

CHAPTER 17

ZONING REGULATIONS

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ARTICLE 1

TITLE; PURPOSE; DEFINITIONS

SECTION:

- 17-1-1: Statutory Authorization; Title
- 17-1-2: Purpose
- 17-1-3: Interpretation And Application
- 17-1-4: Definitions

17-1-1: **STATUTORY AUTHORIZATION; TITLE:** This chapter is enacted in pursuance of the authority granted by the legislature of the state of Oklahoma in 11 Oklahoma Statutes section 43-101 et seq., and shall be known as the *ZONING ORDINANCE OF THE TOWN OF KETCHUM*, and shall be cited as such.

17-1-2: **PURPOSE:** This chapter is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the town; and to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate provision of adequate facilities for transportation, water, sewage, schools, parks, and other public requirements; and promote a more homogeneous relationship of land use within the incorporated limits of the town; to protect property values; and to regulate the use of the land and to promote the orderly development of the community in accordance with the comprehensive plan as adopted by the planning commission and approved by the town trustees; and all other accepted purposes of zoning.

17-1-3: **INTERPRETATION AND APPLICATION:** As concerns interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provision of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

17-1-4: **DEFINITIONS:** Unless otherwise stipulated or required, the following definitions shall be used in the interpretation and construction of this chapter, and words used in the present tense include the future; the singular shall include the plural, and the plural the singular; the word "building" shall mean as well the word "structure"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word "shall" is mandatory and not directory.

ACCESSORY OR AUXILIARY USE OR STRUCTURE	A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.
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ADVERTISING SIGN OR STRUCTURE:	Any material or structure of any character whatsoever, placed for outdoor advertising purposes. The term "placed" shall include making visible in any manner whatsoever. The area of
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the advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning or other signs posted by public officials in the course of their public duties shall be construed as advertising signs for the purpose of this chapter.

AGRICULTURE:	The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further, that the above uses shall not include the commercial feeding of garbage to swine or other animals, stockyards or commercial feed lots for cattle.
ALLEY:	A minor right of way, dedicated to public use, not more than thirty feet (30') wide affording a secondary means of access to abutting property and not intended for general traffic circulation.
AUTOMOBILE OR TRAILER SALES AREA:	An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
AUTOMOBILE REPAIR, MAJOR:	General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
AUTOMOBILE REPAIR, MINOR:	Incidental replacement of parts and motor service to passenger cars and trucks not one and one-half (1½) tons' capacity.
AUTOMOBILE SERVICE STATION OR FILLING STATION:	Any area used for retail sale of gasoline or oil fuels, or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.
AUTOMOBILE WASH OR AUTOMATIC CAR WASH:	A building or structure or chain conveyors, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.
BASEMENT:	A story wholly or partly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
BLOCK:	In describing the boundaries of a district, the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or a street and a railroad right of way or watercourse.
BOARD OF ADJUSTMENT:	The board of adjustment for the Town of Ketchum, Oklahoma, also referred to as the board
BOARDING HOUSE	Where meals or lodging are provided for persons other than the

AND ROOMING HOUSE:	family or their relation, excluding facilities for transient persons such as hotels, motels, inns and other such facilities.
BUILDING:	Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as herein provided.
BUILDING ACCESSORY:	The subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.
BUILDING LINE:	A line established beyond which no part of a building shall project, except as otherwise provided by this chapter.
BUILDING, PRINCIPAL:	A building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site.
BULK LIMITATIONS (FLOOR RATIO):	The number of square feet of "floor area" as defined herein which is permitted for each square foot of lot area.
BULLETIN BOARD:	Any board or sign erected for announcement purposes.
CARPORT:	A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.
CELLAR:	That portion of a building between floor and ceiling; partly underground, but having one-half (1/2) or more than one-half (1/2) of its clear height below the adjoining finished grade.
CEMETARY:	Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.
CHILDCARE CENTER:	Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state; custody of children fixed by a court; children related by blood or marriage within the third degree to the custodial person; or to churches or other religious or public institutions caring for children within their institutional buildings while their parents or legal guardians are attending services or meetings or classes and other church activities.
CLINIC:	A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not provided with board and room or kept overnight on the premises.

CLUB:	A nonprofit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
COMPREHENSIVE PLAN:	The official town plan of the Town of Ketchum, Oklahoma; and also refers to the specific document the "comprehensive development plan" of the Town of Ketchum, Oklahoma.
CONVALESCENT HOME, NURSING HOME OR REST HOME:	A home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.
COVERAGE:	The lot area covered by all buildings located thereon, including the area covered by all the overhanging roofs.
DWELLING:	Any building or portion thereof designed or used exclusively as a residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.
DWELLING MULTI-FAMILY:	A building designed for or used by three (3) or more families or housekeeping units.
DWELLING SINGLE-FAMILY:	A building designed for or used exclusively for residential purposes by one family or housekeeping unit.
DWELLING TWO-FAMILY:	A building designed for or used exclusively by two (2) families or housekeeping units.
DWELLING UNIT:	One or more rooms, designed for or used by one family.
ESSENTIAL SERVICES:	The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
EXCEPTION:	A variance from the requirements of this chapter properly authorized by the board of adjustment.
FAMILY:	A person living alone or two (2) or more persons living together, related by blood or marriage, as a single housekeeping unit using a single facility for culinary purposes in a dwelling unit, as distinguished from a group occupying a

boarding house, lodging house, hotel, motel, fraternity house, or sorority house.

- FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building or buildings measured from exterior faces of the exterior walls or from the center walls or from the centerlines of walls separating two (2) buildings.
- FRONTAGE:** The width of a lot measured at right angles to the depth on the front or street side of the lot.
- GARAGE APARTMENT:** A dwelling for one family erected as a part of a private garage.
- GARAGE, PARKING:** Any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing that may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.
- GARAGE, PRIVATE:** A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.
- GARAGE, PUBLIC:** The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.
- GARAGE, REPAIR:** A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
- HEIGHT:** The vertical measurement of any building or structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure or building.
- HEIGHT LIMIT:** The limit of height as imposed in this chapter for any structure or building or permitted use within the zoning district.
- HOME OCCUPATION:** Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided, that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than one nonilluminated nameplate, not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used except such as is customary for purely domestic or household purposes.
- HOSPITAL:** A building or portion thereof used for the accommodation of sick, injured or infirm persons.
- HOTEL:** A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation but not including trailer court or camp,

hospital, asylum, orphanage, or building where persons are housed under restraint.

INDUSTRY: Storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.

INSTITUTIONAL USES: Those uses organized, established, used or intended to be used for the promotion of public, religious, educational, charitable, cultural, social, or philanthropic activities and normally operated on a nonprofit basis.

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

KENNEL: Any structure or premises on which three (3) or more dogs over four (4) months of age are kept.

LOADING SPACE: An off street space or berth on the same lot with the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and used as accessory thereto, together with such open spaces as required by this title, and having access on a public street. A lot may consist of portions of two (2) or more lots of record; provided, that the lot meets the minimum area and width regulations of each respective district.

LOT, CORNER: A lot which has at least two (2) adjacent sides abutting on a street; provided, that the interior angle at the intersection of such two (2) sides is less than one hundred thirty five degrees (135°).

LOT DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

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

LOT OF RECORD: Herein designated as a separate and distinct parcel on a legally recorded subdivision plat or a legally recorded deed filed with the county clerk or register of deeds of Craig County,

Oklahoma.

LOT, WEDGE SHAPED:	A lot situated so that the front is either wider or narrower than the rear of the lot.
MAXIMUM COVERAGE:	The maximum amount of land that may be covered by buildings on any lot.
MEAN LOT ELEVATION:	The average elevation of a lot.
MOBILE HOME COURT:	A parcel of land under single ownership which has been planned and improved for placement of mobile homes for nontransient use.
MOBILE HOME LOT:	A parcel of land for the exclusive use of the occupants of a single mobile home.
MOBILE HOME STAND:	The part of an individual lot which has been reserved for the placement of the mobile home.
NONCONFORMING USE:	A parcel lawfully occupied by a use that does not conform to the regulations of the district in which it is located.
OFF STREET PARKING:	The provision of space reserved exclusively for the parking of motor vehicles entirely off the public street and lying wholly within the property boundaries of the parcel of land affected.
OPEN SPACE:	Area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches.
PARCEL:	A "lot" as defined in this section.
PARKING AREA, PRIVATE:	An open area for the same uses as a private garage.
PARKING AREA, PUBLIC:	An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for fee, free or as an accommodation for clients or customers.
PARKING SPACE:	A permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
PERMITTED USES:	The use of a structure or of a tract of land allowed by the use regulations of this chapter.
ROOMING HOUSE:	See definition of Boarding House and Rooming House.
SIGN:	Any structure represented on a building or other structure, upon which is displayed or included any lettering, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A "sign" shall not include the similar

structure or device located within a building, except for illuminated signs within show windows. The word "sign" includes any bill-board, but does not include the flag, pennants, or insignia of any nation or association of nations, or any state, Town or other political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

- SIGN, ILLUMINATED:** A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.
- SIGN, PROJECTING:** A sign erected on the face or outside wall of a building which projects out at any angle therefrom.
- SIGN, TEMPORARY:** Signs of a temporary nature used to advertise the premises for sale, rent, or lease.
- STORY:** That portion of a building, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- STORY, FIRST:** The lowest story or the ground story of any building, the floor of which is not more than twelve inches (12") below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story; provided, that a basement or cellar used purely for recreational purposes shall not be deemed the first story.
- STORY, MEZZANINE:** A story which covers one-third (1/3) or less of the story directly underneath it.
- STREET:** A public right of way more than twenty feet (20') in width which provides a public means of access to abutting property and used primarily for vehicular circulation. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare, and any other similar term.
- STREET, COLLECTOR:** Those residential streets designed to carry in town traffic connecting neighborhood areas to a major street whose purpose is to collect traffic from other minor streets and to serve as the most direct route to a major street or to a community facility as described and shown on the trafficways plan.
- STREET, INTERSECTING:** Any street which adjoins another street at an angle whether or not it crosses the other.
- STREET, MAJOR:** An arterial street which is designated on the trafficways plan and designed to carry in town traffic and to relate the various neighborhoods within the town.
- STREET, MINOR:** Any street not designated as a major or collector street and intended to serve or provide access exclusively to the properties abutting thereon.

STRUCTURAL ALTERATION:	Any change in the structural members of a building such as walls, columns, beams or girders.
STRUCTURE:	Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (including portable storage buildings, swimming pools, and satellite dishes, but not including sidewalks, driveways and similar improvement areas).
THOROUGHFARE, EXPRESSWAY:	A primary thoroughfare with divided roadways, partial or full control of access in general with grade separations at intersections. A “freeway” shall mean expressway with full control of access and meeting the standards of the bureau of public roads, U.S. department of commerce.
THOROUGHFARE PLAN:	The part of the comprehensive general plan referring to transportation development goals, principles, and standards and also includes use of the terms “major street plan” and “trafficways plan”.
THOROUGHFARE, PRIMARY OR SECONDARY:	An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare or major street plan for the Town of Ketchum, Oklahoma; or county or other road or street designated as a secondary thoroughfare on said plan, respectively.
TOURIST COURT:	An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons.
TOWN:	The incorporated Town of Ketchum, Oklahoma.
TOWN BUILDING INSPECTOR:	The building inspector of the Town of Ketchum, Oklahoma.
TOWN ENGINEER:	The town engineer of the Town of Ketchum, Oklahoma.
TOWN PLANNING COMMISSION:	Town of Ketchum planning commission, as established by the statutes hereinbefore cited, for the Town of Ketchum, county of Craig, State of Oklahoma, also referred to commission.
TRAFFIC SIGNALING DEVICE:	A sign, device of mechanical contrivance, used for the control of motor vehicular and pedestrian movement.
TRAILER OR MOBILE HOME:	A portable or mobile living unit used or designed for human occupancy on a permanent basis.
TRUSTEES:	The town trustees of the Town Ketchum, Oklahoma.
USE:	The purpose for which land or a building or structure is arranged, designed or intended, or for which either land, building or structure is or may be occupied or maintained.

UTILITY SERVICE INSTALLATION:	Any structure or installation by a utility company deemed to be necessary for the safe or efficient operation of that utility.
VARIANCE:	Any modification of the terms of this chapter.
YARD, FRONT:	A yard extending across the full width of a lot from side lot line to side lot line abutting on a street beyond which a building may not protrude.
YARD, REAR:	A yard extending across the rear of a lot measured from side lot line to side lot line and at the end opposite the front lot line.
YARD, SIDE:	A yard extending from front building line to the rear building line abutting the side lot line beyond which no building may protrude.
ZONING ADMINISTRATOR:	The person nominated by the mayor and approved by a majority vote of the Town trustees to fill the position of zoning enforcement officer and whose duties shall include the uniform application and enforcement of the zoning ordinance of the Town of Ketchum.
ZONING MAP:	The adopted zoning map or maps of the Town of Ketchum together with all amendments.

ARTICLE 2

BOARD OF ADJUSTMENT

SECTION:

- 17-2-1: Board Established; Appointment
- 17-2-2: Procedure; Meetings
- 17-2-3: Appeals
- 17-2-4: Public Hearing Required
- 17-2-5: Variances And Special Exceptions; Filing Fee
- 17-2-6: Appeal To District Court

17-2-1: **BOARD ESTABLISHED; APPOINTMENT:**

A. Board Created; Terms; Removal: There is hereby created a zoning board of adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the appointing authority upon written charges and after public hearing.

B. Vacancies: Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

C. Continuation Of Existing Board: It is specifically provided, however, that on the effective date of this chapter such board of adjustment as was legally in existence immediately prior to such date shall be constituted as the board of adjustment hereby created, and the terms of the then members of said board shall expire after a period of three (3) years, or until their successors are duly appointed and qualified.

D. Appointment And Confirmation: Said board of adjustment shall be appointed by the mayor and confirmed by the town trustees.

17-2-2: **PROCEDURE; MEETINGS:**

A. Chairman: The zoning board of adjustment shall elect one of its members as chairman, who shall serve for the duration of his term.

B. Rules: The board shall adopt rules in accordance with the provisions of this chapter.

C. Meetings: Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public.

D. Functions; Procedure: The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

17-2-3: **APPEALS:** Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any administrative decision based on this zoning title. Such appeal shall be taken within thirty (30) days by filing with the town clerk and the board of adjustment a notice of appeal specifying the grounds thereof. The town clerk shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

17-2-4: **PUBLIC HEARING REQUIRED:** The zoning board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give ten (10) days' public notice thereof in a newspaper of general circulation, as well as by mailing written notice by the clerk of the board of adjustment to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property at least ten (10) days prior to the hearing, and decide the same within a reasonable time. The owner or agent shall provide a list of the owners within the three hundred foot (300') radius certified to be accurate by a bonded abstracter, attorney, or such other entity as may be acceptable to the clerk. The appeal, variance or exception shall be deemed not filed until said list is provided. Upon the hearing, any party may appear in person, or by agent, or by attorney.

17-2-5: **VARIANCES AND SPECIAL EXCEPTIONS; FILING FEE:**

A. Powers Enumerated: The zoning board of adjustment shall have the following powers:

1. Administrative Review: To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the zoning administrator in the enforcement of this chapter.

2. Variances: To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in any individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

a. The application of this chapter to this particular piece of property would create an unnecessary hardship.

b. Such conditions are peculiar to the particular piece of property involved.

c. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this zoning title or the comprehensive plan.

d. The variance, if granted, would be minimum necessary to alleviate the unnecessary hardship.

3. Special Exceptions Regarding Uses; Mobile Homes: To hear and decide special

exceptions to the zoning code to allow a use, or a specifically designated element associated with a use, which is not permitted by right in a particular district because of potential adverse effect, but if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment. Such special exceptions may be granted in such individual cases for the duration of the use of a particular approved owner occupied single-family mobile home, regardless of change of ownership, in the A-1 and A-1 districts so long as the mobile home continues to be occupied by its owner on a lot and in a manner which otherwise complies with the zoning code of the town, subject to the following procedures and provisions:

a. The applicant must make a written application for the special exception containing a legal description of the real property for which the special exception is sought (the property) and photographs of each side of the exterior of the particular mobile home for which the special exception is sought;

b. Notice must be mailed to the last address as reflected by the records of the Craig County treasurer, to all owners of real property whose boundary lies within three hundred feet (300') of the real property for which the special exception is sought at least ten (10) days in advance of the hearing on the said special exception; and

c. Publication of said application as required by section 17-2-4 of this chapter; and

d. The board of adjustment shall conduct a hearing on said special exception to allow the applicant an opportunity to present his or her request and to inquire as to any objections presented by the owners of the property within three hundred feet (300') of the real property for which the special exception is sought. In determining whether to grant the special exception, the board of adjustment may consider the comprehensive zoning plan of the town, the condition of the proposed mobile home, the potential effect to the neighborhood, the positions of the property owners within three hundred feet (300') and all other factors the board deems relevant. If the special exception as to such particular mobile home is granted, the mobile home must meet the minimum standards of the federal department of housing and urban development, as amended from time to time.

e. If the special exception is granted, the approved mobile home must be located upon the property within one hundred eighty (180) days from the date it is granted, in failure of which the special exception shall terminate and be of no effect without further notice.

f. In order to protect the public welfare and health of the residents of the town and to ensure the aesthetic values of the property and improvements thereon in the various areas of the town, the board of adjustment, after inspection of the physical condition of the mobile home for which a special exception has been granted, either in person or by photographs, and finding same to be in a different condition

than the approved mobile home or deteriorated or in noticeable disrepair, may, in its discretion, refuse to issue a building permit to locate or place such mobile home on the property.

B. Voting Of Members: In exercising the above powers, the board of adjustment shall have the concurring vote of at least three (3) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and may make such order, requirement, decision, or determination as ought to be made.

C. Filing Fee: Upon the filing of a board of adjustment appeal, variance or exception, the property owner or his agent shall pay a filing fee of three hundred dollars (\$300.00) to the clerk of the board of adjustment. All fees collected by the board of adjustment shall be deposited with the town clerk and credited to the general fund of the town. Provided, that in appeals involving administrative review, the filing fee shall be waived by the clerk in the event he determines, after review of a completed pauper's affidavit, in the form on file in the office of the town clerk, that the applicant would not otherwise be able to obtain review of said administrative decision. Provided further, that in appeals involving administrative review, the filing fee shall be refunded in the event of a final determination rendered in favor of the applicant. A "final determination" shall be defined as a decision of the board of adjustment or the courts of the state of Oklahoma, as the case may be, from which no further appeal has been taken within the time allowed by statute.

17-2-6: APPEAL TO DISTRICT COURT:

A. Filing Notice Of Appeal:

1. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer, or any officer, department, board or bureau of the town to the district court by filing a notice of appeal with the town clerk and with the clerk of the board of adjustment within sixty (60) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal.

2. Upon filing of the notice of appeal as herein provided, the said board shall transmit forthwith to the court clerk of the county the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. Stay Of Proceedings:

1. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment, from which the appeal is taken, certified to the court clerk, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay in his opinion would cause imminent peril to life or property.

2. In such case, proceedings shall not be stayed otherwise than by a restraining order

which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this chapter, and upon notice to the chairman of the board of adjustment from which the appeal is taken, and, upon due cause being shown.

C. Court Decision: The court may reverse, or affirm, wholly or partly, or modify the decision brought up for review.

ARTICLE 3

ZONING DISTRICTS; MAP

SECTION:

17-3-1: Districts Established

17-3-2: Zoning Map

17-3-3: Boundaries Of Districts

17-3-1: **DISTRICTS ESTABLISHED:** For the purpose of this chapter and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the Town of Ketchum:

Residential districts

A-1 General agricultural district

R-1 Single-family residential district

R-2 General residential district

Commercial districts

C-1 Convenience commercial district

C-2 Highway commercial and commercial recreation district

C-3 General commercial district

Industrial districts

1-1 Light industrial district

1-2 Heavy industrial district

17-3-2: **ZONING MAP:** As districts are designated, they shall be bounded and defined as shown on a map entitled "Zoning Map of the Town of Ketchum, County of Craig, State of Oklahoma". The zoning map, and all of the explanatory material thereon, is hereby made a part of this chapter.

17-3-3: **BOUNDARIES OF DISTRICTS:** In the event of uncertainty in the exact boundaries of any of the aforesaid districts as shown on the "Zoning Map of The Town of Ketchum, County of Craig, State of Oklahoma" the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

ARTICLE 4

GENERAL PROVISIONS APPLYING TO ALL DISTRICTS

SECTION:

- 17-4-1: Application Of Regulations
- 17-4-2: Existing Buildings And Land Use
- 17-4-3: Height And Density
- 17-4-4: Principal And Accessory Buildings
- 17-4-5: Street Access
- 17-4-6: Off Street Parking
- 17-4-7: Storage And Parking Of Trailers, Commercial Vehicles
- 17-4-8: Annexations
- 17-4-9: Existing Lots Of Record

17-4-1: APPLICATION OF REGULATIONS:

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

B. Dwellings Used For Residential Purposes: It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes.

17-4-2: **EXISTING BUILDINGS AND LAND USE:** Except as herewith provided, no building or parcel of land shall be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified.

17-4-3: HEIGHT AND DENSITY:

A. Height: No building shall hereafter be erected or altered which will exceed the height limit nor shall any building or land be used or occupied hereafter in excess of the density regulations for that district.

B. Number Of Families: No building shall hereafter be erected or altered to accommodate a greater number of families than specified for that district.

C. Lot Size; Bulk Limitation: No building shall be erected or altered to exceed the specifications of required lot size, maximum coverage, yard requirements, height limitations, or bulk limitation for that district, as defined.

17-4-4: **PRINCIPAL AND ACCESSORY BUILDINGS:** Any building hereafter erected or structurally altered shall be located on one lot, except as provided herein; and there shall be no

more than one principal building and the customary accessory buildings on one lot; provided further, that accessory buildings may not be erected or placed in the front yard areas as required in the separate districts; provided further, that accessory buildings or structures may be erected or placed in the side or rear yard areas subject to a five foot (5') setback.

17-4-5:**STREET ACCESS:** No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street.

17-4-6:**OFF STREET PARKING:**

A. Purpose And Application: It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the town. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Required Open Space: Off street parking space may be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

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

D. Joint Parking Facilities: Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

E. Size Of Off Street Parking Space: The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by twenty feet (9' x 20') plus adequate area for ingress and egress.

F. Schedule Of Parking And Loading Requirements: Off street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

<u>Type Of Use</u>	<u>Parking Space Required</u>
Dwelling, multiple-family	The number of spaces provided shall not be less than 1½ times the number of units in the dwelling.
Dwelling, single-family or duplex	1 parking space for each separate dwelling unit within the structure.
Hospital	1 space for each 4 patient beds, exclusive of bassinets, plus 1 space for each staff or visiting doctor, plus

	1 space for each 3 employees including nurses, plus adequate area for the parking of emergency vehicles.
Industrial establishments	1 off street parking space for each 1,000 square feet of gross floor area or 1 off street parking space for each 3 employees, whichever is greater, and 1 loading or unloading berth for each 25,000 square feet or fraction thereof of gross floor area.
Medical or dental clinics or offices	6 spaces per doctor, plus 1 space for each 2 employees.
Office building	1 parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.

G. Paved Surface Required: All parking spaces in commercial areas shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from the continued use.

H. Parking Lots In Residential Districts: Whenever off street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five feet (5'). Such fence, wall or hedge shall be maintained in good condition.

2. No parking shall be permitted within a front yard setback line whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, a minimum five foot (5') setback shall be required.

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

4. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.

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

17-4-7: STORAGE AND PARKING OF TRAILERS, COMMERCIAL VEHICLES: Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

A. Commercial Vehicles: No more than one commercial vehicle, which does not exceed one and one-half (1½) tons' rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

B. Camping Or Travel Trailers: No more than one camping or travel trailer or hauling trailer, per family living on the premises, shall be permitted and said trailer shall not exceed twenty four feet (24') in length, or eight feet (8') in width; and further provided, that said trailer shall not be parked or stored for more than forty eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the town.

C. Mobile Homes: A mobile home shall be parked, occupied or stored only in a trailer court which is in conformity with the ordinances of the town.

17-4-8: ANNEXATIONS: All territory annexed to the corporate limits of the town subsequent to the effective date of this chapter is within the jurisdiction of this chapter and will, upon annexation, be zoned as R-1 single-family residential district, unless otherwise classified by the town trustees. Within six (6) months after the effective date of such annexation, the town trustees shall, in accordance with 11 Oklahoma Statutes section 43-101 et seq., and this chapter, rezone said annexed territory in keeping with the comprehensive plan.

17-4-9: EXISTING LOTS OF RECORD: In any district where single-family residences are permitted, a single-family detached dwelling may be erected on any lot which is of official record on the effective date of this chapter, subject to the following restrictions:

A. Minimum Lot Width: There must be provided a minimum lot width of fifty feet (50').

B. Yards:

1. There must be provided a minimum of ten feet (10') in side yards with five feet (5') on any one side.

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

ARTICLE 5

NONCONFORMING BUILDINGS AND USES

SECTION:

17-5-1: Intent

17-5-2: Nonconforming Lots Of Record

17-5-3: Nonconforming Structures

17-5-4: Nonconforming Uses Of Structures

17-5-5: Nonconforming Uses Of Land

17-5-2 **INTENT:**

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

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

C. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after adoption of this chapter.

17-5-2: **NONCONFORMING LOTS OF RECORD:** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, 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 chapter. 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 of the board of adjustment.

17-5-3: **NONCONFORMING STRUCTURES:** Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

B. Destruction: Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

C. Moving Structure: 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.

17-5-4: **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 chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Moving Or Altering Structure: No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Enlarging Or Extending: No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be extended or enlarged, except in changing the use of the structure to a use permitted in the district in which it is located, except 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 the adoption of this chapter, but no such use shall be extended to occupy any land outside such building.

C. Nonconforming Use Superseded By Permitted Use: 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.

D. Discontinuance Or Abandonment: When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Removal To Eliminate Nonconforming Status: 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.

17-5-5: **NONCONFORMING USES OF LAND:** Where, at the effective date of adoption or amendment of this chapter, lawful uses of land exist that are no longer permissible under the terms of this chapter as enacted or amended, such uses may be continued, so long as they remain otherwise lawful, subject to the following provisions:

A. 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 chapter.

B. 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 chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located; provided however, that upon application for and receipt of a permit from the town clerk, the period of thirty (30) days hereinbefore referred to may be extended to six (6) months where necessary for the improvement or repair of the property, upon the approval of said permit by the zoning administrator.

ARTICLE 6

A-1 GENERAL AGRICULTURAL DISTRICT

SECTION:

17-6-1: General Description

17-6-2: Uses Permitted

17-6-3: Area, Setback And Height Regulations

17-6-4: Signs And Billboards

17-6-1: **GENERAL DESCRIPTION:** The A-1 agricultural district is established for several purposes: a) to provide for the continued use of land for predominantly agricultural purposes; b) to preserve undeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, etc.; and c) to restrict development in areas subject to severe inundation until such time as it can be shown that these areas are no longer subject to flooding.

17-6-2: **USES PERMITTED:**

A. Principal Uses: No buildings or use shall hereafter be established or enlarged within the A-1 agricultural district, except a building or use devoted to one of the following purposes:

“Agricultural”, as defined in this chapter.

Churches and temples.

Elementary schools and high schools.

Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses.

Municipal or community recreation centers.

Parks and forest preserves, operated not for profit.

Police or fire stations.

Public buildings or buildings operated in the public interest by a not for profit corporation, including art galleries, post offices, libraries, or museums.

Public or not for profit auditoriums, stadiums, arenas, armories, or sanitariums.

Public or private hospitals or sanitariums.

Public or private schools and colleges.

Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations, and other similar facilities.

Single-family dwellings¹

Temporary buildings and uses for construction purposes only, and not for dwelling purposes, nor for a period that exceeds the completion of the construction.

B. Accessory Buildings And Uses: Accessory buildings or uses incidental to the foregoing principal uses listed in subsection A of this section.

17-6-3: AREA, SETBACK AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
5 acres	150' Including accessory buildings	30%	35'	50'	25'	50'

17-6-4: **SIGNS AND BILLBOARDS:** The control of signs and billboards in the A-1 general agriculture district is the same as that in section 17-7A-7 of this chapter for the R-1 single-family residential district.

¹ See subsection 17-2-5A3 of this chapter for permitted mobile homes.

ARTICLE 7

RESIDENTIAL DISTRICTS

SUBARTICLE A. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

- 17-7A-1: General Description
- 17-7A-2: Uses Permitted
- 17-7A-3: Uses Permitted Subject To Additional Requirements
- 17-7A-4: Area, Setback And Height Regulations
- 17-7A-5: Off Street Parking
- 17-7A-6: Sewer Service
- 17-7A-7: Signs And Billboards
- 17-7A-8: Carport

17-7 A-1: **GENERAL DESCRIPTION:** The R-1 single-family residential district is established as a district in which the use of the land is for single-family dwellings except as noted. It is the purpose and intent of this district to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This district further encourages only those uses which, because of character or size, would not create additional requirements and costs for public services which are in excess of such requirements and costs if the district were not developed solely for single-family dwellings.

17-7A-2: **USES PERMITTED:** The following uses are permitted in an R-1 single-family residential district, and are subject to all the general provisions and regulations of this chapter:

Agricultural uses of the garden type that are not intended for commercial purposes.

Elementary schools, public and private, where the curriculum is similar in nature and preparation of coursework to the public schools.

Public parks or playgrounds.

Single-family detached dwellings which, for purposes of this article, shall not be deemed to include mobile homes².

17-7A-3: **USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS:**

A. Principal Uses: The following uses are permitted, provided they meet the requirements noted

² See subsection 17-2-5A3 of this chapter for permitted mobile homes.

for each use, in addition to applicable area regulations:

Childcare center or day nursery; provided, that such center or nursery is operated by a licensed provider, that the residence is the primary residence of the operator, that it does not employ nonresidents of the single-family dwelling where operations are conducted, and that the operation otherwise meets and complies with all state guidelines for operation of a childcare center or day nursery.

Churches; provided, that a minimum lot size of one acre and major street frontage is provided, as shown on the trafficways plan.

Golf course, private or public, or country club; provided, that the chief activity is for recreational purposes and any commercial activity is accessory or incidental thereto.

Home occupation; provided, that it is in keeping with the meaning of "home occupation" as defined in section 17-1-4 of this chapter.

Junior high or senior high schools; provided, that they have major street frontage as shown on the trafficways plan.

Library; provided, that such library has major street frontage as shown on the trafficways plan.

Parking lot required to serve the uses permitted in this district.

Plant nursery; provided, that no building or structure is maintained in connection therewith and no retailing of any material is carried on upon the premises.

Temporary bulletin board or sign not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed.

B. Accessory Buildings: Accessory buildings which are not a part of a main building may include one private garage.

17-7A-4: AREA, SETBACK AND HEIGHT REGULATIONS:

Minimum Lot Area	Minimum Lot Frontage	Maximum Percent Coverage	Maximum Height	Front Yard Setback	Side Yard Setback	Rear Yard Setback
9,000 Square feet	70'	30% Interior	35'	25'	5' Interior lots	20'

35%
corner

10 feet
Street side
of corner
lots

A. Front Yard: In no case shall a new structure protrude further in the front yard than the overhanging roof of an existing adjacent structure if the overhanging roof of the new structure is positioned less than thirty feet (30') from the front property line.

B. Side Yard:

1. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten feet (10').

2. For a principal building other than a one-family dwelling, the minimum width of a side yard shall be not less than one-half (1/2) the height of the building, but in no case less than fifteen feet (15').

C. Rear Yard: Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than five feet (5') to the rear lot line.

D. Lot Size Requirements: The frontage of any wedge shaped lot which meets the requirements of minimum lot size may be a minimum of forty feet (40'); however, the front building line on the lot shall be a minimum of seventy (70) linear feet measured at an equal distance parallel to and from the front lot line.

17-7A-5: **OFF STREET PARKING:** Except as provided for elsewhere in this chapter, all permitted uses in the R-1 residence district shall comply with the following minimum requirements for off street parking:

<u>Type of Use</u>	<u>Parking Space Required</u>
Schools, elementary schools, junior and senior high schools, including public, private and parochial schools	1 off street parking space for each employee, plus 1 for each classroom, plus 1 for each 50 square feet of assembly area with stationary or movable seats
Single-family dwellings	1 off street parking space for each dwelling unit
Utilities service installations	1 off street parking space for each 400 square feet of floor space
Other uses permitted	1 off street parking space for each 5 seats provided for patron use, or 1 space for each 400 square feet of gross floor area used or intended to be used for service to the public, as customers, patrons, or clients, whichever requires the greatest number of parking spaces;

the open space required by front yard requirements shall not be used for parking.

17-7A-6: **SEWER SERVICE:** No dwelling unit in an A-1 single-family district shall be constructed which is not provided with an effective connection to a public sewer system unless or until the county public health officer certifies that a septic tank or any substitute disposal system can be satisfactorily installed on the lot. As a basis for making his decision, the county public health officer may require such percolation tests as he deems to be necessary. Such tests shall be made at the expense of the homeowner.

17-7A-7: **SIGNS AND BILLBOARDS:** No signs, billboards, posters, bulletin boards, or other similar matter shall be permitted in the R-1 single-family residential district, except as follows:

A. Temporary Signs: Temporary signs not to exceed the duration of six (6) months to advertise the premises for sale, rent or lease, except original sale.

B. Church Bulletin Board: One bulletin board not exceeding fifty (50) square feet may be erected by each church.

C. Public Notices: Official public notices may be erected on affected property.

D. Nameplate: One unilluminated nameplate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises.

17-7A-8: **CARPORT:**

A. Upon obtaining a building permit approved by the town, a carport may be installed or constructed on property owned by the applicant without regard to the setback requirements set forth in this article, provided that no portion of said carport shall encroach upon any utility, street, alley or drainage easement or right of way.

B. Any portion of a carport which sits on or in front of the setback line shall not be enclosed at the time of construction or at any later date.

C. A carport shall not be used for storage of any materials (other than a frequently used motor vehicle).

ARTICLE 7

RESIDENTIAL DISTRICTS

SUBARTICLE B. R-2 GENERAL RESIDENTIAL DISTRICT

SECTION:

- 17-7B-1: General Description
- 17-7B-2: Uses Permitted
- 17-7B-3: Uses Permitted Subject To Additional Requirements
- 17-7B-4: Area, Setback And Height Regulations
- 17-7B-5: Off Street Parking
- 17-7B-6: Sewer Service
- 17-7B-7: Signs And Billboards
- 17-7B-8: Mobile Home Park Or Court
- 17-7B-9: Carport

17-7B-1: **GENERAL DESCRIPTION:** This residential district is intended to provide for both low and moderate population density. It is established as a district in which the principal uses of the land are for multi-family dwellings and similar higher density residential development. The intent is to encourage the development and the continued use of land for multi-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of multi-family dwellings in this district. It is further intended to discourage any use which would generate traffic or create congestion on the neighborhood streets other than the normal traffic which serves the multi-family dwelling or similar residential uses in this district and discourage any use which, because of its characteristics or size, would create additional requirements and costs for public services which are in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses.

17-7B-2: **USES PERMITTED:**

A. Principal Uses: The following uses are permitted in any R-2 general residential district, and are subject to all the general provisions and regulations of this chapter:

Any use permitted in section 17-7A-2 of this article, R-1 single-family district.

Duplexes.

Multi-family dwellings.

Rooming or boarding houses.

B. Accessory Buildings And Uses: Accessory buildings and uses customarily incidental to the above uses are permitted when located on the same lot.

17-7B-3: USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS:

A. Principal Uses: The following uses are permitted, provided they meet the requirements noted for each use in addition to applicable area regulations:

Childcare centers or day nurseries; provided, that such centers or nurseries are located on a lot not less than ten thousand (10,000) square feet in area and have their principal access on a major street as shown on the trafficways plan.

Convalescent homes, rest homes, nursing homes and hospitals, public or private; provided, that they have frontage on a major street as shown on the trafficways plan.

Lodges and other service institutions; provided, that they are located on a lot of not less than one acre and have frontage on a major street as shown on the trafficways plan.

Mobile home courts, in compliance with section 17-7B-8 of this article.

B. Uses In R-1 District: Any uses permitted subject to additional requirements in section 17-7A-3 of this article, R-1 single-family residence district, are permitted in this district.

17-7B-4: AREA, SETBACK AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Front Yard Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>
9,000 Square feet	70'	50%	Single-family 35'	25'	5'	20'

A. Front Yard:

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

2. For all uses other than single-family and duplex, the front yard setback shall be twenty five feet (25') with an additional one foot (1') of setback for each one foot (1') of height in excess of twenty five feet (25').

B. Side Yard:

1. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than ten feet (10').

2. For all uses other than single-family and duplex, the side yard setback shall be five feet (5') with an additional one foot (1') of setback for each one foot (1') of height in excess of five

feet (5').

C. Rear Yard:

1. Unattached buildings of accessory uses may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than five feet (5') to the rear lot line.

2. For all uses other than single-family and duplex, the rear yard setback shall be twenty feet (20') with an additional one foot (1') of setback for each one foot (1') of height in excess of twenty feet (20').

D. Lot Size Requirements: There shall be a lot area of not less than nine thousand (9,000) square feet for a two-family dwelling, and an additional area of not less than two thousand (2,000) square feet for each unit, more than two (2). If the lot is a wedge shaped lot which meets the requirements of minimum lot size, it may have less than the minimum requirements for frontage as long as the front building line of the lot is a minimum of seventy (70) linear feet.

17-7B-5: **OFF STREET PARKING:** In the R-2 general residential district, the off street parking requirements are the same as those in section 10-4-6 of this chapter.

17-7B-6: **SEWER SERVICE:** No dwelling unit in an R-2 general residential district shall be constructed which is not provided with an effective connection to a public sewer system unless and until the public county health officer certifies that a septic tank or any substitute disposal system can be satisfactorily installed on the lot. As a basis for making his decision, the health officer may require such percolation tests as he deems to be necessary. Such tests shall be made at the expense of the homeowner.

17-7B-7: **SIGNS AND BILLBOARDS:** The control of signs and billboards in the R-2 general residential district is the same as that in section 17-7A-7 of this article for the R-1 single-family residential district.

17-7B-8: **MOBILE HOME PARK OR COURT³:** Upon compliance with the provisions as set forth herein, a mobile home trailer park will be allowed within the A-2 general residential district.

A. Site Plan: The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.

B. Requirements For Site:

1. The proposed site shall be a minimum of two (2) acres in size and shall contain no more than ten (10) mobile home stands per acre.

³ See also Chapter 23 of this code.

2. The proposed site shall have a minimum frontage of two hundred feet (200') on a street designated as a major street or collector street in the trafficways plan. All access or egress by automobiles will be on such streets.

3. The proposed site shall be a minimum of two hundred feet (200') in depth.

C. Occupancy: It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent (10%) of the mobile home stands devoted to purely transient purposes. These purely transient stands shall be located in one area of the park so they will in no way interfere with the permanent residents.

D. Yards: The proposed site shall have a front yard of not less than twenty feet (20') from the corner line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet (10') from any solid fencing, screen planting or wall of six feet (6') in height.

E. Screening: The proposed site shall be screened or buffered on all sides with a solid wall fence six feet (6') in height or a screen planting which will attain at least six feet (6') in height.

F. Parking: The proposed site shall provide one off street parking space for each mobile home stand, plus one additional off street parking space for each four (4) mobile home stands.

G. Connection To Utilities: The proposed site shall provide a connection for each mobile home stand to all public utilities considered necessary for the health, safety and general welfare of the public.

17-7B-9: CARPORT:

A. Upon obtaining a building permit approved by the town, a carport may be installed or constructed on property owned by the applicant without regard to the setback requirements set forth in this article, provided that no portion of said carport shall encroach upon any utility, street, alley or drainage easement or right of way.

B. Any portion of a carport which sits on or in front of the setback line shall not be enclosed at the time of construction or at any later date.

C. A carport shall not be used for storage of any materials (other than a frequently used motor vehicle).

ARTICLE 8

COMMERCIAL DISTRICTS

SUBARTICLE A. C-1 CONVENIENCE COMMERCIAL DISTRICT

SECTION:

- 17-8A-1: General Description
- 17-8A-2: Uses Permitted
- 17-8A-3: Area, Setback And Height Regulations
- 17-8A-4: Bulk Limitations; Floor Area Ratio
- 17-8A-5: Off Street Parking
- 17-8A-6: Sewer Service
- 17-8A-7: Signs And Billboards

17-8A-1: **GENERAL DESCRIPTION:** This commercial district is intended for a unified grouping, in one or more buildings, of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the suburban convenience center be developed as a unit with adequate off street parking space for customers and employees, and with appropriate landscaping and screening.

17-8A-2: **USES PERMITTED:** All buildings or uses hereafter established or enlarged shall comply with the conditions and restrictions enumerated below:

A. Principal Uses: Any of the following uses shall be permitted:

Artist supplies and hobby shops.

Automobile service stations.

Bakery shops.

Barber and beauty shops.

Bookstores.

Clothing or wearing apparel shops.

Dairy products stores.

Delicatessens.

Drugstores.

Florist shops.
Gift shops.
Grocery stores.
Hardware stores.
Jewelry stores.
Laundry and dry cleaning pickup stations.
Liquor stores.
Medical facilities.
Offices, general.
Pharmacies.
Public uses.
Restaurants.
Self-service laundries.
Shoe repair shops.
Tailor shops.
Taverns.
Toy stores.
Variety stores.

B. Other Uses: Any other commercial uses deemed by the board of adjustment to be of a similar nature.

C. Shopping Centers: All advertising signs relating to a shopping center, and the stores and shops therein shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center.

D. Accessory Buildings And Uses: Accessory buildings and uses customarily incidental to the above uses shall be permitted.

17-8A-3: AREA, SETBACK AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Front Yard Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>
12,000 Square feet	100'	50%	35'	50'	10'	20'

A. Minimum Area: The parcel of land on which a convenience commercial center is located shall not be less than twelve thousand (12,000) square feet or more than two (2) acres in area.

B. Yard Requirements: It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas. In no case shall the design of the shopping center provide less than the following standards:

1. All buildings shall be set back from all street right of way lines not less than fifty feet (50').

2. On the side of a lot adjoining a residential district, there shall be a side yard setback of one foot (1') for each one foot (1') of height.

17-8A-4: **BULK LIMITATIONS; FLOOR AREA RATIO:** In no instance shall the total floor space of the structures in this district exceed the relationship of one to four (1 to 4), i.e, there must be provided four (4) square feet of lot area to each one square foot of floor space in the structure.

17-8A-5: **OFF STREET PARKING:** In the C-1 convenience commercial district, three (3) square feet of off street parking space, dedicated to parking and automobile maneuvering, must be provided for each one square foot of total floor space.

17-8A-6: **SEWER SERVICE:** No structure or use in any commercial district shall be erected or commenced which does not have a connection to the public sewer system, unless and until the county health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the health officer may require such percolation tests as he deems to be necessary. Such tests shall be made at the expense of the landowner.

17-8A-7: **SIGNS AND BILLBOARDS:** All signs in the C-1 district shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable municipal codes; and, in addition, signs shall not overhang at a height of less than nine feet (9') and shall not have a maximum projection greater than seventy two inches (72").

A. Projection Sign: Any projection sign in the C-1 district shall not exceed fifty (50) square feet in size, nor will it exceed the height of the building.

B. Incandescent Lighting: No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residence, hotel or from any room used for sleeping purposes.

C. Red, Green Or Amber Illumination:

1. The use of red, green or amber illumination in connection with any sign shall not be permitted within one hundred feet (100') of any intersection.

2. Any use of red, green or amber illumination in connection with any sign must be so located that it in no way creates a confusion with any traffic signal or may be interpreted by any motorist as a traffic signaling device.

ARTICLE 8

COMMERCIAL DISTRICTS

**SUBARTICLE B. C-2 HIGHWAY COMMERCIAL AND
COMMERCIAL RECREATION DISTRICT**

SECTION:

- 17-8B-1: General Description
- 17-8B-2: Uses Permitted
- 17-8B-3: Area, Setback And Height Regulations
- 17-8B-4: Off Street Parking
- 17-8B-5: Signs And Billboards

17-8B-1: **GENERAL DESCRIPTION:** This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not and should not locate in the central business district or the convenience district.

17-8B-2: **USES PERMITTED:**

A. Uses In C-1 District: Any use permitted in the C-1 convenience commercial district.

B. Principal Uses: Other uses, including:

Advertising signs or structures.

Ambulance services, offices or garages.

Amusement enterprises.

Automobile sales and service (new and used); new and used machinery sales and service; and public garages.

Automobile service stations.

Bakeries.

Boat sales.

Bowling alleys.

Bus terminals.

Clothing stores.
Dance halls.
Department stores.
Drive-in theaters or restaurants.
Electric transmission stations.
Feed and fuel stores.
Food stores.
Frozen food lockers.
Funeral parlors.
Furniture repair and upholstery.
Garden stores.
Golf courses, miniature or practice ranges.
Heating and plumbing sales and services.
Hospital for small animals.
Ice plants.
Interior decorating stores.
Kennels.
Key shops.
Laundries.
Motels.
Music, radio, and television shops and repair shops.
Nightclubs.
Novelty shops.
Pawnshops.
Pet shops.
Printing plants.
Public uses.
Recreation centers, private.
Research laboratories.
Roller skating rinks.
Sign painting shops.
Sporting goods stores.
Stockbrokers.
Taverns.
Theaters.
Toy stores.
Travel trailer parks and sales.
Wholesale distributing centers.

C. Accessory Buildings And Uses: Buildings, structures, and accessory uses customarily incidental to any of the above uses shall be permitted; provided, that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

D. Certain Other Uses: Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, or traffic than those above.

17-8B-3: AREA, SETBACK AND HEIGHT REGULATIONS:

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Front Yard Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>
1,000 Square feet	100'	70%	45'	50'	1' of setback/1' of height when abutting an R district	20'

17-8B-4: OFF STREET PARKING: In the C-2 highway commercial or commercial recreation district, a minimum of three (3) square feet of off street parking space, dedicated to parking and automobile maneuvering, must be provided for each one square foot of total floor space.

17-8B-5: SIGNS AND BILLBOARDS: The control of signs and billboards in the C-2 highway commercial and commercial recreation district is the same as that in section 17-8A-7 of this chapter for the C-1 convenience commercial district.

ARTICLE 8

COMMERCIAL DISTRICTS

SUBARTICLE C. C-3 GENERAL COMMERCIAL DISTRICT

SECTION:

- 17-8C-1: General Description
- 17-8C-2: Uses Permitted
- 17-8C-3: Area, Setback And Height Regulations
- 17-8C-4: Off Street Parking
- 17-8C-5: Signs And Billboards

17-8C-1: **GENERAL DESCRIPTION:** This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

17-8C-2: **USES PERMITTED:** Property and buildings in a C-3 general commercial district may be used for the following purposes:

- A. Any use permitted in a C-1 or a C-2 commercial district.
- B. Any other retail, personal service, business service, or professional use not already mentioned.
- C. Any public buildings or uses.
- D. Buildings, structures, and accessory uses customarily incidental to any of the above uses; provided, that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

17-8C-3: **AREA, SETBACK AND HEIGHT REGULATIONS:**

Minimum Lot Area	Minimum Lot Frontage	Maximum Percent Coverage	Maximum Height	Front Yard Setback	Side Yard Setback	Rear Yard Setback
None	None	70%	None	None	None	20'

17-8C-4: **OFF STREET PARKING:** In the C-3 general commercial district, there shall be provided one off street parking space for each four hundred (400) square feet of gross retail floor area.

17-8C-5: **SIGNS AND BILLBOARDS:** The control of signs and billboards in the C-3 general

commercial district is the same as that in section 17-8A-7 of this article for the C-1 convenience commercial district.

ARTICLE 9

INDUSTRIAL DISTRICTS

SUBARTICLE A. I-1 LIGHT INDUSTRIAL DISTRICT

SECTION:

- 17-9A-1: General Description
- 17-9A-2: Standards
- 17-9A-3: Uses Permitted
- 17-9A-4: Area, Setback And Height Regulations
- 17-9A-5: Off Street Parking
- 17-9A-6: Sewer Service
- 17-9A-7: Signs And Billboards

17-9A-1: **GENERAL DESCRIPTION:** The purpose of the 1-1 light industrial district is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses. Because of the traffic generated and other objectionable influences created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district except heavy industrial district 1-2.

17-9A-2: **STANDARDS:** Any use constructed, established, altered, or enlarged in the 1-1 light industrial district after the effective date of this chapter shall be so operated as to comply with the following standards:

- A. Residential: No building shall be used for residential purposes except that a watchman may reside on the premises.
- B. Retail Sales Or Services: No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.
- C. Noise: No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the 1-1 district.
- D. Toxic, Noxious, Odorous Matter: No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.
- E. Vibrations: No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.
- F. Exterior Lighting: Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residence district.

G. Flammable Materials: The manufacture of flammable materials which produce an explosive vapors or gases is prohibited.

H. Glare Or Heat: Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

17-9A-3: USES PERMITTED:

A. Principal Uses: The following uses are permitted in the 1-1 light industrial district:

Building materials sales.

Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.

Compounding, processing and blending chemical products, but not including any materials which decompose by detonation.

General and administrative offices.

Machine shops and metal products manufacture and tool and die shops.

Mail order houses.

Manufacturing and assembling electrical and electronic products and equipment.

Manufacturing and assembling (or any combination of such processes) products from wood, cork, glass, leather, fur, plastic, felt and other textiles, but not including, as a principal operation, the processing of any raw materials.

Printing and binding plants.

Public utility distribution centers.

Research laboratories.

Warehouses and storage facilities.

Water filtration plants, pumping stations, reservoirs, and lift stations.

B. Other Uses: Any other manufacturing process or establishment which can operate in compliance with the aforementioned requirements shall be permitted.

C. Accessory Uses: Accessory uses incidental to and on the same zoning lot as a principal use shall be permitted.

17-9A-4: **AREA, SETBACK AND HEIGHT REGULATIONS:** All buildings and uses hereafter established or enlarged shall comply with the following requirements.

<u>Minimum Lot Area</u>	<u>Minimum Lot Frontage</u>	<u>Maximum Percent Coverage</u>	<u>Maximum Height</u>	<u>Front Yard Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>
--	--	40%	90'	50'	25'	30'
					50' minimum or 1' each 1' of height when adjacent to residential district	

17-9A-7: **OFF STREET PARKING:** Off street parking shall be provided, as required in section 17-4-6 of this chapter.

17-9A-6: **SEWER SERVICE:** No structure or use in the 1-1 district shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system unless and until the county public health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, such health officer may require such percolation tests as he deems to be necessary. Such tests shall be made at the expense of the landowner.

17-9A-7: **SIGNS AND BILLBOARDS:** In the 1-1 light industrial district, the use of signs and billboards is the same as that in section 17-8A-7 of this chapter for the C-1 convenience commercial district.

ARTICLE 9

INDUSTRIAL DISTRICTS

SUBARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT

SECTION:

- 17-9B-1: General Description
- 17-9B-2: Standards
- 17-9B-3: Uses Permitted
- 17-9B-4: Area Regulations
- 17-9B-5: Off Street Parking
- 17-9B-6: Sewer Service
- 17-98-7: Signs And Billboards

17-9B-1: **GENERAL DESCRIPTION:** The purpose of the 1-2 heavy industrial district is to provide a location for industries, which may by their nature create nuisances. The intent is to preserve this land especially for industry in locations with access to major streets as designated on the thoroughfare plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this district, it is necessary to provide a buffer or setback strip between this district and other zoning districts, except 1-1.

17-9B-2: **STANDARDS:** Any use constructed, established, altered, or enlarged in the 1-2 heavy industrial district after the effective date of this chapter shall be so operated as to comply with the following standards. No use already established on the effective date of this chapter shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the 1-2 heavy industrial district.

A. Residential: No building shall be used for residential purposes, except that a watchman may reside on the premises.

B. Retail Sales Or Services: No retail sales or services shall be permitted, except as incidental to or accessory to a permitted use.

C. Manufacture Of Goods: No manufacture or assembly of goods shall be conducted outside a building unless the nearest point of said activity is more than two hundred feet (200') from the boundary of any use district.

D. Exterior Lighting: Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residence district.

E. Noise; Offensive Emissions: All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, wares, and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise,

vibration, smoke, dust or other particulate matter, toxic or noxious matter, odorous, glare, or heat, fire or explosive hazards.

F. Detonation: No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.

17-9B-3: USES PERMITTED:

A. Principal Uses: All buildings or uses hereafter established or enlarged shall comply with the following conditions or restrictions:

Automobile wrecking and junkyards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight feet (8') in height.

Blacksmiths, tinsmiths and sheet metal shops.

Bottling works.

Bulk fuel sales and storage.

Canning or preserving factories.

Coal storage plants.

Ice cream production and distribution.

Machine shops.

Machinery rental, sales, and service.

Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing, or testing, any of the following materials, goods or merchandise:

Apparel.

Beverages (nonalcoholic), processing and bottling.

Building materials specialties.

Clothing.

Compounding and packaging of chemicals.

Cosmetics and toiletries.

Dairy products.

Drugs and pharmaceutical products.

Electrical and acoustic products and components.

Food products (except fish, sauerkraut, vinegar and yeast).

Furniture.

Glass products.

Ice, dry and natural.

Jewelry.

Medical laboratory supplies, equipment and specialties.

Metal products and utensils.

Musical instruments.

Optical goods.

Paper products, including boxes and containers.

Radio, phonograph recorder and television sets and parts.

Textiles.

Toys and children's vehicles.
Trailers and carts.
Wood products, including wooden boxes and containers.

Meat and vegetable products (processing of), including the slaughter of animals.
Milk, bottling and distribution.
Monumental stone cutting.
Motor freight terminals.
Pattern shops.
Printing plants.
Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor.
Sign painting.
Soldering and welding shops.
Spray painting and mixing.

B. I-1 District Uses: Any use permitted in the 1-1 light industrial district shall be permitted in this district.

17-98-4: AREA REGULATIONS:

A. Minimum Area: There are no requirements for minimum lot area in the heavy industrial district 1-2.

B. Yard Requirements: Yard requirements in the 1-2 district are the same setbacks as required for the 1-1 light industrial district.

C. Coverage: Buildings shall not cover more than fifty percent (50%) of the site on which the use is located.

17-98-5: OFF STREET PARKING: Off street parking shall be provided, as required in section 17-4-6 of this chapter.

17-98-6: SEWER SERVICE: No structure or use in the 1-2 district shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system unless and until the county public health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, said health officer may require such percolation tests as he deems necessary. Such tests shall be made at the expense of the landowner.

17-98-7: SIGNS AND BILLBOARDS: In the 1-2 district, the control of signs and billboards is the same as that in section 17-8A-7 of this chapter for the C-1 district.

ARTICLE 10

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 17-17-1: Zoning Clearance Permit; Fee
- 17-17-2: Building Permits And Certificates Of Occupancy; Fee
- 17-17-3: Amendments; Procedure And Fees
- 17-17-4: Vacation Of Public Easements
- 17-17-5: Invalidity; Saving Clause
- 17-17-6: Penalty

17-17-1: **ZONING CLEARANCE PERMIT; FEE:**

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

B. Existing Buildings: Any building, structure or use lawfully existing at the time of enactment of this chapter may be continued even though such building, structure or use does not conform with the provisions of this chapter. However, no structural alteration shall be made, nor shall the use of any land or building or other structure be changed without a zoning clearance permit issued authorizing such structural alteration or use change as being in compliance with the provisions of this chapter.

C. Application For Permit: An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within three (3) days, the zoning administrator shall grant or deny said zoning clearance permit in accordance with the terms of this chapter.

D. Accompanying Materials: All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, and the size and location of the building to be erected and such other information as may be necessary to satisfy the requirements of these regulations.

E. Fees: Zoning clearance permits shall not be issued until a fee of fifteen dollars (\$15.00) shall have been paid.

F. Penalty: Any persons, firm or corporation violating any provision of this section is guilty of a

misdemeanor and shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00), not including court costs, for each day the violation exists. Each day constitutes a separate offense.

17-17-2: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; FEE: This chapter shall be enforced by the zoning administrator, acting at the direction of the chief administrative officer. It shall be a violation of this chapter for any person to change, or permit to be changed, the use of the land, buildings or structures, or erect, move or structurally alter any building or structure until a building permit has been obtained, under the following conditions:

A. Application For Building Permit: Every application for a building permit shall be accompanied by:

1. A plat drawn to scale, showing the plot, showing the exact size, shape and dimensions of the lot to be built upon, the exact size and location on the lot of all easements of record or in use, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be built, repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off street parking and loading facilities, if such be for a business, commercial or industrial building.

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

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

4. A survey, prepared by a competent surveyor in the state of Oklahoma, of the boundaries of the lot on which the improvement is proposed to be located shall be required by the zoning administrator where the boundaries of the lot are not clearly defined by the survey pins and monuments.

5. The zoning administrator shall be a person who, in the judgment and opinion of the town trustees, is competent by reason of building experience to properly cause inspections to be made and to determine whether permits should be granted. The inspector shall serve by appointment of the town trustees and his term shall begin upon the adoption of this chapter and one year thereafter and shall continue to serve unless removed by the town trustees, who may remove without cause.

6. All applications shall be considered filed with the building inspector by the filing of the same with the town clerk who shall deliver such application to the building inspector.

B. Fee: Whenever any structure or building is to be erected, moved or structurally altered, a building permit shall first be obtained from the building inspector. The cost of such permit shall

be thirty dollars (\$30.00).

C. Certificate Of Occupancy: No change shall be made in the use of any land, building or structure after the adoption of this chapter until a certificate of occupancy is obtained from the town clerk certifying that all of the provisions of this chapter are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

17-17-3: AMENDMENTS; PROCEDURE AND FEES:

A. Recommendations; Hearing: The town trustees may, by ordinance, amend, change, or repeal this chapter or any part thereof; provided however, that before the town trustees shall amend, change, or repeal this chapter or any part thereof, it shall request the planning commission to submit its recommendation on such proposed amendment, change, or repeal. Such recommendation on such proposed amendment, change, or repeal, whichever the case may be, shall be made after not less than one public hearing thereon, which hearing may be adjourned from time to time. After considering the commission's recommendation at public hearing for which public notice shall be given, the town trustees may approve the recommendation in whole or in part, or return the recommendation to the planning commission for further consideration.

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

2. Notice of the dates, time and place of a public hearing considering amendments or changes to district regulations, restrictions, or district boundaries shall include at least one publication notice in a newspaper of general circulation in the town not less than fifteen (15) days, but not more than thirty (30) days, prior to such public hearing. If a proposed amendment is for any proposed zoning change, except when proposed by the town, public notice shall also include the posting of at least one sign on such lot, parcel or tract of land and such sign shall there remain for a period of twenty (20) successive days prior to the public hearing, including the day immediately preceding the day for which such notice hearing is scheduled. The sign and lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. Public notice shall also include notice mailed by the secretary of the planning commission to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property. The notice shall contain the legal description and the street address or approximate location of the property, the present and sought zoning classification of the property, and the date, time, and place of the public hearing. It shall be the duty of the owner or authorized representative to provide a list of the owners within the three hundred foot (300') radius certified to be accurate by a bonded abstractor, attorney, or such other entity as may be acceptable to the secretary. The petition shall be deemed to be not filed until said list is provided. The publication and mailed notice, as herein referred, shall be on the forms provided by the secretary of the planning commission, shall provide all information

required by said form, and shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.

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

C. Protest: If a protest against a proposed amendment or change to the regulations, restrictions, or district boundaries is filed, at least three (3) days before the public hearing, by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or the owners of fifty percent (50%) or more of the area of lots within a three hundred foot (300') radius of the exterior boundary of the property included in the proposed change, then such amendment or change shall not become effective except by a favorable vote of three-fourths (3/4) of all members of the town trustees.

D. Filing Fee: Upon filing of a petition of amendment to these regulations, the property owner or his duly authorized representative shall pay a filing fee of three hundred dollars (\$300.00) to the secretary of the planning commission. All fees collected by the planning commission shall be deposited with the town clerk and credited to the general fund of the town.

1. The fees or expenses for all public notices herein required pursuant to petition for amendment shall be paid by the owner of the property or his duly authorized representative. The form for such notice shall be established by the town trustees. The town trustees or the planning commission, as it concerns their respective hearings, shall designate the agency or agencies which shall affect the public notices and the number of notices to be used pursuant to this chapter.

2. If pursuant to a petition for amendment the town trustee's votes to rezone a lot, parcel, or tract of land, the owner of such land shall pay the cost of the ordinance publication. Such payment shall be submitted to the town clerk, and the town clerk shall not cause the ordinance to be published prior to such payment.

E. Final Determination Or Failure To Recommend; Appeal: In the event the planning commission fails to set up a petition for amendment for public hearing within twenty (20) days after its proper filing with the planning commission at a regular scheduled meeting; or, if after public hearing, the planning commission fails to recommend that this chapter be amended in accordance with such petition for amendment, such failure shall be deemed the final determination and decision of the planning commission. The final determination of the planning commission may be appealed to the town trustees, provided a written request for a hearing before

the town trustees is served on the chairman of the planning commission within fifteen (15) days after the final determination of the planning commission.

F. Zoning Map Changes: The planning commission shall supervise the official zoning map and shall keep same up to date with all changes and amendments.

17-17-4: **VACATION OF PUBLIC EASEMENTS:** Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacated portion accrues.

17-17-5: **INVALIDITY; SAVING CLAUSE:** In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of the title shall not thereby be invalid, but shall remain in full force and effect.

17-17-6: **PENALTY:** A violation of this chapter shall be deemed to be a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.