No off street parking or loading spaces for land uses on private property, or required visual screening for such, may be located within a corner sight triangle at a street intersection or in the public right of way. Also, no parked vehicle, sign (except a single pole), fence, or landscaping (except tree trunks less than 18 inches diameter) shall be permitted to obstruct the corner sight triangle, as described in section [11-14-1B5](#) of this title, at any intersection of a driveway with a street.

2. Off street parking spaces in the single-family and two-family residential districts serving uses other than single- or two-family dwellings shall not be located within the required front yard. (This does not exclude the requirement for driveways, but means that required spaces and enclosures for such space be behind the building line.)

3. All parking areas within any residential district shall be set back to provide a ten foot (10') buffer strip along any front, rear, or side property line. All parking areas adjacent to any residential district shall be set back to provide a ten foot (10') buffer strip along any property line abutting a residentially zoned property and shall be set back to provide a five foot (5') buffer strip along any other property line. All other "unenclosed parking" areas as defined in section [11-2-2](#) of this title otherwise located shall be set back to provide a five foot (5') buffer strip along any front, back or side property line. In both cases, parking areas shall, in addition, comply with the landscaping requirements as set out in section [11-14-3](#) of this title.

4. Unenclosed parking lots serving a residential use, and all other unenclosed off street parking areas serving nonresidential uses in any district abutting property in an R-1, R-2, R-2M, R-3, RMHP, or RMHS district, shall be screened with a six foot (6') sightproof fence or hedge barrier in accordance with the provisions of subsection [11-14-3E](#) of this title.

5. Off street space required or provided for the loading of equipment or materials into, or out of, vehicles may occupy all or part of any required yard space; provided, that any such loading space or berth located within fifty feet (50') of any residential district shall be entirely within a completely enclosed building, or enclosed on all sides abutting the residential district by visual screening not less than six feet (6') in height.

B. Access: Each required or provided off street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space in accordance with the standards of this chapter. Off street loading spaces not abutting a public street or alley shall be provided an access drive of at least ten feet (10') in width. Curb cuts on public streets shall be designed, approved, and constructed in accordance with the city code.

C. Surfacing: The following guidelines will be observed for paving of all parking and loading areas, and access drives. (Ord. 5916, 8-9-1999)

1. Residential drives - four inches (4") P.C. concrete on a compacted subgrade or an equivalent as approved by the city engineer. A lesser standard may be approved by the building official for private drives in the A agricultural district, RA rural acreage dwelling district and on single-family residential lots of one hundred thousand (100,000) square feet or more. (Ord. 5916, 8-9-1999; amd. 2003 Code)

2. All other drives - five inches (5") P.C. concrete on subgrade compacted to ninety five

percent (95%) of standard proctor, or four inches (4") of type "C" asphalt concrete on a base equivalent to six inches (6") of lime stabilized on a subgrade compacted to ninety five percent (95%) of standard proctor, or an equivalent as approved by the city engineer.

3. Parking areas shall be graded and drained so as to dispose of all surface runoff in accordance with the Ponca City drainage criteria. Curbing shall be used to prevent storm water from flowing to adjacent properties.

D. Lighting: Lights provided to illuminate any parking facility or paved area shall be designed and arranged to reflect away from, and to minimize interference with, any residential use or traffic on a public street.

E. Landscaping: All landscaping requirements are contained in section [11-14-3](#) of this title.

F. Motor Vehicle Parking And Loading Specifications: Accessory motor vehicle parking spaces shall be arranged and marked so as to provide for orderly and safe parking in accordance with the applicable specifications contained in this section. Safety barriers, wheel guards, or curbing shall be provided to assure vehicle security, pedestrian safety, efficient utilization, protection to landscaping, and to prevent encroachment of vehicles beyond any property line. The dimensions and layout of parking and loading spaces required or provided shall be in conformance with the following minimum standards, although layouts based on dimensions greater than these minimums may be necessary in certain cases.

1. Standard Parking: Parking areas for full size vehicles shall be subject to the minimum requirements set forth in table 11-13-2.1.

TABLE 11-13-2.1, STANDARD PARKING SPECIFICATIONS

| Parking Angle | Aisle Width (Feet) | | Depth Of Stall Perpendicular To Aisle (Feet) | One-Way | Two-Way |
|------------------|--------------------|-------------------------------|--|---------|---------|
| | Stall Width (Feet) | Aisle Length Per Stall (Feet) | | | |
| 0° (parallel) | 8.5 | 23 | 8 | 12 | 24 |
| 30° | 8.5 | 17 | 16.9 | 11 | 22 |
| 45° | 8.5 | 12 | 19.4 | 13.5 | 23 |
| 60° | 8.5 | 9.8 | 20.7 | 18.5 | 24 |
| 75° | 8.5 | 8.8 | 20.5 | 20 | 24 |
| 90° | 8.5 | 8.5 | 19 | 25 | 25 |

2. Small Car Parking: Parking areas designated specifically for compact cars shall be subject to the minimum requirements set forth in table 11-13-2.2.

TABLE 11-13-2.2, SMALL CAR PARKING SPECIFICATIONS

Aisle Width

| Parking Angle | (Feet) | | | | |
|------------------|--------------------|-------------------------------|--|---------|---------|
| | Stall Width (Feet) | Aisle Length Per Stall (Feet) | Depth Of Stall Perpendicular To Aisle (Feet) | One-Way | Two-Way |
| 0° (parallel) | 7.5 | 20 | 7.5 | 12 | 24 |
| 30° | 7.5 | 15 | 14.5 | 11 | 24 |
| 45° | 7.5 | 10.6 | 16.6 | 13.5 | 24 |
| 60° | 7.5 | 8.7 | 17.6 | 18.5 | 24 |
| 75° | 7.5 | 7.8 | 17.4 | 20 | 24 |
| 90° | 7.5 | 7.5 | 16 | 25 | 25 |

3. Handicapped Parking:

- a. Each parking space for the physically disabled shall consist of a rectangular area not less than twelve feet wide by nineteen feet long (12' x 19'), shall be located in an area not exceeding a two percent (2%) slope, and shall be located near or convenient to a level or ramped entrance not exceeding a ten percent (10%) slope, to the facility served by the parking space.
- b. Parking spaces for the handicapped shall be restricted for use by the handicapped only, and shall be marked as such by an above grade sign.

4. Vehicle Loading: Each off street loading space or berth for commercial delivery vehicles shall be not less than ten feet in width, thirty five feet in length (10' x 35') exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14'). (Ord. 5916, 8-9-1999)

11-13-3: REQUIRED SPACES:

- A. Computation: When determination of the number of spaces required by this section results in a requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall be counted as one space. Accessory parking and loading spaces required by this section for any building or use shall not be considered to meet the requirement for any other building or use, except where a joint facility serving more than one building or use contains the total number of spaces required for each building or use separately, or where reduced parking requirements are specifically authorized in a planned development or as a special exception by the board of adjustment if it can be demonstrated that a collective parking facility can adequately serve two (2) or more uses while having fewer spaces than the total of the separate requirements for each use. A long term lease agreement or permanent parking covenant may be required to ensure that parking will be available to each use sharing the collective facility.
- B. Exemptions: Businesses in the CBD district are exempt from the off street parking requirements.
- C. Small Car Parking: A proportion of the total required spaces for each particular use may be

designated for small cars as set forth in table 11-13-3.1.

TABLE 11-13-3.1, ALLOWABLE SMALL CAR SPACES

| Total Spaces Required | Maximum Percent Of Small Car Parking Spaces Allowable |
|-----------------------|---|
| 0 - 49 | 20 percent |
| 50 - 99 | 30 percent |
| 100 or greater | 40 percent |

- D. Handicapped Parking: A proportion of the total required spaces for each use must be designated for use by the handicapped as set forth in table 11-13-3.2.
- E. Off Street Parking: Off street motor vehicle parking spaces accessory to the various land and building uses shall be provided to equal or exceed the minimum requirements set forth in table 11-13-3.3.
- F. Off Street Loading: Every building or structure constructed in any district for commercial or industrial purposes requiring the receipt or distribution by vehicles of material or merchandise shall have provided and maintained on the same lot with such use at least one off street loading space for each ten thousand (10,000) square feet of gross floor area, or major fraction thereof. The number of loading spaces may be reduced for a particular use normally requiring at least three (3) spaces whereby a loading space at least eleven feet wide and sixty feet long (11' x 60') may be substituted for two (2) minimum-sized spaces that would otherwise be required.

TABLE 11-13-3.2, REQUIRED HANDICAPPED SPACES

| Total Spaces Required | Minimum Number Of Handicapped Parking Spaces Required |
|-----------------------|--|
| 0 - 25 | 1 |
| 26 - 50 | 2 |
| 51 - 75 | 3 |
| 76 - 100 | 4 |
| Over 100 | 4 plus 2 percent of total amount over 100 rounded up to the nearest whole number |

TABLE 11-13-3.3, REQUIRED MOTOR VEHICLE PARKING

Use Motor Vehicle Spaces Required

| | |
|--|--|
| Bowling alley | 4 per lane, plus those required for restaurant and other affiliated facilities |
| Churches | 1 per 4 seats or 4 persons, based on maximum use of sanctuary |
| Commercial establishments and businesses, not elsewhere classified | 1 per 300 square feet floor area used for retail trade or customer service area |
| Community center, theater, commercial recreation/amusement, museum, auditorium, gymnasium facilities at the same time | 1 per 4 seats or 4 persons capacity, based on maximum use of all |
| Convalescent/nursing home | 1 per 4 resident beds, plus 1 per 2 employees |
| Daycare facilities | 2 per 3 employees, plus adequate space for child delivery and pick up |
| Department/variety stores | 1 per 250 square feet of net floor area |
| Dwellings: | |
| Single-family, two-family, condominium, townhouse, and mobile home dwellings | 2 per dwelling unit |
| Multiple-family dwellings | 2 per dwelling unit |
| Fraternity, sorority, dormitory | 1 per occupant, based on maximum capacity |
| Freestanding self-service facilities | 2 plus 1 per 100 square feet of pedestrian floor area |
| Funeral parlor, mortuary plus 1 per vehicle maintained on the premises, plus a queue line capacity of 5 cars not blocking other required spaces or access drives | 1 per 4 seats or 4 persons capacity in the largest chapel, |
| Hospital | 1 per 4 beds, plus 2 per 3 employees, plus adequate space for emergency vehicles |
| Hotel, motel assembly rooms, and affiliated facilities | 2 per guest room; 1 per rental unit, plus those required for restaurants, |
| Library | 1 per 300 square feet of net usable floor area |
| Manufacturing, industry not otherwise classified greater, plus 1 per company vehicle | 1 per 500 square feet of gross floor area, or 1 per 2 employees if |
| Medical/dental clinic | 5 spaces per doctor, plus 2 per |

| | |
|--|--|
| | 3 employees |
| Office buildings - includes commercial, government, professional, and medical-dental square feet on each floor above the first floor | 1 per 225 gross square feet on the first floor, plus 1 per 275 gross |
| Private club, lodge, tavern, fraternal organization, restaurant without drive in or takeout facilities at the same time, excluding 50 percent of any outdoor seating | 1 per 3 seats or 3 persons capacity, based on maximum use of all |
| Professional/business office building, financial institution | 1 per 200 square feet of net floor area |
| Restaurants: | |
| Drive in restaurant | 2 spaces per 3 employees, plus 1 for each stall or space for vehicle |
| Restaurant with dine in or take out facilities | 1 per 3 seats, based on inside - outside seating |
| Rooming/boarding house, bed and breakfast | 1 per room provided for overnight accommodations |
| Schools: | |
| Primary school | 2 per classroom or teaching station |
| Secondary school | 4 per classroom or teaching station |
| Trade/commercial school | 1 per 3 students capacity, based on maximum use of all facilities at the same time |
| Shopping centers (all uses in) | 5 per 1,000 square feet of gross leasable area |
| Vehicle sales lot (new or used) and enclosed floor area devoted to the sales and display, or rental, of motor vehicles, mobile homes, and trailers | 1 for employees or customers per 3,000 square feet of open sales lot |
| Vehicles service station | 2, plus 2 per service bay in addition to fuel pump access areas |
| Warehouse, parcel delivery or freight terminal maintained on the premises | 1 per 2,500 square feet of gross floor area, plus 1 per vehicle |

(Ord. 5916, 8-9-1999)

CHAPTER 14 SUPPLEMENTAL PROVISIONS

11-14-1: EXCEPTIONS AND MODIFICATIONS:

- A. Lot Area And Width: No open space or lot area required for a structure shall, during its life, be occupied by, or counted as, open space for any other structure. Where no specific minimum lot sizes and open spaces are prescribed for a use or district, it is the intent of this title that lots be of sufficient size to provide adequate parking and loading space in accordance with the provisions of [chapter 13](#) of this title.
- B. Yards And Setbacks: A yard provided for a building or lot shall not be considered the yard for any other building or lot. Except as otherwise provided in this title, required yards shall be open and unobstructed from the ground to the sky. The following exceptions qualify and/or supplement these regulations:
1. Zoning District Boundaries: Where a lot in any zoning district adjoins, along an interior lot line, another zoning district whose yard requirements are more restrictive than those of the district in which such lot is located, structures on such lot shall observe the more restrictive requirements.
 2. Obstructions In Required Yards: Accessory structures listed in section [11-5-1](#) of this title shall not be considered to be obstructions when located in a required yard if in conformance with the applicable provisions of section [11-5-1](#) of this title. The following exceptions modify subsection [11-5-1D](#) of this title:
 - a. Arbors, trellises, statuary, flag poles, and signs permitted by [chapter 12](#) of this title are exempt from all yard requirements except as may be applicable to signs in accordance with the provisions of [chapter 12](#) of this title.
 - b. Children's play equipment and outdoor laundry drying apparatus are exempt from the minimum interior side and rear yard requirements.
 - c. Detached emergency shelters are permitted within a required front or side yard, provided that no part of such shelter shall exceed eighteen inches (18") in height above ground level.
 3. Projections Into Yards: The following exceptions modify the standard minimum yard requirements with respect to principal structures:
 - a. Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet (2') into the required yard.
 - b. Bay windows, balconies, and chimneys may project a distance not exceeding two feet (2'), provided that such features do not occupy, in total, more than one-third (1/3) of the length of the building wall on which they are located.
 - c. Fire escapes, and other uncovered stairs and landings may project a distance not exceeding three feet (3') into required yards.
 - d. Open terraces, decks, and porches not over thirty inches (30") above the average level of the adjoining ground may project a distance not exceeding five feet (5') into required yards; provided, that such projection extends no closer than five feet (5') to any interior

side property line.

4. Earth Integrated Buildings: Entirely below grade portions of a building may extend to within five feet (5') of any property line where the normal minimum yard requirement is greater, provided that such construction does not encroach upon any dedicated easement; and provided, that such portions of the building can be constructed and maintained with no nuisance to adjacent properties. Earth berms may extend to within five feet (5') of any interior side property line, provided that the exterior wall of the building being bermed shall be set back from the property line a minimum of five feet (5'), plus one foot (1') for each one foot (1') of berm height above normal grade.

5. Sight Triangle: On any corner lot on which a front yard and exterior side yard are required, no wall, fence, sign, other structure, vehicle, or plant growth having a height in excess of three feet (3') above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring a distance of thirty feet (30') along both property lines from their point of intersection and connecting the points so established to form a triangle; except, however, that a single pole eighteen inches (18") or less in diameter supporting a permitted sign, or a single tree trunk may be placed in a sight triangle; provided, that the bottom of the sign or lowest tree branch when mature is at least twelve feet (12') above the elevation of the lowest point of the crown of the adjacent roadway.

6. Easements: Where a utility, drainage, private drive, or other recorded easement is wider than a minimum required building setback in the same location, the building setback from the property line shall be increased to include all of such easement.

C. Lot Coverage: Entirely below grade portions of a building extending beyond the exterior perimeter of above grade portions of the building shall not be counted in the lot coverage of the building.

D. Height: The following provisions qualify and/or supplement the specific district regulations:

1. Zoning District Boundaries: Where a lot in any zoning district adjoins, along an interior lot line, another zoning district whose height limitations are more restrictive than those of the district in which such lot is located, structures on such lot shall observe the more restrictive height requirements within one hundred feet (100') of such other district, whereby such maximum height limitation is to be measured as an elevation based upon the actual ground level at the zoning district boundary.

2. Nonhabitable Structures: Chimneys, elevators, poles, spires, tanks, towers, antennas, solar collectors, and other projections not used for human occupancy may extend up to fifteen feet (15') above the maximum permitted height prescribed for buildings in the applicable zoning district where such projections are attached to, or a part of, a building.

3. Airport Hazard: All uses in all districts located within a supplemental airport zone are subject to any more restrictive height limitations that may be required in accordance with the provisions of [chapter 16](#) of this title.

E. Location In Floodplain: The establishment, construction, or alteration of all uses, structures, and buildings on any property located within a flood hazard area shall be subject to the

provisions of [chapter 15](#) of this title.

F. Residential Driveways And Parking:

1. Circle driveways requiring two (2) points of access from the same public right of way are prohibited on lots that are less than seventy five feet (75') in width at the front building line.
2. A minimum of fifty percent (50%) of the required front yard must remain an unpaved, pervious surface. (Ord. 5916, 8-9-1999)

11-14-2: NONCONFORMING STRUCTURES, USES AND LOTS:

A. A nonconforming building or structure existing at the time of the adoption of this title may be continued and maintained including reasonable repairs, except as otherwise provided in this section.

1. Alteration Or Enlargement Of Buildings Or Structures:

a. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all the regulations of the district in which it is located; provided however, that if a building or structure is conforming as to use but not conforming as to yards, off street parking or height, said building may be enlarged or added to, provided that the enlargement or addition complies with the yard, off street parking and height requirements of the district in which said building or structure is located.

b. 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 the regulations of the district in which it is located.

2. Restoration Of Damaged Buildings:

a. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, the public enemy or act of God, to the extent of not more than sixty percent (60%) of its value, exclusive of its foundations, may be restored and the occupancy or use of such building may be continued or resumed, provided that such restoration is started within a period of one year and is diligently pursued to its completion.

b. In the event damage or destruction exceed sixty percent (60%) of the value, exclusive of foundations of such nonconforming building or structure, no repairs or construction shall be made unless every portion of such building or structure is made to conform to all the regulations for new buildings in the district in which it is located; provided, however, that any building or structure that is nonconforming due to off street parking, and is conforming in all other respects, may be restored regardless of the extent of damage.

3. Changes In Use:

a. A nonconforming use of a conforming building (i.e., a commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming

building or structure, nor changed except to a conforming use. 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.

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 a nonconforming building or structure is changed to a use of a more restricted district classification, it shall not thereafter be changed to a use of a less restricted district classification.

4. Building Vacancy: A nonconforming building, structure or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year, shall not thereafter be occupied except by a use which conforms with the regulations and requirements of the district in which said building or structure is located.

B. Nonconforming Uses Of Land:

1. A nonconforming use of land, existing at the time of the adoption of this chapter, may not be extended or expanded.

2. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provision of the district in which said land is located. (Ord. 5916, 8-9-1999)

11-14-3: LANDSCAPING AND SCREENING:

A. Purpose And Intent: The following regulations have been adopted for the purpose and intent of:

1. Ensuring minimal conflict between placement of trees and other landscaping, and both overhead and underground utility lines;

2. Providing for landscaping and trees to shade buildings and paved surfaces and to reduce the amount of runoff, erosion, reflected heat, air pollution, wind, and noise;

3. Improving the attractiveness of Ponca City as a place for economic growth and the general safety of developments; and

4. Providing screening between incompatible land uses.

B. Tree Classification: Trees shall be classified by category of small, medium, and large based on growth characteristics for the purpose of implementing this title; in the advent of disagreement, the planning commission shall have the authority to make a determination.

C. General Planting And Maintenance Standards: The requirements set forth in this section are applicable to trees on both public and private property.

1. The requirements for tree and other landscape material locations are:

- a. Except for areas zoned CBD, or in the case of P districts located immediately adjacent to a CBD district, trees shall be planted no closer to any public curb or sidewalk than three feet (3') for small trees, four feet (4') for medium trees, and five feet (5') for large trees.
- b. Except for areas zoned CBD, or in the case of P districts located immediately adjacent to a CBD district, landscaping and trees shall be planted to maintain clear vision at intersections as illustrated in figure 11-14-3.1.
- c. Trees planted in the public right of way must be of a type which will grow tall enough so that they will not block vision of drivers to see other traffic, pedestrians, signage, and traffic control devices.
- d. Landscape material shall be planted in such a way as to not obstruct access to a fire hydrant, utility meters, or utility poles.
- e. Only those trees considered small trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water, sewer, electric, telephone, cable, or natural gas line. Any tree which is planted within a dedicated easement will be subject to damage, pruning, and removal, as necessary, to allow full utilization of the easement and maintenance of utilities contained therein.
- f. Plant materials being planted to meet landscape requirements of this title should be planted during the spring or fall months to improve chances of survival. If all other requirements are met, a certificate of occupancy will be issued for properties which are developed during the other times of the year without the landscape materials being installed; provided, however, that the plant materials must be planted within the first planting season to following completion of construction. See below for figure 11-14-3.1.

Figure 11-14-3.1



(Ord. 5916, 8-9-1999)

2. The following shall be observed in the care of existing trees:

- a. The city shall have the right to prune, spray, and preserve trees, plants, and shrubs within the right of way of all streets and alleys, public grounds, and all public easements as may be necessary to ensure the safety of city utilities, to protect individuals and properties, maintain visibility of traffic signals and other traffic warning or directional signage, or to preserve the symmetry and beauty of the trees, plants, or shrubs.
- b. Healthy, existing trees and ground cover shall be retained where feasible, or replaced with suitable vegetation where possible. When development plans include preservation of existing trees or other vegetation on site during construction, the building permit plans shall specify the method(s) to be used to protect the trees or vegetation. No artificial plants, trees, or ground cover shall be installed to meet the landscaping requirements.

c. All required landscaping shall be irrigated by one of the following methods:

- (1) An underground sprinkler system.
- (2) Drip system.
- (3) A hose attachment within one hundred feet (100') of all landscaped areas.

Irrigation may be supplemented by directing drainage from paved areas across landscaped areas, provided, that the same is accomplished in a manner not likely to result in erosion.

d. All landscaped areas adjacent to pavement shall be protected with curbs or equivalent barriers.

e. Required landscaping areas shall be continually maintained free of debris and litter. (Ord. 5916, 8-9-1999; amd. 2003 Code)

D. Multiple-Family, Commercial And Industrial Landscape Requirements: Multiple-family uses shall be considered more than four (4) dwelling units per lot. All new construction, expansion, or redevelopment within the city for multiple-family, commercial, and industrial park uses, except in the CBD, shall provide areas for the planting of trees and other landscape materials. In all cases, property within this category not being used for a structure, parking space, driving aisle, open display area, sidewalk, or outdoor storage area shall be maintained as landscape area.

1. The actual minimum landscape area requirements for a development shall depend on the size of the associated parking area. For parking areas containing between six (6) and twenty (20) parking spaces, inclusive, the only landscape area required shall be the parking area setback requirement of subsection [11-13-2A](#) of this title. For parking areas of more than twenty (20) spaces the required landscape area shall be equal to at least nine percent (9%) of the developed portion of the lot which shall include, at a minimum, the five foot (5') or ten foot (10') landscaped area, as the requirement may be, as established in subsection [11-13-2A3](#) of this title. Except as provided below, the developed portion of the lot shall be considered the entire piece of property being developed.

a. The developed portion of the lot shall not include detention or compensatory storage areas when detention and/or compensatory storage requirements are met off of the parking surface.

b. When only a portion of a piece of property is being developed, that portion for future development shall be so designated on the site plan and will not be included in the development area.

c. Property beyond any normal setback requirements which lies within a 100-year floodplain, or other drainage channels, and which will not be functioning as part of the detention or compensatory requirements of the site, may be designated, in whole or in part, as part of the developed area by the applicant, provided that a sufficient amount of landscape area is distributed across the entire site. Because each site will be different, it will be up to the applicant and staff to agree on what is "sufficient" in a given case. In

general, staff will be looking to see that the intent of this title is being met and that landscaping will not be concentrated away from public portions of the site. When an agreement cannot be reached, the planning commission shall make the final determination.

2. Landscaping areas within the occupant, customer, and/or employee parking area(s) of a development, shall be located in such a way as to meet the following requirements. These requirements do not apply to areas designated for open display.

a. Landscape areas shall be located so that at least sixty percent (60%) of the trees planted to meet the point requirements on the site can be located within ten feet (10') of the paved parking area.

b. When a parking area is to provide parking for more than one hundred (100) vehicles, landscape islands shall be provided at the ends of the rows of parking to separate the parked vehicles from an adjacent driving aisle.

c. Landscape areas shall be placed so that at least a portion of every parking space is within fifty nine feet (59') of the parking area setback area or another landscape area meeting the minimum area requirement of subsection D3 of this section. The distance a parking space may be from a landscape area may be increased by one foot (1') for each additional thirty (30) square feet of area contained within a landscape area which is surrounded on all sides by paved parking area, provided, however, that in no case shall the distance between a parking space and a landscape area exceed eighty feet (80'). See below for figure 11-14-3.2.

Figure 11-14-3.2



3. Landscape area size requirements are described below and illustrated in figure 11-14-3.3.

a. The width of parking lot landscape areas shall be measured exclusive of any curbing or bumper blocks.

b. The standard, minimum width of a perimeter landscape area shall be five feet (5'). Internal landscaped areas shall be at a minimum four feet (4') wide. At the end of a row of ninety degree (90°) parking spaces that are next to a setback area, the setback area may be reduced to two feet (2') to facilitate backing out of a parking space. Also, specific points of other landscape areas may be reduced to as narrow as two feet (2') to meet design requirements. Landscape areas placed parallel to a parking space, or at the end of a row of parking spaces shall be no less than two feet (2') shorter than the paved length of the parking stall. Except for the perimeter buffer strip areas, landscape areas that have bumper overhang shall have a minimum of four feet (4') of width in addition to the bumper overhang.

c. A landscape area placed parallel to a parking space, or at the end of a row of parking, shall be a minimum of eighty (80) square feet, if one parking stall in length; and one

hundred sixty five (165) square feet if two (2) stalls in length. Any other landscape areas shall be a minimum of eighty (80) square feet in size.

Figure 11-14-3.3



4. Landscaping definitions.

BERM: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

CALIPER: The diameter of the tree trunk as measured at one foot (1') above ground level, except where otherwise stated.

DECIDUOUS: A plant with foliage that is shed annually.

EVERGREEN: A plant with foliage that persists and remains green year round.

PHYSICAL SPACE: The existence of natural physical features such as flood plains, creeks, ponds and open lands that may accomplish the separation of incompatible land uses.

SCREEN: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such as plants, berms, fences, walls or any appropriate combination thereof.

SHRUB: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

TREE: A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

WOODLAND, EXISTING: Existing trees and shrubs of a number, size and species that accomplish the same general function as new plantings.

5. To provide flexibility in designing the best landscape plan for each site, no specific materials or locations are required for landscaping by these regulations.

a. Developments shall provide landscape material from the list below, in any combination, such that the total points received for the development equal at least fifty (50) points per one hundred (100) square feet in all other areas.

(1) Berms, minimum thirty inches (30") tall - 5 points per ten (10) linear feet.

(2) Turf - 10 points per one hundred (100) square feet.

(3) Vegetative ground cover (other than natural turf or sod) - 25 points per one hundred (100) square feet of cover.

(4) Small shrubs (mature height of 4 feet) - 25 points each.

(5) Large shrubs (mature height over 4 feet) - 50 points each.

(6) Trees of one inch (1") caliper or greater at the time of planting which are classified as: small - 100 points, medium - 150 points, large - 200 points.

(7) Preservation of existing trees will earn the same base points as new trees based on the size classification of tree. For trees over four inch (4") caliper, an additional twenty (20) points will be awarded for each inch of caliper over four (4), up to double the point value of the tree. (For example: saving a tree which is classified in the large tree category will earn 200 points; if the tree measures to be 8 inch caliper, an additional 80 points will be awarded.) The diameter of the tree shall be measured at four and one-half feet (4 1/2') above the ground.

(8) Any plant materials installed to meet the requirements of this title which die, or are otherwise removed, must be replaced with plant materials which will earn at least the same number of points. If the replacement materials are to be located more than twenty feet (20') from where the previous materials had been, a revised landscape plan shall be submitted to the community development director for administrative review and approval.

b. Site plan designation. Site plans shall be labeled with the number of square feet contained within each landscape area. The landscaping shown on site plans shall specify the vegetation according to the categories listed below. Symbols shall be used to identify planting sites for landscape materials as designated below, and standard sizes shall be used for trees. Landscaping in addition to that shown on the site plan is encouraged and will not be a violation of the site plan. The required site plan designations shall be:

(1) "Berm" and the contour at thirty inches (30") of height for a berm;

(2) "TF" for turf;

(3) "GC" for vegetative ground covers;

(4) "SS" for small shrubs;

(5) "LS" for large shrubs;

(6) "ST" and a scaled fifteen foot (15') diameter circle for small trees;

(7) "MT" and a scaled twenty foot (20') diameter circle for medium trees;

(8) "LT" and a scaled thirty five foot (35') diameter circle for large trees; and

(9) "EV" and a scaled twenty foot (20') diameter circle for evergreen trees.

6. Plans submitted for building permits for these developments shall include the information required by this section in sufficient detail to evaluate compliance with these regulations. For those developments which require board of commissioners site plan approval prior to

the issuance of a building permit (planned development site plans, and use permit site plans), a conceptual landscape plan shall be included with the site plan. The minimum requirements for this conceptual plan include:

- a. The location of all landscape area;
- b. The calculations showing compliance with the minimum landscape area requirements and what the minimum point requirements are for plan material;
- c. An illustration of the concept which will be used in placement of landscape materials by area across the site (i.e., the approximate number and size as well as the general location of trees, shrubs, and ground covers); and
- d. Existing trees which will be preserved.

With any given site plan reviewed by the planning commission and/or board of commissioners they may reserve the right to review the final landscape plan prior to issuance of a building permit.

- E. **Visual Barriers:** A visual barrier is intended to screen adjacent uses from the negative aspects of parking areas. Whenever a parking area is located adjacent to a residential use, a six foot (6') sightproof screen is required to prevent light and noise generated in the parking area(s) from reaching the adjacent residential area(s). Sightproof shall mean a solid nonopaque surface designed to prevent light and noise from traveling through the fence or hedge, or to reduce significantly light and noise. The full six feet (6') of height required for a hedge shall be achieved within six (6) months from the date the sightproof hedge is required. (Ord. 5916, 8-9-1999)

CHAPTER 15 FLOOD HAZARD REGULATIONS; DISTRICT

11-15-1: FINDINGS OF FACT:

- A. **Adverse Effects Resulting From Flooding:** Flood hazard areas situated within the jurisdiction of the city are subject to periodic inundation which, when these areas are improperly developed, results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. **General Causes Of Flood Effects:** These flood effects are caused by the cumulative effect of encroachment onto and obstructions in the floodplains causing increases in flood heights and velocities; the occupancy of floodplain areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise not protected from flood damages; and urbanization of the drainage basin outside the floodplain area which accelerates runoff and adversely affects flood peaks. (Ord. 5916, 8-9-1999)

11-15-2: STATEMENT OF PURPOSE:

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future blight areas;
- G. Ensure that potential buyers are notified that property is in the flood area; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 5916, 8-9-1999)

11-15-3: METHODS OF REDUCING FLOOD EFFECTS:

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting and prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters.
- D. Controlling filling, grading, dredging and other development which increase flood damages.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas. (Ord. 5916, 8-9-1999)

11-15-4: DEFINITIONS:

The following definitions are provided to give meaning to the particular words and phrases used in this chapter as they relate to floodplain zoning and are intended to supplement the existing definitions. Unless specifically listed below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this

chapter its most reasonable application.

ANTICIPATED DEVELOPMENT: The full potential urbanization of the contributing watershed considering the comprehensive plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for significant reach on both sides of the stream or watercourse.

APPEAL: A request for review of the city engineering department's interpretation of any provision of this chapter, and all accompanying documents and attachments thereto or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO, AH, VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, AI-99, VO, V1-30, VE or V.

BASE FLOOD (100-YEAR FLOOD): The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING: A nonbasement building: 1) built, in the case of a building in zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and 2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones AI-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of the national flood insurance program regulations (section 60.3(e)(5) NFIP regulations).

EXISTING CONSTRUCTION: For the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as

"existing structure".

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevations of the base flood, as well as the flood boundary-floodway map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters;
- B. The usual and rapid accumulation or runoff of surface waters from any source.

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

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

LEVEE SYSTEM: A flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An

unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL: For the purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the board of commissioners.

REGISTERED ENGINEER: An engineer properly licensed and registered in the state of Oklahoma.

REGULATORY FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed considering the comprehensive plan and adopted floodplain management maps and studies.

START OF CONSTRUCTION: (For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348)), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENTS: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: a) before the improvement or repair is started; or b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition

"substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE: A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see section 60.6 of the national flood insurance program regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates or other evidence of compliance required in section 60.3 (b)(5), (c)(4), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or river areas. (Ord. 5916, 8-9-1999)

11-15-5: GENERAL PROVISIONS:

- A. **Lands To Which This Chapter Applies:** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. These areas of special flood hazard as identified on the official maps and accompanying documents adopted in this chapter shall be designated as the flood hazard district (FH). This district overlays other zoning districts, and the regulations of the flood hazard district apply in addition to the district regulations of the underlying district. Whenever a conflict in requirements results, the regulations of the flood hazard district shall supersede all other regulations.
- B. **Basis For Establishing Areas Of Special Flood Hazard:** The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering report entitled, "The Flood Insurance Study of the City of Ponca City", dated November 18, 1980, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file and available for inspection in the Ponca City engineering office, the Ponca City planning department, and the building inspector's office.
- C. **Compliance:** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements shall be subject to the penalties as provided in the city code. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. **Abrogation And Greater Restrictions:** This chapter is not intended to repeal, abrogate or

impair any existing easement, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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

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

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

G. Severability: If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (Ord. 5916, 8-9-1999)

11-15-6: PERMITTED USES WITHIN FLOOD HAZARD DISTRICT:

The following uses having a low flood damage potential and not obstructing flood flows shall be permitted within the flood hazard district to the extent that they are not prohibited by any other ordinance and provided that they do not require buildings, structures, fill or storage of materials or equipment that adversely affect or in any way diminish the capacity of the floodway to carry the regulatory flood:

- A. Passive agricultural uses such as general farming, grazing, planting, forestry and cultivation.
- B. Open land uses such as parks and recreational grounds, wildlife preserves, residential lawns and parking areas.
- C. Public uses such as utility lines, streets and historical markers. (Ord. 5916, 8-9-1999)

11-15-7: PERMIT REQUIREMENTS; ADMINISTRATION:

Within any flood hazard district certain uses may be permitted, provided a development permit is obtained prior to construction or development according to the following procedures and provided the development complies with the standards set forth in sections [11-15-8](#) and [11-15-9](#) of this chapter.

- A. Administration: The city engineer is hereby appointed to administer and implement the provisions of this chapter. The duties and responsibilities of the city engineer shall include,

but not be limited to:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
2. Review permit application to determine whether proposed building site will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this chapter.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
6. Notify, in riverain situations, adjacent communities and the state coordinating agency, which is the Oklahoma water resources board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with subsection [11-15-5B](#) of this chapter, the floodplain administrator shall require that the base flood elevation be established through an engineering study and then require the lowest floor elevation to one foot (1') or more above the base flood elevation.
9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any location within the community.

B. Permit Procedures:

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

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection [11-15-9B](#) of this chapter;
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- e. Maintain a record of all such information in accordance with subsection A1 of this section.

2. Approval Or Denial: Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area. (Ord. 5916, 8-9-1999)

11-15-8: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:

The following general regulations apply to the use of land within a flood hazard district:

- A. New construction, substantial improvements or other development (including fill) shall not be approved if it:
 - 1. Adversely affects the capacity of channels or floodways of any watercourse herein identified as in the flood hazard district to convey the regulatory flood.
 - 2. Would measurably increase flood flows or flood heights or increase flood damage upon off site properties during the occurrence of the regulatory flood.
 - 3. Would individually, or combined with all other existing and anticipated development, expose additional upstream, downstream or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to the regulatory flood.
 - 4. Increase velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream.
 - 5. Does not provide compensatory storage for any measurable loss of flood storage capacity.
- B. Encroachments in floodways, including fill, new construction, substantial improvements and other development that would result in any increase in flood levels during the occurrence of the regulatory flood shall be prohibited.
- C. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- D. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- F. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- G. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- H. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- I. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 5916, 8-9-1999)

11-15-9: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION:

In all areas of special flood hazard where the base flood elevation data has been provided as set forth in: a) subsection [11-15-5A](#) of this chapter; or b) subsection [11-15-7A8](#) of this chapter, the following provisions are required: (Ord. 5916, 8-9-1999; amd. 2003 Code)

- A. Residential Construction: New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to one foot (1') or more above the base flood elevation. A registered professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standards of this subsection, as proposed in subsection [11-15-7B1c](#) of this chapter are satisfied.
- B. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot (1') or more above the base floor level, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- C. Enclosures: New construction and substantial improvements, with fully enclosed areas one foot (1') or more below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one foot (1') above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- D. Manufactured Homes:
1. Require that all manufactured homes to be placed within zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 2. All manufactured homes shall be in compliance with subsection A of this section.

3. Require that all manufactured homes to be placed or substantially improved within zones AI-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of this subsection.

E. Subdivision Proposals:

1. All subdivision proposals including manufactured home parks and subdivisions shall be consistent with sections [11-15-1](#), [11-15-2](#) and [11-15-3](#) of this chapter.

2. All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of subsection [11-15-5C](#); subsection [11-15-7B](#); and the provisions of section [11-15-8](#) of this chapter.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than thirty (30) lots or three (3) acres, whichever is less, if not otherwise provided pursuant to subsection [11-15-5B](#) or subsection [11-15-7A8](#) of this chapter.

4. All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. 5916, 8-9-1999)

11-15-10: VARIANCE PROCEDURES:

A. Planning Commission Hearings: The Ponca City planning commission as established by the city shall hear appeals and requests for variances from the requirements of this chapter. The planning commission shall then make recommendations concerning such variances to the board of commissioners who in turn shall finally decide appeals and requests for variances.

B. Decisions In Error: Appeals will be heard and decided when it is alleged there is an error in any requirement, decision or determination made by the city engineer in the enforcement or administration of this chapter.

C. Aggrieved Persons; District Court: Those aggrieved by the decision of the board of city commissioners, or any taxpayer, may appeal such decision to the district court as provided by law.

D. Considerations: In passing upon applications for variances the planning commission and the board of city commissioners shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility of the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewerage, gas, electrical and water systems, and streets and bridges.
- E. Conditions Attached: Upon consideration of the factors listed above and the purposes of this chapter, the board of commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. Maintain Records: The city engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the federal insurance administration upon request.
- G. Conditions For Issuance: Generally variances may be issued for the following situations and conditions:
1. For new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection D of this section have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 4. Variances shall only be issued upon a determination that the variance is the minimum

necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

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

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 5916, 8-9-1999)

11-15-11: STANDARDS FOR AREAS OF SHALLOW FLOODING:

Located within the areas of special flood hazard established in subsection [11-15-5B](#) of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- B. All new construction and substantial improvements of nonresidential structures:
 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.
- C. A registered professional engineer shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection [11-15-7B1a](#) of this chapter, are satisfied.
- D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (Ord. 5916, 8-9-1999)

11-15-12: FLOODWAYS:

Floodways located within areas of special flood hazard established in subsection [11-15-5B](#) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer is provided demonstrating that encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter. (Ord. 5916, 8-9-1999)

11-15-13: AMENDMENTS TO FLOOD HAZARD ZONING MAPS:

Amendments to flood hazard zoning maps shall be initiated and processed in the manner specified in section [11-17-6](#) of this title; provided, however, all such proposed amendments shall be subject to the special requirements pertaining thereto which are established by this section.

- A. Requirements For Approval: Flood hazard district boundaries may be amended only if the amendment meets one of the two (2) following requirements:
 - 1. A flood control project of the federal, state, county or city government, or a private person, has substantially altered the boundaries of the district or, if proposed improvements have not been constructed, the actual construction thereof has been assured by the submission and acceptance of bond or other acceptable financial arrangements; or
 - 2. Flood data compiled subsequent to the adoption of the district maps indicates that the district boundaries should be changed.
- B. Recommendation Of City Engineer: All applications for amendments shall be transmitted in writing by the planning commission to the city engineer. Prior to any public hearing by the planning commission, upon such application the city engineer shall review the application and thereafter transmit to the planning commission a written report as to whether or not the application meets the required standard for approval; the city engineer shall recommend the denial of any application which fails to meet the required standard. (Ord. 5916, 8-9-1999)

CHAPTER 16 AIRPORT HAZARD REGULATIONS Reserved

CHAPTER 17 ADMINISTRATION AND ENFORCEMENT

11-17-1: ENFORCEMENT:

- A. Building Official: It shall be the duty of the building official, or his/her designee, to administer and enforce these regulations and to refuse to issue any permit for any building or structure or the use of any premises which would violate any of the provisions thereof. The building official, or designee, shall have the authority to issue citations to persons who violate these regulations or any other applicable provisions of this code.
- B. Building Permit: Except as may be otherwise exempted by the city code, it shall be unlawful for any person to erect, construct, alter, move, remodel, or reconstruct any building or other structure, including accessory structures listed in subsections [11-5-1B2](#) through B10 of this title, until the building official has issued a building permit certifying that the plans and intended use of the land, buildings, and other structures are in conformity with this title and all other applicable codes. Administration and enforcement of building permits shall be governed by the applicable provisions of the current 2000 international building code, as adopted and amended in [title 10, chapter 1](#) of this code. In addition to the normal application requirements, the building official may require the applicant to furnish one or more of the following:
1. Scale drawing or supplemental data pertaining to the structure's compliance with any specific provision of this title, including the attached exhibits;
 2. A declaration of the existing or intended use of each structure, building, or part of building, including number of dwelling units, if applicable;
 3. Information with regard to neighboring lots that may be necessary to determine compliance with this title; and
 4. Evidence of a properly executed and approved formal site plan if required by section [11-17-3](#) of this chapter.
- C. Certificate Of Occupancy: No structure or addition thereto requiring a building permit for construction, alteration, moving, remodeling, or reconstruction shall be occupied for any purpose, and no vacant land shall be used for any purpose except agriculture, and no use of any land or structure shall be changed to any other use, unless a certificate of occupancy shall first have been obtained from the building official certifying that the proposed construction, use, or occupancy complies with all provisions of this title and all other applicable codes. Administration and enforcement of certificates of occupancy shall be governed by the applicable provisions of the 2000 international building code, as adopted and amended in [title 10, chapter 1](#) of this code. (Ord. 5916, 8-9-1999; amd. 2003 Code)
- D. Inspection: The building official may examine, or cause to be examined, all buildings, structures, and sites for which an application has been filed for a permit in accordance with this section, and any building, structure, or site about which a complaint is received from a citizen or public official concerning an activity occurring without a required permit or in violation of any other applicable provision of this title. The building official shall have the authority to enter at any reasonable hour any building, structure, or premises for the purpose of inspection under the provisions of this section.

- E. Violation: It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, or reconstruct any building or structure, or occupy or change the use of any building, structure, or site, in a manner which violates any provision of this title. The building official shall send by registered mail or personally deliver to the owner of the property, responsible occupant of the property, or other party responsible for any violation, a written notice of such violation. If the violation is not voluntarily corrected within the time period allotted by notification, the responsible party shall be in violation of this title and punished to the full extent allowed by law. Written notification of a violation shall not be necessary when, in the opinion of the building official, the violation creates an immediate health or safety hazard to people or property. In these situations, the building official may issue a citation or cause a complaint to be filed without giving prior notice to the violator.
- F. Appeal: Any person may appeal a determination of the building official, or apply for a variance from the provisions of this title, in accordance with the requirements of sections [11-17-8](#) and [11-17-9](#) of this chapter. (Ord. 5916, 8-9-1999)

11-17-2: PUBLIC HEARINGS:

- A. Requirement: A public hearing required by any provision of this title shall be conducted by the authorized body in accordance with the notice and procedural requirements of this section.
1. Public hearings for zoning map amendments, zoning text amendments, special use permits, PUD final development plans, mobile home park site plans shall be held by the board of commissioners. Only one public hearing shall be required when two (2) different applications requiring public hearings for the same property are considered together by the board of commissioners.
 2. Public hearings for zoning variances, special exceptions, and appeals shall be held by the board of adjustment.
- B. Application: Requests for each action requiring a public hearing listed in subsection A of this section shall be initiated by submitting the following documentation to the community development department :
1. Completed application on the appropriate form furnished by the community development department;
 2. Legal description of the subject property (for all applications except zoning text amendments and appeals);
 3. List of names and mailing addresses of all owners of property within three hundred feet (300') of the exterior boundary of the subject property (for all applications except zoning text amendments and appeals). (Ord. 5916, 8-9-1999; amd. 2003 Code)
 4. Filing fee, as required by the appropriate provisions of this chapter related to the individual types of applications.
- C. Notice: Public notice of each public hearing (except minor variances) shall be published in a newspaper of general circulation in the city. For all applications except zoning text

amendments and appeals, notice shall also be given in writing by mail to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property (owners of adjacent property, only, for special exceptions and minor variances), to the applicant, subject landowner, and any other party requesting such notice. Required notices shall be published and mailed at least twenty (20) days prior to a public hearing to be held by the board of commissioners, and at least ten (10) days prior to any public hearing to be held by the board of adjustment, and shall contain at a minimum the following information:

1. Legal description of the subject property and the street address or approximate location in the city (for all applications except zoning text amendments and appeals);
2. The present zoning classification and use of the property (for all applications except zoning text amendments and appeals);
3. A brief description of the nature of the application(s) or action(s) to be considered including the zoning classification sought by the applicant in the case of a zoning map amendment;
4. The date, time, and place of the public hearing; and
5. A map showing the location of the subject property with respect to surrounding lots, and identifying abutting streets, railroads, and waterways, as applicable.

D. Procedure: Each public hearing shall be preceded by a report from city staff concerning the general nature of the application and specific information as necessary to explain relevant conditions, requirements, findings, or historical background. Following each public hearing the recommendations of city staff and any relevant commission, board, or committee shall be presented. Action on each request shall be taken in accordance with the appropriate provisions of this chapter related to the individual types of applications. When more than one application for the same property is considered in a single public hearing, the different applications may be acted upon together or separately at the discretion of the board of commissioners. (Ord. 5916, 8-9-1999)

11-17-3: SITE PLANS:

A. Requirement: Site plans required for special use permits and preliminary development plans submitted concurrently with the application for approval of a supplemental planned unit development zoning district on the same property, are always considered concurrent with the respective special use permit, or zoning map amendment actions and, therefore, do not require separate compliance with the application and review procedures of this section. For all other site plans, no permit shall be issued for a new structure or an extension or exterior improvement of an existing structure containing a use or located in a district for which one or more of the following actions are required until such site plan has been submitted, reviewed, and approved in accordance with this section:

Approval of a PUD final development plan, subsequent to approval of a planned development zoning district with a preliminary development plan, as provided in section [11-10-4](#) of this title.

B. Exemptions: The community development director may waive the requirements of this

section for "minor structures" and "minor improvements", as defined in section [11-2-2](#) of this title.

- C. Application: The site plans listed in subsection A of this section must, at the time of submittal, be accompanied by the appropriate completed application form and supporting documentation required for public hearings as listed in subsection [11-17-2B](#) of this chapter. The filing fee for all site plan and PUD final development plan applications shall be an amount established by the board of commissioners. The filing fee is not refundable.
- D. Review: Upon compliance with all application requirements, site plans and PUD final development plans shall be reviewed by the city staff and the planning commission for compliance with this title, other relevant provisions of the city code, the master plan, and potential beneficial and adverse affects of the proposed development to, the neighborhood and general welfare of the city. The findings and recommendations of city staff and the planning commission shall then be reported to the board of commissioners. Upon required notice being given, the board of commissioners shall hold a public hearing in accordance with the provisions set forth in section [11-17-2](#) of this chapter to review the proposed site plan or PUD final development plan, receive comments from interested parties, and receive the recommendation of city staff and the planning commission.
- E. Approval: The board of commissioners shall approve, approve conditionally, return to the planning commission for further study, or disapprove the site plan or PUD final development plan. In the case of any action other than approval, the board of commissioners shall state the reasons for its action. As a condition of approval, the board of commissioners may make additional requirements or restrictions as it deems appropriate including, but not limited to, requirements relating to drainage, buffers, light pollution, noise pollution, or signage to minimize the adverse effects of the development on the neighborhood and general welfare of the city. As a condition of approval, the board of commissioners may require improvements to be installed or bonded, as provided in [title 12, chapter 4](#) of this code. Approval of a site plan or PUD final development plan shall be documented by signatures of the presiding officers of the planning commission and board of commissioners, and acceptance by signature of the owner(s), on certificates containing wording furnished by the community development department to be located on the original reproducible drawing of the site plan. A reproducible copy of the site plan or PUD final development plan with all required signatures shall be furnished to the community development department at the applicant's expense.
- F. Amendment: Any change, erasure, modification, revision, or deviation from an approved site plan or PUD final development plan shall be considered invalid and a violation of the provision of this section unless said change, erasure, modification, revision, or deviation shall have first been reviewed and approved according to the notice and procedural requirements set forth in this section for new site plan applications. (Ord. 5916, 8-9-1999; amd. 2003 Code)

11-17-4: SPECIAL USE PERMITS:

- A. Requirement: The uses identified as special uses in tables 11-6-2.1, 11-7-2.1, 11-8-2.1 and 11-9-2.1 for each zoning district are so classified because such uses are considered to be more intensive than, or may otherwise not be compatible with, certain uses permitted by right in the zoning district, but the nature of the special uses may make it desirable that they

be allowed to locate therein where such special uses or nearby uses permitted by right are not adversely affected by one another. All uses classified as a special use in a zoning district are subject to the provisions of this section, which are established to determine those situations and conditions under which the use may be integrated with other land uses located in the district near a specific site in question.

B. Application: Consideration of approval of a special use permit for any special use is initiated by submittal of the appropriate completed application form and supporting documentation required for public hearings as listed in subsection [11-17-2B](#) of this chapter. The filing fee for special use permit application shall be established by the board of commissioners, no part of which is refundable. The application shall also be accompanied by a site plan drawn to an appropriate scale and containing at a minimum the following items of information:

1. Dimensions of the site, including easements and rights of way, and location with respect to streets and adjacent properties;
2. Dimension of buildings and location with respect to property boundaries;
3. Location and type of signs, fences, landscaping, outdoor light fixtures, drainage structures, and other existing or proposed outdoor features including, where the landscaping required for the proposed use falls into the requirements of subsection [11-14-3D](#) of this title, a conceptual plan as required by this section;
4. Location, arrangement, dimensions, and paving material of off street parking and loading spaces, access drives, and pedestrian walkways;
5. Number of residential dwelling units, if any, per structure; and
6. Any other physical features or characteristics which may be unique to the property or particular use proposed.

C. Review: Upon compliance with all application requirements, special use permit site plans and specific aspects of proposed uses shall be reviewed by the city staff and the planning commission for compliance with this title, other relevant provisions of the city code, and the master plan. The effect of the proposed special use upon the character of the neighborhood, traffic conditions, public utilities, drainage, and other matters related to the general welfare may also be considered. The finding and recommendations of staff and the planning commission shall then be reported to the board of commissioners. The planning commission may recommend approval, conditional approval, or disapproval, or may continue consideration until a later date and request that the applicant provide additional information as may be necessary. Upon required notice being given, the board of commissioners shall hold a public hearing in accordance with the provisions of section [11-17-2](#) of this chapter to review the special use permit application and site plan, receive comments from interested parties, and receive the recommendations of staff and the planning commission.

D. Approval: The board of commissioners shall approve, approve conditionally, or disapprove the special use permit. In the case of any action other than approval, the board of commissioners shall state the reasons for its action. Special use permits may be granted for such period of time, and with such requirements or conditions as the board of

commissioners deems appropriate. Approval of a special use permit shall be documented by the signature of the presiding officer of the board of commissioners, together with certification by the city clerk, on a permit form attached to the original application. Said form shall also contain a written description of any special requirements imposed as a condition of approval of the special use. The approved site plan shall always be considered a conditional part of the special use permit.

- E. Amendment: Any deviation from the approved special use permit during the term of the use shall be considered invalid and a violation of the provisions of this section unless said deviation shall have first been submitted and approved according to the notice and procedural requirements set forth in this section for new special use permit applications.
- F. Validity: No special use permit approved by the board of commissioners shall be valid for a period longer than one year from the date granted unless within such one year period a building permit is obtained for the erection or alteration of a structure, or an occupancy permit is obtained and the use commenced, as approved for the special use permit. Once an approved special use is commenced it shall be valid until such use of land or buildings is discontinued for a period of one year or more, or until the expiration of any time limit placed on the use by the board of commissioners as a condition of approval. A special use permit which expires due to the provisions of this subsection shall be considered invalid and such special use shall be prohibited until the special use is reviewed and approved according to the notice and procedural requirements set forth in this section for new special use permit applications. An approved special use permit shall be considered a map amendment and shall be filed of record in the county courthouse. (Ord. 5916, 8-9-1999)

11-17-5: MAP AMENDMENTS:

- A. Authority: The zoning district boundaries created under the authority of this title and shown on the official zoning map may be amended to change the zoning classification on one or more properties by the board of commissioners in accordance with the provisions of this section. Such amendment may be initiated by the board of commissioners on its own motion, upon the recommendation of the planning commission to the board of commissioners, or upon application by a property owner or authorized representative.
- B. Application: Consideration of a request by a property owner, owners, or authorized representative for an amendment to the official zoning map is initiated by submittal of the appropriate completed application form and supporting documentation required for public hearings as listed in subsection [11-17-2B](#) of this chapter. The filing fee for map amendment applications shall be established by the board of commissioners, no part of which shall be refundable. Requests initiated by the planning commission or board of commissioners are exempt from the filing fee requirement.
- C. Review: Upon compliance with all application requirements, or upon direction from the board of commissioners, the proposed change in zoning classification shall be reviewed by the city staff and the planning commission for compliance with this title, other relevant provisions of the city code, and the master plan. Other matters which may also be determined include the effect of development under the proposed classification on traffic conditions, utilities, and other public services, and whether every use that would be permitted on the property if it were reclassified would be compatible with uses permitted on other property in the immediate vicinity. The findings and recommendations of city staff and

the planning commission shall then be reported to the board of commissioners. Upon required notice being given, including that required by subsection D of this section, the board of commissioners shall hold a public hearing in accordance with the provisions of section [11-17-2](#) of this chapter to review the proposed zoning map amendment, receive comments from interested parties, and receive the recommendations of city staff and the planning commission.

- D. **Additional Notice:** In addition to the notice requirements of subsection [11-17-2C](#) of this chapter, a sign shall be posted on the subject property by city personnel twenty (20) days prior to the public hearing by the applicant. The sign and 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 that a public hearing will be held by the planning commission and board of commissioners to consider rezoning the property, and shall contain a statement giving the address and phone number of the community development department where additional information is available concerning the requested zoning classification, and the date, time, and place of the public hearing.
- E. **Exemption From Notice:** The notice requirements for posting a sign on the property and for notification by mail to property owners shall not apply to comprehensive redistricting of the city due to adoption of a new zoning map and text by the board of commissioners. All other public hearing and notice requirements of this chapter, however, shall remain applicable.
- F. **Protest:** If a written protest against a proposed map amendment is filed in the office of the city clerk three (3) or more days before the time of said public hearing, which protest is signed by the owners of twenty percent (20%) or more of the area of lots included in the proposed change, or by the owners of fifty percent (50%) or more of the area within a three hundred foot (300') radius of the exterior boundary of the subject property, exclusive of public streets and alleys, then such amendment shall not become effective except by the favorable vote of at least four-fifths (4/5) of all the members of the board of commissioners. For purposes of protest calculations, all public property within a three hundred foot (300') radius of the property seeking a map amendment shall be split, with one-half (1/2) of the public property deemed to be protesting said map amendment and one-half (1/2) of the public property deemed to be acquiescing in said map amendment.
- G. **Approval:** The board of commissioners shall approve or deny the request for a zoning map amendment. Approval shall be documented by corresponding changes in zoning district boundaries and designated on the official zoning map, and by passage and publication of an ordinance pursuant to the applicable provisions of the city charter and city code.
- H. **Reapplication:** A request for a zoning map amendment for which a public hearing has been held by the board of commissioners and disapproved, or an application for such amendment which is withdrawn after it has been advertised for public hearing, shall not be reconsidered for the same property, or portion thereof, within six (6) months following such denial or withdrawal. This provision shall not be interpreted to prohibit the board of commissioners from initiating a change in the zoning classification for all or a portion of the same property on its own motion or on recommendation of the planning commission within said one year period of time. (Ord. 5916, 8-9-1999)

11-17-6: TEXT AMENDMENTS AND CHANGES:

- A. Authority: The regulations and provisions herein established as the text of the zoning ordinance may be amended by the board of commissioners in accordance with the provisions of this section. Such amendment may be initiated by the board of commissioners on its own motion, upon the recommendation of the planning commission to the board of commissioners, or upon submittal of a duly signed and acknowledged petition by the owners of fifty one percent (51%) or more of the land in an area requesting an amendment of the regulations prescribed for such area.
- B. Application: Consideration of a request by property owners for an amendment to the zoning text is initiated by submittal of the appropriate completed application form. The filing fee for text amendment applications shall be set by the board of commissioners, no part of which shall be refundable. Requests initiated by the planning commission or board of commissioners are exempt from the filing fee requirement.
- C. Review: Upon compliance with all application requirements, or upon direction from the board of commissioners, the proposed change in the text of the zoning ordinance shall be reviewed by the city staff and the planning commission as to consistency with the intent and purpose of this title and the master plan, and the nature of any changes in the zoning district or districts affected which make the proposed amendment necessary. The findings and recommendations of staff and the planning commission shall then be reported to the board of commissioners. Upon required notice being given, the board of commissioners shall hold a public hearing in accordance with the provisions of section [11-17-2](#) of this chapter to review the proposed zoning text amendment, receive comments from interested parties, and receive the recommendations of city staff and the planning commission.
- D. Approval: The board of commissioners shall approve or deny the proposed text amendment. Approval shall be documented by corresponding changes in the zoning text, and by passage and publication of an ordinance pursuant to the applicable provisions of the city charter and city code. (Ord. 5916, 8-9-1999)

11-17-7: SPECIAL EXCEPTIONS:

- A. Authority: Pursuant to the powers provided in the city code, the board of adjustment may grant special exceptions to the terms of this title for the following items, subject to appropriate conditions and safeguards in harmony with its general purpose and intent, and provided that all other provisions, regulations, and requirements of the city code shall be satisfied:
1. Ingress and egress to a contractor's office or equipment shed on a construction site must be from arterial or collector streets; except, however, the board of adjustment may approve, as a special exception, a location with access to a minor street upon finding that such location would result in less traffic on streets in residential areas (see subsection [11-5-3B2](#) of this title).
 2. A contractor's office or equipment shed on a construction site may continue for a period not to exceed one year in the same location, unless extended as a special exception by the board of adjustment (see subsection [11-5-3B2](#) of this title).
 3. Any real estate office for activities incidental to the marketing of properties in a subdivision in which the office is located may remain for two (2) years or until ninety

percent (90%) of the properties therein have been sold, whichever is sooner, unless an extension of the period shall have been granted as a special exception by the board of adjustment (see subsection [11-5-3C2](#) of this title);

4. Conversion of existing residential structures to a nonresidential use other than administrative and professional offices, child daycare centers, low and moderate impact institutional, or indoor cultural uses, as described in subsections [11-4-2C1](#) and C6 and subsections [11-4-2E5](#), E6, and E8 of this title, is prohibited in all nonresidential and nonagricultural districts except as may otherwise be determined, as a special exception, by the board of adjustment that such conversion would be in the best interests of preserving an architecturally significant or structurally sound building meeting all code requirements (see subsection [11-5-4B](#) of this title).

5. The board of adjustment may reduce parking requirements as a special exception by the board of adjustment if it can be demonstrated that a collective parking facility can adequately serve two (2) or more uses while having fewer spaces than the total of the separate requirements for each use. A long term lease agreement or permanent parking covenant may be required to ensure that parking will be available to each use sharing the collective facility (see subsection [11-13-3A](#) of this title). (Ord. 5916, 8-9-1999)

6. A manufactured home which complies and meets the structural requirements of the 2000 international residential code may be approved as a special exception, provided appropriate conditions and performance standards are imposed upon the applicant to ensure the home is compatible in value and quality with the neighborhood in which it is to be placed. (Ord. 5916, 8-9-1999; amd. Ord. 5951, 7-9-2001)

- B. Application: Consideration of a request by a property owner, owners, or authorized representative for a special exception is initiated by submittal of the appropriate completed application form and supporting documentation required for public hearings as listed in subsection [11-17-2B](#) of this chapter, except that the property ownership list may be limited to only the names and mailing addresses of owners of property immediately adjacent to the subject property. The filing fee for a special exception application shall be established by resolution of the board of commissioners, no part of which shall be refundable.
- C. Review: Upon compliance with all application requirements, the requested special exception shall be reviewed by the city staff for compliance with the conditions listed herein, and shall be forwarded with findings and recommendations to the board of adjustment. Upon required notice being given, the board of adjustment shall hold a public hearing in accordance with the provisions of section [11-17-2](#) of this chapter to review the proposed special exception, receive comments, testimony, and evidence from interested parties, and receive the recommendation of city staff. In determining whether or not the special exception should be granted, the board of adjustment shall consider, and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:
1. The request is eligible according to the relevant requirements stipulated in subsection A of this section;
 2. A hardship would result if the special exception is not granted;
 3. The granting of the special exception will not adversely affect the rights of adjacent

property owners or residents; and

4. The granting of the special exception will not cause substantial detriment to the public health, safety, convenience, or general welfare.

- D. Approval: The board of adjustment shall approve or deny the special exception. Approval shall be documented by written findings of fact which support the conclusions listed in subsection C of this section, and the board of adjustment may prescribe additional conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this title and punishable as provided in subsection [11-17-1E](#) of this chapter.
- E. Appeal: The decision of the board of adjustment may be appealed by any person or persons to the district court of Kay County as provided in the city code. (Ord. 5916, 8-9-1999)

11-17-8: VARIANCES; BOARD OF ADJUSTMENT:

- A. Authority: There is hereby created in and for the city a board of adjustment.
- B. Composition: The board of adjustment shall be composed of five (5) members.
- C. Appointment Of Initial Members: The initial members appointed to the board of adjustment shall be appointed by the mayor and approved by the board of commissioners.
- D. Appointment Of New Members; Terms: Members to be appointed to replace members of the board of adjustment whose terms have expired shall be appointed in the manner provided for appointments in section [62](#) of the city charter and each individual so appointed shall commence his/her term immediately upon his appointment and the term of office of the member whose position he/she takes shall terminate upon the appointment of his/her replacement.
- E. Vacancies: Vacancies occurring in the membership of the board of adjustment shall be filled for the unexpired term.
- F. Rules, Regulations: The board of adjustment shall adopt rules for the conduct of its meetings and business.
- G. Meetings: The board of adjustment shall meet at the call of the chair and at such times as the board may determine. All meetings of the board shall be open to the public.
- H. Oaths, Witnesses: The chair of the board of adjustment, or in his/her absence the acting chair, may administer oaths and compel the attendance of witnesses.
- I. Minutes, Records: The board of adjustment shall keep minutes of its proceedings, show the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall become a public record.

- J. Application: Consideration of a request by a property owner, owners, or authorized representative for a variance is initiated by submittal of the appropriate completed application form and supporting documentation required for public hearings as listed in subsection [11-17-2B](#) of this chapter, along with any other items of evidence which the applicant wishes to submit. The filing fee for a variance application shall be established by the board of commissioners, no part of which shall be refundable.
- K. Review: Upon compliance with all application requirements, the requested variance shall be reviewed by the city staff for compliance with the conditions listed herein, and shall be forwarded with findings and recommendations to the board of adjustment. Upon required notice being given, the board of adjustment shall hold a public hearing in accordance with the provisions of section [11-17-2](#) of this chapter to review the proposed variance, receive comments, testimony, and evidence from interested parties, and receive the recommendation of city staff.
- L. Powers Generally: The board of adjustment shall have the following powers:
1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the code official, or administrative official, in the enforcement of the provisions of this title.
 2. To hear and decide special exceptions to the terms of the zoning ordinance upon which such board is required to pass.
 3. To authorize upon appeal in specified cases such variance from the terms of the zoning ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of such ordinance will result in unnecessary hardship and so that the spirit of such ordinances shall be observed and substantial justice done.
 4. To hear and decide oil and/or gas applications or appeals unless prohibited throughout a municipality by municipal ordinance. The board of adjustment shall be required to make the findings prescribed by this code in order to grant a variance as to use with respect to any such application or appeal.

Exceptions and/or variances may be allowed by the board of adjustment only after notice and hearing as provided in this title. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court. In exercising the above mentioned powers, the board of adjustment may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination from which appealed and may make such other order, requirement, decision or determination as ought to be made. (Ord. 5916, 8-9-1999)

The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of the code official or administrative official or to decide in favor of the applicant in any matter upon which it is required to pass or to effect any variation in the regulations and restrictions provided for in the zoning ordinance. (Ord. 5966, 2-25-2002)

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

1. The application of this title to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

N. Approval: The board of adjustment shall approve or deny the variance. Approval shall be documented by written findings of fact which support the conclusions listed in subsection M of this section, and the board of adjustment may prescribe additional conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable as provided in subsection [11-17-1E](#) of this chapter. (Ord. 5916, 8-9-1999)

11-17-9: APPEALS:

A. Appeals Authorized: Appeals from the action of the code official or administrative official to the board of adjustment may be taken by any person aggrieved or by any officer, department or board of the city affected by any decision of the official. Such appeal shall be taken within seven (7) days from the date of the decision of the official by filing with said official and with the board of adjustment a notice of appeal, specifying the ground thereof. The code official shall forthwith transmit to the board of adjustment certified copies of all the papers constituting the record of such matter, involved in such appeal, together with a copy of the ruling or order from which said appeal is taken.

B. Reasonable Time For Hearing, Notice: The board of adjustment shall hold a public hearing and make a decision on said appeal within thirty (30) days from the filing deadline thereof. 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 clerk of the board of adjustment to all owners of property within a three hundred foot (300') radius of the exterior boundary to the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

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

exception requested; and

3. Date, time and place of the hearing.

On hearings involving minor variances or exceptions, the clerk of the board of adjustment shall give notice by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in subsections B1 through B3 of this section. The board of adjustment shall set forth in a statement of policy what constitutes minor variance or exceptions, subject to approval or amendment by the municipal governing body.

C. Proceedings Stayed: An appeal stays all proceedings in furtherance of the action appealed from unless the code official certifies to the board of adjustment, after the notice of the appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the code official.

D. Appeal From Board Of Adjustment To District Court:

1. An appeal from any action, decision, ruling, judgment, or order of the board of adjustment may be taken to the district court by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the municipality, by filing with the city clerk within ten (10) days of board of adjustment decision, a notice of such appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, as herein provided, the said board shall forthwith transmit to the district court clerk, the original or a certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

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

3. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from unless the chair of the board of adjustment, from which the appeal is taken, certifies to the court clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by the district court upon application or notice to the code official in charge of the enforcement of the terms and provisions of this title, and upon the cause being shown.

4. The district court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the board of adjustment unless it shall appear to the district court that the board has acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions. (Ord. 5916, 8-9-1999)

E. Fees: Any appeal from a decision of the planning commission to the board of adjustment

shall be accompanied with a fee in such amount as established by resolution of the board of commissioners. (2003 Code)