

PART 12

PLANNING, ZONING AND DEVELOPMENT

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Chapter 1

BOARDS AND COMMISSIONS

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Article A. City Planning Commission

12-101 City planning commission, creation and membership.

A city planning commission is hereby created. It shall consist of five (5) appointive members, all of whom shall be citizens of the city. The mayor shall serve as ex-officio member of the commission. The five (5) appointive members shall be nominated by the mayor and confirmed by the council. Each appointed member shall serve for a term of three (3) years, or until his successor takes office. Of the original appointive members, however, one shall serve a term of one year; two (2) shall serve a term of two (2) years and two (2) shall serve a term of three (3) years. Thereafter the terms of members shall be three (3) years. Vacancies occurring other than by expiration of the term shall be filled only for the unexpired terms by the mayor. The members shall serve without compensation. The council may remove a member of the planning commission only for inefficiency, neglect of duty, or malfeasance in office. Members shall be appointed solely with reference to their fitness and not party affiliation.

State Law Reference: Municipal planning commissions, 11 O.S. Sections 45-101 to 45-105.

12-102 Quorum.

Three (3) members of the commission shall constitute a quorum for the transaction of business; provided, however, that no action shall be taken which is binding upon the commission, unless concurred in by not less than a majority of all members comprising the commission.

12-103 Organization, meetings, rules.

The commission shall elect a chairman and a secretary and may create and fill such other offices as it may deem necessary. The planning commission shall adopt rules for the transactions of business and keep a record of its regulations, transactions, findings and determinations, which record shall be a public record.

12-104 Personnel hiring authority.

The planning commission may recommend such employees as it deems necessary for its work, whose appointment, promotion, demotion and removal shall be at the pleasure of the mayor. The commission may also recommend to the city council the employment of city planners, engineers, architects and consultants for such other services as it may require. The city council may provide funds for the salaries of employees and the expenses of the commission as for other functions of the city government.

12-105 General advisory duties of commission.

The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens with relation to the protecting or carrying out of the plan. All public officials shall, upon request, furnish the commission within a reasonable time such available information as it may require for its work.

12-106 General powers of commission.

In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning and carry out the purposes of this chapter.

12-107 Comprehensive plan.

The commission shall have the power and duty to prepare and recommend to the council for adoption a comprehensive plan for the physical development and betterment of the city, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of the city.

12-108 Purposes of plan.

The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote the health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

12-109 Contents of plan.

The comprehensive plan with the accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, and the general location of public buildings and other public property; also the removal, relocation, widening, narrowing, vacating, abandonment, change of property, as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises.

12-110 Adoption of parts of plan may be recommended.

As the work of making the whole comprehensive plan progresses, the planning commission may recommend to the city council from time to time adopting and publishing a part or parts thereof, any such part to cover one or more major sections or divisions of the city or one or more of the aforesaid or other functional matters to be included in the plan.

12-111 Recommending amendments to plan.

The planning commission may, from time to time, recommend to the city council amendments, extensions or additions to the plan.

12-112 Procedure for adoption of plan.

The city council may adopt the plan as a whole by a single ordinance, or may, by successive ordinances, adopt successive parts of the plan, such parts corresponding with major geographic sections or divisions of the city, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the city planning commission recommends to the city council the adoption of the plan or any such part, amendment, extension or addition, the planning commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any part or amendment or extension or addition shall be by ordinance of the city council carried by the affirmative votes of a majority of the city council. The

ordinance shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman of the commission. An attested copy of the plan or part thereof shall be certified to the city council for the approval of the city council.

12-113 Approval by commission of improvements.

Whenever the city council shall have adopted the comprehensive plan of the city or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space, or public building or structure, or other governmental enterprise shall be constructed or authorized in the city, or in such planned section and district until the location, character or extent thereof shall have been submitted to and approved by the commission; provided, that in case of disapproval, the commission shall communicate its reason to the city council, which shall have the power to overrule such disapproval by a recorded vote of a majority of its membership.

12-114 Subdivision of land.

The commission may prepare and recommend to the council for adoption rules and regulations governing subdivision of land within the city limits. All plans, plats and replats of land laid out in two (2) or more lots, plats or parcels, or streets or alleys, or other ways intended to be dedicated for public use shall be first submitted to the commission for its recommendations. The commission shall check the proposed dedication or subdivision to insure compliance with the comprehensive plan. The disapproval of any plan, plat or replat by the city shall be deemed the refusal of the dedication thereon. No plat or replat or subdivision of land, or dedication of street or alley, or other easement shall be entitled to record unless it bears the signature of the mayor, attested by the city clerk, certifying the approval and acceptance by the city council.

12-115 Zoning commission, regulations.

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

B. The commission may recommend the division of the city into districts of such number, size and area that may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of building throughout the district, but the regulations from one district may differ from those of other districts. Nothing in this subsection B shall be construed to apply to telephone exchange buildings.

12-116 Purpose of zoning plan.

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

Article B. Board of Adjustment

12-121 Creation and authority.

There is hereby created a zoning board of adjustment consisting of five (5) members, citizens of the city, each to be appointed by the mayor and confirmed by the city council for a term of three (3) years. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose term becomes vacant. For the first appointments under the provisions of this article, however, one member shall be appointed for a term of one year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years. At least two (2) members of the board shall be appointed from the membership of the city planning commission. The board shall elect a chairman from its membership to serve for a term of two (2) years. (Prior Code, Chapter 23)

State Law Reference: Creation and powers of board of adjustment, 11 O.S. Sections 44-101 to 44-110.

12-122 Meetings and procedures.

The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and require 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 city clerk and shall be a public record. A concurring vote of three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under any such ordinance or code, or to effect any variation in such ordinance or code. (Ord. 21-111901 § 1)

12-123 Appeals.

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the building inspector. Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the city clerk notice of appeal specifying the grounds therefor, and by paying a filing fee at the office of the city clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

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

C. The board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

12-124 Powers, appeals.

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

12-125 Powers to grant variances.

The board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Sections 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

1. At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;
2. The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
3. Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in Sections 12-201 et seq. of this code.

12-126 Powers relative to exceptions.

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

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;
2. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the city clerk;
3. To grant exceptions to the off-street parking requirements set forth in Sections 12-201 et seq. of this code when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets; and
4. To review the uses listed in Article IV of the specific district regulations as "Uses Permitted on Review." These are so classified because they are more intensely dominant in the area in which they are located than other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein.

12-127 Uses permitted on review.

The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district, pursuant to the board's powers granted in the preceding section. These uses shall be reviewed and authorized or rejected under the following procedures:

- A. A verified application shall be filed with the board of adjustment for review. The application shall show the location and intended use of the site, the name of all owners of record, as shown by the current year's tax

rolls in the office of the county treasurer, of real property within three hundred (300) feet in each direction from the platted tract or portion thereof for which the application is made. Attached to the application shall be the certificate of a bonded abstractor listing the names and mailing addresses of all persons required to be notified as set forth in this section;

B. The applicant shall cause (1) a copy of the application; (2) a notice of the date, time, and place of the city council meeting; and (3) the date, time, and place of the initial board of adjustment hearing, to be mailed to all owners of record, as shown by the current year's tax rolls in the office of the county treasurer, of real property within three hundred (300) feet in each direction from the platted tract or portion thereof for which the application is made. At the time of mailing notice to any property owners, applicant shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the names and addresses of all persons to whom notices were mailed. All notices shall be mailed at least ten (10) days prior to the date of the initial public hearing before the city council. The receipts of mailing shall be filed with the city clerk five (5) days prior to the initial public hearing held by the city council regarding the application;

C. Within seven (7) days of the filing of the verified application, the applicant shall cause a sign to be placed on the subject premises. The sign shall state the applicant's desired use of the premises. The sign must remain in place until the first public hearing of the board of adjustment. The dimensions of the sign shall be no smaller than three (3) feet in height and five (5) feet in width. The lettering on the sign shall be no smaller than two (2) inches in height;

D. The city council shall hold one or more public meetings;

E. The board of adjustment shall hold one or more public hearings. The board of adjustment shall cause notice to be published in a newspaper of general circulation in Creek County at least ten (10) days before each hearing;

F. Within forty-five (45) days of the date of filing of the application, the city council shall forward its recommendation to the board of adjustment;

G. The board of adjustment, within sixty (60) days of the date of application, shall study the effect of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and authorized or deny the issuance of a permit for the use of land or buildings as requested;

H. Within sixty (60) days of the date of the filing of the application, the board of adjustment shall enter its final decision;

I. An appeal from the board of adjustment's final decision may be had in the manner set forth in Section 12-129 of this code. (Ord. No. 9-7-93: Ord. 9-031901 § 1)

Cross Reference: See also Section 45.6.6 of the zoning regulations.

12-128 Exercise of powers.

In exercising its powers the board may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this chapter, the board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the city. Every ruling

made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal.

12-129 Appeal to district court.

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

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

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Article A. General Provisions

12-201 Citation.

This ordinance, in pursuance of the authority granted by the Legislature of the state of Oklahoma in Title 11, Chapter 7, Sections 401-425 of the Oklahoma Statutes, shall be a part of master plan for the city of Bristow and shall be known as the Zoning Ordinance and may be cited as such. (Prior Code, Chapter 23)

12-202 Purpose and necessity.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of this ordinance they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare. (Prior Code, Chapter 23)

12-203 Nature of zoning plan.

This ordinance classifies and regulates the use of land, buildings, and structures within the city limits of the city of Bristow, state of Oklahoma, as hereinafter set forth. The regulations contained herein divide the city into zones and regulate therein the use of the land and the use of buildings and the size of buildings as to height and number of stories, the

coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population. (Prior Code, Chapter 23)

12-204 Regulation of use, height, area, yards and open spaces.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts. (Prior Code, Chapter 23)

12-205 Zones.

A. The City of Bristow is hereby divided into zones as shown on the city's zoning map filed with the city clerk. The map and all explanatory material thereon is hereby made a part of this chapter.

B. Zones shall be designated as follows:

1. Residential

a. R-1 One-family district;

b. R-2 two-family district; or

c. R-3 multiple-family district.

2. Commercial

a. C-0 commercial office district;

b. C-1 neighborhood commercial district;

c. C-2 highway commercial district;

d. C-3 general commercial district; or

e. Open display commercial district.

3. Industrial

a. I-1 restricted light industrial district;

b. I-2 light industrial district; or

c. I-3 heavy industrial district.

4. Other

a. F-1 flood plain district; or

b. A-1 agricultural district.

C. Specific district regulations are set forth in Article B. (Prior Code, Chapter 23)

12-206 Definitions.

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

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

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

3. "Advertising sign or structure" means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for out-

door advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition;

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

5. “Apartment house or multiple-family dwelling” means a single detached dwelling designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels;

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

7. “Boarding house” means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons;

8. “Building” means any structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure;

9. “Building height” means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof;

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

11. “Building site” means a single parcel of land under one ownership, occupied or intended to be occupied by a building or structure;

12. “Child care center” means any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when 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 of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities;

13. “Coverage” means the percentage of the lot area covered by the building. The building area shall include all overhanging roofs;

14. “District” means any section or sections of Bristow for which regulations governing the use of buildings and premises or the height and area of buildings are uniform;

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

16. “Dwelling, single-family” means a dwelling designed to be occupied by one family;

17. "Dwelling, two-family" means a dwelling designed for occupancy by two (2) families living independently of each other;

18. "Dwelling, multiple" a dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels;

19. "Family" means one or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by the family;

20. "Garage apartment" means a dwelling unit for one family erected above a private garage;

21. "Garage, private" means an accessory building or a part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed one and a half times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater. Such space shall not be used for storage of more than one commercial vehicle which does not exceed one and one-half

(1 1/2) tons rated capacity, per family living on the premises, and not to exceed two (2) spaces shall be rented to persons not residing on the premises for storage of noncommercial passenger vehicles only;

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

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

24. "Help-yourself laundry" means a laundry providing home type washing, drying and ironing machines for hire to be used by the customers on the premises;

25. "Home occupation" means an occupation conducted in a dwelling unit provided that:

a. No person other than members of the family residing on the premises shall be engaged in such occupation;

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

c. There shall be no change in the outside appearance of the building or premises, other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square-foot in area, nonilluminated, and mounted flat against the wall of the principal building;

d. No home occupation shall be conducted in any accessory building;

e. There shall be no sales in connection with such home occupation;

f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; or

g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

26. "Hotel" means a building or group of buildings under one ownership containing six (6) or more sleeping rooms 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, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint;

27. "Kennel" means any lot or premises on which are kept three (3) or more dogs, more than six (6) months of age;

28. "Lot" means any plot of land occupied or intended to be occupied by one main building, and accessory buildings and uses, including such open spaces as are required by this chapter and other laws or ordinances, and having its principal frontage on a street;

29. "Lot, corner" means a lot which has at least two (2) adjacent sides abutting for their full lengths 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°);

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

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

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

33. "Lot, area" means the total area measured on a horizontal plane, included within lot lines;

34. "Lot, frontage" means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot;

35. "Lot lines" means the lines bounding a lot;

36. "Medical facilities":

a. Convalescent, rest, or nursing home means a health facility where persons are housed and furnished with means and continuing nursing care;

b. Dental clinic or medical clinic means a facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept over night except under emergency conditions;

c. Dental office or doctors office means same as dental or medical clinic;

d. Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities;

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

f. Sanatorium means an institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

37. "Nonconforming use" means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated;

38. "Off-street parking space" means a parking space not on or extending over any public easement or right-of-way;

39. "Parking space" means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking space with a street or alley;

40. "Rooming house" means a building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of this chapter;

41. "Self-service laundry or dry cleaning establishment" means any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth fabrics, and textiles of any kind by means of a mechanical appliance which is operated by the customer;

42. "Stable, private" means a stable with a capacity for not more than two (2) horses or mules;

43. "Stable, public" means a stable, other than a private stable, with a capacity for more than two (2) horses or mules;

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

45. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story;

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

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

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

49. "Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls;

50. "Tourist court or motel" means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients;

51. "Tourist home" means a dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation;

52. "Trailer court or mobile home park" means a parcel of land under single ownership which has been designed or improved or is intended to be rented for occupancy by one or more trailer houses or mobile homes;

53. "Trailer or mobile home space" means a plot of ground within a trailer court designed for the accommodation of one mobile home;

54. "Mobile home" means any manufactured home or a manufactured home dwelling;

55. "Travel trailers" means all vehicles and portable structures built on a chassis up to and including thirty-two (32) feet in length designed as a temporary or permanent dwelling for travel, recreational and vacation use (not included in the definition of independent mobile homes). For purposes of regulation under this chapter, a dependent trailer shall be considered to be the same as a travel trailer, unless otherwise indicated;

56. "Yard" means open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed (by any portion of a structure) from the ground upward, except where otherwise specifically provided in this chapter than an accessory building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used;

57. "Yard, front" means a yard located in front of the front elevation of the building and extending across a lot between the side yard lines and being the minimum horizontal distance between the side yard lines and being

the minimum horizontal distance between the front property line and the outside wall of the main building. In unplatted areas or in any such instance where there is a question as to the orientation of the front yard, the front yard shall be determined by the Planning and Zoning Commission;

58. "Yard, rear" means a yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard;

59. "Yard, side" means a yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building; and

60. "Manufactured home" means any structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles. (Prior Code, Chapter 23; Ord. No. 749, 6-16-70; Ord. 39-040504 § 1; Ord. 40-040504 § 1)

12-207 Interpretation of district boundaries.

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

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

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

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

4. Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated. (Prior Code, Chapter 23)

12-208 Vacation of public easements.

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land. (Prior Code, Chapter 23)

Article B. Specific District Regulations

12-210 R-1 single-family dwelling district, general description.

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (Prior Code, Chapter 23)

12-211 Uses permitted.

Property and buildings in an R-1, single-family dwelling district, shall be used only for the following purposes:

1. Detached one-family dwelling;
2. Church;
3. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
4. Public park or playground;
5. Library;
6. General purpose farm or garden, but not the raising of livestock;
7. Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building, including a private garage;
8. Bulletin board or sign, not exceeding twenty (20) 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; and
9. Municipal property which is used as a hospital and/or medical facility. (Prior Code, Chapter 23; Ord. 44-092004 § 1)

12-212 Uses permitted on review.

The following uses may be permitted on review by the city planning commission in accordance with provisions contained in Article F, Section 12-380 of this code:

- A. Municipal use, public building and public utility;
- B. Plant nursery in which no building or structure is maintained in connection therewith;
- C. Golf club; and
- D. Home occupation.

(Prior Code, Chapter 23: Ord. 42-040504 § 1)

12-213 Area regulations.

A. Front yard: all buildings shall be setback from street right-of-way lines to comply with the following front yard requirements:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet; and
3. When a yard has double frontage, the front yard requirements shall be provided on both streets.

B. Side yard:

1. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet and of not less than eight (8) feet for dwellings of more than one story, except as hereinafter provided in Article C of this code. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than ninety (90) feet from the front property line;

2. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot; and

3. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35) feet.

C. Rear yard: there shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. Lot width: for dwellings there shall be a minimum lot width of sixty (60) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

E. Intensity of use:

1. For each dwelling, and building accessory thereto there shall be a lot area of not less than seven thousand (7,000) square feet;

2. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this chapter that lot may be used for any of the uses, except churches, permitted by this section; and

3. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article D.

F. Coverage: main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (Prior Code, Chapter 23)

12-214 Height regulations.

No building shall exceed two and one half (2½) stories or thirty-five (35) feet in height except as provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-220 R-2 two-family dwelling district, general description.

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element. (Prior Code, Chapter 23)

12-221 Uses permitted.

Property and buildings in an R-2, two-family dwelling district shall be used only for the following purposes:

1. Any uses permitted in R-1, single-family dwelling district;
2. Two-family dwelling or a single-family dwelling and a garage apartment; and
3. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot. (Prior Code, Chapter 23)

12-222 Uses permitted on review.

The following uses may be permitted on review by the city planning commission in accordance with provisions contained in Article F, Section 12-380:

Any use permitted on review in R-1, single-family dwelling district. (Prior Code, Chapter 23)

12-223 Area regulations.

A. Front yard: all buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet; and
3. When a yard has double frontage the front yard requirements shall be provided on both streets.

B. Side yard:

1. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet and of not less than eight (8) feet for dwellings of more than one story and for garage apartments, except as hereinafter provided in Article C.

For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than ninety (90) feet from the front property line;

2. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings as for an interior lot; and

3. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

C. Rear yard:

For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. Lot width: for single-family dwellings, two-family dwellings or singlefamily dwellings and garage apartments, there shall be a minimum lot width of sixty (60) feet at the front building line, and the lot shall abut on a street for a distance of not less than thirty-five (35) feet.

E. Intensity of use:

1. For each single-family dwelling and accessory buildings there shall be a lot area of not less than seven thousand (7,000) square feet;

2. For each two-family dwelling and accessory buildings there shall be a lot area of not less than nine thousand (9,000) square feet. A lot for a garage apartment and a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases a garage apartment shall be provided with the same lot area required by a single-family dwelling;

3. Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this chapter that lot may be used for any use, except churches, permitted in the R-1 single-family district; and

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article D.

F. Coverage: main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (Prior Code, Chapter 23)

12-224 Height regulations.

No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-230 R-3 multiple-family dwelling district, general description.

This is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (Prior Code, Chapter 23)

12-231 Uses permitted.

Property and buildings in an R-3 district shall be used only for the following purposes:

1. Multiple-family dwelling, apartment house;
2. Rooming or boarding house; and
3. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

(Prior Code, Chapter 23)

12-232 Uses permitted on review.

The following uses may be permitted on review by the city planning commission in accordance with provisions contained in Article F, Section 12-380.

1. Any use permitted on review in an R-1 or R-2 residential district;
2. Child care center;
3. Medical facility;
4. Mobile home court or park in compliance with Section 12-235.
5. Business college, trade, vocational school; and
6. An off-street parking lot associated with a C-Commercial use as required under the provisions of Article D of this code. (Prior Code, Chapter 23)

12-233 Area regulations.

A. Front yard: all buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

1. The minimum depth of the front yard shall be twenty-five (25) feet;
2. If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-

five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet;

3. When a yard has double frontage the front yard requirements shall be provided on both streets; and

4. There shall be no parking allowed in the front yard (for other parking restriction see Article D).

B. Side yard:

1. For dwellings located on an interior lot a side yard of not less than ten (10) feet shall be provided on both sides of the main dwelling for the first story and an additional five (5) feet of side yard shall be provided for each additional story or thereof;

For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet.

2. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

3. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

C. Rear yard:

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. Lot width: there shall be a minimum lot width of fifty (50) feet at the front building line for single-family and two-family dwellings, and ten (10) feet additional width at the front building line for each family, more than two (2) occupying a dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.

E. Intensity of use:

1. There shall be a lot area of not less than seven thousand (7,000) square feet for a single-family dwelling, not less than nine thousand (9,000) square feet for a two-family dwelling, and not less than two thousand (2,000) square feet for each family, more than two (2), occupying a dwelling;

2. There shall be a lot area of not less than seven thousand (7,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling the lot area shall provide not less than two thousand (2,000) square feet more than is required for the two-family or multiple-family dwelling;

3. Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this chapter that lot may be used for any use, except churches, permitted in the R-1 single-family dwelling district; and

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article D.

F. Coverage: main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (Prior Code, Chapter 23)

12-234 Height regulations.

No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-235 Mobile home park or court.

A. Upon compliance with the provisions as set forth herein, a mobile home trailer park will be allowed within the R-3 multi-family residential district.

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

C. The proposed site shall be a minimum of thirty thousand (30,000) square feet in size and shall contain no more than fifteen (15) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as a major street or collector street in the trafficways plan. All ingress or egress by automobile will be on such major streets. The proposed site shall be a minimum of one-hundred and fifty (150) feet in depth.

D. It is 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 are to be located in one area of the park so they will in no way interfere with the permanent residents.

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

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

G. 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. (Prior Code, Chapter 23)

12-236 Uses permitted.

A mobile home may only be placed or located in a mobile home park or court. (Ord. 41-040504 § 1)

12-240 C-0 commercial office district, general description.

This commercial district is to provide for a strict office commercial category which will be a transitional use between a less restrictive commercial district and a residential district. The design of commercial offices shall be compatible to the surrounding properties as to traffic ingress and egress, building orientation, landscaping, position of off-street parking, and other amenities as deemed necessary to the particular site. (Prior Code, Chapter 23)

12-241 Uses permitted.

Property and buildings in a C-0, Commercial Office District, shall be used only for the following purposes:

1. Multi-family residential;
2. Business college or trade school;
3. Clinics;
4. Museums;
5. Funeral homes;
6. Office buildings in which no retail sales are carried on or stock of goods is maintained for sale to customers;

7. Photography studio;
8. Employment agency;
9. Apothecary (limited to sale of pharmaceutical and medical supplies);
10. Dance studio;
11. Churches; and
12. Public services.

(Prior Code, Chapter 23)

12-242 Uses permitted on review.

Any uses permitted on review in R-districts. Laboratories for research and testing. (Prior Code, Chapter 23)

12-243 Area regulations.

- A. Front yard: there shall be a minimum of a ten (10) foot front yard except for residential uses.
- B. Side yard: there shall be required a fifteen (15) foot side yard on corner lots and no side yard required on interior lots except for residential uses.
- C. Rear yard: there is not a rear yard required except for those residential uses.
- D. Lot width: a lot width shall be required of fifty (50) feet for office commercial uses, except residential uses. (All multi-family residential uses constructed in this district shall abide by the area regulations found in R-3).
- E. Coverage: the maximum lot coverage permitted is seventy percent (70%).
- F. Height regulations: the height of any structure within the C-0 District shall not exceed thirty-five (35) feet. (Prior Code, Chapter 23)

12-244 Off-street parking and loading.

Off-street parking and loading must meet the requirement outlined in Article D of this chapter. (Prior Code, Chapter 23)

12-245 Height regulations.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-250 C-1 local commercial district, 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. (Prior Code, Chapter 23)

12-251 Uses permitted.

- A. All buildings or uses hereinafter established or enlarged shall comply with the conditions and restrictions enumerated herein.
- B. Any of the following uses shall be permitted provided that the gross floor area of the use does not exceed twelve thousand (12,000) square feet. Ornamental screening shall be provided by fencing or evergreen planting of not less than seven (7) feet in height when abutting an R-District.
 1. Artist supplies and hobby shop;

2. Bakery shop;
3. Barber and beauty shops;
4. Book store;
5. Clothing or wearing apparel shops;
6. Drug store;
7. Dairy products store;
8. Delicatessen;
9. Florist shop;
10. Gift shop;
11. Grocery store;
12. Hardware store;
13. Jewelry shop;
14. Laundry and dry cleaning pick-up stations;
15. Medical facility;
16. Office general;
17. Pharmacy;
18. Public uses;
19. Restaurants;
20. Self-service laundries;
21. Shoe repair shop;
22. Tailor shop;
23. Toy shop; and
24. Variety store.

(Prior Code, Chapter 23)

12-252 Uses permitted on review.

The following uses may be permitted on review by the board of adjustment:

1. Bars;
2. Clubs;
3. Liquor stores; and
4. Filling stations.

(Prior Code, Chapter 23)

12-253 Area regulations.

The following requirements shall apply to all uses permitted in this district:

1. Front yard: all buildings shall setback from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth;
2. Side yard: on the side of a lot adjoining a dwelling district there shall be a side yard of not less than twenty-five (25) feet. Whenever the rear lot line of a corner lot abuts a dwelling district, the side yard adjacent to the street shall be not less than fifteen (15) feet in width. In all other cases no side yard shall be required;
3. Rear yard: where a commercial building is to be serviced from the rear there shall be provided an alley-way, service court, rear yard, or combination thereof of not less than thirty (30) feet; and
4. 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. (Prior Code, Chapter 23)

12-254 Height regulations.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-255 Screening regulations.

Ornamental screening shall be provided by all uses permitted by providing a solid wall of not less than seven (7) feet in height when abutting an R-District. For the purposes of this chapter, abutting shall include a R-District separated by an alley. (Prior Code, Chapter 23)

12-260 C-2 highway commercial district, general description.

This commercial district is intended to provide commercial lodging, recreation, personal services for both the citizens and to nonresidents traveling through the city on state and federal highways that traverse the area. Businesses and facilities of this district will provide for the traveling public and requires more ribbon development and direct passenger vehicle access than would be desirable in other commercial districts. (Prior Code, Chapter 23)

12-261 Uses permitted.

Property and buildings in the C-2 Highway Commercial District shall be used only for the following purposes:

1. Any use permitted in a C-1 Convenience Commercial Zone;
2. Advertising signs and structures;
3. Permanent commercial amusement enterprises;
4. Any of the following uses:
 - a. Ambulance service, office and garage;
 - b. Automobile sales, service, repair and showroom (provided all service and other activity relating to the operation thereof shall be conducted entirely in an enclosed building);
 - c. Bath house;
 - d. Bait sales;
 - e. Drive-in restaurant;
 - f. Drive-in theater;
 - g. Indian goods retail;
 - h. Museums - indoor and outdoor;
 - i. Novelty shop retail;
 - j. Parking lot;
 - k. Recreation center, public or private;
 - l. Roller skating rink;
 - m. Sightseeing tour depot;
 - n. Swimming pool, commercial;
 - o. Theater;
 - p. Tourist homes and courts;
 - q. Mini-storage building; or
 - r. Accessory buildings and uses customarily incidental to the above uses. (Prior Code, Chapter 23; Ord. No. 5-3-93)

12-262 Area regulations.

- A. Tourist commercial uses must have a side yard when abutting a residential district of ten (10) feet.
- B. Rear yard: where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required.
- C. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article D. (Prior Code, Chapter 23)

12-263 Height regulations.

No buildings shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-264 Screening regulations.

The above enumerated uses shall comply with the following:

All of the above uses shall be screened by ornamental fencing or evergreen planting of not less than seven (7) feet in height when abutting an R-District. For the purposes of this chapter, abutting shall include those dwellings across an alley. (Prior Code, Chapter 23)

12-270 C-3 General commercial district, general description.

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. (Prior Code, Chapter 23)

12-271 Uses permitted.

Property and buildings in a C-3 general commercial district shall be used only for the following purposes:

1. Any use permitted in a C-2 highway commercial district;
2. Amusement enterprises;
3. New automobile sales and services, new machinery sales and service, and public garages, provided no gasoline is stored above ground; used automobile and machinery sales, used automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards. Automobile repair shop;
4. Advertising signs or structures;
5. Auto court or tourist court;
6. Ambulance service office or garage;
7. Bakery;
8. Bowling alley;
9. Boat sales;
10. Bus terminal;
11. Carpenter and cabinet shop;
12. Cleaning and dyeing works;
13. Clothing or apparel store;
14. Commercial school or hall;
15. Dance hall;
16. Department store;
17. Drive-in theater or restaurant;

18. Electric transmission station;
19. Feed and fuel store;
20. Frozen food locker;
21. Furniture repair and upholstery;
22. Funeral parlor or mortuary;
23. Gasoline station;
24. Gasoline and oil retail distributing plants;
25. Golf course, miniature or practice range;
26. Heating, ventilating or plumbing supplies, sales and services;
27. Interior decorating store;
28. Ice storage locker plant or storage house for food;
29. Key shop;
30. Kennel;
31. Laboratories, research testing and experimental;
32. Laundry;
33. Leather goods shop;
34. Liquor store;
35. Music, radio or television shop;
36. Night club;
37. Nursery or garden supply store;
38. Outdoor advertising signs;
39. Pawn shop;
40. Pet shop;
41. Printing plant;
42. Recreation center;
43. Research laboratories;
44. Roller skating rink;
45. Sign painting shop;
46. Hospital for small animals;
47. Sporting goods store;
48. Stock and bond broker;
49. Storage warehouse;
50. Theater;
51. Tavern;
52. Toy store;
53. Trailer camp;
54. Used automobile sales;
55. Wholesale distributing center;
56. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments;
57. 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, blast or traffic than those enumerated above; and
58. No article or material stored or offered for sale in connection with uses permitted under subsections (1) through (36), 38 through (53), and (55) through (57) of this section shall be stored or displayed outside the con-

finer of a building unless it is so screened by permanent ornamental walls, fences, or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided, however, that no screening in excess of seven (7) feet in height shall be required. (Prior Code, Chapter 23; Ord. 22-030402 § 1; Ord. 67-101705 § 1)

12-272 Area regulations.

A. There are no specific front or side yard requirements except when abutting an R-District. Then there shall be a side yard of not less than twenty-five (25) feet.

B. Rear yard: where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required.

C. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article D. (Prior Code, Chapter 23)

12-273 Height regulations.

No building shall exceed forty (40) feet in height, except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23; Ord. 71-101705 § 1)

12-280 C-4 Open display commercial district, general description.

This commercial district is intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that because of the type of material or transportation requirements are suitable for display and storage outside the confines of an enclosed building. There will be more assembly of equipment and incidental activity that would prevail in the general commercial district. Persons of the community and surrounding trade territory will require direct access. However, the concentration of shoppers will be much smaller and visits less frequent than in the general commercial district. (Prior Code, Chapter 23)

12-281 Uses permitted.

A. Property and buildings in a C-4 open display commercial district shall be used only for the following purposes:

1. Boat sales;
2. Farm implement and machinery, new and used, sales;
3. House trailer sales;
4. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales;
5. Monument sales;
6. New and used car and truck sales;
7. Prefabricated house sales; and
8. Trailers for hauling, rental and sales.

B. The above enumerated uses shall comply with the following provisions:

1. All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level in an R-residential or a C-0, C-1, C-2 or C-3 commercial district when located to the side or rear of the lot on which the open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in

addition to complying with the above screening requirements, be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street;

2. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round;

3. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all drive-ways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;

4. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building;

5. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns; and

6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type. (Prior Code, Chapter 23)

12-282 Area regulations.

The area regulations shall be as follows:

1. There are no specific front or side yard requirements except when abutting an R-District. Then there shall be a side yard of not less than twenty-five (25) feet;

2. Rear yard: where a commercial building is to be serviced from the rear there shall be provided an alley-way, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required; and

3. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article D. (Prior Code, Chapter 23)

12-283 Height regulations.

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-290 I-1 Restricted light industrial district, general description.

This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards. (Prior Code, Chapter 23)

12-291 Uses permitted.

Property and buildings in an I-1 restricted light industrial district shall be used only for the following purposes:

1. Any use, permitted in a C-4 open display commercial district. No dwelling use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises, shall be permitted in an I-1 restricted light industrial district;

2. Any of the following uses:

a. Bakery;

- b. Bottling works;
- c. Book bindery;
- d. Candy manufacturing;
- e. Engraving plant;
- f. Electrical equipment assembly;
- g. Electronic equipment assembly and manufacture;
- h. Food products processing and packing;
- i. Furniture manufacturing;
- j. Garment manufacturing;
- k. Instrument and meter manufacturing;
- l. Jewelry and watch manufacturing;
- m. Laboratories experimental;
- n. Laundry and cleaning establishment;
- o. Leather goods fabrication;
- p. Optical goods manufacturing;
- q. Paper products manufacturing;
- r. Sporting goods manufacturing;
- s. Wholesale or warehouse; or
- t. Wholesale distributing center.

3. All of the uses permitted under this section shall be their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level. (Prior Code, Chapter 23)

12-292 Area regulations.

A. Front yard: all buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

B. Side yard: no building shall be closer than twenty-five (25) feet to a side lot line, except when abutting an R-District. Then it shall have a thirty-five (35) foot side yard.

C. Rear yard: no building shall be located closer than twenty-five (25) feet to the rear lot line, except when abutting an R-District. Then it shall have a rear yard of fifty (50) feet.

D. Coverage: main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty (80) percent of the lot area. (Prior Code, Chapter 23)

12-293 Height regulations.

No building or structure shall exceed three and one-half (3½) feet in height, except as hereinafter provided in Article C, Section 12-352 of this code. (Prior Code, Chapter 23)

12-300 I-2 Light industrial district, general description.

This industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes. (Prior Code, Chapter 23)

12-301 Uses permitted.

Property and buildings in an I-2 light industrial district shall be used only for the following purposes:

1. Any use, permitted in the I-1 restricted light industrial district. No dwelling use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises, shall be permitted in an I-2 light industrial district.
2. Any of the following uses:
 - a. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;
 - b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors;
 - c. Freighting or trucking yard or terminal;
 - d. Oilfield equipment storage yard;
 - e. Public utility service yard or electrical receiving or transforming station; or
 6. Sale barn.

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

3. The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;
 - d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;
 - e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;
 - g. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines;
 - h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors; or
 - i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
4. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located. (Prior Code, Chapter 23)

12-302 Area regulations.

- A. There are no specific front or side yard requirements for uses in this district, except when abutting an R-District. Then a side yard of fifty (50) feet shall be required.

B. Rear yard: where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than fifty (50) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.

C. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article D. (Prior Code, Chapter 23)

12-303 Height regulations.

No building shall exceed three and one-half (3½) stories or forty-five (45) feet in height, except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-310 I-3 Heavy industrial district, general description.

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this chapter. The intensity of uses permitted in this district makes it desirable that they be located downwind and separated from residential and commercial uses. (Prior Code, Chapter 23)

12-311 Uses permitted.

A. Property and buildings in an I-3 heavy industrial district may be used for any use except the following:

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

2. All uses not complying with this chapter, or any other county, state or federal regulation or law; and

3. All of the following uses until they have been, studied by the planning commission and have received the express approval of the city commission. The commission may require approval of the city or county health department, the state fire marshal and other state and county regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.

a. Acid manufacture;

b. Cement, lime, gypsum or plaster of paris manufacture;

c. Explosives, manufacture or wholesale storage;

d. Gas manufacture;

e. Petroleum or its products, or the refining thereof; and

f. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

B. Property and building in an I-3 heavy industrial district, when used for the following purposes shall have the uses thereon conducted in such a manner that all operation, display or storage of material or equipment is so screened by ornamental fences, walls, or permanent evergreen planting that it cannot be seen from a public street:

a. Automobile salvage or junk yard;

b. Building materials salvage yard;

c. Junk or salvage yard of any kind; and

d. Scrap metal storage yard. (Prior Code, Chapter 23)

12-312 Area regulations.

A. There are no specific front or side yard requirements for uses in this district, except when abutting an R-District. Then a one-hundred (100) foot side yard shall be required.

B. Rear yard: where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than one hundred (100) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.

C. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article D. (Prior Code, Chapter 23)

12-313 Height regulations.

No building shall exceed three and one-half (3½) stories or forty-five (45) feet in height except as hereinafter provided in Article C, Section 12-352. (Prior Code, Chapter 23)

12-320 F-1 Flood plain district, general description.

This district is intended to comprise those areas which are subject to periodic or occasional inundation and therefore are unsuited for all residential uses and the usual commercial and industrial uses. (Prior Code, Chapter 23)

12-321 Uses permitted.

Property and buildings in the F-1 Flood Plain zone shall be used only for the following purposes:

1. The growing of agricultural crops and nursery stock, and gardening;
2. The keeping of agricultural livestock in accordance with the municipal ordinances relating thereto;
3. Public recreation; and
4. Private open space. (Prior Code, Chapter 23)

12-322 Uses permitted on review.

Special or temporary commercial or industrial may be permitted subject to review by the planning commission. (Prior Code, Chapter 23)

12-340 A-1 Agricultural district, general description.

This district is designed to protect open areas from being urbanized in a manner effecting developing areas. This district allows new areas to be added to the city which are suitable for development. (Prior Code, Chapter 23)

12-341 Uses permitted.

Property and buildings in an A-1 Agricultural District shall be limited to those enumerated below:

1. Agricultural or undeveloped land (not including commercial feed lots);
2. Single-family dwelling;
3. Public services and utilities;
4. Plant nursery;
5. Accessory agricultural buildings;
6. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area pertaining to the lease, hire, or sale of a building on the premises;
7. Golf course;
8. Open space recreation; and
9. Airport.

(Prior Code, Chapter 23)

12-342 Uses permitted on review.

The following uses may be permitted on review by the city planning commission in accordance with provisions contained in Article F, Section 12-380:

Any use permitted on review in the R-1, single-family dwelling district. (Prior Code, Chapter 23)

12-343 Area regulations.

- A. Front yard: the minimum depth of the front yard shall be fifty (50) feet.
- B. Side yard: there shall be a minimum side yard of twenty-five (25) feet.
- C. Rear yard: there shall be a minimum rear yard of fifty (50) feet.
- D. Lot width: there shall be a minimum lot width of one hundred fifty (150) feet for all uses except the single-family dwelling and it may be one hundred (100) feet.
- E. Intensity of use: there shall be a minimum of five (5) acres for all uses.
- F. Coverage: the maximum building coverage shall be twenty percent (20%) of the land area. (Prior Code, Chapter 23)

12-344 Height regulations.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Article C, Section 12-352. (Prior Code, Chapter 23)

Article C. Additional District Provisions

12-350 Conditions of a more restricted district.

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 as set forth in the regulations of the more restricted district unless otherwise specified. (Prior Code, Chapter 23)

12-351 Open space.

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

- 1. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed one foot. Open porches may project into a front or rear yard a distance not to exceed five (5) feet;
- 2. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point of twenty-five (25) feet from the center line of the street easement;
- 3. No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty-five (35) feet and have a width of at least fifty (50) feet at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with;
- 4. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise;
- 5. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three (3) feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30) feet along the front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection; and
- 6. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line. (Prior Code, Chapter 23)

12-352 Height.

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article B.

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

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

3. Churches, schools, hospitals, sanatoriums and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit. (Prior Code, Chapter 23)

12-353 Group housing projects.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this chapter to the individual buildings in such housing projects, the application of such requirements to such housing project shall be done by the city council in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this chapter in the district in which the proposed projects is to be located. In no case shall a use or building height or density of population be permitted which is greater than the requirement of the district in which the housing project is to be located. (Prior Code, Chapter 23)

12-354 Animals.

Animals in any district shall be kept only in accordance with Bristow City Ordinances. (Prior Code, Chapter 23)

12-355 Storage of liquefied petroleum gases.

The use of land or building for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the city and the regulations of the Liquefied Petroleum Gas Administration of the State of Oklahoma. (Prior Code, Chapter 23)

12-356 Trailer court regulations.

Trailer parks shall be constructed in accordance with the requirements of the ordinances of the city relating thereto. (Prior Code, Chapter 23)

12-357 Satellite television receiving antennas.

It is hereby declared to be unlawful for any person or entity to erect a parabolic satellite television receiving antenna on the front yard of any property within the city limits. It being understood that any such antenna structure must be located not nearer the street than any building is allowed under subsection A of Section 12-213 of this code. Each day of violation hereof shall constitute a separate offense. (Ord. No. 85-04A, 4/15/85)

Article D. Off-Street Automobile and Vehicle Parking and Loading

12-360 General intent and application.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the city. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts. (Prior Code, Chapter 23)

12-361 Required open space.

A. Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

B. The area required for off-street parking shall be in addition to the yard areas herein required, except that the front yard required in a C-1 neighborhood commercial district, C-2 Highway Commercial District or I-1 restricted light industrial district may be used for uncovered parking area and the front yard required in a residential district, except R-3, may be used for the uncovered parking, for four (4) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use and may be used for uncovered parking area for more than four (4) vehicles in accordance with the provisions of Section 12-365. (Prior Code, Chapter 23)

12-362 Location.

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley. (Prior Code, Chapter 23)

12-363 Ownership.

The ownership of land upon which the off-street parking is provided shall be the same as the ownership of land on which the principal use is located. (Prior Code, Chapter 23)

12-364 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 (9) feet by twenty (20) feet plus adequate area for ingress and egress. (Prior Code, Chapter 23: Ord. 68-101705 § 1)

12-365 Amount off-street parking and loading required.

A. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling units:
 - a. Two (2) parking spaces, shall be required for each single-family detached unit and for each unit of a two-family unit; or
 - b. Multi-family structure shall have: one and one-half (1 1/2) parking spaces for each two (2) bedroom unit, and two (2) parking spaces for each three (3) bedroom unit.
2. Motel, rooming house or hotel: one parking space for each guest provided overnight accommodations;
3. Hospitals: one space for each four (4) patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles;
4. Medical or dental clinics or offices: four (4) spaces per doctor plus one space for each (2) employees;
5. Sanatoriums, convalescent or nursing homes: one space for each six (6) patient beds plus one space for each staff or visiting doctor plus one space for each four (4) employees including nurses;

6. Community center, theater, auditorium, church sanctuary: one parking space for each five (5) seats, based on maximum seating capacity;

7. Convention hall, lodge, club, library, museum, place of amusement or recreation: one parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

8. Office building: one parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service area;

9. Commercial establishments not otherwise classified: one parking space for each two hundred (200) square feet of floor space in the building used for retail trade, or used by the public, whichever is greater; and

10. Industrial establishments: adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

B. For all uses not covered in subsections (A)(1) through (A)(10) of this section, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use. (Prior Code, Chapter 23; Ord. 69-101705 § 1)

12-366 Off-street parking lots in residential districts.

Whenever off-street parking lots for more than four (4) vehicles are to be located within or adjacent to a residential district, the following provisions apply:

1. All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition;

2. No parking shall be permitted within a front yard setback line established ten (10) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required: provided, however, that on any corner lot formed by two (2) intersecting streets no parking shall be permitted and no wall, fence, sign, structure or plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty (30) feet along the front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection;

3. All yards shall be landscaped with grass, shrubs and evergreen ground cover and maintained in good condition the year round;

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

5. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;

6. The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses;

7. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent incandescent lighting of signs shall be permitted. (Prior Code, Chapter 23)

Article E. Nonconforming Buildings, Structures and Uses of Land

12-370 Intent.

A. Within the districts established by this chapter or amendments that may later be adopted there exist:

1. Lots;
2. Structures;
3. Uses of land and structures; and
4. Characteristics of use; which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. Non-conforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a nonconforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building or premises, of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. (Prior Code, Chapter 23)

12-371 Non-conforming lots of record.

A. In any district in which single-family dwellings are permitted, 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, notwithstanding limitations imposed by other provisions of this chapter. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained through action of the board of adjustment.

B. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter. (Prior Code, Chapter 23)

12-372 Uses of land (or land with minor structures only).

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding One Thousand Dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming 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;

2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;

3. If any such non-conforming 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; and

4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such non-conforming use of land. (Prior Code, Chapter 23)

12-373 Non-conforming 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, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

2. Should such non-conforming structure or non-conforming portion of 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; and

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Prior Code, Chapter 23)

12-374 Non-conforming uses of structures or of structures and premises in combination.

If lawful use involving individual structures with a replacement cost of One Thousand Dollars (\$1,000.00) or more, or if 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:

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

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

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the board of adjustment may require appropriate conditions and safe guards in accord with the provisions of this chapter;

4. 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, and the non-conforming use may not thereafter be resumed;

5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive month or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) (or other figure) of the replacement cost at time of destruction. (Prior Code, Chapter 23)

12-375 Repairs and maintenance.

A. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it becomes non-conforming shall not be increased.

B. If a non-conforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized officials to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

C. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (Prior Code, Chapter 23)

12-376 Uses under special exceptions not non-conforming uses.

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through board of adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use. (Prior Code, Chapter 23)

Article F. Administration

12-380 Procedure for authorizing uses permitted on review.

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

1. An application shall be filed with the city planning commission for review. The application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet, and any other material pertinent to the request which the planning commission may require;
2. The city planning commission shall hold one or more public hearings thereon; and
3. The planning commission shall within forty-five (45) days of the date of application, transmit to the city council its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the planning commission concerning use thereon. Thereupon the city council may authorize or deny the issuance of a building permit for the use of land or buildings as requested. (Prior Code, Chapter 23)

12-381 Violations and penalties.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this chapter shall be fined as provided in Section 1-108 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. (Prior Code, Chapter 23)

12-382 Amendments.

A. The city council may on its own motion or on petition from a property owner, or on recommendation of the planning commission, amend the regulations and districts herein established. No change in regulations, restrictions, or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published two (2) times in an official paper or paper of general circulation in the city.

B. Subject public notice shall be in substantially the following form:

NOTICE OF A REQUESTED ZONING CHANGE

Notice is hereby given that a public hearing will be held before the Bristow Zoning and Planning Commission at the Municipal Building, City Council Chambers, 110 West 7th Street, Bristow, Oklahoma on the _____ day of _____, 19 ____, at _____ o'clock, at ____M. At that time and place, consideration will be given to the proposed change of zoning classification of:

(legal description of property)

The property is commonly known as _____, in Bristow, Oklahoma. The request is that the zoning be changed from _____ to _____.

All persons interested in this matter may be present at this hearing and present their objections to or arguments for the proposed amendment.

C. In addition to the publication, at least ten (10) days prior to the time of the hearing, the applicant shall post a sign upon the property in question, of size no smaller than eighteen (18) inches high and three (3) feet wide, which shall bear the following language:

NOTICE

The owner of this property has requested that it be rezoned from to _____ to _____.

The sign shall be posted in a conspicuous location upon the lot easily visible from the adjacent street. In the event that the property in question is bordered by more than one street, the sign shall be posted facing the most heavily traveled street. The sign shall be kept in place until a final decision has been made by the city council. (Ord. No. 5586 B, 5/5/86)

12-383 Passage by the city council.

A. Every such proposed amendment shall be referred by the city planning commission for report. If a protest against such amendment be presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land within such area proposed to be altered, or by the owner of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or

separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the city council.

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

C. In the event that the construction, erection or placement of building(s) as submitted by the property owner in Section 12-382 above has not commenced within sixty (60) days or the construction, erection or placement has not been completed within two (2) years of the city council's approval thereof, the regulation or district reclassification shall revert back to its prior district classification or regulation upon publication of such reversion two (2) times in an official paper or paper of general circulation in the city. (Prior Code, Chapter 23; Ord. No. 3-15-93B; Ord. 70-101705 § 1)

12-384 Classification of new additions.

A. All new additions and annexations of land to the city shall be in an A-1 Agricultural zone unless otherwise classified by the city council; for a period of time not to exceed one year from the effective date of the chapter annexing the addition.

B. Within this one-year period of time the city council shall instruct the city planning commission to study and make recommendations concerning the use of land within the annexation to promote the general welfare and in accordance with the comprehensive city plan, and upon receipt of such recommendations the city council shall, after public hearings as required by law, establish the district classification of the annexation; provided, however, that this shall not be construed as preventing the city council from holding public hearings prior to annexation and establishing the district classification at the time of the annexation. (Prior Code, Chapter 23)

12-385 Official zoning map.

A. The city is hereby divided into zones or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

B. The Official Zoning Map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: "We hereby certify that this map was adopted as a part of Ordinance No. 598 the Zoning Ordinance of the City of Bristow, introduced on the 15th day of July, 1974, and passed and adopted on the 15th day of July, 1974."

C. If in accordance with the provisions of this chapter and Title 11 O.S., Sections 401-425, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the city council, together with an entry on the Official Zoning Map as follows: "On _____, by official action of the city council the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the mayor and attested by the city clerk. The amending chapter shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No. _____ amendment to this chapter which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map.

D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and is punishable under Section 12-381 of this chapter.

E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the city clerk shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the city.

F. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Bristow, Oklahoma." (Prior Code, Chapter 23)

Chapter 4

SUBDIVISION REGULATIONS

Sections:

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- 12-402 Approvals necessary for subdivision plats.
- 12-403 Definitions.

Article B. Minimum Design Standards

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Article A. General Provisions

12-401 Application of chapter.

A. Any plat, hereafter made for each subdivision or each part thereof lying within the city shall be prepared, presented for approval, and recorded as herein prescribed.

B. The requirements contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines, provided, however, that divisions of land for agricultural purposes into parcels or tracts of five (5) acres or more, as permitted in the A-1 Agricultural District, and not involving any new street or non-public utility easement of access, shall be exempt from the requirements of this chapter. (Prior Code, Chapter 23)

12-402 Approvals necessary for subdivision plats.

Before any plat shall be recorded or be of any validity, it shall have been reviewed by the planning commission and either approved or rejected and shall have been approved by the city council as having fulfilled the requirements of this chapter and the zoning ordinance of the city, the approval of the city council must be clearly affixed on all pages of the plat along with the date thereof. (Prior Code, Chapter 23)

12-403 Definitions.

For the purpose of these regulations, certain terms used herein are defined as follows:

1. "Alley" means a minor way, dedicated to public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street;
2. "Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or parks, or a combination thereof;
3. "City" means the City of Bristow;
4. "Court" means a secondary designation following a street name, used only when street alignment is such that a short street is created that does not warrant a new street name;
5. "Cul-de-sac" means a street having one end open to traffic, and the other end being permanently terminated by a vehicle turnaround;
6. "Easement" means a grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes;
7. "Improvements" means street pavements, with curbs and sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees or other appropriate items;

8. "Lot" means a portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development;
9. "Master plan" means the comprehensive plan made and adopted by the planning commission indicating the general locations recommended for the major thoroughfares, streets, parks, and public buildings, zoning districts, and other public improvements;
10. "Monument" means a post made of iron pipe filled with concrete, the lower end of the pipe being split and spread to form a base, and the upper end being fitted with a brass end for identifying marks;
11. "Pedestrian way" means a right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties;
12. "Place" means a secondary designation following a street name, used only when street alignment is such that a short street is created that does not warrant a new street name;
13. "Plat, preliminary" means a map of a proposed subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development;
14. "Plat, final" means a map of a land subdivision giving in form suitable for filing in the office of the recorder of deeds necessary affidavits, dedications, and acceptances;
15. "Setback lines or building lines" means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which building or structures may not be erected;
16. "Staff" means any person or persons, hired or retained by the planning commission as an employee or consultant;
17. "Street" means a right-of-way, dedicated to public use, or a private right-of-way serving more than one ownership, which provides principle vehicular and pedestrian access to adjacent properties;
18. "Street, dead end" means a street, similar to a cul-de-sac, but providing no turnaround at its closed end;
19. "Street, major thoroughfare" means a street which serves or is intended to serve as a major trafficway and is designated as such on the trafficways plan. It will have controls on access and specific construction requirements;
20. "Street, residential collector" means a street which serves or is intended to serve as a principal trafficway between separated areas or districts and which is the main access to the primary street system;
21. "Street, access or service" means a minor street which is parallel to and adjacent to major streets, trafficways, highways or railroad rights-of-way and which provides access to abutting properties and protection from through traffic;
22. "Street, residential" means a street of limited length, which serves or is intended to serve the local needs of a neighborhood;
23. "Subdivider (developer)" means a person, firm or corporation undertaking the subdividing or the resubdividing of a lot, tract or parcel of land into two (2) or more lots, or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines;
24. "Subdivision" means a division of lot, tract, parcel of land into two (2) or more lots or other division of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines, provided, however, that divisions of land for agricultural purposes into parcels or tracts of five (5) acres or more, as permitted in an A-1 Agricultural District, and not involving any new street or easement of access, shall not be deemed a subdivision. The division of land into parcels or tracts of ten (10) acres or less, for purposes other than agricultural as permitted in an A-1 Agricultural District, shall be deemed a subdivision; and
25. "Superblock" means a block of exceptionally large size in both dimensions, with access to interior lots by cul-de-sacs branching in from surrounding streets and providing one or more open spaces. (Prior Code, Chapter 23)

Article B. Minimum Design Standards

12-410 Blocks.

A. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets or customary subdivision practices in the neighborhood. Where no existing plats control, the blocks in residential districts shall normally not exceed one thousand three hundred twenty (1,320) feet in length, except that in outlining subdivisions a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways or easements shall be provided and shall have a minimum width of ten (10) feet. Blocks for business use should normally not exceed six hundred (600) feet in length.

B. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as may be considered most suitable for their prospective use, including adequate space for off-street parking and deliveries. (Prior Code, Chapter 23)

12-411 Streets and alleys.

A. Arrangement of major streets in the subdivision shall conform as nearly as possible to the master plan adopted by the city planning commission, and provision shall be made for the extension of major and secondary thoroughfares. Except for courts, places and cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts.

B. Minor streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but places, courts, or cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a turnaround which shall be provided at the closed end, with an outside curb radius of at least forty (40) feet and right-of-way radius of not less than fifty (50) feet.

C. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

D. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivisions, with provision for adequate utility connections for such resubdivision.

E. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets generally shall be sixty degrees (60°).

F. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or the right-of-way of a limited access major thoroughfare, provision should be made for a marginal access street approximately parallel and adjacent to the boundary of such rights-of-way, or for a street at a distance suitable for the appropriate use of land between such street and the right-of-way. Such distance shall be determined with the consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

G. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will be discouraged in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Intersecting alleys shall have corner cutoffs

of at least twenty (20) feet on a side, dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turnaround facilities are provided at the closed end.

H. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations. Where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

I. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and alleys included in any subdivision shall not be less than the minimum. Dimensions for each classification as follows:

- | | | |
|----|--------------------|----------|
| 1. | MAJOR THOROUGHFARE | |
| | All | 80 feet; |
| 2. | COLLECTOR STREETS | |
| | Residential | 60 feet; |
| 3. | MINOR STREETS | |
| | Residential | 50 feet; |
| | Frontage Streets | 40 feet; |
| | | and |
| 4. | ALLEYS | |
| | All | 20 feet. |

Where existing or anticipated traffic on primary and secondary thoroughfares warrants greater widths of rights-of-way, these shall be required.

J. A drainage easement, in addition to the provided right-of-way width, may be required where streets parallel streams of drainage areas. The width of such drainage easements shall be determined by the city engineer, the city engineer shall notify the developer and the planning commission, in writing of his determination.

K. Minimum pavements widths for all streets, measured from the face of curb, and for all alleys and walks included in any subdivision shall not be less than the minimum dimension for each classification as follows:

- | | | |
|----|---------------------|-----------------------------|
| 1. | MAJOR THOROUGHFARES | 48 feet (4 lanes-12' each); |
| | All | |
| 2. | COLLECTOR STREETS | |
| | Residential | 34 feet; |
| 3. | MINOR STREETS | |
| | Residential | 30 feet; and |
| | Frontage Street | 32 feet. |

L. The grades in all streets, alleys, and pedestrian ways or pedestrian ways included in any subdivision shall not be greater than the maximum grades for each classification as follows, except where topographical conditions unquestionably justify a departure from this maximum:

- | | | |
|----|--------------------|-----|
| 1. | MAJOR THOROUGHFARE | |
| | All | 5%; |

- 2. COLLECTOR STREETS
Residential 7%; and
- 3. MINOR STREETS
All 10%.

M. The horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

- 1. HORIZONTAL
Radii of centerline
- 2. MAJOR THOROUGHFARE
All 500 feet;
- 3. COLLECTOR STREETS
Residential 250 feet;
and
- 4. MINOR STREETS
All 140 feet.

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provided for a smooth flow of traffic.

N. All changes in street grade shall be connected by vertical curves of such length as to provide for the minimum sight distances required. The minimum sight distances required are as follows:

- 1. MAJOR THOROUGHFARE
All 600 feet;
- 2. COLLECTOR STREETS
Residential 300 feet;
and
- 3. MINOR STREETS
All 200 feet.

O. Where two (2) minor streets intersect at approximately right angles, so that the smallest angle of intersection is not less than eighty degrees (80°), the curb at each block corner shall be rounded with a radius of not less than fifteen (15) feet. At all other intersections or where minor streets intersect at an angle of less than eighty degrees (80°), or where a minor street intersects with a major or secondary thoroughfare, or where two (2) or more secondary or major thoroughfares meet, cross or otherwise intersect in any combination, the curb radii at such intersections shall be subject to the approval of the city. (Prior Code, Chapter 23)

12-412 Lots.

A. The minimum width of a lot for residential development shall be sixty (60) feet for a rectangular lot and not less than sixty (60) feet at the front building line for lots whose side lines are radial to curved streets and the depth of the lot shall not be less than one hundred (100) feet, except in unusual situations. In no case shall a lot in a residential district contain less than seven thousand (7,000) square feet. Excessive depth in relation to width shall be avoided.

B. In subdivisions where septic tanks or other individual sewerage disposal devices are to be installed, the size of all lots included in such subdivision shall be subject to the approval of the county health department. The

approval of the health department shall be based upon the Oklahoma State Board of Health requirements. The health department shall notify the developer and the planning commission in writing of his finding.

C. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets.

D. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

E. Double frontage lots shall be avoided.

F. Every lot shall abut on a street other than an alley.

G. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning ordinance. On those lots which are intended for business use, the setback shall be at least that required by the zoning ordinance, unless special plans for the location of buildings and parking area are approved by the planning commission, and also approved by the city council at the time of approval of the plat. (Prior Code, Chapter 23)

12-413 Easements.

A. To facilitate underground installation, an easement for utilities, at least ten (10) feet wide, shall be provided along each side of a side line of lots or the rear line of lots where necessary to form a continuous right-of-way at least twenty (20) feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

B. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the city council by ordinance, upon recommendation of the planning commission.

C. Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

D. Drainage easements for storm sewers may be required. Easements for open channel drainage may be required where the cost for the installation of storm sewers is considered to be prohibitive. These easements may be along the side lot lines, but usually the design should be such that the drainage will be carried along the rear of the lots, if open channel drainage is to be carried in the street right-of-way, additional right-of-way width shall be provided. When the drainage is carried down the rear lot lines, the easement shall be adequate width for workmen (with trucks if need be) to enter the easement and keep it cleaned out. The size and location of such easements for open channel drainage shall be determined by the city. (Prior Code, Chapter 23)

12-414 Dedications for public sites and open spaces.

In subdividing land or resubdividing an existing plat, due consideration must be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the recommendations of the planning commission in its master plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. (Prior Code, Chapter 23)

12-415 Improvements.

All improvements, when constructed by the owner or developer, shall comply with the rules and specifications of the city, and the requirements set forth in Article E of this chapter. (Prior Code, Chapter 23)

12-416 Permanent markers and monuments.

A. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half (½) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances.

B. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter. These monuments shall be set according to the specifications of the city for such work. (Prior Code, Chapter 23)

Article C. Plats, Submission and Approval

12-420 Pre-application plans and data.

A. Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the office of the planning commission plans and data showing his ideas and intentions in the platting of the proposed subdivision.

B. He shall outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required in Subsections C and D of this section.

C. A general location map shall be prepared and submitted and shall show the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of the subdivision, existing main traffic arteries, public transportation lines, schools, parks and playgrounds.

D. A sketch plan drawn to scale shall be prepared and submitted showing the proposed layout of streets, lots, and other features in relation to existing utilities and other conditions. This plan may be submitted in the form of a freehand pencil sketch.

E. Within thirty (30) days of the submission of the pre-application plan, the subdivider shall be informed by the planning commission whether such plans and the data submitted meet the objectives of these regulations. If the planning commission finds the plans and data do not meet the objectives of these regulations it shall express its reasons therefore. (Prior Code, Chapter 23)

12-421 Preliminary plat.

A. After reaching preliminary conclusions regarding the proposed subdivision as provided in Section 12-420 of this code, the subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information.

B. Five (5) copies of a preliminary plat and one copy of a vicinity sketch of any proposed subdivision shall be filed with the city clerk at least fifteen (15) days prior to a meeting of the commission at which consideration is requested.

C. The following shall be included:

1. Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivision;

2. Location of boundary lines in relation to section, quarter section or quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property;

3. Names and addresses of the developer and the surveyor making the plat;

4. Scale of plat, one inch equals two hundred (200) feet or larger; and

5. Date and north point.

D. Existing conditions shall be included:

1. Location, width and name of each existing or platted street or other public way, railroad and utility right-of-way, parks and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivision;

2. All existing sewers, water mains, gas mains, culverts, or other underground installations within the proposed subdivision or immediately adjacent thereto, with pipe size, grades and locations shown;

3. Names of adjacent subdivision and owner or adjacent parcels of unsubdivided land; and

4. Topography (unless specifically waived) with contour intervals of not more than (5) feet, referred to city datum; also the locations of water courses, ravines, bridges, lakes, wooded areas, approximate acreage, and such other features as may be pertinent to subdivision.

E. Proposed development shall include:

1. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements;

2. The location and character of all proposed public utility lines, including sewers, (storm and sanitary) water, gas and power lines. If a community sewage treatment plant, or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the general plan for such community type sewage treatment or disposal system shall be shown and so identified on the preliminary plan;

3. Layout, numbers and approximate dimensions of lots and the number or letter of each block;

4. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation;

5. Building setback lines with dimensions; and

6. Indication of any lots on which use other than residential is proposed by the subdivider.

F. Supplementary requirements are:

1. Two (2) copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line and along the property lines on the street. The location of proposed culverts and bridges shall also be shown; and

2. Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings shall be shown on the preliminary plat, or accompany it. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.

G. Approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within five (5) days after the meeting of the planning commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reasons and what requirements will be necessary to meet approval of the planning commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one year, unless an extension is granted by the city planning commission. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the commission for approval. (Prior Code, Chapter 23)

12-422 Final plat.

A. After approval of the preliminary plat, the subdivider shall prepare and submit to the commission a final plat for recording purposes, together with other supplementary information and certificates. The final plat shall be submitted to the city clerk at least fifteen (15) days prior to a regular meeting of the commission. Public notice of time and place of the meeting shall be given at least five (5) days prior to the meeting.

B. Six (6) copies of such final plat shall be furnished which shall bear the original signatures of the owner or owners and be duly acknowledged. One of these three (3) shall be on cloth or suitable material for filing at the office of the county clerk.

C. The final plat prepared for recording purposes shall be drawn at a scale of at least one inch equals one hundred (100) feet. The size of sheets on which such final plats are submitted shall be at least sixteen and one-quarter (16¼) inches by nineteen (19) inches. Each sheet shall have a one and one-quarter (1¼) inch border along all other sides. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed, showing the entire development at a smaller scale.

D. The final plat shall show and contain the following information:

1. Name of subdivision (not to duplicate or to closely approximate the name of any existing subdivision);
2. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close, the allowable error for closure on any portion of a final plat shall be one foot in five thousand (5,000);
3. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments;
4. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines;
5. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block;
6. The exact locations, widths, and names of all streets to be dedicated;
7. Location and width of all easements to be dedicated;
8. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;
9. Building setback lines on front and side streets with dimensions;
10. Name and address of developer and surveyor making the plat;
11. Scale of plat (the scale to be shown graphically and in feet per inch), date and northpoint;
12. Statement dedicating all easements; and
13. Statement dedicating all streets, alleys, and other public areas not previously dedicated. (Prior Code, Chapter 23)

12-423 Certifications required on final plats.

The following are required:

1. Certificate by parties having any title interest in the land subdivided, consenting to the preparation and recordation of the plat as submitted. All copies shall carry the original signatures of the owner or owners and notary public;
2. Certification by registered engineer or licensed land surveyor that details of the plat are correct; and
3. Space for certificates of approval to be filled in by the signatures of the chairman and secretary of the planning commission and the city clerk. (Prior Code, Chapter 23)

12-424 Supplementary documents and information to accompany the final plat.

A. Tax certificates from both the city and county shall be submitted stating that all taxes and encumbrances have been satisfied of record on the land to be dedicated as streets or alleys or for other public purposes.

B. Two (2) copies of any private restrictions affecting the subdivision or any park thereof shall be submitted. (Prior Code, Chapter 23)

12-425 Submission of final plat.

A. After review of the final plat by the planning commission, such plat, together with the recommendation of the commission, shall be submitted to the city council for approval. If accepted, the final plat shall be approved by ordinance, which ordinance shall provide for the acceptance of all streets, alleys, easements or other public ways, and parks, or other open spaces dedicated to public purposes.

B. If the planning commission rejects or withhold approval of plat, the subdivider may request that the plat be submitted to the city council. The secretary of the planning commission shall forward the proposed plat, together with the report of the commission, stating the reason or reasons for the action taken. The city council may make such findings and determinations as are deemed proper. (Prior Code Chapter 23)

Article D. Administration and amendment

12-430 Enforcement and administration.

The primary responsibility for the adoption, amendment, interpretation and administration of this chapter shall be that of the planning commission. It is the intent of the planning commission that the public interest be protected by a thorough review of all proposed plats without undue delay to developers. (Prior Code, Chapter 23)

12-431 Illustrations.

Illustrations identified as figures in this chapter are intended to aid in interpretation. In the event of conflict with the text, the text shall be determinative. (Prior Code, Chapter 23)

12-432 Modifications.

A. Upon written request to the planning commission, modifications to the procedures and requirements of the regulations may be granted by an affirmative vote of not less than a three quarter (3/4) majority of the full planning commission at a regular meeting in the following instance.

B. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of the chapter would cause practical difficulty or exceptional and undue hardship, the planning commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of this chapter or the desirable general development of the neighborhood and the community in accordance with the comprehensive plan and the zoning ordinance. Any modification thus granted shall be spread upon the minutes of the planning commission setting forth the reasons which in the opinion of the planning commission, justified the modification. (Prior Code, Chapter 23)

12-433 Amendment.

A. This chapter may be amended by the affirmative vote of a majority of the full membership of the city council at a public hearing, notice to the public of which appeared at least fifteen (15) days prior thereto in a newspaper of general circulation within the county.

B. Amendments may be proposed in writing by the planning commission or any interested party. Costs of public hearing and publication of notice shall be deposited by any non-governmental person proposing an amendment.

C. Prior to its consideration by the city council, a proposed amendment shall be approved as to legality by counsel for the city. (Prior Code, Chapter 23)

12-434 Enforcement.

The responsibility of enforcing these regulations is as follows:

1. The building inspector of the city is designated as the enforcing official and shall make the inspections and investigations necessary for the enforcement of this regulations within the city limits; and

2. Upon receipt of a written, signed complaint upon forms provided by the planning commission or by the appropriate enforcing official, the official shall investigate the complaint and notify the complainant within thirty (30) days of the action taken or decision thereon. (Prior Code, Chapter 23)

12-435 Violation.

No zoning, building or electrical permit shall be issued for any new structure or change, improvement or alteration or any existing structure or any tract of land which does not comply with the provisions of this chapter. (Prior Code, Chapter 23)

12-436 Penalties.

A violation of this chapter or failure to comply with the provisions herein specified shall subject the person, firm, or corporation to the following penalties:

1. Violation shall be deemed a misdemeanor and shall be punishable by a fine as provided in Section 1-108 of this code. Each day in which a violation continues, prior to instigation of appeal, shall constitute a separate offense;

2. The city council or the planning commission, or any person whose value of property if affected by a violation, may institute a civil suit to prevent or remove a violation of this chapter; and

3. The planning commission may, upon application of the staff, an enforcing official, or any person whose property value is adversely affected, withdraw their approval of a plat when a violation of this chapter is found to exist after public hearing and due notice to the affected persons. In such event, the planning commission shall file notice of the withdrawal of approval in the office of the building inspector in a manner which will be reflected in his records and he shall immediately cease the further issuance of any permits in the affected area. (Prior Code, Chapter 23)

12-437 Judicial review.

A judicial review in the district court may be had of any ruling provision, interpretation, order, requirement, refusal, permit, approval or decision made under the terms of these regulations. The basis for such review is that action of the planning commission or enforcing official is arbitrary, capricious, or unreasonable and unnecessary. (Prior Code, Chapter 23)

12-438 Vacation of plats.

No vacation of a plat or any parts thereof, except by action of the district courts, shall be valid or impart notice until after the consent of all of the owners of such platted area is presented to the commission and the approval of the commission is entered thereon. All partial vacations or alterations of a final approved, filed plat shall re-

quire the approval of the commission and the filing of a corrected plat. Alteration of a plat previously approved by the commission, without reapproval shall constitute a violation of this chapter. (Prior Code, Chapter 23)

12-439 Approval by planning commission.

The approval of the commission, by majority vote of the full commission, or the refusal to approve, shall take place within forty-five (45) days from and after the submission of the plat for final approval, unless the developer agrees in writing to an extension of this time period; otherwise, the plat shall be deemed to have been approved and the certificate of the planning commission as to the date of the submission of the plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The grounds for refusal of any plat submitted or regulations violated by the plat shall be stated upon the record of the planning commission. (Prior Code, Chapter 23)

12-440 Fees.

Fees connected with the administration and enforcement of regulations shall be as follows:

1. For each preliminary or tentative plat, the planning commission shall collect a fee of Ten Dollars (\$10.00) or a fee of fifty cents (\$.50) per lot plus Five Dollars (\$5.00), whichever is largest;
2. For each final plat, the commission shall collect a fee of Ten Dollars (\$10.00);
3. For each request for a public hearing before the commission on a subdivision matter, the commission shall collect a fee of Twenty-five Dollars (\$25.00); and
4. The city council may establish fees for inspections and investigation of subdivisions. (Prior Code, Chapter 23)

Article E. Improvements

12-450 Improvements, standards.

All subdivisions shall install improvements in accordance with or in excess of the minimum requirements of this chapter, and the duly adopted regulations of the city council pertaining to the construction, surfacing and maintenance of trafficways, streets, roads, and highways. The developer shall acknowledge the several improvement requirements as set forth herein by notation of the final plat. The notation shall be worded substantially as follows:

“All streets shall be graded, and improved, in accordance with the standards and specifications required by the Subdivision Regulations of the City of Bristow pertaining to and including curbs and gutters, street name signs erected, planting screens established and trees planted, utilities and street lights installed. Sidewalks constructed, drainage structures constructed in accordance with the approved plans on file in the office of the enforcing official, by the developer at his expense. All required improvements shall be constructed or installed within two (2) years of approval of the final plat by the planning commission and the same shall be maintained and kept in good repair by the subdivider for a period of five (5) years after construction thereof and has been approved in writing by the enforcing official.” (Prior Code, Chapter 23)

12-451 Improvements installation.

Improvements required under this chapter shall not be constructed prior to the final plat approval and filing of the plat in accordance with the specifications and under the supervision of the official having jurisdiction. Bond shall be provided to guarantee the performance and maintenance thereof prior to final approval of the plat. (Prior Code, Chapter 23)

12-452 Improvements and maintenance bonds.

The improvement and maintenance bonds shall:

1. Be in the favor of the City of Bristow, Oklahoma;
2. Be in an amount equal to one hundred percent (100%) of the cost, as estimated by bona fide contractor approved by the city council and approved by the enforcing official, of all improvements and installations as required by these standards and reasonable maintenance thereof; excluding however, the cost of any required improvements and installations which have been constructed, installed, and completed by utility companies or the city for which separate completion contracts are furnished;
3. Provide surety satisfactory to the planning commission and the city; and
4. Performance bonds shall be in force until and terminate ninety (90) days after the filing with the city council of a completion affidavit obtained from the enforcing official, unless within the ninety (90) days period, the enforcing official determines that the requirements, standards, and specifications of these standards applicable to the construction, installation and completion of the improvements and installations have not been met and notified the applicant of such determination by certified/registered mail sent to the applicant's address appearing on the application for plat or lot split approval, in which event the bond shall continue to run until the filing of proof that, and the enforcing officials determination of the standards, requirements, and specifications have been met. Maintenance bonds shall run for a period of five (5) years from the date of release of performance bond. (Prior Code, Chapter 23)

12-453 Utility and street improvements.

- A. Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements prescribed by the enforcing official and the city.
- B. Every lot within a subdivision shall have access to a public street. Private streets, as permitted in planned unit or mobile home subdivisions, must comply with the improvements requirements of applicable public streets.
- C. Reserve strips, when described and provided or designated on the plat, shall be maintained in a manner prescribed in the plat restriction.
- D. Commercial and industrial developments shall have access to arterial or collector streets. Vehicular access shall be prohibited to minor residential and residential collector streets. (Prior Code, Chapter 23)

12-454 Underground utilities.

Electric, telephone and TV cable lines shall be installed underground in the easements provided. After installation of such lines "as installed" diagrams shall be furnished by the installer to the city, drawn to scale and indicating the location of the lines. (Prior Code, Chapter 23)

12-455 Public water supply.

Where an approved public water supply is reasonably accessible, or procurable, the subdivider shall connect with such water supply and make it available for each lot within the subdivided area. Pending the availability of a public water supply, the subdivider shall construct wells or a water supply system in such a manner that an adequate supply of potable water will be available to every lot within the subdivision. The final plat shall not receive planning commission approval until it is certified by the health department that there has been compliance with the regulations of the Oklahoma State Board of Health and where indicated, meets other jurisdictional governing bodies requirements. (Prior Code, Chapter 23)

12-456 Public sewage disposal.

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide adequate sewer lines to each lot. Sewer connections and the subdivision sewer system shall comply

with this chapter and with the regulations of the Oklahoma State Board of Health. Where a sanitary sewer system is not reasonably accessible, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the appropriate agency, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection is made with the sewer system of the district, the use of a private sewage treatment plant may be permitted; provided, such disposal facilities are constructed in accordance with the regulations and requirements of the governing bodies and the Oklahoma State Board of Health. Where no sewers are accessible and no plans for the same have been prepared, the subdivider shall either install a sewer line and disposal system in accordance with the requirements of the preceding paragraph, or if the subdivided lots have a minimum width of one hundred (100) feet with no lot less than twenty thousand (20,000) square feet where individual water supply systems are used, and fourteen thousand (14,000) square feet if community water supply systems are used, individual sewage disposal devices may be provided for each lot. The planning commission, with the concurring approval of the health department, may adjust these lot requirements in accordance with their findings in the particular subdivision. All such individual systems shall be constructed in accordance with the regulations and requirements of the health department and the State Board of Health. (Prior Code, Chapter 23)

12-457 City connections.

In all cases where the water supply or sewage disposal systems will be connected to lines or mains owned or operated by a city or town, construction as to the facilities shall be made according to the plans, specifications and requirements and subject to the inspection, supervision and approval of the governing bodies, water and sewer department or the State Health Department. Approval of the plans for any such water or sewer system by the above shall satisfy the requirements of this chapter with respect to water and sewer facilities. (Prior Code, Chapter 23)

12-458 Storm drainage.

Provisions shall be made for the disposal of all storm water. Where initial construction does not provide for storm sewers, drainage ditches of adequate capacity shall be constructed. Facilities for storm drainage should be of adequate capacity to take care of surface runoffs originating within the subdivision or flowing across it. (Prior Code, Chapter 23)

12-459 Oil or gas wells.

A. Where there is found to be a producing oil or gas well which is in, or within one hundred fifty (150) feet of the boundaries of the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the Oklahoma Corporation Commission and so certified by the Corporation Commission and which is outside the boundaries of a proposed subdivision but within one hundred fifty (150) feet thereof, there shall be a building setback line so placed on the plat so as to prevent the erection of a building within one hundred fifty (150) feet of such wells.

B. Where there is found to be a abandoned oil or gas well which is not adequately plugged according to the standards established by the state law and the Oklahoma Corporation Commission, which well is within the boundaries of a proposed subdivision, the well shall be adequately plugged according to the standards and so certified by the Oklahoma Corporation Commission before the plat of such addition is given final approval. In any event, a certificate or clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any wells reflected in their records. (Prior Code, Chapter 23)

12-460 Fire hydrants.

Fire hydrants shall comply with the specifications of the city or the American Insurance Association. (Prior Code, Chapter 23)

12-461 Planting, street lighting, street name signs.

A. All landscaped strips, parkways and screening areas dedicated to the public or reserved in private common ownership shall be graded, seeded and planted in an appropriate manner.

B. Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision, in accordance with standards and specifications of the city.

C. Street name signs shall be installed in accordance with the specifications of the city. (Prior Code, Chapter 23)

12-462 Monuments.

A. Permanent and other monuments shall be placed in accordance with the following requirements and under the supervision of the city.

B. Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street centerlines.

C. The monuments shall be made of one inch I.D. Galvanized iron pipe thirty (30) inches long.

D. A metal reinforcing steel stake the size of three-eighths (3/8) inches in diameter and twenty-four (24) inches long shall be set at all lot corners; top to be set not more than two (2) inches above ground with registered engineer's tags set on all stakes at beginning and end of all curves. (Prior Code, Chapter 23)

12-463 Construction plans.

Construction plans for improvements to be installed shall be prepared by a registered professional engineer and submitted in accordance with the requirements and specifications of the officials having jurisdiction and no improvements shall be installed until and unless the plans shall have been received and approved by the officials:

1. The centerline and property line profile of each proposed street, with existing and tentative grades indicated;

2. The cross section of each proposed street, showing the width of pavement, the location and width of sidewalks if constructed;

3. The plans and profiles of proposed sanitary sewers and storm sewers with grades and sizes indicated or method of sewage or storm water disposal in lieu of sewers;

4. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants; and

5. A drainage plan showing all existing and proposed storm sewers, manholes, catchbasins, water courses, culverts, and other underground structures within the tract, immediately adjacent thereto, with pipe sizes and grades, water openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all storm water, including drainage outlets. (Prior Code, Chapter 23)

12-464 Completion of construction.

The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the final plat by the planning commission, unless good cause can be shown for the granting of an extension of time by authority of the planning commission. (Prior Code, Chapter 23)

AIRPORT ZONING

Sections:

- 12-501 Short title.
- 12-502 Definitions.
- 12-503 Airport zones.
- 12-504 Airport zone height limitations.
- 12-505 Use restriction.
- 12-506 Nonconforming uses.
- 12-507 Permits.
- 12-508 Enforcement.
- 12-509 Board of adjustment.
- 12-510 Appeals.
- 12-511 Judicial review.
- 12-512 Penalties.
- 12-513 Conflicting regulations.

12-501 Short title.

This chapter shall be known and may be cited as the “Jones Memorial Airport Zoning Ordinance”. (Ord. No. 4-18-94A)

Cross Reference: See also Sections 16-201 et seq. on airport board and aircraft.

12-502 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Jones Memorial Airport;
2. “Airport elevation” means the highest Point of an airport’s usable landing area measured in feet from sea level. Jones Memorial Airport has an elevation of eight hundred fifty-one (851) feet above mean sea level (MSL), but it is zoned for the future elevation of eight hundred sixty-two (862) feet above mean sea level;
3. “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV (come back) of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone;
4. “Approach, transitional, horizontal, and conical zones” mean zones that are set forth in Section 12-504 of this chapter;
5. A “board of adjustment” means a board consisting of five (5) members appointed by the city council of the city as provided by the laws of the state;
6. “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one for a horizontal distance of four thousand (4,000) feet;
7. “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace;
8. “Height” means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified;

9. "Horizontal surface" means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone;

10. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto;

11. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this chapter;

12. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them;

13. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specified prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 12-504 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline;

14. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length;

15. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines;

16. "Transitional surface" means surfaces that extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface at ninety degree (90°) angles to the extended runway centerline;

17. "Tree" means any object of natural growth;

18. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less; and

19. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. No. 4-18-94A)

12-503 Airport zones.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Jones Memorial Airport. Such zones are shown on the Jones Memorial Airport Zoning Map consisting of one sheet, prepared by Leard-Bice & Associates, Inc., and dated June, 1992, which is attached to this chapter and made a part hereof. An area located in more than one of the following zones is considered to be only on the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. "Utility runway visual approach zone" means the inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway;

2. "Transitional zones" means the areas beneath the transitional surfaces;

3. "Horizontal zone" is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary

surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transition zones; and

4. "Conical zone" is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. (Ord. No. 4-18-94A)

12-504 Airport zone height limitations.

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. "Utility runway visual approach zone" slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline;

2. "Transitional zones" slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is eight hundred sixty-two (862) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety degree (90°) angles to the extended runway centerline;

3. "Horizontal zone" is established at one hundred fifty (150) feet above the airport elevation or at a height of one thousand twelve (1,012) feet above mean sea level;

4. "Conical zone" slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one thousand five hundred (1,500) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation; and

5. "Excepted height limitations": Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. (Ord. No. 4-18-94A)

12-505 Use restriction.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. No. 4-18-94A)

12-506 Nonconforming uses.

A. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulation as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this chapter, and is diligently prosecuted.

B. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the code enforcement officer to dictate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city. (Ord. No. 4-18-94A)

12-507 Permits.

A. Except as specifically provided in paragraphs 1, 2, and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with paragraph D of this section.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones;

2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones; and

3. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits, established by this chapter except as set forth in Section IV, 10.

B. "Existing uses": No permit shall be granted that would allow the establishment or creation of an obstruction or permit as nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. "Nonconforming uses abandoned or destroyed": Whenever the code enforcement officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

D. "Variances": Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal of the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do sub-

stantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been furnished to the Jones Memorial Airport Board for advice as to the aeronautical effects of the variance. If the Jones Memorial Airport Board does not respond to the application within fifteen (15) days after receipt, the board of adjustment may act on its own to grant or deny the application.

E. "Obstruction marking and lighting": Any permit or variance granted may, if such action be deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the city at its own expense to install, operate, and maintain the necessary markings and lights. (Ord. No. 4-18-94A)

12-508 Enforcement.

It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the zoning administrator upon a form published for that purpose. Applications required by this chapter to be submitted to the zoning administrator shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the zoning administrator. (Ord. No. 4-18-94A)

12-509 Board of adjustment.

A. A board of adjustment has been created to have and exercise the following powers to hear and decide:

1. Appeals from any order, requirement, decision, or determination of this chapter;
2. Special exceptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and
3. Specific variances.

B. The board of adjustment shall consist of five (5) members appointed by the city council and each shall serve for a term of three (3) years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

C. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson or, in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All hearing of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each questions; 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 immediately be filed in the office of the zoning administration and on due cause shown.

D. The board of adjustment shall make written findings of facts and conclusion of law giving the fact upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

E. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the zoning administrator or decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variation to this chapter. (Ord. No. 4-18-94A)

12-510 Appeals.

A. Any person aggrieved, or any taxpayer affected, by any decision of the zoning administration made in the administration of the chapter, may appeal to the board of adjustment.

B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment by filing with the zoning administration a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would be in the opinion of the zoning administrator cause imminent peril to life or property. In such case, proceedings shall be stayed except by order of the board of adjustment or notice to the zoning administrator and on due cause shown.

D. The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

E. The board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances. (Ord. No. 4-18-94A)

12-511 Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment may appeal to the District Court of Creek County as provided in Title 3, Section III, of the Oklahoma Statutes Annotated. (Ord. No. 4-18-94A)

12-512 Penalties.

Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable as provided in Section 1-108 of this code; and each day a violation continues to exist shall constitute a separate offense. (Ord. No. 4-18-94A)

12-513 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. No. 4-18-94A)

Chapter 6

TELECOMMUNICATIONS
FACILITIES

TOWERS

AND

Sections:

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12-602 Purposes.

- 12-603 Definitions.
- 12-604 Development of towers.
- 12-605 Setbacks.
- 12-606 Structural requirements.
- 12-607 Separation or buffer requirements.
- 12-608 Method of determining tower height.
- 12-609 Illumination.
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- 12-611 Landscaping.
- 12-612 Access.
- 12-613 Stealth design.
- 12-614 Telecommunications facilities on antenna support structures.
- 12-615 Modification of towers.
- 12-616 Certifications and inspections.
- 12-617 Maintenance.
- 12-618 Criteria for site plan development modifications.
- 12-619 Abandonment.
- 12-620 Severability.
- 12-621 Conflicting ordinances repealed.

12-601 Findings.

The Communications Act of 1934 as amended by the Telecommunications Act of 1996 (“the Act”) grants the Federal Communications Commission (FCC) exclusive jurisdiction over:

- A. The regulation of the environmental effects of radio frequency (RF) emissions from telecommunications facilities; and
- B. The regulation of radio signal interference among users of the RF spectrum. (Ord. 43-050304 § 1 (part))

12-602 Purposes.

The general purpose of this chapter is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city.

Specifically, the purposes of this chapter are:

- A. To regulate the location of towers and telecommunications facilities in the city;
- B. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
- C. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- D. To promote and encourage shared use and/or co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
- E. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
- F. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

G. To ensure that towers and telecommunications facilities are compatible with surrounding land uses. (Ord. 43-050304 § 1 (part))

12-603 Definitions.

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

“Antenna support structure” means any building or structure other than a tower which can be used for location of telecommunications facilities.

“Applicant” means any person that applies for a tower development permit.

“Application” means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, or erect a tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

“Engineer” means any engineer licensed by the state of Oklahoma.

“Owner” means any person with fee title or a long-term (exceeding ten (10) years) leasehold to any parcel of land within the city who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

“Person” is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

“Stealth” means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

“Telecommunications facilities” means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial; or
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

“Tower” means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operators’ equipment, as licensed by the FCC. (Ord. 43-050304 § 1 (part))

12-604 Development of towers.

A. A tower shall be a permitted use of land in zoning districts C-2, C-3, C-4, I-1, I-2, I-3. No person shall build, erect, or construct a tower upon any parcel of land within a zoning district designated C-2, C-3, C-4, I-1, I-2 and I-3 unless a development permit shall have been issued by the planning and zoning board of the city. Application shall be made to the planning and zoning board in the manner provided in this chapter.

B. A tower shall be a conditional use of land in the following zoning districts: C-0, C-1.

No person shall build, erect, or construct a tower upon any parcel of land within any zoning district set forth above unless a development permit shall have been issued by the development review committee of the city and approval of the city planning and zoning board is obtained.

C. Towers are exempt from the maximum height restrictions of the districts where located, towers shall be permitted to a height of one hundred fifty (150) feet. Towers may be permitted in excess of one hundred fifty (150) feet in accordance with Section 12-618 of this code.

D. No new tower shall be built, constructed, or erected in the city unless the tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower within six (6) months of the completion of the tower construction.

E. An application to develop a tower shall include:

1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application;

2. The legal description, folio number, and address of the parcel of land upon which the tower is situated;

3. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (1/2) mile radius of the proposed new tower site, including city-owned property;

4. A description of the design plan proposed by the applicant in the city. Applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services;

5. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or co-locate the applicant's telecommunications facilities on city-owned towers or usable antenna support structures located within a one-half (1/2) mile radius of the proposed tower site;

6. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or co-locate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half (1/2) mile radius of the proposed tower site;

7. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or usable antenna support structures owned by other entities located within a one-half (1/2) mile radius of the proposed tower site;

8. A written statement from an engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;

9. Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in Section 21-606 of this code;

10. Written, technical evidence from a qualified engineer(s) acceptable to the fire marshal and the building official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals;

11. In order to assist city staff and the planning and zoning board in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways;

12. The act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the city shall make available upon request copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures. Applicants

shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.

F. The planning and zoning board may require an applicant to supplement any information that the planning and zoning board considers inadequate or that the applicant has failed to supply. The planning and zoning board may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the city in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial. (Ord. 43-050304 § 1 (part))

12-605 Setbacks.

A. All towers up to one hundred (100) feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of one hundred (100) feet in height shall be setback one additional foot per each foot of tower height in excess of one hundred (100) feet.

B. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

C. Setback requirements may be modified, as provided in Section 12-618(B)(1) of this code, when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower. (Ord. 43-050304 § 1 (part))

12-606 Structural requirements.

All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the Building Code, and any other code in the Bristow code of ordinances as well as those outline in this chapter. All towers in operation shall be fixed to land. (Ord. 43-050304 § 1 (part))

12-607 Separation or buffer requirements.

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.

A. Towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower, whichever is greater.

B. Proposed towers must meet the following minimum separation requirements from existing tower or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:

1. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred fifty (750) feet;

2. Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting or guyed towers by a minimum of one thousand five hundred (1,500) feet;

3. Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of seven hundred fifty (750) feet. (Ord. 43-050304 § 1 (part))

12-608 Method of determining tower height.

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto

which extend more than twenty (20) feet over the top of the tower structure itself. Tower height shall be measured from grade. (Ord. 43-050304 § 1 (part))

12-609 Illumination.

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred percent (300%) of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA. (Ord. 43-050304 § 1 (part))

12-610 Exterior finish.

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the appropriate reviewing body. (Ord. 43-050304 § 1 (part))

12-611 Landscaping.

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The city may require landscaping in excess of the requirements in the city code in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing. (Ord. 43-050304 § 1 (part))

12-612 Access.

A parcel of land upon which a tower is located must provide access to at least one paved vehicular parking space on site. (Ord. 43-050304 § 1 (part))

12-613 Stealth design.

All towers which must be approved as a conditional use shall be of stealth design. (Ord. 43-050304 § 1 (part))

12-614 Telecommunications facilities on antenna support structures.

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least fifty (50) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the code enforcement official, establish the following at the time plans are submitted for a building permit:

A. That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than twenty (20) feet;

B. That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are setback one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the city. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof, but which do not protrude more than eighteen (18) inches from the side of such an antenna support structure. (Ord. 43-050304 § 1 (part))

12-615 Modification of towers.

A. A tower existing prior to the effective date of the ordinance codified in this chapter, which was in compliance with the city's zoning regulations immediately prior to the effective date of the ordinance codified in this chapter, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this section, except for Sections 12-607, 12-616 and 12-617, provided in this code:

1. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six (6) months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size, and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower;

2. An application for a development permit is made to the planning and zoning board which shall have the authority to issue a development permit without further approval. The grant of a development permit pursuant to this section allowing the modification or demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming;

3. The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this chapter.

B. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than one hundred eighty (180) days. This chapter shall not be interpreted to legalize any structure or use existing at the time this chapter is adopted which structure or use is in violation of the code prior to enactment of this chapter. (Ord. 43-050304 § 1 (part))

12-616 Certifications and inspections.

A. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the Building Code and all other construction standards set forth by the city's code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to Section 12-604 of this chapter and every five (5) years thereafter. For existing monopole towers, certification shall be submitted within sixty (60) days of the effective date of the ordinance codified in this chapter and then every five (5) years thereafter. For new lattice or guyed towers, such certification shall be submitted with an application pursuant to Section 12-604 of this chapter and every two (2) years thereafter. For existing lattice or guyed towers, certification shall be submitted within sixty (60) days of the effective date of the ordinance codified in this chapter and then every two (2) years thereafter. The tower owner may be required by the city to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

B. The city or its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the city code and federal and state law.

C. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the city shall be borne by the tower owner. (Ord. 43-050304 § 1 (part))

12-617 Maintenance.

A. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

B. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

C. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

D. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed maintenance and construction personnel.

E. All towers shall maintain compliance with current RF emission standards of the FCC.

F. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued. (Ord. 43-050304 § 1 (part))

12-618 Criteria for site plan development modifications.

A. Notwithstanding the tower requirements provided in this chapter, a modification to the requirements may be approved by the planning and zoning board as a conditional use in accordance with the following:

1. In addition to the requirement for a tower application, the application for modification shall include the following:

a. A description of how the plan addresses any adverse impact that might occur as a result of approving the modification;

b. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification;

c. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties;

d. For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for co-location, and the result of such attempts;

e. The planning and zoning board may require the application to be reviewed by an independent engineer under contract to the city to determine whether the antenna study supports the basis for the modification requested. The cost of review by the city's engineer shall be reimbursed to the city by the applicant.

2. The planning and zoning board shall consider the application for modification based on the following criteria:

a. That the tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties;

b. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification;

c. In addition, the board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the modification.

B. In addition to the requirements of subsection A of this section, in the following cases, the applicant must also demonstrate, with written evidence, the following:

1. In the case of a requested modification to the setback requirement, Section 12-605 of this code, that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the

alternative for the person is to locate the tower at another site which is closer in proximity to a residentially zoned land;

2. In the case of a request for modification to the separation and buffer requirements from other towers of Section 12-607 of this code, that the proposed site is zoned “Industrial” or “Heavy Industrial” and the proposed site is at least double the minimum standard for separation from residentially zoned lands as provided for in Section 12-607 of this code;

3. In the case of a request for modification of the separation and buffer requirements from residentially zoned land of Section 12-607 of this code, if the person provides written technical evidence from an engineer(s) that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage requirements of the applicant’s wireless communications system and if the person is willing to create approved landscaping and other buffers to screen the tower from being visible to residentially zoned property;

4. In the case of a request for modification of the height limit for towers and telecommunications facilities or to the minimum height requirements for antenna support structures, that the modification is necessary to: (i) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (ii) to meet the coverage requirements of the applicant’s wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than such minimum height shall be approved. (Ord. 43-050304 § 1 (part))

12-619 Abandonment.

A. If any tower shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the city council shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the city council that such site has been abandoned. The owner shall have thirty (30) days from receipt of said notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the city council shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five (75) days, dismantle and remove the tower.

B. To secure the obligation set forth in this section, the applicant and/or owner shall post a bond in the minimum amount of twenty thousand dollars (\$20,000.00). Such amount may be modified by the city council based on the anticipated cost of removal of the tower. (Ord. 43-050304 § 1 (part))

12-620 Severability.

That if any clause, section, or other part of the ordinance codified in this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect. (Ord. 43-050304 § 1 (part))

12-621 Conflicting ordinances repealed.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 43-050304 § 1 (part))