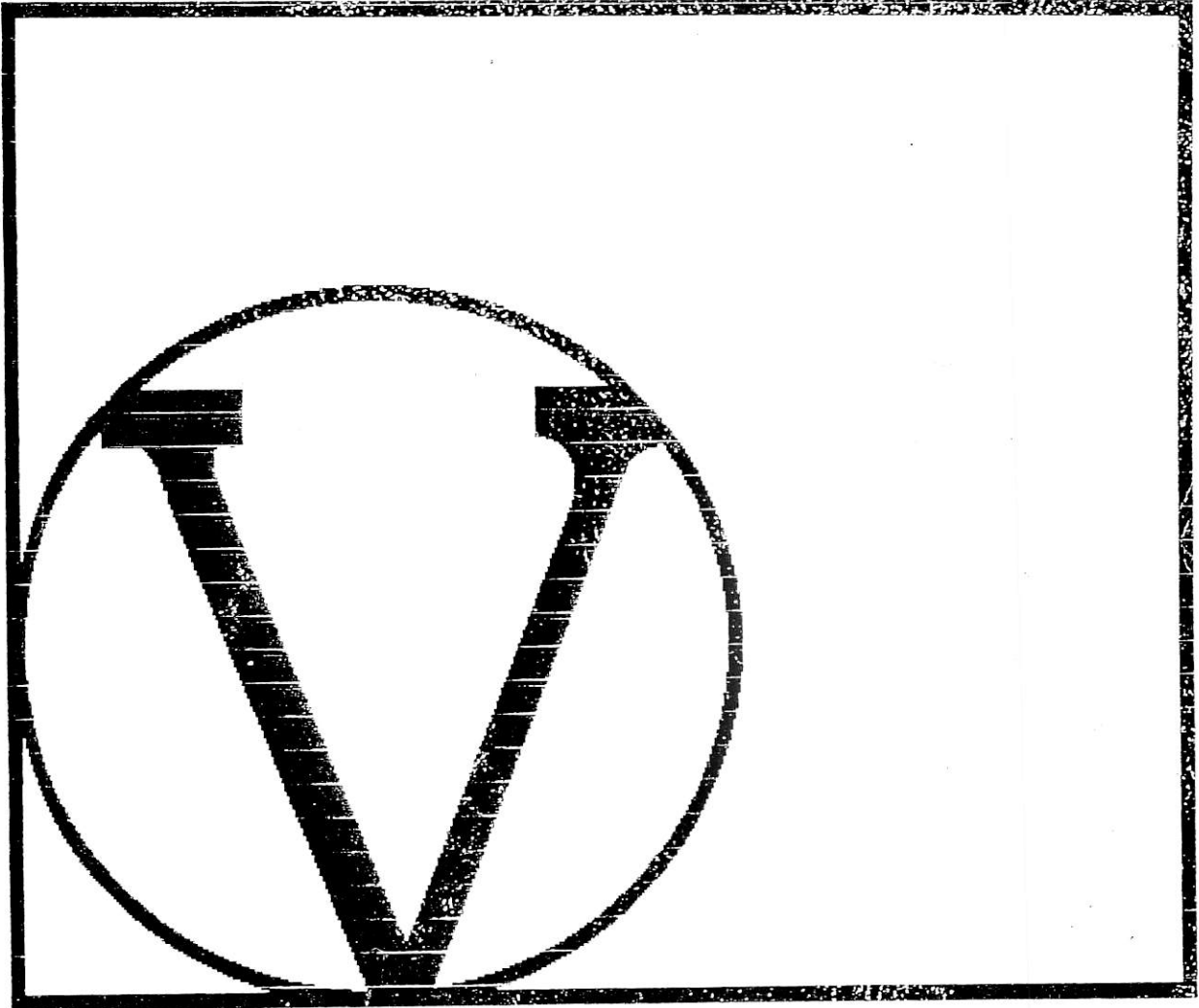


ZONING ORDINANCE

TOWN OF VERDIGRIS, OKLAHOMA
MUNICIPAL PLANNING AREA



TOWN OF VERDIGRIS, OKLAHOMA MUNICIPAL PLANNING COMMISSION

**TOWN OF VERDIGRIS
MUNICIPAL AREA ZONING ORDINANCE**

Prepared for the
Town of Verdigris, Board of Trustees

by

Municipal Planning Commission

May, 2001

This Planning Study Has Been Prepared
For and Under the Jurisdiction of the
Town of Verdigris

**TOWN OF VERDIGRIS
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TABLE OF CONTENTS

		<u>PAGE</u>
Article 1	INTRODUCTORY PROVISIONS	1.1
Section 1.1	Adoption and Citation	1.1
Section 1.2	Purpose and Necessity	1.1
Section 1.3	Nature and Application	1.1
Section 1.4	Regulation of Use, Height, Area, Yards, and Open Space	1.2
Section 1.5	Zoning Districts	1.2
Section 1.6	Interpretation of Districts Boundaries	1.3
Section 1.7	Interpretation of Permitted Uses	1.3
Article 2	DISTRICT PROVISIONS	2.1
Section 2.1	Agriculture Provisions	2.1
Section 2.2	Residential District Provisions	2.5
Section 2.3	Parking District Provisions	2.9
Section 2.4	Office District Provisions	2.10
Section 2.5	Commercial District Provisions	2.10
Section 2.6	Industrial District Provisions	2.17
Section 2.7	Mining District Provisions	2.25
Section 2.8	Flood District Provisions	2.25
	General Provisions	2.26
	Administration	2.27
	Provisions for Flood Hazard Reduction	2.29
Article 3	USE CONDITIONS	3.1
Section 3.1	General	3.1
Section 3.2	Accessory Buildings in AR, R, and O Districts	3.1
Section 3.3	Accessory Commercial Uses in MultFamily Residential Districs and Office Districts	3.1
Section 3.4	Animals	3.2
Section 3.5	Dwelling Groups	3.2
Section 3.6	Home Occupations	3.2
Section 3.7	Mining Activities and Related Services	3.3
Section 3.8	Mobile Home Parks	3.4
Section 3.9	Nonresidential Uses in Residential Districts	3.7
Section 3.10	Off-Street Loading	3.7
Section 3.11	Off-Street Parking	3.8
Section 3.12	Scrap Material	3.10
Section 3.13	Solid Waste Disposal	3.10
Section 3.14	Signs: General	3.11
Section 3.15	Advertising Sign	3.13
Section 3.16	Town House Development	3.13
Section 3.17	Location of Sexually Oriented Businesses	3.14
Article 4	GENERAL REGULATIONS	4.1
Section 4.1	Courts and Facing of the Dwelling	4.1
Section 4.2	Fences and Screen Walls	4.1
Section 4.3	Enclosure of Uses	4.2
Section 4.4	Height Exceptions	4.2

Table of Contents (continued)

Section 4.5	Open Space, Other Than Yard	4.2
Section 4.6	Planned Development	4.3
Section 4.7	Lot Area and Width	4.3
Section 4.8	Street Access	4.4
Section 4.9	Yards	4.4
Article 5	NONCONFORMING STRUCTURES AND USES	5.1
Section 5.1	Nonconforming Structures	5.1
Section 5.2	Construction Authorized or in Progress	5.2
Article 6	BOARD OF ADJUSTMENTS	6.1
Section 6.1	Establishment of the Board of Adjustment	6.1
Section 6.2	Procedure of the Board	6.1
Section 6.3	Conflict of Interest	6.1
Section 6.4	Appeals to the Board	6.1
Section 6.5	Powers and Duties of the Board	6.2
Section 6.6	Appeals from the Board of Adjustments	6.4
Article 7	ADMINISTRATION, ENFORCEMENT AND AMENDMENT	7.1
Section 7.1	Administration and Enforcement	7.1
Section 7.2	Building Permits	7.1
Section 7.3	Certificate of Occupancy	7.2
Section 7.4	Conditional Use Permit	7.3
Section 7.5	Compliance with Applications and Permits	7.3
Section 7.6	Fees, Charges, and Expenses	7.3
Section 7.7	Violations	7.14
Section 7.8	Amendment of Zoning Regulations	7.14
Section 7.9	Classification of Certain Areas	7.15
Section 7.10	Automatic Review of Certain Rezoning Actions	7.16
Article 8	DEFINITIONS	8.1
Section 8.1	General	8.1
Section 8.2	Definitions	8.1
Article 9	INVALIDITY AND REPEAL	9.1
Section 9.1	Invalidity of a Part	9.1
Section 9.2	Repeal of Conflicting Regulations	9.1
Appendix A	Principal Use Antenna and Antenna supporting Structures	10.1
Appendix B	Special Exception, Board of Adjustment	11.1

ARTICLE 1

INTRODUCTORY PROVISIONS

Section 1.1 Adoption and Citation

This ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Chapter 7, Section 301-307 of the Oklahoma Statutes and in Title 11, Oklahoma Statutes, Sections 43-101 to 112, shall be known as the "Town of Verdigris Municipal Area Zoning Ordinance" and may be cited as such and is referred to herein as "these zoning regulations" or "these regulations". These regulations were originally adopted from the "Zoning Ordinance, City of Claremore-Rogers County Metropolitan Planning Area", Dated: August 1980, by the Town of Verdigris, Board of Trustees, on the 16th of May, 2001.

Section 1.2 Purpose and Necessity

The regulations contained herein are necessary and are established for the purposes of promoting the public health, safety, peace, morals, comforts, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate police protection, transportation, water, sewage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements and preventing undue encroachment thereon; creating a stable pattern of land uses upon which to plan for such services and facilities; encouraging the most appropriate uses of land, maintaining and stabilizing the value of property; and carrying out the Comprehensive Plan.

Section 1.3 Nature and Application

1.3.1 Nature

These regulations classify and regulate the use of land, buildings, and structures within the territorial jurisdiction as defined herein. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the territorial jurisdiction into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, and coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

1.3.2 Exemption of Uses

Other provisions of these regulations to the contrary notwithstanding, these regulations shall not apply to: Transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats, or the following uses, exempt under the provisions of 19 O.S. Section 866.16 and 866.30:*

The erection of the use of the usual farm building for agricultural purposes.

The planting of agricultural crops.

The extraction of oil and gas.

The acquisition of property or easements for the installation, construction, maintenance, or use of structures, facilities, and property of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar State or Federal body.

The following uses, exempt under the provisions of 11 O.S. , Sections 402 and 410 :**

Telephone exchange buildings.

The property of any railway company or terminal company.

* Applies to unincorporated area only.

** Applies to Town of Verdigris only.

Section 1.4 Regulation of Use, Height, Area, Yards, and Open Spaces

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

Section 1.5 Zoning Districts

Parts of the territorial jurisdiction are hereby divided into districts, as shown on the zoning map filed with the Clerk. The zoning map and all explanatory material thereon are hereby made part of these regulations. Districts shall be designated as follows:

AG	Agriculture General District
AI	Agriculture Industrial District
AR	Agriculture Residential District
AO	Agriculture Open Space
RS60	Residential Single- Family Low Density District
RS40	Residential Single- Family Low Medium Density District
RS25	Residential Single- Family Medium Density District
RS20	Residential Single- Family Medium Density District
RS10	Residential Single- Family High Medium Density District
RS6	Residential Single- Family High Density District
RST60*	Residential Single- Family Manufactured Home Low Density District
RST40*	Residential Single- Family Manufactured Home Low Medium Density District
RST25*	Residential Single- Family Manufactured Home Medium Density District
RST20*	Residential Single- Family Manufactured Home Medium Density District
RST10*	Residential Single- Family Manufactured Home High Medium Density District
RST6*	Residential Single- Family Manufactured Home High Density District
RM6	Residential Multi- Family Low Density District
RM4	Residential Multi- Family Low Medium Density District
RM2.5	Residential Multi- Family High Medium Density District
RM1.5	Residential Multi- Family High Density District
RT	Residential Mobile (Manufactured) Home Park
P	Parking District
O	Office District
C1	Local Shopping District
C2	Community Shopping District
C3	Central Commercial District
C4	Central Service District
C5	Highway Commercial District
I-1	Restricted Industrial District
I-2	Light Industrial District
I-3	Medium Industrial District
I-4	Heavy Industrial District
M	Mining District
F1	Flood Channel District
F2	Flood Plain District

* Allowed in unincorporated areas only.

Section 1.6 Interpretation of District Boundaries

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

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

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

Where boundary of a district line follows a railroad line, such boundary shall be determined to be the center of the main track, unless otherwise clearly indicated on the zoning map.

Section 1.7 Interpretation of Permitted Uses

1.7.1 Identification of Permitted Uses

Uses permitted in the several agricultural, residential, commercial and industrial districts are as set forth in Tables 1-1, 2-1, 5-1 and 8-1, respectively. Where an "X" appears in the column of a district in such table, the use set off opposite the "X" is permitted as a use of right in that district. Where a "P" appears, the use is permitted subject to the granting of a conditional use permit by the Board Of Adjustment, in accordance with the provisions of Article 6.

Uses permitted in the parking, office, mining and flood districts are set forth in the text of the respective district provisions.

1.7.2 Reference for Interpretation of Permitted Uses

In the event of question as to the meaning of permitted uses, reference shall be made to the Standard Land Use Classification Manual, January, 1965 edition, published by the Urban Renewal Administration of the U.S. Housing and Home Finance Agency and the Bureau of Public Roads of the U.S. Department of Commerce.

For the uses not listed or not clearly listed the matter of interpretation of uses and classification shall be submitted to the Board of Adjustment of the proper unit of government as set out in Section 6.4 of these regulations for interpretation and assignment of use and classification.

1.7.3 Miscellaneous Provisions

(a) In the event an unlisted area use can be interpreted as being in two or more listed areas, the most restrictive interpretation shall apply.

(b) Uses set forth in the tables of permitted uses are principal uses, unless they are identified as accessory uses.

ARTICLE 2

DISTRICT PROVISIONS

Section 2.1 Agriculture District Provisions

2.1.1 Description of Agriculture Districts

The agriculture districts are intended to provide areas primarily for agricultural and related uses. The AG (Agriculture-General District) is intended primarily for areas designated as agricultural on the Comprehensive Plan and which are likely to remain in agricultural use for the foreseeable future. The AI (Agriculture-Industrial District) is intended primarily for areas designated as industrial on the Comprehensive Plan but which are not yet ready for industrial development. The AR (Agriculture-Residential District) is intended for areas designated as residential or commercial on the Comprehensive Plan, but which are not yet ready for residential or commercial development. It is the purpose of these districts to protect the agricultural and other permitted uses from the unplanned and premature, scattered, urban type development, pending proper timing for the providing of major streets and highways, utilities, and other public or quasi-public facilities. The AO (Agriculture Open Space District) is intended primarily for areas where continuation of open space is desired.

2.1.2 Uses Permitted in Agricultural Districts

Uses permitted in the various agriculture districts are as set forth in Table 1.1. Where an "X" appears in the column of a district the use set off opposite the "X" is permitted as a use of right in that district. Where a "P" appears, the use is permitted subject to the granting of a Conditional Use Permit by the Board of Adjustment, in accordance with the provisions of Article 6. NEC means "not elsewhere classified in this table".

Table 1.1 Uses Permitted in Agricultural Districts

AO	Districts				Uses Permitted in the Indicated Districts
	AG	AI	AR		
ACCESSORY STRUCTURES AND USES					
X	X	X	X	002	Accessory buildings, subject to Section 3.2
X	X	X	X	004	Customary home occupations, subject to Section 3.6
X	X	X	X	010	Accessory living quarters
X	X	X	X	046	Accessory off-street loading and parking facilities subject to Sections 3.10 and 3.11
X	X	X		054	Accessory retail sales: farm products raised on the premises
X	X	X	X	063	Accessory signs, subject to Section 3.14
X	X	X	X	066	Temporary accessory facilities of the construction industry which are incidental to the construction of a building in the district, and which shall be removed when construction work is completed
X	X	X	X	009	Accessory uses, NEC
RESIDENTIAL USES					
				11	Household units
	X	X	X	111	Detached single-family dwellings
	X	X	X	116	Individual mobile home *

Table 1.1 (continued)

Districts					
AO	AG	AI	AR	Uses Permitted in the Indicated Districts	
MANUFACTURING USES (See Agricultural Processing)					
				40	Transportation, communication and utilities general
X	X	X	X	401	Facilities of electrical cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma or other similar State or Federal body *, subject to Section 1.3.2
X	X	X	X	402	Transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats, subject to Section 1.3.2
				48	Utilities
P	P	P	P	484	Sewage disposal
P	P	P	P	485	Solid waste disposal, subject to Section 3.13
TRADE					
				51	Wholesale Trade
	X			515	Farm products (raw material)- Wholesale
SERVICES					
				62	Personal services
				624	Funeral and crematory services; cemeteries
	X			6242	Cemeteries
				65	Professional services
				651	Medical and other health services
			P	6513	Hospital services
			P	6516	Sanitarium, convalescent, and rest home services
	P*	P*	P	6517	Medical clinic-out-patient services
	P*	P*	P	659	Other professional services, NEC
				67	Governmental services
P	X	X	P	672	Protective functions and their related activities
X	X	X		675	Military bases and reservations
				68	Educational services
	P		P	681	Schools; nursery, primary and secondary
	P		P	682	University, college, junior college and professional school education, not including flight schools
				69	Miscellaneous services
				691	Religious services
	X			6911	Churches, synagogues, and temples
			X	6912	Same subject to Section 3.9
			X	6912	Parish houses and rectories
	P		P	692	Welfare and charitable services
	P		P	699	Other miscellaneous services
	P		P	6994	Civic and fraternal organization
CULTURAL, ENTERTAINMENT AND RECREATIONAL					
	X	X	P	71	Cultural activities and Nature Exhibitions
				72	Public assembly
				721	Entertainment assembly
	P	P	P	7211	Amphitheaters

* in unincorporated area only

Table 1 1 (continued)

AO	Districts				Uses Permitted in the Indicated Districts
	AG	AI	AR		
	P	P	P	7214	Legitimate theaters
				73	Amusements
				731	Fairgrounds and amusement parks
	P	P	P	7311	Fairgrounds
				739	Other amusements, NEC
	X	X		7392	Miniature golf
X	X	X		7393	Golf driving ranges
	P			7394	Go-cart tracks
				74	Recreational activities
				741	Sport activities
X	X	X	P	7412	Golf courses
X	X	X	P	7413	Tennis courts
	X	X		7416	Riding Stables
X	X	X	P	742	Playgrounds and athletic areas
X	X	X	P	743	Swimming areas
				7431	Swimming beaches
	X	X	P	744	Marinas
				749	Other recreation, NEC
P	P	P	P	7491	Camping and picnicing areas
	P	P	P	75	Resorts and Group Camps (not including Halfway Houses or Drug Rehabilitation Centers)
P	P	P	P	76	Parks

RESOURCE PRODUCTION AND EXTRACTION

				81	Agriculture, subject to Section 3.4
X	X	X	X	810	The erection or use of the usual farm buildings for agricultural purposes* , subject to Section 1.3.2
X	X	X	X	811	The planting of agricultural crops, subject to Section 1.3.
X	X	X	X	815	Farms; Dairy
	X			816	Farms and ranches: livestock other than dairy
	X			8161	Farms and ranches: cattle
X	X	X	X	8161.9	Farms and ranches: cattle, NEC
X	X	X		8162	Farms and ranches: hogs
X	X	X	X	8169	Farms and ranches: other livestock, NEC
X	X	X	X	819	Other agriculture and related activities, NEC, subject to Section 3.4
X	X	X		82	Agricultural related activities, other than cotton ginning
X	X	X	X	83	Forestry activities and related services
X	X	X		84	Fishing activities and related services
				85	Mining activities and related services
X	X	X	X	853	Extraction of oil or natural gas, subject to Section 1.3.2

* Allowed in incorporated areas only

2.1.3 Bulk and Area Regulations for Residential Uses in Agricultural Districts

Every residential use in Agricultural Districts shall be subject to the regulations set forth in Table 1.2 and 1.3 and to the modifications thereof set forth in Article 4.

Table 1.2 Lot Area, Width and Height Requirements for Residential Uses in Agricultural Districts.

District:	Lot area min. (acres)	Lot area per dwelling unit min. (acres): Mobile Homes:	Other dwellings:	Width: min. ft.	Heights limits: additional hgt. Ft., if no additional setback is provided.	Height, maximum Ft., permitted for each additional foot of side & rear setback.
AG	10.0	10.0	10.0	300	35	0.4
AI	20.0	20.0	20.0	300	35	0.4
AR	2.5	10.0	2.5	165	35	0.4
AO	5.0	----	5.0	270	35	0.4

Subject to Section 4.4

From any parcel of ten acres or more in an AG or AR District, there may be split not more than three (3) residential lots having an area less than that required by Table 1.2, provided that such lot has an area less than ten acres and not more than one acre. No parcels may be combined for the purpose of meeting the requirement that the parcel from which the lot is to be split shall have an area of ten acres or more. Additional subdivisions of lots subject to subdivision rules and regulations.

In determining the area of a residential lot in an Agricultural District, the adjacent halves of abutting streets and alleys may be included, up to a distance of 100 feet from the lot line; the same rule may be applied to the width of such lot, provided that the new width thereof, exclusive of streets and alleys, shall not be less than 60 feet.

Table 1.3 Yard Requirements for Residential Uses in Agricultural Districts

District	Yards, minimum (feet)					
	Side Yards					
	Front Yard	Interior Lots		Corner Lots		Rear Yard
One Yard		Other Yard	Interior Yard	Exterior Yard		
AG	40	10	15	10	35	35
AI	40	10	15	10	35	35
AR	40	10	15	10	35	35
AO	40	10	15	10	35	35

2.1.4 Bulk and Area Regulations for Nonresidential Uses in Agricultural Districts

All nonresidential uses in agricultural districts shall be subject to the following requirements.

Front yards and exterior side yards, minimum	35 feet
Rear yards and interior side yards, minimum	25 feet
Coverage of net lot area (exclusive of area in abutting streets), maximum	
Interior lots	25 percent
Corner lots	30 percent

Height limits: as provided in Section 2.1.3 for residential uses. Except as may be provided in Section 3.9 for certain nonresidential uses in residential districts, in other sections of Article 3 for certain specified uses, and in Section 4.7 for certain utility facilities.

Section 2.2 Residential District Provisions

2.2.1 Description of Residential Districts

The regulations for Residential Districts are designed (1) to protect the residential character of areas so designated by excluding therefrom principal commercial and industrial activities, (2) to encourage a suitable environment for family life by permitting appropriate neighborhood facilities, such as churches, schools and playgrounds, (3) to permit certain institutions and utility facilities considered necessary in or compatible with residential neighborhoods, (4) to preserve openness of the living areas and to avoid overcrowding by requiring certain minimum yards, open spaces, and site areas, and maximum bulk of structures, (5) to provide for access of light and air to windows and for privacy, so far as possible, by controls over the spacing and height of buildings and other structures, (6) to make available areas suitable for a variety of dwelling types and densities to permit a wide range of individual choice, (7) to assure the provision of adequate off-street parking space to provide for the parking needs of the permitted uses, (8) to protect residential areas against hazardous, offensive, or objectionable influences, and (9) to protect residential areas against heavy traffic and against through traffic of all kinds. The RS residential district is intended for detached single-family dwellings. The RST residential district is intended primarily for detached single-family dwellings, but individual mobile homes are allowed, one per lot, if they meet the requirements of Section 3.8.7. The RM residential district is intended for multi-family dwellings. The RT residential district is intended for mobile home parks.

2.2.2 Uses Permitted in Residential Districts

Uses permitted in the various residential districts are as set forth in Table 2.1. Where an "X" appears in the column of a district, the use set off opposite the "X" is permitted as a use of right in that district. Where a "P" appears the use is permitted subject to the granting of a Conditional Use Permit by the Board of Adjustment, in accordance with the provisions of Article 6. NEC means "not elsewhere classified".

Table 2.1

RS	Districts			Uses Permitted in Residential Districts
	RM	RT		
RST*				
				ACCESSORY STRUCTURES AND USES
X	X	X	002	Accessory buildings, subject to Section 3.2
X	X	X	004	Customary home occupations, subject to Section 3.6
X	X	X	010	Accessory living quarters
X	X	X	046	Accessory off-street loading and parking facilities, subject to Sections 3.10 and 3.11

Table 2.1 (continued)

RS RST*	Districts			Uses Permitted in Residential Districts
	RM	RT		
	X	X	059	Accessory retail sales; convenience goods and services, subject to Section 3.3
	X		062	Accessory barber or beauty shop (other than as a home occupation), subject to Section 3.3
X	X	X	063	Accessory signs, subject to Section 3.14
X	X	X	066	Temporary accessory facilities of the construction industry which are incidental in the district, and which shall be removed when construction work is completed

RESIDENTIAL USES

			011	Household units
X	X	X	111	Detached single-family dwellings
	X		112	Two-family dwelling
	X		113	Multi-family dwelling
	X		114	Townhouse developments
	X		115	Dwelling groups
X**		X	116	Individual mobile homes
			12	Group quarters
	X		121	Rooming and Boarding house (not including prisons, halfway houses or drug rehabilitation centers)
	X		122	Membership lodgings
P	X		123	Residence halls or dormitories (not including prisons, halfway houses or drug rehabilitation centers)
	X		124	Retirement homes and orphanages
	X		125	Religious quarters other than rectories
X	X	X	126	Rectories
		X	14	Mobile home parks, subject to Section 3.3
	P		15	Bed and Breakfast Inns, subject to Section 3.3

TRANSPORTATION, COMMUNICATION AND UTILITIES

			40	Transportation, communication and utilities general
X	X	X	401	Facilities of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma or other similar State or Federal body, subject to Section 1.3.2
X	X	X	402	Transportation, communication and utility facilities which utilize public rights-of-ways or easements customarily provided in subdivision plats, subject to Section 1.3.2
			48	Utilities
P	P	P	484	Sewage Disposal
P	P	P	485	Solid waste disposal

SERVICES

			62	Personal services
			623	Beauty and Barber services
X	X	X	6231	Home beauty shops, subject to Section 3.6
	X		6232	Accessory barber and beauty shops, subject to Section 3.3
			65	Professional services
			651	Medical and other health services

Table 2.1 (continued)

RS	Districts			Uses Permitted in Residential Districts
	RM	RT		
	X		6510	Office to be used by not more than two physicians or dentists provided that not more than one bed is provided to keep patients over night
P	P	P	6513	Hospital services
P	P	P	6516	Sanitariums, convalescents and resthome services
P	P	P	6517	Medical clinic (out patient services)
			67	Governmental services
P	P	P	672	Protective functions and their related services (including ambulance)
			68	Educational services
P	P	P	681	Schools, nursery, primary, secondary and daycare
P	P	P	682	University, college, junior college and professional school education
			69	Miscellaneous services
P	X	X	691	Religious activities
P	X	X	6911	Churches, synagogues and temples, subject to Section 3.9
X	X	X	6912	Parish houses and rectories
P	P	P	692	Welfare and charitable services
			699	Other miscellaneous services
P	P	P	6994	Civic
CULTURAL, ENTERTAINMENT AND RECREATIONAL USES				
P	P	P	71	Cultural facilities and Nature Exhibitions
			72	Public assembly
			721	Entertainment Assembly
P	P	P	7211	Amphitheaters
P	P	P	7214	Legitimate theaters
			74	Recreational activities
			741	Sports activities
P	P	P	7412	Golf courses
P	P	P	7413	Tennis courts
P	P	P	742	Playgrounds, playfields and similar facilities
P	P	P	743	Swimming areas
P	P	P	744	Marinas
			749	Other recreation, NEC
P	P	P	7491	Camping and picnic areas
P	P	P	76	Parks
RESOURCE PRODUCTION AND EXTRACTION				
			81	Agriculture
X	X	X	810	The erection or use of the usual farm buildings for agricultural purposes, subject to Section 1.3.2
X	X	X	811	The planting of agricultural crops, subject to Section 1.3.2
			819	Other agricultural and related activities, NEC, subject to Section 3.4
X	X	X	8192	Horticultural specialists, (growing fruits, vegetables, flowers or ornamental plants)
			85	Mining activities and related services
X	X	X	853	Extraction of oil or natural gas, subject to Section 1.3.2*

* Unincorporated area only
 NEC means "not elsewhere classified"

2.2.3 Bulk and Area Regulations in Residential Districts

Every residential use in a Residential District shall be subject to the requirements set forth in Tables 2.2 and 2.3 and to the modifications thereof set forth in Article 4. In case of an RST District, a minimum of ten acres is required

Table 2.2 Lot Width and Area Requirements in Residential Districts

Districts	Lot Width, Minimum (feet)				Lot Area, Minimum (sq. feet)				
	Townhouse		All Other Dwellings		Develop.	Townhouse		All Other Dwellings	
	Indv. Lot	1 Family	2 Family	3+ Family		Indv. Lots	1 Family	2 Family	3+ Family
RS60	-	165	-	-	-	-	60,000	-	-
RS40*	-	150	-	-	-	-	40,000	-	-
RS25	-	120	-	-	-	-	25,000	-	-
RS20*	-	100	-	-	-	-	20,000	-	-
RS10	-	80	-	-	-	-	10,000	-	-
RS6	-	60	-	-	-	-	6,000	-	-
RST60*	-	165	-	-	-	-	60,000	-	-
RST40*	-	150	-	-	-	-	40,000	-	-
RST25*	-	120	-	-	-	-	25,000	-	-
RST20*	-	100	-	-	-	-	20,000	-	-
RST10*	-	80	-	-	-	-	10,000	-	-
RST6*	-	60	-	-	-	-	6,000	-	-
RM6	24	60	75	100	36,000	1,900	6,000	7,500	10,000
RM4	24	60	75	100	24,000	1,900	6,000	7,500	10,000
RM2.5	24	60	75	100	20,000	1,900	6,000	7,500	10,000
RM1.5	20	60	75	100	16,000	1,600	6,000	7,500	10,000
RT	24	60	75	100	24,000	1,900	6,000	7,500	10,000

A minimum of ten (10) acres is required for RST District designation. Mobile home parks are subject to bulk and area requirements set forth in Section 3.8

Table 2.3 Lot Area Per Dwelling Unit and Height Requirements in Residential Districts

Lot area per dwelling unit, minimum (sq. ft.), height limits, subject to Section 4.40

Districts	Townhouse		All Other Dwellings			Height, max. (ft.) if no additional setback is provided	Additional height (ft.) permitted for each additional ft. of side & rear setback
	Bedrooms per 2+	-1	2+	1	0		
RS60	-	-	60,000	60,000	60,000	20	0.4
RS40*	-	-	40,000	40,000	40,000	20	0.5
RS25	-	-	25,000	25,000	25,000	20	0.6
RS20*	-	-	20,000	20,000	20,000	20	0.7
RS10	-	-	10,000	10,000	10,000	20	0.8
RS6	-	-	6,000	6,000	6,000	20	1.0
RST60*	-	-	60,000	60,000	60,000	20	0.4
RST40*	-	-	40,000	40,000	40,000	20	0.5
RST25*	-	-	25,000	25,000	25,000	20	0.6
RST20*	-	-	20,000	20,000	20,000	20	0.7
RST10*	-	-	10,000	10,000	10,000	20	0.8
RST6*	-	-	6,000	6,000	6,000	20	1.0
RM6	6,000	5,200	6,000	5,200	4,500	20	1.0
RM4	4,000	3,500	4,000	3,500	3,000	30	1.3
RM2.5	2,500	2,500	2,500	2,200	1,900	30	1.6
RM1.5	2,000	2,000	1,500	1,300	1,100	30	2.0
RT	4,000	3,500	4,000	3,500	3,000	30	1.3

Table 2.4 Yard and Coverage Requirements in Residential Districts

District	Yards (feet), minimum side yards								
	INTERIOR LOTS			CORNER LOTS Exterior Side Yard			LOT COVERAGE (percent), maximum		
	front yard	one yard	other yard	interior yard	if back-to-back with another corner lot	if not back-to-back, another corner lot	rear yard	interior lot	corner lot
RS60	40	16	8	8	30	35	35	15	20
RS40*	40	16	8	8	30	35	35	15	20
RS25	35	14	7	7	25	30	30	20	25
RS20*	35	14	7	7	25	30	30	20	25
RS10	30	12	6	6	20	25	25	25	30
RS6	25	10	5	5	15	20	20	25	30
RST60*	40	16	8	8	30	35	35	15	20
RST40*	40	16	8	8	30	35	35	15	20
RST25*	35	14	7	7	25	30	30	20	25
RST20*	35	14	7	7	25	30	30	20	25
RST10*	30	12	6	6	20	25	25	25	30
RST6*	25	10	5	5	15	20	20	25	30
RM6	25	10	5	5	15	20	20	25	30
RM4	25	10	5	5	15	20	20	30	35
RM2.5	15	10	5	5	10	10	20	30	35
RM1.5	10	10	5	5	10	10	20	30	35
RT	25	10	5	5	15	20	20	30	35

*unincorporated area only

In the case of multi-family dwellings in RM Districts, the area in abutting streets out to the center line for a distance not to exceed 65 feet and in abutting public open spaces to the center thereof for a distance not exceeding 65 feet may be counted as part of the area of the lot in determining lot area per dwelling unit.

2.2.4 Bulk and Area Regulations for Nonresidential Uses in Residential Districts

All nonresidential uses in Residential Districts shall be subject to the provisions applying to one-family dwellings set forth in Subsection 2.2.3, except as may be provided in Section 3.9 for certain nonresidential districts, in other sections of Article 3 for certain specified uses, and in Section 4.7.2 for certain utility facilities.

Section 2.3 Parking District Provisions

2.3.1 Description of the Parking District

The P District is designed to facilitate the providing of accessory off-street parking facilities in locations where more intensive commercial or industrial development is not appropriate.

2.3.2 Uses Permitted in the Parking District

Uses permitted in the P District shall be as follows: (a) All uses permitted in the least restrictive contiguous residential district, as regulated therein, and (b) off-street parking lots which are accessory to principal uses on other lots, which other lots may be in office, commercial, industrial or mining districts, subject to Section 3.11.

2.3.3 Bulk and Area Regulations in Parking Districts

Permitted uses in the F Districts shall be subject to bulk and area regulations as follows:

Residential Uses: the same regulations as are provided for residential uses in the least restrictive contiguous residential district.

Off-Street Parking Uses: as provided for in Section 3.11.

Other Uses: the same regulations as are provided for residential uses in the least restrictive contiguous residential districts.

Section 2.4 Office District Provisions

2.4.1 Description of the Office District

The Office District is designed primarily to facilitate the locating of professional business offices and uses compatible therewith in close proximity to residential areas, especially in the vicinity of hospitals, and to protect and maintain existing development of this type.

2.4.2 Uses Permitted in the Office District

Permitted Uses in the Office District shall be as follows:

Medical and Dental Offices

Medical Clinics

Architect, Engineer, Landscape Architect and Interior Design Offices

Real Estate Office

Law Office

Accountant and Bookkeeping Offices

Medical and Dental Laboratories

Advertising Agency

Data Processing Service

Financial institution, (other than Pawn Shop)

Photography Studio

Any other professional or business services which does not produce more noise, odor, dust, vibration or traffic than those above, subject to granting of Conditional Use Permit.

2.4.3 Bulk and Area Regulations in the Office Districts

Permitted uses in Office Districts shall be subject to bulk and area regulations the same as are provided for nonresidential uses in the least restrictive contiguous residential district.

2.4.4 Screening

All sides of a lot zoned as office shall be screened as provided in Section 4.2.3 of these regulations.

Section 2.5 Commercial District Provisions

2.5.1 Description of the Commercial Districts

The purposes of the Commercial Districts shall be as follows:

C1 Local Shopping District: The C1 District is designed to provide for local shopping and includes a wide range of convenience stores and personal services establishments which cater to frequently recurring needs. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by excluding local service establishments which tend to break such continuity and to limit uses characteristics of operation which encourage traffic from outside the immediate neighborhood.

C2 Community Shopping District: The C2 District is designed to accommodate regional and community shopping centers to provide for a wide range of essential local commercial services.

C3 Central Commercial District: The C3 District is designed primarily to provide (1) concentrated central cores of retailing and personal services of all kinds, satisfying the personal and household needs of the residents of the entire municipal area and outlying trade areas; and (2) areas accommodating central administrative, business, financial, general and professional offices and related services, satisfying the needs of the residents, businesses, industries, and other enterprises of the municipal area and the trade area. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage.

C4 Central Service District: The C4 District is designed primarily to provide for certain high intensity commercial and light industrial activities which need a central location, but which either do not require a location in the core of a central business district, or are not compatible with the principal uses of the core.

C5 Highway Commercial Districts: The C5 District is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve trucks and truckers, as well as persons traveling by automobile, and to provide certain amusement facilities serving the municipal area. It is ordinarily located along U.S. numbered highways, particularly along interstate highways.

2.5.2 Uses Permitted in Commercial Districts

Uses permitted in the various commercial districts are as set forth in Table 5.1. Where an "X" appears in the column of a district, the use set off opposite the "X" is permitted as a use of right in that district. Where a "P" appears the use is permitted subject to the granting of a conditional use permit by the Board of Adjustment, in accordance with the provisions of Article 6. NEC means "not elsewhere classified"

Table 5.1 Uses Permitted in Commercial Districts

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
ACCESSORY STRUCTURES AND USES					
X	X	X	X	X	002 Accessory buildings
X	X	X	X	X	010 Accessory living quarters
P					011 Accessory living quarters with kitchen and bath facilities
X	X	X	X	X	046 Accessory off-street loading and parking facilities, subject to Section 3.10 and 3.11
X	X	X	X	X	063 Accessory signs, subject to Section 3.14
X	X	X	X	X	066 Temporary accessory facilities of the construction industry which are incidental to the construction of a building permitted in the district, and which shall be removed when construction work is completed.
X	X	X	X	X	099 Accessory user for commercial establishment, NEC
RESIDENTIAL USES					
					12 Group quarters
	X	X	X	X	122 Membership lodgings
					15 Transient lodgings
		X	X	X	151 Hotels, tourist courts and bed and breakfast lodges
				X	152 Recreational vehicle parks including travel trailers and motor homes

Table 5.1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
MANUFACTURING USES					
					21 Food and kindred products, manufacturing
					215 Bakery products, manufacturing
X	X	X			2151 Bakery products, manufacturing, limited to 2000 square feet of floor area
		X	X		217 Confectionary and related products, manufacturing
			X		2171 Candy and other confectionary products, manufacturing, limited to 2,000 square feet of floor area
		X	X		2185 Bottling and canning soft drinks and carbonated waters
		X			27 Printing, Publishing and Allied Industries
X					2701 Printing, Publishing and Allied Industries, limited to 7,000 square feet of floor area
					39 Miscellaneous manufacturing
					391 Jewelry, silverware and plated ware, manufacturing
					3911 Jewelry and precious metals, manufacturing, limited to 7,000 square feet of floor area
					3913 Lapidary work
X	X				3913.1 Lapidary work, limited to 7,000 square feet of floor area
		X			397 Motion picture production
					399 Other miscellaneous manufacturing
		X			3997 Signs and advertising displays, manufacturing, limited to 7,000 square feet of floor area
TRANSPORTATION, COMMUNICATION AND UTILITIES					
					40 Transportation, communication and utilities, general
P	P	P	P	P	400 Transportation, communication and utility facilities, NEC
X	X	X	X	X	401 Facilities of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar State or Federal body, subject to Section 1.3.2
X	X	X	X	X	402 Other communication and utility facilities which utilize public rights-of-ways or easements customarily provided in subdivision plats, subject to Section 1.3.2
X	X	X	X	X	46 Automobile parking, as a principal or accessory use
					47 Communication
			X	X	4731 Radio broadcasting studio (only)
					474 Television communication
			X	X	4741 Television broadcasting studio
					48 Utilities
P	P	P	P	P	484 Sewage disposal
P	P	P	P	P	485 Solid waste disposal, subject to Section 3.13
					49 Other transportation, communication and utilities
					492 Transportation services and arrangements
			X		4921 Freight forwarding services
			X		4922 Packing and crating services
	X	X	X	X	4923 Travel arranging services
	X	X	X	X	4924 Transportation ticket services
			X		4929 Other transportation services and arrangements, NEC
			X	X	4932 Taxi Cab services, including base operation, but not including living quarters, subject to Section 3.11

Table 5 1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
					TRADE
					51 Wholesale trade
	X		X		510 Wholesale trade without stocks
			X		511 Motor vehicles and automotive equipment , wholesale
			X		512 Drugs, chemicals and allied products, wholesale
			X		513 Dry goods and apparel, wholesale
			X		514 Groceries and related products, wholesale
			X		516 Electrical goods, wholesale
			X		517 Hardware, plumbing, heating equipment and supplies, wholesale
			X		518 Machinery, equipment, and supplies, wholesale
			X		5183 Professional equipment and supplies, wholesale
			X		5184 Equipment and supplies for services establishments, wholesale
					519 Other wholesale trade, NEC
			X		5194 Tobacco and tobacco products, wholesale
			X		5195 Beer, wine and distilled alcoholic beverages, wholesale
			X		5196 Paper and paper products, wholesale
			X		5197 Furniture and home furnishings, wholesale
					52 Retail trade: Building Materials, Hardware and Farm Equipment
			X		521 Lumber and other building materials, retail
			X		522 Heating and plumbing equipment, retail
X	X	X	X		523 Paint, glass and wallpaper, retail
X	X	X	X		524 Electrical supplies, retail
					525 Hardware and Farm equipment, retail
X	X	X	X		5251 Hardware, retail
			X		5252 Farm equipment, retail
					53 Retail trade: general merchandise
	X	X	X		531 Department stores
		X	X		532 Mail order houses
X	X	X	X		533 Limited price variety stores
X	X	X	X	X	534 Merchandise vending machine operators
		X	X		535 Direct selling organizations, retail
			X		539 Other retail trade, general merchandise, NEC
X	X	X	X	X	54 Retail trade: food
					55 Retail trade: automotive, marine craft, aircraft and related products
			X		551 Motor vehicles
X	X	X	X	X	552 Tires, batteries, accessories and quick lube
		X	X	X	553 Gasoline service stations
	P	X	X	X	555 Self-service gasoline pumps
					559 Other retail trade-automotive, marine craft, aircraft and accessories, NEC
X	X	X	X		5591 Marine craft and accessories, retail
			X		5592 Aircraft and accessories, retail
			X		5593 Mobile homes
	X		X	X	5594 Travel trailers, motor homes, and similar vehicles
	X	X	X		56 Retail trade: apparel and accessories
	X	X	X		57 Retail trade: furniture, home furnishings and household equipment, NEC
					58 Retail trade: eating and drinking
					581 Eating places
	X	X	X	X	5811 Eating places other than drive-in, including drive through windows
			X	X	5812 Eating places, drive-in
P	X	X	X		532 Taverns, as amended by Ordinance No. 607, Section 3 and Ordinance No. 965

Table 5.1 (continued)

Districts					Uses Permitted in the Indicated Districts	
C1	C2	C3	C4	C5		
			X	X	583	Private clubs, subject to Ordinance No. 964
	P	X	X	X	584	Mixed beverage club, (an establishment which sells or offers for sale mixed beverages for on premises consumption)
					59	Other retail trade, NEC
X	X	X	X	X	591	Drug and proprietary, retail
X	X	X	X	X	592	Liquor, retail
		X	X		593	Antiques and secondhand merchandise, retail
					594	Book and stationery, retail
X	X	X	X	X	5941	Books, retail
		X	X		5942	Stationery, retail
X	X	X	X	X	595	Sporting goods and bicycles, retail
					596	Farm and garden supplies, retail
				X	5961	Hay, grains and feed, retail
	X	X	X		5962	Other farm and garden supplies, retail
X	X	X	X		597	Jewelery, retail
					598	Fuel and ice, retail
X	X	X	X	X	5981	Ice, retail
			X		5983	Bottled gas, retail
					599	Other retail trade
X	X	X	X		5991	Florists, retail
X	X	X	X	X	5992	Cigars and cigarettes, retail
X	X	X	X	X	5993	Newspapers and magazines, retail
		X	X	X	5994	Cameras and photographic supplies, retail
X	X	X	X	X	5995	Gifts, novelties and souvenirs, retail
X	X	X	X		5996	Optical goods, retail
			X		5999	Other retail trade, NEC
SERVICES						
		X	X	X	60	Office of any kind
	X	X	X		61	Finance, insurance and real estate services
					62	Personal services
					621	Laundering, dry cleaning and dry cleaning services
X	X	X	X	X	6214	Laundering and dry cleaning: pick up or self services
		X	X	X	622	Photographic services, including commercial
		X	X		6221	Photographic (portrait) studios
			X		6222	Industrial photography
X	X	X	X	X	6223	Film pick up
X	X	X	X	X	623	Beauty and barber shops
				X	624	Funeral and crematory services; cemetaries
				X	6241	Funeral and crematory services
X	X	X	X		625	Apparel repair and alterations, shoe repair services
					63	Business services
					631	Advertising services
	X	X	X		6311	Advertising services, general
			X	X	6312	Outdoor advertising signs, subject to Sections 3.14 and 3.15
X	X	X	X		632	Credit reporting services; adjustment and collection services
	X	X	X		633	Duplicating, mailing stenographic, blue printing and photocopying services
			X		634	Dwelling and other building services
			X	X	635	News syndicate services
	X	X	X	X	636	Employment services

Table 5.1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
					637 Warehouse and storage services
			X		6373 Refrigerated warehousing (except food lockers)
			X		6374 Food lockers (with or without food preparation facilities)
			X		6375 Household goods warehousing services
			X		6376 General warehousing and storage
					639 Other business services
	X	X			6392 Business consulting services
	X	X			6393 Detective and protective services
	X	X			6394 Equipment rental and leasing services
	X	X			6395 Photo finishing services
	X	X			6396 Trading stamp services
					6397 Automobile and truck rental services
	X	X	X		6397.1 Automobile rental services
	X	X	X*		6397.2 Truck rental services
	X	X			6398 Motion picture distribution
					64 Repair Services
					641 Automobile repair and services
			X	X*	6411 Automobile repair services
			X	X	6412 Automobile wash services
					649 Other repair services
		X	X		6491 Electrical repair services, except radio and television
	X	X	X		6492 Radio and television repair services
	X	X	X		6493 Watch, clock and jewelry repair services
		X	X		6494 Reupholstery and furniture repair services
	X	X	X		6496 Locksmith and gunsmith shops
					65 Professional Services
X	X	X	X		651 Medical and other health services
	X	X	X		652 Legal services
	X	X	X		659 Other professional services, NEC.
					66 Contract Construction Services
					662 Special construction trade services
			X		6621 Plumbing, heating and air conditioning services
	X	X	X		6622 Painting, paperhanging and decorating services
		X	X		6623 Electrical services
			X		6624 Masonry, stonework, tile setting and plastering services
			X		6625 Carpentering and wood flooring
					67 Governmental Services
		X	X		671 Executive, legislative and judicial functions
P	P	X	X	X	672 Protective functions and their related activities
X	X	X	X	X	673 Postal services
					68 Educational Services
P	P	P	X		681 Schools: nursery, primary and secondary
P	P	P	X		682 Schools: university, college, junior college & professional school
					683 Special training and schooling
		X	X		6831 Vocational and trade schools
		X	X		6832 Business and stenographic schools
		X	X		6833 Barber and beauty schools
	X	X	X		6834 Art and music schools
X	X	X	X		6835 Dancing schools, including aerobics
	X	X	X		6836 Driving schools
		X	X		6837 Correspondence schools
			P		6839 Halfway houses & Drug rehabilitation centers

Table 5 1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
					69 Miscellaneous Services
X	X	X	X	X	691 Religious activities
P	P	X	X		692 Welfare and charitable services
					699 Other miscellaneous services
		X	X	X	6990 Membership associations, NEC.
		X	X	X	6994 Civic, social and fraternal organizations
					Private club, excepting those whose chief activity is a service customarily carried on as a business.
			P	P	6995 Private club, including dress optional clubs.
CULTURAL, ENTERTAINMENT AND RECREATIONAL					
P	P	X	X	X	71 Cultural Activities and Nature Exhibitions
					72 Public assembly
					721 Entertainment assembly
P	X	X	X	X	7211 Amphitheaters
		X	X	X	7212 Motion picture theaters
				X	7213 Drive-in movies
P	X	X	X	X	7214 Legitimate theaters
		P	P	P	7219 Other entertainment assembly, NEC
					722 Sports assembly
			P	P	7221 Stadiums
			P	P	7222 Arenas and field houses
	P	X	X	X	723 Public assembly miscellaneous
					73 Amusements
					731 Fairgrounds and amusement parks
			P	P	7311 Fairgrounds
			P		7313 Go-cart Tracks
					739 Other amusements
		X	X	X	7391 Penny arcades
	X		X	X	7392 Miniature golf
			X	X	7393 Golf driving ranges
P	P	X	X	X	7394 Billiards, pool and similar games
					74 Recreational Activities
					741 Sports activities
P	X		X	X	7412 Golf courses
P	X	X	X	X	7413 Tennis courts
P	X	X	X	X	7414 Skating
P	X	X	X	X	7417 Bowling
P	P	X	X	X	742 Playgrounds and athletic areas
P	P	X	X	X	743 Swimming areas
P	P	X	X	X	744 Marinas
					749 Other recreation, NEC
P	P	X	X	X	7491 Camping and picnic areas
P	P	X	X	X	76 Parks
RESOURCE PRODUCTION AND EXTRACTION					
					81 Agriculture
X	X	X	X	X	810 The erection or use of the usual farm buildings for agriculture purposes,* subject to Section 1.3.2
X	X	X	X	X	811 The planting of agricultural crops, subject to Section 1.3.2

* only in unincorporated areas

Table 5.1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
					819 Other agricultural and related activities, NEC
X	X	X	X	X	8192 Horticultural specialties
					82 Agricultural Related Activities
					822 Animal husbandry services
		X	X		8221 Veterinarian services (no outside runs or boarding of animals allowed)
					8222 Animal hospitals
			X		8222.1 Animal hospitals for household pets, subject to Section 3.14
					829 Other agricultural related activities, NEC
			X		8291 Horticultural services (including landscape contractors)
			X		8292 Kennel
					85 Mining Activities and related services
X	X	X	X	X	852 Extraction of oil or natural gas,* subject to Section 1.3.2

* Only in unincorporated areas

2.5.3 Bulk and Area Regulations in Commercial Districts

Every permitted use in a Commercial District shall be subject to the requirements set forth in Table 5.2 and to the modifications thereof set forth in Article 4

Table 5.2 Bulk and Area Requirements in Commercial Districts

District	Yards (feet), minimum				Floor area ratio, max.
	Front Yard	Exterior Side Yard	Abutting property in an AR, RS, RT or O Districts.	Not abutting property in an AR, RS, RM, RT or O Districts.	
C1	25	20	10	-	0.3
C2	25	20	10	-	0.4
C3	-	-	10	-	10.0
C4	-	-	10	-	6.0
C5	75	20	10	-	0.5

Where a lot in a Commercial District abuts property in an AR, RS, RM, RT or O District, no structure on such lot adjacent to such other district shall exceed the height of twenty (20) feet, unless the portions exceeding such height are set back in the same manner as is provided herein for structures in such other districts.

2.5.4 Screening

Whenever a commercial developed lot is adjacent or abutting an AR, R, P, or O District, the lot will be screened as provided in Section 4.2.3 of these Regulations.

Section 2.6 Industrial District Provisions

2.6.1 Description of the Industrial Districts

General Purposes: The purposes of the Industrial Districts shall be, in general:

To meet the needs of the municipal area's industrial economy by making available a wide range of suitable sites for all types of manufacturing and related services. And,

To reserve such sites for industrial use by protecting them from encroachment by non-industrial uses. And,

To use the less intensive industrial districts as buffers between residential districts and the more intensive industrial districts. And,
 To protect industrial development from congestion by limiting the bulk of buildings in relation to their sites, by requiring appropriate yards, and by requiring that adequate off-street parking and loading facilities be provided.

Specific Purposes: In addition to the general purposes set forth above, the specific purposes of the several industrial districts shall be set forth below.

I-1 The I-1 District is designed primarily to provide an environment conducive to the development and protection of modern administrative facilities, research institutions, specialized manufacturing plants, and similar enterprises, which uses are ordinarily free of objectionable influence on most other uses.

I-2 The I-2 District is designed primarily to provide areas suitable for uses similar to those in the I-1 District, but at a greater intensity of use. This district is also designed to permit the industrial utilization of land which has been platted into lots too small to meet the requirements of the I-1 District.

I-3 The I-3 District is designed primarily to group together a wide range of industrial uses which sometimes produce moderately objectionable influences on residential, commercial, and light industrial uses.

I-4 The I-4 District is designed primarily for those industrial uses which tend to produce hazards or substantially objectionable influences on other classes of uses.

2.6.2 Uses Permitted in Industrial Districts

Uses permitted in the various industrial districts are as set forth in Table 6.1. Where an "X" appears in the column of a district, the use set off opposite the "X" is permitted as a use of right in that district. Where a "P" appears, the use is permitted subject to the granting of a conditional use permit by the Board of Adjustment, in accordance with the provisions of Article 6. NEC means "not elsewhere classified"

Table 6.1 Uses Permitted in Industrial Districts

I-1 I-2	Districts			Uses Permitted in the Industrial Districts
	I-3	I-4		
				ACCESSORY STRUCTURES AND USES
X	X	X	002	Accessory buildings
X	X	X	010	Accessory living quarters
X	X	X	046	Accessory off-street loading and parking facilities, subject to Section 3.10 and 3.11
	X	X	054	Accessory retail sales: farm products raised on the premises
X	X	X	063	Accessory signs, subject to Section 3.14
X	X	X	066	Temporary accessory facilities of the construction industry which are incidental to the construction of a building permitted in the district, and which shall be removed when construction work is completed.
P	X	X	069	Temporary accessory office or limited shop* facilities, portable or mobile, permissive for a period of 120 days, subject to Section 3.8.15.
P	P	P	070	Temporary accessory office or limited shop* facilities, portable or mobile, permissive for a period of 120 days, subject to Section 3.8.15.
X	X	X	099	Accessory uses for industrial establishment, NEC
				MANUFACTURING USES
			21	Food and kindred products - manufacturing
	X	X	211	Meat products - manufacturing

Table 6 1 (continued)

District			Uses Permitted in Industrial Districts	
I-1	I-2	I-3	I-4	
X	X	X	212	Dairy products - manufacturing
			213	Canning and preserving of fruits and vegetables
X	X	X	2130	Canning and preserving of fruits and vegetables. NEC
	X	X	2135	Pickling fruits and vegetables; salad dressings - manufacturing
	X	X	214	Grain mill products - manufacturing
X	X	X	215	Bakery products - manufacturing
	X	X	216	Sugar. manufacturing products - manufacturing
	X	X	217	Confectionery and related products - manufacturing
	X	X	218	Beverage - manufacturing
X			2185	Bottling and canning soft drinks and carbonated waters
X			2186	Flavor extracts and flavoring syrups - manufacturing. NEC
			219	Other food preparations and kindred products - manufacturing
	X	X	2191	Cottonseed oil milling
	X	X	2192	Soybean oil milling
	X	X	2193	Vegetable oil milling (except cottonseed and soybean)
		X	2194	Animal and marine fats and oil (including grease and tallow) - manufacturing
X	X	X	2195	Roasting coffee and coffee products - manufacturing
	X	X	2196	Shortening, table oils, margarine & other edible fats & oils. - manufacturing. NEC
X	X	X	2197	Ice - manufacturing
X	X	X	2198	Macaroni, spaghetti, vermicelli and noodles - manufacturing
			22	Textile Mill Products -Manufacturing
X	X	X	220	Textile mill products - manufacturing. NEC
			229	Other textile goods - manufacturing
		X	2295	Artificial leather & oil cloth - manufacturing and other impregnating & coating fabrics (except rubberizing).
			23	Apparel & other finished products made from fabrics, leather & similar materials - manufacturing
X	X	X	230	Apparel & other finished products made from fabrics, leather & similar materials - manufacturing. NEC
			236	Leather and leather products - manufacturing
X	X	X	2360	Leather and leather products - manufacturing. NEC
	X	X	2361	Leather tanning and finishing
X	X	X	237	Fur goods - manufacturing
			24	Lumber and wood products (except furniture) - manufacturing
X	X	X	240	Lumber and wood products (except furniture) - manufacturing. NEC
		X	242	Sawmills and planing mills
			249	Other lumber and wood products (except furniture) - manufacturing. NEC
		X	2491	Wood preserving
X	X	X	25	Furniture and fixtures - manufacturing
			26	Paper and Allied products - Manufacturing
	X	X	260	Paper and allied products - manufacturing. NEC
		X	261	Pulp - manufacturing
		X	262	Paper - manufacturing
X	X	X	27	Printing, Publishing and Allied Industries
			28	Chemicals & Allied Products - Manufacturing
		X	281	Industrial inorganic and organic chemicals - manufacturing
		X	282	Plastic materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers (except glass) - manufacturing
X	X	X	283	Drug - manufacturing
	X	X	284	Soap, detergents and cleaning preparations. perfumes. cosmetics and other toilet preparations- manufacturing
	X	X	285	Paints, varnishes, lacquers, enamels and allied products - manufacturing

Table 6 1 (continued)

Districts			Uses Permitted in Industrial Districts	
I-1	I-2	I-3	I-4	
		X	286	Gum and wood chemicals - manufacturing
		X	287	Agricultural chemicals - manufacturing
		X	289	Other chemicals and allied products - manufacturing, NEC
			29	Petroleum Refining and Related Industries
		X	290	Petroleum refining and related industries, NEC
			299	Other petroleum refining and related industries, NEC
	X	X	2991	Lubricating oils and greases - manufacturing
			31	Rubber and Miscellaneous Plastic Products - Manufacturing
	X	X	310	Rubber and miscellaneous plastic products - manufacturing, NEC
		X	313	ZReclaiming rubber
	X	X	314	Miscellaneous plastic products - manufacturing
			32	Stone, clay and glass products - manufacturing
	X	X	321	Flat glass - manufacturing
	X	X	322	Glass and glassware (pressed and blown) - manufacturing
		X	323	Cement (hydraulic) - manufacturing
	X	X	324	Structural clay products - manufacturing
			325	Pottery and related products - manufacturing
	X	X	3250	Pottery and related products - manufacturing, NEC
X	X	X	3255	Pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
	X	X	326	Concrete, gypsum and plaster products - manufacturing
	X	X	3261	Concrete brick and block - manufacturing
	X	X	3262	Concrete products (excluding brick and block) - manufacturing
	X	X	3263	Concrete (ready mixed) - manufacturing
		X	3264	Lime products - manufacturing
		X	3265	Gypsum products - manufacturing
	X	X	327	Cut stone and stone products - manufacturing
		X	328	Abrasive, asbestos and miscellaneous non-metallic mineral products - manufacturing
			33	Primary metal industries
		X	331	Blast furnaces, steel works and the rolling and finishing of ferrous metals
	X	X	332	Iron and steel foundaries
		X	333	Primary smelting and refining of non-ferrous metals and alloys
		X	334	Secondary smelting and refining of non-ferrous metals and alloys
			34	Fabricated metal products - manufacturing
			341	Ordinance and accessories
	X	X	3411	Guns, howitzers, mortars and related equipment - manufacturing
		X	3412	Ammunition (except small arms) manufacturing and complete assembling of guided missiles and space vehicles
		X	3412.1	Ammunition (except small arms)
	X	X	3412.2	Guided missiles
	X	X	3412.3	Space vehicles
	X	X	3413	Tanks and tank components - manufacturing
X	X	X	3414	Sighting and fire control equipment - manufacturing
X	X	X	3415	Small arms - manufacturing
		X	3419	Other ordinance and accessories - manufacturing, NEC
			342	Machinery (except electrical) - manufacturing
	X	X	3420	Machinery (except electrical) - manufacturing, NEC
X	X	X	3427	Office, computing and accounting machines- manufacturing
			343	Electrical machinery, equipment and supplies - manufacturing
	X	X	3430	Electrical machinery, equipment and supplies - manufacturing, NEC
X	X	X	3433	Household appliances - manufacturing

Table 6 1 (continued)

Districts			Uses Permitted in Industrial Districts	
I-1	I-2	I-3	I-4	
X	X	X	3434	Electrical lighting and wiring equipment - manufacturing
			344	Transportation equipment - manufacturing
	X	X	3440	Transportation equipment - manufacturing, NEC
			3443	Ship and boat building and repairing
	X	X	3443.1	Ship and boat building and repairing
	X	X	3443.2	Boat building and repairing
	X	X	3445	Motorcycles, bicycles and parts - manufacturing
	X	X	349	Other fabricated metal products - manufacturing, NEC
	X	X	3492	Cutlery, hand tools and general hardware - manufacturing
X	X	X	35	Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks - manufacturing
X	X	X	39	Jewelry, silverware and plated ware - manufacturing
X	X	X	392	Musical instruments and parts - manufacturing
X	X	X	393	Toys, amusement, sporting and athletic goods - manufacturing
X	X	X	394	Pens, pencils, and other office and artists' materials - manufacturing
X	X	X	395	Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious metals) - manufacturing
	X	X	396	Tobacco - manufacturing
X	X	X	397	Motion picture production
			399	Other miscellaneous manufacturing, NEC
X	X	X	3991	Brooms and brushes - manufacturing
		X	3992	Linoleum, asphalted-fed base, and other hard surface floor cover - manufacturing, NEC
		X	3993	Matches - manufacturing
X	X	X	3994	Lamp shades - manufacturing
X	X	X	3995	Morticians' goods - manufacturing
	X	X	3996	Fur dressing and dyeing
X	X	X	3997	Signs and advertising displays - manufacturing
X	X	X	3998	Umbrellas, parasols and canes - manufacturing
TRANSPORTATION, COMMUNICATION AND UTILITIES				
X	X	X	401	Facilities of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma or other similar state or federal body, subject to Section 1.3.2.
X	X	X	402	Other transportation, communication and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats, subject to Section 1.3.2.
			42	Motor vehicle Transportation*
P	X	X	4210	Bus transportation, NEC
	X	X	4214	Bus garaging and equipment maintenance
	X	X	422	Motor freight transportation
	X	X	44	Marine craft transportation*
X	X	X	46	Automobile parking, as a principal or accessory use
			48	Utilities
P	P	P	484	Sewage disposal
P	P	P	485	Solid waste disposal, subject to Section 3.13.
		P	486	Industrial waste disposal on public and private land, subject to Section 3.13.2.
			49	Other transportation, communication and utilities
X	X	X	492	Transportation, servc and arrangements
		X	493	Airports, public and private, including flight school
X	X	X	494	Property of a railway company used for railway purposes. subject to Section 1.3.2.

Table 6 1 (continued)

Districts				Uses Permitted in Industrial Districts
I-1	I-2	I-3	I-4	
				TRADE
				51 Wholesale trade
X	X	X		510 Wholesale trade, without stocks
X	X	X		511 Motor vehicles and automotive equipment - wholesale
X	X	X		512 Drugs, chemicals and allied products - wholesale
X	X	X		513 Dry goods and apparel - wholesale
X	X	X		514 Groceries and related products - wholesale
				515 Farm products (raw materials) - wholesale
		X	X	5151 Cotton - wholesale
		X	X	5152 Grain - wholesale
		X	X	5153 Hides, skins and raw furs - wholesale
		X	X	5154 Leaf tobacco - wholesale
			X	5155 Wool and mohair - wholesale
			X	5156 Livestock - wholesale
			X	5157 Horses and mules - wholesale
			X	5159 Other farm products - wholesale, NEC
Xa	X	X		516 Electrical goods - wholesale
Xa	X	X		517 Hardware, plumbing, heating equipment and supplies - wholesale
Xa	X	X		518 Machinery, equipment and supplies - wholesale
				519 Other wholesale trade, NEC
	X	X		5191 Metals and minerals (except petroleum products and scrap) - wholesale
	X	X		5192 Petroleum bulk stations and terminals -wholesale Including all gasoline and diesel fuels but not including any LPG fuels.
			X	5193 Liquidified gas bulk stations and terminals
	X	X		5194 Scrap and waste materials including auto and truck salvage wholesale and retail, subject to Section 3.12. But not including toxic waste.
X	X	X		5195 Tobacco and tobacco products - wholesale
X	X	X		5196 Beer, wine and distilled alcoholic beverages - wholesale
X	X	X		5197 Paper and paper products - wholesale
X	X	X		5198 Furniture and home furnishings - wholesale
	X	X		5199 Lumber and construction materials - wholesale
Xa	X	X		52 Retail trade - building materials, hardware and farm equipment.
				53 Retail trade - general merchandise
X	X	X		531 Direct selling organizations - retail
				54 Retail trade: Food
				543 Fruits and vegetables - retail
Xa	X	X		5431 Fruits, vegetables and nuts grown on the premises - retail
Xa	X	X		55 Retail trade - automotive, marine craft, aircraft and accessories
				59 Other retail trade, NEC
X	X	X		596 Farm and garden supplies - retail
				598 Fuel and ice - retail
Xa	X	X		5983 Bottled gas - retail

SERVICES

				62 Personal Services
X	X	X		621 Laundering, dry cleaning and dyeing services
X	X	X		622 Photographic services (including commercial)
				624 Funeral and crematory services; cemeteries
X	X	X		6241 Funeral and crematory services
X	X	X		625 Apparel repair, alteration and cleaning pickup services; shoe repair services

a = I-2 District only.

Table 6.1 (continued)

Districts				Uses Permitted in Industrial Districts
I-1	I-2	I-3		
			63	Business Services
			631	Advertising services
X	X	X	6311	Advertising services (general)
			6312	Outdoor advertising signs, subject to Sections 3.14 and 3.15
X	X	X	632	Credit reporting services; adjustment and collection services
X	X	X	633	Duplicating mailing and stenographic services
X	X	X	634	Dwelling and other building services
X	X	X	635	News syndicate services
X	X	X	636	Employment services
			637	Warehousing and storage services
		X	6371	Farm products warehousing and storage (excluding stockyards)
			6372	Stockyards
X	X	X	6373	Refrigerated warehousing, including food lockers
X	X	X	6375	Household goods warehousing and storage
X	X	X	6376	General warehousing
		X	6379	Other warehousing and storage, NEC
			639	Other business services, NEC
X	X	X	6391	Research, development and testing services
X	X	X	6392	Business and management consulting
X	X	X	6393	Detective and protective services
Xa	X	X	6394	Equipment rental and leasing services
X	X	X	6395	Photofinishing services
X	X	X	6396	Trading stamp services
Xa	X	X	6397	Automobile and truck rental services
X	X	X	6398	Motion picture distribution and services
X	X	X	6399	Other business services, NEC
X	X	X	65	Professional services
			66	Contract Construction Services
		X	661	General contract construction services
Xa	X	X	662	Special construction trade services
			67	Governmental Services
X	X	X	671	Executive, legislative and judicial functions
X	X	X	672	Protective functions and their related activities
X	X	X	673	Postal services
		P	674	Prisons (correctional institutions, all)
	X	X	675	Military bases and reservations
			68	Educational Services
X	X		682	University, college, junior college and professional school education
X	X	X	683	Special training and schooling, not including halfway house or drug rehabilitation centers or flight school.
			69	Miscellaneous Services
			691	Religious activities
X	X		6911	Churches, synagogues and temples
X	X		692	Welfare and charitable services
			699	Other miscellaneous services, NEC
X	X		6991	Business associations
X	X		6992	Professional membership organizations
X	X		6993	Labor unions and similar labor organizations
Xa	X		6994	Civic, social and fraternal associations
		X	6999	Other miscellaneous services, NEC

a = I-2 Districts only.

Table 6 1 (continued)

Districts			Uses Permitted in Industrial Districts	
I-1	I-2	I-3	I-4	
CULTURAL ACTIVITIES AND RECREATIONAL				
X	X	X	71	Cultural activities and nature exhibitions
			72	Public assembly
	P	P	721	Entertainment assembly
			722	Sport assembly
	P	P	7221	Stadiums
	P	P	7222	Arenas and feild houses
		P	7223	Race tracks, including horse racing
		P	7229	Other sports assembly, NEC
P	P	P	723	Public assembly, miscellaneous purposes
		P	724	Rodeo arena
			73	Amusements
			731	Fairgrounds and amusement parks
P	P	P	7311	Fairgrounds
	P	P	7312	Amusement parks
			739	Other amusements, NEC
	X	X	7392	Miniature golf
	X	X	7393	Golf driving ranges
		P	7394	Go-cart tracks and all auto racing tracks
		P	7399	Other amusements
	X	X	74	Recreational activities
X	X	X	76	Parks
		X	79	Other cultural, entertainment and recreational
RESOURCE PRODUCTION AND EXTRACTION				
			81	Ariculture, subject to Section 3.4
X	X	X	810	The erection or use of the usual farm buildings for agricultural purposes*, subject to Section 1.3.2.
X	X	X	811	The planting of agricultural crops, subject to Section 1.3.2.
X	X	X	815	Farms: Dairy, subject to Section 1.3.2.
			816	Farms and ranches: livestock other than dairy, subject to Section 1.3.2.
			8161	Farms and ranches: livestock-cattle, subject to Section 1.3.2.
		X	8161.1	Feed lots
X	X	X	8161.9	Farms and ranches: cattle, NEC, subject to Section 1.3.2.
		X	8162	Farms and ranches: hogs, subject to Sections 3.4 and 1.3.2.
X	X	X	8169	Farms and ranches: other livestock, NEC, subject to Section 1.3.2.
			819	Other agriculture and related activities, NEC
X	X	X	8192	Horticultural specialities
		X	8193	Apiary farms
		X	8199	Other agriculture and related activities, NEC
			82	Agricultural related activities
	X	X	821	Agricultural processing, other than cotton ginning
			822	Animal husbandry
X	X	X	8221	Veterinarian services (no keeping of animals overnight)
	X	X	8222	Animal hospitals, subject to Section 3.4.
Xa	X	X	8222.1	Animal hospitals for household pets, subject to Section 3.4.
X	X	X	829	Other agricultural related activities, NEC
X	X	X	83	Forestry activities and related services
	X	X	84	Fishing activities and related services
	X	X	852	Extraction of oil or natural gas*, subject to Section 1.3.2.

a = I-2 District only

* unincorporated areas only

2.6.2 Bulk and Area Requirements in Industrial Districts

Every permitted use in an Industrial District shall be subject to the requirements set forth in Table 6.2 and to the modifications thereof set forth in Article 4.

Table 6.2 Bulk and Area Requirements in Industrial Districts

District	Lot Width (ft.) min.	Lot Area (sq.ft.) min.	Front Yard	Exterior Side Yard	Yards (feet) minimum Abutting Property in an AR, RS, RM, RT or O District	Rear Yard & interior Side Yard Not abutting pro- perty in an AR, RS, RM, RT or O District	Floor Area Ratio max.
I-1	150	30,000	75	20	25	25	0.3
I-2	-		25	20	25	--	0.5
I-3	-		25	20	50	--	0.5
I-4	-		25	20	75	--	0.5

Where a lot in a Industrial District abuts property in an AR, RS, RM, RT or O District, no structure on such lot adjacent to such other district shall exceed the height of twenty (20) feet unless the portions exceeding such height are set back in the same manner as is provided herein for structures in such other district.

2.6.3 Screening

Whenever an industrial developed lot is adjacent or abutting an AR, R, P or O District, the lot will be screened as provided in Section 4.2.3 of these regulations.

Section 2.7 Mining District Provisions

The M District is designed to encourage and facilitate the mining and quarrying of minerals other than oil and gas.

2.7.1 Uses Permitted in Mining District

Uses permitted in the M district are as follows:

All uses permitted in the AI District, as regulated therein and mining activities and related services.
The following mining uses, as uses of right: mining and quarrying activities and related services.

2.7.2 Bulk and Area Regulations in the Mining District

Bulk and area regulations in the M District shall be the same as in the AI District.

Section 2.8 Flood District Provisions

2.8.1 Findings of Fact

(1) The flood hazard areas of the Town of Verdigris, Oklahoma, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect obstructions in flood plains which causes an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

2.8.2 Statement of Purpose

It is the purpose of this regulation 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:

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

Methods of reducing flood losses. In order to accomplish its purpose, this regulation uses the following methods:

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

GENERAL PROVISIONS

2.8.3 Lands to which this regulation applies

This regulation shall apply to all areas of special flood hazard within the jurisdiction of the Town of Verdigris.

BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "the Flood Insurance Study for Rogers County, Oklahoma" dated August 19, 1987, with an accompanying Flood Insurance Rate Map (FIRM) and Flood Hazard Boundary-Floodway Map and any revision thereto are hereby adopted by reference and declared to be a part of this regulation.

ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this regulation.

COMPLIANCE

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

ABROGATION AND GREATER RESTRICTIONS

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

INTERPRETATION

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirement; 2) liberally constructed in favor of the governing body; and 3) deemed neither to limit nor repeal any other powers granted under State Statutes.

WARNING AND DISCLAIMER OF LIABILITY

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

ADMINISTRATION

2.8.4 Designation of Director of the Town of Verdigris Municipal Planning Commission

The Director is hereby appointed to administer and implement the provisions of this regulation in all areas of the Town of Verdigris. In the Directors absence, the Town Engineer is hereby authorized to administer and implement the provisions of this section in the Town of Verdigris and other appropriate sections of 44CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATION

Duties and responsibilities of the Administration shall include, but not be limited to:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of these regulations;
- (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 Section 2.8.5 of these regulations;
- (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 Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of the special flood hazards (for example, Where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrators shall make the necessary interpretations. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 2.8.6;
- (6) Notify adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration;
- (7) Assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (8) When a base flood elevation data has not been provided in accordance with Section 2.8.3, the Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of Section 2.8.5.
- (9) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the Town's FIRM (if applicable), 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 point within the Town. This may be attested to by a professional engineer registered in the State of Oklahoma.

2.8.5 Permit Procedures

Application for a Development Permit shall be presented to the Administrators on forms furnished by them 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 in the State of Oklahoma. that the nonresidential floodproofed structure shall meet the foodproofing criteria of Section 2.8.5.
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- e. A certificate from a Registered Professional Engineer in Oklahoma stating that the development will not increase the water surface elevation of the base flood.
- f. Maintain a record of all such information in accordance with Section 2.8.4.

Approval or denial of a Development Permit by the Adminisrtator shall be based on all of the provisions of this regulation and the following relevant factors:

- a. The damger to life and property due to flooding or erosion damage;
- b. The suseptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The damger 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 facilities and utillties such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The avallability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- j. The relationship of the proposed use to the Comprehensive Plan for that area.

2.8.6 Variances Procedures

- (1) Town of Verdigris Board of Adjustment as established by the Town of Verdigris shall hear and render judgement on requests for variances from the requirements of this regulation as is applicable to each.
- (2) The Appeal Board shall hear and rended judgement on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this regulation.
- (3) Any person(s) aggrieved by the decision of the Appeal Boards may appeal such decision in the Courts of competent jurisdiction.
- (4) The Floodplain Adminisrtators shall maintain a record of all actions involving an appeal and shall report Variances to the Federal Emergency Management Agency upon request.
- (5) 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 these Regulations.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 2.8.5 (2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of these Regulations, the Appeal Boards may attach such conditions to the granting of Variances as it deems necessary to further the purpose and objectives of these Regulations.
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Prerequisites for Granting Variances:

- a. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard to afford relief.
- b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the Variance would result in exceptional hardship to the applicant, and (lii) a determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict wth existing local laws, ordinances or regulations.

c. Any applicant to whom a Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurated with the increased risk resulting from reduced lowest floor elevation

- (9) Variances may be issued by a community for new construction and substantial improvements and for other developments necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 2.8.6, 1-9 are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

PROVISIONS FOR FLOOD HAZARD REDUCTION

2.8.7 General Standards

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

- (1) All new construction or substantial improvements shall be designed (or Modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water damage from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) U.S. E.P.A. WAIVER REQUIRED: Irrespective of any provisions to the contrary herein from and after the effective date of this ordinance, there shall be no new development permitted within the 100 year floodplain (as defined in the latest publication of the National Flood Insurance Programs "Flood Insurance Rate Map" for the Town of Verdigris, Oklahoma) which would generate wastewater to be transported to the wastewater treatment facilities in the Town of Verdigris, Oklahoma.

An owner/developer of property situated in the said floodplain may make request, in writing, to the Town of Verdigris, Oklahoma for a "Waiver of Service Area Restriction" only in cases where the said owner/developer can sufficiently show that the natural environment in the 100 year floodplain would be preserved if the waiver was granted. Said written request for a "Waiver" must be submitted to the Floodplain Administrator of the Town of Verdigris, Oklahoma, who upon review thereof will judge whether the requested waiver is conformant to the intent of this ordinance (regulation). If it be found that said waiver would not be in keeping with the intent of this ordinance (regulation), the request for a "Waiver" shall be denied. Should the findings of the Floodplain Administrator be that the requested waiver would not violate the intent of this ordinance (regulation), nor have detrimental effect upon the natural functions and values of the effected floodplain, then such a request would be presented to the Board of Trustees of the Town of Verdigris, Oklahoma, for their consideration and possible approval. Only after Town Board of Trustees approval, the Town of Verdigris, Oklahoma would then submit the request to the U.S. Environmental Protection Agency's Regional Administrator for review and possible approval. It is specifically the intent of this ordinance (regulation) that the said Regional Administrator be the final authority in all such request for a "Waiver".

- (7) On site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SPECIFIC STANDARDS

(B) In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 2.8.3, (ii) Section 2.8.4, or (iii) Section 2.8.7, the following provisions are required:

Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor registered in Oklahoma shall submit a certification to the Director that the standard of this subsection, as proposed in Section 2.8.5 is satisfied.

Non-Residential Construction - New and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest flood (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with wall 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.

Enclosures - New construction and substantial improvements, with fully enclosed areas 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 flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Manufactured Homes -

- a. 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. The requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces.
- b. All manufactured homes shall be in compliance with Section 2.8.7 (B).
- c. 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 Section 2.8.7.(B-4).

STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C and D of this Ordinance.
- (2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
- (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.

STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet 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:

- (1) 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 Town FIRM (at least two feet if no depth number is specified).

- (2) All new construction and substantial improvements of nonresidential structures:
 - (i) 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 Town FIRM (at least two feet if no depth number is specified) or;
 - (ii) 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 loads and effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a. , are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

FLOODWAYS

Floodways - located within areas of special flood hazard established in Section 2.8.3 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Section 2.8.7 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.8.7.

2.8.8 Definitions

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

APPEAL - means a request for a review of Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance

AREA OF SHALLOW FLOODING - means a designated AI, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent 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 ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones a, AE, AH, AO, A1-99, VO, V1-30, VE or V.

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

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

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a nonbasement building (i) built, in the case of a building in Zones A1-30, 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 (post and piers), or shear walls parallel to the floor of the water and (ii) 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 A1-30, 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 flood waters. 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 Section 60.3 (3)(5) of the National Flood Insurance Program regulations.

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

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within 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.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purposes unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HABITABLE FLOOR - means any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as a closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the application non-elevation design requirements of Section 60.3 of the National Flood Insurance Program Regulations.

MANUFACTURED HOMES - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL - means, for 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 - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the Town.

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

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is strated, (2) 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 (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in necessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (for full requirements see Section 60.6 of the National Flood Insurance Program Regulations)

VIOLATION - means the failure of a structure or development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c) (4), (c) (10), (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 - means 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 flood plains of coastal or riverine areas.

ARTICLE 3

USE CONDITIONS

Section 3.1 General

Uses permitted in any district under the district provisions of these regulations shall be subject to the requirements of the district provisions as supplemented or modified by the provisions of this article. With respect to any permitted use the provisions of this article are applicable, regardless whether or not such use is identified in the district provisions as being subject to a section of this article.

Section 3.2 Accessory Buildings in AR, R and O Districts

In addition to any other applicable provisions of these regulations, accessory buildings in AR, R and O Districts shall be subject to the following conditions:

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

An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principal buildings.

Adetached accessory building shall be located:

On the rear two-thirds of the lot, but this limitation shall not apply to carports, provided that the required front yard is observed;

At least six feet from any existing dwelling or dwelling under construction;

At least three feet from any interior lot line; and

If on a corner lot, shall not project in front of the front building line required or existing on the adjacent lot, nor closer than 25 feet to the street line from which vehicular access is gained.

Accessory buildings shall not cover more than 35 percent of the area of the required rear yard.

Section 3.2.1 Bed and Breakfast Inns in RM Districts

In addition to all other regulations Bed and Breakfast Inns may only be located in structures of historical significance. Structures do not need to have been formally designated as such but the applicant must submit evidence of the structures significance in terms of age, architectural character, or history. Bed and Breakfast Inns located in RM zoning districts are limited to four (4) or fewer rental rooms, the proprietor or owner must occupy the property and meals may only be served to overnight guests.

Section 3.3 Accessory Commercial Uses in Multi-Family Residential Districts and Office Districts

Permitted Uses: Where the district provisions permit accessory retail sales in specified residential and office districts, the types of uses thus permitted shall be as follows:

Retail Trade Establishments:

- Merchandise vending machines
- Food and Eating places
- Liquor and Tobacco products
- Drug and proprietary
- Book and stationary
- Florist
- Newspaper and magazines

Personal Services Establishments:

- Beauty and barber shops
- Pressing, alteration and garment repair;
- laundry and dry cleaning pickup services.

Conditions Applying to Uses: Uses set forth in the paragraph above shall be permitted as accessory uses in the specified residential and office districts only if they (1) are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said buildings, (2) do not occupy more than 10% of the gross floor area of the building in which located, (3) have no signs or other advertising visible from outside the zoning lot on which located, (4) are located in or contiguous to the lobby of the principal building, and (5) have at least one lobby entrance.

Section 3.4 Animals

The keeping of animals within the territorial jurisdiction of these regulations shall be subject to the provisions of this section and all applicable municipal regulations.

3.4.2 Separation Provisions

The following uses, where permitted, shall be conducted no nearer than 50 feet to the boundary of an R, P, or O District or to a dwelling on the same premises: animal hospital serving household pets and similar small animals; breeding, raising or boarding of household pets and similar small animals for commercial purposes; kennel; egg farm.

The following uses, where permitted, shall be conducted no nearer than 100 feet to the boundary of an AR, R, P, or O District or to a dwelling on the same premises: animal hospital serving livestock and similar animals; apiary; boarding or training of horses; dairy farm; poultry farm; farm for raising cattle, goats, horses, sheep, rabbits, or poultry.

The following uses, where permitted, shall be conducted no nearer than 200 feet to the boundary of an AR, R, P, or O District, or to a dwelling on the same premises; fur animal raising; hog raising; livestock assembly; breeding, feeding, sales, or shipment; stockyard.

3.4.3 Additional Provisions for Animal Hospitals

Animal hospitals located within 500 feet of an AR, R, P, or O District shall be so constructed and operated so that sounds therefrom are not audible in such district. All runs shall be surfaced with an impervious material and shall be enclosed by a solid, eight foot wall. No burning of refuse or dead animals shall be permitted and all drainage shall be away from adjoining properties.

Section 3.5 Dwelling Groups

Except (a) where dwelling groups are permitted, or (b) in the case of a garage apartment to the rear of a single-family dwelling, not more than one dwelling may be erected or placed on any lot.

In those districts where dwelling groups are permitted uses, the inspecting officer may issue a building permit for the erection of such a dwelling group, provided that the development conforms to the following minimum conditions and requirements:

Minimum Lot Area: The area of the lot on which the dwelling groups is to be erected shall be at least twenty percent greater than the aggregate of the minimum lot areas otherwise required for the individual buildings in the group.

Fronting of Dwelling Units: Fronting of dwelling units in a building group shall be as provided in Section 4.2.

Separation Other Than Fronting: In each case, the distance between principal buildings, other than the distances specified immediately above, shall not be less than the sum of the least widths of the affected yards required in the district in which the dwelling group is to be located.

Separation from Lot Lines: The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than twenty feet.

Access to a Public Street: Every residential structure in the dwelling group shall be within sixty feet of a public street or a private access roadway or drive having a minimum paved width of twenty feet, provided that the length of such private access road be a maximum of 300 feet, measured from the street to the end of a turnaround. Pavement design, including turnaround, shall comply with the Standard Subdivision Improvement Specifications.

Compliance with Other Zoning Requirements: Except as modified in this Section, such dwelling group shall conform to all the requirements of the zoning regulations for the district in which it is to be located.

Section 3.6 Home Occupations

3.6.1 General Provisions

In any dwelling unit in a district where home occupations are permitted, all home occupations, collectively in the unincorporated area, shall not occupy more than forty percent of the gross floor area of one floor of said dwelling unit, and not more than six hundred square feet of the gross floor area, whichever is greater and in the Town of Verdigris, shall not occupy more than thirty percent of the gross floor area of one floor nor more than three hundred square feet

of the gross floor area whichever is greater, but these limitations shall not apply to foster family care, or the providing of room or board as an accessory use, provided, further, that no exterior alterations of the structure are made which are in a nonresidential nature, that no advertising or display shall be permitted, except for a two square foot sign as authorized in Section 3.14, that no person is employed other than a member of the immediate family residing on the premises, and that no mechanical equipment is used which creates a disturbance such as noise, dust, odor or electrical disturbance. Except for the permitted accessory identification sign, no evidence of any home occupation shall be perceptible to an observer in the street or on any other property in an AR or R District. A minimum of two off-street parking spaces must be provided in addition to those required for family vehicles.

3.6.2 Home Beauty Shops

A home beauty shop shall be a permitted home occupation only if it is located in the main dwelling, is operated only by inhabitants of such dwelling, has only one operator on duty at any time, and has at least two off-street parking spaces meeting the requirements of Section 3.11 in addition to the spaces required for the residential use of the dwelling.

Section 3.7 Mining Activities and Related Services

Where it is provided in the district provisions that mining, quarrying, or related services be permitted subject to conditions, the following shall apply.

3.7.1 Access

Road access to such uses shall be controlled by means of a gate. A sign warning of hazardous conditions, if such exists, shall be affixed to the gate or placed in a conspicuous position near the gate. Access roads within two hundred feet of other property in an AR and R District shall be maintained in dust free conditions by surfacing or other treatment.

3.7.2 Fencing and Screening

A fence as described in Section 4.2 shall be erected around the entire site or portions thereof, where the Planning Commission determines that such fencing is necessary for the safety of the public, but such fence shall not be required where a screening wall is required under this paragraph.

If any portion of the use is conducted within 165 feet of other property in an AR or R District, then a screening wall, as described in Section 4.2 shall be installed and maintained on the property where the use is conducted to shield the use from the other property.

Where no fence or screening wall is required, there shall be adequate plantings of vegetation to shield mining operations. These plantings shall be made generally along roadsides and property lines, but not necessarily limited to these areas.

3.7.3 Yard and Setback Requirements

No mining or quarrying excavation or sedimentation ponds shall be permitted within 165 feet of any property line or public right-of-way. This requirement shall include spoil piles and stockpiles.

Structures and building related to production and processing with respect to mining and quarrying shall not be located closer than 100 feet to other property in an AR or R District, or closer than 50 feet to other property in districts other than AR or R. Office buildings, scale facilities, equipment storage yards, and other similar structures shall be excepted from this provision, but shall not be located closer than 25 feet to common property lines.

3.7.4 Reductions of Noise and Vibration

All equipment, machinery, processing, and excavation shall be operated and maintained in such manner as to minimize dirt, noise, and vibration. Mufflers shall be installed on internal combustion engines used within 1000 feet of other property in an AR or R District.

3.7.5 Stagnant Water in Excavation Prohibited

Mining and quarrying shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in excavations.

3.7.6 Lateral Support

The banks of all excavations running substantially parallel to adjacent property lines or public right-of-way and within 165 feet shall be sloped no steeper than two feet horizontal to one foot vertical.

3.7.7 Land Rehabilitation

Reclamation, restoration, and rehabilitation of the land shall be in conformity with applicable state and federal statutes. The producer shall agree as a condition to any permit issued or zoning allowed that no other land may be substituted for reclamation and that reclamation in accordance with state and federal statutes will be practiced on the land zoned or permitted.

3.7.8 Abandonment

Within a period of six months after the permanent abandonment of the quarrying or mining operation, all buildings, structures, apparatus or appurtenances accessory to the operation shall be removed.

3.7.9 Neighborliness

Drainage: Suitable drainage systems shall be constructed or installed if natural drainage is not possible. No alteration of the original drainage pattern with respect to perimeter properties will be allowed. Existing trees and ground cover along public and road frontage shall be preserved and maintained for the depth of the setback requirement.

Traffic Control: Insofar as possible, all means of access to the property from any street or road shall be located and designed as to avoid the routing of vehicles to and from property over streets and roads that primarily serve abutting residential development.

Air Pollution: Control of air pollutants shall be in accordance with all applicable statutes and ordinances.

Section 3.8 Mobile Home Parks

Mobile home parks may be established in RT Districts provided that each park complies with the following conditions:

3.8.1 Bulk and Area Requirements

Mobile Home Park Tract: Each mobile home park tract shall meet the following minimum requirements:

Area	5 acres
Area per mobile home space	4,000 square feet
Width at principal entrance areas	50 feet
Width elsewhere	100 feet

The Board of Adjustment may permit a mobile home park on a tract of less than five acres but not less than two acres, if it is contiguous for at least one-sixth of its boundary with a mobile home park which meets the requirements of this section. The mobile home park tract shall be a single parcel, unless divided by a public right-of-way in such a manner as not to preclude efficient design and operation; if so divided, no part shall be less than one acre.

Individual Mobile Home Spaces: Each individual mobile home spaces in a mobile home park shall meet the following minimum requirements:

Area	4,000 square feet
Setback from internal street or drive	20 feet
Separation between mobile home and boundary of mobile home space	5 feet

3.8.2 Common Recreation Space

There shall be at least six hundred square feet of common recreation space per mobile home space; the minimum area of any common recreation area shall be 10,000 square feet, and the minimum width of any such area shall be eighty feet. Each required common recreation area shall be within three hundred feet of each of the mobile homes it is intended to serve, measured along a route of pedestrian access. Such recreation area shall be no nearer than twenty-five feet to any property line. Each required common recreation area shall be graded and drained so as to dispose of all surface waters accumulated within the recreation area and shall be surfaced with turf or other dustless surface.

3.8.3 Off-Street Parking Areas

Off-street parking space may be provided on common areas improved in accordance with provision for common recreation areas and shall be located within two hundred feet of each lot so served, measured along a route of pedestrian access.

If parking space is provided with each lot, the minimum lot area shall be increased by 375 square feet.

3.8.4 Interior Driveways

Interior driveways shall be improved in accordance with the requirements for streets set forth in the subdivision regulations and properly maintained.

3.8.5 Accessory Commercial Facilities

In a mobile home park containing at least 100 improved mobile home spaces there may be provided accessory commercial uses for the convenience of the residents of the development, provided that:

- (1) the gross floor area of such accessory uses shall not exceed 25 square feet for each mobile home space in the park; and
- (2) all commercial uses shall be governed by the requirements of the C-1 District but shall be so located and arranged that their commercial character is not evident from the street or from any other property in an AR or R District; and
- (3) no such structure shall be closer than 50 feet to any property in an AR, R, or O District outside the development.

3.8.6 Reserved

3.8.7 Mobile Home Location

No mobile home shall be placed or erected unless: It is located in a mobile home park which either, (1) meets the requirements of these regulations, or (2) was in existence at the effective date of these regulations and meets the requirements of the County Health Department.

If in the unincorporated area, it has been converted to a permanent improvement or structure supported on a permanent masonry foundation and is completely enclosed beneath or skirted with masonry or material matching the mobile home siding, except for necessary openings for access and ventilation (not to exceed 10% of the skirt wall), used as a single family dwelling, and meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and is placed on land owned by the owner of the mobile home thereof and is listed and assessed for ad valorem taxation and is on one of the following districts: AG, AI, AR, RST, or RT; and shall not be placed nearer than 165 feet to another residence.

If it is used as a temporary construction office at the site of a project:

Only one mobile home per project may be permitted as a dwelling unit for a period of time not to exceed one year unless granted a permit by the Board of Adjustment, and must meet health codes and other ordinances; and must have a parking permit issued by the Director of the Planning Commission. The parking permit may be revoked at any time if the project is not bona fide or has failed to progress. The Director of the Planning Commission may refuse to issue a parking permit if, in his opinion, the presence of such a unit would be detrimental to the neighborhood in question.

It is a mobile home sales or service establishment for the purposes of sales, service or storage.

3.8.8 Travel Trailers or Recreational Vehicle Location

No travel trailer or recreational vehicle shall be parked and used as a dwelling for more than one month per year at any one location or tract unless:

It is located on a mobile home park, a travel trailer park, or an area specifically designated as a camp ground and complies with other regulations and ordinances, or

It is on a travel trailer sales lot, or

It is used as a temporary construction office at the site of a project. Only one recreational unit per project may be permitted as a dwelling unit for a period of time not to exceed one year unless granted a permit by the Board of Adjustment, and must meet health codes and other ordinances, and must have a parking permit issued by the Director of the Planning Commission. The permit may be revoked at any time if the project is not bona fide or has failed to progress. The Director of the Planning Commission may refuse to issue a parking permit if, in his opinion, the presence of such a unit would be detrimental to the neighborhood in question, and in no case will such a permit be issued where issuance of such a permit would violate private restrictive covenants.

3.8.9 Modular Homes

A modular home may be placed in an AG, AI or R District in accordance with other provisions of these regulations and the following requirements:

- The modular home manufacturer and model shall have been approved by the Planning Commission.
- The modular home shall be approved by the Planning Commission as having met HUD MPS-4900.1.
- The modular home shall be placed on a permanent masonry foundation wall, under all exterior walls, enclosed, except for necessary openings for access and ventilation, not to exceed 10% of the foundation wall.
- The complete unit shall have a width (least dimension) of 20 feet or over: the main body of the unit must be at least 40 feet in length.
- The exterior finish shall be of a flat variety, not creating excessive reflection.

3.8.10 Recreational Vehicle Parks

Recreational vehicle parks may be established in C-5 zoning districts provided that each park complies with conditions set out in Section 3.8.11.

3.8.11 Bulk and Area Requirements

Recreational vehical park tract: Each tract shall meet the following minimum requirements:

AREA	2 ACRES
Area Per RV Space (16 x 40)	640 Square Feet

3.8.12 Interior Driveways

Interior driveways shall be improved and surfaced to provide dust free conditions at all times. Watering the driveway surface will not qualify as having met this section of the regulations.

3.8.13 Screening

The screening wall required by this section shall be a solid fence of the stockade type or masonry, at least 6 feet high, constructed of good, substantial material, of first class workmanship, and so erected to resist wind pressure, ensure public safety, and present a neat, attractive and uniform appearance. Supporting uprights shall be erected on the inside of such fence.

This screening wall shall be constructed along all sides of the RV Park abutting or within 100 feet of any AR, RS, RM or I-1 District.

3.8.14 Required Maintenance of Screen Wall

The required screening wall shall be properly cared for and maintained by the owner of the zoned lot containing the use required to provide the wall. No sign shall be placed on the wall or on the outer side of the wall.

3.8.15 Mobile or Portable Temporary Accessory Office or Limited Shop

A temporary mobile or portable accessory office or limited shop may be placed on an I-3 or I-4 District subject to the following requirements:

- The first 120 days subject to the owner securing a temporary parking permit from the Planning Commission.
- Provided the unit is supported on a foundation and is completely enclosed beneath or skirted with masonry or material matching the siding except for necessary openings for access and ventilation (not to exceed 10% of the skirt wall), used as a temporary accessory office or limited shop, and meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and is placed on land owned by the owner of the mobile or portable office or limited shop and is an I-3 or I-4 District.

For continued placement of the unit as set out above in this section the Board of Adjustment may grant a Conditional Use Permit for any period of time in excess of the initial 120 days but in no case shall the Conditional Use Permit be granted for a period of time in excess of twenty-four months.

Section 3.9 Nonresidential Uses in Residential Districts

The following requirements apply to all charitable, cultural, educational, recreational, health, institutional, religious, social and similar non-residential facilities where permitted in or abutting an AR or R District. They do not apply to utility, protective and similar facilities. Separation of structures or areas of uses listed above from the nearest other property in an AR or R District shall be as follows:

Type of Structure or Element of the Facility	Minimum Separation (feet)
<u>Outdoor Facility or Use</u>	
Eating or picnic area	100
Entrance driveway	20
Landscaped or otherwise planted area	none
Off-street parking area	as provided in Section 3.11
Outdoor activity area, NEC	75
Outdoor spectator facilities for sports and similar events	200
Air conditioning tower or condenser unit,	100
but not including window unit	50
<u>Indoor Facility</u>	
Auditorium, ballroom, dining room or meeting room having a floor area of more than 1200 sq. ft., game room, locker or shower room, place where alcoholic beverages are served, spectator facilities, swimming pool, theater or similar facility:	
if fully air conditioned	100
if not fully air conditioned	200
Building of a general hospital or convalescent home	50
Building of a facility for alcoholic, mental, nervous, narcotic or contagious patients	200
All other indoor facilities: if fully air conditioned	50
All other indoor facilities: if not fully air conditioned	100

In case any facility or element falls within two or more of the categories set forth above, the greatest separation shall apply. All lighting facilities both indoor and outdoor, shall be so located and shielded so that no light source or glare will be visible from other property in an AR or R District. All outdoor activity areas shall be made dustless by turfing, paving or other suitable means.

Section 3.10 Off-Street Loading

3.10.1 Number of Off-Street Loading Spaces Required

Every department store, freight terminal or railroad yard, hospital or sanitarium, industrial or manufacturing establishment, retail or wholesale store or storage warehouse establishment or any similar use, which has, or is intended to have an aggregate gross floor area of 10,000 sq. ft. or more shall provide truck loading or unloading berths in accordance with the following table.

Square Feet of Aggregate Gross Floor Area		Required Number of Berths
10,000 up to and including	16,000	1
16,001 up to and including	40,000	2
40,001 up to and including	64,000	3
64,001 up to and including	96,000	4
96,001 up to and including	128,000	5
128,001 up to and including	160,000	6
160,001 up to and including	196,000	7
For each additional 36,000		1 additional

Every auditorium, convention hall, exhibition hall, sports arena, hotel, office building, restaurant, or any similar use, which has or is intended to have an aggregate gross floor area of 40,000 sq. ft. or more, shall provide off-street truck loading or unloading berths in accordance with the following table.

Square Feet of Aggregate Gross Floor Area		Required Number of Berths
40,000 up to and including	60,000	1
60,001 up to and including	160,000	2
160,001 up to and including	264,000	3
264,001 up to and including	388,000	4
388,001 up to and including	520,000	5
520,001 up to and including	652,000	6
652,001 up to and including	784,000	7
784,001 up to and including	920,000	8
For each additional 140,000		1 additional

3.10.2 Size and Location of Off-Street Loading Spaces

Each loading space shall measure not less than thirty (30) feet by twelve (12) feet, and shall have an unobstructed height of fourteen and one-half (14 1/2) feet and shall be made permanently available for such purpose, and shall be adequately improved and properly maintained. Such facilities shall be so located that trucks using them shall not interfere with areas reserved for off-street parking nor project into any public right-of-way, and shall be adjacent to the building to be served. Any floor area provided by addition to or structural alterations to a building shall be provided with loading space or spaces as set forth herein or not loading space have been provided for the original floor space. No required off-street loading area shall be eliminated or made inaccessible so long as the uses are continued for which it was originally required.

Section 3.11 Off-Street Parking

3.11.1 General Intent and Application

It is the intent of these requirements that adequate parking be provided off the street easement for each use of land within the territorial jurisdiction. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

3.11.2 Required Off-Street Parking

Every building hereafter erected and every open use of land hereafter established shall be provided with parking spaces as required in this section and such parking spaces shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats or beds.

3.11.3 Location of Off-Street Parking Spaces

Required off-street parking spaces shall be located within two hundred (200) feet, by route of pedestrian access, from the principal uses they serve and shall have direct access to a street or alley.

Parking spaces accessory to nonresidential uses in districts other than AR, R or O Districts shall not be located in AR, R or O Districts.

In AR, R or O Districts, parking in required front and exterior side yards shall be permitted only on driveways or other areas surfaced as required by this section, and not more than one vehicle shall be parked in such yard per twenty (20) feet of abutting street. No driveway entrance serving a dwelling shall be more than twenty-four (24) feet wide, and no parking area other than a driveway shall be within four (4) feet of a street line.

For purposes of these regulations, major recreational equipment is defined as including boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not, no major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

3.11.4 Joint Parking Facilities

Whenever two or more uses are located together in common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

3.11.5 Size of Off-Street Parking Spaces

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

3.11.6 Number of Off-Street Parking Spaces Required

Off-Street parking spaces shall be provided in all districts except for C-3 District in accordance with the following:

- Single-Family Dwelling or Duplex: Two spaces per dwelling unit.
- Multi-Family Dwelling: Two spaces per dwelling unit.
- Boarding or Rooming House: One space for each two beds.
- Bed and Breakfast Houses: One space for each bed in addition to those required for the principal residence.
- Hospital: One space for each two patient beds exclusive of bassinets.
- Medical or Dental Clinics or Offices: One and one-half spaces per one hundred-fifty (150) sq. ft. of floor area.
- Sanitarium, Convalescent or Nursing Home: One space for each four patient beds.
- Community Center, Theater, Auditorium or Church Sanctuary: One space for each four seats, based on maximum seating capacity.
- Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One space for each fifty (50) sq. ft. of floor area used for assembly or recreation in the building.
- Office Building other than Medical or Dental: One space for each three hundred (300) sq. ft. of gross floor area in the building, exclusive of the area used for storage, utilities and building services.
- Commercial Establishments Not Otherwise Classified: One space for each one hundred fifty (150) sq. ft. of floor space used for retail trade in the building and including all areas used by the public.
- Industrial Establishments: One space per one and one-half employees.

For all uses not covered above the Board of Adjustment shall make a determination of the parking demand to be created by the proposed use and the amount of parking thus determined shall be the off-street parking requirement for the permitted use, except that no off-street parking shall be required of uses in the C-3 District.

3.11.7 Paved Surface Required

All required parking spaces and all parking spaces in front and exterior side yards shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from continued use

3.11.8 Parking Lots in Residential Areas

Whenever off-street parking lots for more than six vehicles are to be located within an AR, R, P or O District or adjacent to an AR, R, P or O District the following provisions shall apply:

- All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence or wall having a height of not less than five or more than six feet tall. Such fence or wall shall be maintained in good condition.
- No parking shall be permitted within a front yard setback line established fifteen feet back of the property line of interior and corner lots when the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.
- All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.
- Driveways used for ingress and egress shall be confined to and shall not exceed twenty-four (24) feet in width, exclusive of curb returns.
- All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

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

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

Section 3.12 Scrap Materials

Scrap material handling and storage, including junk yards, auto salvage and scrap metal processing, shall, if not conducted within enclosed buildings, be completely enclosed by an eight foot high solid fence, in accordance with Section 4.2, and the storage of the material shall not exceed the height of the fence. A gate for ingress and egress shall be permitted. The height of the fence may be reduced to six feet when the use is conducted at an elevation two feet or more above the crown of the adjacent roadway. A steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths of the use when the use abuts property in an AI, I-3 or I-4 District and such portion cannot be seen from a public street or road, which fact shall be determined by the Inspecting Officer. The fence shall be set back at least ninety (90) feet from the center line of any abutting major thoroughfares and at least ten (10) feet from the street line of such thoroughfares. No temporary or permanent building shall be erected within the required setback. All uses of this type shall be located at least two hundred (200) feet from any property line in an AR, R, P or O District.

Section 3.13 Solid Waste Disposal

Solid waste disposal shall be completely enclosed by a six (6) foot high fence in accordance with Section 4.2. A gate for ingress and egress shall be permitted. A screen wall in accordance with Section 4.2 shall be erected where a solid waste disposal plant abuts a public street or road or where it can be seen from a residential development, which fact shall be determined by the Inspecting Officer. The fence shall be set back at least ninety (90) feet from the center line of any abutting major thoroughfares. No temporary or permanent building shall be erected within required setback. All solid waste disposal areas shall be located at least one thousand (1,000) feet from any platted residential subdivision.

3.13.1 Operation of Site

Access roads to the operation shall be maintained in a dust free condition by surfacing or other treatment. All areas not specifically being worked by the actual digging and filling operation shall be maintained in a dust free condition by surfacing, sodding, or other treatment, i.e., when a trench is dug and subsequently filled, it will be immediately treated to dust free condition while work on the next trench is in process. Dust shall be minimized on the actual working area by wetting or other treatment.

An attendant shall be on duty at all times while hauling and dumping is in process to keep trash-blowing at a minimum. When an attendant is not present the area will be closed to all dumping. The stockpiling of trees, lumber, paper, and other burnable materials for subsequent burning shall be prohibited. The waste materials shall be covered at the end of each day and scattering adequately policed to prevent blowing.

3 13.2 Industrial Waste Disposal / Recycling / Treatment

Industrial waste is defined as refuse products, either solid or liquid, which are to be discarded by the producer, and which are toxic to human, animal, aquatic or plant life and which are produced in such quantity that they cannot be safely disposed of in properly operated state-approved sanitary land fills, waste or sewage treatment facilities. Controlled industrial waste may include but is not limited to explosives, flammable liquids, spent acids, caustic solutions, poisons, sludge, tank bottoms containing heavy metallic ions, toxic organic chemicals, infectious materials, and materials such as paper, metal cloth or wood which are contaminated with controlled industrial waste.

An Industrial Waste Disposal / Recycling / Treatment Site shall not be less than one hundred sixty (160) acres in size and no other industrial waste disposal / recycling / treatment site shall be nearer than one (1) mile (5,280 feet) in any direction from the proposed industrial waste disposal / recycling / treatment site. The site will be as nearly square as possible.

All operation of actual disposal / recycling / treatment site shall be confined to as near the center of the site as practical and in no case in violation of any Oklahoma State Department of Health Rules and Regulations or in violation of any other regulatory requirements. The operator of the industrial waste disposal / recycling / treatment site shall own in fee both the land (surface) and the minerals.

The operator shall file with the Planning Commission a comprehensive drainage spill protection plan which clearly and specifically detail the permanent and emergency measures and permanent structures to be installed to protect the drainage area and all adjacent drainage areas from any contamination by industrial waste. The site operation plan filed with the Oklahoma State Department of Health may be used as a basis for this plan and added to if necessary to meet the requirements of this section.

All such sites shall be located at least one mile from any platted residential subdivisions. For the purpose of this section a platted residential subdivision shall be defined as those areas zoned in an R, RM, RT, RST, or AR zoning classification. All technical criteria of the industrial waste disposal / recycling / treatment site shall be controlled by the Oklahoma State Department of Health.

Section 3.14 Signs: General

All signs, whether accessory or advertising, shall comply with the provisions of this section, except where provisions to the contrary appear in the district provisions. All signs shall also comply with all applicable provisions of other regulations of the local unit of government.

3.14.1 Number and Area of Signs

The number of signs and total area of all faces of all signs, both accessory and advertising, exclusive of real estate signs, on any lot or on any street frontage of any lot, shall not exceed the number and areas set forth in the following table:

<u>Type of Use and Type of Control</u>	<u>Controls by District</u>				
	<u>AR, RS, RM, RT</u>	<u>AG, C1, C2, I1</u>	<u>C3, C4, C5</u>	<u>A1, I2</u>	<u>I3, I4</u>
One-and two-family dwellings:					
Number of signs per dwelling unit	1				
Area (sq. ft.) of signs per dwelling unit	2				
Home Occupations:					
Number of signs per dwelling unit	1				
Area (sq. ft.) of signs per dwelling unit	2				

<u>Type of Use and Type of Control</u>	<u>AR, RS, RM, RT</u>	<u>AG, C1, C2, I1</u>	<u>C3, C4, C5</u>	<u>A1, I2</u>	<u>I3, I4</u>
Multi-family dwellings, town house developments, mobile home parks, institutions, and similar uses:					
Number of signs per dwelling unit	1				
Area (sq. ft.) of signs per premise	12				
All uses on one premise:					
Square feet of sign area per lineal foot of street frontage		0.5	1.0	1.5	2.0

In the case of a lot abutting two or more streets, the permitted area of any sign or group of signs shall be computed on the basis of the street frontage on the street nearest such sign or signs. For this purpose, the term "frontage" shall be considered as referring to all abutting streets, whether they abut the front or the side of the lot.

In addition to the area of signs permitted on any lot above, there shall be permitted on each street frontage of any lot a sign advertising the sale, lease, or rental of property on which it is situated. No such signs on any lot shall exceed in area 0.1 square feet for each foot of street frontage on which they are located.

3.14.2 Location of Signs

No sign other than signs placed by agencies of government shall be placed on any public property, except as provided for projecting signs. No sign shall be placed on any utility pole except for utility identifications or similar purposes. No sign shall be placed on any tree or rock.

No sign shall project over a public right-of-way except in the C3 District, and such signs shall not extend nearer than two feet in the curb line or edge of pavement. No horizontal projecting sign shall exceed fifty square feet in area.

No sign shall extend more than one foot into a required front yard or exterior side yard except for the following:

- Projecting signs in C3 Districts, as provided above.
- A sign having area of not more than twelve square feet identifying a shopping center or industrial park whose site area is at least two and one-half acres.
- Identification and direction signs, each not exceeding three square feet in area.
- Customary gasoline service station signs, identifying the gasoline company so that for each street frontage, one such sign having two faces of not more than sixteen square feet each; customary identification signs on the faces of gas pumps.

No sign shall be so located that it will obscure or interfere with the function of any traffic sign or signal or result in a safety hazard by reducing visibility at any street intersection, change in alignment, or driveway entrance or exit.

3.14.3 Height

Except as provided in subsequent paragraphs, no sign or sign structures shall exceed the heights set forth in the following table:

District	Maximum Height (feet)
A, R, P, O, C1	20
C2, C4, I1	25
C3, C5, I2, I3, I4, I1	30

No sign shall be painted on or mounted on the roof of any structure. Any sign or sign structure located within one hundred sixty-five feet of the right-of-way line of an interstate highway or other toll road or freeway may be erected to a height of not more than forty-five feet above grade level of such thoroughfare at the point thereon nearest such sign or structure subject to the following. No sign or sign structure shall be erected to a height greater than the horizontal distance from such sign or structure to the nearest other property in an AR, R, or O District.

3.14.4 Character of Design

No sign shall be of such design or character that it may readily be confused with a traffic sign or signal erected by public authority. No real estate sign shall be erected or maintained if it advertises property for uses other than for which the property is zoned or incorrectly states the zoning of the property.

No sign shall be illuminated or animated except in accordance with the following table:

<u>Illumination or Animation Permitted</u>	<u>Zoning District</u>										
	<u>AG</u>	<u>AI</u>	<u>AR</u>	<u>RS</u>	<u>RM, RT</u>	<u>P, O</u>	<u>C1, C2</u>	<u>C3, C4, C5</u>	<u>I1</u>	<u>I2, I3, I4</u>	<u>M</u>
A. Not illuminated	X	X	X	X	X	X	X	X	X	X	X
B. Illuminated											
1. Not flashing, intermittent:											
a) Without bulb or tube visible from outside the lot on which located:											
1. reflected light	X	X			X	X	X	X	X	X	X
2. light passing through translucent materials	X	X					X	X	X	X	X
b) With bulb or tube visible from outside the lot on which located		X						X	X	X	X
2. Flashing or Intermittent:								X	X	X	X
C. Animated:								X	X	X	X

No flashing sign shall be of the instantaneous type. No flashing or intermittent sign shall be erected which is within two hundred feet of an AR, R, or O District and visible from such district. No illuminated sign shall be erected which is within fifty feet of other property in an AR or R District and visible from such property.

3.14.5 Areas Having Less Restrictive Regulations

Where a lot is across a street from property having less restrictive zoning regulations applying to signs than those applying to such lot, and sign on such lot, visible from such street shall be subject to such less restrictive regulations.

Section 3.15 Advertising Signs

Each advertising sign shall meet the following requirements, in addition to the requirements of Section 3.14.

There shall be only one advertising sign on each six hundred sixty feet of street frontage on which such signs are located. No advertising sign shall be located less than one hundred fifty feet from an AR or R District or less than twenty-five feet from any property line other than a street line. Advertisements placed on the interior of fences within municipal park and municipal recreation areas do not constitute advertising signs, as defined in Section 3.14 and 3.15 of the zoning regulations herein.

Section 3.16 Town House Development

In any town house development there shall be a recreation area for use in common by all the residents of the development. The area of such recreation area shall be as set forth in the following table:

<u>District</u>	<u>Minimum Area (sq. ft.) of Recreation Area Per Dwelling Unit</u>	<u>Each Area</u>
RM6	1,600	10,000
RM4, RT	800	5,000
RM2.5	400	4,000
RM1.5	200	3,000

Such area shall be of such shape and location and so developed as to make it suitable for recreational use by the residents of the development.

Section 3.17 Location of Sexually-Oriented Businesses

3.17.1 Definitions

As used in this Section, the terms "sexual conduct" and "specified anatomical areas" shall mean as follows:

1. "Sexual Conduct" includes the following:
 - a) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
 - b) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
 - c) Masturbation; and
 - d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.
2. "Specified Anatomical Areas" includes the following:
 - a) Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

For purposes of this Ordinance, the "sexually-oriented businesses" are defined as follows:

1. 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.
2. 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".
3. Adult Mini Motion Picture Theater: an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas".
4. Adult Motel: a motel wherein material is presented, as part of the motel services, via closed circuit TV or otherwise, which is distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas".
5. Adult Motion Picture Arcade: any place to which the public is permitted or invited wherein coin or 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 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".
6. Adult Motion Picture Theater: an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas".
7. 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 service related thereto exposes "Specified Anatomical Areas".
8. Model Studio: any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

9. 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 limited to bath houses, massage parlors, and related or similar activities.

3.17.2 Prohibition

No person shall or permit the establishment of any of the "sexually-oriented businesses" as defined above in an area zoned other than "C5". In addition, no person shall cause or permit the establishment of any of the "sexually-oriented businesses", as defined above within one thousand (1000) feet of any other sexually-oriented businesses, church, school, park, playground or areas zoned residential.

The "establishment" of a "sexually-oriented business" shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in Section 3.17.1.

3.17.3 Non-Conforming Uses

Any business existing as of the effective date of this Ordinance that is in violation hereof shall be deemed a non-conforming use. Such a non-conforming use will be permitted to continue for a period not to exceed five (5) years, unless sooner terminated for any reason whatsoever or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two or more sexually-oriented businesses are within one thousand (1000) feet of one another and otherwise in a permissible zone, the first such sexually-oriented business licensed and continually operating at a particular location shall be the conforming use and the later established business(es) shall be non-conforming.

Nothing in this Ordinance is intended to make legal any business or activity that is expressly declared illegal under any other provisions of this Code or under any state or federal law.

ARTICLE 4

GENERAL REGULATIONS

Section 4.1 Courts and Facing of the Dwellings

For multi-family and mixed buildings, minimum and maximum dimensions of courts shall be as follows:

Inner Court: minimum dimensions - forty feet plus ten feet for each story over three stories, but need not exceed sixty feet.

Outer Court: minimum width shall be twenty feet plus five feet for each story over three stories. Minimum depth shall be the width less ten feet, but no maximum depth requirement if width is sixty feet or more.

4.1.1 Face of Dwelling Units in Group or Multi-Family Multiple Dwellings or Mixed Buildings

Each dwelling unit in a group or multi-family dwelling or mixed building shall front either on a street or other permanent open space at least thirty feet wide or on an other court. The least width of such court, if flanked by buildings on one side only, shall be:

One to one and one-half stories, 30 feet.

Two to two and one-half stories, 35 feet.

Three to three and one-half stories, 40 feet.

Four to four and one-half stories, 45 feet.

If flanked by buildings on both sides, the least width of such court shall be:

One to one and one-half stories, 40 feet.

Two to two and one-half stories, 50 feet.

Three to three and one-half stories, 60 feet.

Four to four and one-half stories, 70 feet.

Such court shall extend clear and unobstructed of the same width to a public street or to another court of equal or greater width which extends to a public street.

Section 4.2 Fences and Screen Walls

4.2.1 General Requirement

Wherever any provision of these regulations requires the construction and maintenance of a fence or screen wall as a condition for initiating and subsequently continuing any use, such fence or screen wall shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with the provisions of this Section.

4.2.2 Fence Required

The fence required by subsection 4.2.1 shall be of the chain link type (barbed wire not permitted), at least six feet high (unless a different height is required elsewhere in these regulations), constructed of good, substantial material, of first class workmanship, and so erected as to resist wind pressure, ensure public safety, and present a neat, attractive and uniform appearance. Supporting uprights shall be erected on the inside of such fence.

4.2.3 Screen Wall

The screen wall required by subsection 4.2.1 shall be a solid fence of the stockade type or a masonry wall not less than six feet in height unless a different height is provided elsewhere in these regulations. The fence or wall shall be so constructed that all bracing, supports, or posts, except those provided expressly for aesthetic purposes shall be on the same side of the fence or wall as the use which is to be screened. The fence or wall shall be designed and constructed in such a way as to (1) facilitate maintenance and (2) not modify natural drainage in such a way as to endanger property other than on which such use is located.

4.2.4 Required Maintenance of Fence or Screen Wall

The required fence or wall shall be properly cared for and maintained by the owner of the zoning lot containing the use required to provide the fence or wall. No sign shall be erected on the outer side of the wall or fence.

Section 4.3 Enclosure of Uses

Except as provided subsequent, no raw materials, waste materials, products, goods, machinery or equipment shall be stored, displayed, operated or processed out-of-doors within two hundred (200) feet of a major street or highway or within two hundred (200) feet of any property in an AR, R, P, O, C1 or I1 District even though such activities may be permitted uses in such districts, unless such materials or articles are so screened as not to be visible to an observer driving on such street or highway or standing on the ground in such district.

The requirement above shall not apply to the following:

- Animals
- Boats
- Construction equipment in use on construction projects
- Electric substations or similar facility, unless required by the Board of Adjustment
- Farm and garden equipment, in use in fields and gardens
- Gasoline pumps and similar service station equipment customarily not enclosed
- Household articles customarily stored or used out-of-doors
- Monuments and tombstones
- Motor vehicles
- Oil derricks or pumps and similar equipment at oil wells
- Pressure regulator station or similar facility, unless required by the Board of Adjustment
- Plants, living, including trees and shrubs
- Signs
- Sports, play, and similar equipment, customarily used outdoors
- Structures attached to the ground or a building
- Transit vehicles
- Transportation equipment in operation of goods being transported
- Trucks and trailers
- Utility facilities, not elsewhere classified

Section 4.4 Height Exceptions

Any building may exceed the height limits set forth in the district provisions provided that the portions of the building whose height exceeds such limits shall be set back in accordance with the permitted tables of the district provisions. Such setbacks shall be measured from lines parallel to and inside the side lot lines and the rear lot line and distant therefrom the width of the narrowest required side yard for such building.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limits set forth in the district provisions without additional setback being required, provided that the sum of the horizontal cross-sectional areas of all such projections on any lot does not exceed five percent of the area of the lot.

Section 4.5 Open Space, Other Than Yards

An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure. Land area used in computing permitted floor area for one building shall not be used in computing permitted floor area for any other building. No dwelling shall be erected on a lot which does not abut on at least one street, at least fifty feet in width, for at least thirty-five feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling, if there is compliance with all other provisions of these regulations.

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

Section 4.6 Planned Developments

4.6.1 Approval

On recommendation by the Planning Commission, after public hearing, the governing body may approve a plan for a planned development for a tract of land which lies in one or more of the following districts: AR, R, or O.

4.6.2 Modification of Requirements

The plan for a planned development may depart from the dwelling type, lot area, lot area per dwelling unit, lot width, yard, and coverage requirements of the district or districts in which it is located provided that:

The number of dwelling units to be built on the tract shall not exceed the number which could be built on the tract under the district provisions, counting one-fifth of the tract area for streets, regardless of the area actually used for streets.

The total area of the tract covered by structures shall not exceed the sum of the areas that would be permitted under the district provisions, counting one-fifth of the tract area for streets.

All lots in the tract contiguous to property in an AR or R District outside the tract shall meet the provisions of the districts in which they are located.

No mobile homes shall be permitted except in mobile home parks in RT Districts.

4.6.3 Assurance for Common Area and Density

No plan for a planned development shall be approved unless the governing body makes a finding that the plan contains adequate provisions to assure that the conditions set forth in subsection 4.6.1 will be met, and that adequate provisions have been made to provide for the ownership and continued maintenance of any areas provided for common use and/or ownership by residents of the planned development.

4.6.4 Requirement by Plat

Following approval of a plan for a planned development as provided by this section, no structure shall be built in such development, nor shall a permit be issued for any construction therein, until a plat for the planned development has been approved by the Planning Commission and filed for record.

Section 4.7 Lot Area and Width

4.7.1 Substandard Lot of Record

In any district where dwellings are permitted, if any lot is smaller than the minimum requirements herein contained and all sides of such lot touch lands than were under other ownership at the effective date of these regulations, such lot may be used for the erection of one single-family detached dwelling. In such case, the Board of Adjustment may permit appropriate reductions of required yards and increase of permitted lot coverage.

Where a lot has been created for non-residential purposes under Section 4.7.2 or any other section of these regulations and such lot does not comply with the residential bulk and area requirements of the district in which it is located, such lot shall not be used for residential purposes.

4.7.2 Lots for Certain Utility Facilities

Where a lot is proposed to be used as the site for a utility substation, pumping station, pressure regulating station, or similar facility whose nature is such that the lot area or width may appropriately be less than the minimum established herein for the district in which the lot is located, the Board of Adjustment may, on application, reduce such minimum for such individual facility and the Planning Commission may approve a plat containing a lot so reduced.

Section 4.8 Street Access

No dwelling shall be erected on a lot which does not abut on at least one street with right-of-way, at least fifty feet in width for at least thirty-five feet, except that a town house lot need not abut a street for more than the required width of a town house lot. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

Section 4.9 Yards

4.9.1 Projections into Required Yards

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

4.9.2 Front Yards on Narrow Streets

Where a lot abuts on a dedicated street right-of-way less than fifty feet wide (or a half right-of-way less than twenty-five feet wide), the required front or exterior side yard shall be measured from a line twenty-five feet from the center line of such street.

4.9.3 Coverage of Rear Yard

Accessory buildings which are not a part of the main building may be built in the rear yard, but shall not cover more than thirty percent of the rear yard.

4.9.4 Building Setback Lines

Where building setback lines adopted by proper authority establish deeper building setbacks than the front and exterior yards established by these regulations, such setback lines prevail.

ARTICLE 5

NONCONFORMING STRUCTURES AND USES

Section 5.1 Nonconforming Structures

5.1.1 General Intent

Whitin the districts established by this Ordinance or amendments that may later be adopted, ther exist lots, structures, and uses of land and structures which are lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance.

5.1.2 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of area, width, and yard requirements shall be obtained only through action by the Board of Adjustment.

5.1.3 Nonconforming Structures

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

- No such structure may be enlarged or altered in a way which increases its nonconformity.
- Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5.1.4 Nonconforming Uses of Structures

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

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

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

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

When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

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

1) Continuance permitted: in the incorporated area of the Town of Verdigris a nonconforming structure existing at the effective date of these regulations may be continued, maintained, and repaired, except as otherwise provided in this Section. In the case of residential use of a property in a nonresidential area which is under the same continuous ownership since December 31, 1980, a residence which is destroyed by fire, windstorm, or other tragedy, or is otherwise removed by its owner, may be rebuilt for residential use after the owner is advised of the existing zoning of one's property.

2) Alteration or enlargement: A nonconforming structure shall not be added to or enlarged in any manner, unless said structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located. This provision shall not apply to a residential dwelling under the same continuous ownership since December 31, 1980 in the incorporated area of the Town of Verdigris.

5.1.5 Nonconforming Uses of Land

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

No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

If any such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 5.2 Construction Authorized or in Progress

5.2.1 Building Permit issued

If, before the effective date of these regulations or amendment thereof, a building permit authorizing construction was lawfully issued, such construction may be started or continued after such date, subject to the provisions of Section 7.2.3.

5.2.2 Areas Previously Not Under Zoning Jurisdiction

If, before the effective date of these regulations or amendment thereof, construction was started at a location not then subject to these regulations and was subsequently diligently pursued, and such construction on such date did not conform to such regulations, such construction may be continued after such date, provided in Section 7.2. For the purposes of this Section, construction shall be deemed to have been started before such date if the Board of Adjustment finds, on application, that before such date the foundation had been completed or costs equalling five percent of the total estimated construction cost had been incurred and would be lost if construction were not permitted to proceed.

ARTICLE 6

BOARD OF ADJUSTMENT

Section 6.1 Establishment of the Board of Adjustment

There is hereby established in the Town of Verdigris a Board of Adjustment with the powers and duties hereinafter set forth. Such board shall be composed of five (5) members. The chief executive of the town shall appoint the members for a term of three (3) years, subject to confirmation by the governing body, provided, however, that when the first appointment is made hereunder, the term of office of two of said members shall be one year, the term of office of two of said members shall be two years, and the term of office of one of said members shall be three years. At least one of said members shall also be a member of the Planning Commission. All members of the Board shall serve as such without compensation.

Any member of the Board, once qualified, shall thereafter be removed during his term of office only for cause and after hearing held before the governing body. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed in the manner described above for the unexpired portion of his term.

Section 6.2 Procedure of the Board

The Board shall elect a chairman and shall adopt rules of procedures consistent with these regulations and pertinent statutes. Meetings shall be held at the call of the chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board of Adjustment shall keep minutes of their proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Section 6.3 Conflict of Interest

Any member of the Board who shall have an interest in any property or in the decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, decision, or proceeding of the Board of connection herewith.

Section 6.4 Appeals to the Board

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the unit of government affected by any decision of the inspecting officer in administering these regulations. Such appeal shall be taken within ten days after the date of the decision by filing with the inspecting officer and with the Board a written notice of appeal specifying the grounds thereof. The inspecting officer shall forthwith transmit to the Board of Adjustment the papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of the appeal and give written notice to the Planning Commission and the parties in interest and public notice, all at least fifteen days in advance of such hearing. In all cases of applications for conditional use permits, variances, or other appeals affecting a particular lot or particular lots, rather than a zoning district as a whole or the territorial jurisdiction as a whole, notice shall also include the posting on the property of a sign whose dimensions, design, content, and location shall conform with specifications established by the Board of Adjustment. At the hearing, any party may appeal in person or by agent or by attorney. The Board shall decide the appeal in a reasonable time.

*Title 11
Article XLIV
Section 44-109*

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

Section 6.5 Powers and Duties of the Board

6.5.1 Administrative Review Power of the Board

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the inspecting officer in the enforcement of these regulations, subject to the provisions of Section 6.4.

6.5.2 Power of the Board to Grant Conditional Use Permits

The Board shall have the power to hear and decide applications for conditional use permits for only such uses for which these regulations require such a permit. Where a conditional use permit is required and granted, it shall be issued prior to issuance of a building permit or a certificate of occupancy, and shall be issued subject to the specific conditions upon which the Board has determined to grant the permit.

The applicant shall submit a written application for a conditional use permit indicating the section of these regulations under which the permit is sought, stating the grounds on which a permit is requested, and submitting a site plan showing the proposed development. The Board shall hold a public hearing as provided in paragraph 6.4.

The Board shall make written findings certifying that the application complies with the pertinent individual conditions of use as set forth in Article 3. That any additional conditions of use specified in the granting of the permit are compatible with the general provisions for the district in which such use is permitted, and that satisfactory provisions and arrangements have been made concerning the following where applicable:

- 1) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- 2) Safety from fire hazard and measures for fire control.
- 3) Protection of adjacent property from flood or water damage.
- 4) Noise producing elements and glare of vehicular and stationary lights and effects of such lights on the established character of the neighborhood.
- 5) Location, lighting, and types of signs and relation of signs to traffic control and adverse effects on adjacent properties.
- 6) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposes use around the site and in the immediate neighborhood.
- 7) Adequacy of parking as determined by requirements of these regulations for off-street parking facilities in the use district in which the site is located; location of ingress and egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.
- 8) Such other measures as well secure and protect public health, safety, morals, and general welfare.

The Board shall consider the application and site plan and shall grant or deny the application. In granting an application, the Board shall impose such requirements and conditions, in addition to those expressly stipulated in these regulations for the particular use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Authority to issue building or occupancy permits pursuant to the granting of a conditional use permit shall expire two years after the granting of the conditional use permit, except when the following conditions have been met:

- 1) Building permits have been issued, materials have been acquired, and the foundation of at least one building has been placed on the site, or
- 2) Where no construction is required, an occupancy permit has been issued, and actual operation of the use has been started.

After authority for issuance of a building or occupancy permit, pursuant to the granting of a conditional use permit, has expired by default, no building or occupancy permit shall be issued except under a conditional use permit grant to a new application.

6.5.3 Power of the Board to Authorize Variances

Where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provisions of these regulations would result in peculiar and exceptional difficulties to, or exceptional demonstrable undue hardship upon, the owner of such properties, the Board shall have the power to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantially impairing the intent, purpose, and integrity of the zoning regulations or of the Comprehensive Plan.

A variance from the terms of these regulations shall not be granted by the Board unless and until:

- 1) A written application for a variance is submitted demonstrating: a) That there exist special conditions and circumstances of the type specified above, which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. b) That said special conditions and circumstances do not result from actions of the applicant; c) That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; d) That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the same district.
- 2) The Board shall hold a public hearing as provided in paragraph 6.4.
- 3) The Board shall make a finding that the representations in the application responding to the requirements of paragraph 6.5.3 are valid.
- 4) The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- 5) The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under Article 7.

6.5.4 Miscellaneous Powers of the Board

In addition to the powers set forth elsewhere in this Section, the Board shall have the following miscellaneous powers:

- To establish standards governing ground coverage in F1 Districts, as provided in paragraph 2.6.6.
- To determine parking demand of certain uses, as provided in Subsection 3.11.6.
- To permit reduction of the area or width of a lot for certain utility purposes, as provided in Subsection 4.7.2.
- To make findings as to start of construction, as provided in Subsection 5.2.2.
- To make findings and interpretations of uses and zoning classifications for all uses not clearly set out in these regulations and assign zoning classifications to all such uses in question.

Section 6.6 Appeals from the Board of Adjustment

An appeal from any action, decision, ruling, judgement, or order of the Board of Adjustment may be taken by any person or persons, firm or corporation, jointly or severally, who have been aggrieved thereby, or by any taxpayer, or any officer, department, board, or bureau of government to the District Court, as provided by law.

ARTICLE 7

ADMINISTRATION, ENFORCEMENT, AND AMENDMENT

Section 7.1 Administration and Enforcement

The inspecting officer shall administer and enforce these regulations. He may be provided with the assistance of such other persons as the chief executive may direct. If the inspecting officer shall find that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, building, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

Section 7.2 Building Permits

No building or other structure shall be erected, added to, or structurally altered unless a building permit therefore has been issued by the inspecting officer, but no building permit shall be required for:

Improvements having a cost or value of less than fifty dollars.

Uses exempt from these regulations, as set forth in Section 1.3.2

- No building or part of a building shall be moved through or across any street, alley or highway unless a building permit for the moving thereof has been issued by the inspecting officer. Except for uses exempt from these regulations, as set forth in Section 1.3.2, no building or part of a building shall be moved from one part of a lot to another part of the same lot, or from one lot to a contiguous lot, unless a building permit for the moving thereof shall have been issued by the inspecting officer. Permits for moving buildings shall be as provided in Section 7.2.4.

7.2.1 Application for Building Permit

Each application for a building permit shall be on a form supplied by the inspecting officer, shall include such information as may be required by the inspecting officer as necessary for determining compliance of the proposed construction with these regulations and shall be accompanied by:

- Plans in duplicate, drawn to scale, showing the shape and dimensions of the lot to be built upon and the shapes, dimensions, and locations on the lot of all existing and proposed buildings or alterations, and an application for a certificate of occupancy as provided in Section 7.3.

All applications relating to property in Flood Districts shall include additional statements and plans setting forth the means by which the Flood District requirements are proposed to be met as set out in Section 2.8 of these regulations.

7.2.2 Action on Application for Building Permit

No building permit shall be issued by the inspecting officer except in conformity with the provisions of these regulations, unless he receives a written order from the appropriate Board of Adjustment in the form of an administrative review, conditional use permit, variance, or finding as provided by these regulations.

One copy of the plans shall be returned to the applicant by the Inspecting Officer, after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Inspecting Officer.

No building permit shall be issued with respect to property in a Flood District until the Engineer certifies in writing that the application complies with the requirements of the Flood District. (See Section 2.8)

7.2.3 Expiration of Building Permit

if the work described in any building permit has not begun within ninety days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the inspecting Officer and written notice thereof shall be given to the persons affected.

if the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the inspecting Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

7.2.4 Building Permit for Moving a Building

Any person desiring to move a building shall first file with the Inspecting Officer a written application setting forth the following information:

- Type and kind of building to be moved.
- The original cost of such building
- The extreme dimensions of the length, height and width of the building.
- its present location and proposed new location by lot and block numbers and subdivision names, or other legal description, and street addresses, if established.
- The approximate time such building will be upon the streets, alleys, or highways, and the contemplated route that will be taken from the present location to the new location.

if in the opinion of the inspecting Officer, the moving of any building will cause serious injury to persons or property or serious injury to the streets, alley, highways or other public improvement, or the building to be moved has deteriorated more than fifty percent of its original value by fire or other elements, or the moving of the building will violate any of the requirements of these regulations or other regulations or ordinances or the unit of government, the permit shall not be issued and the building shall not be moved.

Section 7.3 Certificate of Occupancy

7.3.1 General Requirement

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Inspecting Officer stating that the proposed use of the building or land conforms to the requirements of these regulations, except as provided below.

No certificate of occupancy shall be required for:

- The continuation, unchanged of an existing use, except as provided for nonconforming uses in Subsection 7.3.2.
- The planting or harvesting of crops or gardens or the grazing of cattle or horses where permitted by the district regulations.

Uses exempt from these regulations, as set forth in Section 1.3.2.

7.3.2 Nonconforming Structures and Uses

No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of occupancy shall have been issued by the inspecting officer. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provision of these regulations provided that upon enactment or amendment of these regulations, owners, or occupants of nonconforming uses or structures shall have three months to apply for certificate of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment of these regulations.

7.3.3 Application for and Issuance of Certificate of Occupancy

Each application for a certificate of occupancy shall be on a form supplied by the Inspecting Officer, which form may be combined with the application for a building permit and shall include such information as may be required by the Inspecting Officer for determining compliance of the proposed use with these regulations.

No certificate of occupancy shall be issued by the Inspecting Officer except in conformity with these regulations. Where an application for a certificate of occupancy accompanies an application for a building permit, the certificate of occupancy shall not be issued until the building described in the building permit has been completed in conformity with these regulations.

7.3.4 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Inspecting Officer for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

7.3.5 Records and Copies

The Inspecting Officer shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

7.3.6 Failure to Obtain Certificate of Occupancy

Failure to apply for a certificate of occupancy, where required by this section, shall be a violation of these regulations and punishable under Section 7.7 thereof.

Section 7.4 Conditional Use Permits

Conditional use permits shall be granted by the Board of Adjustment, as provided in Subsection 6.5.2.

Section 7.5 Compliance with Applications and Permits

Building permits or certificates of occupancy issued by on the basis of plans and applications approved by the Inspecting Officer authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of these regulations and punishable as provided in Section 7.7.

Section 7.6 Fees, Charges and Expenses

The fees set forth in this section shall be paid to the Commission on filing of any applications and prior to its processing or other action.

Building Permit Fees:

1. Residential and Single Mobile Homes (including moved-in building). \$25.00 minimum fee
 - a) Permit fee is 1/6 of 1% based on \$45.00 per square foot of living area of the building.
 - b) Footing Inspection Fee \$25.00.
 - c) Framing Inspection Fee \$25.00.
 - d) In the case of modular homes, building permit fees will be collected on both the cost of the unit and the improvement of the site.
2. Industrial, commercial and other non-residential building permit fees for construction in Districts I-1 through I-4 and C-1 through C-5, and all other construction not covered by paragraph 1 hereof shall be as follows:
 - a) All areas within the Planning jurisdiction, \$25.00 minimum fee. Permit fee is 1/4 of 1% of the cost of construction.
 - b) Footing Inspection Fee \$30.00.
 - c) Framing Inspection Fee \$30.00.

- d) Optional Inspection Fees: The following fees are not applicable if a notarized affidavit is filed with the Planning Commission office by a registered professional engineer or architect licensed to practice in the State of Oklahoma stating that all provisions of all codes have been met.

Plumbing Inspection Fees:

- Residential \$35.00
 - \$ 5.00 per bath over 2 baths
 - \$25.00 re-inspection fee
 - \$25.00 minimum fee for remodels and additions to pre-existing structures
- Duplexes \$50.00
 - \$25.00 re-inspection fee
 - \$25.00 minimum fee for remodels and additions to pre-existing structures
- Commercial and Industrial \$30.00
 - \$25.00 re-inspection fee
 - \$20.00 first three (3) fixtures and/or drains
 - \$ 1.00 each fixture and/or drain over first three (3)
 - \$ 5.00 inspection of water system
 - \$ 5.00 inspection of sewer system

Electrical Inspection Fees:

- Residential \$40.00
 - \$25.00 re-inspection fee
 - \$25.00 minimum fee for remodels and additions to pre-existing structures
- Duplexes \$50.00
 - \$25.00 re-inspection fee
 - \$25.00 minimum fee for remodels and additions to pre-existing structures
- Commercial and Industrial \$30.00
 - \$25.00 re-inspection fee
 - \$40.00 first 300 amp
 - \$10.00 each 100 amp increment or fraction thereof over 300 amp

Mechanical Inspection Fees:

- Residential \$30.00
 - \$15.00 per unit over one
 - \$25.00 re-inspection fee
 - \$25.00 minimum fee for remodels and additions to pre-existing structures
- Duplexes \$50.00
 - \$25.00 re-inspection fee
 - \$25.00 minimum fee for remodels and additions to pre-existing structures
- Commercial and Industrial \$30.00
 - \$25.00 re-inspection fee
 - \$30.00 first 20 ton
 - \$ 5.00 per 20 ton above 20 ton

Other Permit Fees:

- a) Planned Development, including Manufactured Home Parks:
 - \$50.00 basic fee
 - \$ 5.00 additional fee per acre or if divided into lots
 - \$ 2.00 additional fee per lot
- b) \$ 5.00 moving permit
- c) \$40.00 conditional use permit/special exception
- d) \$40.00 variance permit
- e) \$40.00 map amendment (change of zoning)
- f) \$20.00 for other action which requires a public hearing

Penalty for beginning work without a permit: All fees set forth in this section will be doubled if builder has to be notified to buy a building permit after work has been started.

Cost of Advertising and Notice. The applicant shall pay the cost of any required legal notice, and be responsible for placing the notice and providing proof of publication to the Planning Commission ten (10) days prior to any public hearing. The applicant shall be responsible for the posting of any signs as required by the Zoning Ordinance.

Filing Fees for Plats and Lot Splits:

To defray partially the costs of notification and special studies, there shall be paid to the Planning Commission, at the time of submittal of plats, fees as follows:

- a) Preliminary plat, other than a lot split: \$20.00 or \$10.00 plus \$1.00 per lot, whichever is larger.
- b) Final plat, other than a lot split: \$20.00 or \$10.00 plus \$1.00 per lot, whichever is larger.
- c) Lot split: \$5.00

Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five (5) years of the preliminary approval without payment of an additional filing fee by the subdivider, provided that the final plat for the additional area conforms substantially with the approved preliminary plat.

7.6.1 Building Regulations

Building Code - BOCA National Building Code

A certain document, three copies of which are on file in the office of the Town Clerk of the Town of Verdigris, Oklahoma and the County Clerk of Rogers County, Oklahoma, being marked and designated as the BOCA National Building Code, Tenth Edition, 1987, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the Town of Verdigris, Oklahoma; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the BOCA National Building Code, Tenth Edition, 1987, or the latest edition thereof*, are hereby referred to, adopted and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed below.

The following sections of the BOCA National Building Code, are hereby revised as follows:

- Section 101.1 Insert: Town of Verdigris, Oklahoma (Name of Jurisdiction).
- Section 112.3.1 Insert: (Dollar Amount).
- Section 116.4 Insert: (Offense, Dollar Amount, Number of Days).
- Section 117.2 Insert: (Dollar Amount in Two Locations).
- Section 3408.2 Insert: (Date).

Penalty

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes a building or structure in violation of a detailed statement of a plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not to exceed thirty-five dollars (\$35.00) including costs. Each day upon which a violation continues, shall be deemed a separate offense.

Building Official

- a) The building official of this Town shall be appointed by the Board of Trustees and shall have the powers and duties prescribed for the "building official" by the BOCA Building Code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control.
- b) The term "building inspector", whenever used in the Town Regulations or Ordinances, means the building official.
- c) The terms "electrical inspector", "plumbing inspector", "mechanical inspector", and "gas inspector", wherever used in the Town Regulations or Ordinances also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, mechanical inspector and/or gas inspector is appointed.

* Current copies in Planning Commission Office.

Unsafe Buildings to be Declared Nuisance

The building official shall have full discretionary powers of declaring to be a public nuisance all such buildings and structures, or parts of buildings, as are unsafe and dangerous as to fire or for the purpose used, or have become unsafe or dangerous from fire, decay or other cause, and institute such steps as may be necessary for the immediate abatement of any and all such nuisances. He shall have power to stop the construction of any building or any part thereof, or the making of any repair, where the same is being done in violation of this article.

Construction of Unsafe Buildings

If any building erected or about to be erected in the Town of Verdigris shall appear, upon examination by the building official, to be especially dangerous to life or limb by reason of insufficient thickness of walls, overloaded floors, defective construction or other causes, such building shall be held and taken to be dangerous within the meaning of and subject to all of the provisions of this article; and the building official, besides proceeding as herein before provided, may affix a notice of the dangerous character of the structure upon the external portion of said building. Any person removing said notice so affixed shall be deemed guilty of a misdemeanor.

7.6.1A BOCA National Mechanical Code

A certain document, three copies of which are on file in the office of the Town Clerk of the Town of Verdigris, Oklahoma, being marked as the BOCA National Mechanical Code, Seventh Edition, 1990, be and is hereby adopted as the Mechanical Code of the Town of Verdigris, Oklahoma, for the control of installation and maintenance of mechanical facilities; and each and all of the regulations, provisions, penalties, and conditions and terms of the BOCA National Mechanical Code, Seventh Edition, 1990, or the latest revision thereof*, are hereby referred to, adopted, and made a part hereof as is fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

The following Sections is hereby revised as follows:

- Section M-101.1 Insert: Town of Verdigris.
- Section M-113.2 Insert: (Fee Schedule).
- Section M-113.3 Insert: (Fee Schedule).
- Section M-116.4 Insert: (Offense, Dollar Amount, Number of Days).
- Section M-117.2 Insert: (Dollar Amount in Two Locations).
- Section M-312.4 Vent Materials: Dryer vent materials shall be of galvanized steel or aluminum of the thickness specified in Table M-304.1, or of flexible exhaust duct material.
Exception: In one and two family construction PVC pipe, conforming to ASTM-D1785 SCH 40 may be used under slabs only.

Mechanical: Registration Fees and Penalties

No person shall practice or engage in the business, trade or occupation of Mechanical Contractor, Mechanical Journeyman or Mechanical Apprentice in the Town of Verdigris until they are first licensed by the State of Oklahoma as a Mechanical Contractor or Mechanical Journeyman or registered as Mechanical Apprentice and also registered by the Town of Verdigris, in the identical capacity that they are first licensed or registered by the State of Oklahoma. The registration fees to be paid to the Town of Verdigris shall be as follows, to-wit:

1. Mechanical Contractor, first year fee is eighty-five dollars (\$85.00); thereafter thirty-five (\$35.00) per year
2. Mechanical Journeyman, first year fee is sixty dollars (\$60.00); thereafter fifteen (\$15.00) per year
3. Mechanical Apprentice, no fee

In the event the license in Item 1 and 2 above is allowed to be expired for a period of two (2) years the renewal fee will revert to \$85.00 and \$60.00 respectively.

* Current copies in Planning Commission Office.

Penalty

A person who violates a provision of this Code or who fails to comply therewith or with any of the requirements thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed thirty-five dollars (\$35.00) including costs. Each day upon which a violation continues shall be deemed a separate offense.

7.6.1B Mechanical Work - means the installation, maintenance, repair, or renovation in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or material including process piping used in installation, maintenance, repair or renovation of such system.

7.6.2 BOCA National Plumbing Code

A certain document, three copies of which are on file in the office of the Town Clerk of the Town of Verdigris, Oklahoma, being marked the BOCA National Plumbing Code, Eighth Edition, 1990, be and is hereby adopted as the plumbing code of the Town of Verdigris, Oklahoma, for the control of installation of plumbing facilities; and each and all of the regulations, provisions, penalties, conditions, and terms of the BOCA National Plumbing Code, Eighth Edition, 1990, or the latest revision thereof, are hereby referred to, adopted, and made part hereof as if fully set out in the Zoning Regulations with the additions, insertions, deletions and changes, if any.

The following sections are hereby revised as follows:

Section P-101.1 Insert: Town of Verdigris.

Section P-113.2 Insert: (Dollar Amount for Fees).

Section P-116.4 Insert: (Offense, Dollar Amount, Number of Days).

Section P-117.2 Insert: (Dollar Amount in Two Locations).

Section P-304.3 Insert: (Distance in Feet).

Section P-309.4 Insert: (Depth in Feet, Depth in Inches)

Section P-309.5 Insert: (Number in Inches in Two Locations)

Amend Table P-403.5 by eliminating chlorinated polyvinyl plastic pipe and tubing and polybutylene (PB) plastic pipe and tubing as allowed materials except for repair on pre-existing systems.

Amend Tables P-603.1(1), P-603.2(1), P-603.2(2) by prohibiting the use of drainage pipe in sizes less than two (2) inch, below grade, in slab type construction.

Plumbers: Registration Fees and Penalties

No person shall practice or engage in business, trade or occupation of a Plumbing Contractor, a Plumbing Journeyman, or a Plumber Apprentice unless he is first licensed by the State of Oklahoma as the same, and registered by the Town of Verdigris, Oklahoma in the same capacity as with the State of Oklahoma. The registration fee is to be paid to the Town of Verdigris as follows, to-wit:

1. Plumbing Contractor, first year fee is eighty-five dollars (\$85.00); thereafter thirty-five (\$35.00) per year.
2. Plumber Journeyman, first year fee is sixty dollars (\$60.00); thereafter fifteen (\$15.00) per year.
3. Plumber Apprentice, no fee.

In the event the license in Item 1 and 2 above is allowed to be expired for a period of two (2) years the renewal fee will revert to \$85.00 and \$60.00 respectively.

Penalty

A person who violates a provision of this code or who fails to comply therewith or with any of the requirements thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not to exceed thirty-five dollars (\$35.00) including costs. Each day upon which a violation continues shall be deemed a separate offense.

7.6.2A Plumbing Work - means the installation, mainenance, repair, or renovation in whole or in part, of any plumbing system or gas system or any material or equipment including piping and all fixtures used in installation, maintenance, repair or renovation of any such system.

7.6.3 Gas Piping

Gas Piping: National Fuel Gas Code Adopted

NFPA 54 published by the American Gas Association & National Fire Protection Association, entitled "National Fuel Gas Code", is hereby adopted by reference. Said NFPA 54 shall be in full force and effect in the Town of Verdigris, Oklahoma and shall govern the installation of gas piping and gas appliances in buildings in the Town. Any violation of said NFPA 54 shall be deemed a violation of the Regulations or Ordinances of the Town of Verdigris.

Note: NFPA 54 has been adopted by the State Fire Marshall Commission to govern gas piping and appliances throughout the State.

7.6.4 Electrical Installations

For the purpose of this article, the following words shall have the following meanings:

- 1) Electrical Inspector, shall be held to mean and include the electrical inspector of the Town of Verdigris, Oklahoma or any of his duly authorized assistants.
- 2) Electrical Contractor, shall be held to mean any person, firm or corporation engaged in the business of wiring, rewiring, installing, repairing or altering any electrical wiring, or installing or repairing any apparatus or electrical appliance in the Town of Verdigris, Oklahoma and shall not include person, firms, or corporations engaged in the business of selling or offering for sale to the public, electrical materials, apparatus and electrical appliances that are not installed by such persons, firms or corporations.
- 3) Journeyman Electrician, shall be held to mean any person actually engaged in the work of wiring, or installing or repairing any electrical apparatus or electrical appliances in the Town of Verdigris, Oklahoma.

Electrical Inspector: Qualifications

There is hereby created the office of Electrical Inspector for the Town of Verdigris, Oklahoma. Such inspector shall be an electrical engineer or a person who is familiar with inside electrical construction, also familiar with the National Electric Code as approved by the National Fire Protection Association and the application of the Code requirements. The Electrical Inspector shall qualify under State Statutes. The Electrical Inspector shall be appointed by the Board of Trustees of the Town of Verdigris, Oklahoma and shall receive such salary as the Board may determine, and shall hold office until his successor has been appointed by said governing body.

Inspector: Duties, Appeals

The Electrical Inspector shall be charged with the duty of enforcing all the regulations of the Town of Verdigris relating to electrical wiring and the construction, installation, repair, alteration, operation and maintenance of electrical wiring, work, apparatus and fixtures, and with the inspection of the same. The electrical insapector shall have the power and it shall be his duty to inspect or re-inspect all overhead, underground and interior wires and apparatus conducting electrical current for any of the purposes set forth in the electrical code of the Twon of Verdigris; and when said conductors or apparatus are found to be unsafe to life or property, he shall notify the person, firm or corporatrion owning, using, or operating the same, to place the same in a safe condition within forty-eight (48) hours, and it shall be their duty to do so. The electrical inspector, in the discharge of his duties, may enter any building or premises at any time during business, or at any reasonable hours; and upon refusal of any owner, agent or occupant to allow such inspection as required of the electrical inspector, he, she or they may be guilty of an offense. Provided further that the electrical inspector shall have the power and authority to disconnect service wires to or in any building where he finds electrical wires that he deems dangerous to life. He shall also institute by and with the advice of the District Attorney or the Town Attorney, such prosecutions as may be necessary against any violators of any regulation with the enforcement of which he is charged. An appeal may be taken from any ruling, interpretation, requirement or decision made by the electrical inspector by filing an application with the Town Clerk within five (5) days from said ruling, interpretation, requirement or decision, and the decision of the Board of Trustees in said matters appealed from shall be final.

Emergency Rules

At any time when the electrical inspector shall determine that an emergency exists justifying such action, he may issue any rule or regulations that may be necessary to conform to trade conditions in the installation and use of materials and devices where electrical energy is used by any person, persons, firm, corporation, partnership, association or electrical contractor; and such rules or regulations as the electrical inspector may consider necessary or convenient shall, before becoming effective, be submitted to the Board of Trustees; and, if approved by said body, then such rule or regulation shall be enforced in the same manner in which the terms of the Electrical Code are enforced, provided that no emergency rule or regulation shall continue in force and effect for more than six months after the enactment thereof unless otherwise specified by the Board of Trustees

Certificate Necessary for Apprentices

An apprentice shall be allowed to do such work with a certificate issued by the electrical inspector, provided he works under the supervision of a licensed electrical contractor or journeyman electrician who shall be present at all times while said apprentice performs such work. All apprentices shall be registered by the State and registered with the electrical inspectors office.

Service Entrance

The service entrance shall be located at a point on the building most convenient for connection to the service pole, with due regard for the desirability of avoiding the crossing of adjacent property or running open wire construction over the roof or along the wall of any building. The distance between the service entrances for light and power shall not be greater than four (4) feet.

Transfer of License

It shall be unlawful for any person, firm or corporation holding a license to transfer same or allow the use of same, directly or indirectly by any other person for the purpose of obtaining a permit to do any of the electrical work herein specified.

Permit Required

No person, firm or corporation shall do or cause to be done any interior or exterior wiring, or any construction, installation or alteration of any electrical wiring, apparatus or fixtures within the Town of Verdigris without following or complying with the provisions herein directing that a permit be obtained for the particular work from the electrical inspector. The electrical inspector shall not issue a permit for any such work to any person, firm or corporation that has not complied with the provisions of this article. Permits shall not be necessary for maintenance work or repair if wiring is not altered or rearranged. The electrical inspector may, if he deems it necessary, require or demand from the electrical contractor, a set of plans and specifications of any job, in order that the electrical inspector may check same to determine if the plans and specifications comply with the Town Regulations. The electrical inspector must render a decision on such plans and specifications within a reasonable time after receiving same.

Permit Refused

The electrical inspector shall have, and is hereby given, authority to refuse to issue a permit for the installation of electrical wiring, as herein provided, or for any additions or extensions to any electrical wiring in or on any building where, in his estimation, the wiring done or proposed to be done is unsafe or not in accordance with the provisions of this article.

Inspection Required

Whenever any person, firm or corporation engaged in the business of installing electrical fixtures, electrical wiring, house annunciators, radio equipment, electrical appliances, fixtures or apparatus of any kind or description as an electrical contractor performs such work for which a permit is necessary, or any electrical work is done for which a permit is required under this section then said work shall be inspected by the electrical inspector, and such work must be done in such manner and with such material as will pass the inspection required by these regulations.

Permit Inspection

Applicants for the permit described in Section One (1) shall, prior to proceeding to do any work requiring such permit, call the office of the electrical inspector and give the names of the electrical contractor who is to do such work and the address where the work is to be done.

Carnivals, circus or other places of amusement using structures composed wholly or partially of canvas or similar materials shall be considered as temporary for a period of not exceeding fifteen (15) days, and any construction work shall be done by a bonded and licensed contractor and the fee shall be a minimum of twenty-five dollars (\$25.00).

Defective Wiring: Owner's Duties

Whenever any electrical wiring or other apparatus is found by the electrical inspector to be unsafe or defective or in an insecure condition, he shall notify the owner or persons in control there, in writing, to repair or renew the defective wiring or apparatus, and upon the owner's failure to repair or remove the same within such time as the electrical inspector may deem necessary, which time shall be stated in such notice, the electrical inspector shall cause the service connected to such wiring or apparatus to be disconnected. He shall report all violations of this article to the District Attorney or the Town Attorney for prosecution.

Request for Inspection

It shall be the duty of the electrical contractor to notify the electrical inspector as soon as such work is ready for inspection.

Inspection of Work

Upon inspection of the electrical wiring of any building, the electrical inspector shall leave a notice in the form of a tag or label attached to the service. This notice shall clearly state whether the wiring is approved, or is to be kept open for correction, and no person shall lath, ceil or in any manner conceal any electrical wiring until he is informed and knows that such wiring has been approved by the electrical inspector. The general contractor or owner shall be held responsible for any violations of this section. It shall be the duty of the electrical inspector to immediately notify the electrical contractor by telephone of any defects, and all defects must be corrected within twenty-four (24) hours from said notice. If, after a permit is issued, the work installed under such permit does not comply with the requirements of this article, the inspector shall refuse to issue a certificate of inspection.

Temporary Certificate

When, for good and sufficient cause, it is necessary to have the electricity on any installation before final certificate can be issued, the inspector may, if the parts to which the current is applied are in a safe and satisfactory condition, issued a temporary certificate. When a temporary service is installed satisfactory to the electrical inspector, the electrical company will not be permitted to make a connection to permanent service until after a final permanent certificate has been issued.

Wiring Construction

a) All electrical materials and equipment and the method of installation shall be in conformity with the provisions of this article and approved standards for safety to persons and property. Where no specific standards are prescribed by this article, compliance with the Statutes of the State of Oklahoma pertaining to the installation of electrical materials and equipment and conforming with the regulations set forth in the current National Electrical Code, being the standard for the American Insurance Association for electrical wiring and apparatus as recommended by the National Fire Protection Association and approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards for safety to persons and property and of compliance with this article.

b) Special requirements:

- 1) There shall be no bracketing of buildings. Weatherhead shall be so located that bracketing will not be necessary. Bracketing for the purpose of this article is defined to be the running of utility service wires along or across the exterior of buildings.

- 2) The main line service switch shall be located at the secondary meter service or where the secondary service enters the building to be served
- 3) Single-phase services shall not be smaller than No. 6 American Wire Gauge.
- 4) Three-phase services shall not be smaller than No. 8 American Wire Gauge
- 5) All branch circuits shall not be smaller than No. 12 American Wire Gauge.
- 6) The continued use of existing No. 14 wire, if it be of sufficient capacity, on 15 ampere circuits shall be permitted. New wiring or a remodel job however, shall be No. 12 American Wire Gauge.
- 7) In residences branch circuit distribution shall be limited to no more than ten (10) receptacles to a circuit placed so that no point along the floor line in any useable wall space if more than six (6) feet from an outlet in that space, except in kitchens, utility rooms, breakfast rooms and garages in which there shall be no more than two (2) receptacles to a circuit. There shall be no more than nine (9) lights to a circuit.
- 8) The following electrical appliances or devices shall be on special circuits fused independently; electric ranges, electric dryers, washing machines, dish washers, disposals, electric bathroom heaters, air conditioners, and water heaters. Attic fans and furnaces may be placed on the same circuit, but this circuit shall also be fused independently.
- 9) All single-phase family dwellings constructed within the jurisdiction of the Town Electrical Code shall be wired in any grounded system type of wiring recognized by the National Electrical Code, Grounded Romex is permitted.
- 10) Wiring for heat, light or power in all buildings, hereafter erected, except single-family dwellings, and all additions to existing buildings shall be installed in a rigid, heavy wall, threaded, galvanized conduit electric metallic tubing, flexible metallic tubing conduit, or metal molding system, except electric metallic tubing shall not be used in elevator shafts or in poured concrete slab. Where conduits are used, all ends shall be reamed smooth before installation. Mineral insulated metal sheathed type Mi shall be permitted.
- 11) Greenfield and Armour Cable may be used in showcase lights, door switches, and on remodel jobs where rigid conduit is not practical.
- 12) Non-metallic surface extensions shall be prohibited.
- 13) All lighting outlets must be equipped with standard fixture studs. All light outlets boxed for concealed work must be equipped with approved plaster rings where the building was designed for an interior finish which would necessitate the use of such plaster rings.
- 14) Any conduit running over the joists must not project more than two (2) inches above the joists and must be securely fastened with an approved strap within 18 inches of an opening or bend, and additional straps every eight (8) feet. In buildings of open truss construction, when conduits are required, conduits must be installed on ceilings or sidewalls and supported not less than every eight feet, and in no case will conduit be permitted to run at right angles with trusses, except at ceilings and sidewalls, unless supported by a running board of suitable hanger.
- 15) On stucco, tile brick or stone veneer, or other masonry walls, where it is necessary to install supports for the service span wires of the utility company, the consumer must install one galvanized bolt for each contemplated service wire. If possible, such bolts should be installed during the construction of the supporting wall, in any case the bolts should be securely fastened to the supporting wall or framework. The threaded ends of the bolts shall protrude from the outside wall a distance of one or more than one and one-half (1 1/2) inches, nor in diameter and shall be spaced approximately eight (8) inches apart and all in the same plane.
- 16) All bathroom, kitchen, basement and private garage fixtures must be controlled by wall switches.
- 17) Exit lights shall be required on all stair landings and entrances leading to fire escapes in all buildings used by the public. Such lights must be connected ahead of the main switch on a separate circuit. Said exit lights must be red or green in color.
- 18) All conduits must be secured to outlet boxes, junction boxes, or cabinets by placing approved locknuts on the outside of the box, and approved locknuts and bushings on the inside of the box.
- 19) Aluminum wire in any form is prohibited from use beyond or after the top lugs of the secondary meter device and in no case within any portion of the building served.

Liability

This article shall not be constructed to relieve or lessen the responsibility of any person, firm or corporation owning, operating, or installing electrical wiring, appliances, apparatus, structures or equipment for the damage of anyone injured by any defect herein, but neither shall the Town of Verdigris, nor any agent of the Town, be held as assuming any such liability by reason of the inspection of the electrical inspector.

Excavations

Nothing herein contained shall be construed as granting permission for excavations in the streets, alleys or sidewalks or other public grounds of the Town of Verdigris, without full compliance with all the law and regulations of the Town of Verdigris, covering excavations in the streets and other public grounds of the Town.

Low Voltage Systems

For the installation of bell, telephone or signal systems not using over twenty-four (24) volts, no license or bond will be required, but the installation of the same must comply with all other requirements of this article.

Licensed Required

All persons engaged or hereinafter engaging in the business of installing electrical material or equipment as an electrical contractor, in or on any building within the Town of Verdigris, Oklahoma shall first procure from this State of Oklahoma an Electrical Contractors license and then procure from the Town of Verdigris, Oklahoma an Electrical Contractor license upon presentation of the State license and payment of eighty-five dollars (\$85.00) license fee the first year and thirty-five dollars (\$35.00) each year thereafter. If said license shall be expired for any period of time in excess of two (2) years, renewals shall be treated as new license.

Any person engaged or hereinafter engaging in the business of installing electrical material or equipment as a Journeyman Electrician in or on any building within the Town of Verdigris, Oklahoma shall first procure from the State of Oklahoma a Journeyman Electrician's License and payment of sixty dollars (\$60.00) license fee the first year and fifteen dollars (\$15.00) per year thereafter. If said license shall be expired for any period of time in excess of two (2) years renewals shall be treated as a new license. Provided however, no license shall be required by a homeowner who is performing his own electrical work, except, all work performed by a homeowner shall comply with all parts of this article regarding materials, workmanship and inspection.

Inspector May Enter Building

The electrical inspector, while in the discharge of his duties shall be authorized to enter any building or premises, if consent of the owner or occupant of said building or premises is given, for the purpose of determining if the building or premises is in compliance with applicable electrical codes. If the owner or the occupant refuses to allow the inspector to enter, and the inspector can show that valid public interest justifies the intrusion, the inspector may request that a search warrant be issued by a Judge of the District Court. If the inspector determines that an emergency exist, which places life or property in jeopardy, he may conduct an inspection without the owners consent and without the requirement of a search warrant.

Temporary Service

For good and sufficient reason, the electrical inspector may grant temporary service, but in any case such temporary service shall not be continued beyond a period of one hundred twenty (120) days.

Revocation of License

Any licensed electrical contractor, journeyman or electrician's helper who fails to comply with this article, and who is found guilty and fined as provided in this chapter twice during any licensing year shall automatically have his license revoked for the remaining period of the licensing year from and after the date of such second conviction. Further, any such licensed person who shall have his license revoked in any two (2) successive licensing years shall not be eligible to apply for or to be licensed for the next succeeding licensing year after such second revocation, and upon applying for a license any year thereafter shall show proof of Oklahoma state license, the same as any other person not previously licensed by the Town of Verdigris.

Conformity with this Article

All installations with electrical equipment shall be in conformity with the provisions of this article, with the statutes of the State of Oklahoma and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this article or by the statutes of the State of Oklahoma, or by any orders, rules or regulations issued by authority thereof, conformity with the regulations set forth in the latest edition of the National Electrical Code as approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

Electrical Equipment

All electrical equipment installed or used shall be in conformity with the provisions of this article, the statutes of the State of Oklahoma, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this article, by a statute of the State of Oklahoma, or any orders, rules or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriter's Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to property.

Violations

Any person, firm, partnership, corporation, or individual violating any of the provisions of these regulations shall be guilty of a misdemeanor, and in cases where electrical defects have been ordered corrected by the electrical inspector, each and every day will constitute a separate offense where the order is not complied with.

Liability

This article shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons, property caused by any defect therein, nor shall the Town of Verdigris or any officer or employee be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

Residences Wired by the Owners

No connection to the electrical systems will be made and no electrical power will be furnished to any residence wired by the owner of said residence unless such wiring and other installation of electrical equipment complies with the provisions and requirements of this article; in any event no connection or electrical power shall be furnished such residence unless the owner thereof files with the electrical inspector an affidavit setting forth his ownership of the property and stating by said affidavit that the said residence is for his personal and sole use and occupancy and that he will occupy said residence for a period of time not less than one (1) year.

Penalty

Any person who shall engage in any business, trade, or vocation for which a license, permit, certificate, or registration is required by this chapter, without having a valid license, permit, certificate or certificate of registration as required, or who shall fail to do anything required by this chapter, or by any code adopted by this chapter, or who shall otherwise violate any provision of this chapter, shall be guilty of an offense, and upon conviction thereof, shall be fined in any sum not to exceed thirty-five dollars (\$35.00) including costs. Each day upon which a violation continues, shall be deemed a separate offense.

Relief in the Courts

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

Section 7.7 Violations

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Inspecting Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

Violations of the provisions of these regulations or failure to comply with any of their requirements including violations of conditions and safeguards established in connection with grants of variances or conditional use permits, shall constitute a misdemeanor. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined not less than five (\$5.00) dollars nor more than thirty-five (\$35.00) dollars including cost for each offense. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the unit of government from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 7.8 Amendment of Zoning Regulations

7.8.1 Application for Amendment

Any person, association, firm or agency of government may apply for amendment of these regulations. An application for a zoning map amendment shall be in such form and have such content as the Planning Commission may by resolution establish. Fees shall be as set forth in Section 7.6 and shall be paid whether application is made to the Planning Commission or the governing body.

Each application shall be filed with the Planning Commission at least thirty (30) days prior to the date of the public hearing at which it is to be considered, unless the Planning Commission by a two-thirds (2/3) vote permits a shorter period for reasons shown.

When the governing body shall have, after public hearing, denied any application to change the zoning classification of any land, no application to change the zoning classification of such land or any part thereof shall be eligible for public hearing within twelve (12) months after such prior public hearing. However, if the latter application is for zoning district which is clearly more restrictive than that described in the prior application, the new application shall be eligible for public hearing six (6) months after the prior public hearing.

- a) Where an application is made directly to the governing body it shall be referred by the governing body to the Planning Commission for processing in the same manner as if the application has been made to the Planning Commission, except that the Planning Commission shall make a report to the governing body on each application, regardless of whether it holds a public hearing thereon.
- b) With respect to each application received, either directly or by referral from the governing body, the director of the Planning Commission shall review the application, and he may set the application for public hearing before the Planning Commission.
- c) If the Director does not set the application for public hearing he shall report it to the Planning Commission, who shall vote to set the application or modification thereof for public hearing or deny it.
- d) Prior to recommending approval of an application or approval subject to modification, the Planning Commission shall hold a public hearing thereon, as provided below in paragraph (h); following the public hearing, the Planning Commission shall within a reasonable time vote to (1) recommend to the governing body that the application be approved or approved as modified or (2) deny it.

e) If the Planning Commission votes to deny an application or to modify it in a manner not acceptable to the applicant as provided under paragraph (c), the applicant may within fifteen (15) days appeal the Planning Commission's action to the governing body.

f) In the event of such appeal, the governing body may return it to the Planning Commission for further study and report, or deny it.

g) Before approving an application for a zoning map amendment which does not conform with the Planning Commission's recommendations thereon, the governing body shall hold a public hearing hereon as provided below; such public hearing shall be held subsequent to receipt of the Planning Commission's recommendation on the application.

h) Whenever the Planning Commission or governing body determines that a public hearing is to be held on a proposed amendment to these regulations, notice of such hearing shall be published in a newspaper of general circulation in the locality at least one time fifteen (15) days prior to the hearing. Notice shall also be given by the posting on the property of a sign whose dimensions, design, content, and location shall conform to specifications established by the Planning Commission.

i) Each application to the Commission shall include a completed "Affidavit of Mailing" which shall include a list of names with the addresses of all owners of record of property within three hundred (300) feet of the effected property. This list of names shall be prepared by a licensed abstractor and if found to be incorrect may be grounds for the commission to deny the application. Notice of the public hearing shall be mailed to these property owners all at the applicant's expense. The notice to property owners shall contain (1) description of the property along with the street address or approximate location, and (2) present zoning, zoning requested and intended use after re-zoning.

j) After approval of any amendment to these regulations, the Director shall file the amendment in his office, and the Director of the Planning Commission shall change the official zoning map, in the case of map amendment. No map amendment shall be effective unless and until it is entered on the official zoning map.

7.8.2 Effect of Protest

In case of a protest against such proposed amendment signed by the owners of twenty (20%) percent or more of the area of the lots immediately abutting either side of the territory included in such proposed change or separated therefrom only by an alley or street, such amendment shall not become effective except by the favorable vote of two-thirds of the governing body.

7.8.4 Failure of the Planning Commission to Act

If the Planning Commission fails to make an investigation and report on a proposed amendment referred to it for a period of thirty (30) days, such failure shall be considered a refusal to approve the proposed amendment and the governing body shall be under no obligation to wait longer for reports or recommendations thereon.

Section 7.9 Classification of Certain Areas

7.9.1 Classification of Annexed Areas

a) All territory that is annexed by the Town of Verdigris after the effective date of these regulations, if it has prior thereto been zoned by the county shall thereupon be placed in the same or most nearly corresponding zoning district classification under these regulations until otherwise classified by amendment of these regulations.

b) All territory that is annexed by the Town of Verdigris after the effective date of these regulations, if it has not prior thereto been zoned by the county shall be an AR (Agriculture Residential District) unless otherwise classified at the time of annexation by the governing body.

7.9.2 Classification of Undesignated Areas

In the event there is an area on the zoning map for which the zoning district classification is not shown, such area shall be classified as an AR District until reclassified by the governing body.

Section 7.10 Automatic Review of Certain Rezoning Actions

Except in the case of expansion of an existing district by 2.5 acres or less, where land is rezoned

From an A or R District to a P, O, C, I, or M District, or
From an A or RS District to an RM or RT District, or
From an P, O, or C District to an I or M District,

Then the Director of the Planning Commission shall put the application on written notice that the question of continuing the zoning classification resulting from such rezoning shall be automatically placed on the agenda of the Planning Commission at its first meeting one (1) year thereafter, for reconsideration.

At such meeting the Planning Commission shall consider whether or not the rezoned property is being used for purposes made possible by the rezoning or is being actively developed for such purposes. After such review the Planning Commission shall decide either to set the rezoning for its first additional review twelve (12) months thereafter or set it for public hearing for reversion to its earlier zoning or other suitable classification.

ARTICLE 8

DEFINITIONS

Section 8.1 General

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

Section 8.2 Definitions

A DISTRICT: A zoning district whose designation begins with the letter "A". (also considered Agricultural District)

ACCESSORY: A use, building or structure, part of a building or other structure which is subordinate to and the use of which is customarily incidental to that of the main building, structure or use on the same lot, including a private garage, except that accessory off-street parking need not be located on the same lot with the principal use to which it is accessory. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

ACCESSORY LIVING QUARTERS: a) In the case of districts in which dwelling units are permitted, the term means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of the guests of the occupants of the premises; such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. The term includes "guest house". b) In the case of districts where dwelling units are not permitted, the term means sleeping facilities for watchmen and caretakers employed on the premises.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

BOARD OF ADJUSTMENT: The Board of Adjustment of the unit of government.

BOARD: Means Board of Adjustment, unless the context clearly indicates otherwise.

BOARDING HOUSE: A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more, but not exceeding twenty persons on a weekly or monthly basis.

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

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

C DISTRICT: A zoning district whose designation begins with the letter "C". (also considered Commercial District)

CHIEF EXECUTIVE: The Mayor of the Town of Verdigris.

CLERK: The clerk of the Town of Verdigris.

COMMISSION: The Planning Commission.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Municipal Area.

CONDITIONAL USE. A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, if specific provision for such conditional use is made in these zoning regulations

COUNTY Rogers County, Oklahoma.

COURT, INNER: A court which is bound by either a) building walls, b) building walls and one or more lot lines other than a front lot line, or c) building walls, except for one opening on any open area along side lot line or rear lot line which area has a width of less than thirty (30) feet at any point.

COURT, OUTER: A court, which, except for one opening upon a front lot line, a front yard, a rear yard, or any open area along a rear lot line or along a side lot line, which open area has a width or depth of at least thirty (30) feet and extends along the entire length of such rear or side lot line, is bounded by either a) building walls, or b) building walls and one or more lot lines other than a front lot line

COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

DIRECTOR: The Director of the Planning Commission, or other official so designated by the governing body.

DRIVER-IN EATING PLACE: Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

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

DWELLING GROUP: Two or more detached dwellings other than mobile homes, on the same lot, as defined herein, but not including a single family dwelling with a garage apartment to the rear.

DWELLING, MULTI-FAMILY: A detached dwelling, other than a mobile home, hotel, or motel, designed to be occupied by three or more families living independently of each other.

DWELLING, TWO FAMILY: A detached dwelling, other than a mobile home, designed to be occupied by two families living independently of each other.

DWELLING UNIT: One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

ENGINEER: The engineer of the unit of government or the person designated by the governing body to serve in that capacity.

F DISTRICT: A zoning district whose designation begins with the letter "f". (also considered Flood District)

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be houses on the premises without being counted as a family or families.

FLOOR AREA: The total square feet of floor space within the outside dimensions of a building including each floor level, halls, lobbies, stairways, elevator shafts, basement, and covered exterior balconies but not including covered parking areas.

FLOOR AREA RATIO: The floor area on a lot divided by the area of the lot.

GOVERNING BODY: The governing body of the unit of government (Town of Verdigris, Board of Trustees)

HOME OCCUPATION: An occupation conducted in a dwelling unit as a use accessory to the residential use of such unit, subject to Section 3.6.

Home occupations include

Beauty Shops

Fine Art Studios

Professional Offices

Teaching of not more than four pupils simultaneously, or in the case of musical instruction, of not more than one pupil at a time.

Home occupations do not include:

Barber Shops

Commercial Stables or Kennels

Interior Decorator's Offices or Workshops

I DISTRICT: A zoning district whose designation begins with the letter "I". (also considered Industrial District)

INSPECTING OFFICER: The officer designated by the governing body to administer these regulations.

KENNEL: Any instance where any number of animals of the canine species including any bitch or dog and every other animal of the canine species are kept or maintained except domestic animals of the canine species may be kept where the combined total of such animals shall not exceed three (3) such animals of the age of two (2) months or older and where the allowed number of domestic animals are kept for the sole purpose of pets or watch animals.

LOCALITY: The area subject to the jurisdiction of the unit of government.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have a frontage on an improved public street, or on an approved private street, and may consist of:

a) A single lot of record;

b) A portion of a lot of record;

c) A combination of complete lots of record, of complete lots of records and portions of lots of records, or of portions of lots of record;

d) A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of these regulations.

LOT AREA: The total area included within lot lines, measured on a horizontal plane, subject to Section 2.1.3 for lots in A Districts.

LOT, CORNER: A lot which has at least two adjacent sides abutting for their full length on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT, DEPTH: The distance between the midpoints of a) a straight line connecting the foremost points of the side lot lines and b) a straight line connecting the rearmost points of the side lot lines.

LOT FRONTAGE: The length of a front lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot, as defined herein.

LOT LINE, FRONT: Any street line, provided that:

a) in the case of a corner lot having street lines of unequal length, the shorter of such lines shall be deemed a front lot line and the longer of such lot lines shall be deemed a side lot line;

b) in the case of one end of a block and bounded on three sides by streets, the street line at the end of the block shall be deemed a side lot line and the other two street lines shall be deemed front lot lines;

- c) in the case of a lot consisting of an entire block:
 - 1) if the sides are not of equal length, the longer sides shall be deemed front lines and the shorter sides shall be deemed side lot lines.
 - 2) if the sides are of equal length, all sides be deemed front lot lines.

LOT LINE, REAR: A lot line (other than a line designated elsewhere herein as a front lot line or a side lot line) which is opposite and most distant from a front lot line, except as follows:

- a) In the case of irregular, triangular, or gore-shapes lot: a line ten feet long within the lot, parallel to and at the maximum distance from the front lot line.
- b) In the case of a through lot or part thereof at least 150 feet deep, bounded by two street lines and two other straight lines intersecting such street lines; a line midway between the street lines.
- c) In the case of 1) portions of a through lot that cannot be bounded by two street lines and two other straight lines intersecting such street lines and 2) a lot bounded entirely by street lines: a line or lines, ordinarily at or near the midline of the block, determined by the inspecting officer after consideration of the existing platting pattern in the immediate vicinity of such lot.

LOT LINE, Side: A lot line other than a front lot line or a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, THROUGH: A lot other than a corner lot abutting more than one street.

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of any lot on the turnaround of a cul-de-sac, where 80 percent requirements shall not apply.

MAJOR STREET OR HIGHWAY: A street so designated in the Comprehensive Plan.

MOBILE HOME: A detached dwelling unit, which is designated for transportation, after fabrication, on streets or highways on its own wheels or on a trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, connection to utilities, and similar operations. The term "mobile home" does not include the term "travel trailer", "recreation unit" or "modular home".

MODULAR HOME: A pre-manufactured living unit without wheels, axles or hitches, especially manufactured to become a permanently located dwelling unit. This definition shall not be construed to include a mobile home with an "add on", "pull out" or "fold out" room. (Modular homes are subject to the requirements set forth in Section 3.8.9).

MOBILE OR PORTABLE OFFICE OR LIMITED SHOP: A pre-manufactured unit with or without wheels, axles or hitches, especially manufactured or modified to become an office or limited shop. The term "mobile or portable office or limited shop" does not include the term "mobile home", "travel trailer", "recreational unit", or "modular home".

NONCONFORMING STRUCTURE: A structure or portion thereof, which was lawfully erected or altered and maintained but which, because of application of these regulations to it, no longer conforms to the regulation of the district in which it is located as defined by these regulations.

NONCONFORMING USE: A use which was lawfully established and maintained but which, because of the application of these regulations to it, no longer conforms to the use regulations of the district in which it is located as defined by these regulations.

PARKING SPACE, OFF STREET: A parking space meeting the requirements of Section 3.11.

PERSON: An individual, corporation, partnership, trust, or other association

PLANNING COMMISSION: Town of Verdigris Municipal Area Planning Commission.

R DISTRICT: A zoning district whose designation begins with the letter "R". (also considered Residential District)

RM DISTRICT: A zoning district whose designation begins with the letters "RM".

RS DISTRICT: A zoning district whose designation begins with the letters "RS".

RST DISTRICT: A zoning district whose designation begins with the letters "RST".

RECREATIONAL UNIT: A travel trailer, pickup camper, motor home, converted bus, tent, or similar device used for portable temporary housing.

RESIDENTIAL USE: Uses identified as such in Table 3.1 of these regulations.

RESTRICTIVENESS OF DISTRICTS: The least restrictive contiguous residential district is the district requiring the least lot area per dwelling unit. With respect to the RS-6 and RM-6 districts, the RM-6 district is the least restricted, and with respect to the RM-4 and RT districts, the RT district is the least restricted.

SCRAP AND WASTE MATERIALS, WHOLESALE: Establishments engaged in assembling, breaking up, sorting, or distributing scrap and waste materials, including auto wrecking and junk establishments.

SIGNS: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

- a) Flags and insignia of any government except when displayed in connection with commercial promotion;
- b) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- c) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or lights;
- d) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ACCESSORY: A bulletin board, home occupation sign, identification sign or real estate sign.

SIGN, ADVERTISING: See SIGN, OUTDOOR ADVERTISING.

SIGN, ANIMATED: A sign having visible moving parts or moving lights.

SIGN, IDENTIFICATION: An accessory sign whose content is limited to the name and/or occupation of the occupant of the premises or a permanent sign identifying a subdivision area or structure.

SIGN, NUMBER AND SURFACE AREA: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements each element shall be considered to be a sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN, OUTDOOR ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment which is entirely or primarily conducted, sold, or offered elsewhere than on the lot on which the sign is located.

SIGN, REAL ESTATE: A temporary accessory sign advertising the sale, rental, or lease of the premises on which it is maintained or identifying architects, builders, contractors, financial institutions or engineers during the period of construction of a structure on the premises.

STANDARD SUBDIVISION IMPROVEMENT SPECIFICATIONS: The standard subdivision improvement specifications of the unit of government.

STREET: Any public or private right-of-way, highway, road, land, square, court, or way set aside as a permanent right-of-way for street purposes, thirty feet or more in width if it existed at the time of the enactment of these regulations, and any public or private way fifty feet or more in width if created after the enactment of these regulations.

STREET, HALF: Any street platted twenty-five (25) feet or more in width where at the time of approval of the plat it is the intent of the governing body that said street dedication shall constitute only a part of the total street easement width.

STREET, INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

SUBDIVISION REGULATIONS: The subdivision regulations of the Planning Commission.

TERRITORIAL JURISDICTION: The area within the boundaries of the unit of Government.

TOWN HOUSE: One of a series of from three to ten attached dwelling units, separated from one another by continuous vertical party walls without opening from basement floor to roof.

TOWN HOUSE DEVELOPMENT: A tract of land on which there is built or is proposed to be built three or more town houses, including the sites of the town houses and all common spaces.

TOWN HOUSE, INDIVIDUAL LOT: A zoning lot on which there is built or is proposed to be built one town house.

TRAVEL TRAILER: Any vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational, or vacation use and when factory equipped for the road, it shall have a body width not exceeding eight feet and an overall length not exceeding thirty-five feet, including hitch and coupling and is licensed as a travel trailer under H.B. 1541.

VARIANCE: AN adjustment in the application of the specific provisions of these regulations to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district and which adjustment remedies disparity in privileges.

YARD: An open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward, except where otherwise specifically provided in these regulations that a structure or portion of a structure may be located in a portion of a required yard.

YARD, DEPTH OR WIDTH OF: In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending along the full length of a front lot line.

YARD, REAR: A yard extending across the rear of the lot between inner side yard lines.

YARD, SIDE: A yard extending along a side lot line with the rear line of the front yard to the rear line of the lot.

ARTICLE 9

INVALIDITY AND REPEAL

Section 9.1 Invalidity of a Part

In case any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalid, but shall remain in full force.

Section 9.2 Repeal of Conflicting Regulations

All regulations, ordinances, orders, resolutions, or parts thereof in conflict with these zoning regulations, or inconsistent therewith, are hereby repealed to the extent necessary to give these regulations full force and effect.

APPENDIX A

PRINCIPAL USE ANTENNA AND ANTENNA STRUCTURES

Section A Principal Use

A principal use Antenna and Antenna Supporting Structure may be allowed by Right in an Industrial District. However, the proposer of the facility shall demonstrate with the required permit application that the facility complies with the application and use standards specified below. In all other cases, the facilities shall be subject to the requirements for approval as a Special Exception, as provided in Appendix B of this Ordinance.

Section B Use Conditions

1. The Antenna and Antenna Supporting Structure shall be setback from an AR or R District a distance equal to 110% of its height. The maximum permitted height of such facility is 200 feet for incorporated areas.
2. Unless required by the Federal Aviation Administration, it shall not be lighted by any continuous, blinking or strobe light.
3. The Antenna Supporting Structure shall be of monopole design if located within the incorporated limits.
4. The site shall be buffered with landscaping and vegetation or other screening to mitigate the operation and visual impacts of such uses on abutting and adjacent uses.
5. Cessation of Operation:
 - a. If operation and use of such facilities ceases for a period of 180 days the Antenna and Antenna Supporting Structure shall be removed by the owner at the owner's expense or be subject to removal by the Town, at the owner's expense.
 - b. An exception may be made to the removal requirement if approval by the Planning Commission is sought and received within 60 days of the expiration of the 180 day period.
6. Change or Modification of Operation
If changes occur in the operation of the facility that cause such operation to no longer be in accordance with this Section:
 - a. Operators of such facilities shall give the Planning Commission 30 days prior written notice of any change or modification. Notice shall include detailed information relative to the nature of all such changes.
 - b. Any such changes that take the Antenna and Antenna Supporting Structure out of compliance with this Section shall cause the approval to be revoked. Should this occur, application shall be made to the Board of Adjustment for a Special Exception as provided in Appendix B.

Section C. Application and Certification

The following shall be submitted with the permit application:

1. Certification from a Professional Engineer licensed to practice in the State of Oklahoma shall be submitted, which states, that the Antenna and Antenna Supporting Structure is designed in such a manner:
 - a. To accommodate the collocation of a minimum of two (2) wireless telecommunication system providers;
 - b. To meet the standards of the American National Standards Institute and the Electronic Industries Association, and
 - c. To be in compliance with the Standards of the Federal Communications Commission and the Federal Aviation Administration.
2. Written evidence shall be presented which states that the new facility is not closer than one-fourth (1/4) mile from any existing such site or site for which an application is pending on which collocation space is reasonably available.
3. Additional certification from the Engineer is required upon completion of construction which states that the Antenna and Antenna Supporting Structure have been constructed in accordance with the plans as approved by the Town.

APPENDIX B

SPECIAL EXCEPTION, BOARD OF ADJUSTMENT

Section A Requirement to Obtain

The installation of Antennas and Antenna Supporting Structures shall require approval of an application to the Board of Adjustment for a Special Exception. Such application shall include a site plan showing all proposed improvements and a scale drawing which displays the location of all existing such sites and sites on which applications are pending for Antennas and Antenna Supporting Structures within a 1/4 mile radius of the proposed site in the application.

Section B Conditions

In order to obtain approval of a Special Exception for an Antenna and Antenna Supporting Structure, the Board of Adjustment shall require, subject to modification and additional requirements as deemed by the Board as a part of the review process that the Antenna and Antenna Supporting Structure satisfy the previous requirements of Appendix A