CITY OF CLAREMORE-ROGERS COUNTY METROPOLITAN AREA ZONING ORDINANCE

CITY OF CLAREMORE-ROGERS COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AS ADOPTED BY THE
ROGERS COUNTY BOARD OF COMMISSIONERS
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MAYOR AND CITY COUNCIL
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Prepared for the
City of Claremore-Rogers County
Metropolitan Area Planning Commission
By INCOG

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This publication is issued by the City of Claremore-Rogers County Metropolitan Area Planning Commission.

PC	City	County	Effective	Resolutions# or Ordinance #	Action
				Resolution by Rogers County on March 14, 2005. Section 225.1.E	Keeping of Large animals in R Districts.
				Resolution by Rogers County on March 14, 2005. Section 2003.B.1 .b.	Posting of zoning notice sign on property from 7-days to 15-days.
				March 14, 2005. Section 2003.B.2.b.	Posting of zoning signs on property from 7-days to 15-days.
				March 14, 2005. Appendix F. Schedule of Fees	Revised fees for building permits, plats, lot splits, and slab inspections.
				Resolution by Rogers County February 27, 2006	Adding Section 211 .D pertaining yards in platted subdivisions pertaining to mowing, maintaining free of debris and prohibiting grass more than 12" tall.
				Resolution by Rogers County February 27, 2006	Amending Appendix F increasing all re-inspection fees from $25.00 to $40.00
				Resolution by Rogers County February 27, 2006	Amending Chapter 18 adding Section 1805.C pertaining to fines and imprisonment for violations and the hiring and training of a Code Enforcement Officer and

					providing for said officer to issue citations and make arrests
					Intro – 1 page
					Table of Contents, all of this section
					Chapter 2 – General Provisions, all of the chapter
			February 5, 2007		Chapter 3 – Agriculture District, all of the chapter
			February 5, 2007		Chapter 4 – Residential Districts, all of the chapter
			February 5, 2007		Chapter 5 – Office Districts, all of the chapter
			February 5, 2007		Chapter 6 – Commercial Districts, all of the chapter
			February 5, 2007		Chapter 8 – Industrial Districts, all of the chapter
					Chapter 9 – Mining District, all of the chapter
					Chapter 10 – Parking District, all of the chapter
					Chapter 11 – Signs, all of the chapter
					Chapter 13 - Planned Unit Development, all of the chapter
					Chapter 15 – Use Units, all of the chapter
					Replace pages 20-5 and 20-6

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HOW TO USE THE ZONING ORDINANCE

The Zoning Ordinance regulates the use of land throughout the City of Claremore and parts of Rogers County by Zoning Districts. There are 26 Zoning Districts established within the Ordinance. These Districts include two (2) Flood Districts, one (1) Agriculture Districts, twelve (12) Residential Districts, three (3) Office Districts, four (4) Commercial Districts, three (3) Industrial Districts, one (1) Scientific Research and Development District, one (1) Parking District, and one (1) Mining District.

Where the Zoning Ordinance imposes a greater restriction upon the use of structures or land or upon height or bulk of structures, or required open spaces or yards than is imposed by other ordinances, laws or regulations, the provisions of the Zoning Ordinance shall govern. However, nothing in this Ordinance shall be construed to prevent the enforcement of other ordinances, laws, or regulations, which prescribe more restrictive limitations.

The appropriateness of a Zoning District designation is determined by the following factors:

1. Is the zoning in conformance with the Comprehensive Plan? ***(See Appendix D Zoning Matrix: Illustrating the Relationship Between Comprehensive Plan Map Categories and Zoning Districts.)***

2. Are the uses allowed in the District appropriate for the location?

3. Are the current or planned facilities sufficient to support such a use?

How to determine uses allowed in a particular Zoning District:

1. Go to the Chapter of the particular District of interest.

2. Note that Table 1 of that Chapter is where the primary Use Units permitted by Right (X) or by Special Exception (E) are listed. Use Units are groupings of uses that have similar characteristics. The various uses allowed within each Use Unit are described in Chapter 15, along with regulations and restrictions that are attached to the particular uses. ***(Example: screening wall required between residential and commercial uses, parking requirements, etc.)*** Table 2 of each Chapter lists the accessory uses allowed in a particular Zoning District.

OR

1. Turn to Appendix A: Use Unit Summary of Zoning Districts and locate the Zoning District listed across the top of the chart. The list down the left side enumerates and describes the Use Units.

2. Follow across the chart to determine which Use Units are allowed by Right (X), by Special Exception (E) or not at all (-) in the various Zoning Districts. Then proceed to Chapter 15 for further information relative to each Use Unit.

How to determine the Use Unit of a particular use and/or restrictions attached to a particular use:

1. Look up the use of interest in the alphabetic listing in Appendix B: Index of Land Uses to determine in which Use Unit the use is classified.

2. Proceed to Appendix A: Use Unit Summary of Zoning Districts. Go to the column on the left, locate the Use Unit of interest, proceed across the page to find the Zoning District or Districts in which that particular Use Unit is allowed.

3. Proceed to the appropriate Chapter for the Zoning District of interest for general use restrictions and then to the Zoning District for specific restrictions.

4. Note that Chapter 2, General Provisions, contains restrictions that apply to all Zoning Districts.

5. If parking, screening, or landscaping is required, these Chapters should also be reviewed.

6. If there is a difference or inconsistency between the Appendices and the text of the Zoning Ordinance Chapter, the text of the Zoning Ordinance controls.

How to determine Zoning District Designation and applicable regulations:

1. Check the Official Zoning Map to discover the Zoning District designation applicable to the tract of land in question.

2. Then proceed as described above in the section, "How to determine uses allowed in a particular Zoning District."

In General:

To get a complete picture of any use including any restrictions that apply, follow these steps:

1. Refer to Chapter 15, Use Units;

2. Follow the references to other chapters for information regarding parking, signs, landscape, etc.;

3. Refer to Chapter 2, General Provisions, which applies to uses and Chapters throughout the Zoning Ordinance.

Planning Commission (PC):

1. The City of Claremore-Rogers County Metropolitan Area Planning Commission (PC) is an eight (8) member board with four (4) members appointed by the Claremore City Council and four (4) members appointed by the Board of Commissioners of Rogers County. The Mayor or the Mayor's designee and Chairperson of the Rogers County Board of County Commissioners or such other County Commissioner as designated by the Chairperson may also serve as ex-officio voting members.

2. Responsibilities of the PC:

   - Hold public hearings on requests for Zoning Map or Zoning Ordinance text amendments and make recommendations to approve or deny requests;
   - Review requests for approval of subdivision plats, replats and lot splits and approve or approve with conditions;
   - Hold public hearings on amendments to the Comprehensive Plan and approve or deny an amendment, which is then subject to acceptance by the governing body.

Board of Adjustment (BOA):

1. The City of Claremore and Rogers County each has a separate Board of Adjustment that is a five (5) member board appointed by the Claremore Mayor and City Council or Rogers County Board of Commissioners.

2. Responsibilities of the BOA are to:

   - Hold public hearings on appeals from a Zoning Ordinance determination by the Zoning Officer;
   - Hold public hearings on requests for a Variance from the Zoning Ordinance or a Special Exception use; and
   - Hold public hearings to make interpretations of the Zoning Map and/or Zoning Text.

Relationship of the Comprehensive Plan to the Zoning Ordinance:

The Comprehensive Plan provides:

1. An inventory of the physical resources of the City or County;

2. A plan for the physical development of the City or County;

3. Specific goals, objectives and policies to be used as a guide for future development; and

4. An illustration of the officially adopted future land use plan, a capital improvement program and standards for future development of land use, transportation, parks, public facilities and utilities.

The Comprehensive Plan is an official guide for orderly development and a general policy guide for promoting the health, welfare and convenience of the public and private sectors. The basis for the Plan is a review of the development trends, existing land use, and goals of the citizenry.

The Comprehensive Plan Map illustrates optimum future land use. This Comprehensive Plan Map and current land use (referred to as "physical facts") are the basis for the development of the Zoning Map. The Zoning Map is a portion of the Zoning Ordinance that delineates Zoning District designations. Additionally, the Plan Map is used as a guide by the Planning Commission and governing body when considering amendments to the Zoning Map.

Zoning is the regulation of the use of land. The Zoning Ordinance establishes specific land use regulations that are described in the text of the document that follows. The application of the Zoning Ordinance is a major means of achieving the goals of the Comprehensive Plan.

Zoning regulations are applied to a particular tract of land and adopted by ordinance in the City or resolutions in the County. The Comprehensive Plan, adopted by ordinance or resolution, is a statement of policy, which establishes the guidelines within which the City and County will develop.

Amendments to the Zoning Map:

A Zoning Map amendment may be initiated by application of the property owner, at the initiative of the Planning Commission or upon a request by the governing body to the Planning Commission. A public hearing is held to consider the request and a recommendation is made by the Planning Commission to the governing body whether to approve or deny the request. If approved, any uses allowed in the new Zoning District would then be allowed by Right on that land within the restrictions established by the Zoning Ordinance.

Special Exceptions and Variances:

Applications for Special Exceptions or Variances are taken by the BOA. The decision of the BOA is made through the public hearing process.

Decisions of the BOA, unlike those of the Planning Commission, are final. An appeal of a BOA decision must be filed with the district court within ten (10) days of the BOA decision.

The procedures for approval of a Special Exception or Variance differ from a zoning amendment in that a zoning amendment allows all uses permitted in the District by Right within the restrictions established for that District. A Special Exception allows a specific use to be permitted that is not otherwise permitted by Right. The BOA may specifically permit a particular Special Exception use while excluding other such uses and also include conditions of approval which are specified in the Zoning Ordinance or as otherwise determined by the Board to be necessary. Special Exception uses which may be considered by the BOA are stated in the Zoning Ordinance.

A Variance is a grant of relief from the Zoning District regulation as approved by the BOA. Variances are considered when due to unique physical characteristics of the tract of land (size, shape, topography or circumstances peculiar to that tract) the literal application of the Zoning Ordinance would result in an unnecessary hardship. Only the County Board of Adjustment is permitted by Oklahoma State Statutes to allow Use Variances.

Variances and Special Exceptions can only be approved if it is found that allowing such requests would not be detrimental to the public health, safety and welfare and would not impede the implementation of or be in conflict with the intent of the Comprehensive Plan.

Zoning Ordinance Amendment Inventory:

From time to time the Zoning Ordinance text will be amended. It is generally not economically feasible to reprint an entire copy of the Ordinance each time this occurs. For this reason the Zoning Ordinance Amendment Inventory has been included with this document. This simplifies the process of checking to see if sections of interest have been amended.

Copies of ordinances or resolutions listed in the Amendment Inventory that amend the Zoning Ordinance are available from the City Clerk or County Clerk.

Complaints, Violations or Questions:

Complaints or questions relative to zoning violations should be directed to the Zoning Officer. Violations of the Zoning Ordinance are punishable by fine, imprisonment or both upon conviction.

CHAPTER 1

TITLE, PURPOSE, APPLICATION, INTERPRETATION, JURISDICTION AND CODE OF ETHICS

100. Title, Adoption and Citation
101. Purpose
102. Application and Exemptions
103. Interpretation
104. Jurisdiction
105. Code of Ethics

SECTION 100. TITLE, ADOPTION AND CITATION

This Ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Chapter 7, Section 401-410 of the Oklahoma Statutes and in Title 19, Oklahoma Statutes Annotated, Sections 866.35, shall be known as the City of Claremore-Rogers County Metropolitan Area Zoning Ordinance and may be cited as such and is referred to herein as "the Zoning Ordinance" or "these Regulations". The Ordinance was originally adopted July 2, 1968 and amended as herein stated.

SECTION 101. PURPOSE

A. General Purposes

1. The Regulations contained herein are necessary and are established for the purposes of promoting the health, safety, convenience, morals, prosperity, order and general welfare of the community.

2. To provide for adequate and convenient open spaces for transportation, vehicular parking, utilities, access for emergency vehicles, recreation, and light and air for the avoidance of congestion of population. Additionally, these requirements seek to secure adequate police protection, schools, and other necessary public facilities.

3. The application of these Regulations seeks to encourage the development of the community in accordance with the Comprehensive Plan.

B. Sign Purposes

1. Signs are used to inform and persuade the general public.

2. These Regulations establish minimum standards to promote life, health, safety, welfare, convenience and enjoyment for the public by regulation of the design, quality of materials, construction, location, electrification and maintenance of all business signs and outdoor advertising signs visible from the public right-of-way.

3. The general objectives of these standards are:

   a. Safety. To promote the safety of persons and property by providing that signs:

      1) Do not create a hazard due to location, collapse, fire, collision, decay or abandonment;

      2) Do not obstruct fire fighting or police surveillance; and

      3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, other vehicles, or to read traffic signs.

   b. Communications Efficiency. To promote the efficient transfer of information in sign messages.

   c. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance of the City of Claremore and Rogers County.

C. Landscape Purposes

The purposes of the landscape requirements are:

1. To implement the Comprehensive Plan;

2. To promote beautification and to contribute to the quality of life by:

   a. Maintaining compatible relationships between uses;

   b. Promoting reasonable preservation and replenishment of valued trees and vegetation;

c. Aiding in establishing the ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and storm water runoff retardation; and

d. Developing and maintaining a meaningful urban forest while permitting economically feasible urban development to occur.

SECTION 102. APPLICATION AND EXEMPTIONS

A. Application

1. These Regulations divide the City of Claremore and Rogers County into Zoning Districts and establish regulations which restrict the height, number of stories, and size of buildings and other structures; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes.

2. These Regulations shall not be interpreted as a means to prevent the application of or adherence to other appropriate codes of the City or County.

B. Exemptions

1. Other provisions of these Regulations to the contrary not withstanding shall not apply in the **unincorporated** parts of Rogers County to transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats, or the following uses, exempt under the provisions of 19 O.S. Section 866.16 and 866.30:

   a. Erection and use of the usual farm building for agricultural purposes;

   b. Planting of agricultural crops;

   c. Extraction of oil and gas; and

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

2. Other provisions of these Regulations to the contrary not withstanding, shall

not apply to the following uses in the **incorporated** parts of the City of Claremore, which shall be exempt under the provisions of 11 O.S. Sections 402 and 410:

a. Telephone exchange buildings; and

b. Property of any railway company or terminal company.

3. See also Chapter 15, Section 1531, Oil and Gas Extraction.

SECTION 103. INTERPRETATION

A. Validity of Other Laws

1. Where these Regulations impose greater restrictions upon the use of structures or land or upon height or bulk of structures, or require larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of these Regulations shall govern.

2. The provisions of these Regulations providing for the residential use of property, and providing for limitations on occupancy, density and intensity of such uses, shall be applied equally and without discrimination based on race, age, color, religion, sex, handicap, familial status or national origin consistent with the provisions of the Federal Fair Housing Act.

3. All regulations, ordinances, orders, resolutions or parts thereof in conflict with these Zoning Regulations are hereby repealed.

B. Severability

In case any portion of these Regulations shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of these Regulations shall not thereby be invalid, but shall remain in full force and effect.

C. Tense and Definition

1. For the purpose of these Regulations certain terms and words are to be used and interpreted as defined in Chapter 21, Definitions.

2. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular which shall be applicable except where the natural construction of the writing indicates otherwise.

3. Furthermore, the word "shall" is mandatory and not directory.

4. "Claremore" shall mean the City of Claremore.

D. Inconsistency between Appendices and Text

Should there be an inconsistency or difference between the Appendices and the text of the Zoning Ordinance Chapters, the text of the Zoning Ordinance shall control.

SECTION 104. JURISDICTION

A. Territorial Jurisdiction

These Regulations shall be in full force and effect in the corporate limits of the City of Claremore and designated portions of Rogers County, Oklahoma.

B. Annexed Territory

1. All territory that is de-annexed by the City of Claremore after the effective date of these Regulations, if it has prior thereto been zoned by the City, shall thereupon be placed in the same or most nearly corresponding Zoning District classification under these Regulations until otherwise classified.

2. All territory that is de-annexed by the City of Claremore after the effective date of these Regulations, if it has not prior thereto been zoned by the City, shall be an AR Agriculture Residential District, unless otherwise classified by the Board of County Commissioners at the time of deannexation.

3. All territory that is annexed by the City of Claremore after the effective date of these Regulations, if it has prior thereto been zoned by the County, shall thereupon be placed in the same or most nearly corresponding Zoning District classification under these Regulations until otherwise classified by amendment of these Regulations.

4. All territory that is annexed by the City of Claremore after the effective date of these Regulations, if it has not prior thereto been zoned by the County, shall be an AR Agriculture Residential District unless otherwise classified at the time of annexation by the City Council.

C. In the event there is an area within the incorporated area of the City of Claremore on the Zoning Map for which the Zoning District classification is not shown, the area in question shall be classified by the City Council upon recommendation and review by the City of Claremore-Rogers County Metropolitan Area Planning Commission.

D. In the event there is an area within the unincorporated area of Rogers County under the jurisdiction of the Planning Commission for which the Zoning District classification is not shown, the area in question shall be classified by the Rogers County Board of Commissioners upon recommendation and review by the City of Claremore-Rogers County Metropolitan Area Planning Commission.

E. In the event there is an area that is annexed or otherwise included under the jurisdiction of the City of Claremore-Rogers County Metropolitan Area Planning Commission in the unincorporated area, the Board of County Commissioners shall establish the Zoning District classification for such case after review and recommendation by the Planning Commission.

F. In the event there is an area that is annexed or otherwise included under the jurisdiction of the City of Claremore-Rogers County Metropolitan Area Planning Commission in the incorporated area, the City Council shall establish the Zoning District classification for such case after review and recommendation by the Planning Commission.

SECTION 105. CODE OF ETHICS

A. The Mayor or any member of the City Council, Rogers County Board of Commissioners, Planning Commission, or Board of Adjustment, to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning these Regulations shall not be a participant in that action.

B. The possibility, not the actuality, of a conflict shall govern.

C. The individual experiencing a conflict of interest shall declare such interest, abstain from voting on the matter, and refrain from any deliberations on the matter. The individual shall not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

CHAPTER 2

GENERAL PROVISIONS

200. Zoning and Supplemental Zoning Districts Established
201. Official Zoning Map Established
202. Zoning District Boundary Description and Interpretation
203. Limitation on Land Use
204. Minimum Requirements
205 Division of Lots
206. Substandard Lot of Record
207. Street Frontage Required
208. One Single-Family Dwelling Per Lot of Record
209. Height Exceptions
210. Lot Area and Width Exceptions
211. Yards
212. Sight Distance Triangle
213. Structure Setback from Abutting Streets
214. Existing Building Encroachment on Front Yards or Building Setbacks
215. Prohibition of Residential Districts Used as Means of Access
216. Screening Wall or Screening Fence
217. Platting Requirement
218. Major Street Plan
219. Antennas and Antenna Support Structures
220. Nuisances Regulated
221. Strobe Lights and Rotating Beacons Prohibited
222. Non-Commercial Signs
223. Parking of Motorized Vehicles
224. Wild or Exotic Animals
225. Keeping of Animals and Animal Hospitals

SECTION 200. ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED

The Zoning Districts and Supplemental Zoning Districts set forth below are hereby established. The District symbol is in the column to the left.

AG Agriculture General District

RE	Residential Single-family, Estate District
RS-1	Residential Single-Family Low Density District
RS-2	Residential Single-Family Medium Density District
RS-3	Residential Single-Family High Density District
RD	Residential Duplex District
RT	Residential Townhouse District
RM0	Residential Multi-Family Lowest Density District
RM1	Residential Multi-Family Low Density District
RM2	Residential Multi-Family Medium Density District
RM3	Residential Multi-Family High Density District
RMH	Residential Manufactured Home District
RCM	Residential/Commercial Mixed Use District
OL	Office Low Intensity District
OM	Office Medium Intensity District
OH	Office High Intensity District
CS	Commercial Shopping Center District
CG	Commercial General District
CH	Commercial High Intensity District
CBD	Central Business District
SR	Scientific Research and Development District
IL	Industrial Light District
IM	Industrial Moderate District
IH	Industrial Heavy District
M	Mining District
P	Parking District

F1 Flood Channel District
F2 Flood Plain District

PUD Planned Unit Development

SECTION 201. OFFICIAL ZONING MAP ESTABLISHED

Zoning District locations and their respective boundaries shall be delineated on the Official Zoning Map of the City of Claremore and Rogers County. The Official Map shall be on file in the Office of the Planning Commission. The Planning Commission Director shall be responsible for map maintenance. When necessary the Zoning Map may be divided into parts, and such parts may be used separately for reference or as needed.

SECTION 202. ZONING DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

A. Zoning District boundary lines shall be described by legal description or by a map.

B. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map.

C. When a map is used, Zoning District boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of an abutting street, alley, or railroad rights-of-way, as the same were of record at the time of adoption.

D. In cases where the exact location of a Zoning District boundary line is unclear, the same shall be determined by the Board of Adjustment.

SECTION 203. LIMITATION ON LAND USE

A. No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, demolish, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the Regulations contained herein.

B. Nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building, where a Building Permit has been lawfully issued prior to the effective date of these Regulations, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by Chapter 17, Nonconformities.

C. At any time within one (1) year after the effective date of these Regulations, a Building Permit and/or Certificate of Occupancy may be issued or a use of land commenced in accordance with the terms and conditions of a Special Exception or Variance granted by the Board of Adjustment prior to the effective date of these Regulations.

SECTION 204. MINIMUM REQUIREMENTS

Under the provisions of these Regulations all standards (bulk and area requirements, rights-of-ways, etc.) are established as minimum requirements, unless otherwise stated.

SECTION 205. DIVISION OF LOTS

A lot shall not hereafter be divided into more than three (3) or more lots, unless all lots resulting from such division conform to all of the applicable regulations of the Zoning District in which located.

SECTION 206. SUBSTANDARD LOT OF RECORD

For regulations relative to a substandard lot of record see Section 1704, Nonconforming Lots.

SECTION 207. STREET FRONTAGE REQUIRED

A. No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of 60 feet of frontage on a public street or dedicated right-of-way with a width of 50 feet.

B. Exceptions to the above are allowed when the lot in question is:

1. A substandard lot of record;

2. A lot within an approved PUD Planned Unit Development; or

3. A lot within an approved RT Manufactured Home Park Development.

C. Alleys, where they exist, shall provide only a secondary means of access.

SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD

Not more than one (1) single-family dwelling or manufactured home dwelling may be constructed on a lot, except in the case of a lot which is within an approved Planned Unit Development or in an RT Residential Manufactured Home Park District.

SECTION 209. HEIGHT EXCEPTIONS

The following structures shall not be subject to the height limitations of the Zoning District in which they are located.

A. Farm buildings and structures.

B. Belfries, chimneys, cupolas, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided:

1. They are not intended for human occupancy; or

2. Do not include uses that are not permitted by Right.

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

SECTION 210. LOT AREA AND WIDTH EXCEPTIONS

The lot area and width requirements of the Zoning District shall not apply to uses, other than fire protection and ambulance services uses, included within Section 1504 Use Unit 4, Public Protection and Utility Facilities.

SECTION 211. YARDS

A. Compliance with Yard Requirements

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

2. Land area used in computing permitted floor area for one building shall not be used in computing permitted floor area for any other building.

3. On any corner lot where a front and side yard is required, no wall, fence, sign, parking area, structure or any plant growth shall be maintained which obstructs the line of sight through the Sight Distance Triangle. (See Section 212 and Figure 2-1).

B. Permitted Obstructions in Required Yards

Except as provided in the following section, required yards shall be open and unobstructed from the ground to the sky. Obstructions are permitted in required yards as follows:

1. Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than two (2) feet into a required yard.

2. Fire escapes may project not more than five (5) feet into a required yard.

3. Fences, plant materials, berms, walls, and permitted signs may be located in any yard, provided they are constructed and maintained in accordance with the following guidelines:

   a. On any corner lot none of the aforementioned materials may be maintained or constructed in such a manner as to obstruct the line of sight through the Sight Distance Triangle. (See Section 212 and Figure 2-1).

b. No fence or wall that projects into or encloses a required front yard is permitted to exceed four (4) feet in height.

c. Screening fences and walls within yards shall not exceed a height of eight (8) feet.

d. The Board of Adjustment, as a Special Exception, may modify these limitations.

4. Signs which are permitted as accessory uses in Residential Districts may be located within any yard which is bounded by a public street (See Chapter 11, Signs).

5. Accessory Buildings

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

b. If on a permanent foundation the accessory building shall conform to all setback regulations. (See also Sections 302, 402, 502, 602, 702, 802 and 1002).

c. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith, shall comply in all respects with the requirements of these and other regulations applicable to principal buildings, and shall not cover more than 30% of the rear yard residential structure, whichever is greater, unless granted a Special Exception by the Board of Adjustment.

6. Swimming pools, tennis courts, and storm shelters shall:

a. Be located in the rear yard;

b. Have a minimum setback of ten (10) feet from any side or rear lot line.

c. Not be placed on or within an easement.

7. Residential manufactured home hitches up to a maximum of four (4) feet.

8. Customary accessory structures, such as clotheslines, barbecue pits, playground equipment.

C. Use of Yards in AG or R Districts

1. No inoperative or unlicensed automobiles, nor inoperative trailers, or other types of vehicles of any kind shall be parked or stored on any residentially zoned property other than as follows:

   a. In a completely enclosed building;

   b. On a hard surface area completely enclosed by an eight (8) foot screening wall or fence.

   c. Storage of such vehicles shall not exceed the height of the required screening wall or fence.

   d. For regulations pertaining to recreational vehicles see Section 402.

2. Vehicles stored shall not be used for salvage or parts and the storage of said vehicles shall be for no more than a two (2) year period. The permitted use in this case shall be for the general purpose of restoration for personal or family use and in no case for any commercial purpose.

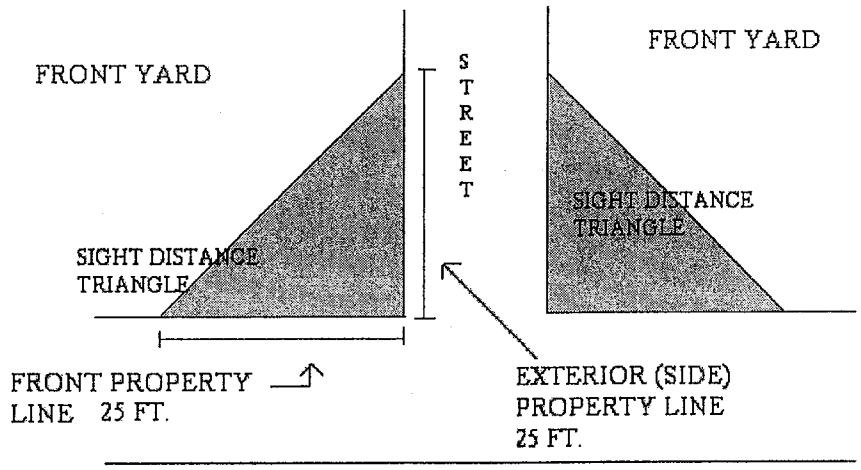
SECTION 212. SIGHT DISTANCE TRIANGLE

A Sight Distance Triangle (See Figure 2-1) is established on all corner lots as follows:

A. Measure from the point of intersection of the front and exterior (side) lot line a distance of 25 feet along each lot line then connect the points to establish a right triangle on the area of the lot adjacent to the street intersection.

B. This triangle shall be established at elevations between two (2) feet six (6) inches and ten (10) feet above any portion of the crown of the adjacent roadway.

FIGURE 2-1: SIGHT DISTANCE TRIANGLE



1. AT THE PROPERTY LINE, MEASURE A DISTANCE OF 25 FT. FROM THE POINT OF INTERSECTION OF THE FRONT AND EXTERIOR (SIDE) LOT LINES.
2. THEN CONNECT THESE LINES TO ESTABLISH A RIGHT TRIANGLE ON THE AREA OF THE LOT ADJACENT TO THE INTERSECTION

SECTION 213. STRUCTURE SETBACK FROM ABUTTING STREETS

The structure setback from abutting streets shall be as provided for each Zoning District. However, every structure shall be set back from the centerline of an abutting street a horizontal distance of not less than one half (1/2) of the right-of-way designated on the Major Street Plan or 25 feet if the abutting street is not designated on said Plan.

SECTION 214. EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS

Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:

A. If the proposed building is located more than 200 feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the Zoning District in which the proposed building is to be located.

B. If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front yard or setback established for the District in which the proposed building is to be located.

C. If the proposed building is to be located within 200 feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two (2) nearest front corners of the encroaching buildings.

D. If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.

E. Provided, however, that in the application of "C" or "D" above, the front yard or building setback shall not be reduced to less than five (5) feet plus one-half (1/2) of the right-of-way width designated on the Major Street Plan for the abutting street, or five (5) feet plus 25 feet if the street is not designated on the Major Street Plan.

SECTION 215. PROHIBITION OF RESIDENTIAL DISTRICTS USED AS MEANS OF ACCESS

The use of an R, RS, or RT District for access to any RM, O, C, I, SR, P or M District, or the use of an RM District for access to any , RT, O, C, I, SR, P or M District is prohibited unless permitted through an approved Planned Unit Development.

SECTION 216. SCREENING WALL OR SCREENING FENCE

A. For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established as follows:

1. Where required, the screening wall or fence shall be opaque and be constructed prior to the initiation or continuance of particular use.

2. For requirements pertaining to construction and placement of a required screening wall or fence, see Chapter 15, Use Units.

B. Specifications

When the provisions of these Regulations require the construction of a screening wall or fence as a condition for the initiation of the use and/or the subsequent continuation of a use, the screening wall or fence shall be opaque and adhere to the following Regulations:

1. Shall be constructed of fencing materials commonly used, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation.

2. Shall not be less than six (6) feet in height, nor taller than eight (8) feet.

3. Shall be constructed with all braces and supports toward the interior of the lot, except when both sides are of the same design and appearance.

4. Shall be constructed prior to the granting of a Certificate of Occupancy for the building or initiation of the use required to be screened.

5. Shall be uniform in height, except for significant changes in topography.

6. Shall have a consistency of design.

7. Shall not be a chain link fence or a chain link fence that utilizes inserts of metal or other materials.

8. Shall be of a type of material compatible with the surrounding area.

9. Shall be designed and constructed in such a way as not to adversely affect the natural drainage of the surrounding uses.

10. For Use Unit 30, Junk and Salvage Yards, see Section 1530 for screening requirements.

C. Maintenance

The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening wall or fence. Failure to maintain after notice by the Building Inspector shall constitute a violation of this Ordinance.

D. Modification of the Screening Wall or Screening Fence Requirements

The Board of Adjustment, upon approval of a Special Exception may:

1. Modify or remove the screening requirement where existing physical features provide visual separation of uses.

2. Modify the screening requirement where an alternative screening will provide visual separation of uses.

3. Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped.

4. Remove the screening requirement where the purposes of the screening requirement cannot be achieved or is prohibited by other ordinances and/or regulations.

D. Enclosure of Uses

1. Except as otherwise provided herein, no raw materials, waste materials, products, goods, machinery or equipment shall be stored, displayed, operated or processed out-of-doors within 200 feet of a major street or highway or within 200 feet of any property in an R, P, O, C-1, or I-1 District even though such activities may be permitted uses in such Districts, unless such materials or articles are so screened as not to be visible to an observer driving on such street or highway or standing on the ground in such District.

2. The requirements in Section D.1 above shall not apply to the following:

   a. Animals;

   b. Boats;

   c. Construction equipment in use on construction projects;

d. Electric substations or similar facility, unless required by the Board of Adjustment;

e. Farm and garden equipment in use in fields and gardens;

f. Gasoline pumps and similar service station equipment customarily not enclosed;

g. Household articles customarily stored or used out-of-doors;

h. Monuments and tombstones;

i. Motor vehicles;

j. Oil derricks or pumps and similar equipment at oil wells;

k. Pressure regulator station or similar facility unless otherwise required by the Board of Adjustment;

l. Living plants, including trees and shrubs;

m. Signs;

n. Sports, play, and similar equipment customarily used outdoors;

o. Structures attached to the ground or a building;

p. Transit vehicles;

q. Transportation equipment in operation of goods being transported;

r. Trucks and trailers; or

s. Utility facilities Not Elsewhere Classified (NEC).

SECTION 217. PLATTING REQUIREMENT

A. A platting requirement is hereby established for the purpose of providing for a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles which result from an intensification of land use customarily incident to a change of zoning. The platting of land, as set forth in the Subdivision Regulations, shall be required in the following instances:

1. For any land which has been rezoned to a zoning classification other than AG upon application of a private party.

2. For any land which has been granted a Special Exception by the Board of Adjustment as listed in:

   a. Use Unit 2, Area-wide Exception Uses;

   b. Use Unit 4, Public Protection and Utility Facilities;

   c. Use Unit 8, Multifamily and Similar Uses; or

   d. Use Unit 21, Commercial Recreation, Intensive.

B. No Building Permit or Certificate of Occupancy shall be issued on the above designated properties until that portion of the tract on which the Permit or Certificate is sought has been included within a subdivision plat or replat.

C. The plat or replat shall be submitted to the City of Claremore-Rogers County Metropolitan Area Planning Commission for consideration and approval. The plat shall be in the form as required by the Subdivision Regulations and shall follow the approval process as required therein. Upon final approval the plat or replat shall be filed of record in the office of the Rogers County Clerk.

D. The City Council or Board of County Commissioners, upon recommendation of the Planning Commission, may waive the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

SECTION 218. MAJOR STREET PLAN

"The Major Street and Highway Plan," an element of the Comprehensive Plan, shall subsequently be referred to as "The Major Street Plan". (See Appendix C, Major Street and Highway Plan).

SECTION 219. ANTENNA AND ANTENNA SUPPORT STRUCTURES

Principal Use Antenna

Antenna and Antenna Supporting Structures which are principal uses in an AG, or I District are regulated by Section 150.00 in the City Code of Ordinances. Accessory Use Antenna

SECTION 220. NUISANCES REGULATED

Fences, plant materials, berms, walls and signs shall not be located in such a manner as to constitute a nuisance as provided in the code of ordinances or regulations of the City of Claremore or Rogers County.

SECTION 221. STROBE LIGHTS AND ROTATING BEACONS PROHIBITED

Except as otherwise required by law, strobe lights and rotating beacon lights are prohibited if visible from a public street.

SECTION 222. NON-COMMERCIAL SIGNS

Nothing contained in these Regulations shall prevent the use of the permitted sign display surface area, in whole or in part, on any sign authorized by these Regulations and wherever located, from being used for a non-commercial message.

SECTION 223. PARKING OF MOTORIZED VEHICLES

A. All motorized vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all-weather material as defined in these Regulations. The foregoing provisions of this Section shall not apply to vehicles located within junk and salvage yards.

B. The Board of Adjustment may, as a Special Exception, permit the storage and/or display of motorized vehicles on a surface other than one consisting of an all-weather material if located behind the building setback line.

SECTION 224. WILD OR EXOTIC ANIMALS

A. Keeping or Raising of Wild or Exotic Animals in the AG District

1. The keeping or raising of wild or exotic animal as defined in these Regulations, is permitted only in an AG Agriculture District and only as a business with Board of Adjustment approval as a Special Exception.

2. New businesses shall meet the requirements set out in Section 303, Requirements for a Special Exception Uses.

3. In addition to a Special Exception, it is required that all other requirements, permits, codes or ordinances be complied with.

4. Existing businesses must hold a valid Commercial Breeder's License issued by the Oklahoma Department of Wildlife or the United State Department of Agriculture permitting the operation of existing business and shall apply for and obtain a Certificate of Occupancy within 90 days from the effective date of these Regulations.

B. Certificate of Occupancy

1. A Certificate of Occupancy for any such existing business or any such new business shall be issued by the Building Inspector, after an on-site inspection to determine that:

   a. The facilities conform to the application for a Special Exception as approved by the Board of Adjustment in the case of a new business;

   b. The areas are appropriate for the keeping and raising of the animals in a confined manner, and adequate for the protection of the public health, safety and welfare.

2. Such Certificate of Occupancy shall permit the operation of the business only for so long as the operator maintains a valid Commercial Breeder's License issued by the Oklahoma Department of Wildlife or the United States Department of Agriculture permitting the operation of such new or existing business.

3. The Building Inspector shall solicit, as needed, the aid of qualified professionals in the field to inspect the facilities before issuing the required Certificate.

C. Not Permitted in any other Zoning District

The keeping or raising of wild or exotic animals for any reason is prohibited in all other Zoning Districts, except for a zoo, circus or carnival, as otherwise authorized by these Regulations.

SECTION 225. KEEPING OF ANIMALS AND ANIMAL HOSPITALS

The keeping of animals, other than wild or exotic animals as regulated in Section 224, shall be subject to the following provisions:

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

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

C. The following uses, where permitted, shall be conducted no nearer that 200 feet to the boundary of an R, P or O District: hog raising; livestock assembly; breeding, feeding, sales, or shipment; stockyard.

D. Animal hospitals located within 500 feet of an R, P or O District shall be constructed and operated as follows:

1. so that sounds therefrom are not audible in such District;

2. All runs shall be surfaced with an impervious material and shall be enclosed by a solid, eight (8) foot wall; and

3. No burning of refuse or dead animals shall be permitted and all drainage shall be away from adjoining properties.

E. Within unincorporated areas, boarding, raising or training of large animals in R Zoned Districts is allowed only under all of these conditions:

1. Lot area of 60,000 square feet or more.

CHAPTER 3

AGRICULTURE DISTRICT

300. Purposes
301. Principal Uses
302. Accessory Uses
303. Bulk and Area Requirements
304. Special Exception Uses, Requirements

SECTION 300. PURPOSES OF AGRICULTURE DISTRICT

The Agriculture District is designed to:

A. Encourage and protect agricultural land until an orderly transition to urban development may be accomplished.

B. Discourage wasteful scattering of development in rural areas.

C. Obtain economy of public fund expenditures for improvements and services.

SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT

The principal uses permitted in the Agriculture District are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, screening requirements and other use conditions in Chapter 15. The use units permitted in the Agriculture District are set forth in Table 1.

Table 1
Use Units Permitted in the Agriculture District*

Use Units		District
No.	Name	
1.	Area-Wide Uses by Right	X
2.	Area-Wide Special Exception	E
3.	Agriculture	X
5.	Community Services & Similar Uses	E
6.	Single-Family Dwelling	X
8.	Multi-Family Dwelling & Similar Uses	E**
9.	Manufactured Home Dwelling	E
11.	Offices, Studios & Support Services	E***
20.	Commercial Recreation: Intensive	E
24.	Mining and Mineral Processing	E

See explanations on next page

*X = Use by Right

E = Special Exception

** = Community group home, convent, monastery and novitiate are the only uses within Use Unit 8 permitted by Special Exception in the AG District.

*** = Adult day care and children's nursery are the only uses within Use Unit 11 permitted by Special Exception in the AG District.

SECTION 302. ACCESSORY USES PERMITTED IN THE AGRICULTURE DISTRICT

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District shall be permitted in such district. In addition, the uses set forth in Table 2 shall be permitted as accessory uses.

Table 2
Accessory Uses Permitted in the Agriculture District

Uses	District
1. Bulletin Boards	AG
2. Home Occupation	
As permitted by Section 402.B.6.a.	AG
As permitted by Section 402.B.6.b. and 404.B*	AG
3. Identification Signs	AG
4. Real Estate Signs	AG
5. Parking/Storage of Recreational Vehicles	AG
6. Antennas and Supporting Structures	AG

* By Special Exception requiring Board of Adjustment approval subject to the requirements set forth in Section 402.B.

B. Accessory Use Conditions

1. General Conditions

   a. An accessory building erected as in integral part of the principal building shall be made structurally a part of the principal building, and shall comply with the requirements applicable to the principal building.

   b. Accessory buildings shall meet the minimum yard or building setback requirements.

c. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:

(1) be located in the rear yard only, and limited to one (1) such structure;
(2) not exceed sixty-five (65) feet in height, measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure;
(3) not encroach upon the land or airspace of any abutting property; and
(4) not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.

d. Uses within Use Units 8, 14 through 31, inclusive, shall not be considered as home occupations and are prohibited in the agriculture district.

2. Accessory Signs in the AG District

a. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed thirty-two (32) square feet in display surface area, nor twenty (20) feet in height, and illumination, if any, shall be by constant light.

b. One identification sign may be erected on each street frontage of a permitted nonresidential use. The sign shall not exceed two tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than thirty-two (32) square feet nor permitted to exceed twenty (20) feet in height, and illumination, if any, shall be by constant light.

3. Parking or Storage of Recreational Vehicles

a. Other than for purposes of loading and unloading, which shall take place within a forty-eight (48) hour period, recreational vehicles located in an AG District shall be parked or stored:

(1) inside a garage; or

(2) within a rear yard, if located at least three (3) feet from any lot line; provided where said lot line abuts a public street, the recreational vehicle shall not be parked or stored closer to the street than the existing dwelling; or

(3) within a non-required side yard; or

(4) within a required side yard if the recreational vehicle is less than six (6) feet in height (excluding the height of an outboard motor or windshield) and it is screened by a six (6) foot screening fence along the lot line nearest the vehicle and extending the full length of t he vehicle; or

(5) within the front yard, provided:

[a] space is not available or there is no reasonable access to either the side yard or rear yard; a corner lot shall always deemed to have reasonable access to the rear yard; a fence shall not necessarily deemed to prevent reasonable access;

[b] parking inside the garage is not possible because of the size of the garage structure.

[c] the unit is parked perpendicular to the front lot line;

[d] the body of the recreational vehicle is at least twelve (12) feet from the face of the curb or traveled portion of the street, but in no instance shall any portion of the vehicle extend over a sidewalk; and

[e] not more than one (1) recreational vehicle is parked or stored in the front yard. A boat that is loaded on a boat trailer is considered one (1) recreational vehicle.

b. The parking and storage of recreational vehicles in an AG District is permitted as set out above, provided:

(1) The vehicle is not used for dwelling purposes;

(2) The vehicle is not permanently connected to sewer lines, water lines, or electricity; and

(3) The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its use as a recreational vehicle.

c. The Board of Adjustment may, as a minor Special Exception, permit recreational vehicles to be parked or stored in the front yard or required side yard if the conditions listed in Subsection 302.B.3.a cannot be met.

SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT

Table 3
Bulk and Area Requirements in the Agriculture District

District	AG
LOT WIDTH (Minimum)	200 feet
LOT AREA (Minimum)	2 acres
LAND AREA PER DWELLING UNIT (Minimum)	2.2 acres
FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET (Minimum)	
Measured from Centerline of abutting street, add to the distance Designated in the column to the right, ½ of right-of-way Designated on Major Street Plan:	
Or 25 feet if not designated on the Major Street Plan:	
Arterial or Freeway Service Road	35 feet
Not an Arterial or Freeway Service Road	25 feet
SIDE YARDS (Minimum)	
One side yard	10 feet
Other side yard	5 feet
REAR YARD (Minimum)	40 feet
BUILDING HEIGHT (Maximum)	NA

SECTION 304. REQUIREMENTS FOR SPECIAL EXCEPTION USES IN AN AGRICULTURE DISTRICT

The Special Exception Uses permitted in the Agriculture District, as designated in Table 1,are subject to the requirements set out below, and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

A. The accessory use provisions of the Agriculture District pertaining to signs are applicable to accessory signs for uses permitted by Special Exception.

B. Special Exception uses shall conform to the bulk and area requirements of the use district in which it is located, unless the use unit requirements are more restrictive, in which case the more restrictive shall control.

C. A nursing home shall meet the use conditions as set for in Section 1502.D.5 of this Code. A community group home, convent, monastery, and novitiate shall meet the use conditions as set forth in paragraph 1508.C.4 of this Code.

CHAPTER 4

RESIDENTIAL DISTRICT

400. Purposes
401. Principal Uses
402. Accessory Uses
403. Bulk and Area Requirements
404. Special Exception Uses, Requirements

SECTION 400. PURPOSES OF RESIDENTIAL DISTRICTS

A. General Purposes

The Residential Districts are designed to:

1. Achieve the residential objectives of the Comprehensive Plan.

2. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.

3. Achieve a suitable environment for family life by permitting in residential areas appropriate neighborhood facilities, such as churches, schools, and certain cultural and recreational facilities.

4. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting the bulk of structures.

5. Permit a variety of dwelling types and densities to meet the varying needs of families.

6. Control the density of residential development to facilitate the planning for an economical provision of streets, utilities, and other public facilities.

B. Purposes of the RE Residential Single-Family Estate District

The RE District is designed to permit the development and conservation of single-family dwellings in large lot urban environments.

C. Purposes of the RS Residential Single-Family Districts

The RS-1, RS-2, RS -3, and RS-4 Districts are designed to permit the development and conservation of single-family detached dwellings in suitable environments in a variety of densities to meet the varying requirements of families.

D. Purposes of the RD Residential Duplex District

The RD District is designed to permit a more intense yet compatible use of tracts in or near single-family residential and other neighborhoods which because of size, topography, or adjacent land use are not ideally suited for single-family use.

E. Purposes of the RT Residential Townhouse District

The RT District is designed to permit the development of attached single-family townhouse dwellings, on separate lots, which are designed expressly for separate ownership, in suitable residential environments at a higher density than conventional detached single-family dwellings.

F. Purposes of the RM Residential Multi-Family Districts

The RM-0, RM-1, RM-2, and RM-3 Districts are designed to permit the development and conservation of multi-family dwelling types, such as garden apartments, in suitable environments in a variety of densities to meet the varying requirements of families.

G. Purposes of the RMH Residential Manufactured Home District

The RMH District if designed to recognize manufactured home living as a residential use necessitating location in a residential manufactured home park development or in a residential manufacture home subdivision while requiring regulation to insure a suitable living environment.

SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS

The principal uses permitted in the Residential Districts are designated by use unit. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 15. The use of an RE, RS, RD or RT District for access to any RM, O, C, or I District, or the use of an RM District for access to any O, C, or I District is prohibited unless permitted through an approved Planned Unit Development. The use units permitted in Residential Districts are set forth below in Table 1.

Table 1
Use Units Permitted in Residential Districts*

Use Units		Districts					
No.	**Name**	**RE**	**RS**	**RD**	**RT**	**RM**	**RMH**
1.	Area-Wide Uses by Right	X	X	X	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E	E	E	E
4.	Public Protection & Utility Facilities	E	E	E	E	E	E
5.	Community Services & Similar Uses	E	E	E	E	E	E
6.	Single-Family Dwelling	X	X	X	X	X	E
7.	Duplex Dwelling		E**	X	X	X	
7a.	Townhouse Dwelling				X	X	
8.	Multi-Family Dwelling & Similar Uses	E*****	E*****	E*****	X		
9.	Manufactured Home Dwelling	E	E	E		E	X
10.	Off-Street Parking					E***	
11.	Offices, Studios & Support Services					E****	
16.	Mini-Storage					E******	

*X = Use by Right
E = Special Exception
** = Duplexes permitted only in RS-3 and RS-4 Districts
*** = In RM-2, and RM-3 Districts only
**** = In RM-1, RM-2, and RM-3 Districts only

**** = Assisted living facility, community group home, convent, life/care retirement center, monastery and novitiate are the only uses within Use Unit 8 permitted by Special Exception in the RE, RS and RD Districts.

****** = Mini-storage is permitted only in the RM-1, RM-2 and RM-3 Districts

= Detention/Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Transitional Living and Residential Treatment Centers are not allowed in the RE and RS Districts.

SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in a Residential District are permitted in such district. In addition, the following uses set forth in Table 2, are permitted as accessory uses.

Table 2

Accessory Uses Permitted in Residential Districts

	Uses	Districts
1.	Accessory Commercial	RM-3
2.	Home Occupations	All R Districts
	As permitted by Section 402.B. 6.a	All R Districts*
	As permitted by Section 402.B.6.b and 404.B.	All R Districts**
3.	Sleeping Rooms	All R Districts
4.	Shelters	All R Districts
5.	Signs	All R Districts
	Bulletin Board	
	Identification Sign	
	Real Estate	
	Construction Sign	
6.	Swimming Pool	All R Districts
7.	Management Office and Private Recreation Laundry, Storage Facilities	RM-0, RM-1, RM-2 and RM-3, and RMH
8.	Family Day Care Home	All R Districts
9.	Parking/Storage of Recreational Vehicles	All R Districts
10.	Antennas	All R Districts

* By Special Exception requiring Board of Adjustment approval.

* By Special Exception requiring Board of Adjustment approval if the number of persons exceeds the number permitted as a family as elsewhere defined.

B. Accessory Use Conditions

1. General Conditions:

a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.

b. A detached accessory building or accessory building not erected as an integral part of the principal building shall not be located in the front yard.

c. Within the rear yard, a detached accessory building shall comply with the requirements of Section 211.B.5.

d. Detached accessory buildings and accessory buildings not erected as an integral part of the principal building in the aggregate shall not exceed seven hundred fifty (750) square feet of floor area in the RS-1 or RE Districts, nor five hundred (500) square feet in the RS-4, RS-3 and RS-2 Districts, or forty percent (40%) of the floor area of the principal residential structure, whichever is greater.

e. Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that:

(1) the antenna supporting structure is considered part of the residential building and shall comply with the building height restrictions of the district; and

(2) the surface area off all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated. These provisions shall not apply to principal use antennas or to antennas which are accessory to uses requiring Board of Adjustment approval.

f. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:

(1) be located in the rear yard only, and shall be limited to one (1) such structure;

(2) not exceed sixty-five (65) feet in height, measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal point of the antenna supporting structure;

(3) not encroach upon the land or airspace of any abutting property, and

(4) not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.

2. Accessory Commercial

a. Permitted commercial accessory uses shall be limited to the uses included in Use Unit 8 and Use Unit 13, designed and located for the convenience of the occupants of a multi-family dwelling.

b. Commercial accessory uses shall be located entirely within a multi-family structure and may have an exterior public entrance for each interior lobby entrance.

c. Commercial accessory uses shall not occupy more than ten percent (10%) of the gross floor area of the building in which it is located.

d. No signs or other advertising shall be visible from outside the lot.

3. Sleeping Rooms

In a dwelling unit occupied as a private residence, one (1) or more rooms may be rented or table board furnished, to not exceeding two (2) persons not members of the family occupying said premises, providing no window display or sign board shall be used to advertise such use.

4. Signs

a. One (1) bulletin board may be erected on each street frontage of any educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed thirty-two (32) square feet in surface area, not twenty (20) feet in height, and illumination, if any, shall be by constant light.

b. One (1) identification sign may be erected on each perimeter street frontage of a multi-family development, manufactured home park or subdivision, single-family subdivision or permitted nonresidential use. The sign shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than thirty-two (32) square feet not permitted to exceed one hundred fifty (150) square feet of display surface area. The sign shall not exceed twenty (20) feet in height, and illumination, if any, shall be by constant light.

5. Family Day Care Homes

a. Shall be licensed by the State of Oklahoma Department of Human Services.

b. Shall obtain a Certificate of Occupancy from the Building Inspector if established after the effective date of this amendment.

c. A maximum of seven (7) children, including those pre-school children under five (5) years of age who reside in the residence, may be cared for in the home.

d. No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver as required by the standards for Family Day Care Homes adopted by the Oklahoma Department of Human Services.

e. No signs advertising the Family Day Care Home shall be permitted on the lot.

f. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.

g. No family day care home may be located on a lot within three hundred (300) feet of another lot containing a Family Day Care Home if any boundary of said lots abut the same street. "Street" as used herein shall mean any named or numbered street along its full length, irrespective of any intervening street.

h. State licensed Family Day Care Homes in existence on the effective date of this amendment, but which would be prohibited by the spacing requirements of this section, may continue as otherwise regulated herein.

6. Home Occupations

a. Home Occupations permitted by right:

Artists
Authors and Composers
Catering/Food Service
Computer programming
Home cooking and preserving
Home crafts
Ironing
Sewing
Telephone answering and/or solicitation
Tutorial service, limited to one student at a time

Such home occupations shall comply with the following requirements:

(1) Only members of the family residing in the dwelling shall participate in the home occupation.

(2) Signs or displays, including signs exceeding two (2) square feet on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot shall be prohibited.

(3) The home occupation shall be conducted entirely within an enclosed principal residential structure.

(4) Mechanical equipment which creates noise, dust, odor or electrical disturbance shall be prohibited.

(5) Exterior alterations of the structure which would detract from the residential character of the structure shall be prohibited.

(6) Outside storage or display of materials or items associated with the home occupations shall be prohibited.

(7) A maximum of five hundred (500) square feet of floor area may be used in the home occupation.

(8) Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area.

(9) The sale of merchandise on the premises shall be prohibited.

(10) The pick up of home craft or food items at the home occupation site shall be prohibited.

b. Home Occupations permitted by Special Exception.

Home occupations which are not permitted by right and which do not consist of uses within Use Unit 8 nor uses within Use Units 14 through 31 inclusive may be permitted as a Special Exception subject to the minimum requirements as set forth in Section 403.B and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

c. Uses within Use Units 8 and 14 through 31 inclusive shall not be considered as home occupations and shall be prohibited in all residential and agriculture districts.

7. Parking or Storage of Recreational Vehicles

a. Other than for purposed of loading and unloading, which shall take place within a forty-eight (48) hour period, recreational vehicles located in an R District shall be parked or stored:

(1) inside a garage; or

(2) within a rear yard, if located at least three (3) feet from any lot line; provided where said lot line abuts a public street, the recreational vehicle shall not be parked or stored closer to the street than the existing dwelling; or

(3) within a non-required side yard; or

(4) within a required side yard if the recreational vehicle is less than six (6) feet in height (excluding the height of an outboard motor or windshield) and it is screened by a six (6) foot screening fence along the lot line nearest the vehicle and extending the full length of the vehicle; or

(5) within the front yard, provided:

[a] space is not available or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence shall not necessarily deemed to prevent reasonable access;

SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS

Table 3

	Districts										
LOT WIDTH (Min. ft.)	RE	RS-1	RS-2	RS-3	RD	RT	RM-0	RM-1	RM-2	RM-3	RCM
Single-Family Dwelling	150	100	80	65	65	65	65	65	65	65	*
Duplex Dwelling					65	65	65	65	65	65	
Multi-Family Dwelling							100	100	75	100	
LOT AREA (Min. ft.)											
Single-Family Dwelling	40,000	20,000	10,000	7,000	7,000	7,000	7,500	7,500	7,500	7,500	
Duplex Dwelling					7,000	7,000	7,000	7,000	7,000	7,000	
Multi-Family Dwelling							10,000	10,000	10,000	10,000	
LAND AREA PER D.U. (Min. ft)											
Single-Family Dwelling	40,000	20,000	10,000	7,000	7,000	7,500	7,500	7.500	7,500	7,500	
Duplex Dwelling					7,000	7,000	2,500	4,500	4,500	4,500	
Multi-Family Development											
Within a PUD							2,800	1,700	1,200	500	
Not within a PUD											
One bedroom or less							3,600	2,200	1,400	500	
For each additional Bedroom add							400	400	400	400	
Townhouse Development											
Development width (min. ft.)							100	100	100	100	
Lot Width (min. ft.)							24	24	24	24	
Lot Area (min. ft.)							1,900	1,900	1,900	1,900	
Land Area (of Development)											
Per D.U.							4,200	4,000	3,000	2,200	
STRUCTURE HEIGHT (Max. ft.)	35	35	35	35	35	35	35	35	35	35	
LIVABILITY SPACE PER D.U. %	40	35	30	20	20	20	20	20	20	20	
FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET											
Measured from the CENTERLINE OF ABUTTING STREET; add to the distance designated in the column to the right, ½ of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. ft.)											
Arterial or Freeway Service Road	40	40	40	40	40	40	40	40	40	40	
Not an Arterial	40	35	30	25	25	25	10	15	25	25	
REAR YARDS (Min. ft.)	35	30	25	20	20	20	20	20	20	20	
SIDE YARDS (Min. ft.)											
One side yard	15	10	10	5	5	5	10	10	10	10	
Other side yard	15	5	5	5	5	5	10	10	10	25	

* - SEE ATTACHED GUIDELINES IN COMMERCIAL DISTRICT CHAPTER

[b] parking inside the garage is not possible because of the size of the garage structure;

[c] the unit is parked perpendicular to the front lot line;

[d] the body of the recreational vehicle is at least twelve (12) feet from the face of the curb or traveled portion of the street, but in no instance, shall any portion of the vehicle extend over a sidewalk; and

[e] not more than one (1) recreational vehicle is parked or stored in the front yard. A boat that is loaded on a board trailer is considered one (1) recreational vehicle.

b. The parking and storage of recreational vehicles in an R District is permitted as set out above, provided:

(1) the vehicle is not used for dwelling purposes;

(2) the vehicle is not permanently connected to sewer lines, water lines, or electricity; and

(3) the vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its use as a recreational vehicle.

c. The Board of Adjustment may, as a minor Special Exception, permit recreational vehicles to be parked or stored in the front yard or required side yard if the conditions listed in paragraph 402.B.7 cannot be met.

The foregoing Bulk and Area Requirements are modified as follows:

1. All multi-family dwellings and their accessory building, except garages, shall be set back at least 25 feet from any RE or RS District. A single-story limitation shall apply to multi-family dwellings which are within 50 feet of an RE or RS District. All three story or greater multi-family dwellings shall be at least 75 feet from an RE or RS District.

2. A minimum of three (3) townhouse lots is required for a townhouse development.

3. Required livability space within a townhouse development shall be provided on each townhouse lot, or may be provided in common areas within the townhouse development as designated on the recorded subdivision plat.

4. When a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, or when a lot or portion of a lot abuts a non-arterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.

5. When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be set back a minimum of 20 feet.

6. Side yards shall not apply to interior lot lines of townhouse development.

7. Front yard requirements in the RE, RS-1, RS-2 and RS-3 Districts may be reduced 5 feet with Board of Adjustment approval as a Special Exception.

8. The minimum required side yard for a single-family or duplex dwelling in an RM District shall be 5 feet on each side.

B. Bulk and Area Requirements in the RMH District

1. Residential Manufactured Home Park Development

The development shall consist of one or more tract(s) under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys.

a. General Requirements

(1) Minimum internal private street surfacing width – 24 feet.
(2) All dwellings shall be completely skirted.

(3) All dwellings shall be anchored as required by the City Ordinance.

(4) All dwellings shall be certified and display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards.

(5) One identification sign may be erected on each perimeter street frontage of a manufactured home park. The sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet not permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

b. Tract Development Standards

Tract Area	(Minimum)	5 acres
Land Area per Dwelling Unit	(Minimum)	5,445 SF
Tract Width	(Minimum)	200 feet
Setback Abutting a Public Street:	(Minimum)	

[MEASURED FROM THE CENTERLINE; add to the distance designated in the column to the right, ½ of right-of-way width designated on Major Street Plan, or 25 feet, if not designated on Major Street Plan:]

Abutting an Arterial or Freeway Service Road		35 feet
Not abutting an Arterial or Freeway Service Road		25 feet
Setback from Perimeter Boundary, except where abutting a public street		10 feet
Height	(Maximum)	One Story

Common park/recreational open space and facilities (which may include trails, playgrounds, community buildings and tot-lots) shall be delineated and provided on each development established under these regulations equal to at least 6% of the total gross tract area, exclusive of open area on each space.

c. Internal Space Requirements exclusive of streets and required open space:

Minimum Space Width	40 feet
Minimum Space Area	4,000 SF
Side Yards (Minimum)	
One Side Yard	5 feet
Other Side Yard	10 feet
Rear Yard (Minimum)	10 feet
Front Yard (Minimum)	15 feet
Minimum Separation between Dwellings	15 feet
Minimum Paved Off-Street Parking Spaces per Dwelling Unit	2
Independent Accessory Building	36 SF minimum area 100 SF maximum area
Minimum Setback from Space Boundary	5 feet
Minimum Separation from Adjacent Dwelling	10 feet
Maximum Area Under Roof	45% of the space

[Area Under Roof is the sum of the square footages of the dwelling plus carport and outdoor shelters, plus any independent accessory buildings.]

Paved outdoor living area shall be provided on each space and shall be a minimum of 100 square feet and shall have an average dimension of not less than 10 feet. This area may be covered with a roof, subject to limitations imposed by maximum area under roof. Required parking areas and driveways shall not be included as part of this outdoor living area.

2. Residential Manufactured Home Subdivision

A subdivision designed for the sale of lots for the purpose of siting manufactured homes on individual lots, provided that such a development and lots therein shall comply with the requirements set out below and a subdivision plat incorporating said requirements is submitted to and approved by the Planning Commission and filed of record in the office of the County Clerk.

a. General Requirements:

(1) All dwellings shall be attached to a conventional permanent foundation.

(2) All manufactured homes placed shall be certified and shall conspicuously display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards, or were constructed after the first edition of said code.

(3) The tract to be subdivided shall consist of one or more tracts under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys and have an area of at least 10 acres.

(4) One identification sign may be erected on each perimeter street frontage of a manufactured home subdivision. The sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

b. Bulk and Area Requirements

Lot Width	(Minimum)	50 feet
Lot Area	(Minimum)	5,500 SF
Land Area per Dwelling Unit	(Minimum)	6,750 SF
Structure Height	(Maximum)	35 feet
Livability Space per Dwelling Unit	(Minimum)	2,500 SF

Front Yard and Any Yard Abutting a Public Street:

[MEASURED FROM THE CENTERLINE; add to the distance designated in the column to the right, ½ of right-of-way width designated on Major Street Plan, or 25 feet, if not designated on Major Street Plan:]

Side Yards	(Minimum)	5 feet
Rear Yards	(Minimum)	15 feet

Accessory building setback from side or rear yard 3 feet
(Not permitted in required front yard)

Minimum Paved Off-Street Parking Spaces/Dwelling Unit	2

*Except where a lot or portion on a lot abuts a cul-de-sac having a radius greater than 25 feet, the setback distance designated in the column to the right shall be measured from the property line.

SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS

The Special Exception Uses, permitted in the Residential Districts, as designated in Table 1, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

A. The accessory use provisions of the Residential Districts pertaining to signs are applicable to accessory signs for principal uses permitted by Special Exception.

B. Home occupations permitted by Special Exception.

1. The home occupation must be accessory to the use of the dwelling unit as a residence.

2. Only members of the family residing in the dwelling shall participate in the home occupation.

3. Signs or displays, including signs exceeding two square feet on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot are prohibited.

4. The home occupation shall be conducted entirely within an enclosed principal residential structure or customary accessory building.

5. Mechanical equipment which creates noise, dust, odor or electrical disturbance is prohibited.

6. Exterior alterations of the structure which would detract from the residential character of the structure is prohibited.

7. Outside storage or display of materials or items associated with the home occupation is prohibited.

8. A maximum of 500 square feet of floor area may be used in the home occupation.

9. Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area.

C. In the RS-3 and RS-4 Districts, duplex use shall comply with the height and yard requirements for single-family use and in addition shall comply with the following requirements:

1. Minimum lot area of 9,000 square feet,
2. Minimum land area per dwelling unit of 5,000 square feet,
3. Minimum frontage of 75 feet, and
4. Minimum livability space per dwelling unit of 2,500 square feet.

D. In RMH District, a single-family dwelling shall comply with the bulk and area requirements set out in Paragraph 404.B.2.

E. In the R Districts, excepting RMH, manufactured home dwelling use shall comply with the lot area requirement for a single-family dwelling located within the district, and in addition shall comply with the following requirements:

1. The manufactured home dwelling use shall not exceed a period of one year from the date of granting the Special Exception; however, the Board of Adjustment may, as a Special Exception, extend the one year limit if properly advertised for said relief.
2. Not more than one manufactured home dwelling may be located on a lot.
3. The application for a Special Exception must be accompanied by a written signed agreement of the applicant to remove the manufactured home within one (1) year from the date of granting of the Special Exception.
4. The applicant shall, within ten (10) days from the granting of the Special Exception, post with the City Clerk of the City of Claremore, a cash bond or surety bond payable to the order of the City of Claremore in the amount of $500.00 to defray removal cost in the event the applicant fails to remove the manufactured home at the end of one (1) year from the date of granting of the Special Exception.

F. Except as provided in B, C, D, E and I of this Section, and Section 209, Special Exception uses shall comply with the least restrictive yard and height requirements of the district in which it is located and, in addition, shall comply with the following requirements:

1. Maximum floor area ratio of .5,

2. Minimum lot size of 12,000 square feet,

3. Minimum frontage of 100 feet, and

4. A minimum building setback of 25 feet from abutting properties located within an R District.

Provided that if the use unit requirements are greater the use unit requirements shall control.

G. Office use in the RM-1 District shall comply with the bulk and area requirements of the OL District. Office use in the RM-2 District shall comply with the bulk and area requirements of the OM District, except no structure shall exceed two stories in height. Office use in the RM-3 District shall comply with the bulk and area requirements of the OMH District.

H. Parking lots may be permitted in RM-2 and RM-3 Districts only, provided:

1. It is not a commercial lot; and

2. It is not abutting the side lot line of two existing single-family dwellings.

I. Mini-storage facilities located in RM-1, RM-2 and RM-3 Districts shall comply with the following requirements:

1. The building height is limited to 12 feet, provided however, if the facilities contain an accessory dwelling to be used for management and security purposes, the height of the dwelling shall not exceed 35 feet.

2. The minimum building setback from an adjacent arterial street or freeway service road shall be 50 feet, plus ½ the right-of-way designated on the Major Street Plan. The minimum building setback from an adjacent non-arterial street shall be 35 feet. The minimum building setback from a freeway and all other boundaries shall be 10 feet, provided however, the Board of Adjustment may allow less building setback in these two instances, if the wall of the building is also to be used to meet the screening requirement, but in no event shall such setback be less than 5 feet.

3. Building walls on the exterior of the development shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels. Metal or standard (smooth) concrete block exterior walls are not permitted on such exterior.

4. The floor area ratio (FAR) shall not exceed .5.

5. Access doors to storage units shall not be visible at ground level from an abutting O or R District and shall not be visible from an abutting public street.

6. No hazardous, toxic or explosive materials are permitted to be stored in such facilities.

7. Open air storage is prohibited in the RM-1 District. Open air storage is prohibited on the perimeter of the lot in an RM-2 or RM-3 District, but is permitted on the interior of the lot if the storage is not visible at ground level from an abutting O or R District or any public street.

8. The development site shall have frontage on an access to an arterial street unless provided otherwise by the Board of Adjustment.

9. Only one ground sign shall be permitted. Location, size and height of such sign shall be determined by the Board of Adjustment, provided however, the sign shall not exceed 20 feet in height and 32 square feet of display surface area or 2/10 of a square foot of display surface area per lineal foot of street frontage (whichever is greater) and illumination of the sign, if any, shall be by constant light.

10. A screening fence or masonry wall (to be determined by the Board of Adjustment) a minimum of 8 feet in height is required along the lot line or lot lines in common within an R District. The wall of the buildings may be used to comply with this screening requirement with the Board of Adjustment approval and in such case open spaces between perimeter buildings shall be screened with an 8 foot masonry wall.

CHAPTER 5

OFFICE DISTRICTS

500. Purpose
501. Principal Uses
502. Accessory Uses
503. Requirements for Special Exception Use
504. Bulk and Area Requirements

SECTION 500. PURPOSE

A. General Purposes

The Office Districts are designed to preserve and promote the development of efficient office facilities and to maximize the compatibility with other land uses by:

1. Establishing bulk and area controls;
2. Requiring off-street parking and loading facilities;
3. Establishing the several districts necessary to meet the need for a variety of office types;
4. Controlling the number, area, location, and types of signs; and
5. Achieve the office objectives of the Comprehensive Plan.

B. Purposes of the OL Office Low Intensity District

The OL District is designed to facilitate the development and preservation of low intensity office development.

C. Purposes of the OM Office Medium Intensity District

The OM District is designed to provide areas for offices, together with certain community facilities normally compatible with primary office uses. It is designed to preserve existing medium intensity office development and to facilitate the development of new medium intensity office areas.

D. Purposes of the OH Office High Intensity District

The OH District is designed to provide for multi-story office development in areas that have been designated as a High Intensity Office District or Special District by the Comprehensive Plan.

SECTION 501. PRINCIPAL USES

The principal uses permitted in Office Districts are designated by Use Units as set forth in Chapter 15 of this Ordinance. The Use Units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Chapter 15. The Use Units permitted in Office Districts are set forth below in Table 5-1.

TABLE 5 -1

USE UNITS PERMITTED IN OFFICE DISTRICTS[1]

	Use Units	Districts		
No.	Name	OL	OM	OH
1.	Area-Wide Uses	X	X	X
2.	Area-Wide Special Exception Uses	E	E	E
4.	Public Protection and Utility Facilities	E[2]	E[2]	E[2]
5.	Single Family Dwelling	E	E	E
6.	Duplex Dwelling	E	E	E
7.	Townhouse Dwelling	E	E	X
8.	Multi-family Dwelling and Similar Uses	E[3]	E[3]	X
10.	Off-street Parking Areas	X	X	X
11.	Offices, Studios and Support Services	X[4]	X	X
12.	Eating Establishments Other than Drive-Ins			X
17.	Mini-Storage	E	E	E
20.	Hotel, Motel and Recreational Facilities			E[5]

[1] X Use by Right.
E Special Exception (see Section 503)

[2] Antennas and Antenna Support Structures are not permitted as a principal use by Special Exception.

[3] Community group home, convent, monastery and novitiate are the only uses within Use Unit 8 permitted by Special Exception in the OL and OM Districts.

[4] Drive-in bank facilities, whether a principal or accessory uses, require Board of Adjustment approval as a Special Exception in OL Districts.

[5] Limited to Hotel and Motel.

SECTION 502. ACCESSORY USES

A. Accessory Uses Permitted

Accessory uses customarily incidental to a principal use permitted in Office Districts are permitted in such Districts. In addition, the uses set forth in Table 5-2 are permitted as accessory uses.

TABLE 5 - 2

ACCESSORY USES PERMITTED IN OFFICE DISTRICTS

Uses	Districts
Business Signs	All Districts
Barber and Beauty Shops	OL[1] OM OH
Construction Sign	All Districts
Convenience Goods and Services and Shopping Goods and Services	OL[1] OM OH
Eating Establishments, other than Drive-Ins	OL OM OH
Private Clubs[2]	OH[2]
Real Estate Signs	All Districts
Accessory Antennas and Antenna Support Structures	All Districts

[1] By Special Exception requiring Board of Adjustment approval, subject to the requirements set forth in Section 504.

[2] Private Club as used in this Chapter is defined in Chapter 21, Definitions, and is subject to the provisions set forth herein and any other applicable local or state law.

B. Accessory Use Conditions

1. General Conditions

a. Accessory buildings shall meet the minimum building setback lines of the applicable District.

b. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith and shall comply with the requirements applicable to the principal building.

2. Convenience Goods and Services and Shopping Goods and Services

   a. Permitted Convenience Goods and Services and Shopping Goods and Services in an OH District or any Office District with a PUD Supplemental District are limited to the uses included in Use Units 12 and 14.

   b. Convenience Goods and Services and Shopping Goods and Services in an OM and OH District or any Office District with a PUD Supplemental District shall be located entirely within the principal building.

   c. Convenience Goods and Services and Shopping Goods and Services in an OM and OH District or any Office District with a PUD Supplemental District shall not occupy more than 15% of the gross floor area of the building in which located.

   d. For Convenience Goods and Services permitted in the OL District, see (see Section 503.C).

3. Eating Establishments Other Than Drive-Ins

   a. Permitted accessory eating establishments are limited to the uses included in Use Unit 12, designed and located for the convenience of the occupants of the principal building.

   b. Eating establishments shall be located entirely within the principal building.

   c. Eating establishments shall not occupy more than 5% of the gross floor area of the building in which located.

4. Accessory Signs

   See Table 5 - 2 for business signs which are permitted accessory uses. For additional information on accessory business signs in Office Districts, see Chapter 11, Signs.

5. Private Clubs - OH Districts Only

   a. Within the OH District the private club shall be located entirely within principal the building and shall not occupy more than 5% of the gross floor area of the building in which located.

b. Within the OH District the principal office structure may include an eating place occupying a maximum of 5% of the gross floor area, a private club occupying a maximum of 5% of the gross floor area and facilities for convenience goods and services and shopping goods and services occupying a maximum of 15% of the gross floor area with a total of not more than 25% of the principal structure being devoted to uses other than offices and studios.

c. The floor area of an eating place, private club, and accessory convenience goods and services and shopping goods and services shall not be permitted to exceed the maximum allowable area for each individual use.

SECTION 503. REQUIREMENTS FOR SPECIAL EXCEPTION USE

The Special Exception Uses, permitted in the Office Districts, as designated in Table 5-1 and Table 5-2, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

A. The accessory use provisions of the Office Districts pertaining to signs apply to signs which are accessory to uses permitted by Special Exception; provided, that each sign permitted shall primarily identify the principal building. Identification of permitted accessory goods and services shall be secondary.

B. Multi-family use in the OL and OM Districts, as specified in Table 5-1, shall comply with the bulk and area requirements of the RM-4 District. Multifamily use in the OH District shall comply with the bulk and area requirements of the RM-6 District.

C. Convenience Goods and Services and Shopping Goods and Services in the OL District shall comply with the following requirements:

1. No Convenience Goods and Services and Shopping Goods and Services shall be permitted unless the principal building shall contain a minimum of 25,000 square feet.

2. Permitted Convenience Goods and Services and Shopping Goods and Services listed below shall be located entirely within the principal building and shall have no exterior pedestrian access except through the general building entrances.

3. Permitted Convenience Goods and Services and Shopping Goods and Services are limited to the following uses and use groupings:

a. Barber shop and beauty shop
b. Book store
c. Florist
f. Newsstand
g. Medical, Dental, Optical and Orthopedic supplies

d. Gifts, Novelty and Souvenir shop
e. Liquor store
(prescription services only)
h. Stationery and Office supplies
i. Tobacco, candy and nut store

4. The permitted Convenience Goods and Services and Shopping Goods and Services listed above shall not occupy more than 10% of the gross floor area of the building in which located. Each use or use grouping shall be limited to a maximum of 2,000 square feet of floor area. If a restaurant and/or private club is requested or existing, the total amount for all accessory uses, including restaurants and private clubs, shall not exceed 12.5% of the gross floor area of the principal building.

5. Each accessory use shall be limited to a maximum of 2,000 square feet of floor area per specific use grouping listed above.

D. Private clubs in the OH District shall comply with the following requirements:

1. The private club shall be located entirely within the principal building.

2. The private club shall not occupy more than 5% of the gross floor area of the building in which located and shall not exceed 2,000 square feet of floor area.

3. Exterior business signs identifying the private club are prohibited.

E. Except as provided in Section 211, Public Protection and Utility Facilities, a minimum lot frontage of 100 feet is required for all Special Exception uses unless the Use Unit requirements are more restrictive, in which case the more restrictive shall control.

F. Barber and beauty shops may be permitted as either accessory or principal uses in an OL, OM, or OH District by Special Exception.

G. Special housing facilities in Use Unit 8 shall meet applicable spacing requirements, whether permitted by Right or Special Exception, in the Use Conditions, and the Off-Street Parking and Loading Requirements as provided in Chapter 15.

H. Mini-storage facilities located in Office Districts shall comply with the following requirements:

1. The building height is limited to 12 feet; however, if the facilities contain an accessory dwelling to be used for management and security purposes, the height of the dwelling shall not exceed 35 feet.

2. The minimum building setback from the centerline of an adjacent arterial street or freeway service road shall be a minimum distance of one-half (1/2) the right-of-way designated on the Major Street Plan plus 50 feet. The minimum building setback from an adjacent nonarterial street shall be 35 feet. The minimum building setback from a freeway and all other boundaries shall be ten (10) feet. However, the Board of Adjustment may allow less building setback in these instances if the wall of the building is also to be used to meet the screening requirement. In no event shall such setback be less than five (5) feet.

3. Building walls on the exterior of the development shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels. Metal or standard (smooth) concrete block exterior walls are not permitted on such exterior.

4. The floor area ratio (FAR) shall not exceed 0.5.

5. Access doors to storage units shall not be visible at ground level from an abutting AR, RS, RST or RT District and shall not be visible from an abutting public street.

6. No hazardous, toxic or explosive materials are permitted to be stored in such facilities.

7. Open air storage is prohibited.

8. The development site shall have frontage on and access to an arterial street unless otherwise provided by the Board of Adjustment.

9. Only one (1) ground sign shall be permitted and the location, size and height of such sign shall be determined by the Board of Adjustment; however, the sign shall not exceed 20 feet in height and 32 square feet of display surface area. Illumination, if any, shall be by constant light.

10. A screening fence or masonry wall (as required by the Board of Adjustment) a minimum of eight (8) feet in height is required along the lot line or lot lines in common within an AR, RS, RST or RT District. The wall of the buildings may be used to comply with this screening requirement with the Board of Adjustment approval and in such case open spaces between perimeter buildings shall be screened with an eight (8) foot masonry wall.

SECTION 504. BULK AND AREA REQUIREMENTS

Every permitted use in an Office District shall be subject to the requirements set forth in Table 5-3 and to such other modifications set forth herein.

TABLE 5 - 3

BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS

	Districts		
	OL	**OM[1]**	**OH[1]**
LOT AREA (Minimum SF)	NA	NA	10,000
FRONTAGE (Minimum Feet)			
Arterial or Freeway Service Road	75	75	100
Not an Arterial or Freeway Service Road	50	50	50
FLOOR AREA RATIO (Maximum)	0.25[2]	0.50	2.00
SETBACK FROM CENTERLINE OF ABUTTING STREET (Minimum Feet) Measured from centerline of abutting street; add, to the distance designated in the column to the right, 1/2 of the right-of-way designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan.			
Arterial or Freeway Service Road	50	50	50
Not an Arterial or Freeway Service Road	25	25	25
SETBACK FROM ABUTTING AR, RS, RST or RT District Boundary Lines (Minimum Feet)	10[3]	10[3]	10[3]
Building Height (Maximum Feet)	18	NA	NA

[1]In the OM and OH District, residential buildings and the residential portions of mixed use buildings shall be subject to the minimum lot area per dwelling unit requirement of the applicable R District.

[2]The Board of Adjustment may allow by Special Exception a maximum floor area ratio (FAR) of 0.40.

[3]Plus 2 feet of setback for each 1-foot of building height exceeding 15 feet if the abutting property is within an AR, RS, RST or RT District.

CHAPTER 6

COMMERCIAL DISTRICT

600. Purposes
601. Principal Uses
602. Accessory Uses
603. Bulk and Area Requirements
604. Special Exception Uses, Requirements
605. Location of Sexually-Oriented Businesses

SECTION 600. PURPOSES OF COMMERCIAL DISTRICTS

A. General Purposes

The Commercial Districts are designed to:

1. Achieve the commercial objectives of the Comprehensive Plan.

2. Meet the needs for commercial services and goods of the metropolitan area and trade area.

3. Preserve and promote the development of efficient, commercial facilities and encourage a compatible relationship between commercial facilities and other land uses and thoroughfares, by:

   a. Differentiating the types and purposes of commercial activities.

   b. Establishing bulk and area controls.

   c. Requiring off-street loading and parking facilities.

   d. Controlling the number, area, location and types of signs.

   e. Protecting the character of commercial districts and their peculiar suitability for commercial uses.

B. Purposes of the CS Shopping Center District

The CS District is designed to accommodate convenience, neighborhood, sub-community, community, and regional shopping centers providing a wide range of retail and personal service uses.

C. Purposes of the CG, General Commercial District

The CG District is designed to:

1. Accommodate existing development of mixed commercial uses which are well established, while providing a degree of protection to adjacent residential areas.

2. Accommodate the grouping of certain commercial and light industrial uses which are compatible with one another.

D. Purposes of the CH, Commercial High Intensity District

The CH District is designed to accommodate high intensity commercial and related uses in areas designated High Intensity by the Comprehensive Plan.

E. Purposes of the CBD, Central Business District

The purposes of the Central Business District are to:

1. Accommodate and encourage the most desirable, most productive, most intense use of land, without regard to the regulation of building height, floor area, land overage or parking space requirements, within the central core area of the City designated by the Comprehensive Plan.

2. Encourage a diversity of high intensity uses which mutually benefit from close proximity to, and from the available services of, the high transportation carrying capacity afforded by the Inner Dispersal Loop.

3. Preserve and promote the public and private investment of the existing central core area.

F. Purpose of the RCM, Residential / Commercial District

Residential and commercial use combined on a single downtown commercial lot. This use can only be on a maximum 50/50 basis, and not permitted outside of the designated Claremore downtown area, as defined by Main Street boundaries identified in the City of Claremore Comprehensive Plan. The RCM District provides and permits the existence and use of apartments and residential living areas within commercial buildings in the original downtown area of the City of Claremore, Oklahoma, subject to the following limitations:

1. Living quarters in the downtown business district must be located in an upper floor of a multi-story building or in the rear of a single-story structure.

2. No entrance to such residential living quarters may open directly form a street into living quarters and no downstairs living quarters may be visible from the street. This restriction shall not apply to a doorway leading to an upstairs apartment.

3. Living quarters in a commercial building shall not comprise more than 50 percent of the total square footage of the building.

4. Occupants of residential living quarters within a commercial business may not utilize more than two on street parking spaces for their personal and/or business motor vehicles.

5. Only single-family* residences may be utilized within a commercial establishment. Multi-family use requires rezoning to an RM classification.

6. Where a commercial establishment is used to accommodate a single-family* residence, that part of the building which is utilized for commercial purposes must conform to the commercial building code and that part which is utilized for residential purposes must conform to the residential building code and requirements.

7. The residential use of commercial property may be leased or rented by the building owner, and shall comprise no more than 50% of the total square footage of the building.

8. The properties which are in use prior to or simultaneously with the passage of this Ordinance, shall be grandfathered in and may continue to be utilized in their present form and purpose. Should such property be sold or conveyed after the passage of this Ordinance, then in that event, all property should be subject to all building code regulations and the requirements, restrictions and limitations of the City of Claremore Building Code and Ordinances.

* Single-family residence is defined as living quarters for a single-family unit.

SECTION 601. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS

The principal uses permitted in the Commercial Districts are designated by use units. The use units are groupings of individual uses and are full described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 12. The use units permitted in Commercial Districts are set forth below in Table 1.

Table 1
Use Units Permitted in Commercial Districts*

Use Units		Districts				
No.	**Name**	**CS**	**CG**	**CH**	**CBD**	**RCM**
1.	Area-Wide Uses	X	X	X	X	
2.	Area-Wide Special Exception Uses	E	E	E	E	
4.	Public Protection and Utility Facilities	X	X	X	X	
5.	Community Services & Similar Uses	X	X	X	X	
6.	Single-Family Dwelling	E	E	E	X*	
7.	Duplex Dwelling	E	E	E	X*	
7a.	Townhouse Dwelling	E	E	X	X	
8.	Multi-Family Dwelling & Similar Uses	E	E	X	X	X
9.	Manufactured Home Dwelling		E	E		
10.	Off-Street Parking Areas	X	X	X	X	
11.	Offices, Studios & Support Services	X	X	X	X	
12.	Eating Establishments Other than Drive-Ins	X	X	X	X	
12a.	Adult Entertainment Establishments	X**	X**	X**		
13.	Convenience Goods and Services	X	X	X	X	X
14.	Shopping Goods and Services	X	X	X	X	X
15.	Other Trades and Services	E	X	X	X	X
16.	Mini-Storage	E	X	X	X	
17.	Automobile and Allied Activities	E	X**	X**		
18.	Drive-In Restaurants	E	X	X	X	
19.	Hotel, Motel and Recreational Facilities	X	X	X	X	
20.	Commercial Recreation, Intensive	E	E	E	E	
21.	Business Signs and Outdoor Advertising	X	X	X	X	X
22.	Scientific Research and Development		E	X	X	
23.	Warehousing and Wholesaling		E	X	X	
25.	Light Manufacturing and Industry		E	E		

X = Use by Right
*X = Mixed Land Use in Downtown Historical Boundaries
**X = Use Unit 12a. and auto body painting within Use Unit 17 uses, require Board of Adjustment approval of a Special Exception if the lot containing either of these uses is within 150 feet of R zoned land, other than streets or freeways which are in R Districts.
E = Special Exception

SECTION 602. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in a commercial district are permitted in such district.

B. Accessory Use Conditions

1. Accessory buildings shall meet the minimum building setback lines of the applicable district.

2. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall herewith, and shall comply with the requirements applicable to the principal building.

3. Signs in the commercial districts, whether accessory or principal uses are subject to the use conditions of Use Unit 21.

SECTION 603. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS

Table 2
Bulk and Area Requirements in the Commercial Districts

	Districts			
	CS	**CG**	**CH**	**CBD**
FRONTAGE (Minimum Feet)				
Arterial or Freeway Service Road	150	100	NA	NA
Not an Arterial or Freeway Service Road	50	50	NA	NA
FLOOR AREA RATIO (Maximum)	.50	.75	NA	NA
SETBACK FROM CENTERLINE OF ABUTTING STREET (Minimum Feet) MEASURED FROM CENTERLINE of abutting street; add to the distance designated in the column to the right, ½ of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan:				
Arterial or Freeway Service Road	50	50	0	0
Not an Arterial or Freeway Service Road	25	25	0	0
SETBACK FROM ABUTTING R DISTRICT BOUNDARY LINES (Min. Ft.)	10*	10*	0	0
BUILDING HEIGHT (Maximum Feet)	NA	NA	NA	NA

* Plus 2 feet of setback for each 1-foot building height exceeding 15 feet, if the abutting property is within an RE, RS or RD District.

SECTION 604. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS, REQUIREMENTS

The Special Exception uses permitted in commercial districts, as designated in Table 1, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

A. Multi-family use where permitted by Special Exception shall comply with the bulk and area requirements of the RM-2 District.

B. Except as provided above, all Special Exception uses shall comply with the bulk and area requirements of the use district in which it is located.

C. Drive-in restaurants where permitted by Special Exception are subject to the following requirements and conditions:

1. Eating establishments which encourage or permit substantial in-car on-premise consumption of food shall be permitted within commercial shopping districts only in such locations as it will not interfere with or detrimentally affect any adjoining or nearby residential properties.

2. All lighting shall be directed toward the proposed drive-in facility and away from any neighboring Residential Districts. Area-wide loudspeakers or paging systems will not be allowed.

3. Traffic circulation shall be reviewed and approved by the Traffic Engineering Department, including the location of ingress and egress points.

4. The subject tract of land (proposed development site) shall have a minimum of 140 feet of frontage on a designated major arterial street.

D. Uses included within Use Units 15 and 20 where permitted by Special Exception are subject to the following requirements:

1. The permitted uses will not interfere with or detrimentally affect any adjoining or nearby residential properties.

2. Traffic circulation shall be viewed and approved by the Traffic Engineering Department, including the location of ingress and egress points.

3. The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a non-arterial street.

E. Special housing facilities in Use Unit 8 (Multi-family) shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 15.

F. Manufactured home development where permitted by Special Exception shall comply with the following bulk and area requirements:

1. The Manufactured Home Development:

Tract Area (Minimum)	2 acres
Tract Width (Minimum)	150 feet
Land Area per Dwelling Unit (Minimum)	4,300 sq. ft.
Livability Space per Dwelling Unit (Minimum)	200 sq. ft.

Livability Space shall be provided in common areas of not less than 4,000 square feet, located so as to be conveniently accessible to the manufactured homes it is intended to serve.

Setback Abutting a Public Street: (Minimum)

MEASURED FROM THE CENTERLINE; add to the distance designated in the column to the right, ½ of right-of-way width designated on Major Street Plan, or 25 feet, if not designated on Major Street Plan:

Abutting an Arterial or Freeway Service Road	35 feet
Not abutting an Arterial or Freeway Service Road	25 feet

Setback from perimeter boundaries, Except where abutting a public street	10 feet
Height (Maximum)	One-Story

6' screening fence (Minimum) along entire boundary abutting an R District

2. Internal Requirements:

Minimum Private Street Surfacing Width	20 feet
Minimum Off-Street Paved Parking Spaces per Unit	2
Manufactured Home Setback from Internal Private Street (Min.)	10 feet
Separation Between Manufactured Homes (Min.)	10 feet

SECTION 605. LOCATION OF SEXUALLY-ORIENTED BUSINESSES

A. Definitions

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

   a. Sexual Conduct includes the following:

      (1) The fondling or other touching of human genitals, pubic region, buttock, or female breasts.
      (2) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy.
      (3) Masturbation .
      (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

   b. Specified Anatomical Areas include the following:

      (1) Human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.

      (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

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

   a. Adult Amusement or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to Sexual Conduct or Specified Anatomical Areas, as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

   b. Adult Bookstore: An establishment wherein 10% or more of its display area consists of books, films, videos, magazines, periodicals, games, novelties or other materials which are distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas (hereinafter referred to as "sexually -oriented materials").

      Display Area as used herein shall be measured as follows:

      For bookshelves, magazine racks and similar display devices, display area shall be calculated by multiplying the length times the width of such devices. If sexually-oriented materials are mixed with non-sexually oriented materials in or on such devices, the entire device shall be considered as consisting of sexually-oriented materials.

For table tops, counters, display cases and similar display devices, display area shall be calculated by multiplying the length times the width of each surface on which merchandise is displayed. If sexually oriented materials are mixed with non-sexually oriented materials on such surfaces, the entire surface shall be considered as consisting of sexually-oriented materials.

For walls, display area shall be the area of the wall enclosed by the smallest imaginary rectangle which contains each item.

The display area of merchandise hanging or suspended from the ceiling shall be calculated by multiplying the item's length or width, whichever is longer, times the item's height.

c. Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas.

d. Adult Motel: A motel wherein material is presented, as part of the motel services, via closed circuit T.V. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas.

e. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas.

f. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas.

g. Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with Sexual Conduct or where any person providing such treatment, manipulation or service related thereto exposes Specified Anatomical Areas.

h. Model Studio: Any place other than university or college art classes where, for any form of consideration or gratuity, figure models who display Specific Anatomical Areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

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

B. Prohibition

No person shall exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any of the sexually-oriented businesses as defined in Section 605.A., in an area zoned other than CS, CG, CH, and/or CBD. In addition, no person shall exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any of the sexually-oriented businesses, as defined in Section 605.A., within:

1. **1,000 feet from any other sexually-oriented business.** The 1,000 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a sexually-oriented business is conducted, to the nearest point of the wall of the portion of the building in which another sexually-oriented business in conducted.

2. **300 feet from a church.** Church as used herein shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a sexually-oriented business is conducted to the nearest point of the church. Provided, however, for a church use located in a building principally used for commercial or office purposes (as in a shopping center), the 300 feet shall be measured to the nearest building wall of the portion of the building used for church purposes.

3. **300 feet from a school** of the type which offers a compulsory education curriculum. School as used herein shall mean all contiguous property owned or leased by a school upon which located the principal school building(s) irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a sexually-oriented business is conducted to the nearest point of the school.

4. **300 feet from a public park or private park.** The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the park.

5. **300 feet from areas zoned residential.** The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a sexually-oriented business is conducted, to the nearest point on a Residential Zoning District boundary line (not including residentially zoned expressway right-of-way).

Provided further that the Board of Adjustment may permit by Special Exception sexually-oriented businesses, as defined in Section 605.a in an IL, IM or IH District, subject to the distance limitations set forth herein.

The establishment of a sexually-oriented business shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in Section605.a.

C. Nonconforming Uses

Any business lawfully existing as of the effective date of this Ordinance that is in violation hereof shall be deemed a nonconforming use. Such a nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason whatsoever or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two or more sexually-oriented businesses are within 1,000 feet of one another and otherwise in a permissible zone, the first such sexually-oriented business licensed and continually operating at a particular location shall be the conforming use and the later established business(es) shall be nonconforming.

Nothing in this Ordinance is intended to make legal any business or activity that is expressly declared illegal under the provision of this Code or under any state or federal laws.

CHAPTER 7

SCIENTIFIC RESEARCH AND DEVELOPMENT DISTRICT (SR)

700. Purpose
701. Principal Uses
702. Accessory Uses
703. Bulk and Area Requirements
704. Requirements for Special Exception Use

SECTION 700. PURPOSE

The SR District is designed to provide an environment conducive to the development and conservation of modern, scientific research facilities and related institutions.

SECTION 701. PRINCIPAL USES

The principal uses permitted in the Scientific Research District are designated by Use Units. The Use Units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 15. The Use Units permitted in the SR District are set forth in Table 7 - 1 below.

TABLE 7 - 1

USE UNITS PERMITTED IN SCIENTIFIC RESEARCH DISTRICT[1]

Use Units		District
No.	Name	SR
1.	Area-Wide Uses	X
2.	Area-Wide Special Exception Uses	E
4.	Public Protection and Utility Facilities	X[2]
10.	Off-Street Parking Areas	X
11.	Offices, Studios & Support Services	X
23.	Scientific Research and Development	X

[1]X = Use by Right
E = Special Exception
[2]Antennas and Antenna Supporting Structures shall be allowed by Right only if in compliance with Section 804 of this Ordinance. In all other cases Accessory Antennas and Antenna Supporting Structures shall require approval of a Special Exception from the Board of Adjustment in accordance with Section 1504.

SECTION 702. ACCESSORY USES

A. Accessory Uses Permitted

Accessory uses customarily incidental to a principal use permitted in an SR District are permitted in such District.

B. Accessory Use Conditions

1. Accessory buildings shall meet the minimum building setback lines of the District.

2. An accessory building erected as an integral part of the principal building shall be structurally a part thereof, shall have a common wall therewith, and shall comply with the requirements applicable to the principal building.

3. Business Signs

   a. Business signs in the SR District shall comply with the requirements of this section and, in addition, shall comply with the general use conditions for business signs as provided in Chapter 11. Where the requirements of this section are greater or more restrictive than the above-specified requirements, the requirements of this section shall apply.

   b. The sign shall not exceed one-half (1/2) of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be permitted to exceed 300 square feet in display surface area.

   c. Signs, if visible from an R District other than street, highway or freeway right-of-way, or if visible from a Designated Residential Development Area in a Planned Unit Development shall be setback from such District or Area a minimum distance of 50 feet.

   d. Ground signs shall not exceed 30 feet in height.

   e. Illumination, if any, shall be permitted only by constant light.

   f. Any ground sign shall maintain a minimum separation of 100 feet from any other ground sign.

   g. The maximum number of ground signs per lot of record shall be one (1) per 200 feet of arterial street frontage or fraction thereof.

   h. Roof signs are prohibited.

4. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be located on each arterial street frontage of the development. The sign shall not exceed one-half (1/2) of a square foot for each lineal foot of arterial street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 400 square feet of display surface area. The sign shall not exceed 15 feet in height, and illumination, if any, shall be permitted only by constant light.

5. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed 32 square feet in display surface area, nor 15 feet in height, and illumination, if any, shall be permitted only by constant light.

SECTION 703. BULK AND AREA REQUIREMENTS

Every use permitted in an SR Scientific Research Development District shall be subject to the requirements set forth on Table 7-2 and to such other modifications as set forth herein.

TABLE 7 - 2

BULK AND AREA REQUIREMENTS IN THE SR DISTRICT

	SR District
FRONTAGE (Minimum)	200 feet
FLOOR AREA RATIO (Maximum)	0.50
SETBACK FROM CENTERLINE OF ABUTTING STREET (Minimum) Measured from centerline of abutting street; add to the distance designated in the column to the right, one-half 1/2 of the right-of-way width designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan:	
Arterial or Freeway Service Road	50 feet
Not an Arterial or Freeway Service Road	50 feet
SETBACK FROM ABUTTING AR, R, or O DISTRICT BOUNDARY LINES (Minimum)*	50 feet
BUILDING HEIGHT (Maximum) *	NA

* Buildings which abut an AR, R or O District shall be setback an additional two- (2) feet for each foot of building height exceeding 35 feet. Does not apply when SR District abuts a freeway zoned as an Agricultural, Residential or Office District; however, in those instances a 10 foot minimum setback shall be required.

SECTION 704. REQUIREMENTS FOR SPECIAL EXCEPTION USE

A. Special Exception uses shall conform to the bulk and area requirements of the use District.

B. Special housing facilities in Use Unit 2, Area-Wide Special Exception Uses, shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 15.

CHAPTER 8

INDUSTRIAL DISTRICT PROVISIONS

800. Purposes
801. Principal Uses
802. Accessory Uses
803. Bulk and Area Requirements
804. Special Exception Uses, Requirements

SECTION 800. PURPOSES OF INDUSTRIAL DISTRICTS

A. General Purposes

The Industrial Districts are designed to:

1. Achieve the industrial objectives of the Comprehensive Plan.

2. Meet the needs for industrial services and goods of the metropolitan area and trade area.

3. Preserve and promote the development of efficient industrial areas and to minimize the adverse affects of industrial uses on other land uses and thoroughfares by:

   a. Differentiating the types and purposes of industrial activities.

   b. Establishing bulk and area controls.

   c. Requiring off-street loading and parking facilities.

   d. Controlling the number, area, location, and types of signs.

   e. Protecting the character of industrial districts and their peculiar suitability for industrial uses.

B. Purposes of the (IL) Industrial Light District

The IL District is designed to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities which have no objectionable environmental influences.

C. Purposes of the (IM) Industrial Moderate District

The IM District is designed to group together a wide range of industrial uses, which may produce moderately objectionable environmental influences in their operation and appearance.

D. Purposes of the (IH) Industrial Heavy District

The IH District is designed to provide areas for manufacturing and other industrial activities which may constitute substantial environmental influences or hazards.

SECTION 801. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS

The principal uses permitted in the Industrial Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 12. The use units permitted in the Industrial Districts are set forth below in Table 1.

Table 1
Use Units Permitted in Industrial Districts*

Use Units		Districts		
No.	Name	IL	IM	IH
1.	Area-Wide Uses	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E
3.	Agriculture	X	X	X
4.	Public Protection and Utility Facilities	X	X	X
5.	Community Services & Similar Uses	E	E	E
9.	Manufactured Home Dwelling	E	E	E
10.	Off-Street Parking Areas	X	X	X
11.	Offices, Studios & Support Services	X	X	X
12.	Eating Establishments Other than Drive-Ins	E	E	E
12a.	Adult Entertainment Establishments	E	E	E
13.	Convenience Goods and Services	E	E	E
14.	Shopping Goods and Services	X	X	X
15.	Other Trades and Services	X	X	X
16.	Mini-Storage	X	X	X
17.	Automobile and Allied Activities	X	X	X
18.	Drive-In Restaurants	E	E	E
19.	Hotel, Motel and Recreational Facilities	E	E	E
20.	Commercial Recreation, Intensive	E	X	X
21.	Business Signs and Outdoor Advertising	X	X	X
22.	Scientific Research and Development	X	X	X
23.	Warehousing and Wholesaling	X	X	X
24.	Mining and Mineral Processing		E	E
25.	Light Manufacturing and Industry	X	X	X
26.	Moderate Manufacturing and Industry	E	X	X
27.	Heavy Manufacturing and Industry		E	X
28.	Junk and Salvage Yards		E	X

*X = Use by Right
E = Special Exception
# = Residential Treatment and Transitional Living Centers are allowed by right in IL Districts.

SECTION 802. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Industrial District are permitted in such district.

B. Accessory Use Conditions

1. Accessory buildings shall meet the minimum building setback lines of the applicable district.
2. An accessory building erected as an integral part of the principal building shall be structurally a part thereof, shall have a common wall therewith, and shall comply with the requirements applicable to the principal building.
3. Accessory storage of materials, equipment, or products, within 200 feet of an abutting R District, shall be screened by the erection of a screening wall or fence along the lot line or lines in common with the abutting R District.
4. Accessory Signs in the IL, IM and IH Districts are subject to the use conditions of Use Unit 21.

SECTION 803. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS

Table 2
Bulk and Area Requirements in the Industrial Districts

Districts	IL	IM	IH
FRONTAGE (Min. Ft.)			
Arterial or Freeway Service Road	150	200	200
Not an Arterial or Freeway Service Road	50	50	50
FLOOR AREA RATIO (Maximum)	NA	NA	NA
SETBACK FROM CENTERLINE OF ABUTTING STREET (Min. Ft.)			
MEASURED FROM CENTERLINE of abutting street; add to the distance designated in the column to the right, ½ of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan:			
Arterial or Freeway Service Road	50	50	50
Not an Arterial or Freeway Service Road	25	25	25
SETBACK FROM ABUTTING AG, R, or O DISTRICT BOUNDARY LINES* (Min. Ft.)	75	75	75
BUILDING HEIGHT (Max. Ft.)	NA	NA	NA

* Does not apply when lot abuts a Freeway zoned AG, R, or O; however, in those instances a 10-foot setback shall be required.

SECTION 804. SPECIAL EXCEPTION USES, REQUIREMENTS

A. Special Exception uses shall conform to the bulk and area requirements of the use district in which it is located.

B. Special housing facilities in Use Unit 2 (Are-Wide Special Exception Uses), shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 12.

C. Manufactured home development where permitted by Special Exception shall comply with the following bulk and area requirements:

1. The Manufactured Home Development:

Tract Area	(Minimum)	2 acres
Tract Width	(Minimum)	150 feet
Land Area per Dwelling Unit	(Minimum)	4,300 sq. ft.
Livability Space per Dwelling Unit	(Minimum)	200 sq. ft.

Livability Space shall be provided in common areas of not less than 4,000 square feet, located so as to be conveniently accessible to the manufactured homes it is intended to serve.

Setback Abutting a Public Street: (Minimum)

MEASURED FROM THE CENTERLINE, add to the distance designated in the column to the right, ½ of the right-of-way width designated on Major Street Plan, or 25 feet, if not designated on Major Street Plan:

Abutting an Arterial or Freeway Service Road	35 feet
Not abutting an Arterial or Freeway Service Road	25 feet

Setback from perimeter boundaries, except where abutting a public street		10 feet
Height	(Maximum)	One-Story

6' screening fence (Minimum) along entire boundary abutting an R District

2. Internal Requirements:

Minimum Private Street Surfacing Width	20 feet
Minimum Off-Street Paved Parking Spaces per Unit	2
Manufactured Home Setback from Internal Private Street (Min.)	10 feet
Separation Between Manufactured Homes (Min.)	10 feet

CHAPTER 9

MINING DISTRICT

900. Purpose
901. Principal Uses
902. Bulk And Area Requirements

SECTION 900. PURPOSE

The purpose of the (M) Mining District is to encourage and facilitate the mining and quarrying of minerals other than oil or gas. For oil and gas extraction and related information see Section 1531.

SECTION 901. PRINCIPAL USES

The principal uses permitted in the (M) Mining District are as follows:

A. All uses permitted in the AG District, as regulated therein and mining and related services per Use Unit 25, Mining and Mineral Processing; and

B. Uses permitted by Right shall include Use Unit 25, Mining and Mineral Processing to include the processing of mineral products and the mining, quarrying, or extraction of, including, but not limited to, coal, ore, stone, sand, gravel, clay or earth. However, those uses included in Section 1531, Oil and Gas Extraction, are specifically excluded from this Use Unit and the (M) Mining District.

SECTION 902. BULK AND AREA REQUIREMENTS

The Bulk and Area Requirements in the (M) Mining District shall be the same as the (AG) Agriculture IDistrict.

CHAPTER 10

PARKING DISTRICT

1000. Purpose
1001. Principal Uses Permitted in Incorporated Areas
1002. Accessory Uses Permitted in Incorporated Areas
1003. General Use Conditions in Incorporated Areas
1004. Bulk and Area Requirements in Incorporated Areas
1005. Principal Uses Permitted in Unincorporated Areas
1006. Bulk and Area Requirements in Unincorporated Areas

SECTION 1000. PURPOSE

The purpose of the (P) Parking District is:

A. To permit the establishment of off-street parking areas for passenger vehicles in order to reduce congestion on the public streets and to enhance the efficiency and convenience of institutional, multi-family, office, commercial, and industrial uses which would be served by the off-street parking areas; and

B. To promote a compatible relationship between off-street parking facilities and other land uses by establishing bulk and area, design, screening and sign requirements and limitations.

SECTION 1001. PRINCIPAL USES PERMITTED IN INCORPORATED AREAS

The principal uses permitted in P District are designated by Use Units. Use Units are groupings of individual uses and are fully described, including their respective requirements and other use conditions in Chapter 15. Use Units permitted in the District are set forth in Table 10 - 1 below. Where an "X" appears in the column of the District, the Use Unit opposite the "X" is permitted by Right in that District.

TABLE 10 - 1

USE UNITS PERMITTED IN THE PARKING DISTRICT: INCORPORATED AREAS ONLY

No.	Use Unit	P District
1.	Area-Wide Uses by Right	X
10.	Off-Street Parking Areas	X

X = Use by Right

SECTION 1002. ACCESSORY USES PERMITTED IN INCORPORATED AREAS

A. Accessory Uses Permitted

Accessory uses customarily incidental to a principal use permitted in a P District are permitted in such District as set forth in Table 10 - 2 below.

TABLE 10 - 2

ACCESSORY USES PERMITTED IN THE PARKING DISTRICT: INCORPORATED AREAS

No.	Uses	P District
1.	Identification Signs	P
2.	Real Estate Signs	P
3.	Attendants Building	P

B. Accessory Use Conditions

1. The regulation of permitted accessory signs in the P District shall be as stated in Chapter 11.

2. The use of an attendant building shall be limited to the customary activities incidental to the management and operation of a parking facility. The building shall not exceed one (1) story in height nor 5% lot coverage.

SECTION 1003. GENERAL USE CONDITIONS IN INCORPORATED AREAS

A. A minimum of ten (10) percent of the lot shall remain pervious and be landscaped.

B. Unenclosed parking areas which are contiguous to an AG or R District shall be screened by the erection of an eight (8) foot screening wall or fence on the lot line or lines in common with an AG or R District. Unenclosed parking areas that are separated from an AG or R District only by a nonarterial street shall be screened by the construction and maintenance of a screening wall, fence or landscaped berm or combination thereof a minimum of three (3) feet in height along the property line opposite the adjacent AG or R District.

C. Additional design standards shall apply as set forth in Chapter 16, Off-Street Parking and Off-Street Loading, of this Ordinance.

SECTION 1004. BULK AND AREA REQUIREMENTS IN INCORPORATED AREAS

Every use permitted in an Industrial District shall be subject to the requirements set forth in Table 10-3 and to such other modifications set forth herein.

TABLE 10 - 3

BULK AND AREA REQUIREMENTS IN THE OFF-STREET PARKING DISTRICT

	P District
FRONTAGE (Minimum)	20 feet
LOT COVERAGE OF BUILDING AND PARKING SURFACE AREA (Maximum)	90%
BUILDING SETBACK FROM ABUTTING AO, AR, RS OR RD DISTRICT (Minimum)*	10 feet
Setback from centerline of abutting street, add to the distance designated in the column to the right, one half (1/2) of the right-of- way designated on the Major Street Plan or 25 feet if not designated on the Major Street Plan (Minimum)	
Arterial or Freeway Service Road	15 feet
Not an Arterial or Freeway Service Road	10 feet

* Plus two (2) feet of setback for each one (1) foot building height exceeding 15 feet.

SECTION 1005. PRINCIPAL USES PERMITTED IN UNINCORPORATED AREAS

Uses permitted in unincorporated areas in the P District shall be as follows:

A. All uses permitted in the least restrictive contiguous Residential District, as regulated therein; and

B. Off-street parking lots which are accessory to principal uses on other lots which may be in Office Districts, Commercial Districts, Industrial Districts or Mining Districts, are subject to the requirements of Chapter 16.

SECTION 1006. BULK AND AREA REQUIREMENTS IN UNINCORPORATED AREAS

A. Residential Uses

The same regulations shall apply as are provided for residential uses in the least restrictive contiguous Residential District.

B. Off-Street Parking Uses

The same regulations shall apply for off-street parking use as are provided in Section 1510, Use Unit 10 and Chapter 16.

C. Other Uses

The same regulations shall apply as are provided for residential uses in the least restrictive contiguous Residential District.

CHAPTER 11

SIGNS

1100. Purpose and Intent
1101. Applicability
1102. Sign Permit Required
1103. Exempted Signs
1104. Temporary Signs
1105. Prohibited Signs
1106. General Use Conditions For Business Signs
1107. Business Sign Restrictions by Zoning District
1108. Animated, Flashing, Changeable Copy, Running Light, Intermittently Lighted, Revolving Signs or Signs with Movement
1109. Maintenance
1110. Nonconforming Signs

SECTION 1100. PURPOSE AND INTENT

Exterior signs have an immediate impact on the character of the City or County. As a clearly visible part of the urban environment, signs may attract or repel the viewing public, affect the safety of pedestrian and vehicular traffic and help set the character of neighborhoods. For these reasons this Chapter establishes minimum standards to promote the quality of life, health, safety, welfare, convenience and enjoyment of the public by regulating the design, quality of the materials, construction, location, electrification and maintenance of all signs and advertising devices visible from public rights-of-ways.

SECTION 1101. APPLICABILITY

All signs not specifically exempted herein shall comply with the provisions of this Chapter and all other applicable provisions of other regulations of the City or County. (See also Section 1521 for regulation of Outdoor Advertising Signs)

SECTION 1102. SIGN PERMIT REQUIRED

A. Unless otherwise provided in this Chapter, it shall be unlawful to construct, modify or relocate any sign without first obtaining a sign permit.

B. No sign shall be constructed unless it complies with all applicable ordinances and codes, including, but not limited to the Electrical and Building Codes.

C. A sign permitted as a business sign shall not be changed to an outdoor advertising sign without a permit.

SECTION 1103. EXEMPTED SIGNS

The following signs shall not be prohibited by this Ordinance and shall not be included in the computation of display surface area:

A. Temporary signs per Section 1104;

B. One nameplate attached to the face of the wall and not exceeding four (4) square feet in surface area;

C. Signs which are not visible from the public street;

D. Tablets built into the wall of a building or other structure and used for inscriptions, memorial tablets, or for similar purposes;

E. Signs of warning, directive, instructional or informational nature constructed by a public utility, franchised transportation company, or government agency;

F. Legal notices and street numbers;

G. Window signs;

H. Signs not exceeding four (4) square feet of display surface area of a warning directive or instructional nature such as entrance, exit, or restroom signs;

I. Signs which are attached as labels of a commodity offered for sale;

J. Signs on accessory equipment or structures (such as signs on a satellite dish, air conditioner or fence) identifying the manufacturer, make and model shall be limited to 14.4 square inches for each piece of equipment or structure; and

K. One banner attached to the wall of a building not exceeding 32 square feet.

SECTION 1104. TEMPORARY SIGNS

The following temporary signs are permitted as follows:

A. Special event signs which advertise or promote a special event:

1. Shall be allowed for 30 days; and

2. Shall be removed within 24 hours after the termination of the event.

B. Temporary Real Estate Signs

Temporary Real Estate signs advertising a residential, office, commercial, industrial or subdivision development or the sale, rental or lease of the premises are permitted. The maximum number permitted is one (1) per street frontage. Temporary Real Estate signs are also regulated by Zoning Districts as follows:

1. Real Estate Signs in AG, AI or I Districts

The sign shall not exceed 80 square feet in surface area or 15 feet in height. Illumination, if any, is permitted only by constant light.

2. Real Estate Signs in R Districts

The sign shall not exceed eight (8) square feet in display surface area, or exceed eight (8) feet in height. Illumination, if any, is permitted only by constant light.

3. Real Estate Signs in the P, O, SR or C Districts

The sign shall not exceed 32 square feet of Display Surface Area, nor exceed 15 feet in height. Illumination, if any, is permitted only by constant light.

C. Temporary Construction Signs

1. The maximum number of Temporary Construction Signs permitted is one (1) per street frontage.

2. Temporary Construction Signs may be located on each street frontage of the development.

3. The signs shall not exceed one-half (1/2) of a square foot of Display Surface Area per each lineal foot of street frontage. However, in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 400 square feet of Display Surface Area.

4. The signs shall not exceed 15 feet in height.

5. Illumination, if any, is permitted only by constant light.

6. Temporary Construction Signs in R Districts shall be regulated as follows:

   a. During the initial period of construction, not to exceed 18 months, a sign advertising the construction of improvements on the premises may be constructed on each perimeter street frontage of the development.

   b. After the initial 18 month period of construction, the construction sign Display Surface Area shall be reduced to an area not to exceed eight (8) square feet in Display Surface Area, and the height shall be reduced to a maximum of eight (8) feet.

D. No such signs on any lot shall exceed a total aggregate of 0.1 square feet of Display Surface Area for each foot of street frontage upon which said sign or signs are located.

SECTION 1105. PROHIBITED SIGNS

A. Signs which otherwise require and have not been issued a sign permit shall not be located in any District.

B. No sign other than those placed by agencies of government shall be placed on any public property or shall be permitted to extend into or be placed within the public right-of-way, other than projecting signs as specifically allowed per Section 1106.C.4 in the CG District.

C. All advertising media, including commercial banners, which are located on or within the public right of way, unless otherwise permitted.

D. Any sign that is attached to a utility pole, curb, sidewalk, lamppost, hydrant, bridge, highway marker, highway regulatory sign, or mailbox, on public property, except official notices.

E. Any sign which may interfere with the view of or be confused with any traffic control sign, signal or devise, or any sign which may interfere with, mislead or confuse traffic, or reduce visibility at any street intersection, change in alignment or driveway entrance or exit.

F. Any sign located within the Sight Distance Triangle. (See Section 212 and Figure 2-1).

G. No real estate sign shall be permitted if it advertises property for uses other than for which the property is zoned or incorrectly states the zoning of the property.

H. No sign may be painted on or mounted on the roof of any structure. Roof signs lawfully existing on the effective date of this Ordinance or amendment hereto, are regulated by Chapter 17, Nonconformities.

I. No sign shall be placed on any utility pole except for utility identification purposes, nor shall any sign be painted on any tree or rock.

J. Strobe lights, beacon lights or revolving lights are prohibited if visible from a public street unless otherwise permitted by law. (See Section 221).

SECTION 1106. GENERAL USE CONDITIONS FOR BUSINESS SIGNS

A. The number of signs, total area of all sign faces, location and design standards, excluding any signs exempted by Section 1103, on any lot or any street frontage must adhere to the restrictions established in this Chapter.

B. The maximum number of business signs and maximum permitted Display Surface Area permitted per lot of record is as designated for each Zoning District; however, wall signs are not included in this computation.

C. Display Surface Area - General Information

1. Ground and Projecting Signs

The Display Surface Area of a ground or projecting sign shall include the area enclosed by the minimum imaginary rectangles which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A view point for this projection is to be taken which gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, the measurement shall be taken when the elements are fully extended and parallel to the plane of view.

2. Wall Signs

The Display Surface area of a Wall Sign is the sum of the area of the minimum imaginary rectangles enclosing each word attached to any particular facade.

3. Double or Multifaced Signs

Unless otherwise specified only one (1) side of a Double or Mulitfaced Sign shall be included in a calculation of sign area. However, each additional sign face shall be calculated as another sign.

4. Projecting Signs

a. No Projecting Sign shall project over a public right-of-way except in the CG District.

b. No Projecting Sign shall extend closer than two (2) feet to the curb line or edge of pavement; and

c. No Horizontal Projecting Sign shall exceed 50 square feet in display surface area.

5. Multiple Signs on a Single Structure

When a business has more than one (1) sign on a single structure, the sign area is to be calculated by individual geometric shapes of each sign.

6. Display Surface Area Computation Based on Lineal Footage

In computing permitted Display Surface Area for signs, the lineal footage of an abutting non-arterial street shall not be combined with the lineal footage of any abutting arterial street, freeway or freeway service road which is included in the computation of the permitted Display Surface Area.

D. Maximum Sign Height and Location

1. The maximum permitted sign height shall be measured from the average level of the grade below the sign to the topmost point of the sign or sign structure.

2. Except or unless otherwise provided herein no sign or sign structure shall exceed the following heights:

a. The maximum permitted height is 20 feet in A, R, P, O, C-1 or SR Districts.

b. The maximum permitted height is 30 feet in CG, CH, IM, IIH, or M Districts.

3. Any sign or sign structure located within 165 feet of the right-of-way line of a State Highway, US Highway, Interstate Highway or other toll road or freeway may be erected to a height of not more than 45 feet above grade level of such thoroughfare at the point thereon nearest such sign or structure.

4. No sign or sign structure shall be erected to a height greater than the horizontal distance from such sign or structure to the nearest other property in an R or O District.

E. Setbacks

1. Signs and all parts thereof must be setback from the centerline of an abutting street one-half (1/2) of the right-of-way width designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan.

2. Signs, other than those permitted in an R District, if visible from such District other than a street, highway or freeway right-of-way, or if visible from a PUD Designated Residential Development Area, must be set back from such District or Area a minimum distance of 50 feet.

3. Signs with a Display Surface Area larger than 300 square feet, which are visible from an R District other than a street, highway or freeway right-of-way or if visible from a Designated Residential Development Area, must be set back at least 300 feet from such District or Area.

4. Signs shall be setback a minimum distance of ten (10) feet from a freeway right-of-way.

F. Illumination shall not exceed 70 foot candles measured from a two (2) foot distance from the lighted area of the sign face.

SECTION 1107. BUSINESS SIGN RESTRICTIONS BY ZONING DISTRICT

A. Number of Signs

The number of ground, projecting or roof signs and total area of all sign faces, exclusive of temporary signs and wall signs, on any lot or on any street frontage of any lot, shall not exceed the number and areas set forth in Table 11–1 below and be regulated as otherwise specified herein.

TABLE 11 - 1

MAXIMUM NUMBER AND MAXIMUM DISPLAY SURFACE AREA OF SIGNS*

Type of Use and Type of Control - Maximum	RS RM, RT	AG, O, CS, CG, SR, IL	CG CH	I-2	IM IH
One-and two-family dwellings:					
Number of signs per dwelling unit	1				
Area (sq. ft.) of signs per dwelling unit	2				
Home Occupations**					
Number of signs per dwelling unit	1				
Area (sq. ft.) of signs per dwelling unit	2				
Multi-family dwellings, townhouse developments, manufactured home parks, institutions and similar uses					
Number of signs per premises	1				
Area (sq. ft.) of signs per premise	12				
All uses on one premise:					
Square feet of sign area per lineal foot of street frontage	0.5	0.5	1.0	1.5	2.0

*See Section 1106 for sign types, Display Surface Area, height and number permitted.
**See Section 402.B.7.

B. Permitted Display Surface Area of Signs

In the case of a lot abutting two (2) or more streets, the permitted Display Surface Area of any sign or group of signs shall be computed on the basis of the street frontage on the street nearest such sign or signs. For this purpose, the term "frontage" shall be considered as referring to all abutting streets, whether they abut the front or the side of the lot.

C. Signs for the Sale, Lease or Rental of Property

In addition to the area of signs permitted on any lot above, there shall be permitted on each street frontage of any lot a sign advertising the sale, lease or rental of property on which it is situated. No such signs on any lot shall exceed an aggregate Display Surface Area of 0.1 square feet for each lineal foot of street frontage on which they are located and as otherwise provided in Section 1104.

D. General Standards

1. Wall Signs

   a. A Wall Sign shall not extend above the top of the parapet or building wall on which it is located. However, in instances where the height of the parapet or building wall or where construction or architectural features will not permit a Wall Sign of three (3) feet in height, said sign may extend above the parapet or building wall a distance which will permit a sign of three (3) feet in height.

   b. Wall signs shall not exceed an aggregate Display Surface Area of two (2) square feet per each lineal foot of building wall to which the sign or signs is attached.

2. No sign is permitted to be located upon or constructed within a required parking space or loading berth, nor may a sign cause any hazard to a motor vehicle or pedestrian traffic exiting, entering or traveling within the site on which it is located.

3. No sign shall be permitted in the right-of-way of any public street unless approval is given by the Board of Adjustment and a removal agreement has been entered into by the sign owner with the City or County.

4. Projecting or Ground Signs must maintain a minimum separation of 30 feet from any other projecting, ground, business or outdoor advertising sign.

5. No sign shall extend more than one (1) foot into a required front yard or exterior side yard except for the following:

   a. Projecting Signs in a CG District, as provided in Section 1106.C.4; and/or

   b. A sign having a Display Surface Area of not more than 12 square feet identifying a shopping center, scientific research and development or industrial park having a minimum lot area of two and one-half (2 ½) acres.

c. Identification and direction signs, each not exceeding four (4) square feet in area.

d. One customary gasoline service station sign identifying the gasoline company for each street frontage having two (2) faces of not more than 16 square feet each and customary identification signs on the faces of gas pumps.

E. Illuminated Signs

1. The light from any permitted Illuminated Sign shall be shaded, shielded and directed so the light intensity or brightness will not be hazardous or objectionable to the adjacent or surrounding areas and shall not exceed 70 foot candles measured at a two (2) foot distance.

2. No Illuminated Sign shall be erected within 50 feet of other property in an R District, or PUD Designated Residential Development Area if visible from such District or Area.

3. No sign shall be illuminated or animated except in accordance with this Ordinance and Section 1108.

F. Bulletin Boards and Identification Signs

1. Signs in A Agriculture Districts

a. One Bulletin Board may be constructed on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The Bulletin Board shall not exceed 32 square feet in Display Surface Area, or 20 feet in height. Ilumination, if any, is permitted only by constant light.

b. One Identification Sign may be constructed on each street frontage of a permitted nonresidential use. The sign must not exceed 32 square feet of Display Surface Area or 20 feet in height. Illumination, if any, is permitted only by constant light.

c. Temporary Real Estate Sign. (See Section 1104.B)

d. Temporary Construction Sign. (See Section 1104.C)

e. Outdoor Advertising Signs. (See Section 1522)

2. Signs in R Residential Districts

   a. One (1) Bulletin Board may be constructed on each street frontage of any educational, religious, institutional, or similar use requiring announcement of its activities. The Bulletin Board must not exceed 32 square feet in surface area, nor 20 feet in height. Illumination, if any, is permitted only by constant light.

   b. One (1) Identification Sign may be constructed on each perimeter street frontage of a multifamily development, manufactured home park or subdivision, single-family subdivision or permitted nonresidential use. The sign shall not be restricted to less than 32 square feet in surface area, nor 20 feet in height. Illumination, if any, is permitted only by constant light.

   c. Temporary Real Estate Sign. (See 1104.B)

   d. Temporary Construction Sign. (See Section 1104.C)

3. Signs in the P Parking District or O Office District shall be regulated as follows:

   a. Not more than one (1) sign may be constructed on each street frontage of a lot. The sign must not exceed 50 square feet of Display Surface Area.

   b. Ground signs in P, OL or OM Districts must not exceed the height of the building in which the principal use is located or 20 feet, whichever is lower.

   c. Ground signs in the OH District must not exceed a height of 30 feet.

   d. Illumination, if any, is permitted only by constant light.

   e. Temporary Real Estate Sign. (See Section 1104.B)

   f. Temporary Construction Sign. (See Section 1104.C)

4. Signs in C or SR Districts

   a. A maximum of one (1) Ground or Projecting Sign per each 150 lineal feet of street frontage (excluding wall signs) is permitted.

   b. Roof, Projecting, and Ground Signs, whether permitted as provided herein, or nonconforming, shall not exceed the aggregate Display Surface Area specified in Section 1107, Table 11-1.

c. No Roof, Projecting or Ground Sign is permitted to contain more than two (2) sides, and the total Display Surface Area for each side must not exceed 500 square feet.

d. The two (2) sides shall face in opposite directions. "Opposite", in addition to its ordinary meaning, shall include V-shaped signs when the angle of separation of the display surfaces does not exceed 15 degrees.

5. Signs in I or M Districts

a. A maximum of one (1) Ground or Projecting Sign per each 200 lineal feet of street frontage (excluding wall signs) is permitted.

b. Roof, Projecting, or Ground Signs, whether permitted as provided herein or nonconforming, shall not exceed the aggregate Display Surface Area specified Section 1107, Table 11-1.

c. No Roof, Projecting or Ground Sign is permitted to contain more than two (2) sides. The total Display Surface Area for each side must not exceed 500 square feet.

d. The two (2) sides shall face in opposite directions. "Opposite", in addition to its ordinary meaning, shall include V-shaped signs when the angle of separation of the display surfaces does not exceed 15 degrees.

SECTION 1108. ANIMATED, FLASHING, CHANGEABLE COPY, RUNNING LIGHT, INTERMITTENTLY LIGHTED, REVOLVING SIGNS OR SIGNS WITH MOVEMENT

Animated, Flashing, Changeable Copy, Running Light, Intermittently Lighted, Revolving Signs or Signs with Movement shall comply with the following conditions:

A. No such sign shall be of the instantaneous type.

B. Shall not be located within 50 feet of the driving surface of a signalized intersection.

C. Shall not be located within 20 feet of the driving surface of a street.

D. If visible from an R or O District, other than a street, highway, or freeway right-of- way, or if visible from a PUD Designated Residential Development Area, shall be setback a minimum of 150 feet from such Districts or Areas.

E. Shall be permitted only in C, I or M Districts.

F. Signs with illumination or animation shall be further regulated as provided in Table 11-2.

TABLE 11 - 2

SIGN ILLUMINATION AND ANIMATION

Illumination or Animation Permitted	AG			RS	RM	P O	CS CG	CG CH4	IL	IL IM3 IH	M
A. Not Illuminated	X	X	X	X	X	X	X	X	X	X	X
B. Illuminated											
1) Not flashing or Intermittent											
a) Not flashing or intermittent visible from outside the lot on which located											
1) Reflecting light	X	X			X	X	X	X	X	X	X
2) Light passing through translucent materials	X	X					X	X	X	X	X
b) With bulk or tube visible from outside the lot on which located		X							X	X	X
2) Flashing or Intermittent							X	X	X	X	X
C. Animated or Flashing							X	X	X	X	X

SECTION 1109. MAINTENANCE

A. All signs, together with their structures and components, must be kept in good repair and be maintained in a safe condition.

B. All sign sites shall be kept in a neat and attractive condition.

C. The structure and Display Surface Area shall be kept in a neat and attractive condition.

SECTION 1110. NONCONFORMING SIGNS

For information related to nonconforming signs see Section 1703.

CHAPTER 12

REQUIREMENTS FOR TREES AND SHRUBS: INCORPORATED AREAS ONLY

The City of Claremore, Oklahoma Code of Ordinances, Chapter 102, Trees and Shrubs, pp. 73-79 includes general provisions pertaining to regulations for the planting of trees in City parks and along City streets. No such requirements have been adopted for Rogers County. See Appendix E for required and recommended tree and plant materials.

CHAPTER 13

PLANNED UNIT DEVELOPMENT

1300. Description
1301. Purpose
1302. General Provisions
1303. Uses Permitted in a Planned Unit Development
1304. Bulk and Area Requirements
1305. Perimeter Requirements
1306. Off-Street Parking and Loading
1307. Administration of Planned Unit Development

SECTION 1300. DESCRIPTION

A Planned Unit Development (PUD) is an alternative to conventional development and requires supplemental zoning approval based on a conceptual land use plan. The conceptual plan, called the Development Plan, must illustrate a unified development which may include various land uses that require different zoning designations as well as variations of the bulk and area requirements. The Development Plan also includes specific land use locations and use restrictions and must be submitted to the Planning Commission for review and approval. If approved, it receives the designation, Supplemental Zoning District PUD. This zoning designation is a prerequisite for consideration of a Planned Unit Development preliminary plat.

SECTION 1301. PURPOSE

The purposes of the Planned Unit Development are to:

A. Permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibly with adjoining and proximate properties;

B. Permit greater flexibility within the development to best utilize the unique physical features of the particular site;

C. Permit creative land use design;

D. Provide and preserve meaningful open space; and

E. Achieve a continuity of function and design within the development.

SECTION 1302. GENERAL PROVISIONS

A. General Process

1. Request and approval of a Zoning Map Amendment;

2. Request and approval of a Supplemental Zoning District PUD designation based on a PUD Development Plan; and

3. Review and approval of a PUD Subdivision plat.

B. Planned Unit Developments are permitted only on tracts which have the Supplemental Zoning District designation PUD.

C. A PUD shall be reviewed as to the proposed location and character of the uses as well as the unified treatment of the development of the tract.

D. The regulations of the general Zoning District or Districts remain applicable except as specifically modified pursuant to the provisions of this Chapter.

E. The City Council and the Planning Commission, when considering approval or amendment of a PUD, and the Planning Commission when considering approval of a minor amendment (see Section 1307.J) may impose restrictions as conditions of approval in addition to those imposed by the underlying zoning and the PUD Chapter.

F. No modification of use or bulk and area requirements of the applicable general use district or districts will be permitted unless a subdivision plat incorporating the provisions and requirements of this Chapter is approved by the Planning Commission and the City Council or Board of County Commissioners. The plat must then be filed of record in the office of the County Clerk.

G. The Planning Commission may waive the platting requirements of the Subdivision Regulations if the property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record with the County Clerk making the City of Claremore or Rogers County beneficiary to said covenants as provided in Subsection 1307.H, Planned Unit Development Subdivision Plat.

SECTION 1303. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT

A. Principal Uses

The development may consist of one or more of the uses permitted by Right or Special Exception in the general Zoning District or Districts within which the PUD is located, provided:

1. That if any part of the PUD is located within a Residential District, the permitted uses may additionally include one or more of the dwelling types contained in Use Unit 5, Single-Family Dwelling, Use Unit 6, Duplex Dwelling, Use Unit 7, Townhouse Dwelling, or Use Unit 8, Multi-family and Similar Uses;

2. That Use Unit 9, Manufactured Home Dwelling, is a permitted use only within a PUD which is located in whole or in part in an RST or RT District;

3. That the permitted uses, whether principal or accessory uses, may be reassigned within the development without regard to the general Zoning District boundaries; and

4. Outdoor advertising signs must meet the use conditions set forth in Use Unit 22, Outdoor Advertising Signs.

B. Accessory Uses

Accessory uses customarily incidental to the principal uses within the PUD are permitted as follows:

1. Accessory Commercial

   a. In addition to accessory uses customarily incidental to a permitted principal residential use, accessory commercial uses may be permitted within a multi-family development area, subject to the conditions listed in Section 402.B.3, Accessory Commercial Uses in Multi-family Districts.

   b. Accessory commercial uses may be permitted within an office development area. However, this use is subject to the conditions listed in Section 502.B which defines accessory use conditions in Office Districts.

2. Signs

   a. Signs accessory to residential uses or uses permitted by Special Exception in Residential Districts shall comply with the provisions of the Residential Zoning District and Chapter 11, Signs.

b. Signs accessory to principal office uses shall comply with the restrictions in the Office Zoning District. Signs accessory to principal office use if located in areas with Commercial or Industrial underlying zoning may be permitted based on the standards set out in the paragraph immediately below.

c. Business signs, except wall signs, which are accessory to principal commercial or industrial uses must comply with the regulations for signs in a CG District as set forth in Subsection 1107 and outdoor advertising signs with the provisions of Section 1522. Wall signs must not exceed an aggregate Display Surface Area of two (2) square feet per each lineal foot of the building wall to which the sign or signs are affixed.

d. The approving authority may impose such additional restrictions as are necessary to maximize compatibility with other neighboring uses.

e. General Use Conditions for Business Signs in a PUD

1) No roof signs are permitted.

2) Projecting signs, signs with movement or flashing illumination, revolving or rotating signs, signs with animation or changeable copy may be permitted in accordance with Section 1108.

3) Signs, if visible from an R District other than street, highway or freeway right-of-way, or if visible from a PUD Designated Residential Development Area, shall not be located within 50 feet of said District or Area. However, signs larger than 300 square feet visible from an R District other than street, highway or freeway right-of-way, or if visible from a Designated Residential Development Area, shall not be located within 200 feet of said District or Area.

4) Any ground sign shall maintain a minimum separation of 100 feet from any other ground sign.

5) No portion of the ground sign shall be located within ten (10) feet of the freeway right-of-way.

6) Only one side of a double-faced sign shall be included in the computation of Display Surface Area.

7) Signs not prohibited nor included in the computation of display surface area are set forth in Section 1103.

f. General Use Conditions for Outdoor Advertising Signs

Outdoor advertising signs shall comply with Section 1522, provided the approving authority may impose such additional restrictions as are necessary to maximize compatibility with neighboring uses.

SECTION 1304. BULK AND AREA REQUIREMENTS

A. Intensity of Use

Within the PUD development, the intensity may be transferred without regard to the general Zoning District boundaries.

B. Residential Intensity

1. The residential intensity must not exceed a maximum number of dwelling units computed as follows:

Maximum Number of Permitted Dwelling Units =

Gross area of property located within a Residential District ÷ (divided by) Minimum land area per dwelling unit permitted in the applicable use District.

a. For the purpose of intensity computations, gross area shall mean the lot area plus one-half (1/2) of the right-of-way of any abutting street to which the lot has access;

b. The minimum land area per dwelling unit, for the purpose of the above described computation, shall be the least restrictive minimum land area per dwelling unit permitted in the applicable District as set forth in Sections 404, Bulk and Area Requirements in Residential Districts, and Section 403 for duplexes permitted as Special Exception uses in Residential Districts; and

c. Each 600 square feet of a quasi-dwelling, such as a care home, shall constitute one (1) dwelling unit.

2. Two (2) or More Residential Districts

a. If the PUD is within two (2) or more Residential Districts, the permitted residential density will be the sum of the permitted dwelling units computed separately for the gross area within each District.

b. For a PUD located totally within a Residential District or Districts, the gross area for the purposes of the above described computation must be reduced by the area or areas designated for any principal use other than dwelling, quasi-dwellings or residential open space and recreation areas.

C. Nonresidential Intensity

1. The nonresidential intensity must not exceed a maximum permitted floor area computed as follows:

Maximum Permitted Floor Area =

Gross area of property located within a Nonresidential District X (multiplied) by the Floor Area Ratio (FAR) permitted either by Right or Special Exception within the bulk and area requirements of the applicable Zoning District.

a. For the purpose of intensity computations, gross area means the lot area plus one-half (1/2) of the right-of-way of any abutting street to which the lot has access.

b. Where a floor area ratio is not specified, a floor area ratio of 0.75 shall apply.

2. The intensity of use of a PUD located within two (2) or more Residential, Office, Commercial, Scientific Research and Industrial Zoning Districts shall be separately calculated and allocated within the PUD by general classification.

D. Lot Width, Frontage and Area

Within a PUD, minimum requirements for lot width, frontage and area shall be listed in detail as development standards in the Development Plan.

E. Park and Recreation Area and Common Open Space

1. Within a PUD Designated Residential Development Area, lot areas in RS Districts, recreation areas in RM Districts and common park and recreational open space in RT Districts shall be provided in an amount not less than the amount of space required by the applicable Zoning District for conventional development of a comparable number of dwelling units. (See Section 404 Bulk and Area Requirements in Residential Districts).

2. Required recreation or park area shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas.

3. Common recreation or park area shall be designed and located so as to be accessible to the dwelling units it is intended to serve.

4. Provisions for the ownership and maintenance of common area (homeowners associations, etc.) shall be included within the PUD Subdivision Plat in compliance with the provisions of Subsection 1307.H, Planned Unit Development Subdivision Plat.

F. Building Height, Setbacks and Yards

1. Within a PUD the building height limitations, building setback requirements and minimum yards shall be prescribed and incorporated within the PUD Subdivision Plat in compliance with the provisions of subsection 1307.H.

2. Every structure shall be set back from the centerline of an abutting public street as designated on the Major Street Plan a horizontal distance of not less than one-half (1/2) of the right-of-way designated on the Major Street Plan. (See Appendix C, Major Street Plan).

G. Open Space

Within a PUD minimum landscaped open space shall be required for each type of non-residential development area as follows:

1.	Office Use	10% of lot area
2.	Commercial Use	5% of lot area
3.	Industrial or Scientific Research and Development Use	5% of lot area

SECTION 1305. PERIMETER REQUIREMENTS

Within a PUD, perimeter requirements for screening, landscaping, and setbacks, shall be required as necessary to assure compatibility with adjoining and surrounding properties. All perimeter requirements shall be incorporated into the subdivision plat in accordance with provisions of Section 1307.H.

SECTION 1306. OFF-STREET PARKING AND LOADING

A. Within a PUD, off-street parking and loading spaces shall be provided as specified in the applicable Use Units and in conformance with the requirements of Chapter 16, Off-Street Parking and Loading; however, Section 1602.B shall not apply.

B. Required spaces shall be provided on the lot containing the uses for which it is intended to serve or in common areas as designated below:

1. A common parking area shall be designed and located so as to be accessible to the uses it is intended to serve.

2. Provisions for the ownership and maintenance of common parking areas must be incorporated into the Subdivision Plat in accordance with the provisions of Subsection 1607.H.

SECTION 1307. ADMINISTRATION OF PLANNED UNIT DEVELOPMENT

A. General

1. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for the Supplemental District Designation PUD.

2. The application must be accompanied by a Development Plan as described herein and processed in the manner established in this Chapter.

3. An application for the Supplemental District Designation PUD may be processed at the same time as an application for an amendment to the general Zoning District.

4. The PUD application may be made contingent upon approval of the zoning application.

B. Application

1. An application for a PUD shall be filed with the Planning Commission.

2. An application fee shall be submitted in accordance with Appendix F, Schedule of Fees.

3. Fifteen (15) copies of the Development Plan shall accompany the application.

C. The applicant shall be responsible for giving proper and timely public notice as required herein. (See Section 1307.F).

D. PUD Development Plan

The Development Plan shall include maps and text shall include:

1. Proposed development areas and requested land uses;

2. Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;

3. Proposed maximum building heights and minimum building setbacks;

4. Proposed public and private vehicular and pedestrian circulation systems;

5. Proposed landscaping areas and screening;

6. Proposed intensity of residential uses expressed in number of dwelling units per development area and proposed intensity of nonresidential uses expressed in floor area ratio, and allocated to the proposed Development Areas of the PUD;

7. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;

8. Existing topographic character of the land including identification of any floodplain areas and treed areas. In instances of probable development constraints due to slope and/or soil conditions, the Planning Commission staff may require the submittal of slope and/or soil analysis;

9. An explanation of the character of the PUD; and

10. The expected schedule of development.

E. Detail Plans

1. The City Council or Board of County Commissioners, as a condition of approval of a Development Plan, may require the following Detail Plans to be submitted to the Planning Commission and City Council or Board of County Commissioners for approval:

a. Detail Site Plans

Detail Site Plans, if required, shall be submitted for specific development areas within the PUD. If required, Detail Site Plan approval shall be secured prior to the issuance of a Building Permit and must comply with all approved Development Standards, including at a minimum:

1) Uses of land;

2) Location, size, height and setbacks for all buildings;

3) Location and number of off-street parking spaces; and

4) Private and public vehicular and pedestrian circulation.

b. Detail Sign Plans shall include:

1) The location, size, height and setbacks for all signs.

2) If a Detail Sign Plan is required, approval shall be secured prior to the issuance of a Sign Permit.

c. Detail Landscape and/or Fence Plans shall include:

1) The location, type and size of plant materials and the watering systems, location and design of required screening fences or walls, and shall comply with all approved PUD development standards.

2) If a Detail Landscape and/or Fence Plan is required, approval shall be secured and installation shall occur in accordance with approved plans prior to the issuance of a Certificate of Occupancy or as otherwise provided in the PUD.

d. Exterior Building Detail Plans, if required shall include:

1) Elevations and perspective drawings of the buildings to be constructed; however, this requirement does not apply to platted single-family lots or duplexes.

2) If an Exterior Building Detail Plan is required, approval shall be secured as a part of the approval of a Detail Site Plan and prior to the issuance of a Building Permit.

2. When the Planning Commission is authorized by the City Council or Board of County Commissioners to review and approve Detail Plans, the Planning Commission may, with the approval of the City Council or Board of County Commissioners, delegate said review to members of its Staff.

3. Appeals to the Planning Commission from a decision of the Staff with regard to a detail plan may be filed by any person or persons aggrieved. Notice of appeal must be filed with the Secretary of the Planning Commission within ten (10) days from the date of the Staff decision appealed.

F. Public Hearing and Planning Commission Action

1. The Planning Commission, upon the filing of an application for the Supplemental District Designation PUD, shall set the matter for public hearing.

2. The applicant shall be responsible for giving public notice prior to the Public Hearing. Notice shall be given as stated in Section 2003.

3. Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

   a. Whether the PUD is consistent with the Comprehensive Plan;

   b. Whether the PUD harmonizes with the existing and expected development of surrounding areas;

   c. Whether the PUD is a unified treatment of the development possibilities of the project site; and

   d. Whether the PUD is consistent with the stated purposes and standards of this Chapter.

4. The Planning Commission shall forward its recommendation and the application to the City Council or Board of County Commissioners for final action.

G. Action by the City Council or Board of County Commissioners

1. Upon receipt of the application and Planning Commission recommendation, the City Council or Board of County Commissioners shall hold a hearing, review the Development Plan and approve, disapprove, modify, or return the application to the Planning Commission for further consideration.

2. Upon approval, the Zoning Map shall be amended to reflect the Supplemental District Designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the Development Plan.

H. Planned Unit Development Subdivision Plat

A PUD subdivision plat shall be filed with the Planning Commission and processed in accordance with the Subdivision Regulations. In addition to the requirements of the Subdivision Regulations the plat shall include:

1. Details as to the location of uses and street arrangement;

2. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council or Board of County Commissioners;

3. Covenants

   a. Covenants shall be required which will reasonably insure the continued compliance with the approved PUD Development Plan.

   b. To protect the public interest, the City of Claremore or Rogers County Board of Commissioners shall be made beneficiary of said covenants pertaining to such matters as contained within the approved Detail Plans.

   c. Such covenants shall provide that the City or County may enforce compliance therewith and additionally, provide that amendment of such covenants shall require the approval of the Planning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning Commission.

I. Issuance of Building Permits

After the filing of an approved PUD Subdivision Plat and notice to the Building Inspector, no Building Permits shall be issued on lands within the PUD except in accordance with the approved plat and restrictive covenants.

J. Amendments

1. Major amendments which would represent a significant departure from the approved Development Plan require compliance with the notice and procedural requirements of the original PUD. The Planning Commission may

direct the processing of an amended PUD Subdivision Plat incorporating the requested changes.

2. Minor amendments to the PUD may be authorized by the Planning Commission. In order for the Planning Commission to consider the requested minor changes a finding must be made that said changes if approved will maintain substantial compliance with the approved Development Plan and the purposes and standards of this Chapter. The Planning Commission may direct the processing of an amended PUD Subdivision Plat incorporating the requested changes.

3. The following may be considered for approval by the Planning Commission as minor amendments:

   a. Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.

   b. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.

   c. Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15% provided the increased number is permitted by the underlying zoning.

   d. Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.

   e. Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.

   f. Changes in points of access, provided the traffic design and capacity are not substantially altered.

   g. Addition of customary accessory buildings and uses within the delineated common open space of a residential PUD, including but not limited to swimming pools, cabanas, security buildings, club houses and tennis courts.

   h. Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within the PUD, including but not limited to swimming pools, cabanas, garages, and tennis courts, provided

an agreement has been recorded with the County Clerk by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.

i. Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered and such changes would be permitted by the underlying zoning.

j. Lot splits which modify a recorded plat and which have been reviewed by the Technical Advisory Committee (TAC) and reviewed and approved by the Planning Commission.

k. Home Occupations which meet the requirements of Subsection 402.B.

l. Modifications of approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered and are permitted by the underlying zoning.

m. Modification of approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.

n. Changes reducing the number of permitted dwelling units.

o. Changes in an approved use to another use may be permitted provided:

1) The underlying zoning on the particular site within the PUD would otherwise permit such use by Right and such use is not specifically excluded by the approved PUD; and

2) The proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

4. Ten (10) days prior notice of a public hearing shall be given for minor amendments by mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property.

5. In instances where the City Council or Board of County Commissioners has specifically imposed a PUD condition more restrictive than originally recommended by the Planning Commission, any minor amendment of that specific condition must be approved by the City Council or Board of County Commissioners.

6. Major Amendments

   a. The amendment shall be deemed a major amendment to the Development Plan if the Planning Commission determines that the proposed amendment if approved will:

      1) Result in a significant departure from the approved Development Plan or otherwise significantly change the character of the PUD; or

      2) That the cumulative effect of a number of minor amendments substantially alters the approved Development Plan.

   b. Major amendments shall comply with the notice and procedural requirements of Sections 2002 and 2003.

K. Appeal from a Minor Amendment Determination

1. An appeal of any minor amendment decision by the Planning Commission may be filed by any person or persons aggrieved, any taxpayer or any officer, department, board or bureau of the City or County, to the City Council or Board of County Commissioners. Notice of appeal shall be filed with the City or County Clerk and with the Secretary of the Planning Commission within ten (10) days from the date of such action. The notice of appeal shall specify the grounds for the appeal.

2. No fee is required for such appeal.

3. Upon filing of the notice of appeal, the Planning Commission shall immediately transmit to the City Council or Board of County Commissioners copies of all papers constituting the record in the case, together with the decision of the Commission. The City Council or Board of County Commissioners shall notify the applicant and all interested parties as recorded in the minutes of Planning Commission of the appeal hearing date, time and place.

L. Abandonment of a PUD shall require approval of the City Council or Board of County Commissioners as follows:

1. Upon the recommendation from the Planning Commission on an application for amendment to the Zoning Map to repeal the Supplemental Zoning District Designation PUD, the City Council or Board of County Commissioners may repeal said designation.

2. Upon final action authorizing the abandonment of the PUD, no Building Permit shall be issued except in accordance with the restrictions and limitations of the general Zoning District or Districts.

3. Upon abandonment of the PUD the City Council or Board of County Commissioners may amend the underlying zoning upon receiving a recommendation from the Planning Commission.

CHAPTER 14

FLOOD DISTRICT

1400. Findings of Fact
1401. Statement of Purpose
1402. General Provisions
1403. Administration
1404. Floodplain Development Permit Procedures
1405. Variance and Appeal Procedures
1406. General Standards
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1408. Standards for Subdivision Proposals
1409. Standards for Areas of Shallow Flooding (AO/AH Zones)
1410. Floodways
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SECTION 1400. FINDINGS OF FACT

A. The flood hazard areas of the City of Claremore and Rogers County, Oklahoma, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

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

SECTION 1401. STATEMENT OF PURPOSE

A. It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by the following provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such manner as to minimize future flood blighted areas; and

7. To insure potential buyers are notified that property is in a flood-prone area.

B. Methods of Reducing Flood Losses

In order to accomplish its purpose, this Ordinance uses the following methods:

1. To restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities;

2. To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. To control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. To control filling, grading, dredging and other development which may increase flood damage; and

5. To prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

C. Flood Districts Established by the Zoning Ordinance

1. There shall be established an F-1 Flood Channel District which includes those areas within the Floodway.

2. There shall also be established an F-2 Floodplain District which shall include all areas within the 100-year Floodplain.

SECTION 1402. GENERAL PROVISIONS

A. Lands to which this Ordinance Applies

This Ordinance shall apply to all areas of Special Flood Hazard within the jurisdiction of the City of Claremore and Rogers County, Oklahoma.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of Special Flood Hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Rogers County, Oklahoma", and "The Flood Insurance Study for the City of Claremore" dated August 19, 1987, September 18, 1986 and November 2, 1995, with an accompanying Flood Insurance Rate Map (FIRM) and Flood Hazard Boundary Floodway Map and any revision thereto are hereby adopted by reference and declared to be a part of this Ordinance.

C. Establishment of Floodplain Development Permit Requirements

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under Oklahoma State Statutes.

G. Warning and Disclaimer of Liability

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

SECTION 1403. ADMINISTRATION

A. Designation of Director of the City of Claremore-Rogers County Metropolitan Area Planning Commission

The Director is hereby appointed to administer and implement the provisions of this Ordinance in all unincorporated areas. The City Engineer or, in the absence of the City Engineer, the Director of the Planning Commission is hereby authorized to administer and implement the provisions of this Chapter in the City of Claremore and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and Responsibilities of the Administrators

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance;

2. Review Floodplain Development Permit and other permit applications to determine whether a proposed building site will be reasonably safe from flooding;

3. Review, approve or deny all applications for Development Permits required by Section 1404 of this Ordinance;

4. Review Permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;

5. Where interpretation is needed as to the exact location of the boundaries of the areas of Special Flood Hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrators shall make the necessary interpretations. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1405;

6. Notify adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration;

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

8. When Base Flood Elevation data has not been provided in accordance with Section 1402, the Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data available from a federal, state or other source, in order to administer the provisions of Section 1404; and

9. Require, until a Regulatory Floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones Al-30 and AE on the County's or City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the Base Flood at any point within the City or County which shall be attested to by a Registered Professional Engineer licensed to practice in the State of Oklahoma.

SECTION 1404. FLOODPLAIN DEVELOPMENT PERMIT PROCEDURES

A. An application for a Development Permit shall be presented to the Administrator on approved forms and may include, but not be limited to plans in triplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of Special Flood Hazard. Additionally, the following information is required:

1. Elevation in relation to Mean Sea Level of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to Mean Sea Level to which any nonresidential structure shall be floodproofed;

3. A certificate from a Registered Professional Engineer or Architect licensed to practice in the State of Oklahoma, that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 1404;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

5. A certificate from a Registered Professional Engineer licensed to practice in the State of Oklahoma stating that the development will not increase the water surface elevation of the Base Flood; and

6. A record of all such information in accordance with Section 1403 shall be maintained by the Administrator.

B. Approval or denial of a Floodplain Development Permit by the Administrator shall be based on all of the provisions of this Ordinance and the following factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public facilities and utilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location where applicable;

9. The availability of alternative locations not subject to flooding or erosion damage for the proposed use; and

10. The relationship of the proposed use to the Comprehensive Plan for that area.

SECTION 1405. VARIANCE AND APPEAL PROCEDURES

A. The City of Claremore Board of Adjustment and the Rogers County Board of Adjustment acting as a Board of Appeals shall hear and render judgement on requests for Variances or Appeals from the requirements of this Ordinance as is applicable to each.

B. The Appeals Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.

C. Any person or persons aggrieved by the decision of the Appeals Board may appeal such decision to the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, providing the relevant factors in Section 1404 have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this Ordinance, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.

H. Variances shall not be issued within any designated Floodway if any increase in flood levels during the Base Flood discharge would result.

I. Prerequisites for Granting Variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a. Showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

J. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use as defined herein provided that:

1. The criteria outlined in this Section are met; and

2. The structure or other development is protected by methods that minimize flood damages during the Base Flood and create no additional threats to the public safety.

SECTION 1406. GENERAL STANDARDS

In all areas of Special Flood Hazards the following provisions are required for all new construction and substantial improvements shall apply:

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

F. U.S. Environmental Protection Agency (EPA) Waiver Required:

1. Irrespective of any provisions to the contrary herein from and after the effective date of this Ordinance there shall be no new development permitted within the 100-year floodplain (as defined in the latest publication of the National Flood Insurance Programs "Flood Insurance Rate Map" for the City of Claremore, Oklahoma) which would generate wastewater to be transported to the wastewater treatment facilities of the City of Claremore, Oklahoma.

2. An owner/developer of property situated in said floodplain may make a request, in writing, to the City of Claremore, Oklahoma, for a 'Waiver of Service Area Restriction" only in cases where said owner/developer can sufficiently show that the natural environment in the 100-year floodplain would be preserved if the waiver was granted. Said written request for a "Waiver of Service Area Restriction" must be submitted to the Floodplain Administrator of the City of Claremore, Oklahoma, who upon review thereof will judge whether

the requested waiver is in conformance with the intent of this Ordinance. If it be found that said waiver would not be in keeping with the intent of this Ordinance, the request for a "Waiver of Service Area Restriction" shall be denied. Should the findings of the Floodplain Administrator be that the requested waiver would not violate the intent of this Ordinance, nor have any detrimental effect upon the natural functions and values of the effected flood-plain, then such a request would be presented to the City Council of Claremore, Oklahoma, for their consideration and possible approval. Only after City Council approval, the City of Claremore, Oklahoma would then submit the request to the U.S. Environmental Protection Agency's Regional Administrator for review and possible approval. It is specifically the intent of this Ordinance that the Regional Administrator be the final authority in all such requests for a "Waiver of Service Area Restriction."

G. On-site water disposal systems shall be located to avoid impairment or contamination during flooding.

SECTION 1407. SPECIFIC STANDARDS

In all areas of Special Flood Hazards where Base Flood Elevation data has been provided as set forth in Sections 1403, 1404 or 1406, the following provisions are required:

A. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two (2) feet above the Base Flood Elevation. A Registered Professional Engineer or Architect licensed to practice in the State of Oklahoma, or a Registered Land Surveyor licensed to practice in the State of in Oklahoma shall submit a certification to the Director that the standards in Section 1404 are satisfied.

B. Non-Residential Construction. New and substantial improvements of any commercial, industrial, or other non-residential structure shall either have the lowest floor (including basement) elevated to or above the Base Flood Level or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Registered Professional Engineer or Architect licensed to practice in the State of Oklahoma shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design

and methods of construction are in accordance with accepted standards of practice as outlined in this Section. A record of such certification which includes the specific elevation (in relation to Mean Sea Level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

C. Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a Registered Professional Engineer or Architect licensed to practice in the State of Oklahoma to meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one (1) foot above grade; and

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured Homes

1. Require that all manufactured homes to be placed within Zone A shall be installed using methods and practices that minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

2. All manufactured homes shall be in compliance with Sections 1406 and 1407;

3. Require that all manufactured homes to be placed or substantially improved within Zones Al-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is above the Base Flood Elevation, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Sections 1406 and 1407.

SECTION 1408. STANDARDS FOR SUBDIVISION PROPOSALS

A. All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Section 1404 and this Ordinance.

B. All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet the Floodplain Development Permit requirements of Section 1404 and otherwise be in compliance with this Chapter and the Zoning Ordinance.

C. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which are greater than 50 lots or 5 acres if not otherwise provided herein.

D. All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 1409. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

A. Located within the areas of Special Food Hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with Base Flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, the path of flooding is unpredictable and where the velocity flow may be evident.

B. Such flooding is characterized by pending or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City or County FIRM (at least two [2] feet if no depth number is specified).

2. All new construction and substantial improvements of nonresidential structures:

   a. Shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City or County FIRM (at least two [2] feet if no depth number is specified); or

   b. Shall together with attendant utility and sanitary facilities be designed so that below the Base Food level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. A Registered Professional Engineer or Architect licensed to practice in the State of Oklahoma shall submit a certification to the Floodplain Administrator that the standards of this Section and Section 1404 and these Regulations are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

SECTION 1410. FLOODWAYS

A. Floodways. Located within areas of Special Flood Hazard established in Section 1402 are areas designated as Floodways.

B. The Floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential; therefore, the following provisions shall apply:

   1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a Registered Professional Engineer or Architect licensed to practice in the State of Oklahoma is provided demonstrating that encroachment shall not result in any increase in flood levels within the community during the occurrence of the Base Flood discharge; and

   2. If Section 1406 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Ordinance.

SECTION 1411. DEFINITIONS

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

APPEAL: A request for a review of Floodplain Administrator's interpretation of any provision of this Ordinance or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AI, AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by pending or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI -99, VO, VI-30, VE or V.

BASE FLOOD: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

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

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

ELEVATED BUILDING: A nonbasement building:

A. Built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and

B. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the Base Flood. In the case of Zones Al-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones Vl-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3 (3)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "Start of Construction", as defined herein, commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of Special Flood Hazards and the risk premium zones applicable to the City or County.

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

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding").

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "Special Flood Hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

HABITABLE FLOOR: Any floor usable for working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

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

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

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

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

MANUFACTURED HOMES: A structure transportable in one (1) or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City or County.

START OF CONSTRUCTION: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored before the damage occurred.

For the purpose of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

A. Any alteration for improvement of a structure to comply with existing state, or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE: A grant of relief to a person from the requirements of this Ordinance when specific enforcement would result in unnecessary hardship. A Variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations and Section 1405 of this Ordinance.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

CHAPTER 15

USE UNITS

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SECTION 1500. INTRODUCTION OF THE USE UNITS

A. General

The Use Unit is a grouping of individual uses having similarities in characteristics of function and/or performance which enable systematic consideration of location and other regulation. Within each zoning district, the permitted uses are the included uses of the designated use unit. The use units, herein established, are identified by number and name. Set forth in each use unit is a descriptive statement, and alphabetical listing of the included uses, use conditions, and off-street parking and loading requirements.

B. Interpretation

Questions of the inclusion or exclusion of a particular principal use within a use unit, shall be decided by the Board of Adjustment. A use if specifically listed in a use unit shall not by interpretation be included as a principal use within any other use unit.

C. Applicability of Use Conditions

A use shall be subject to the provisions of the district in which located and in addition, shall be subject to the use conditions specified in the applicable use unit. Where the requirements of the use unit are greater than the requirements of the use district, the use unit requirements shall govern.

D. Off-Street Parking and Loading Requirements

The off-street parking and loading requirements shall not apply to uses located within the CBD Central Business District.

SECTION 1501. USE UNIT 1. AREA-WIDE USES BY RIGHT

A. Description

Certain public uses, agricultural uses, open land uses, and similar uses which are either subject to other, public controls or which do not have adverse effects on other land uses.

B. Included Uses:

1. Passive Agricultural Uses such as:
   - Cultivation
   - Forestry
   - Grazing
   - Planting

2. Open Land Uses such as:
   - Arboretum
   - Flood Management Project
   - Reservoir
   - Wildlife Preserve

3. Public Uses such as:
   - Bus Shelter*

Existing Schools**
Fire Alarm
Historical Marker
Political Campaign Sign
Sidewalk
Street Sign
Thoroughfare
Utility Line

* Commercial advertising permitted only on shelters located in a C or I District.

** Schools which offer a compulsory education curriculum but excluding the following accessory uses; outdoor stadiums, lighted athletic fields, unlighted athletic fields which have bleaches for non-student spectators and all buildings and structures (such as scoreboards) accessory to such stadium or field.

C. Use Conditions

1. Political Campaign Signs:

No political campaign sign shall be erected more than 45 days prior to any election, nor shall any sign be permitted to remain on any property more than seven days following an election; no political campaign signs shall be permitted on public property and they shall be permitted on private property only with the consent of the property owner; the display surface area of each political campaign sign located in R or 0 Zoning Districts shall not exceed 16 square feet in surface area; only one side of a double-faced sign shall be computed in the computation of display surface area.

2. Existing Schools:

a. Buildings and grounds may also be used for a children's nursery, preschool, community center or day camp.

b. Maximum floor area ratio of 0.5.

c. Minimum building setback of 25 feet from abutting properties in an R District, plus one (1) foot of setback for each one (1) foot of building height exceeding 15 feet, if the abutting property is within an RE or RS District and is not a freeway or expressway.

d. Minimum setback for parking lots and their access drives from an RE or RS District which is not a freeway or expressway is 25 feet.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Existing Schools Elementary and Junior	1 per 1,200 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
Senior High	1 per 800 SF of floor area plus 1 per 4 stadium seats	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
All other uses	None	None

SECTION 1502. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES

A. Description

Uses which in some instances may be suitable for location in any district, but because of their potential adverse influence on adjacent properties require site review and are therefore permitted in all districts, as a Special Exception requiring Board of Adjustment approval.

B. Included Uses:

Adult Detention Center
Airport, Heliport
Bed and Breakfast Inn
Bus Station
Cemetery (see Section 1202.C.9)
Children's Home
City/County Health Department
Construction Facilities (off site)
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Day Camp
Emergency and Protective Shelter
Governmental Services, NEC
Homeless Center
Hydroelectric Generation Plant
Jail
Juvenile Delinquency Center
Marina

Mausoleum
Nursing Home
Post Office
Power Plant
Prison
Private Club or Lounge*
Residential Treatment Center
Rifle and Skeet Range, Gun Club
Sanatorium
Sanitary Landfill
Sewage Disposal Facility
Transitional Living Center
Uses which utilize tents, canopies or open air activities** such as:
- Carnival
- Christmas tree sales
- Circus
- Fruit and vegetable sales
- Other sales of merchandise
- Plant sales
- Tent Revival

Water Treatment Plant

* Chief activity is a service not carried on as a business.
** Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

C. Use Conditions

1. Uses which utilize tents, canopies or open air activities may be approved for a maximum of 179 days per calendar year. The Board of Adjustment may, by Special Exception, permit alternative off-street parking materials.

2. Required parking spaces shall not be used for the tent, canopy or open air activity.

3. Tents, canopies, and open air activities shall meet the building setback requirements set forth in the applicable zoning districts.

4. **Construction Facilities:**

   a. The use may continue for a period not to exceed two years in the same location.

   b. Ingress and egress must be from arterial or collector streets, provided that the Board of Adjustment may approve a location with access to a minor street upon finding that such location would result in less traffic on streets in residential areas.

   c. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.

5. **Nursing Home:** The nursing home shall meet applicable licensing requirements of the State of Oklahoma. The maximum floor area ratio is .5.

6. **Day Camp and private club or lounge**, when located within an AG, RE or RS District, shall have a minimum lot area of one acre.

7. **Spacing Requirement:**

   To avoid clustering, detention/correctional, emergency and protective shelter, homeless center, residential treatment center and transitional living center shall not be located on a lot within ½ mile (2,620 feet) from any other lot containing such families. The Board of Adjustment, however, may as a Special Exception, permit the clustering of such uses if determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

8. **Bed and Breakfast Inn:**

   a. The owner/operator shall maintain a register of bed and breakfast guests and special events for each calendar year and shall make such register available to the City Code Enforcement upon request. The maximum length of stay for any guest shall be limited to 30 days per calendar year.

   b. The Board of Adjustment shall establish the number of guest rooms permitted (per lot of record); provided, however, the Board shall not approve more than twelve (12) guest rooms.

   c. Cooking facilities shall not be permitted in any of the guest rooms.

   d. A public restaurant is not permitted. Meals may only be served to overnight guests and for special events as permitted by the Board of Adjustment.

   e. The Board of Adjustment shall approve the size, type and location of the sign; provided, however, in no instance shall the sign exceed 32 square feet in display surface area or 20 feet in height and illumination, if any, shall be by constant light. Provided further, that in no instance shall the sign exceed 2 square feet in display surface area when located in an RS or RE zoning district.

   f. The Board of Adjustment may permit the Bed and Breakfast structure(s) to be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The Board shall establish the maximum number of events per year and shall establish the maximum number of guests per any single event based on the availability of off-street parking and the compatibility with the surrounding land use. Provided, however, that the rental or use of said structure(s) for special events, when located in an RS or RE zoning district is prohibited.

9. **Funeral homes** are permitted within a cemetery which is ten acres or more in size and has been approved by the Board of Adjustment, provided the parking requirements set for in Use Unit 11 and the building setback requirements of an office district as set forth in Section 603 of this Code are met.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Airport	1 per each 500 SF of Enclosed passenger terminal area	1 per 2,000 to 40,000 SF of floor area plus 1 per 40,000 to 100,000 SF, plus 1 per each additional 100,000 SF
Bed & Breakfast Inn	2 plus 1 per guest room plus 1 for every 40 SF of reception area for special events	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Emergency and Protective Shelter	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Juvenile Delinquency Center	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Nursing Home	.35 per nursing home bed	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Private Club or Lodge	1 per 40 SF of assembly room floor area or 1 per 300 SF of total floor area Whichever is greater	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Residential, Treatment Center, and Transitional Living Center and other Such residential facilities NEC	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
All other uses	As may be required by the Board of Adjustment	

E. Factors to be Considered in Granting a Special Exception

1. Size of the facility;
2. Number of staff and staff-to-client ratio;
3. Levels of treatment;
4. Location of site in relation to needed services;
5. City infrastructure in the area;
6. Compliance with state licensure and certification requirements;
7. Proximity to similar uses;
8. Distance from sensitive uses (single-family residential districts, schools, parks, child daycare centers).

SECTION 1503. USE UNIT 3. AGRICULTURE

A. Description

Agriculture uses and services and certain other uses suitable for location in an agriculture environment.

B. Included Uses:

Animal and Poultry Raising
Chick Hatchery
Farming
Fishery
Guest or Dude Ranch
Horticultural Nursery
Ranching
Riding Stable or Academy

C. Use Conditions

Horticultural nursery permits the growing of plants and trees only, and permits no retail sales on site.

D. Off-Street Parking and Loading Requirements. None

SECTION 1504. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES

A. Description

Public protection and utility facilities which may have technical locational requirements necessitating specific locations in or around areas serviced and certain temporary open air land uses which can be objectionable to certain other uses and are therefore permitted in certain districts by Special Exception and in the remaining districts by Right.

B. Included Uses:

Ambulance Service
Antenna and Supporting Structure
Electrical Regulating Station, excluding storage of Service garages and yards
Fire Protection Facility
Police Substation
Pressure Control Station; gas or liquid, excluding storage or service garages and yards
Shelter, civil defense or storm
Water Storage Facility, NEC

C. Use Conditions

Antennas and their supporting structures shall meet the following requirements:

Purpose: The purpose of this section is to establish requirements for the location of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potentially adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as primary option rather than construction of addition single-use towers; (5) encourage users of towers and antennas to locate the, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimized the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, City of Claremore shall give due consideration to the City of Claremore's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

1. **Exclusions.** The following activities shall be exempt from these regulations:

   a. Amateur radio operators;
   b. Microwave reflectors and parabolic antennas;
   c. Antennas and equipment completely located inside of buildings; and

d. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this document.

2. Definitions. As used in this ordinance, the following terms shall have the meanings set forth below:

a. **Antenna** means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

b. **FAA** means the Federal Aviation Administration.

c. **FCC** means the Federal Communications Commission.

d. **Height** means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.

e. **Pre-existing towers and pre-existing antennas** means any tower or antenna which lawfully existed or before April 18, 1997, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

f. **Tower** means any structure more than twenty (20) feet tall that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like. The term included the structure and any support thereto.

3. General Requirements for Antennas and Towers

a. Principal or Accessory Use. Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on such lot.

b. Towers and antennas shall meet the following requirements:

(1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(2) Other than in Moderate Industrial or Heavy Industrial zoning districts, communication towers shall be of a monopole design unless the Board of Adjustment determines by Special Exception that an alternative design would adequately blend into the surrounding environment, or that the required antennas cannot be supported by a monopole.

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

c. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

d. Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

e. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

f. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 300 feet used for residential purposes.

g. The following setback requirements shall apply to all towers; provided, however, that the Board of Adjustment may modify the requirements by special exception;

(1) Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot, excluding expressway rights of way zoned residential.

(2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

h. Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided, however, that the Board of Adjustment may modify or waive such requirements by Special Exception.

4. **Antennas and Towers Permitted by Administrative Approval.** Antennas or towers, except those approved or requiring approval by the Board of Adjustment (Section 1204.C.5.), shall be permitted by right, provided a permit is obtained from the City prior to construction and provided that the towers shall comply with the following standards.

a. When located in C, I, or SR zoning districts, provided that towers shall be set back from an R District boundary line one-hundred ten percent (110%) of the height of the tower measured at grade. The setback may be modified by Special Exception by the Board of Adjustment pursuant to Section 1608 of this code; or,

b. When antennas are to be attached to a roof or wall of buildings in commercial or industrial zones, or to office or multi-family buildings of two or more stories, or to institutional buildings such as schools, churches and hospitals with existing architectural elements more than thirty-five (35) feet tall, provided that:

(1) An antenna does not extend more than twenty (20) feet above the highest point of the building, or, if located on an architectural feature such as a steeple or bell tower, does not protrude above that structure; provided, however, that, the Board of Adjustment may modify such requirements by Special Exception; and

(2) The antennas comply with all applicable FCC and FAA regulations; and

(3) The antennas comply with all applicable building codes.

c. When antennas are to be attached to an existing tower, and/or city owned buildings or structures;

d. When the tower is to be modified or reconstructed to accommodate the collocation of antennas; and

(1) The tower is of the same type as the existing tower or is to be constructed as a monopole; and

(2) The modification or reconstruction does not exceed thirty (30) feet over the height of the existing tower and all requirements of Section 1204.C. are met.

5. **Antenna and Towers Requiring Special Exceptions.** If a tower or antenna is not permitted pursuant to Section 1204.C.4. of this chapter, a special exception shall be required for the construction of a tower in all zoning districts.

a. Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a Special Exception for an antenna or tower:

(1) Height of the proposed tower;

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

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

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

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

(7) The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation;

(8) Architectural design of utility buildings and accessory structures to blend with the surrounding environment;

(9) Proposed ingress and egress;

(10) The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area;

(11) The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.

b. Collocation. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

c. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided, however, that the Board of Adjustment may modify or waive such requirements by Special Exception.

(1) Tower facilities shall be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used for residential purposes. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

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

d. The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

6. **Removal of Abandoned Antenna and Towers.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and 1he owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Claremore notifying the owner of such abandonment. Failure to remove the abandoned antenna or tower within said ninety (90) days shall be grounds for the City of Claremore to remove the antenna or tower at the owner's expense. Any, abandoned tower that is not current in the structural safety inspection required by Claremore's Building Code may be subject to the nuisance abatement procedures set forth in Chapter 2 of Title 24 of these ordinances.

7. **Existing Towers and Antennas.** Antennas and towers lawfully existing on or before April 18, 1997, at the time this provision was adopted, shall be allowed to continue their usage as they presently exist. Routine maintenance, including antenna replacement, shall be permitted on such existing towers. New construction other than routine maintenance shall require compliance with the requirements of this ordinance.

D. **Off-Street Parking and Loading Requirements.** None

SECTION 1505. USE UNIT 5. COMMUNITY SERVICES & SIMILAR USES

A. Description

Community services, cultural, educational, recreational, and religious facilities, which may be objectionable to nearby residential uses. These uses are permitted by special exception in some districts, by right in some districts, and prohibited in other districts.

B. Included Uses:

Adult Day care
Aquarium
Art Gallery, not operated for profit
Children's Nursery
Church
College
Community Center
Cultural Facility, NEC
Golf Course
Hospital
Library
Museum
Park, Public/Private
Planetarium
Schools*, Public or Private
Tennis Court, Public
University

*Schools which offer a compulsory education curriculum and which were not in operation on January 1, 1 998. Also included are construction of new or alteration of existing accessory school facilities excluded from Existing School Use in Use Unit 1.

1. **Churches when located within an AG or R District:**

   a. Minimum lot area of 1-acre and minimum lot width of 100 feet.
   b. No parking shall be permitted within a required front yard.

2. **Schools:**

   a. High Schools shall have their principal vehicular entrance and exit on an arterial street.

   b. Buildings and grounds which have been approved by the Board of Adjustment for Use Unit 5 school use may also be used for a children's nursery, preschool, community center or day camp.

c. Minimum lot area of one acre.

3. **College, university, hospital:** A minimum site area of one acre shall apply.

4. **Aquarium, museum, and planetarium** when located within an AG, RE or RS District shall have a minimum lot area of one acre.

5. **Sponsor's Signs:** Up to 15 square feet or fifteen percent (15%) or the allowable sign, whichever is less, of the total display surface area of signage permitted for a school, college, university or public park may be used to display the name and/or logo of the sponsor of facilities at the school, college, university or public park.

C. Off-Street Parking and Loading Requirements.

Uses	Parking Spaces	Loading Berths
Adult Day Care	1 per 500 SF of floor area	NA
Aquarium, Art Gallery, Museum, Planetarium, Cultural Facility NEC	1 per 800 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
Children's Nursery	1 per 500 SF of floor area	NA
Church	1 per 35 SF of chapel or sanctuary floor area or I per 3 seats (20" of pew equals one seat) whichever is greater	1 per 10,000 to 200,000 SF plus I per each additional 200,000 SF of floor area
College, University	1 per 600 SF of classroom floor area plus 1 per 4 dormitory beds, plus 1I per 4 stadium seats	1 per 10,000 to 200,000 SF plus I per each additional 200,000 SF of floor area
Community Center	1 per 500 SF of floor area	1per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Golf Course	5 per green plus I per 400 SF of club house floor area	1 per 10,000 to 100,000 SF plus I per each additional 100,000 SF of floor area

Hospital	1per bed plus I space for each 250 SF of emergency/outpatient care	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Library	1 per 500 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
Public Park	1 per4 stadium seats plus 1 per 500 SF of community center or recreational building plus I per 300 SF pool area	1 per 10,000 to 100,000 SF plus I per each additional 100,000 SF of floor area
Public Tennis Court	2 per court, plus 1per 400 SF of clubhouse area	1 per 10,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area
Schools:		
Elementary and Junior High	1 per 1,200 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
Senior High	1 per 800 SF of floor area plus 1 per 4 stadium* seats	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
All other uses	As may be required by the Board of Adjustment	

*Includes closed and/or open stadium facilities.

SECTION 1506. USE UNIT 6. SINGLE-FAMILY DWELLING

A. Description. Single-family detached dwelling and similar uses.

B. Included Uses. Single-family detached dwelling and Foster Home

C. Use Conditions.

1. **A single-family detached dwelling shall:**

   a. Be affixed to a permanent foundation as defined herein.

b. Utilize customary residential exterior finishing materials as defined herein.

c. Have a core area of living space at least 20 feet by 20 feet in size; exclusive of an attached garage.

d. Meet all other City Codes and Ordinances.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Single-family detached dwelling unit	2 per dwelling unit	NA
Foster home	2 per dwelling unit	NA

SECTION 1507. USE UNIT 7. DUPLEX DWELLING

A. Description. Duplex dwelling.

B. Included Uses. Duplex dwelling.

C. Use Conditions

1. **A duplex dwelling shall:**

a. Be attached to a permanent foundation as defined herein.

b. Utilize customary residential exterior finishing materials as defined herein.

c. Meet all other City Codes and Ordinances.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Duplex dwelling	2 per dwelling unit	NA

SECTION 1507a. USE UNIT 7a. TOWNHOUSE DWELLING

A. Description. Single-family attached townhouse dwelling.

B. Included Uses. Single-family attached townhouse dwelling.

C. Use Conditions

1. **A single-family attached townhouse dwelling shall:**

   a. Be affixed to a permanent foundation as defined herein.

   b. Utilize customary residential exterior finishing materials as defined herein.

   c. Meet all other City Codes and Ordinances.

   d. Be located on a separate lot within a townhouse development containing at least three lots, a subdivision plat for the same having been duly recorded in the office of the County Clerk.

   e. Be attached by a common party wall or walls to another townhouse dwelling unit.

   f. Not be located above another dwelling unit.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Single-family attached dwelling	2 per dwelling unit	NA

SECTION 1508. USE UNIT 8. MULTI-FAMILY DWELLING AND SIMILAR USES

A. Description. Multi-family dwellings and similar uses.

B. Included Uses:

Apartment
Assisted Living Facility
Community Group Home
Convent, Monastery, Novitiate
Elderly/Retirement Housing
Fraternity or Sorority House
Life Care Retirement Center
Multifamily Dwelling
Rooming/Boarding House

C. Use Conditions

1. Intensity of Use:

a. Fraternity, Sorority, Rooming/Boarding House:

In the determination of the applicable bulk and area requirements, a fraternity, sorority, or rooming/boarding house, shall be considered a multifamily dwelling, with each 600 square feet of floor area constituting a one-bedroom dwelling unit.

b. Assisted Living facility and Life Care Retirement Center:

The maximum floor area ratio is .5.

2. **Life Care Retirement Center:** The nursing facility or medical facility shall meet applicable licensing requirements of the State of Oklahoma, Oklahoma State Health Department as an intermediate care facility or as a skilled nursing home.

3. **Elderly/Retirement Housing:** Design requirements for elderly/retirement housing include as a minimum:

a. Elevators for multifamily structures over one story in height;

b. Emergency alarm systems in every dwelling unit; and

c. Safety "grab bars" in bathrooms.

4. **Community Group Home, Convent, Monastery and Novitiate:** The maximum floor area ratio is .5.

5. The uses included in Use Unit 8 when located on a lot which is abutting an RE or RS District shall be screened by the erection and maintenance of a screening wall or fence along the lot lines in common with the RE or RS District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Community Group Home	1 per 1,000 SF of floor area	None

Convent, Monastery, and Novitiate	1 per 1,000 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area
Elderly/Retirement Housing	.75 per dwelling unit	None
Fraternity or Sorority House	1 per 2 beds	1 per 10,000 to 200,000 SF plus I per each additional 200,000 SF of floor area
Life Care Retirement Center	.75 per dwelling unit and .35 per nursing center bed	1 per 10,000 to 200,000 SF plus I per each additional 200,000 SF of floor area
Multi-family Dwelling	1.5 per efficiency or 1 bedroom dwelling unit. 2 per 2 or more bedroom dwelling units	None
Rooming/Boarding House	1 per 2 beds	1 per 10,000 to 200,000 SF plus 1per each additional 200,000 SF of floor area
Assisted Living Facility	.50 per dwelling unit	1 per 10,000 to 200,000 SF plus 1 per each additional 200,000 SF of floor area

SECTION 1509. USE UNIT 9. MANUFACTURED HOME DWELLING

A. **Description.** A manufactured home dwelling, excluding any type or form of recreational vehicle (RV).

B. **Included Uses.** Manufactured Home Dwelling, not including recreational vehicle (RV).

C. **Use Conditions.** The manufactured home dwelling when located within an RMH District and located on a lot which is abutting an RE, RS or RD District shall be screened from the abutting RE, RS or RD District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the RE, RS or RD District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Manufactured Home Dwelling	2 per each dwelling unit	None

SECTION 1510. USE UNIT 10. OFF-STREET PARKING AREAS

A. Description. Off-street parking areas which are principal uses.

B. Included Uses. Off-street parking. areas.

C. Use Conditions

Off-street parking areas shall conform to the design, lighting, and improvement requirements for off-street parking contained in Chapter 16.

D. Off-Street Parking and Loading Requirements. Not applicable.

SECTION 1511. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES

A. Description

Offices, studios, medical and dental laboratories, and certain other compatible or supporting services.

B. Included Uses:

Abstract Company
Advertising Agency
Artificial Limb and Corrective Shoe Sales (by prescription only)
Artist's Studio
Broadcasting or Recording Studio
Computing Service
Data Processing Service
Drafting Service
Dental Offices, Clinics, Laboratories and related Research Facilities

Employment Agency
Financial Institution, other than pawn shop
Funeral Home
General Business Offices, excluding on premise sale of Merchandise
Insurance (claims adjustment - limit two bays - no repair)
Interior Design Consultant (no retail sales)
Loan Office
Medical Offices, Clinics, Laboratories and related Research Facilities
Optician or Optical Laboratories .
Photography Studio
Prescription Pharmacy, provided that no sundry or other merchandise is sold or offered for sale
Studio or School for teaching ballet, dance, drama, fine arts, music, language, business or modeling
Transportation Ticket Office
Travel Agency
Union Hall (meetings only, no trade school)

C. Use Conditions

1. The uses included in Use Unit 11, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Funeral Homes which provide a chapel or assembly area shall have a minimum lot area of one acre.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Funeral Home and Union Hall	1 per 40 SF of assembly floor area plus 1 per 300 SF of non-assembly floor area	1 per 10,000 to 100,000 SF plus I per each additional 100,000 SF of floor area
Medical & Dental Offices, Clinics & Laboratories	1 per 250 SF of floor area	1 per 10,000 to 100,000 SF plus I per each additional 100,000 SF of floor area
Studio or School	1 per 150 SF of floor area	NA

Other Uses	1 per 300 SF of floor area for the first 30,000 SF of floor area in a building and if the building exceeds 30,000 SF, 1 per 350 SF of floor area for the floor area exceeding 30,000 SF	1 per 10,000 to 100,000 SF plus I per each additional 100,000 SF of floor area

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.

2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a Special Exception from the Board of Adjustment.

SECTION 1512. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS

A. Description

Eating establishments, including carry out eating establishments, except drive-in restaurants permitting in car consumption of food or drink.

B. Included Uses:

Cafeteria
Coffee shop
Delicatessen
Restaurant, and other similar eating establishments*

*An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use unit.

C. Use Conditions

1. The uses included in Use Unit 12 shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:

   a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;

   b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;

   c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and

   d. Noise from any outdoor entertainment activity shall not be audible from any abutting R District.

2. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District."

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Eating Establishment	1 per 100 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional floor area

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.

2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a Special Exception from the Board of Adjustment.

SECTION 1512a. USE UNIT 12A. ADULT ENTERTAINMENT ESTABLISHMENTS

A. Description

Businesses which cater primarily to adults 21 years of age and above and which sell and serve intoxicating beverages and/or low-point beer (as defined by Oklahoma Statutes) on the premises and all sexually oriented businesses.

B. Included Uses:

Bar/Tavern
Beer Bar
Billiard Parlor/Pool Hall
Night Club
Private Club
Sexually Oriented Business

C. Use Conditions:

1. The uses included in Use Unit 12a, when located on a lot which is abutting an R District shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Sexually Oriented Businesses shall meet the conditions set forth in Section 705 of this Code.

3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards: provided, however, that the spacing standards shall not apply to accessory use bars as defined in this Code:

   a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and

b. Shall be located a minimum of 300 feet from a public park, school or church, which shall be measured from the nearest point on the property line of a park, school or church to the nearest public entrance door of the Adult Entertainment Establishment measured along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points; for purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and

c. Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in Use Unit 1212a., except in the Central Business District (CBD), which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.

Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines.

School, of the type which offers a compulsory education curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school buildings(s) irrespective of any interior lot lines.

4. The uses included in Use Unit 12a. shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:

a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;

b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;

c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and

d. Noise from any outdoor entertainment activity shall not be audible from any abutting R. District.

5. All uses included within Use Unit 1212a shall be reviewed by the Board of Adjustment at a public hearing to determine if they comply with all applicable spacing requirements. Notice of the public hearing shall be given as provided in Section 1603 of this code.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Bar, Beer Bar, Tavern, Billiard Parlor, Night Club, Pool Hall, Private Club	1 per 75 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional SF of floor area

Sexually Oriented Business:

Adult Amusement or Entertainment	1 per 75 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area
Motel	1 per room plus 1 per manager	1per 5,000 to 10,000 SF plus 1 for each additional 15,000 SF of floor area
Theater	1 per 4 seats or 1 per booth plus 1 per manager	1per 5,000 to 10,000 SF plus 1 for each additional 15,000 SF of floor area
All other such uses	1 per 225 SF of floor area	1 per 5,000 to 10000 SF plus 1 for each additional 15,000 SF of floor area

SECTION 1513. USE UNIT 13. CONVENIENCE GOODS AND SERVICES

A. Description

Retail trade and service establishments which are desirable conveniences in certain residential and office districts. Use Unit 13 is established to permit the location of convenience goods and services in certain environments in which commercial facilities of a higher use intensity would be objectionable.

B. Included Uses:

1. Retail Trade Establishments:

Drug Store
Florist
Food:
- Bakery
- Candy & Confection and/or Nut Store
- Food Specialty Store
- Grocery
- Health Food Store
- Ice Cream Store

Gift, Novelty, Souvenir Shop
Newsstand
Tobacco Store

2. Service Establishments:

Animal Grooming
Barber Shop
Beauty Shop
Dry Cleaning, pick up
Laundry, pick up
Tanning Salon

C. Use Conditions

1. The uses included in Use Unit 13 shall take place within a completely enclosed building, except that accessory outdoor customer seating and accessory outdoor display of merchandise is permitted, whether uncovered or covered by a tent or canopy, provided:

   a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;

   b. The outdoor display area shall extend no closer to the street than the building setback requirement;

   c. The outdoor display area or outdoor customer seating area shall not occupy or use required parking spaces of access aisles;

d. That outdoor display area shall be considered floor area for the purposes of determining off-street parking and loading requirements as set forth herein;

e. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and

f. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.

2. The uses included in Use Unit 13, when located within a district other than an R District and located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Retail Trade and Service Establishments	1 per 225 SF of floor area	1 per 5,000 to 10,000 SF 1 per each additional 15,000 SF of floor area
Tanning Salon	1 per 150 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.

2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment.

SECTION 1514. USE UNIT 14. SHOPPING GOODS AND SERVICES

A. Description

Retail establishments engaged in the merchandising of shopping goods and services.

B. Included Uses:

1. Retail Trade Establishments:

Antique Shop
Art Gallery, commercial
Artist Supply Store
Automobile Parts and Accessories Store
Bicycle Shop
Book Store
Business and Office Machine Sales Establishment
Camera and Photographic Supply Store
Clothing and Accessories Store
Cosmetic Shop
Department Store
Dressmaking Shop
Dry Goods Store
Fur Storage
Furriers
Garden Supply Store
Hardware Store
Hobby Shop
Home Furnishings Establishment selling such items as:
Appliances,
China, Glassware and Metal ware,
Draperies, Curtains, Upholstery,
Floor Coverings, and
Furniture
Jewelry Store
Leather Goods and Luggage Store
Liquor Store
Medical, Dental and Orthopedic Appliances and Supply Store
Musical Instrument and Supply Store
Office Furnishing Establishment
Office Machine Sales
Office Supplies Store
Paint Store
Pawn Shop
Pet Shop
Picture Framing

Radio and TV Sales
Record, Tape and Compact DISC Sales
Reducing Salon
Secondhand Store
Shoe Repair Shop
Shoe Store
Sporting Goods Store
Stationery Store
Tailor Shop
Toy Shop
Variety Store
Video Rentals
Wall Paper Store
Wig Shop

2. **Retail Building Material Establishments,** exclusive of fabrication or repair:

Building Materials
Electrical Supply
Plumbing Fixtures

3. **Service Establishments:**

Auto Alarms Installation
Auto Radio and Stereo Systems Installation
Auto Window Tinting
Blood Bank and Plasma Center
Caterer
Copying Service
Costume Rental Service
Day Labor Hiring Center
Gasoline Service Station (one bay car wash)
Gunsmith
Household Minor Appliance Repair
Interior Decorating, with retail sales
Laundromat Self Service, coin operated
Locksmith
Oil and Lubrication Service (three bay maximum)
Photo Finishing
Radio and Television Repair
Tag Agency, Automotive
Tune-up Service (three bay maximum)
Veterinarian Clinic, excluding outside animal runs
Watch and Jewelry Repair

C. Use Conditions

1. The uses included in Use Unit 14 shall take place within a completely enclosed building, except that accessory outdoor display of merchandise is permitted, whether uncovered or covered by a tent or canopy, provided:

   a. The outdoor display area shall extend no closer to the street than the building setback requirement;

   b. The outdoor display area or outdoor customer seating area shall not occupy or use required parking spaces or access aisles;

   c. That such outdoor display area shall be considered floor area for the purposes of determining off-street parking and loading requirements as set forth herein; and

   d. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.

2. The uses included in Use Unit *14,* when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

3. Blood banks, plasma centers, day labor hiring centers, liquor stores and pawn shops shall be spaced a minimum of 300 feet from each other. The distance between these uses shall be measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use. However, for any such use which has been in operation or has been issued a building permit for such use on or before July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest public entrance door of one applicable use to the nearest public entrance door of any other applicable use.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Antique and Furniture Stores	1 per 300 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area

Outdoor display or storage of lawn, garden and construction materials	1 per 600 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area
All other outdoor display or storage of merchandise	1 per 300 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.

2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment.

SECTION 1515. USE UNIT I5. OTHER TRADES AND SERVICES

A. Description

Trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

B. Included Uses:

1. Trade establishments, including incidental fabricating, processing, installation and repair:

Air Conditioning and Heating
Bait Shops
Bottled Gas
Carpeting
Decorating

Fence
Flea Market
Fuel Oil
General Merchandising Establishment, NEC
Glass
Greenhouse
Heating Equipment
Ice Distribution Center
Jewelry Fabrication
Lumber Yard
Model Homes (for display only)
Monument, excluding shaping
Offset Printing and Engraving
Plastic Materials
Plumbing Shop
Portable Storage Building, sales
Reproduction Services
Trades and Services, NEC
Vending Machines, sales and services

2. Service Establishments:

Building Services
- disinfecting and exterminating services
- janitorial service
- window cleaning

3. Other Services:

Dry Cleaning/Laundry
(5,000 SF maximum floor area)

4. Contract Construction Service:

Air Conditioning
Carpentry
Decorating (interior remodel)
Electrical
Furnace Cleaning and Repair
Heating Contractor
Irrigation Equipment Contractor
Landscaping
Overhead Doors Service

Painting
Paper Hanging
Plastering
Plumbing
Sign Painting
Tent Rentals
Tile Setting

5. Business Service:

Armored Car Service
Mail Service

6. Personal Services:

Auctioneer
Bindery
Cabinet Maker
Drapery Service
Frozen Food Locker
Kennel
Linen Supply (5,000 SF maximum)
Packaging of Manufactured Products
Recycling Drop-off Depot (all materials must be inside containers)
Rug Cleaning
Taxidermist
Tool and Equipment Rental Center
Woodworking Shop

7. Repair Services:

Armature Rewinding Service
Blade Sharpening Service
Business Machine Repair
Computer Repair
Data Processing Machine Repair
Electrical Repair Service
Furniture Repair
Household Major Appliances Repair
Lawnmower Repair
Mattresses and Pillows
Reupholstery
Rug Repair

8. Schools:

Barber
Beauty
Trade School, NEC

C. Use Conditions

The uses included in Use Unit 15, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Trade Establishments	1 per 400 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area
Service Establishment	1 per 400 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area
Trade Schools	1 per 40 SF of classroom or 1 per 3 seats, whichever is greater	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area

SECTION 1516. USE UNIT 16. MINI-STORAGE

A. Description

A structure(s) which contains separate, small size, self-service storage facilities leased or rented to individuals or small businesses. These facilities are designated to accommodate access only from regular size passenger vehicles and two-axle trucks.

B. Included Uses:

Mini-Storage

C. Use Conditions

1. The uses included in Use Unit 1 6, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Within the CS District, there shall be no open air storage of any kind that is visible at ground level from an R District, 0 District or from a public street.

3. The development site shall have frontage on and access to an arterial street.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Mini-Storage	1 per 5,000 SF of mini-storage floor area plus 2 for an accessory dwelling	NA

SECTION 1517. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES

A. Description

Automotive and allied activities

B. Included Uses:

1. Sales:

Agricultural Implement Sales
Aircraft Sales
Automobile Sales, new and used
Boat Sales
Camper Sales
Manufactured Home Sales
Motorcycle Sales
Recreational Vehicle (RV) Sales
Trailer Sales
Truck Sales

2. Services:

Agricultural Implement Rental
Auto Body Repair and Painting
Auto Wash
Automobile Rental
Moving Truck and Trailer Rental (maximum 20 feet in length)
Overnight Campgrounds for Recreational Vehicles
Vehicle Repair and Service

C. Use Conditions

1. The uses included in Use Unit 17, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Within the CS District, there shall be no open air storage or display of merchandise offered for sale within 300 feet of an adjoining R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Agriculture Implements, Automotive, Boat, Camper, Motorcycle Recreational Vehicles & Truck Sales	1 per 600 SF of floor area plus 1 per 1,500 SF of open air display or storage area up to 4,500 SF plus 1 per each additional 5,000 SF of open display or storage area	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area
Manufacture Home Sales	1 per 600 SF of floor area plus 1 per 5,000 SF of open display or storage area up to 50,000 SF plus 1 per each additional 10,000 SF of open display or storage area	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area
Agricultural Implement Equipment, Automobile and Truck Rentals	1 per 600 SF of floor area	NA
Vehicle Repair	1 per 500 SF of floor area minimum of 5 spaces	NA

Auto Wash	NA	NA
Overnight Campgrounds	1 per each recreational vehicle space plus 1 per 300 SF of floor area	NA

SECTION 1518. USE UNIT 18. DRIVE-IN RESTAURANT

A. Description

Eating establishments providing curb service or offering food or drink for on-premise consumption within parked motor vehicles, or permitting the on-premise consumption of food or drink within parked motor vehicle or outside the principal structure.

B. Included Uses: Drive-In Restaurants

C. Use Conditions

The uses included in Use Unit 18, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Drive-In Restaurant	NA	1 per 5,000 to 25,000 SF of floor area plus 1 per additional 25,000 of floor area

SECTION 1519. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES

A. Description

Commercial amusement establishments ordinarily not requiring large sites and which have use characteristics permitting their location in or near developed commercial trade areas.

B. Included Uses:

Billiard Center, Family
Bingo Facility
Bowling Alley
Dance Hall
Enclosed Commercial Recreation Establishments, NEC
Gymnasium
Health Club/Spa
Hotel*
Motel*
Motion Picture Theater (enclosed)
Racquetball Club
Rifle Range (enclosed)
Skating Rink (enclosed)
Slot Car Track
Swimming Pool (enclosed
Tennis Club
Video Games

*An accessory use bar which is customarily incidental and subordinate to a principal use hotel or motel is included in this use unit.

C. Use Conditions

1. The uses included in Use Unit 19, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lot lines in common with the R District.

2. Dance halls shall be located a minimum of 300 feet from an R District; provided, however, that dance facilities which are accessory to not for profit, bona fide lodges, posts, clubs, fraternal, benevolent or charitable organizations shall be exempt from this setback requirement. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted to the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way).

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Dance Hall	1 per 75 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area
Video Games, Bingo Facility, Family Billiard Center	1 per 100 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area
Health Club	1 per 150 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area
Hotel, Motel	1 per sleeping room plus 1 per 225 SF of accessory facilities such as card shop, flower shop, barber and beauty shops, etc., and 1 per 100 SF for accessory facilities and taverns	1 per 40,000 to 150,000 SF plus 1 per each additional 150,000 SF of floor area plus 1 per each 5,000 to 25,000 SF plus 1 per each additional 25,000 SF accessory facilities
Motion Picture Theater, Gymnasium	1 per 4 seats	1 per 5,000 to 10,000 SF plus 1 per each additional 15,000 SF of floor area
All Other Uses	1 per 225 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each additional 25,000 of floor area

SECTION 1520. USE UNIT 20. COMMERCIAL RECREATION: INTENSIVE

A. Description

Commercial recreation facilities, the principal activities of which are usually open-air, located in undeveloped, outlying sections of the City.

B. Included Uses:

Amusement Activities, NEC
Arena

Drag Strip
Drive-In Theater
Fairground
Frisbee Golf Course
Go-Cart Track
Golf Driving Range -
Miniature Auto Track
Outdoor Recreation, NEC
Pony Rides
Race Tracks, auto, dog, horse
Rodeo Grounds
Skateboard Track
Stadiums, NEC
Tennis Courts
Water Slide

C. Use Conditions

The uses included in Use Unit 20, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Golf Driving Range	1 per tee	NA
Drive-In Theater	NA	NA
Uses providing spectator seating such as stadiums,	1 per 4 seats	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area
Other Uses I	1 per 800 SF of	1 per 5,000 to 25,000 SF plus 1 per each additional floor area

SECTION 1521. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING

A. Description. Business signs and outdoor advertising.

B. Included Uses:

Business Signs
Outdoor Advertising Signs

C. General Use Conditions for Business Signs

1. Sign Setbacks

a. Signs, if visible from an R District other than street, highway or freeway right-of- way, or if visible from a designated residential development area, shall not be located within fifty (50) feet from said district or area.

b. Signs with a display surface area larger than three hundred (300) square feet which are visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within two hundred (200) feet from such a district or area.

c. Signs shall be setback a minimum distance of ten *(10)* feet from a freeway right-of-way.

2. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be subject to the following limitations.

a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection.

b. No such sign shall be located within twenty (20) feet of the driving surface of a street.

c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such district or area.

d. No such sign shall exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.

3. Only one (1*)* side of a double-faced sign shall be included in the computation of display surface area.

4. In the computation of permitted display surface area for business signs and outdoor advertising, the lineal footage of an abutting minor street shall not be combined with the lineal footage of any abutting major street which is included in the computation of permitted display surface area.

5. Signs and all parts of signs shall be setback from the centerline of an abutting street one-half (1/2) the right-of-way width designated on the Major Street and Highway Plan.

6. Signs that have not been issued a sign permit shall not be located in any district.

7. Promotional business signs shall be permitted only as provided in this paragraph. Promotional business sign permits shall be limited to four (4) per year for each business. Such permits shall authorize the use of the sign for a period of ten (10) days. Any or all of the four (4) permitted time periods may run consecutively. Promotional business signs are further regulated as follows:

   a. The maximum height of a promotional business sign shall not exceed the height of any ground sign permitted by the Zoning Code on the lot. Further, inflatable promotional business signs shall be setback from the property line(s) one (1) foot for every foot of height as measured from the base of the sign; or

   b. Promotional business signs, except inflatable or other non-rigid promotional business signs, are not permitted to be installed on the roof.

8. Except for wall and promotional business signs, the maximum number of business and outdoor advertising signs per lot of recorded shall be as follows:

   a. Permitted Number of Business and Outdoor Advertising Signs (if permitted in the district and by Section 1221.F.):

CS & IL	CG,CH & CBD	SR, IM & IH
1 per 1 50 feet of major street frontage or fraction thereof.	1 per 100 feet of major street frontage or fraction thereof,	1 per 200 feet of major street frontage or fraction thereof.

   b. If a lot of record in a CS, CG, CH, CBD, IL, IM or IH district has no frontage on a major street, then one (1) ground or projection business sign per street frontage is permitted which shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than thirty-two (32) square feet nor be permitted to exceed one hundred fifty (150) square feet of display

surface area. If the sign is a ground sign, it shall not exceed the height of the building in which the principal use is located, or twenty (20) feet whichever is lower. Wall signs shall be permitted in accordance with paragraph 1221.E.2

9. Projecting or ground signs, shall maintain a minimum separation of thirty (30) feet from any roof, projecting, ground, or outdoor advertising sign.

10. Roof signs shall be prohibited, except as otherwise permitted in 1221.C.7.b. Roof signs lawfully existing on the effective date of this code, or amendments to this code, shall be regulated by Chapter 14 of this code.

11. A wall or projecting sign shall not extend above the top of the parapet or building wall on which it is located; provided that in instances where the height of the parapet or building wall, or where construction or architectural features will not permit a wall sign three (3) feet in height, said sign may extend above the parapet or building wall a distance which will permit a sign of three (3) feet in height.

12. No sign shall be permitted to be located upon or constructed within a required parking space or loading berth, or to otherwise obstruct vehicular or pedestrian access or circulation, or to pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.

13. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.

14. No sign shall be permitted in the right-of-way or planned right-of-way as designated on the Major Street and Highway Plan of a public street, unless a license and removal agreement has been entered into by the sign owner and the City, and approval is given by the Board of Adjustment.

15. Signs shall not be permitted to exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.

D. CS District Use Conditions for Business Signs

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in 1221.C.5, the sign is setback one (1)

foot for each foot of height exceeding twenty-five (25) feet. In no event shall the sign exceed forty (40) feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. in those cases where the abutting street is a designated freeway, the maximum permitted height is fifty (50) feet. The maximum height of ground and projecting signs where permitted abutting a minor street shall be as prescribed in Section 1221.C.8.b.

2. Wall signs shall not exceed an aggregate display surface area of three (3) square feet per each lineal foot of the building wall to which the sign or signs are affixed.

3. Roof, projecting, ground, and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per lineal foot of major street frontage if only one (1) such sign is erected and shall not exceed one (1) square foot per lineal foot of major street frontage if more than one (1) such sign is erected. When a lot has no frontage on a major street, no roof or outdoor advertising signs shall be permitted. Projecting and ground signs shall comply with the provisions of Section 1221.C.8.b.

4. No roof, projecting or ground sign shall contain more than two (2) sides, nor shall the total display surface area for each side exceed five hundred (500) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (300).

E. CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in 1221.C.5, the sign is set back one (1) foot for each foot of height exceeding twenty-five (25) feet. In no event shall the sign exceed forty (40) feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted height shall be fifty (50) feet. The maximum height of ground and projecting signs where permitted abutting a minor street shall be as prescribed in Section 1221 .C.8.b.

2. Wall signs shall not exceed an aggregate display surface area of three (3) square feet per each lineal foot of the building wall to which the sign or signs are affixed.

3. Aggregate display surface area of roof, projecting, ground and outdoor advertising signs shall be regulated as follows:

   a. Within a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of major street frontage if only one (1) such sign is erected, and shall not exceed two (2) square feet per lineal foot of major street frontage if more than one (1) such sign is erected; or

   b. Outside a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per lineal foot of major street frontage if only one *(1)* such sign is erected and shall not exceed one (1) square foot per lineal foot of major street frontage if more than one.(1) such sign is erected.

   c. Within or outside a freeway sign corridor, when a lot has no frontage on a major street, no roof or outdoor advertising signs shall be permitted. Projecting and ground signs shall comply with the provisions of Section 1221.C.8.b.

4. No roof, projecting or ground sign shall contain more than two (2) sides nor shall the total display surface area for each side exceed five hundred (500) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).

F. Use Conditions for Outdoor Advertising Signs

1. Outdoor advertising signs shall be permitted in CS, CG, CH, CBD, IL, IM and IH zoning districts when located within a freeway sign corridor. Outdoor advertising signs may be permitted in the CO zoning district, subject to the site plan review as provided in Chapter 8 of this code and provided it is located within a freeway sign corridor. Outdoor advertising signs may be permitted in Planned Unit Developments, in accordance with Chapter 11 of this code, so long as the same is zoned CS, CG, CH, CBD, IL, TM or IH and is within a freeway sign corridor.

2. An outdoor advertising sign shall be separated a minimum distance of one thousand two hundred (1,200) feet from any other outdoor advertising sign. Spacing limitations shall not apply between signs separated by the freeway.

3. No outdoor advertising sign shall be located within one hundred fifty (150) feet of a public park.

4. Outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be setback from such district or area a minimum distance as follows:

   a. One hundred fifty (150) feet if the display surface area is three hundred (300) square feet or less; or

   b. Two hundred (200) feet if the display surface area is greater than three hundred (300) feet.

5. No portion of an outdoor advertising sign shall be located within ten (10) feet of a freeway right-of-way.

6. No outdoor advertising sign shall contain more than two (2) sides, and only one (1) side shall be included in the computation of display surface area. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).

7. An outdoor advertising sign shall be oriented to be primarily visible from the freeway.

8. No outdoor advertising sign shall contain flashing, blinking or traveling lights or reflective glitter.

9. Cutouts or extensions shall be permitted in addition to the display surface area permitted in this section so long as the cutouts or extensions do not exceed fifteen percent (15%) of the display surface area.

10. No outdoor advertising sign shall be supported by more than one (1) post or column unless required by site engineering considerations and is certified as such by a registered professional engineer.

11. Outdoor advertising signs which have animation, revolving or rotating components or movement shall be subject to the following limitations:

    a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection;

    b. No such sign shall be located within twenty (20) feet of the driving surface of a street; and

    c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such district or area.

12. Illumination on the face of outdoor advertising signs shall not be permitted to exceed seventy (70) foot candles measured at a two (2) foot distance.

13. Outdoor advertising signs shall maintain a minimum separation of thirty (30) feet from any roof, projecting or ground sign.

14. Any illumination shall be by constant light.

15. No outdoor advertising sign shall exceed fifty (50) feet in height; except when the freeway is elevated ten (10) feet or more above grade where the sign is to be located, then in that event no outdoor advertising sign shall exceed sixty (60 feet in height.

16. The maximum number of signs on a lot of record, including outdoor advertising signs but exclusive of business wall signs and promotional business signs, shall be as provided in 1221 .0.8.

17. The aggregate display surface area for all ground, roof or projecting signs, whether business or outdoor advertising, shall comply with the provisions of paragraphs 1221.0.4, 1221.D.3 and 1221.E.3, as applicable; provided that in no event shall an outdoor advertising sign exceed six hundred seventy-two (672) square feet of display surface area.

18. No outdoor advertising sign shall be permitted to be located upon or constructed within a required parking space or loading berth, nor to otherwise obstruct vehicular or pedestrian access or circulation, or pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.

19. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.

G. Off-Street Parking and Loading Requirements. Not applicable.

SECTION 1522. USE UNIT 22. SCIENTIFIC RESEARCH AND DEVELOPMENT

A. Description

Facilities for scientific research, development and testing, which are customarily located

on large, landscaped sites and the operation of which does not produce objectionable environmental effects.

B. Included Uses: Enclosed scientific research, testing and development.

C. Use Conditions

1. The uses included in Use Unit 22, when located in an SR District shall be conducted within enclosed buildings.

2. The uses included in Use Unit 22, when located on a lot which is abutting an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 800 SF of floor area	1 per 5,000 to 40,000 SF of floor area plus 1 per 40,000 to 100,000 SF plus 1 per each additional 100,000 SF of floor area

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.

2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment.

SECTION 1523. USE UNIT 23. WAREHOUSING AND WHOLESALING

A. Description

Warehousing, wholesaling, and trucking often located adjacent to the central business district in industrial parks served by rail and highway transportation, and port areas.

B. Included Uses:

Automobile/Truck Storage (off-site)
Garbage Truck(s) Storage
Moving and Storage Facility
Storage, NEC
Truck Rentals
Truck Stop, Gasoline
Truck Wash
Trucking Establishment
Warehousing, NEC
Wholesale Distributors:
- Beer, Wine and Distilled Alcoholic Beverages
- Drugs, Chemicals and Allied Products
- Dry Goods and Apparel
- Eggs
- Electrical Goods
- Furniture and Home Furnishing
- Groceries and Related Products
- Hardware, Plumbing, Heating Equipment and Supplies
- Machinery, Equipment and Supplies
- Paper and Paper Products
- Tobacco and Tobacco Products

Wholesale Establishment, NEC

C. Use Conditions

The uses included in Use Unit 23, when located on a lot which is abutting the boundary of an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 5,000 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each additional 25,000 SF of floor area

SECTION 1524. USE UNIT 24. MINING AND MINERAL PROCESSING

A. Description

Extractive operations, certain mineral processing operations, and manufacturing operations which directly utilize minerals, at or near the source.

B. Included Uses

1. Mining and Quarrying: Mining, quarrying or extraction of coal, ores, stone, sand, gravel or top soil.

   Mining, quarrying or extraction of coal, ores, stone, sand, gravel or top soil.

2. Processing of Mineral Products, as follows: Crushing, washing, and grading of coal, ore, stone, sand or gravel, manufacture of Portland cement, concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel, for utilization off the premises.

C. Use Conditions

The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, shall consider potential environmental influences, such as dust and vibration, and shall establish in the particular instance, appropriate protective conditions such as setbacks, screening, and method of operation, as will mitigate the adverse affect on proximate land uses.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 1,000 SF of floor area	NA

SECTION 1525. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY

A. Description

Light manufacturing and industrial uses having slight or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration.

B. Included Uses:

Apparel and Other Finished Products Made From: fabrics, leather, similar materials
Bakery Products - Manufacturing
Blacksmithing
Bottling Plant
Brooms and Brushes Manufacturing
Building Contract Construction Service and Storage:
- Cesspool Cleaning
- Concrete Construction Service
- Heavy Construction, Equipment Storage/Parking
- Industrial Spray Painting and Other Solvent Use
- Insulation Contractor
- Masonry
- Oil Well Drilling and Cleaning
- Pre-stressed and pre-tensioned concrete products contractor
- Roofing
- Sheet Metal
- Spray Painting
- Stonework
- Water Well Drilling and Cleaning

Bus Maintenance Shop
Candle manufacturing
Candling Cr Processing Pant
Carpet Cleaning
Clothes Manufacturing
Cold Storage Plants
Communication Equipment, Including Radio Television Receiving Sets – Manufacturing
Costume Jewelry, Costume Novelties, Buttons and Miscellaneous Notions (except precious materials) - Manufacturing
Diesel Engine Repairs
Drug - Manufacturing
Dry Cleaning/Laundry - Industrial
Electrical Lighting and Wiring Equipment - Manufacturing
Electronic Components and Accessories - Manufacturing
Fabricated Metal Products, NEC - Manufacturing
Freight Terminals
Fur Goods - Manufacturing
Furniture and Fixtures - Manufacturing
Furniture Packing and Crating
Garment Manufacturing
Grain Elevators

Household Minor Appliances - Manufacturing
Ice Manufacturing
Industry NEC, Light
Jewelry, Silverware and Plated Ware - Manufacturing
Lamp shades - Manufacturing
Laundry Service (Non-personal goods)
Leather and Leather Products - Manufacturing
Machine Shop
Manufacturing NEC, light
Mattress and Bedding Renovator
Mattress Manufacturing
Monument Manufacture
Mortician Goods - Manufacturing
Motor Freight Depot/Terminal
Motion Picture Production
Musical Instruments and Parts - Manufacturing
Office, Computing and Accounting Machines - Manufacturing
Pens, Pencils, and Other Office and Artist Materials - Manufacturing
Pharmaceutical Manufacturing
Pottery and Figurines or Other Similar Ceramic products, Using only previously pulverized clay and kilns fired only by electricity or gas
Printing, Publishing and Allied Industries
Professional, Scientific and Controlling Instruments, Photographic and Optical Goods, Watches and Clocks - Manufacturing
Pharmaceutical Manufacturing
Produce Markets Wholesale
Roasting Coffee and Coffee Products - Manufacturing
Sash and Door Manufacturing
Sighting and Fire Control Equipment - Manufacturing
Signs and Advertising Displays - Manufacturing
Store Fixture Manufacturing
Toy, Amusement, Sporting and Athletic Goods - Manufacturing
Truck Freight Terminal (repair and storage of commercial contract carriers)
Umbrellas, Parasols and Canes - Manufacturing
Welding Equipment and Supply Manufacturing
Welding Shop

C. Use Conditions

1. The uses included in Use Unit 25, which are located within 300 feet of an R District, shall be conducted within enclosed buildings.

2. The uses included in Use Unit 25, when located on a lot which is abutting an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 750 SF of of floor area	1 per 2,000 to 40,000 SF of floor area, plus 1 per 40,000 to 100,000 SF, plus 1 per each additional 100,000 SF of floor area

SECTION 1526. USE UNIT 26. MODERATE MANUFACTURING AND INDUSTRY

A. Description

Manufacturing and industrial uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration.

B. Included Uses

Alcohol Manufacturing
Aluminum, Brass, Copper, Iron or Steel Foundry Works
Batch Plant
Beverage Manufacturing
Boiler or Forage Works
Brewery
Canning and Preserving of Fruits/Vegetables
Cellophane Manufacturing
Celluloid Manufacturing
Cheese Manufacturing
Chrome Plating
Concrete Brick and Block - Manufacturing
Concrete Ready-Mix Plant
Confectionery and Related Products - Manufacturing
Cooperage Works
Corrugated Metal Manufacturing
Cotton Baling, Compressing and Ginning
Cotton Storage, Open

Cottonseed Oil Milling
Cutlery, Hand Tools, General Hardware - Manufacturing
Dairy Products Manufacturing
Die Casting Manufacturing
Dyestuff Manufacturing
Electrical Machinery, Equipment and Supplies - Manufacturing
Electroplating
Feed Grinding and Processing
Fiberglass Products Manufacturing
Flat Glass - Manufacturing
Flavor Extracts and Flavoring Syrups Manufacturing, NEC
Flour Mills
Food Products, Manufacturing
Foundry, Nonferrous Metals
Galvanizing
Gas (heating or illuminating) Manufacturing or Storage, except where such gas is to be entirely consumed on the same premises
Glass and Glassware (pressed and blown) Manufacturing
Grain Mill Products - Manufacturing
Guns, Howitzers, Mortars, and Related Equipment - Manufacturing
Heat Exchangers, Fabrication
Household Major Appliance Manufacturing
Ice Cream Manufacturing
Indoor Recycling Center for Metal, paper, Glass and Plastic Products
Iron and Steel Foundries
Lamp Black Manufacturing
Liquefied Petroleum Gas Sales and Service, Wholesale
Livestock Auction Sales
Lumber and Wood Products (except furniture) Manufacturing, NEC
Machinery (except electrical) Manufacturing
Manufacturing NEC, Moderate
Meat Products - Manufacturing
Milling, Custom
Nonferrous Foundries
Noodle Manufacturing
Oilcloth Manufacturing
Oil Compounding and Barreling
Oil Well Equipment Storage
Other Fabricated Metals Products - Manufacturing
Paint Manufacturing
Paper Products - Manufacturing
Pickle, Sausage, Sauerkraut or Vinegar Manufacturing
Pickling, Fruits and Vegetables; Salad Dressings - Manufacturing
Planing Mill

Pottery and Related Products - Manufacturing
Prefabricated House Manufacturing
Printing Ink Manufacturing
Radioactive Service Company
Rayon or Cellophane Manufacturing
Ready Built House Manufacturing
Refrigerator Manufacturing
Sandblasting (indoor)
Sausage Manufacturing
Shoddy Manufacturing (low grade wool)
Shoe Polish Manufacturing
Small Arms Manufacturing
Soybean Oil Milling
Space Vehicle Manufacturing
Starch, Glucose, Dextrin Manufacturing
Steel Fabrication Plant
Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for sixty (60) days or less (excludes salvaged or dismantled vehicles)
Structural Clay products - Manufacturing
Tank and Tank Components - Manufacturing
Textile Mill - Manufacturing
Tire Recapping
Tobacco - Manufacturing
Transportation Equipment Manufacturing
Vegetable Oil Milling
Vinegar Manufacturing
Wool Scouring, Hair Manufacturing
Yeast Manufacturing for Wholesale

C. Use Conditions

1. The uses included in Use Unit 26, which are located within 300 feet of an R District, shall be conducted within enclosed buildings.

2. The uses included in Use Unit 26, when located on a lot which is abutting an R District, shall be screened from the abutting R District, by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 750 SF of of floor area	1 per 2,000 to 40,000 SF of floor area, plus 1 per 40,000 to 100,000 SF, plus 1 per each additional 100,000 SF of floor area

SECTION 1527. USE UNIT 27. HEAVY MANUFACTURING AND INDUSTRY

A. Description

Manufacturing and industrial uses having substantial objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration.

B. Included Uses:

Abattoir (slaughter house)
Acetylene Gas Manufacturing in Excess of 15 Pounds Pressure Per Square Inch
Acid Manufacturing
Agricultural Chemicals - Manufacturing
Ammonia, Bleaching Powder or Chlorine Manufacturing
Animal Rendering
Arsenals
Asphalt Manufacturing or Refining
Blast Furnace, except as a minor and incidental part of another permitted industrial use
Bleaching Powder Manufacturing
Brick, Tile or Terra Cotta Manufacturing
Butane and Propane Manufacturing/Storage
Cement, Lime, Gypsum, Plaster of Paris or Asphalt Manufacturing
Chipping of Trees and Shrubs
Chlorine or Hydrochloric, Nitric, Picric, Sulphurous, Sulfuric Acid or Ammonia Manufacturing
Coal Yard
Coke Manufacturing
Compost Yard
Creosote Manufacturing or Treatment
Disinfectant or Insecticide Manufacturing
Distillation of Bones, Coal or Wood

Emery Cloth and Sandpaper Manufacturing
Explosive Manufacturing or Storage
Fat Rendering
Fertilizer Manufacturing From Mineral or Organic Materials
Fireworks Manufacturing
Glue, Gelatin or Size Manufacturing
Gravel Crushing, Screening, Washing
Guided Missile Manufacturing
Gum and Wood Chemicals - Manufacturing
Insecticide Manufacturing
Lime, Cement, Plaster of Paris Manufacturing
Linoleum, Asphalted-felt Base, and Other Hard Surface Floor Cover - Manufacturing
Lubricating Oils and Grease Manufacturing
Manufacturing NEC, Heavy
Match Manufacturing
Metal Foundry, Ferrous Metals
Oil Reclamation Plants
Oil Refinery
Paper or Pulp Manufacturing by Sulfide Processes Emitting Noxious Gases or Odors
Paving Plants
Petroleum Bulk Storage for Wholesale
Plastics/Rubber Manufacturing
Primary Metal Industries, NEC
Railroad Freight Terminal
Railroad Roundhouse or Shop
Railroad Yard
Refining of Petroleum or Other Crude Materials
Rendering Plant
Resource Recovery Facility (all storage and processing within building)
Rock Crushers
Rolling/Steel Mill
Rubber Manufacturing from Crude Materials
Salt Works
Sandblasting (outdoor)
Sawmill
Slaughtering of Animals
Smelting
Soap Manufacturing
Soda Ash, Caustic Soda and Washing Compound Manufacturing
Steel Mill
Stockyard
Stone Cutting and Stone products manufacturing
Structural Steel Plants

Sugar Refining
Tallow, Grease or Lard Manufacturing or Refining
Tank Farm, petroleum
Tanning, Curing or Storing of Leather and Rawhides or Skins
Tar Roofing or Tar Waterproofing Manufacturing
Tar Distillation or Manufacturing
Tile Roofing Manufacturing
Trades, Industries, or Uses that have Heavily Objectionable Environmental Influences by Reason of the Emission of Odor, Heat, Smoke, Noise, or Vibration
Trash Transfer Station (all processing and storage within building or containers)
Turpentine Manufacturing
Varnish Manufacturing
Washing Compound Manufacturing
Wood Preserving

C. Use Conditions. None

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 750 SF of floor area	1 per 2,000 to 40,000 SF of floor area, plus 1 per 40,000 to 100,000 SF, plus 1 per each additional 100,000 SF of floor area

SECTION 1528. USE UNIT 28. JUNK AND SALVAGE YARDS

A. Description

Establishments primarily providing an open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, crushed or handled. Materials shall include but are not limited to scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, vehicular parts, wrecked vehicles, bottles and cans.

B. Included Uses

Junk and Salvage Yards

C. Use Conditions

1. The uses included in use unit 28, when located on a lot abutting an AG, R, PK, 0, C, 00, CBD, SR or IL District shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the district to be screened.

2. The uses included in Use Unit 28, when located on a lot abutting a street, highway or thoroughfare, shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the district to be screened.

3. The piling of junk or salvage materials shall not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened, except as provided in Section 1228.0.4

4. Storage racks which are designed for the stacking of automotive front-ends, hoods, doors, quarter panels, etc., which exceed the height of the screening fence, shall be setback a minimum of 25 feet from an abutting R District and from a street, highway or thoroughfare along the lot line or lines in common with the R District, street, highway or thoroughfare, plus two (2) additional feet of setback for every one (1) foot of rack height above 15 feet.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
All Uses	1 per 750 SF of floor area	1 per 2,000 to 40,000 SF of floor area, plus 1 per 40,000 to 100,000 SF, plus 1 per each additional 100,000 SF of floor area

E. Screening Requirements

For the purpose of maintaining a compatible relationship between certain land uses and for the purpose of protecting the public investment in streets, highways and thoroughfares and to promote the safety and recreational value of public travel and to preserve the natural beauty, a screening requirement is hereby established for the initiation and continuance of all uses included in Use Unit 28.

1. Specifications

The required screening wall or fence:

a. Shall be a minimum of eight (8) feet in height;

b. Shall be constructed with customarily used fencing materials, shall be designed and arranged to provide substantial visual separation from other land uses required to be screened and from the general public traveling along the streets, highways and thoroughfares;

c. Shall be uniform in height, except for significant changes in topography, have a consistency of design, and if painted, walls or fences shall be earth-tone in color when abutting an R District boundary;

d. Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance; and

e. Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.

2. Maintenance

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

3. Modification of the Screening Wall or Fence Requirements

The Board of Adjustment, as a Special Exception, may:

a. Modify or remove the screening requirement where existing physical features, such as trees and other plant materials, buildings, earthen berms or hills, provide substantial visual separation from uses and for the general public traveling along the streets, highways and thoroughfares:

b. Modify the screening requirement where an alternative screening will provide substantial visual separation of uses and for the general public traveling the streets, highways and thoroughfares such as:

(1) a chain link fence which utilizes inserts of metal or other materials,

(2) a landscape plan specifying number, types and location of proposed plant materials to be installed and maintained, or

(3) a 6-foot privacy wall or fence;

c. Grant an extension of time to erect a screen where properties, other than public streets, highways and thoroughfares, which are to benefit by the screen, are undeveloped and no immediate development plan is known or anticipated; or

d. Remove the screening requirement where the purpose of the screening requirement cannot be achieved, such as where a road or street is elevated, or where the screening is prohibited by other ordinances and/or regulations, such as in floodplains.

CHAPTER 16

OFF-STREET PARKING AND OFF-STREET LOADING

1600. Purpose
1601. Applicability of Requirements
1602. Basic Requirements Established
1603. Use of Required Off-Street Parking Spaces and Off-Street Loading Areas
1604. Multiple and Simultaneous Uses
1605. Setbacks
1606. General Design Criteria for Off-Street Parking Areas
1607. Design Standards for Off-Street Parking Areas
1608. Design Standards for Off-Street Loading Areas
1609. No Specified Parking Requirements
1610. Review and Approval of Parking Plans
1611. Parking or Storage of Vehicles on Other Than Approved Parking Surfaces

SECTION 1600. PURPOSE

The parking and off-street loading requirements stated in this Chapter and throughout this Ordinance reflect the need created by each use and establish standards for the functional design of such facilities. Parking design standards are intended to provide the necessary vehicular space in an orderly and aesthetically pleasing manner, to reduce congestion on City or County streets and to minimize the impact on adjacent land uses.

SECTION 1601. APPLICABILITY OF REQUIREMENTS

Construction of Off-Street Parking and Off-Street Loading Facilities is required as follows:

A. New Buildings and Uses

All buildings and structures constructed and all uses of land established after the effective date of this Ordinance must provide parking and loading facilities as required by the applicable Use Unit. (See Chapter 15, Use Units)

B. Increase in the Intensity of Use of a Building or Structure

1. Any increase in the intensity of use of any building or premises requires an increase in the required parking and loading facilities.

2. Any change in intensity or the addition of dwelling units, change in floor area, change in seating capacity, or change of other units of measurement specified within this Ordinance which require parking or loading facilities requires an increase in the required parking and loading facilities.

C. Change of Use

1. Upon a change of use of an existing building or structure to a new use, parking and loading facilities must be provided as required for such new use.

2. However, if the existing use is nonconforming as to parking requirements, then parking requirements for a change in use will be regulated by Section 1707, Parking and Loading Nonconformities.

SECTION 1602. BASIC REQUIREMENTS ESTABLISHED

A. Minimum Facilities Established

Off-street parking and off-street loading facilities whether principal uses, accessory uses, or a minimum requirement which results from the initiation, enlargement, or change of use, shall meet the requirements of this Chapter and Chapter 15, Use Units. These requirements shall be met unless modified by Section 1604, Multiple and Simultaneous Uses.

B. Location of Required Off-street Parking Spaces and Off-street Loading Berths

1. Required off-street parking spaces and off-street loading berths must be located on the lot containing the use for which the required spaces or berths are provided; or

2. Upon approval of a Special Exception from the Board of Adjustment, required off-street parking space may be located within 200 feet by route of direct pedestrian access from the principal uses they serve and shall have direct access to a street or an alley.

C. Surface Material

Unenclosed off-street parking areas (spaces, aisles and connecting driveways) and off-street loading berths must be surfaced with an all-weather material as defined in Chapter 21, Definitions, except as otherwise provided in Section 1608.C.

D. Completion of Facilities Prior to Use

Construction of required off-street parking, including surfacing, shall be completed prior to the initiation of the use.

E. Reduction of Off-Street Parking Facilities

No existing off-street parking or loading facilities shall be reduced in capacity below the minimum requirements for a similar new building or use as provided by this Ordinance. If such parking is already less than required, the facilities shall not be reduced further.

F. Enclosed Off-Street Parking and Loading Areas

Required enclosed off-street parking and loading areas (parking garages, etc.) shall meet the bulk and area requirements of the Zoning District in which located. However, required enclosed off-street parking and loading areas shall not be included in the computation of the permitted floor area.

G. Special event parking areas are permitted accessory only to Use Unit 2 uses and shall comply with the following conditions:

1. Special event parking shall not be used for more than 20 days in any calendar year.

2. Special event parking can not occur for more than 10 days in any 30 day Period;

3. Special event parking shall be setback at least 50 feet from any abutting residentially zoned lot or PUD Designated Residential Development Area;

4. All special event parking areas shall be on the same lot or lots approved for principal Use Unit 2 use to which they area accessory; and

5. The number of days per year and the number of days within a 30 day period that special event parking is permitted may be increased with Board of Adjustment approval as a Special Exception.

SECTION 1603. USE OF REQUIRED OFF-STREET PARKING SPACES AND OFF-STREET LOADING BERTHS

Required off-street parking spaces and off-street loading berths must not be used for the location of signs or the storage, sale, dismantling, or servicing of any vehicle, equipment, materials or supplies.

SECTION 1604. MULTIPLE AND SIMULTANEOUS USES

A. For simultaneous use of sites or structures which allow more than one (1) use the parking requirements shall be the sum of the spaces required for each use except as otherwise provided herein.

B. Commercial mixed use developments with more than 200,000 total gross square feet of floor area are entitled to a 10% reduction in the required number of off-street parking spaces.

SECTION 1605. SETBACKS

A. Off-Street Loading Areas Setback from Abutting AR and R Districts

Off-street loading areas shall not be located within 10 feet of any abutting property in an AR or R District unless completely enclosed within a building or screened on all sides abutting the AR or R District by a screening wall or fence.

B. Unenclosed Off-street Parking Areas that are Accessory to Use Unit 8

Unenclosed off-street parking areas (including parking aisles) that are accessory to any Use Unit 8, Multifamily and Similar Uses must be setback at least 25 feet from any abutting AR or RS District.

C. Setbacks from Abutting Street

Unenclosed off-street parking and loading areas must be setback from abutting streets as set forth in Table 16-1 below.

Table 16 - 1

Off-Street Parking and Loading Area Setbacks from the Centerline of Abutting Streets*

	Parking Area 1 to 5 Spaces	Parking Area 6 or More Spaces	Loading Area
In an R District			
Accessory to a dwelling	25 ft.	25 ft.	NA
Accessory to another use	20 ft.	25 ft.	25 ft.
Not in an AR or R District, but within 50 feet of an AR or R District	20 ft.	25 ft.	25 ft.

*If the right-of-way width designated on the Major Street Plan exceeds 50 feet, add one-half (1/2) of the amount by which the designated right-of-way exceeds 50 feet.

SECTION 1606. GENERAL DESIGN CRITERIA FOR OFF-STREET PARKING AREAS

A. Space Allocation

1. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities.

2. Space allocated to required off-street parking areas shall not be used to satisfy the space requirements for off-street loading facilities.

B. Each required parking space shall be accessible from a public street without passing through another required space except for single-family use in the AR, RS or RST Districts.

C. Driveways

1. On lots having a frontage of 50 feet or less only one (1) combined entrance/ exit is permitted.

2. On lots having a frontage in excess of 50 feet, but less than 200 feet, not more than two (2) combined entrances/exits are permitted.

3. On property with frontage in excess of 200 feet additional drives may be permitted but only when the traffic generated by the use warrants the additional drives. Additional drives shall be approved by the City or County Engineer.

D. No parking spaces shall be permitted to be constructed within the Sight Distance Triangle. (See Section 212 and Figure 2-1.)

E. Adequate Maneuvering Area

Parking areas must be designed and constructed to provide adequate maneuvering areas on site. Backing onto or off of the street right-of-way is prohibited.

F. Lighting

Lighting used to illuminate an off-street parking area shall be arranged to direct the light away from properties within an AR or R District which do not contain uses for which the parking is being provided.

G. Screening Wall or Fence

Parking areas shall be screened in accordance with the appropriate Use Unit requirements in Chapter 15 and as follows:

1. Unenclosed off-street parking areas shall be screened by the construction of a screening wall or fence on the lot line or lines in common with an AR or R District. (See Section 216, Screening Walls or Screening Fence.)

2. Unenclosed off-street parking areas containing six (6) or more spaces which are accessory to uses not required to provide screening shall be screened by the construction of a screening wall or fence on the lot line or lines in common with an AR or RS District. However, if the parking area is located more than 25 feet from the AR or RS lot line, the screening requirement does not apply. (See Section 216, Screening Walls or Screening Fence.)

SECTION 1607. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

After the effective date of this Ordinance all newly constructed parking areas shall meet the following standards:

A. All required off-street parking spaces shall have a vertical clearance of at least seven (7) feet;

B. Handicapped off-street parking spaces shall be provided in size and number as specified in the Building Code;

C. Required off-street parking spaces shall be at least 8.5 feet in width and 18 feet in length exclusive of access drives and aisles; and

D. Parking layout dimensions for required off-street parking spaces and aisles shall be in accordance with or in proportion to the minimum standards set forth in Figures 16-1 through 16-4 which follow:

FIGURE 16-1

PARKING LAYOUT DIMENSIONS FOR 8.5' AND 9.0' STALL WIDTHS AT VARIOUS ANGLES WITH ONE-WAY AISLES (MINIMUM STANDARDS)

A	B	C	D
45°	8.5	18.0	12.0
	9.0	18.0	12.0
60°	8.5	18.0	16.0
	9.0	18.0	16.0
75°	8.5	18.0	21.0
	9.0	18.0	21.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

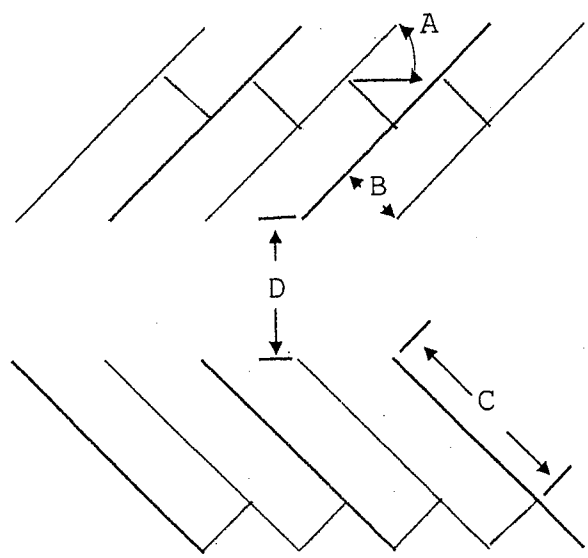


FIGURE 16-2

PARKING LAYOUT DIMENSIONS FOR 8.5' AND 9.0' STALL WIDTHS AT VARIOUS ANGLES WITH TWO-WAY AISLES (MINIMUM STANDARDS)

A	B	C	D
45°	8.5	18.0	20.0
	9.0	18.0	20.0
60°	8.5	18.0	21.0
	9.0	18.0	21.0
75°	8.5	18.0	22.0
	9.0	18.0	22.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

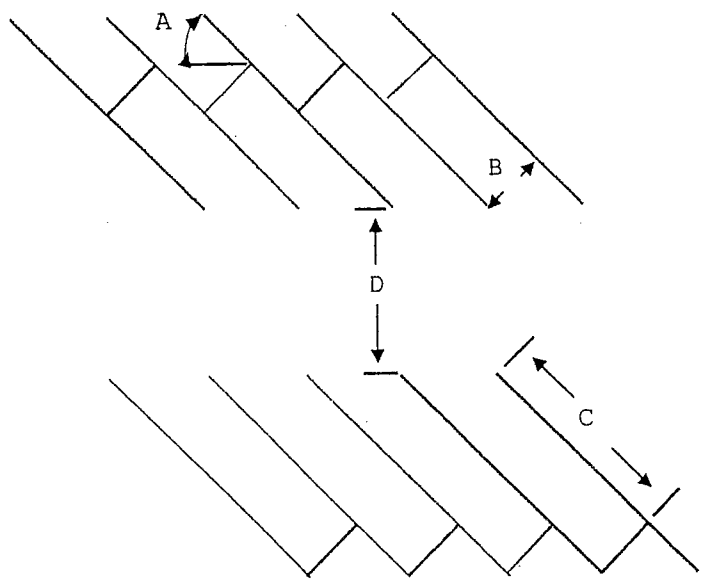


FIGURE 16-3

PARKING LAYOUT DIMENSIONS AT 0 DEGREE ANGLE (MINIMUM STANDARDS)

A	B	C	D
0°	8.5	24.0	12.0 (24.0)
	9.0	24.0	12.0 (24.0)

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

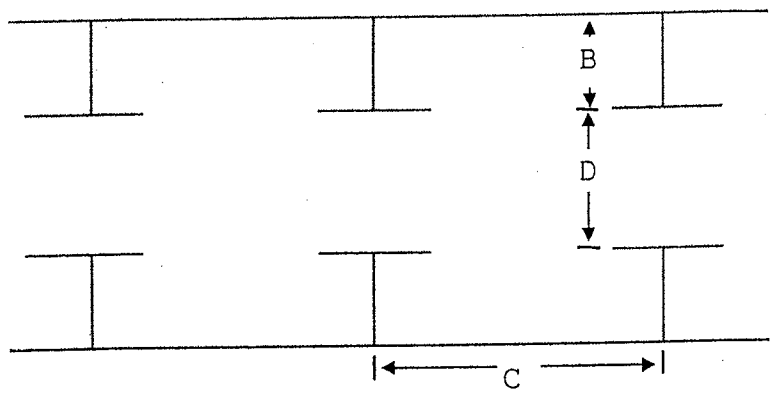
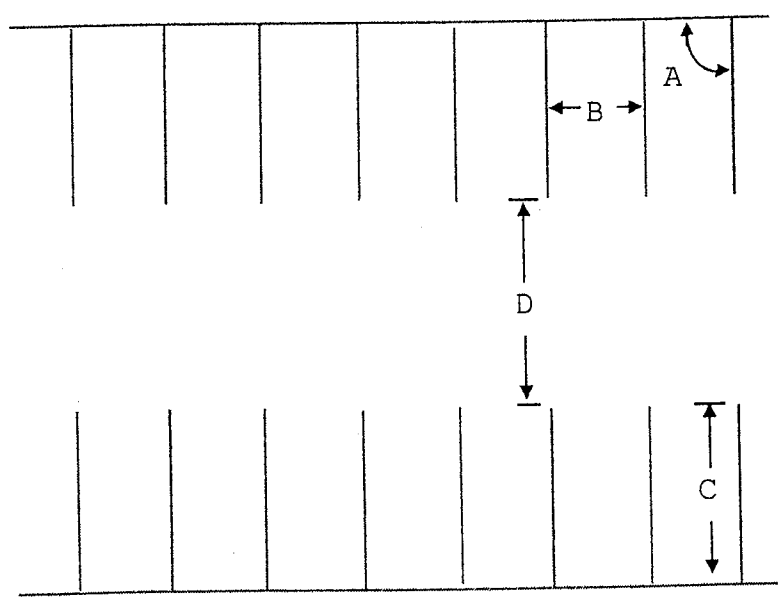


FIGURE 16-4

PARKING LAYOUT DIMENSIONS AT 90 DEGREE ANGLE (MINIMUM STANDARDS)

A	B	C	D
90°	8.5	18.0	24.0
	9.0	18.0	24.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width



SECTION 1608. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS

A. Unless otherwise specified, a required off-street loading berth shall be:

1. At least ten (10) feet in width and 30 feet in length, exclusive of aisles; and

2. Shall have a minimum vertical clearance of 14 feet.

B. Required off-street loading berths must have access to and from a public street or alley by an access drive at least ten (10) feet in width. Any required access drive must be designed to permit convenient access by semi-trailer trucks.

C. Unenclosed off-street parking areas (spaces, aisles and connecting driveways) and off-street loading berths must be surfaced with an all-weather material as defined in Chapter 21, Definitions, except for non-required special event parking areas which must meet the requirements of Section 1602.G.

D. Unenclosed off-street loading berths shall not be located within 25 feet of any property in an AR or R District unless it is screened on all sides abutting the AR or R District by a screening wall or fence.

E. Lighting used to illuminate an off-street loading area shall be arranged to direct the light away from the properties within an AR or R District which do not contain uses for which the loading area is being provided.

SECTION 1609. NO SPECIFIED PARKING REQUIREMENTS

A. If uses have no parking requirements specified in Chapter 15, Use Units, and the Building Inspector or City Engineer or County Engineer determines parking requirements are necessary, the Board of Adjustment shall determine the parking demand generated by the proposed use which shall be the off-street parking requirement for that specific use.

B. No off-street parking is required for uses in the C-3 District.

SECTION 1610. REVIEW AND APPROVAL OF PARKING PLANS

An application for a Building Permit or Certificate of Occupancy, for uses other than one (1) or two (2) family developments, requires in addition to the building plans, the plans and specifications for required parking areas as follows:

A. The plan is to be drawn to a standard engineers scale of 1:20, 1:40 or 1:50.

B. Information to be included on the plan or submitted with the plan shall include:

1. All means of vehicle access to and from parking area;
2. Rights-of-way and easements;
3. Street centerlines;
4. Parking stalls and access aisles with handicapped and any other special uses indicated;
5. Loading berths;
6. Connecting driveways;
7. Curb lines;
8. Landscape plans; and
9. Screening.

C. All relevant dimensions and traffic patterns shall be noted on the plan.

D. Before the Building Permit is issued, the parking area plans shall be approved by the Building Inspector, City Engineer, or County Engineer.

E. All parking areas shall be inspected and approved by the Building Inspector, City Engineer, or County Engineer as being constructed according to the approved plan before a Certificate of Occupancy will be issued.

SECTION 1611. PARKING OR STORAGE OF VEHICLES ON OTHER THAN APPROVED PARKING SURFACES

A. Parking or storage of vehicles (See Section 223, Parking of Motorized Vehicles.)

B. The parking or storage of wreckers, buses for hire (excluding school buses used primarily for transporting school children), or trucks or semi-trailers with more than three (3) axles on or adjacent to any lot in an AR or R and O Zoning Districts shall not be permitted. In addition, these vehicles may not park on the drive or in the front yard between the front of the residence and the street or in front of the residence on the street in a recognized subdivision in a AR or R Zoning District.

C. The parking of recreational vehicles in AR or R Zoning Districts is regulated by Section 402.B.8, Parking and Storage of Recreational Vehicles.

D. The parking of inoperative or unlicensed vehicles is regulated by Section 211.C, Use of Yards in AR or R Districts.

CHAPTER 17

NONCONFORMITIES

1700. General
1701. Nonconforming Uses of Unimproved Land
1702. Nonconforming Uses of Buildings or Buildings and Land in Combination
1703. Nonconforming Signs
1704. Nonconforming Lots
1705. Structural Nonconformities
1706. Repairs
1707. Parking, Loading and Screening Nonconformities
1708. Adult Entertainment Establishments
1709. Dance Hall Establishments
1710. Strobe and Beacon Lights

SECTION 1700. GENERAL

A. Within the Districts established by this Ordinance there are uses, structures, and lots which were lawful before this Ordinance was adopted or amended. However, under the terms of this Ordinance and its future amendments where these uses, structure and lots are not permitted, such uses, structures, and lots, are referred to as "nonconformities" and may continue as regulated by this Chapter. A use lawfully existing prior to the effective date of this Ordinance, which does not comply with a parking, loading, screening, bulk and area, sign, or enclosure requirement or requirements, but which is otherwise lawful shall be deemed nonconforming and may continue as regulated by this Chapter.

B. If, before the effective date of this Ordinance or amendment thereof, a Building Permit authorizing construction was lawfully issued, such construction may be started or continued after such date, subject to the provisions of the Building Code (see Appendix G) and Chapter 18 of this Ordinance.

C. If, before the effective date of this Ordinance or amendment thereof, construction was started at a location not then subject to this Ordinance and was subsequently diligently pursued, and such construction at such date did not conform to this Ordinance, such construction may be continued after such date, subject to the provisions of Appendix G and Chapter 18 of this Ordinance. For the purposes of this Section, construction shall be deemed to have been started before such date if the Board of Adjustment finds, on application, that before such date the foundation

had been completed or costs equaling five (5) percent of the total estimated construction cost had been incurred and would be lost if construction were not permitted to proceed.

SECTION 1701. NONCONFORMING USES OF UNIMPROVED LAND

A. When at the effective date of this Ordinance or amendment thereto a lawful use of land exists which would not be permitted by the terms of this Ordinance or amendments thereto, and the only structures employed in connection with the use are all accessory or incidental to such use and in the aggregate do not cover more than 10% of the lot area devoted to the nonconforming use, such use shall be deemed a nonconforming use of unimproved land and shall terminate as follows:

1. If the replacement cost of the accessory structures, other than fences, is less than $1,000.00, the nonconforming use shall terminate within five (5) years from the effective date of this Ordinance or from the date the use became nonconforming, whichever is later.

2. If the replacement cost of the structures, other than fences, is $1,000.00 or more, the nonconforming use shall be terminated on the basis of amortization of the replacement cost of the accessory structures at a rate of $200.00 per year from the effective date of this Ordinance or from the date the use became nonconforming, whichever is later.

B. Pending termination, the nonconforming use of unimproved land may be continued provided:

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

2. No nonconforming 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 this Ordinance or amendment hereto.

3. No additional structures, other than fences, shall be constructed in connection with such nonconforming use of land.

4. If any such nonconforming use of land ceases for any reason for a period of more than 90 days, except when government action impedes access to or use of the premises, any subsequent use of such land shall conform in all respects to the current regulations of the Zoning District in which it is located.

SECTION 1702. NONCONFORMING USES OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION

When at the effective date of this Ordinance or amendment hereto, there exists a lawful use of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than 10% of the lot area, and such use would not be permitted by the terms of this Ordinance or amendment hereto, such use shall be deemed nonconforming and may continue subject to the following provisions:

A. No building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the District in which it is located.

B. A nonconforming use of a portion of a building may be extended to the remaining portions of the building if such portions were clearly arranged and designed for such use but such use shall not be extended to occupy any land outside the building.

C. A nonconforming use of a building, or building and land in combination, if superseded by a permitted use, shall not from that day on be resumed.

D. A nonconforming use of a building, or building and land in combination, if discontinued for six (6) consecutive months or for six (6) months during any two (2) year period, except when governmental action impedes access to or the use of the premises, shall not subsequently be resumed.

E. When nonconforming use status applies to a building and land in combination, termination of use of the building within the meaning of this Section shall eliminate the nonconforming status of the use of the land.

F. A nonconforming use of a building or of a building and land in combination when located within an Agriculture or Residential District shall not be changed unless changed to a use permitted in the District in which the nonconforming use is located.

G. A nonconforming use of a building or of a building and land in combination when located within a District other than an Agriculture or Residential District, may, as a Special Exception, be changed to a use permitted in such District by Right or Special Exception. Approval of the Special Exception may be granted by the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

H. Should the structure containing a nonconforming use be damaged or partially destroyed to the extent of more than 50%, but less than 75% of its current replacement cost at the time of damage, the restoration of the structure shall be subject to the Board of Adjustment's findings after adherence to the procedural requirements for a Special Exception, that the contemplated restoration is necessary for the continuance of the nonconforming use, and will not result in any increase of incompatibility with the present or future use of proximate properties. Should the structure containing a nonconforming use be damaged or destroyed to the extent of 75% or more of its replacement cost at the time of damage, the nonconforming use shall not continue or be resumed.

SECTION 1703. NONCONFORMING SIGNS

A. Outdoor advertising signs lawfully existing on the effective date of this Ordinance or amendment hereto, but which would be prohibited by the terms of this Ordinance or future amendment hereto, shall be deemed nonconforming and may continue subject to the following provisions:

1. The sign shall be maintained in good repair and visual appearance;

2. Should the sign be damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of damage, the sign shall be removed, or made to conform; and

3. If the sign is not used for advertising purposes for a period of six (6) consecutive months, the sign shall be deemed abandoned and shall be removed, or made to conform.

B. Other signs lawfully existing at the effective date of this Ordinance or amendment hereto but which would be prohibited by the terms of this Ordinance or amendment hereto, shall be deemed nonconforming and may continue subject to the following requirements:

1. A sign which is nonconforming by reason of restrictions on the use of strobe or beacon lights incident thereto may continue so long as the strobe or beacon lights are removed immediately;

2. The sign shall be maintained in good repair and visual appearance;

3. Should the sign be damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of damage, the sign shall be removed or made to conform; and

4. If the sign is not used for advertising purposes for a period of six (6) consecutive months, the sign shall be deemed abandoned and shall be removed.

SECTION 1704. NONCONFORMING LOTS

A. Residential Districts

In Residential Districts on any lot filed of record on or before the first effective date of this Ordinance, or on any lot within a subdivision approved by the Planning Commission, or on any lot of record for which a recorded instrument of conveyance bears the endorsement of the Planning Commission and such lot is nonconforming by reason of failure to meet Zoning Ordinance requirements for size or average width, a single-family detached dwelling may be constructed without complying with the required lot area, land area per dwelling unit, lot width, recreation or common open space per dwelling unit or the required side yard which abuts a public street; provided, however, no side yard may be less than five (5) feet, and recreation or common open space shall not be less than 50% of the lot area. All other requirements of the Zoning District shall be complied with.

B. Nonresidential Districts

On any lot filed of record on or before the first effective date of this Ordinance, or on any lot within a subdivision having received approval of the Planning Commission, or any lot of record for which a recorded instrument of conveyance bears the endorsement of the Planning Commission the permitted use may be located on such lot without regard for its area or width provided that other requirements of the Zoning District shall be complied with.

C. Substandard Lot of Record

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

2. Where a lot has been created for nonresidential purposes under or any section of this Ordinance and such lot does not comply with the residential bulk and area requirements of the Zoning District in which it is located, such lot shall not be used for residential purposes.

SECTION 1705. STRUCTURAL NONCONFORMITIES

A structure lawfully existing at the effective date of the adoption of this Ordinance or amendment hereto, but which would be prohibited by the terms of this Ordinance by reason of restriction on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be deemed nonconforming and may continue subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in any manner which increases its nonconformity provided that the addition of a mezzanine or similar alteration which does not increase the cubic content of the structure shall not constitute an increase in nonconformity.

B. Should such structure except Antennas and Antenna Supporting Structures be damaged or partially destroyed by any means to the to the extent of more than 50% of its current replacement cost at the time of damage, the restoration as a nonconforming structure shall be subject to the Board of Adjustment findings, after adherence to the procedural requirements for a Special Exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damage.

C. Antenna and Antenna Supporting Structures, if damaged or destroyed by any means may be reconstructed by obtaining a Building Permit issued in compliance with the original conditions of approval. The reconstructed Antenna and Antenna Supporting Structure shall be placed at the same location and have less than or equivalent height and mass.

D. Should such nonconforming structure be moved for any distance whatever, it shall conform to the provisions of this Ordinance and the District in which located.

E. Within the incorporated area of the City of Claremore a nonconforming structure existing at the effective date of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. In the case of residential use of a property in a nonresidential area which has been under the same continuous ownership since August 5, 1968, a residence which is destroyed by fire, windstorm or other tragedy, or is otherwise removed by its owner, may be rebuilt for residential use after the owner is advised of the existing zoning of the property.

F. A nonconforming structure shall not be added to or enlarged in any manner, unless said structure, including additions and enlargements, is made to conform to all of the regulations of the Zoning District in which it is located. This provision shall not apply to a residential dwelling under the same continuous ownership since August 5, 1968 in the incorporated area of the City of Claremore.

SECTION 1706. REPAIRS

A. On any building containing a nonconforming use or any nonconforming structure, ordinary repairs and maintenance may be made. However, the cubic content of the building and the structural nonconformity shall not be increased.

B. If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance, and a final order of vacation or demolition is entered by any authorized official by reason of physical condition, it shall not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the District in which located.

SECTION 1707. PARKING, LOADING AND SCREENING NONCONFORMITIES

A use lawfully existing at the effective date of this Ordinance or amendment hereto except for an Adult Entertainment Establishment as listed in Use Unit 1513 and a Dance Hall as listed in Use Unit 1520 (see also Sections 1708 and 1709) but which does not comply with a parking, loading or screening requirement or requirements of this Ordinance, shall be deemed nonconforming and may continue subject to the following provisions:

A. No such use shall be enlarged or extended unless parking and loading is provided as required for the enlargement or extension.

B. No such use shall be enlarged or extended unless screening is provided as required for the use.

C. No such use shall be changed unless parking, screening and loading is provided as required for such use. However, the Board of Adjustment may modify such parking and loading requirements as a Special Exception after meeting the standards contained in Section 1901 and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

D. A Use Unit 30, Junk and Salvage Yards use shall be screened in accordance with the provisions of Section 1530 of this Ordinance on or before the expiration of 12 months from the effective date of this Ordinance. However, existing storage racks that do not meet minimum setback requirements may remain.

SECTION 1708. ADULT ENTERTAINMENT ESTABLISHMENTS

An Adult Entertainment Establishment, as listed in Use Unit 13 and Section 1513, lawfully existing at the effective date of this Ordinance or amendment hereto, but which does not comply with a parking, loading, spacing or screening requirement or requirements of this Ordinance, shall be deemed nonconforming and may continue subject to the following provisions:

A. Sexually-Oriented Businesses shall be regulated by Section 604.C, Nonconforming Uses.

B. Adult Entertainment Establishments located in an AR or R District shall not be changed to another use except that such use is in compliance with all provisions of said AR or R District.

C. In other than AR or R Districts Adult Entertainment Establishments are subject to the following provisions:

1. No such use shall be enlarged or extended;

2. No such use shall be changed to another use which would not meet parking, loading, screening and spacing requirements, unless changed to a use within Use Unit 11, Offices, Studios and Support Services, Use Unit 14, Convenience Goods and Services or Use Unit 15, Shopping Goods and Services. However, the Board of Adjustment may permit by Special Exception other uses permitted by Right or Special Exception within the Zoning District, even though such use may be nonconforming as to parking, loading, screening or spacing;

3. No such use which contains a public entrance door that is within 50 feet of an AR or R District, as set forth in Section 1513.C, shall continue more than one (1) year from the date this provision first became effective; and

4. No such use that is less than 300 feet from an AR or R District and is nonconforming as to off-street parking or loading requirements as stated in Section 1513.D shall continue for more than one (1) year from the date this provision first became effective provided:

a. The 300 feet is to be measured in a straight line from the nearest building wall of the Adult Entertainment Establishment to the nearest point on a Residential Zoning District boundary line, excluding any residentially zoned expressway right-of-way.

b. The Board of Adjustment may, as a Special Exception, reduce the number of required off-street parking spaces on a lot, or may allow the required off-street parking on a lot other than on the lot which contains the business. For off-site parking to be considered the proposed lot must be within the owner's control, within 200 feet of the lot containing the business, accessible, convenient and safe for patrons. Additionally, for the Special Exception to be approved, the Board must find that the use is not injurious to the neighborhood or otherwise detrimental to the public welfare.

SECTION 1709. DANCE HALL ESTABLISHMENTS

A Dance Hall lawfully existing at the effective date of this Ordinance or amendment thereto, but which does not comply with Section 1520 or other parking, loading, spacing or screening requirements of this Ordinance, shall be deemed nonconforming and may continue subject to the following provisions:

A. Dance Hall Establishments located in an AR or R District shall not be changed to another use except that such use is in compliance with said AR or R District.

B. In other than AR or R Districts Dance Hall Establishments are subject to the following provisions:

1. No such use may be enlarged or extended;

2. No such use shall be changed to another use which would not meet parking, loading, screening and spacing requirements, unless changed to a use within use Unit 11, Office, Studios and Support Services, Use Unit 14, Convenience Goods and Services or Use Unit 15, Shopping Goods and Services; provided, however, the Board of Adjustment may permit by Special Exception other uses permitted by Right or Special Exception within the Zoning District. even though such use may be nonconforming as to parking, loading, screening or spacing; and

3. Such use which is nonconforming as to off-street parking and loading requirements, as set forth in Section 1520 and/or setback and locational standards from AR or R Districts as set forth in Section 1520, shall terminate within one (1) year from the effective date of this Ordinance.

4. The Board of Adjustment may, as a Special Exception, reduce the number of off-street parking spaces (see Section 1520.D) on a lot or allow the required off-street parking on a lot other than the lot which contains the business. For the off-site parking to be considered the proposed lot must be within the owner's control, within 200 feet of the lot containing the business, accessible, convenient and safe for patrons. Additionally, for the Special Exception to be approved, the Board must find that the use is not injurious to the neighborhood or otherwise detrimental to the public welfare.

SECTION 1710. STROBE AND BEACON LIGHTS

Strobe and beacon lights if visible from a public street shall be removed immediately unless otherwise required by law.

CHAPTER 18

ENFORCEMENT

1800. Duty of The Building Inspector and Other Officials
1801. Exemptions
1802. Building Permit Required
1803. Certificate of Occupancy Required
1804. Construction and Use to be as Provided in Approved Applications, Plans and Permits
1805. Penalties for Violation
1806. Nonconforming Structures and Uses
1807. Building Codes and Licensing

SECTION 1800. DUTY OF THE BUILDING INSPECTOR AND OTHER OFFICIALS

A. The Building Inspector is responsible for the administration and enforcement of this Ordinance. Assistance may be provided by such other persons as the Building Inspector may direct.

B. If the Building Inspector finds that any of the provisions of this Ordinance are being violated, written notification shall be given to the persons responsible for such violations. Notice will indicate the nature of the violation and order the action necessary for correction. If necessary, the Building Inspector shall take action to ensure compliance with or to prevent further violation of this Ordinance as is authorized by law.

C. The Building Inspector shall have the authority to:

1. Order the discontinuance of illegal use of land, buildings or structures;

2. Order the removal of illegal buildings or structures or of illegal additions, alteration or structural changes;

3. Order the discontinuance of any illegal work being done; and

4. Take any other action authorized by the Zoning Ordinance to ensure compliance with or to prevent violation of this Ordinance.

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

SECTION 1801. EXEMPTIONS

The following shall be exempt from the provisions and requirements of the Zoning Ordinance. No Building Permit or Certificate of Occupancy is required for the following uses:

A. Those uses specified in Section 102, Application and Exemption.

B. The continuation of an existing use, except as provided for nonconforming uses. (See Chapter 17 and Section 1805).

C. The planting or harvesting of crops or gardens or the grazing of cattle or horses where permitted by Zoning District regulations.

SECTION 1802. BUILDING PERMIT REQUIRED

A. Building Permit Required

Except as otherwise provided in Section 1801, Exemptions, it shall be unlawful for any person, firm or corporation to erect, move, demolish, add to or structurally alter any building or structure, or to use or change the use of any building or land or to permit these actions, until a Building Permit or Certificate of Occupancy has been issued by the Building Inspector.

B. Building Permits

1. Application

Each application for a Building Permit shall be submitted on a form supplied by the Building Inspector and shall include such information as may be required by the Building Inspector for determining compliance of the proposed construction with this Ordinance and shall be accompanied by:

a. Plans in triplicate, drawn to scale, showing the shape and dimensions of the lot to be built upon and the shapes, dimensions, and locations of all existing and proposed buildings or alterations on the lot, and also include an application for a Certificate of Occupancy as otherwise required herein.

b. All Building Permit applications relating to property in Flood Districts shall include additional statements and plans setting forth the means by which the Flood District requirements are proposed to be met as set out in Chapter 14, Flood Districts.

2. Action on Application for Building Permits

a. No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this Ordinance, unless a written order is received from the appropriate Board of Adjustment in the form of an administrative review, special exception/conditional use permit, variance, or other finding as provided by this Ordinance.

b. One (1) copy of the plans shall be returned to the applicant by the Building Inspector, after such copy has been marked either as approved or disapproved and attested to same by affixing a signature on such copy.

c. The original and one (1) copy of the plans, similarly marked, shall be retained by the Building Inspector.

d. No Building Permit shall be issued with respect to property in a Flood District until the City or County Engineer certifies in writing that the application complies with the requirements of Chapter 14, Flood Districts.

3. Expiration of Building Permits

a. If the work described in any Building Permit has not begun within 90 days from the date of issuance, said Permit shall expire, be cancelled by the Building Inspector and written notice thereof shall be given to the persons affected.

b. If the work described in any Building Permit has not been substantially completed within two (2) years of the date of issuance thereof, said Permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled Permit shall not proceed unless and until a new Building Permit has been obtained.

4. Building Permit for Moving a Building

   a. Any person moving a building shall first file with the Building Inspector a written application including the following information:

      1) Type and kind of building to be moved;

      2) The original cost of such building;

      3) The extreme dimensions of the length, height and width of the building;

      4) The present location and proposed new location by lot and block numbers and subdivision names, or other legal description, and street addresses, if established; and

      5) The approximate time such building will be upon the streets, alleys, or highways, and the route that will be taken from the present location to the new location.

   b. If in the opinion of the Building Inspector the moving of any building will cause serious injury to persons or property or serious injury to the streets, alleys, highways or other public improvement, or the building to be moved has deteriorated more than 50 percent of its original value by fire or other elements, or the moving of the building will violate any of the requirements of this Ordinance or other regulations or ordinances, the Permit shall not be issued and the building shall not be moved.

5. Fees for Building Permits

   No Building Permit shall be issued until a fee has been paid to the City or County in accordance with the adopted Schedule of Fees. (See Appendix F, Fees).

6. Record and Copies

   The Building Inspector shall maintain a record of all Building Permits and a copy shall be furnished upon request to any person.

7. Failure to apply for and obtain a Building Permit as required herein shall be considered a violation of this Zoning Ordinance.

SECTION 1803. CERTIFICATE OF OCCUPANCY REQUIRED

A. Certificate of Occupancy Required

Except as otherwise provided in Section 1801, Exemptions, it shall be unlawful to use or occupy or permit the use or occupancy of any building on premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor.

B. Application for and issuance of a Certificate of Occupancy

1. Each application for a Certificate of Occupancy shall be on a form supplied by the Building Inspector, which form may be combined with the application for a Building Permit and shall include such information as may be required by the Building Inspector for determining compliance of the proposed use with this Ordinance.

2. No Certificate of Occupancy shall be issued by the Building Inspector except in conformity with this Ordinance.

3. Where an application for a Certificate of Occupancy accompanies an application for a Building Permit, the Certificate of Occupancy shall not be issued until the building described in the Building Permit has been completed in conformity with this Ordinance.

C. Response to Application for Certificate of Occupancy

1. After an application is made for a Certificate of Occupancy the Building Inspector shall issue a Certificate of Occupancy upon determining that the proposed use conforms to the provisions of this Ordinance.

2. If the Certificate of Occupancy is not approved, the Building Inspector shall notify the applicant in writing of said refusal and state the reasons for denial.

D. Fees for Certificate of Occupancy

No Certificate of Occupancy shall be issued until a fee has been paid to the City or County in accordance with the adopted Schedule of Fees. (See Appendix F).

E. Temporary Certificate of Occupancy

A Temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such Temporary Certificate

may include such conditions and safeguards as will protect the safety of the occupants and the public.

F. Record and Copies

The Building Inspector officer shall maintain a record of all Certificates of Occupancy and a copy shall be furnished upon request to any person.

G. Failure to apply for and obtain a Certificate of Occupancy as required by this Section shall be a violation of this Ordinance.

SECTION 1804. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPROVED APPLICATIONS, PLANS AND PERMITS

A. Building Permits, Certificates of Occupancy, Variances, Special Exceptions, and uses issued on the basis of approved plans and specifications authorizes only those uses, arrange-ments or construction as approved in such Building Permits, Certificates of Occupancy, Variances, Special Exceptions and approved plans or specifications. No other use, arrangement, or construction is authorized.

B. Use, arrangement, or construction not in accordance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided herein.

SECTION 1805. PENALTIES FOR VIOLATION

A. Any person, firm or corporation violating any provisions of this Ordinance or failing to comply with any of its requirements, including violations but not limited to violations of conditions and safeguards established in connection with a grant of a Variance or Special Exception, shall be deemed guilty of a misdemeanor offense. Each day that a violation continues shall be deemed a separate offense.

B. Nothing contained herein shall prevent the City of Claremore or Rogers County or its authorized officials from taking other action authorized by law to remedy a violation.

C. As pertaining to Rogers County only:

1. Any violation of the Zoning Ordinance or any order or regulation adopted by the Planning Commission or Board of County Commissioners shall be a misdemeanor and shall be punishable by a fine not to exceed $500.00 or by imprisonment in the Rogers County Jail for a period not to exceed one (1) year, or such fine and punishment.
2. The Board of county Commissioners through the Planning Commission Office may employ Code Enforcement Officers who shall investigate violations of the Zoning Ordinance, ensure compliance with all County zoning ordinances, collect evidence of noncompliance with zoning ordinances, and present such evidence

to the District Attorney's Office for prosecution. The Code Enforcement Officer shall have authority to issue citations for violation of any County zoning ordinance within Rogers County.

3. The Code Enforcement Officer may complete the training course for law enforcement officers accredited or provided by the Council on Law Enforcement Education and Training (CLEET). After satisfactory completion of any such course and being certified by CLEET as a peace officer, the Code Enforcement Officer shall be a law enforcement officer for Rogers County.
4. After completion of the training course at the Law Enforcement Academy and being certified by CLEET as a peace officer, the Code Enforcement Officer may carry firearms and execute and serve any warrant or other process issued under the authority of Rogers County pertaining to violations of County zoning ordinances, and make arrests and issue citations for violations of County ordinances.

SECTION 1806. NONCONFORMING STRUCTURES AND USES

A. No nonconforming structure or use shall be maintained, renewed, changed or extended until a Certificate of Occupancy has been issued by the Building Inspector. (See also Chapter 17, Nonconformities).

B. The Certificate of Occupancy shall state specifically where the nonconforming use differs from the provisions of this Ordinance.

C. Upon the effective date of this Ordinance or amendment of this Ordinance owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a Certificate of Occupancy.

SECTION 1807. BUILDING CODES AND LICENSING

Building regulations, codes and licensing requirements in effect in the City of Claremore and Rogers County are included in Appendix G, Building Codes and Licensing.

CHAPTER 19

BOARDS OF ADJUSTMENT

1900. Establishment of the Boards of Adjustment
1901. Powers of the Boards
1902. Proceedings of the Boards
1903. Notice of Public Hearing
1904. Fees
1905. Appeal to the District Court

SECTION 1900. ESTABLISHMENT OF THE BOARDS OF ADJUSTMENT

A. There is hereby established in the County, a County Board of Adjustment with the powers and duties hereinafter set forth. Such Board shall be composed of five (5) members, residents of the County, of whom at least two (2) shall reside outside the corporate limits of the City of Claremore. The Board of County Commissioners shall appoint the members of the Board of Adjustment for a term of three (3) years, provided, however; that when the first appointment is made hereunder, the term of office of two (2) of said members shall be one (1) year, the term of office of two (2) of said members shall be two (2) years, and the term of office of one (1) said members shall be three (3) years. All members of the Board shall serve as such without compensation.

B. There is also hereby established in the City of Claremore, a City Board of Adjustment with the powers and duties hereinafter set forth. Such Board shall be composed of five (5) members. The Mayor shall appoint the members of the Board for a term of three (3) years, subject to confirmation by the City Council, provided, however, that when the first appointment is made hereunder, the term of office of two (2) of said members shall be two (2) years, and the term of office of one (1) of said members shall be three (3) years. At least one (1) of said members may also be a member of the Planning Commission. All members of the Board shall serve without compensation.

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

D. The City and County Board of Adjustment shall organize and elect its own Chairperson, appoint a Secretary and shall adopt rules of procedures consistent with this Ordinance and pertinent statutes. Meetings of both Boards 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 meetings of both Boards shall be open to the public. The Boards shall keep minutes of their proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk of the City or County and shall be a public record. The concurring vote of three (3) members of the County or City Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such Ordinance.

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

SECTION 1901. POWERS OF THE BOARDS

The Board has the power to hear appeals from the determinations of an administrative official in enforcing this Ordinance, to grant Variances and Special Exceptions, and to make interpretations of the Zoning Map and text, in accordance with the substantive and procedural standards established herein.

A. Appeals from an Administrative Official

The Board of Adjustment has the power to hear and decide an appeal where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Ordinance.

1. Notice of Appeal

An appeal shall be taken within ten (10) days from the determination which resulted in the complaint. Notice of appeal, specifying the grounds, shall be filed in writing with the administrative official. Upon receiving a notice of appeal, the administrative official shall transmit to the Board of Adjustment copies of all papers constituting the record of said matter. Upon receipt of the record, the appeal will be set for public hearing in accordance with the rules established by the Board. (See Section 1902, Proceedings of the Boards and Section 1903, Notice of Public Hearing.)

2. Board of Adjustment Action

   a. The Board shall hold the public hearing.

   b. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.

   c. The Board may make such order, requirement, decision, or determination as necessary. To that end the Board has all the powers of the Building Inspector from whom the appeal is taken.

   d. The required concurring vote of three (3) members of the Board is necessary to reverse any order, requirement, decision or determination of the administrative official enforcing this Ordinance as specified in herein.

3. Stay of Proceedings

   Notice of an appeal given to the Board stays all proceedings on the action appealed unless the administrative official from whom the appeal is taken certifies to the Board that by reason of facts stated, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown.

B. Interpretation

1. The Board shall interpret the text of this Ordinance or the Official Zoning Map upon an appeal from a determination of the Building Inspector. Upon receipt of the request, a public hearing will be set in accordance with the rules established by the Board. (See Section 1902, Proceedings of the Boards and Section 1903, Notice of Public Hearing)

2. Where a question arises as to the Zoning District classification for a particular use or Zoning District boundary, the Board of Adjustment, upon written request of the Building Inspector, may find and determine the classification of the use in question. Upon receipt of the request, a public hearing shall be set in accordance with the rules established by the Board. (See Section 1902, Proceedings of the Boards and Section 1903, Notice of Public Hearing)

C. Variances

1. The Board of Adjustment upon application and after public hearing, and subject to the procedural and substantive standards established in this Chapter may grant a Variance from the terms of this Ordinance as follows:

a. A Variance shall only be granted if it is determined it shall not cause substantial detriment to the public good or impair the spirit, purposes and intent of this Ordinance, or the Comprehensive Plan;

b. Variances shall be considered when by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the Ordinance will result in unnecessary hardship;

c. The Board shall not vary any jurisdictional requirement such as notice; and

d. In the incorporated area, the Board shall not permit by Variance a principal use not otherwise permitted in the applicable Zoning District. (See also Section 1902, Proceedings of the Boards and Section 1903, Notice of Public Hearing.)

2. Application

a. A request for a Variance is initiated by filing an application with the Building Inspector. The application shall be in such form and contain such information as established by the Board. The request will then be set for public hearing in accordance with the rules established by the Board.

b. Each applicant shall submit with the application a list certified by a Licensed Bonded Abstractor of the names and addresses of all property owners of record within 300 feet of the affected property as well as the legal description of each property to receive notice. (For additional applicant responsibilities as to notice see Section 1903, Notice of Public Hearing.)

3. Board of Adjustment Action

a. The Board shall hold the public hearing and upon the required concurring vote of three (3) members may grant a Variance after finding:

1) That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Ordinance would result in unnecessary hardship;

2) That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same Zoning District;

3) That the Variance to be granted shall not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this Ordinance, or the Comprehensive Plan; or

4) That the Variance to be granted shall be the minimum necessary to grant relief.

b. The Board in granting a Variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions of approval.

c. No nonconforming use of neighboring lands, structures or buildings in the same Zoning District and no permitted or nonconforming use of land, structures or building in other Districts shall be considered grounds for the issuance of a Variance.

4. Time Limitation on Variances

A Variance which has not been utilized within one (1) year from date of the order granting the Variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this Section, utilization shall mean actual use or the issuance of a Building Permit, when applicable, provided construction is diligently carried to completion.

D. Special Exceptions

1. The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards established in this Chapter, may grant the following Special Exceptions:

a. Special Exception uses as designated and regulated within the permitted principal use provisions, accessory use provisions or Use Unit provisions of the Zoning District;

b. Modification of height restrictions as provided within Section 209;

c. The change of a nonconforming use as provided in Section 1702;

d. The restoration of a partially destroyed structure containing a nonconforming use as provided in Section 1702;

e. The restoration of a partially destroyed nonconforming structure as provided in Section 1705;

f. The modification of a screening requirement, as provided in Section 216;

g. The modification of the parking and loading requirements as provided in Section 1707;

h. Antennas and Antenna Supporting Structures as provided in Section 1504;

i. The modification of permitted yard obstructions as provided in Section 211;

j. Permit residential accessory uses and structures on abutting residentially zoned lots which are under common ownership;

k. The modification of the requirements in Sections 1511.E, 1512.E, 1514.E, 1515.E, and 1523.E;

l. Reduction of the number of required off-street parking spaces on a lot or may allow the required off-street parking on a lot other than the lot which contains the Adult Entertainment Establishment or Dance Hall as provided in Sections 1708 and 1709; and

m. The modification of front yard requirements as provided in Section 403.

2. Application for Special Exception

A request for a Special Exception shall be initiated by the filing of an application with the Building Inspector. The application shall be in such form and contain such information as required by the Board. The request shall then be set for public hearing in accordance with the rules established by the Board.

3. Board of Adjustment Action on Special Exceptions

a. The Board shall hold the public hearing and upon the required concurring vote of three (3) members may grant a Special Exception after finding:

1) That the Special Exception will be in harmony with the spirit and intent of this Ordinance and the Comprehensive Plan, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

2) That the relief granted shall be the minimum relief necessary.

b. The Board in granting a Special Exception shall prescribe appropriate conditions and safeguards. The Board may limit the grant of the Special Exception to a specified period of time, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions of approval.

4. Time Limitation on Special Exceptions

A Special Exception which has not been utilized within one (1) year from date of the approval by the Board shall thereafter be void, unless the Board has extended the time for utilization. For the purposes of this provision, utilization means actual use or the issuance of a Building Permit, when applicable, provided construction is diligently carried to completion.

E. Miscellaneous Powers of the Board

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

1. To establish standards governing coverage in F1 Districts;

2. To determine parking demand of certain uses not otherwise provided by this Ordinance;

3. To permit reduction of the area or width of a lot for certain utility purposes;

4. To make findings as to start of construction for purposes of determining nonconformity with this Ordinance; and

5. To make findings and interpretations of uses and zoning classifications for all uses not clearly set out in this Ordinance and assign Zoning Districts to all such uses in question.

SECTION 1902. PROCEEDINGS OF THE BOARDS

A. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine.

B. The Chairperson, or in the absence of the Chairperson, the Acting Chairperson, may administer oaths and compel attendance of witnesses.

C. All meetings, deliberations, and voting of the Board shall be open to the public.

D. The Board shall keep minutes of its proceedings. The minutes shall show the vote of each member upon each question, or if absent or failing to vote, indication of such fact, and include records of its examinations and other official actions and findings (see Section 1901.C.3 and Section 1901.D.3) which shall be immediately filed in the office of the Clerk of the City or County and be a public record.

E. The quorum, notice, filing and substantive requirements concerning the Board's exercise of a particular power shall be as established herein.

SECTION 1903. NOTICE OF PUBLIC HEARING

A. The Board of Adjustment shall give notice and conduct a public hearing before acting on any Appeal from the decision of any administrative official enforcing this Ordinance, or before granting any Special Exception or Variance.

B. Responsibility for Giving Notice

It shall be the responsibility of the applicant for giving notice and for the payment of all fees and costs.

C. For a Special Exception, Variance or an Appeal from a determination of an administrative official enforcing this Ordinance, ten (10) days notice of public hearing shall be required.

D. Type of Notice Required

1. Publication in a newspaper of general circulation as provided in Section 1903.E;

2. Mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property as provided in Section 1903.E; and

3. Posting of a sign on the property as provided in Section 1903.E.

E. Specifics of Notice

1. Notice shall be given by publication in a newspaper of general circulation in the City and/or County and shall include:

   a. Notice of the date, time and place of the hearing;

   b. A map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area;

   c. Street address and legal description; and

d. The present zoning classification and the type relief requested by the applicant.

2. Required Posting of the Affected Property by a Sign.

a. A sign shall be posted on the subject property which states:

1) The date, time and place of public hearing;

2) Who will conduct the public hearing;

3) The present zoning classification, and the type relief requested by the applicant; and

4) Other information which may be necessary to provide adequate and timely public notice.

b. The dimensions of this sign, design, content and location shall conform to the specifications established by the Board of Adjustment.

3. In Unincorporated Areas, Notice is Required as Follows:

a. Notice. Notice of such hearing shall be published in a newspaper of general circulation in the locality on (1) time fifteen (15) days prior to the public hearing. Notice shall also be given by the posting on the property a sign whose dimension, design, content and location shall conform to specifications established by the Board of Adjustment. Sign must be posted on the property by 8:00 A.M., seven (7) days in advance of the public hearing. Sign must be legible from a public thoroughfare. If property is inaccessible or remote from a public thoroughfare, two (2) signs must be posted, one (1) on the subject property and one (1) at the public thoroughfare and the access to the subject property.

b. Affidavit of Mailing. Within ten (10) days of the date the application is filed with the Planning Commission, the applicant will file with the Planning Commission a completed "Affidavit of Mailing" prepared by a licensed Abstractor. Mailings of Notice of Property Owners will be mailed to all owners of record, at their last know mailing address, of property within three hundred (300) feet of the subject property.

4. Written Notice

At least ten (10) days prior to the hearing, written notice shall be sent to all owners of real property included in the application and all owners of real property within a 300 foot radius of the exterior boundary of the property included in the proposed change. Written notice shall include:

a. The legal description or the property address or the approximate location in the City or County;

b. The present zoning of the property and the type of relief sought by the applicant; and

c. The date, time and place of the public hearing.

d. Each applicant shall submit with the application a list certified by a licensed or bonded abstractor of the names and addresses of all property owners of record within 300 feet of the affected property.

F. Affidavit Attesting Public Notice Has Been Given

Prior to the Board of Adjustment public hearing an affidavit shall be submitted by the applicant to the Building Inspector which states that all public notice requirements have been achieved.

SECTION 1904. FEES

An application for an Appeal from the decision of any administrative official enforcing this Ordinance, or any Variance or Special Exception shall be accompanied by the payment of a fee in accordance with the adopted Schedule of Fees. (See Appendix F)

SECTION 1905. APPEAL TO THE DISTRICT COURT

A. Procedure

1. An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City or County to the District Court.

2. Notice of appeal which shall specify the grounds of such appeal must be filed within ten (10) days from the date of the action appealed. An appeal shall be filed with the Clerk of the City or County. No bond or deposit for costs shall be required for such appeal.

3. Upon filing of the notice of appeal, the Board shall forthwith transmit to the Court Clerk of the County the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board.

B. Stay of Proceedings

An appeal to the District Court stays all proceedings in furtherance of the action appealed from unless the Chairperson of the Board certifies to the Court Clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the District Court.

CHAPTER 20

AMENDMENTS

2000. General
2001. Zoning Text Amendments
2002. Zoning Map Amendments
2003. Required Public Notice
2004. Notice of Rezoning Shall Confer Jurisdiction to Consider
2005. Planning Commission and City Council or County Commission Action on Zoning Map Amendments

SECTION 2000. GENERAL

A. This Ordinance, restrictions imposed, and Districts created may be amended, supplemented or repealed by ordinance. For this to occur the Planning Commission must give notice (see Section 2003) and hold a public hearing to consider the proposed change. At the conclusion of the hearing the Planning Commission shall send a report to the City Council or Board of County Commissioners which includes a recommendation on the proposed change. The City Council or Board of County Commissioners will then act on the proposal.

B. In addition to the procedural provisions set out in this Chapter, the Planning Commission shall adopt procedural rules for conducting zoning public hearings.

SECTION 2001. ZONING TEXT AMENDMENTS

A. The Planning Commission upon its own motion may or at the direction of the City Council or Board of County Commissioners shall give notice and hold a public hearing on a proposed text amendment. After holding the public hearing, the Planning Commission shall within 20 days transmit its report and recommendation to the City Council or Board of County Commissioners.

B. The Appendices of this Ordinance may be amended upon review and recommendation of the Planning Commission and approval of a Resolution by the City Council or Board of County Commissioners.

SECTION 2002. ZONING MAP AMENDMENTS

A. Amendments initiated by other than the City Council or Board of County Commissioners:

1. Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in real property, may file an application for a change in the zoning classification of property by amendment of the Official Zoning Map.

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

3. Fees for a rezoning application shall be paid as set forth in the Schedule of Fees (see Appendix F) adopted by the City Council or Board of County Commissioners.

4. In Rogers County, each applicant shall submit with the application a list certified by a Licensed Bonded Abstractor of the names and addresses of all property owners of record within 300 feet of the affected property to receive the required notice.

5. In the City of Claremore, each applicant shall be responsible for such public notice and submit with the application a list of the names, addresses and legal descriptions of all property owners of record within 300 feet of the affected property to receive the required notice. Notice shall be given based upon one of the following options:

   a. A certified list submitted with the application prepared by a Licensed Bonded Abstractor of the names, addresses, and legal descriptions of all property owners of record; or

   b. A list of the names, addresses, and legal descriptions of all property owners of record requested from the City and paid for by the applicant.

B. Amendments Initiated by the Planning Commission

The Planning Commission may upon its own motion, upon the written request of any person, or at the direction of the City Council or Board of County Commissioners, hold a public hearing on a proposed zoning map amendment upon public notice being given prior to the public hearing. At the conclusion of the public hearing, the Planning Commission shall within 30 days forward its report and

recommendation to the City Council or Board of County Commissioners for consideration.

SECTION 2003. REQUIRED PUBLIC NOTICE

A. In all cases where public notice is required in incorporated areas, it shall be given at least 20 days prior to the public hearing. It shall be the responsibility of the applicant for giving proper and timely notice as required by this Ordinance and for the payment of all fees and costs.

B. Type of Notice Required

1. For a Zoning Map Amendment initiated other than by the Board of County Commissioners the following notice shall be given:

   a. Publication in a newspaper of general circulation at least 15 days prior to the public hearing in unincorporated areas;

   b. Posting of a sign on the property at least 7 days prior to the public hearing in unincorporated areas; and

   c. Mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property; or

   d. As otherwise permitted by Oklahoma State Statutes.

2. For rezoning classification initiated by the Planning Commission, City of Claremore or Rogers County, notice shall be given as follows:

   a. Publication in a newspaper of general circulation;

   b. Posting of a sign on the property or as otherwise permitted by Oklahoma State Statutes; and

   c. Mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property; or

   d. As otherwise permitted by Oklahoma State Statutes.

3. For an amendment to the text of the Zoning Code notice shall be given by publication in a newspaper of general circulation.

C. Specifics of Notice

1. Notice given by publication in a newspaper of general circulation in the City or County shall include:

a. Notice of the date, time and place of the hearing;

b. A map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area; and

c. The present zoning classification and the classification sought by the applicant.

2. Required posting of the affected property by a sign:

a. The sign shall state:

1) The date, time and place of public hearing;

2) Who will conduct the public hearing;

3) The present and desired zoning classification; and

4) Other information which may be necessary to provide proper notice.

b. The dimensions of the sign, design, content and location shall conform with the specifications established by the Planning Commission.

3. Written Notice

At least 20 days prior to the hearing, written notice must be sent to all owners of real property included in the proposed change and all owners of real property within a 300 foot radius of the exterior boundary of the property included in the proposed change and shall include:

a. The legal description or the property address or the approximate location in the City or County;

b. The present zoning of the property and the zoning sought by the applicant; and

c. The date, time and place of the public hearing.

D. Affidavit Attesting Public Notice Has Been Given: Rogers County Only

Prior to the public hearing an affidavit shall be submitted by the applicant to the Director of the Planning Commission which states that all public notice requirements have been achieved.

D. Affidavit Attesting Public Notice Has been Given: Rogers County Only

Prior to the public hearing an affidavit shall be submitted by the applicant to the Director of the Planning Commission which states that all public notice requirements have been achieved.

SECTION 2004. NOTICE OF REZONING SHALL CONFER JURISDICTION TO CONSIDER

A. Notice of a proposed AG or P District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon only such AG or P District.

B. Notice of a proposed RS-3 , RS-2, RS-1or RE District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon any such less intense RS District. Notice of a proposed RS-1, C or RE shall confer jurisdiction on the Planning Commission, or City Council to consider and act upon any such less intense RS District.

C. Notice of a proposed RMHS District rezoning shall confer jurisdiction on the Planning Commission.

D. Notice of a proposed RD, RM 2, RM 1, or RM0 District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon any such less intense RM District.

E. Notice of a proposed RT, SR, F1, F2, or PUD District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon only such RT, SR, F1, F2, or PUD District.

F. Notice of a proposed OL, OM or OH District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon such less intense O District or in the alternative, or in part, or in combination of any less intense O and P District.

G. Notice of a proposed CH, CG, or CS District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider any and act upon a P District and any such less intense C District except CG. A notice of a proposed CG District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon only such CG District.

H. Notice of a proposed I-H, IM, or IL District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon any such less intense I District.

I. Notice of a proposed M District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commission to consider and act upon such M District in combination with the AG District.

SECTION 2005. PLANNING COMMISSION AND CITY COUNCIL OR COUNTY COMMISSION ACTION ON ZONING MAP AMENDMENTS

A. Planning Commission

1. After notice and public hearing the Planning Commission shall vote to:

   a. Recommend to the City Council or Board of County Commissioners that the application be approved as submitted, or as amended, or be approved subject to modification; or

   b. Recommend to the City Council or Board of County Commissioners that the application be denied.

2. An application recommended for approval, or approval subject to modification shall be transmitted with the report and recommendation of the planning Commission to the City Council or Board of County Commissioners within 15 days from the date of planning Commission action.

3. In the event the Planning Commission arrives at a tie vote, the application, report and the notation shall be transmitted to the City Council or Board of County Commissioners within 15 days from the date of the Planning Commission action for final action.

4. If the Planning Commission votes to deny an application or to modify it in a manner not acceptable to the applicant, the applicant may appeal the Planning Commission action to the City Council or Board of County Commissioners. An application recommended for denial will not be considered further unless:

   a. The applicant files a written request of appeal with the City or County Clerk for a hearing by the City Council or Board of County Commissioners within 15 days from the date of the Planning Commission action.

   b. Upon notice of such request the Planning Commission shall immediately transmit the application, report and recommendations to the City Council or Board of County Commissioners.

B. City Council or Board of County Commissioners Action on Zoning Map Amendments

1. The City Council or Board of County Commissioners shall hold a hearing on each application transmitted from the Planning Commission and shall:

   a. Approve the application as submitted, or as amended; or

   b. Approve the application subject to modifications; or

   c. Deny the application.

2. Should the request for a rezoning be denied by the City Council or Board of County Commissioners, no application for the same zoning classification of the subject tract of land or any part of the tract shall be accepted for public hearing for one (1) year for the same zoning or six (6) months for a lesser zoning after the date of the action of the City Council or Board of County Commissioners.

3. Protest

   In the case of protest (which includes the names, addresses and legal descriptions of the land owned) against a proposed zoning change, such protest being filed with the City or County Clerk at least three (3) days prior to the public hearing either by:

   a. The owners of 20% or more area of the tracts included within such proposed change; or

   b. By the owners of 50% or more of the area of the lots within a 300 foot radius of the exterior boundary of the area included in a proposed change.

   c. In such cases, a proposed amendment will not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council or favorable vote of all of the members of the Board of County Commissioners.

CHAPTER 21

DEFINITIONS

Section 2100. General
Section 2101. Definitions

SECTION 2100. GENERAL

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

SECTION 2101. DEFINITIONS

A District: A Zoning District whose designation begins with the letter "A", being an Agriculture District.

Abutting: In the context of notice and a screening or enclosure requirement, abutting means contiguous or separated by only a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

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

Accessory Living Quarters:

1. In the case of Zoning Districts in which dwelling units are permitted, the terms means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of the guests of the occupants of the premises; such quarters shall have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. The term includes "guest house".

2. In the case of Zoning Districts where dwelling units are not permitted, the term means sleeping facilities for watchmen and caretakers employed on the premises.

Accessory Use Bar: A commercial establishment open to the public which sells and serves intoxicating or low-point beer (as defined in this Chapter) for consumption on the premises. This use must be incidental and subordinate to a principal use restaurant, hotel or motel, or be a bar which is accessory to a not for profit, lodge, post, club, fraternal, benevolent or charitable organization which is included in Use Unit 2.

Accessory Use or Structure: A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Advertising Sign: See "Sign, Outdoor Advertising."

Agricultural District: A Zoning District whose designation begins with the letter "A".

All-Weather Material: In incorporated areas, a hard surface, dust-free material capable during ordinary use of withstanding normal weather conditions without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material in incorporated areas. In unincorporated areas, a gravel surface satisfies the requirement for an All-Weather Surface.

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

Anchoring Systems: A combination of ties, anchoring equipment and/or anchoring devices that are designed to resist overturning, uplift and lateral movement of the manufactured home from wind and water forces.

Animation: The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. See also "Sign, Animated."

Antenna: A transmitting and/or receiving device used in telecommunications that radiates or captures a signal. As used in this Ordinance, references to Antenna also include Antenna Supporting Structure.

Antenna Supporting Structure: A telecommunications facility that consists of a stand-alone support structure which has as its principal use the support of Antenna(s) and associated equipment and improvements.

Anticipated Development: Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.

Appeal: As it pertains to floodplain management, a request for a review of the Floodplain Administrator's interpretation of any provision of this Regulation or a request for a variance.

Area of Shallow Flooding: A designated AI, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, VI-30, VE or V.

Arterial: A street designated on the Major Street Plan as a primary (major) or secondary (minor) arterial.

Assisted Living Center: A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

Average Ground Elevation: The mid-point between the highest and lowest ground elevations at the building wall.

Bar/Tavern: A commercial establishment open to the general public which sells and serves intoxicating beverages or low point beer (as defined in this Chapter) for consumption on the premises.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Bed and Breakfast Inn: A residential structure that provides not more than six (6) guest rooms and meals for overnight guests who pay a fee for such services. Said structure may also be rented for special events such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc., as may be approved by the Board of Adjustment.

Beer Bar: A commercial establishment open to the general public which sells and serves low-point beer (as defined in this Chapter) for consumption on the premises.

Berm: A mound of earth or raised form of earth to provide screening to improve the aesthetic character.

Billboard: See also "Sign, Outdoor Advertising."

Billiard Center, Family: A principal use billiard facility which caters to families and which excludes the sale and consumption of intoxicating beverages or low-point beer (as defined this Chapter) on the premises.

Billiard Hall/Pool Hall: A principal use billiard facility open to the general public which sells and serves intoxicating beverages or low-point beer (as defined in this Chapter) on the premises.

Board: The Board of Adjustment of the unit of local government referred to in this Ordinance as "Board" unless the context clearly indicates otherwise.

Board of Adjustment (BOA): The Board of Adjustment of the unit of government, referred to in this Zoning Ordinance as "Board."

Boarding House: A dwelling other than a hotel where for compensation and by pre-arrangement for definite periods, lodging or lodging and meals are provided for three (3) or more, but not exceeding 20 persons on a weekly or monthly basis. See also "Rooming House."

Building: A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

Building Code: Those codes and regulations adopted by the unit of government pertaining to requirements for construction of buildings and structures.

Building Inspector: As designated by the unit of government and may include, but is not limited to, the electrical inspector, plumbing inspector, mechanical inspector, code enforcement officer or fire marshal.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated. In any Residential Zoning District any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building Setback: The horizontal distance from the point of measurement such as the centerline of an abutting street or the boundary line of an abutting Zoning District to the nearest building wall.

C District: A Zoning District whose designation begins with the letter "C" intended for commercial uses and purposes.

Caliper: The diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less and the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

Care Home: Premises used for the housing and caring for the aged or infirmed, including convalescent homes, homes for the aged and nursing homes.

Centerline (CL): See also "Street Centerline."

Changeable Copy: Copy or other images that physically change or give the appearance of change at intervals of less than ten (10) minutes.

Character: Any letter of the alphabet or numeral.

Chief Executive: The Chairperson of the Board of County Commissioners or the Mayor of the municipality.

Church: All contiguous property owned or leased by a church, upon which is located the principal church building or structure, irrespective of any interior lot lines.

City: Any city or town who by virtue of an agreement is a participating member of the City of Claremore-Rogers County Metropolitan Area Planning Commission.

City Council: The City Council of the City of Claremore, Oklahoma.

Clerk: The clerk, City or County, of the unit of government.

Collocation: The locating of two (2) or more wireless telecommunication system providers on one antenna which shall have been designed and constructed to accommodate such collocation.

Commercial District: A Zoning District whose designation begins with the letter "C" which is intended for commercial uses and purposes.

Community Group Home: A community-based residential facility for independent living that provides room and board, personal care, and habitation services in a family environment as a single-housekeeping unit for seven (7) or more resident elderly or disabled persons (mentally and/or physically impaired) with at least one (1) resident staff person.

Comprehensive Plan: The Comprehensive Plan of the City of Claremore and Rogers County or other participating local governments.

Conditional Use: See "Special Exception."

Copy Area: See "Display Surface Area."

Core Area: A contiguous habitable floor area, under roof, irrespective of interior walls, at least 20 feet by 20 feet in size.

County: Shall mean Rogers County, Oklahoma.

Country Living: An alternate development standard available only in incorporated areas in the RS-25 CL, RS-40 CL and RS-60 CL zoning districts under the standards included in the Zoning Ordinance, these Subdivision Regulations, the Engineering Design Standards, and the Standard Specifications for Construction for large lot development which are intended to preserve the rural residential character of the area being developed.

Court, Inner: A court which is bounded by either building walls, building walls and one or more lot lines other than a front lot line, or building walls, except for one opening on any open area along a side lot line or rear lot line which area has a width of less than 30 feet at any point.

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

Coverage: The lot area covered by all buildings located thereon.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Curb Level: The average level or elevation of the established curb along the front of a lot. Where no curb has been established, the City or County Engineer shall establish such curb level or its equivalent for the purposes of this Ordinance.

Customary Residential Exterior Finishing Materials: Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturers specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and woodgrain weather resistant pressboard siding.

Dance Hall: A commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.

Designated Residential Development Area: An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD).

Detention/Correctional Facility: A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail or prison.

Detention Facility, Stormwater: A facility for the collection or storage of stormwater for subsequent discharge at a rate which is less than the rate of inflow.

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

Director: The administrative official so designated by the Board of County Commissioners to administer the Zoning Ordinance in the unincorporated areas under the jurisdiction of the Planning Commission. The administrative official so designated by the City Council to administer the Zoning Ordinance in the incorporated areas under the jurisdiction of the jurisdiction of the Planning Commission.

Display Surface: The surface of a sign upon, against, or through which the message is displayed or illustrated.

Display Surface Area:

1. Ground or Projecting Signs - Shall mean the area enclosed by the minimum imaginary rectangles which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, the measurement shall be taken when the elements are fully extended and parallel to the plane of view.

2. Wall Signs - Shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word or number or character attached to any particular facade.

3. Window Signs - Shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word, figure, design and symbol if the window or other transparent material forms the background, or the entire area of the background material when such material is translucent or opaque.

District: A Zoning District.

Dripline: The periphery of the area underneath a tree that would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

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

Dwelling: A building or structure used in whole or in part for human habitation.

Dwelling, Duplex: A detached dwelling, other than a manufactured home, designed to be occupied by two (2) families living independently of each other.

Dwelling Group: Two or more detached dwellings other than manufactured homes, on the same lot, as defined herein, but not including a single-family dwelling with a garage apartment.

Dwelling, Manufactured Home: See also "Manufactured Home (Mobile Home)."

Dwelling, Modular Home: See also "Modular Dwelling."

Dwelling, Multifamily: A detached dwelling, other than a manufactured home, hotel, or motel, designed to be occupied by three (3) or more families living independently of each other.

Dwelling, Single-Family Detached: A building, other than a manufactured home, containing one dwelling unit designed for occupancy by not more than one family.

Dwelling, Townhouse: A building containing two (2) or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

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

Elderly/Retirement Housing: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from "Life Care Retirement Centers" as defined herein.

Elevated Building: A nonbasement building:

1. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and

2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the Base Flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3 (3)(5) of the National Flood Insurance Program regulations.

Emergency and Protective Shelter: A residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

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

Existing Construction: For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".

F District: A Zoning District whose designation begins with the letter "F" for purposes of identifying areas subject to flooding. See also "Flood District."

Family:

1. One or more persons occupying a single dwelling unit as a single housekeeping unit. Unless all members are related by blood, marriage, or adoption, no family unit may contain more than six (6) persons including any roomers, boarders and/or domestic servants; or

2. A home for independent living, for elderly or disabled persons (mentally and/or physically impaired), with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit. Such care may be provided for not more than six (6) residents with at least one, but not more than two (2) resident staff persons.

Family Day Care Home: A dwelling used to house and provide supervision and care for not more than seven (7) children which shall include those preschool children under five (5) years of age who reside in the residence.

Flashing Illumination: A light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.

Flood District: A Zoning District whose designation begins with the letter "F" intended to identify areas subject to flooding.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City or County.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the Base Flood, as well as the Flood Boundary-Floodway Map.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Protection System: Those physical structural works for which funds have been authorized, appropriated, and expended which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "Special Flood Hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Floodway (Regulatory Floodway): The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area:

1. The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings.

2. For the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas is not included.

3. Floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, under the provisions of Sections 1512.C, 1513.C, and 1514.C, means the smallest rectangular area encompassing the display or customer seating area.

Floor Area Ratio (FAR): The floor area of a building or buildings on a lot divided by the lot area.

Foster Home: A dwelling used in whole or in part as living quarters for a household including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but are under their supervision. A maximum of five (5) children are allowed to reside in the home including any natural children living in the home, if any children in the home are age two (2) or younger. If no children are under two (2) years, the maximum number of children residing in the home is six (6).

Freeway: A street designated as a freeway or expressway on the Major Street Plan.

Frontage: The lineal measurement of a lot boundary which abuts a public street right-of-way that has been accepted for maintenance in incorporated areas, or in unincorporated areas of a road easement dedicated to the general public or of a right-of-way dedicated to the general public or the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial street or cul-de-sac.

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

Governing Body: The governing body of the unit of government.

Habitable Floor: Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

Halfway House: A building used in whole or part as a treatment center and dwelling quarters for persons unrelated by blood or marriage who are undergoing care or rehabilitation for alcoholism or other forms of drug abuse.

Height, Building: The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that Height Exceptions listed under Section 209 shall apply.

Height, Sign: The vertical distance measured from the curb level to the highest point of the sign.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Home Occupation: That accessory use of a dwelling which constitutes some or all of the livelihood of a person living in the dwelling. Home occupations shall not include barber shops, commercial stables or kennels or an office for an interior decorator or other workshops.

Home Owner's Association: An incorporated nonprofit organization operating under recorded land agreements through which:

1. Each lot and/or homeowner in a Planned Unit Development or other described land area is automatically a member; and

2. Each lot is automatically subject to a charge for a proportionate share of the organization's activities, such as maintaining a common property; and

3. The charge, if unpaid, becomes a lien against the property.

Hotel: A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation. Not included in this definition are auto or trailer courts or camps, sanitariums, hospitals, asylums, an orphanage or building where persons are housed under restraint.

I District: A Zoning District whose designation begins with the letter "I" intended for industrial uses or purposes.

Inspecting Officer: The officer designated by the governing body to administer this Zoning Ordinance.

Intoxicating Beverages: All beverages, as defined in Section 506 of Title 37, Oklahoma Statutes.

Junk and Salvage Yard: An open area, lot, land, parcel, building or structure or part thereof where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, crushed or handled. Materials shall include, but are not limited to scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, vehicular parts, wrecked vehicles, bottles and cans.

Kennel: Any place on premises used to harbor, keep or possess in any one (1) place or premises more than a combined total of five (5) dogs and cats over the age of four (4) months; provided that no more than three (3) of such animals shall be dogs over the age of four (4) months. It is specifically provided a household may keep or possess more dogs and/or cats than permitted by this paragraph so long as:

1. Immediately prior to June 15, 2000, the household legally possessed more than the number of dogs and/or cats permitted by this paragraph; and

2. Those dogs and/or cats were licensed according to City Ordinances; and

3. The dogs and/or cats kept or possessed are same such animals that were kept or possessed pursuant to (1) and (2) of this paragraph; or

4. The household or an individual in the household has secured a hobbyist exemption as required by City Ordinance.

Land Area: The area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.

Land Coverage: The area of a lot covered by a building or buildings, not to include area used for enclosed structural parking.

Landscaped Area: The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rocks, pools and planters.

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

Levee System: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Life Care Retirement Center: See also "Assisted Living Center."

Loading Berth, Off-Street: A minimum space of 10 feet in width and 30 feet in length and having a minimum vertical clearance of 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lodge: See also "Service Organization, Club or Lodge."

Lot: See also "Lot of Record."

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot with at least two (2) adjacent sides abutting a street for their full length.

Lot Depth: The distance between the midpoints of a straight line connecting the foremost points of the side lot lines and a straight line connecting the rearmost points of the side lot lines.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot Frontage: The length of a front lot line.

Lot, Interior: A lot other than a corner lot.

Lot Line: Any boundary of a lot.

Lot Line, Front: Any street line, provided that:

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

2. In the case of one end of a block and bounded on three (3) sides by streets, the street line at the end of the block shall be deemed a side lot line and the other two (2) street lines shall be deemed front lot lines;

3. In the case of a lot consisting of an entire block:

   a. If the sides are not of equal length, the longer sides shall be deemed front lines and the shorter sides shall be deemed side lot lies; or

   b. If the sides are of equal length, all sides be deemed front lot lines.

Lot Line, Rear: A lot line, other than a line designated elsewhere herein as a front lot line or a side lot line, which is opposite and most distant from a front lot line, except as follows:

1. In the case of irregular, triangular, or gore-shaped lot, a line ten (10) feet long within the lot, parallel to and at the maximum distance from the front lot line; or

2. In the case of a through lot or part thereof a minimum of 150 feet deep, bounded by two street lines and two other straight lines intersecting such street lines, a line midway between the street lines.

3. In the cases of portions of a through lot that cannot be bounded by two (2) street lines and two (2) other straight lines intersecting such street lines and a lot bounded entirely by street lines, a line or lines, ordinarily at or near the midline of the block, determined by the Building Inspector after consideration of the existing platting pattern in the immediate vicinity of such lot.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

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

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Clerk of the County in which the parcel is located.

Low-Point Beer: Includes beverages containing more than one-half of one percent (0.5%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

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

M District: The Zoning District whose designation begins with the letter "M" designated for mining uses and purposes.

Major Street Plan: The Major Street and Highway Plan as adopted by the unit of government in the Comprehensive Plan.

Manufactured Home (Mobile Home): A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the required plumbing, heating, air-conditioning and electrical systems. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

Manufactured Home Park: Land or property which is used or intended to be used or rented for occupancy by one or more manufactured homes.

Massage Establishment, Licensed: Any establishment or place of business where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on, any business of the manipulation of the body by means of massage as otherwise defined and regulated by the Zoning Ordinance or the City of Claremore, Oklahoma Code of Ordinances.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Metropolitan Area: The City of Claremore-Rogers County Metropolitan Area.

Mini-Storage: A building containing small partitioned storage spaces which are separately and individually rented or leased for the storage of personal goods or merchandise, but excluding commercial warehousing as described in Use Unit 24.

Mobile Home: See also "Manufactured Home (Mobile Home)."

Mobile or Portable Office: A pre-manufactured unit with or without wheels, axles, or hitches, especially manufactured or modified to become an office. The term "mobile or portable office" does not include the term mobile or manufactured home, travel trailer, recreational unit, or modular home.

Modular Dwelling (Modular Home): A factory-built home, other than a manufactured home, which meets all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundations;

2. Is not designed to be moved once so erected or installed;

3. Is designed and manufactured to comply with a nationally recognized and locally adopted Building Code for site-built housing; and

4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

Motel: One(1) building, or two (2) or more detached buildings for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and shall include a motor court or auto court.

Movement: Physical movement or revolution of a sign or portion of a sign up or down, around or sideways.

NA: Not applicable.

Nameplate: See also "Sign, Nameplate."

NEC: Not Elsewhere Classified.

New Construction: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City or County.

Night Club: A commercial establishment open to the general public, usually serving intoxicating beverages and/or low-point beer (as defined in this Chapter), having a floor show, and providing music and a space for dancing.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the Zoning District in which it is situated. Such lawful condition may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements. See also Chapter 17.

Nonconforming Use: A structure or land lawfully occupied by a use that does not conform to the regulations of the Zoning District in which it is situated. See also Chapter 17.

Noxious: When used with reference to any use or activity in respect to any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety of which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nursing Home: A residential health care facility which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

Ordinance: As used in this text, shall mean the Zoning Ordinance of the City of Claremore and Rogers County, Oklahoma.

P Parking: The P Parking Zoning District intended for parking uses and purposes.

Parking Space, Off-Street: A space on a lot intended and reserved for the parking of an automobile. See also Chapter 16.

Parking Space, Required Off-Street: A space on a lot reserved for parking required by this Ordinance. See also Chapters 15 and 16.

Permanent Foundation: A foundation which meets the Building Codes of the unit of government.

Personal Care: Assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

Planning Commission: The City of Claremore-Rogers County Metropolitan Area Planning Commission.

Planned Unit Development (PUD): A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards and regulations.

Private Club: A private commercial establishment, not open to the general public, but which is operated for profit and sells and serves intoxicating beverages or low-point beer (as defined in this Chapter) for consumption on the premises.

R District: A Zoning District whose designation begins with the letter "R" designated for residential uses and purposes.

Recreation Area: The open, unobstructed space on a lot, including the open unobstructed space accessible to all occupants of any residential or commercial building or structure on the lot, which is suitable and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, patio, pool or similar area, but does not include any driveway, ramp or parking area.

Recreational Vehicle (RV): A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells which are attached to a pickup truck are not considered a recreational vehicle.

Residential District: A Zoning District whose designation begins with the letter "R" intended for residential uses and purposes.

Residential Treatment Center: A community-based residential facility providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for substance abuse or dependency, or behavioral disorders.

Residential Use: Uses identified as Residential by this Zoning Ordinance.

Resolution: An instrument passed by the governing body of the City of Claremore or Rogers County and signed by the City or County Clerk.

Rest Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Restaurant, Principal Use: An eating establishment which employs at least one full-time cook, has a menu, and a fully equipped kitchen for cooking and meal preparation. The eating establishment, including the kitchen area, but excluding the bar area, shall occupy at least 75% of the total floor area of the business.

Restrictiveness of Districts: The least restrictive contiguous Residential District is the district requiring the least lot area per dwelling unit. With respect to the RS-6 and RM-6 Districts, the RM-6 District is the least restrictive, and with respect to the RM-4 and RT Districts, the RT District is the least restrictive.

RM District: A Zoning District whose designation begins with the letters "RM" designed for multi-family residential uses and purposes.

Rooming House: A facility where congregate meals and lodging are provided for its residents exclusive of a supervised living or residential care facility as elsewhere defined (e.g. Nursing Home, Group Home, Transitional Living Center, Residential Treatment Center, etc.), and exclusive of a hotel or motel. See also "Boarding House."

RS District: A Zoning District whose designation begins with the letters "RS" designed for single-family residential uses and purposes.

RST District: A Zoning District whose designation begins with the letters "RST" designated for residential manufactured home uses and purposes.

Sanitarium: An institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Scrap and Waste Materials, Wholesale: Establishments engaged in assembling, breaking up, sorting, or distributing scrap and waste materials, including auto wrecking and junk establishments.

Setback: A horizontal distance determining the location of a building with respect to a street, Zoning District boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words such as "parking area", the setback shall in its application include, but not be limited to buildings.

Service Organization, Club or Lodge: Not for profit lodge, post, club, fraternal, benevolent or charitable organization.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be considered a sign for purposes of this Zoning Ordinance:

1. Flags and insignia of any government except when displayed in connection with commercial promotion;

2. Legal notices, identification, informational or directional signs erected or required by governmental bodies;

3. Integral decorative or architectural features of building, except letters, trademarks, moving parts, or moving lights; or

4. Signs directing and guiding traffic and parking or identifying private property, but bearing no advertising matter.

Sign, Accessory: A bulletin board, home occupation sign, identification sign or real estate sign.

Sign, Advertising: See also "Sign, Outdoor Advertising."

Sign, Animated: A sign having visible moving parts or moving lights. See also "Animation."

Sign, Business: Any sign which directs attention to a business, commodity, service, or entertainment conducted on the premises.

Sign, Canopy: See also "Sign, Wall."

Sign, Construction: A temporary sign erected during the period of construction advertising the construction of improvements on the property.

Sign, Ground: A sign which is part of a self-supporting structure other than a building or portion of a building.

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

Sign, Illuminated: Any sign which is directly lighted by an electrical light source, internal or external, not including light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

Sign, Nameplate: A sign attached flush against a building identifying the name of the building or the name of an occupant thereof.

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment, sold or offered elsewhere than on that particular premise and only incidentally on the premise, if at all. Such signs are also referred to as an "Advertising Sign", or "Billboard."

Sign, Projecting: A sign which is affixed to a building wall and which extends horizontally more than 15 inches from said wall. A projecting sign is also a sign which is affixed to a canopy, awning or marquee and which extends horizontally more than 15 inches from said canopy, awning or marquee.

Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the lot or portion thereof on which the sign is located.

Sign, Revolving or Rotating: A sign or sign part which rotates or revolves.

Sign, Roof: A sign which is affixed to a roof, extended roof, pitched roof, or canopy, and which extends above the building wall or parapet wall except as otherwise provided in this Zoning Ordinance for a wall sign.

Sign, Wall: A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a window or door which does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, parapet wall, window or door, nor extend above the parapet wall except as otherwise provided herein for Wall Signs.

Site Development Plan: A plan drawn at a scale of not less than one (1) inch equals 50 feet which shows:

1. The topographic characteristics of the site at two (2) foot contour intervals;

2. The location and dimensions of buildings, yards, courts, parking spaces and other features; and

3. The use of each building and area, adjacent streets, alleys, utility, drainage and other easements, and the relationship of the development to adjacent areas which it may affect.

Special Exception: A use or a design element of a use which is not permitted by Right in a particular Zoning District because of potential adverse affect, but which if controlled and conditioned in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment. These uses may be permitted only where specifically authorized by this Zoning Ordinance, and shall be in accordance with the substantive and procedural standards of the Zoning Ordinance.

Start of Construction: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stormwater Detention: See "Detention".

Story: A room or set of rooms on one (1) floor level of a building.

Street:

1. In unincorporated areas, a public way, being a road easement dedicated to the general public or a road right-of-way, from which the principal means of access to abutting property is obtained.

2. In incorporated areas, shall be a road right-of-way dedicated to the general public and accepted for maintenance, from which the principal means of access to abutting property is obtained.

Street Centerline: For the purposes of the Bulk and Area calculations of this Zoning Ordinance it is assumed that the Center Line of the Street is the Centerline of the planned right-of-way.

Street Intersection: The point at which any street joins another street at an angle, whether or not it crosses the other.

Street Wall: The wall or part of the building nearest to the street line.

Street Yard: The minimum required residential yard abutting a public street or the area of a nonresidential lot contained between the minimum required building setback line and an abutting public street.

Structural Alterations: Any change in the supporting members of a structure.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes but is not limited to buildings, walks, fences, signs, and a gas or liquid storage tank that is principally above the ground as well as a manufactured home.

Subdivision Regulations: The Subdivision Regulations of the City of Claremore-Rogers County Planning Commission as they pertain to the City of Claremore and/or Rogers County.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, "Substantial Improvement" does not include:

1. Any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which is required to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or the State of Oklahoma Inventory of Historic Places.

Supplemental District: A Zoning District to be mapped as an overlay to a use district. The overlay is to be used to modify or supplement the regulations of the general Zoning District in recognition of distinguishing circumstances such as Historic Preservation or Planned Unit Development. The overlay must maintain the character and purposes of the Zoning District over which it is superimposed and be consistent with the Comprehensive Plan.

Territorial Jurisdiction: The area within the boundaries of the unit of government.

Top Plate: The horizontal timber directly carrying the trusses of a roof or the rafters.

Townhouse: See "Dwelling, Townhouse."

Townhouse Development: A subdivision containing at least three (3) townhouse lots.

Transitional Living Center: A community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse.

Travel Trailer: Any vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational, or vacation use and when factory equipped for the road, it shall have a body width not exceeding eight (8) feet and an overall length not exceeding 35 feet, including hitch and coupling and be licensed as a travel trailer under H.B. 1541.

Tree: A woody plant as set forth within a list of trees adopted by resolution or ordinance and referenced in Chapter 12, Landscape Regulations of this Ordinance. See also Appendix E.

Use Unit: A grouping of individual uses having similarities in characteristics of function and/or performance which provides the means for orderly consideration of location and other regulation. See also Chapter 15.

Variance: A relaxation of a restriction of this Ordinance granted by the Board of Adjustment where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of this Ordinance would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Zoning Ordinance. As it pertains to floodplain management, for full requirements see Section 60.6 of the National Flood Insurance Program regulations.

Veterinarian Clinic: A building, or a portion of a building, used exclusively for the care and treatment of animals, including incidental overnight boarding of animals within the enclosed building, but excluding outside animal runs or boarding services.

Veterinarian Hospital: A building, or a portion of a building, used for the care and treatment of animals, primarily in the livestock classification, which may include outside animal runs and boarding services.

Violation: As it pertains to floodplain management, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National Geodetic Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Wild or Exotic Animals: As regulated by this Ordinance, Wild or Exotic Animals shall include any non-human primate, carnivore (non-domestic flesh-eating mammals), venomous reptiles (snakes or lizards) and non-venomous reptiles reaching eight (8) feet or more in length and/or weighing 40 pounds or more at maturity.

Yard: An open space unoccupied on a lot between a building and a lot line.

Yard, Front: A yard extending along the full length of the front lot lines between the side lot lines.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Required: The minimum permitted distance of open unoccupied space between a building and a lot line.

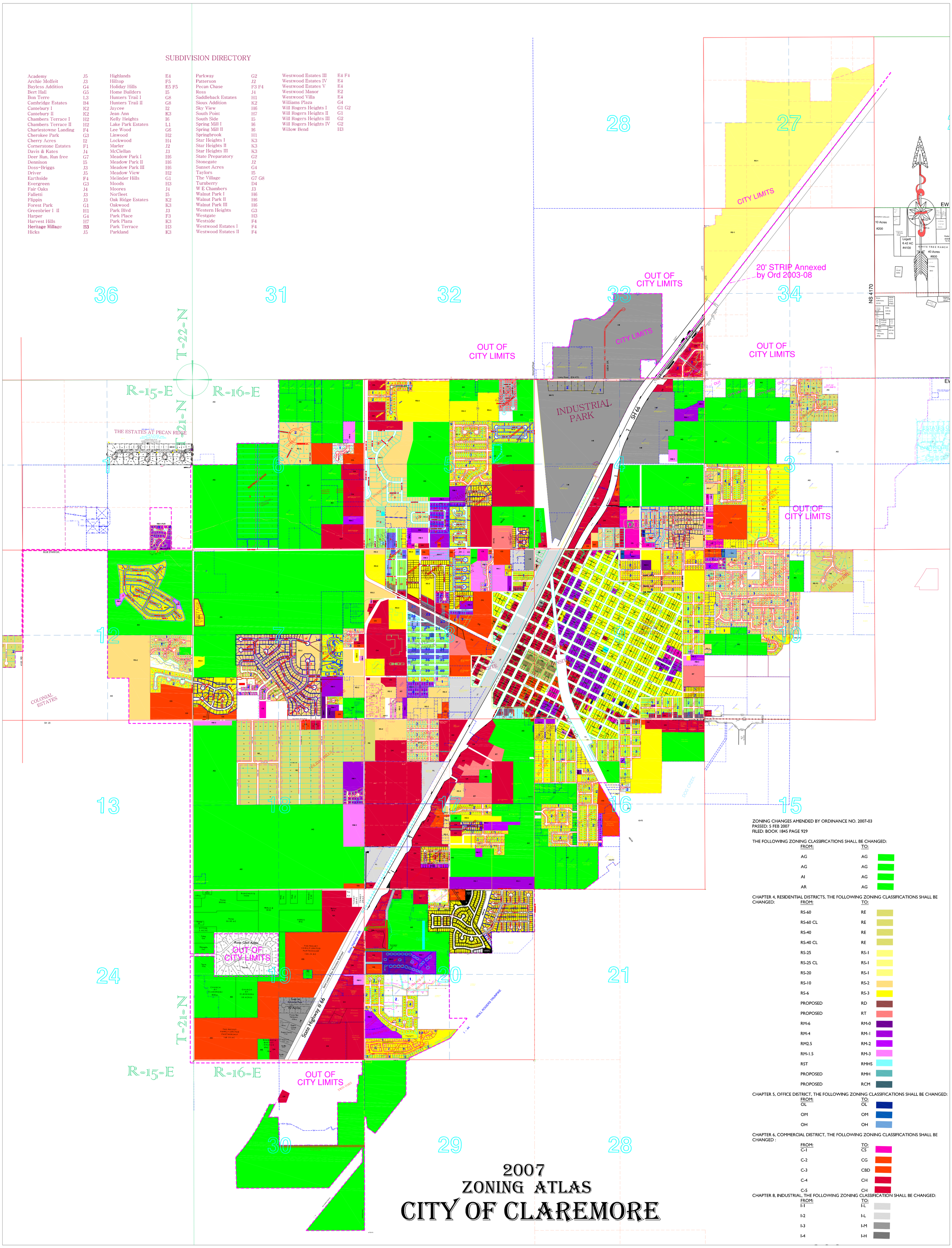
Yard, Side: A yard extending along a side lot line between the front yard and the rear yard.

Yard, Street: See also "Street, Yard."

Zoning Officer: Shall be the Director or such other person designated by the unit of government and may include, but is not limited to the building inspector, the electrical inspector, plumbing inspector, mechanical inspector, code enforcement officer, or fire marshal.

SUBDIVISION DIRECTORY

Academy	J5
Archie Moffeit	J3
Bayless Addition	G4
Bert Hall	G5
Bon Terre	L3
Cambridge Estates	B4
Cantebury I	K2
Cantebury II	K2
Chambers Terrace I	H2
Chambers Terrace II	H2
Charlestowne Landing	F4
Cherokee Park	G3
Cherry Acres	I2
Cornerstone Estates	F1
Davis & Kates	J4
Deer Run, Run free	G7
Dennison	I5
Doss-Briggs	J3
Driver	J5
Earthside	F4
Evergreen	G3
Fair Oaks	J4
Falletti	J3
Flippin	J3
Forest Park	G1
Greenbrier I II	H1
Harper	G4
Harvest Hills	H7
Heritage Millage	B3
Hicks	J5
Highlands	E4
Hilltop	F5
Holiday Hills	E5 F5
Home Builders	I5
Hunters Trail I	G8
Hunters Trail II	G8
Jaycee	I2
Jean Ann	K3
Kelly Heights	I6
Lake Park Estates	L1
Lee Wood	G6
Linwood	H2
Lockwood	H4
Marler	J2
McClellan	J3
Meadow Park I	H6
Meadow Park II	H6
Meadow Park III	H6
Meadow View	H2
Melinder Hills	G1
Moods	H3
Moores	J4
Norfleet	I5
Oak Ridge Estates	K2
Oakwood	K3
Park Blvd	J3
Park Place	F3
Park Plaza	K3
Park Terrace	H3
Parkland	K3
Parkway	G2
Patterson	J2
Pecan Chase	F3 F4
Ross	J4
Saddleback Estates	H1
Sioux Addition	K2
Sky View	H6
South Point	H7
South Side	I5
Spring Mill I	I6
Spring Mill II	I6
Springbrook	H1
Star Heights I	K3
Star Heights II	K3
Star Heights III	K3
State Preparatory	G2
Stonegate	J2
Sunset Acres	G4
Taylors	I5
The Village	G7 G8
Turnberry	D4
W E Chambers	J3
Walnut Park I	H6
Walnut Park II	H6
Walnut Park III	H6
Western Heights	G3
Westgate	H3
Westside	F4
Westwood Estates I	F4
Westwood Estates II	F4
Westwood Estates III	E4 F4
Westwood Estates IV	E4
Westwood Estates V	E4
Westwood Manor	E2
Westwood Villa	E4
Williams Plaza	G4
Will Rogers Heights I	G1 G2
Will Rogers Heights II	G1
Will Rogers Heights III	G2
Will Rogers Heights IV	G2
Willow Bend	H3



ZONING CHANGES AMENDED BY ORDINANCE NO. 2007-03
PASSED: 5 FEB 2007
FILED: BOOK 1845 PAGE 929

THE FOLLOWING ZONING CLASSIFICATIONS SHALL BE CHANGED:

FROM:	TO:
AG	AG
AG	AG
AI	AG
AR	AG

CHAPTER 4, RESIDENTIAL DISTRICTS, THE FOLLOWING ZONING CLASSIFICATIONS SHALL BE CHANGED:

FROM:	TO:
RS-60	RE
RS-60 CL	RE
RS-40	RE
RS-40 CL	RE
RS-25	RS-1
RS-25 CL	RS-1
RS-20	RS-1
RS-10	RS-2
RS-6	RS-3
PROPOSED	RD
PROPOSED	RT
RM-6	RM-0
RM-4	RM-1
RM2.5	RM-2
RM-1.5	RM-3
RST	RMHS
PROPOSED	RMH
PROPOSED	RCM

CHAPTER 5, OFFICE DISTRICT, THE FOLLOWING ZONING CLASSIFICATIONS SHALL BE CHANGED:

FROM:	TO:
OL	OL
OM	OM
OH	OH

CHAPTER 6, COMMERCIAL DISTRICT, THE FOLLOWING ZONING CLASSIFICATIONS SHALL BE CHANGED :

FROM:	TO:
C-1	CS
C-2	CG
C-3	CBD
C-4	CH
C-5	CH

CHAPTER 8, INDUSTRIAL, THE FOLLOWING ZONING CLASSIFICATION SHALL BE CHANGED:

FROM:	TO:
I-1	I-L
I-2	I-L
I-3	I-M
I-4	I-H

2007 ZONING ATLAS
CITY OF CLAREMORE

APPENDIX A: USE UNITS SUMMARIZED BY ZONING DISTRICTS*

1. Appendix A is for reference only. If discrepancies should occur between Appendix A and the text of the Zoning Ordinance, the text shall control.
2. RST Districts apply only to the unincorporated areas of Rogers County. RS-60 includes RS-60 CL.; RS-40 includes RS-40 CL; RS-25 includes RS-25 CL incorporated areas only.
3. Go to Chapter 15 to determine the uses permitted in each Use Unit.

Use Units	AO	AG	AI	AR	RS 60	RS40	RS 25	RS 20	RS 10	RS 6	RST 60	RST 40	RST 25	RST 20	RST 10	RST 6	RM 6	RM 4	RM 2.5	RM 1.5	RT
1. Area-Wide Uses By Right	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2. Area-Wide Special Exception Uses		E	E	E	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*
3. Agriculture		X*	X*	X*																	
4. Public Protection & Utility Facilities		E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*	E*
5. Single-Family Dwelling		X	X	X	X	X	X	X	X	X	X*	X*	X*	X*	X*	X*	X*	X	X	X	X
6. Duplex Dwelling																			E*	E*	
7. Townhouse Dwelling																	X	X	X	X	
8. Multi-family Dwelling & Similar Uses		E*	E*	E*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X	X	X	X	
9. Manufactured Home Dwelling		X*	X*	X*							X*	X*	X*	X*	X*	X*					X
10. Off-Street Parking																			E*	E*	
11. Offices, Studios & Support Services		E*	E*	E*															E*	E*	
12. Eating Establ. Other Than Drive-Ins																					
13. Adult Entertainment Establishments																					
14. Convenience Goods and Services																					
15. Shopping Goods and Services																					
16. Other Trades & Services																					
17. Mini-Storage																					
18. Automotive & Allied Activities																					
19. Drive-In Restaurants																					
20. Hotel, Motel & Recreation		E	E																		
21. Commercial Recreation: Intensive	X	X*	X*																		
22. Outdoor Advertising Signs																					
23. Scientific Research & Development																					
24. Warehousing & Wholesaling																					
25. Mining & Mineral Processing																					
26. Restricted Manufacturing & Industry																					
27. Light Manufacturing & Industry																					
28. Medium Manufacturing & Industry																					
29. Heavy Manufacturing & Industry																					
30. Junk & Salvage Yards																					
31. Oil and Gas Extraction		X*	X*	X*																	

X = Use Permitted by Right. E = Use Permitted only by Special Exception.

* Refer to Uses Permitted in the respective Zoning Districts for use conditions and related information. Only selected uses within the Use Unit are permitted by Right or upon approval of a Special Exception, or other special condiitons apply.

APPENDIX A: USE UNITS SUMMARI BY ZONING DISTRICTS*

1. Appendix A is for reference only. If discrepancies should occur between Appendix A and the text of the Zoning Ordinance, the text shall control.
2. RST Districts apply only to the unincorporated areas of Rogers County.
3. Go to Chapter 15 to determine the uses permitted in each Use Unit.

Use Units	OL	OM	OH	C-1	C-2	C-3	C-4	C-5	SR	I-1	I-2	I-3	I-4	M	P
1. Area-Wide Uses By Right	X	X	X	X	X	X	X	X	X	X	X	X	X		X
2. Area-Wide Special Exception Uses	E	E	E	E	E	E*	E*	E*	E	E	E	E	E		
3. Agriculture										X	X	X	X		
4. Public Protection & Utility Facilities	E*	E*	E*	E*	E*	E*	E*	E*	X*	X*	X*	X*	X*		
5. Single-Family Dwelling	E	E	E												
6. Duplex Dwelling	E	E	E												
7. Townhouse Dwelling	E	E	X												
8. Multi-family Dwelling & Similar Uses	E*	E*	X												
9. Manufactured Home Dwelling															
10. Off-Street Parking	X	X	X	X	X	X	X	X	X	X	X	X	X		X
11. Offices, Studios & Support Services	X*	X	X	X	X	X	X	X	X	X	X	X	X		
12. Eating Establ. Other Than Drive-Ins			X		X	X	X	X		X	X	X	X		
13. Adult Entertainment Establishments								X*							
14. Convenience Goods and Services				X	X	X	X	X		E	E	E	E		
15. Shopping Goods and Services				X	X	X	X	X		E	E	E	E		
16. Other Trades & Services							X	X		X	X	X	X		
17. Mini-Storage	E	E	E		X		X	X		X	X	X	X		
18. Automotive & Allied Activities							X	X		X	X	X	X		
19. Drive-In Restaurants							X	X		E	E	E	E		
20. Hotel, Motel & Recreation			E*			X	X	X		E	E	E	E		
21. Commercial Recreation: Intensive							E	E		E	E	E	E		
22. Outdoor Advertising Signs							X*	X*		X*	X*	X*	X*		
23. Scientific Research & Development							E	X	X	X	X	X	X		
24. Warehousing & Wholesaling							X	X		X	X	X	X		
25. Mining & Mineral Processing														X	
26. Restricted Manufacturing & Industry							E	E		X	X	X	X		
27. Light Manufacturing & Industry							E*	E*		X*	X	X	X		
28. Medium Manufacturing & Industry											E*	X	X		
29. Heavy Manufacturing & Industry													X		
30. Junk & Salvage Yards												E	X		
31. Oil and Gas Exploration										X*	X*	X*	X*		

X = Use Permitted by Right. E = Use Permitted only by Special Exception.

* Refer to Uses Permitted in the respective Zoning Districts for use conditions and related information. Only selected uses within the Use Unit are permitted by Right or upon approval of a Special Exception, or other special condiitons apply.
RS-60 includes RS-60 CL.; RS-40 includes RS-40 CL; RS-25 includes RS-25 CL incorporated areas only.

APPENDIX B

INDEX OF LAND USES

The Use Units listed in this Appendix are described in Chapter 15, Use Units. To determine the appropriate Section of Chapter 15, add the prefix 15 to the Use Unit number listed below. For example, Use Unit 29 is found in Section 1529 of Chapter 15. Use Unit 2 is found in Section 1502 of Chapter 15. Page numbers of the respective Use Units are shown on page 15-1.

Use Unit	Land Use
	(A)
29	Abattoir (Slaughter House)
29	Abrasive, Asbestos and Miscellaneous Non-Metallic Mineral Products
11	Abstract Company
28	Acetylene Gas Manufacturing up to 15 PSI
29	Acetylene Gas Manufacturing in Excess of 15 PSI
29	Acid Manufacturing
11	Accountant
11	Adult Day Care
2	Adult Detention Center
11	Advertising Agency
22	Advertising Signs (Outdoor Advertising Signs/Billboards)
3	Agriculture
29	Agricultural Chemicals, Manufacturing
18	Agriculture Implement Sales
16	Air Conditioning and Heating Service
28	Aircraft and Aerospace Parts Manufacturing and Remanufacturing
27	Aircraft Assembly and Subassembly
27	Aircraft Repairs, Maintenance and Training
18	Aircraft Sales
2	Airport, Including Flight School
29	Alcohol Manufacturing
4	Ambulance Service
29	Ammonia, Bleaching Powder or Chlorine Manufacturing
29	Ammunition, Including Small Arms
28	Ammunition, Small Arms
21	Amusement Activities, NEC
29	Animal and Marine Fats or Oil, Including Grease or Tallow
3	Animal Raising, Except Hog Raising
29	Animal Rendering

Use Unit	Land Use
4	Antenna and Antenna Supporting Structure (Principal Use)
15	Antique Shop
20	Apartment Hotel
8	Apartments
29	Apiary Farm or Ranch
26	Apparel and Other Finished Products Made From Fabrics, Leather or Similar Materials
15	Appliance Repair, Household
15	Appliance Store
2	Aquarium
1	Arboretum
11	Architect
1	Area-Wide Uses by Right
2	Area-Wide Uses by Special Exception
21	Arena
16	Armature Rewinding Repair
16	Armored Car Service
29	Arsenals
2	Art Gallery, Not Operated for Profit
15	Art Gallery, Commercial
11	Art School
29	Artificial Leathers Oil Cloth Manufacturing and Other Impregnating and Coating of Fabrics, Excluding Rubberizing
11	Artist Studio
15	Artist Supply Store
28	Asphalt Blending
29	Asphalt Paving Plant
29	Asphalt Refining or Manufacturing
25	Asphaltic Concrete Manufacturing
8	Assisted Living Center/Life Care Retirement Center
16	Auctioneer
18	Automobile Rental
18	Automobile Sales, New or Used
30	Automobile Salvage Yards
18	Automobile Wash
18	Automotive and Allied Activities
26	Automotive Painting
15	Automotive Parts and Accessories Store

Use Unit	Land Use
	(B)
21	BMX Track
16	Bait Shop
14	Bakery
26	Bakery Products, Manufacturing
16	Bakery, Wholesale
11	Ballet School
11	Bank
13	Bar
16	Barber School
14	Barber Shop
28	Batch Plant, Concrete
16	Beauty School
2	Bed and Breakfast Inn
14	Beauty Shop
13	Beer Bar
27	Beverage Manufacturing
15	Bicycle Shop
22	Billboard (Outdoor Advertising Sign, Billboard Sign)
20	Billiard Center, Family
13	Billiard Parlor/Pool Hall
16	Bindery
20	Bingo Facility, Commercial
26	Blacksmithing
29	Blast Furnace, Steel Works and the Rolling and Finishing of Ferrous Metals
29	Bleaching Powder Manufacturing
8	Boarding House
18	Boat Sales
28	Boiler or Forage Works
15	Book Store
11	Bookkeeper
16	Bottled Gas
28	Bottling Plant
20	Bowling Alley
27	Brewery
29	Brick, Tile or Terra Cotta Manufacturing
11	Broadcasting or Recording Studio
27	Brooms and Brushes Manufacturing
16	Building Materials Store
27	Building, Contract Construction Service and Storage
27	Bus Maintenance Shop

Use Unit	Land Use
2	Bus Station
15	Business and Office Machine Repair and Sales
11	Business School
	Business Sign, See Chapter 11, Signs
29	Butane and Propane Manufacturing/Storage
	(C)
16	Cabinet Maker
12	Cafe
12	Cafeteria
15	Camera and Photographic Supply Store
2	Camp, Day
18	Camper Sales
18	Campground, Overnight (for Recreational Vehicles)
26	Candle Manufacturing
26	Candling or Processing Plant
14	Candy Store
27	Canning and Preserving of Fruits/Vegetables
2	Carnival
16	Carpentry
26	Carpet Cleaning
16	Carpet Installation and Repair
15	Carpet Store
15	Caterer
27	Cellophane Manufacturing
27	Celluloid Manufacturing
29	Cement (Hydraulic), Lime, Gypsum or Plaster of Paris Manufacturing
2	Cemetery
28	Cesspool Cleaning
27	Cheese Manufacturing
3	Chick Hatchery
2	Children's Home
11	Children's Nursery
15	China, Glassware & Metal Ware Store
27	Chipping of Trees and Shrubs
29	Chlorine or Hydrochloric, Nitric, Picric Sulphurous or Sulfuric Acid Manufacturing
2	Christmas Tree Sales
28	Chrome Plating
2	Church

Use Unit	Land Use
2	Circus
26	Clothes Manufacturing
15	Clothing and Accessories Store
13	Club, Night/Private, Commercial
3	Club, Social, Fraternal, Service Organization, Lodge (Not for Profit)
2	Clubs, Lodges or Service Organizations
29	Coal Yard
12	Coffee Shop
29	Coke Manufacturing
27	Cold Storage Plant
2	College
20	Commercial Recreation, Enclosed
21	Commercial Recreation, Intensive
26	Communication Equipment, Including Radio Television Receiving Sets, Manufacturing
2	Community Center
8	Community Group Home
28	Compost Yard
15	Computer Repair and Sales
11	Computing Service
29	Concrete Brick and Block, Manufacturing
27	Concrete Construction Service
25	Concrete Manufacturing Plant
28	Concrete Ready-Mix Plant
27	Confectionery and Related Products - Manufacturing
14	Confectionery Store
2	Construction Facility, Off-Site
27	Construction, Heavy - Contracting Service
2	Convalescent Home
14	Convenience Goods and Services
8	Convent
2	Convict Pre-release Center
27	Cooperage Works
11	Copying Service/Photo Copying
2	Correctional Facility
2	Correctional Community Treatment Center
29	Corrugated Metal Manufacturing
15	Cosmetic Shop
26	Costume Jewelry, Costume Novelties, Buttons and Miscellaneous Notions (except precious materials) - Manufacturing

Use Unit	Land Use
15	Costume Rental Service
29	Cotton Bailing, Compressing and Ginning
28	Cotton Storage, Open
29	Cottonseed Oil Milling
15	Craft Shop
2	Crematory
29	Creosote Manufacturing
28	Creosote Treatment
25	Crushing, Washing and Grading of Coal, Ore, Stone, Sand or Gravel
1	Cultivation
2	Cultural and Recreation Facility
2	Cultural Facility, NEC
27	Cultured Marble Manufacturing
27	Cutlery, Hand Tools, General Hardware – Manufacturing
	(D)
27	Dairy Products Manufacturing
14	Dairy Store
20	Dance Hall
11	Dance School
15	Data Processing Machine Repair and Sales
11	Data Processing Service
2	Day Camp
2	Day Care Home, ("Family Day Care Homes" - Section 402.5)
16	Decorating
12	Delicatessen
11	Dental Offices, Clinics, Laboratories and Related Research Facilities
11	Dentist Office
15	Department Store
2	Detention Facility
28	Die Casting Manufacturing
27	Diesel Engine Repairs
29	Disinfectant Manufacturing
16	Disinfectant and Exterminating Service
29	Distillation of Bones, Coal, Tar or Wood
11	Doctor's Office
11	Drafting Service
21	Drag Strip
11	Drama School

Use Unit	Land Use
15	Drapery Shop
15	Drapery, Curtain, Upholstery Store
15	Dressmaking Shop
31	Drilling of Oil and Gas Wells and On-site Storage of Oil or Gas
19	Drive-In Restaurant
21	Drive-In Theater
21	Driving Range, Golf
26	Drug - Manufacturing
14	Drug Store
17	Dry Cleaning/Laundry, Including Coin Operated, 3,000 SF Maximum
27	Dry Cleaning/Laundry, Industrial
14	Dry Cleaning Pick-Up
15	Dry Goods Store
3	Dude Ranch
6	Duplex
27	Dyestuff Manufacturing
	(E)
12	Eating Establishment Other Than Drive-In
8	Elderly Retirement Housing
4	Electric Regulating Station, Excluding Storage or Service Garage and Yards
16	Electrical Contractor
2	Electric Generating Plant
27	Electrical Lighting and Wiring Equipment - Manufacturing
27	Electrical Machinery, Equipment and Supplies - Manufacturing
16	Electrical Repair Service
15	Electrical Supply Store
27	Electronic Components and Accessories - Manufacturing
28	Electroplating
2	Emergency and Protective Shelter
29	Emery Cloth and Sandpaper Manufacturing
11	Employment Agency
20	Enclosed Commercial Recreation Establishments, NEC
11	Engineer
29	Explosive Manufacturing or Storage
2	Extended Care Facility
16	Exterminating and Disinfectant Service
25	Extraction, Mining or Quarrying of Coal, Ores, Sand or Gravel

Use Unit	Land Use
	(F)
28	Fabricated Metal Products, NEC – Manufacturing
21	Fairground
	Family Day Care Home, See 402.B
3	Farm Products, Wholesale Trade Only
2	Farming, Except Hog Raising
29	Fat Rendering
28	Feed Grinding and Processing
29	Feed Lots, Hog Farms or Hog Ranches
16	Fence, Fabrication, Installation, Repair
29	Fertilizer Manufacturing from Mineral or Organic Materials
28	Fiberglas Products Manufacturing
29	Fireworks Manufacturing or Storage
16	Fuel Oil
11	Financial Institution, Other than a Pawn Shop
11	Fine Arts School
1	Fire Alarm
4	Fire Station
3	Fishery
28	Flat Glass - Manufacturing
27	Flavor Extracts and Flavoring Syrups Manufacturing, NEC
1	Flood Management Project
15	Floor Covering and Carpet Store
14	Florist
27	Flour Mills
27	Food Products, Manufacturing
14	Food Specialty Store
1	Forestry
5	Foster Home
8	Fraternity or Sorority House
27	Freight Terminals
21	Frisbee Golf Course
16	Frozen Food Locker
2	Fruit and Vegetable Sales from Tents or Vehicles
16	Fuel Oil
11	Funeral Home
27	Fur Goods - Manufacturing
15	Fur Storage
16	Furnace Cleaning
27	Furniture and Fixture - Manufacturing

Use Unit	Land Use
26	Furniture Packing and Crating
16	Furniture Repair
15	Furniture Store
15	Furrier and Fur Shop
	(G)
28	Galvanizing
15	Garden Supply Store
29	Garbage, Offal or Dead Animal Reduction or Dumping
26	Garmet Manufacturing
28	Gas (Heating or Illuminating) Manufacturing or Storage, except where such gas is to be entirely consumed on the same premises
31	Gas and Oil Well Drilling
15	Gasoline Service Station
11	General Business Office, Excluding on Premises Sale of Merchandise
16	General Merchandising, NEC
14	Gift Shop
27	Glass and Glassware (pressed and blown) Manufacturing
16	Glass Fabrication, Installation, Repair
29	Glue, Gelatin or Size Manufacturing
21	Go-Cart Track
2	Golf Course
21	Golf Driving Range
2	Governmental Services, NEC
29	Grain Elevator
28	Grain Mill Products – Manufacturing
25	Gravel Operation
1	Grazing
16	Greenhouse, Retail sales
14	Grocery Store
3	Guest or Dude Ranch
29	Guided Missile and Space Vehicle, Complete Assembly and Manufacture
29	Gum and Wood Chemicals, Manufacturing
2	Gun Club
15	Gunsmith
29	Guns, Howitzers, Mortars and Related Equipment, Manufacturing
20	Gymnasium

Use Unit	Land Use
	(H)
15	Hardware Store
20	Health Club
14	Health Food Store
28	Heat Exchangers, Fabrication
27	Heating Contract Construction Service
16	Heating Equipment Sales and Service
28	Heavy Construction, Equipment Storage/Parking
27	Heavy Equipment Sales and Service
29	Heavy Industrial Research and Development Testing, Not Enclosed
2	Heliport, Including Flight School
1	Historical Marker
15	Hobby Shop
29	Hog Farms or Hog Ranches
15	Home Furnishing Store
	Home Occupation, See Section 402.A
2	Homeless Center
3	Horticultural Nursery
2	Hospital
20	Hotel
27	Household Appliance Manufacturing
15	Household Appliance Repair
	(I)
27	Ice Cream Manufacturing
14	Ice Cream Store
27	Ice Manufacturing
20	Ice Skating Rink
29	Incineration, Reduction of Dead Animals, Garbage or Refuse
27	Indoor Recycling Center for Metal, Paper, Glass and Plastic Products
29	Industrial Organic and Inorganic Chemicals Manufacturing
28	Industrial Spray Painting and Other Solvent Use
29	Industrial Waste Disposal Recycling or Treatment on Public or Private Land
29	Industry, Heavy, NEC
27	Industry, Light, NEC
28	Industry, Medium, NEC

Use Unit	Land Use
26	Industry, Restricted Light, NEC
29	Insecticide Manufacturing
16	Insulation Contractor
15	Interior Decorating, with Retail Sales
11	Interior Design Consultant, No Retail Sales
29	Iron or Steel Foundry
	(J)
2	Jail
16	Janitorial Service
15	Jewelry and Watch Sale and Repair
27	Jewelry, Silverware and Plated Ware - Manufacturing
15	Jewelry Store
30	Junk and Salvage Yards
2	Juvenile Delinquency Center
	(K)
16	Kennel
	(L)
11	Laboratory, Medical and Dental
28	Lamp Black Manufacturing
27	Lamp Shades - Manufacturing
16	Landscape Contractor
11	Language School
15	Laundromat, Self-Service
16	Laundry/Dry Cleaning Service, Including Coin Operated (3,000 SF Maximum Floor Area)
27	Laundry, Industrial
14	Laundry, Pick-Up
26	Laundry Service (Non-Personal Goods)
11	Law Office
16	Lawnmower Repair
27	Leather and Leather Products - Manufacturing
15	Leather Goods Store
2	Library
8	Life Care Retirement Center/Assisted Living Center
27	Light Manufacturing, NEC
29	Lime, Cement, Plaster of Paris Manufacturing
16	Linen Supply

Use Unit	Land Use
29	Linoleum, Asphalt-Felt Manufacturing – Felt Based and Other Hard Surface Floor Cover, NEC
28	Liquefied Petroleum Gas Sales and Service, Wholesale
14	Liquor Store
28	Livestock Auction Sales, Retail
29	Livestock Auction Sales, Wholesale
11	Loan Office
15	Locksmith
2	Lodge, Service Organization, Club, Fraternal
29	Lubricating Oils and Grease Manufacturing
15	Luggage Store
28	Lumber and Wood Products Manufacturing, NEC
16	Lumber Yard
	(M)
27	Machine Shop
28	Machinery Manufacturing
9	Manufactured Home Dwelling
18	Manufactured Home Sales
29	Manufacturing, Heavy, NEC
27	Manufacturing, Light, NEC
28	Manufacturing, Medium, NEC
26	Manufacturing, Restricted, NEC
16	Mail or Postal Box Service, other than United States Postal Services
2	Marina
27	Masonry Contracting Service
11	Massage Establishment, Licensed
29	Match Manufacturing
28	Mattress and Bedding Renovator
16	Mattress and Pillow Repair
27	Mattress Manufacturing
2	Mausoleum
14	Meat Market
27	Meat Products - Manufacturing
15	Medical, Dental and Orthopedic Appliances Supply
11	Medical Offices, Clinics, Laboratories and Related Research Facilities
27	Milling, Custom
25	Mineral Products Processing
17	Mini-Storage
21	Miniature Auto Track
21	Miniature Golf

Use Unit	Land Use
25	Mining
16	Model Homes, Display Only
11	Modeling School
8	Monastery
27	Monument Manufacture - Shaping and Engraving
16	Monument Sales, Excluding Shaping
27	Mortician Goods - Manufacturing
20	Motel
27	Motion Picture Production
20	Motion Picture Theater, Enclosed
28	Motor Freight Terminal/Depot
18	Motorcycle Sales
24	Moving and Storage Facility
8	Multifamily Dwelling
2	Museum
11	Music School
15	Musical Instrument and Supply Store
27	Musical Instruments and Parts – Manufacturing

(N)

14	Nail Salon
16	Newspaper Publishing
14	Newsstand
13	Night Club/Private Club/Commercial
27	Noodle Manufacturing
14	Novelty Store
8	Novitiate
3	Nursery, Horticultural
2	Nursing Home
14	Nut Store

(O)

10	Off-Street Parking Areas
11	Office and Studio
11	Office Building
26	Office, Computing and Accounting Machines - Manufacturing
15	Office Furnishing Sales
15	Office Machine Sales
15	Office Supplies

Use Unit	Land Use
31	Oil and Gas Well Drilling
15	Oil and Lubrication Service, Three (3) Bay Maximum
29	Oil Cloth or Linoleum Manufacturing
28	Oil Compounding and Barreling
29	Oil Reclamation Plant
29	Oil Refinery
28	Oil Well Drilling and Cleaning Contracting Service
28	Oil Well Equipment Storage
2	Open Air Activities
11	Optician or Optical Laboratories
15	Orthopedic Appliances Store
29	Other Agricultural and Related Activities
29	Other Chemicals and Allied Products, NEC
16	Other Trades and Services, NEC
22	Outdoor Advertising Sign (Billboard, or Advertising Sign)
21	Outdoor Recreation, NEC
18	Overnight Campground for Recreational Vehicles
	(P)
16	Packing and Crating of Household and Other Similar Goods
27	Paint and Other Solvent Use
21	Paint Ball
15	Paint Store
29	Paint, Oil, Varnish or Turpentine Manufacturing
16	Painting Contractor
16	Paper Hanging
29	Paper or Pulp Manufacturing
10	Parking
10	Parking Garage
15	Pawn Shop
26	Pens, Pencils, and Other Office and Artist Materials - Manufacturing
15	Pet Shop
29	Petroleum Bulk Storage for Wholesale
29	Petroleum Refining and Related Industries
26	Pharmaceutical Manufacturing
11	Pharmacy, Prescription, No Sundry or Other Merchandise Sales
15	Phonograph and Record Shop
15	Photo Finishing
11	Photocopying
11	Photography Studio
15	Photography Supply Store

Use Unit	Land Use
27	Pickle, Sausage, Sauerkraut, Vinegar Manufacturing
28	Pickling Fruits and Vegetables, Salad Dressings - Manufacturing
15	Picture Framing
4	Police Station
2	Planetarium
2	Plant Sales, from Tents or Vehicles
1	Planting
16	Plastering Service
16	Plastic Materials
29	Plastic Materials and Synthetic Resins, Synthetic Rubber, Synthetic and Other Man-Made Fibers Manufacturing – Except Glass
27	Plastic, Blow Molding, Injection Molding and Extrusion
16	Plumbing Construction Service
15	Plumbing Fixture Sales
16	Plumbing Shop
1	Political Campaign Signs
13	Pool Hall/Billiard Parlor
16	Portable Storage Building, Sales
25	Portland Cement, Concrete or Asphaltic Concrete Manufacturing
2	Post Office
27	Pottery and Figurines or Other Similar Ceramic Products, using only previously pulverized clay and kilns fired only by electricity or gas
27	Pottery and Related Products - Manufacturing
3	Poultry Raising
27	Prefabricated House Manufacturing
11	Prescription Pharmacy, No Sundry or Other Merchandise Sale
28	Prestressed and Pretensioned Concrete Products
4	Pressure Control Station
28	Pressure Vessel Fabrication
29	Primary Metal Industries, NEC
28	Printing Ink Manufacturing
26	Printing, Publishing and Allied Industries
2	Prison
13	Private Club/Night Club/Commercial
25	Processing of Mineral Products
27	Produce Market, Wholesale
26	Professional, Scientific and Controlling Instruments, Photographic and Optical Goods, Watches and Clocks - Manufacturing

Use Unit	Land Use
2	Protective and Emergency Services
2	Protective Shelter
2	Public Park
2	Public Schools
2	Public Tennis Court
4	Public Utility Structures
	(Q)
25	Quarrying
	(R)
21	Race Tracks, Auto, Dog, Horse, Motorcycle
20	Racquetball Club
15	Radio and Television Repair and Sales
11	Radio Station
29	Radioactive Service Company
28	Railroad Freight Terminal
28	Railroad Roundhouse or Shop
28	Railroad Yard
3	Ranching, Except Hog Raising
27	Rayon Manufacturing
27	Ready-built House Manufacturing
11	Real Estate Office
16	Re-upholstering
15	Record and Phonograph Shop
11	Recording or Broadcast Studio
2	Recreational and Cultural Facility, Community
20	Recreation, Indoor Commercial, NEC
18	Recreational Vehicle (RV) Overnight Campground
18	Recreational Vehicle (RV) Sales
29	Recycling of Industrial Waste or Treatment on Public or Private Land
14	Reducing Salon
29	Refining of Petroleum or Other Crude Materials
27	Refrigerator Manufacturing
29	Rendering Plant
15	Reproduction Services
23	Research, Scientific, Enclosed
1	Reservoir
2	Residential Treatment Center
6	Residential, Duplex

Use Unit	Land Use
9	Residential, Manufactured Home
8	Residential, Multifamily
5	Residential, Single-family
7	Residential, Townhouse
28	Resource Recovery Facility (all storage and processing within an enclosed building)
12	Restaurant
19	Restaurant, Drive-In
26	Restricted Manufacturing, NEC
8	Retirement Housing/Elderly Housing
3	Riding Stable or Academy
2	Rifle and Skeet Range
20	Rifle Range, Enclosed
26	Roasting Coffee and Coffee Products - Manufacturing
21	Rodeo Grounds
29	Rolling or Steel Mill
28	Roofing Contracting Service
8	Rooming House
29	Rubber Reclamation or Manufacturing from Crude Materials
16	Rug Cleaners
16	Rug Repair
	(S)
29	Salt Works
30	Salvage and Junk Yards
25	Sand Operations
27	Sandblasting, Indoor
29	Sandblasting, Outdoor
2	Sanitarium
29	Sanitary Landfill, Requires Approval of a Special Exception from the Board of Adjustment
27	Sash and Door Manufacturing
27	Sausage Manufacturing
29	Sawmills and Planing Mills
11	School, Art
11	School, Ballet
16	School, Barber
16	School, Beauty
11	School, Business
11	School, Dance
11	School, Drama

Use Unit	Land Use
11	School, Fine Arts
11	School, Language
11	School, Modeling
11	School, Music
2	School, Public
16	School, Trade
2	Schools, Offering a Compulsory Education Curriculum
23	Scientific Research, Testing, and Development, Enclosed
16	Self-Service Laundromat, Coin Operated/3,000 Sq. Ft. Max.
2	Service Organization, Club or Lodge
15	Service Station, Gasoline
2	Sewage Disposal Facility
13	Sexually-Oriented Business
27	Sheet Metal Contracting Service
4	Shelter, Civil Defense, Storm
2	Shelter, Emergency and Protective
29	Shoddy Manufacturing, Low Grade Cotton or Wool
27	Shoe Polish Manufacturing
15	Shoe Repair
15	Shoe Store
15	Shopping Goods and Services
29	Shredding, NEC
27	Sighting and Fire Control Equipment - Manufacturing
22	Sign, Advertising (Outdoor Advertising Sign, or Billboard Sign)
16	Sign Painting
27	Signs and Advertising Display - Manufacturing
5	Single-Family Detached Dwelling
21	Skateboard Track
20	Skating Rink, Enclosed
29	Slaughtering of Animals, NEC
21	Slot Car Track
28	Small Arms Manufacturing
16	Small Engine Repair
29	Smelting, Primary or Secondary of Metals or Alloys
29	Soap Manufacturing
29	Soda Ash, Caustic Soda and Washing Compound Manufacturing
29	Solid Waste Disposal, Requires Approval of a Special Exception from the Board of Adjustment
8	Sorority or Fraternity House
14	Souvenir Shop
27	Soybean Oil Milling

Use Unit	Land Use
15	Sporting Goods Store
27	Spray Painting
3	Stable, Riding
21	Stadium, NEC
27	Starch, Glucose, Dextrin Manufacturing
15	Stationery Store
29	Steel Mill
29	Stockyard
29	Stone Cutting and Stone Products Manufacturing
28	Stonework
27	Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less (excluding salvaged or dismantled vehicles) See also Wrecker Service and Storage, Excluding Salvage, Use Unit 18
30	Storage of Dismantled Autos or any Form of Junk
28	Storage Tank and Tank Components - Manufacturing
24	Storage, NEC
27	Store Fixture Manufacturing
1	Street Sign
29	Structural Clay Products, Manufacturing
28	Structural Steel Fabrication, Light Guage or Wire Rod
11	Studio or Office
29	Sugar Refining
20	Swimming Pool, Enclosed
	(T)
15	Tailor Shop
29	Tallow, Grease or Lard Manufacturing or Refining
29	Tank Farm, Petroleum
14	Tanning Salon
29	Tanning, Curing or Storing of Leather, Rawhides or Skins, Leather or Hide
29	Tar Distillation or Manufacturing
29	Tar Roofing or Tar Waterproofing Manufacturing
13	Tavern
16	Taxidermist
15	Television Repair
15	Television Sales
2	Temporary Open Air Facilities
20	Tennis Club, Enclosed
21	Tennis Court, Commercial

Use Unit	Land Use
2	Tennis Court, Public
2	Tent Revival
28	Textile Mill - Manufacturing
20	Theater, Motion Picture, Enclosed
1	Thoroughfare
11	Ticket Office, Transportation
29	Tile Roofing, Manufactuirng
16	Tile Setting Service
29	Tire Recapping
27	Tobacco Manufacturing
14	Tobacco Shop
7	Townhouse, Single-Family Attached
28	Toy, Amusement, Sporting and Athletic Goods - Manufacturing
15	Toy Shop
16	Trade School, NEC
26	Trades or Uses Emitting Slight or No Objectionable Environmental Influences by Reasons of Emission of Odor, Heat, Smoke, Noise or Vibration, NEC
28	Trades or Uses Having Moderately Objectionable Environmental Influences by Reasons of Emission of Odor, Heat, Smoke, Noise or Vibration, NEC
27	Trades or Uses Having Some Objectionable Environmental Influences by Reasons of Emission of Odor, Heat, Smoke, Noise or Vibration, NEC
29	Trades or Uses Having Substantial Objectionable Environmental Influences by Reasons of Emission of Odor, Heat, Smoke, Noise or Vibration, NEC
2	Transitional Living Center
28	Transportation Equipment Manufacturing
11	Transportation Ticket Office
28	Trash Transfer Station (all processing and storage within building or containers)
11	Travel Agency
28	Truck Freight Terminals, Repair and Storage of Commercial Contract Carriers
18	Truck Rental and Sales
15	Tune-up Service, Three (3) Bay Maximum
29	Turpentine Manufacturing

Use Unit	Land Use
	(U)
26	Umbrellas, Parasols and Canes - Manufacturing
2	University
16	Upholstery Store and Repair
1	Utility Line
	(V)
15	Variety Store
29	Varnish Manufacturing
27	Vegetable Oil Milling
18	Vehicle Repair and Service, Except Painting
16	Vending Machine, Sales and Services
15	Veterinarian Clinic, Excluding Outside Animal Runs
16	Veterinary Hospital
20	Video Games
27	Vinegar Manufacturing
	(W)
15	Wall Paper Store
24	Warehousing, NEC
29	Washing Compound Manufacturing
27	Waste Paper Salvage and Reclamation
2	Wastewater Treatment Plant
15	Watch and Jewelry Repair
21	Water Slide
4	Water Storage Facility
2	Water Treatment Plant
28	Water Well Drilling and Cleaning Service
15	Wedding Chapel
27	Welding Equipment and Supply Manufacturing
27	Welding Shop
24	Wholesale Establishments, NEC
15	Wig Shop
1	Wildlife Preserve
16	Window Cleaning
29	Wood Preserving
16	Woodworking Shop
29	Wool and Mohair, Wholesale

Use Unit	Land Use
27	Wool Scouring, Hair Manufacturing
18	Wrecker Service and Storage, Excluding Salvage. (See also Storage of Abandoned or Inoperative Vehicles, Use Unit 27).
	(Y)
27	Yeast Manufacturing

APPENDIX C

MAJOR STREET PLAN

The pages which follow in Appendix C include the maps from The Plan: City of Claremore-Rogers County Metropolitan Planning Area Comprehensive Plan and show the Major Street Plan. These maps show the description and location of major and minor arterial streets. The planned right-of-way widths for these streets forms the basis for determining the setbacks for types of structures in the various Zoning Districts.

The roadway right-of-way standards based on the Comprehensive Plan are as follows:

Freeway	200 feet
Major Arterial	110 feet
Minor Arterial	100 feet
Collector Street	60 feet
Local Street	50 feet

Source: The Plan: City of Claremore-Rogers County Metropolitan Area, August, 1980, p. 73.

Table 20

INTENSITY CATEGORIES
Claremore-Rogers County Metropolitan Area Planning Program

HIGH Less than 10.0 FAR	MEDIUM Less than .61 FAR or More than 19 Dwelling Units Per Acre	LOW Less than .25 FAR or Less than 19 Dwelling Units Per Acre
Multi-Family	Multi-Family	Agricultural
General Commercial	Mobile Home	Nonurban Residential
Medium Industrial	Convenience Commercial	Single Family
High Industrial	Shopping Commercial	Elementary School
Light Industrial	Low Density Office (1 floor and small professional building)	Park
Civic Center	Warehouse and Open Storage	Open Space
Public Building	Light Industrial	
Hospital	Jr. and Sr. High School	
	Quasi Public Use	
	Dense Recreation Development	
	College	
	Churches	

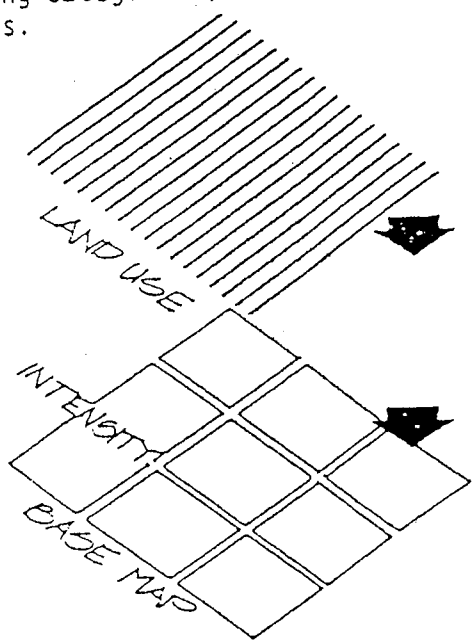
MEDIUM INTENSITY designations encompass those areas which generate pedestrian or vehicular traffic generally oriented toward shopping, office or multi-family activities. These should be located along or at the intersection of major streets in order to facilitate higher traffic volumes. The uses found within this intensity level should be low in noise and pollution qualities and provide buffering between any adjacent low intensity developments. Higher use of utilities can be expected in the medium intensity areas.

Medium intensity areas have been designated along U.S. Highway 66 and surrounding the downtown and central industrial area of the city. Other medium intensity areas are provided at the intersection of arterial streets in the form of "nodes".

HIGH INTENSITY is reserved for those areas which generate high vehicular traffic volumes, noise, possible pollution and dense development. Industrial areas and the central business district (CBD) are examples of uses which would fall within

City Council and County Commission with guidelines in deliberations of zoning and use variance cases. The left half of the following Land Use Compatibility matrix illustrates the kinds of land uses which would be considered as compatible with the three intensity levels. The matrix called Intensity and Appropriate Zoning, illustrates the zoning categories that could be applied within certain intensity levels. The matrices should only be considered as guides and explanations of the map categories, and not the sole determinants regarding questions of proper use. As indicated, several intensity levels have the potential for being compatible with certain land uses and zoning categories, and this will have to be determined on an individual case basis.

The Plan is designed to graphically describe the above concepts. It is actually composed of two distinctive planning levels, in addition to the two base maps which shows topography and roadways or the streets, blocks and lots. These levels include the intensities and the land uses. The intensity overlay dictates the level of usage or intensity of development on the land. The addition of land use symbols further restricts the usage to specific activities on the land. For instance, a residential land use overlaying a medium intensity category indicates multi-family development or less for that particular unit. The Plan Map may be found on page of this document.



The land use categories shown on the map should not be interpreted as zoning categories. Rather, the plan should be regarded as a basis for zoning, an implementation device to effectuate the policies and proposals of the plan. The plan allows a range of zoning classifications within the various intensities so that the zoning can be changed within certain limits without amending the plan.

The official zoning map will probably vary from the Plan Map in that zoning may recognize short-term conditions and is, by its very nature, more precise and detailed than the Plan Map, which is general representation. The Plan does not recommend downzoning* in any of the instances where this occurs. In such situations, the parcels are considered not to be in conformance with the Plan, but zoning changes need not be initated by the Planning Commission.

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*Defined as the action of changing the zoning designation of a particular parcel of land by what is generally considered to be reducing the usage allowance for the property.

INTENSITY & APPROPRIATE ZONING

■ Appropriate
◪ Possibly Appropriate
□ Inappropriate

Zoning Category	Low Intensity	Medium Intensity	High Intensity
Agriculture			
AG	■*	■	■
AI	□	□	■
AR	■	■	□
Residential			
RS 60-20	■	□	□
RS 10 and RS 6	■	◪	□
RST	■	◪	□
RM 6 and RM 4	◪*	■	□
RM 2.5 and RM 1.5	◪*	■	◪
RT	□	■	◪
Commercial			
C1	◪*	■	□
C2	□	■	■
C3	□	◪	■
C4	□	◪	■
C5	◪*	■	◪
Industrial			
I1 and I2	□	◪	■
I3 and I4	□	□	■
F1	■	■	■
F2	■	■	■
M	□	□	■

*Zoning classifications that are possibly appropriate if they fall within designated low intensity buffer corridors.

APPENDIX E

REQUIREMENTS FOR TREES AND SHRUBS: INCORPORATED AREAS ONLY

The City of Claremore, Oklahoma Codes of Ordinances, Chapter 102, Trees and Shrubs, pp. 73-79 includes general provisions pertaining to regulations for the planting of trees in City parks and along City streets. No such requirements have been adopted for Rogers County.

CHAPTER 102: TREES AND SHRUBS

Section

General Provisions

102.01 Definitions
102.02 Street tree species to be planted
102.03 Park trees species not to be planted
102.04 Spacing
102.05 Distance from curb and sidewalk
102.06 Distance from street corners and fireplugs
102.07 Distance from utilities
102.08 Public tree care
102.09 Trees detrimental to public welfare
102.10 Procedure for trimming, removal of detrimental trees
102.11 Interference with Tree Board
102.12 Arborist's license and liability insurance
102.13 Review by City Council

City Tree Board

102.25 Creation and establishment of Board
102.26 Term of office
102.27 Compensation
102.28 Duties and responsibilities
102.29 Operation of Board

GENERAL PROVISIONS

§ 102.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and in all areas of land owned by the city, or to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of the all streets, avenues or rights-of-way within the city.
('83 Code, § 11-301) (Ord. 898, passed 10-4-82; Am. Ord. 94-32, passed 11-21-94)

§ 102.02 STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board. A variety of trees will be planted

(A) Small trees:

(1) Flowering Crabapple;

(2) Redbud;

(3) Purple Leaf Plum;

(4) Hawthorn;

(5) Flowering Dogwood;

(6) Buckeye;

(7) Crape Myrtle;

(8) Euonymus (deciduous);

(9) Holly;

(a) American;

(b) Deciduous; and

(c) Yaupon;

(10) Amur Maple;

(11) Russian Olive;

(12) Autumn Olive;

(13) Pomegranate; and

(14) Smoketree.

(B) Medium trees:

(1) Honey Locust (thornless);

(2) Pin Oak;

(3) River Birch;

(4) Kentucky Coffeetree;

(5) Red Mulberry (male);

(6) Golden Raintree;

(7) Osage Orange (male, thornless);

(8) Bald Cypress;

(9) Japanese Pagoda Tree;

(10) Chinese Pistachio; and

(11) Bradford Pear.

(C) Large trees:

(1) Burr Oak;

(2) Hackberry;

(3) London Planetree;

(4) American Sycamore;

(5) Pecan;

(6) Red Oak;

(7) Black Walnut;

(8) Green Ash;

(9) Cottonwood (male);

(10) Chinese Lacebark Elm;

(11) Ginkgo;

(12) Fruit trees (fruitless);

(13) Oaks:

(a) Chestnut;

(b) Sawtooth;

(c) Shumard;

(d) Water;

(e) Willow;

(14) American Linden;

(15) Pine:

(a) Austrian;

(b) Loblolly;

(c) Ponderosa;

(d) Slash;

(e) Scotch;

(f) White; and

(g) Virginia;

(16) Cedar:

(a) Atlas; and

(b) Deadora.

('83 Code, § 11-307) (Ord. 1044, passed 1-6-86) Penalty, see § 10.99

§ 102.03 PARK TREES SPECIES NOT TO BE PLANTED.

(A) The following species of trees shall not be planted in the parkways or where such trees will injure sewers or drains of the city:

(1) Aspen;

(2) Black Locust;

(3) Box Elder;

(4) Catalpa;

(5) Chinese Elm (except Lacebark);

(6) Cottonwood (female);

(7) Fruit trees (except fruitless);

(8) Osage Orange (female);

(9) Popular;

(10) Silver Maple;

(11) Tree of Heaven (Allanthus);

(12) Willow; or

(13) Eastern Red Cedar.

(B) Parkway trees shall be balled and burlapped or container grown and shall have a minimum trunk diameter of one and three fourths inches to two and one half inches (measured at six inches above the ground). The trees will be #1 grade stock. All trees shall be tagged and identified as to species, size and place of origin. Such tags shall not be removed prior to inspection.

('83 Code, § 11-308) (Ord. 898, passed 10-4-82; Am. Ord. 1044, passed 1-6-86) Penalty, see § 10.99

§ 102.04 SPACING.

The spacing of street trees will be in accordance with the tree species size classes listed in § 102.02 of this chapter, and no trees may be planted closer together than the following:

(A) Small trees; 30 feet;

(B) Medium trees, 40 feet; or

(C) Large trees, 50 feet.

('83 Code, § 11-309) (Ord. 898, passed 10-4-82) Penalty, see § 10.99

§ 102.05 DISTANCE FROM CURB AND SIDEWALK.

The distance a tree may be planted from curbs or curblines and sidewalks will be in accordance with the tree species and size class listed in § 102.02 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following:

(A) Small trees, two feet;

(B) Medium trees, three feet; or

(C) Large trees, four feet.

('83 Code, § 11-310) (Ord. 898, passed 10-4-82; Am. Ord. 94-32, passed 11-21-94) Penalty, see § 10.99

§ 102.06 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet from any fireplug.

('83 Code, § 11-311) Penalty, see § 10.99

§ 102.07 DISTANCE FROM UTILITIES.

No street trees other than those species listed as small trees in § 102.02 of this chapter may be planted under or within ten lateral feet of any overhead utility wire or any underground transmission line, or over or within 25 lateral feet of any underground water line, sanitary sewer line, or storm sewer line.
('83 Code, § 11-312) (Ord. 869, passed 10-4-82)
Penalty, see § 10.99

§ 102.08 PUBLIC TREE CARE.

The city shall have the right to plant, trim, spray, preserve and remove street trees and park trees. The City Tree Board may order the trimming or removal of any street or park tree which is deemed by the City Tree Board, or by the city horticulturalist, to be detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic.
('83 Code, § 11-313) (Ord. 869, passed 10-4-82; Am. Ord. 94-32, passed 11-21-94)

§ 102.09 TREES DETRIMENTAL TO PUBLIC WELFARE.

A tree shall be deemed detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, if the tree, or any limb or part of the tree:

(A) Constitutes a hazard to life or property;

(B) Harbors insects or disease which constitute a potential threat to other trees within the city;

(C) Is not trimmed to a height of nine feet above the surface of any street or right-of-way;

(D) Obstructs the view of any street intersection, traffic control device or sign, or the light from any street lamp;

(E) Obstructs a curb, gutter, street or sidewalk; or

(F) Obstructs or interferes with the use of or is, or will be, injurious to sewers, water lines, overhead utility lines, or any other public utility line or improvement.
('83 Code, § 11-314) (Ord. 898, passed 10-4-82; Am. Ord. 94-32, passed 11-21-94)

§ 102.10 PROCEDURE FOR TRIMMING, REMOVAL OF DETRIMENTAL TREES.

If the City Tree Board, which is hereby designated as the administrative body of the city to carry out the duties set forth herein, determines that a tree located on private property is detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, the City Tree Board may, by administrative order, cause the tree, or any limb or part of the tree, to be trimmed or removed in accordance with the following:

(A) After the issuance of the administrative order, at least ten days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the County Treasurer's office before the city shall cause the tree to be trimmed or removed. The notice shall order the property owner to trim or remove the tree, as may be appropriate to eliminate the detriment to the health, benefit and welfare of the public and the community, or the hazard to traffic, and said notice shall further state that unless such work is performed within ten days of the date that such notice shall be given, the work shall be done by the city and a notice of lien shall be filed with the County Clerk against the property for the costs due and owing to the city. The notice shall be sent by certified mail, return receipt requested, and shall be deemed given to the property owner upon receipt or refusal by the property owner. However, if the property owner cannot be located within ten days from the date of mailing, notice may be given by posting a copy of the notice on the property and shall be deemed given on the date of posting.

(B) The owner of the property may give written consent authorizing the trimming or the removal of the tree, as may be appropriate to eliminate the

detriment to the health, benefit and welfare of the public and the community, or the hazard to traffic. By giving such written consent, the owner waives the right to hearing by the City Council.

(C) The property owner shall have the right to appeal the administrative order issued by the City Tree Board determining that a tree located on private property is detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, to the City Council by filing a written notice of appeal with the City Clerk within ten days after the notice to the property owner from the City Tree Board shall have been given. In the event that an appeal from the administrative order of the City Tree Board shall be taken, the City Council shall hold a hearing after ten days notice to the property owner and shall determine whether or not the tree is detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic.

(D) Upon the failure of the property owner to appeal the administrative order of the City Tree Board to the City Council, or upon the consent of the property owner to the trimming or removal of the tree, or upon the determination by the City Council after appeal by the property owner that the tree is detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, the agents or employees of the city shall have the right to enter upon the private property in order to trim the tree, or any limb or part of the tree, or remove the tree, as may be appropriate to eliminate the detriment to the health, benefit or welfare of the public or the city, or the hazard to traffic.

(E) The City Tree Board shall determine the actual cost of such trimming or removal and of any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The City Clerk shall forward by mail to the property owner a statement of such actual cost and demanding payment. If the such trimming or removal is done by the city, the cost to the property owner for such trimming or removal shall not exceed the actual cost of the labor, maintenance, and equipment required. If such trimming or removal is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(F) If payment is not made within 30 days from the date of the mailing of the statement, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer and the same shall be levied on the property and collected by the County Treasurer as other taxes are authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the County Treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At any time prior to the collection thereof the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the City Clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the lien.
('83 Code, § 11-315) (Ord. 898, passed 10-4-82; Am. Ord. 94-32, passed 11-21-94)

§ 102.11 INTERFERENCE WITH TREE BOARD.

It is unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, or servants while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter.
('83 Code, § 11-316) (Ord. 898, passed 10-4-82)
Penalty, see § 10.99

§ 102.12 ARBORIST'S LICENSE AND LIABILITY INSURANCE.

(A) It is unlawful for any person or firm to

engage in the business or occupation of trimming, pruning, treating, or removing street trees within the city without first applying for and procuring a license. The license fee shall be $25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors.

(B) Before any license is issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of $5,000 for bodily injury and $5,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(C) The proceeds from the collection of the annual license fees shall be deposited in the Tree Board Fund.
('83 Code, § 11-317) (Ord. 898, passed 10-4-82; Am. Ord. 1044, passed 1-6-86) Penalty, see § 10.99

§ 102.13 REVIEW BY CITY COUNCIL.

The City Council has the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any recommendations of the City Tree Board to the City Council who may hear the matter and make a final decision.
('83 Code, § 11-318) (Ord. 898, passed 10-4-82)

CITY TREE BOARD

§ 102.25 CREATION AND ESTABLISHMENT OF BOARD.

There is hereby created and established a City Tree Board for the city, which shall consist of five persons, who shall be appointed by the Mayor with the approval of the City Council.
('83 Code, § 11-302) (Ord. 898, passed 10-4-82; Am. Ord. 88-11, passed 8-1-88)

§ 102.26 TERM OF OFFICE.

The term of the five persons to be appointed by the Mayor shall be three years except that the term of two members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.
('83 Code, § 11-303) (Ord. 898, passed 10-4-82)

§ 102.27 COMPENSATION.

Members of the Board shall serve without compensation.
('83 Code, § 11-304) (Ord. 898, passed 10-4-82)

§ 102.28 DUTIES AND RESPONSIBILITIES.

(A) It is the responsibility of the Board to study, investigate, counsel and develop or update annually a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public rights-of-way, streets and alleys. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city.

(B) The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(C) The Tree Board shall have control of the expenditures of all monies placed to the credit of a Tree Board Fund. Such monies shall be paid out only upon warrants authorized by the Tree Board. The Tree Board shall have the authority to establish a petty cash fund, not to exceed the sum of $100 at any one time, for use in maintaining the Tree Board.
('83 Code, § 11-305) (Ord. 898, passed 10-4-82; Am. Ord. 1044, passed 1-6-86)

§ 102.29 OPERATION OF BOARD.

The Board shall choose its own officers and shall keep a journal of its proceedings. The Board shall adopt rules and regulations for its own guidance and for the governance and operation of the Tree Board, not inconsistent with this chapter, which shall be subject to the approval of the municipal governing body. A majority of the Board members shall be a quorum for the transaction of business.
('83 Code, § 11-305) (Ord. 1044, passed 1-6-86)

APPENDIX F

SCHEDULE OF FEES

The fees, charges and expenses set forth in this Appendix are included for reference and adopted separately by ordinance or resolution by the City of Claremore. Fees shall be paid to the Planning Commission on filing of any application and prior to its processing or other action.

Building Permit Fees:

1. Residential and Single Manufactured Homes (including moved-in buildings), $25.00 minimum fee.

    a. Permit fee is 1/6 of 1% based on $45.00 per square foot of living area of the building.

    b. Footing Inspection Fee $40.00

    c. Framing Inspection Fee $40.00

    d. In the case of modular homes, building permit fees will be collected on both the cost of the unit and the improvement to the site.

2. Industrial, commercial and other non-residential building permit fees for construction in Districts 1-1 through 1-4 and C-1 through C-5, and all other construction not covered by paragraph 1 hereof shall be as follows:

    a. All area within the Planning jurisdiction, $25.00 minimum fee. Permit fee is ¼ of 1% of the cost of construction.

    b. Footing Inspection Fee $50.00

    c. Framing Inspection Fee $50.00

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

Plumbing Inspection Fee:

Residential $40.00

- $5.00 per bath over 2 baths
- $25.00 re-inspection fee
- $40.00 minimum fee for remodels and additions to pre-existing structures

Duplexes $80.00

- $25.00 re-inspection fee
- $40.00 minimum fee for remodels and additions to pre-existing structures

Commercial and Industrial $50.00

- $25.00 re-inspection fee
- $30.00 first three (3) fixtures and/or drains
- $1.00 each fixture and /or drain over first three (3)
- $10.00 inspection of water system
- $10.00 inspection of sewer system

Electrical Inspection Fees:

Residential $40.00

- $25.00 re-inspection fee
- $40.00 minimum fee for remodels and additions to pre-existing structures

Duplexes $80.00

- $25.00 re-inspection fee
- $40.00 minimum fee for remodels and additions to pre-existing structures

Commercial and Industrial $50.00

- $25.00 re-inspection fee
- $50.00 first 300 amp
- $10.00 each 100-amp increment or fraction thereof over 300 amp

Mechanical Inspection Fees:

Residential $40.00

- $15.00 per unit over one
- $25.00 re-inspection fee
- $40.00 minimum fee for remodels and additions to pre-existing structures

Duplexes $80.00

- $25.00 re-inspection fee
- $40.00 minimum fee for remodels and additions to pre-existing structures

Commercial and Industrial: $50.00

- $25.00 re-inspection fee
- $50.00 first 20 ton
- $5.00 per 20 ton above 20 ton

3. **Other Permit Fees:**

a. Planned Development, including Manufactured Home Parks:

- $200.00 basic fee up to ten (10) acres;
- $5.00 additional fee per acre or if divided into lots
- $2.00 additional fee per lot

b. $5.00 moving permit
c. $75.00 conditional use permit/special exception
d. $75.00 variance permit
e. $75.00 map amendment (change of zoning)
f. $20.00 for other action which requires a public hearing

4. **Penalty for Working without a permit:**

Penalty for beginning work without a permit: All fees set forth in this section shall double if builder has to be notified to buy a Building Permit after work has been started.

5. **Cost of Advertising and Notice:**

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

6. **Filing Fees for Plats and Lot Splits:**

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

a. Preliminary plat, $100.00 plus $1.00 per lot.

b. Final plat, $200.00 plus $1.00 per lot.

c. Lot Split: $25.00

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

Earth Change Permit : $25.00

Street Cut Charges : $50.00

Curb Cut Charges: $25.00

- $50.00 Plan review of Commercial Property.
- $25.00 Plan review of Plan or Final Plats.
- $25.00 / Page Infrastructure Plan Review
- $40.00 Maps (digital format, extra cost for printing)

Contractor Lic. Fees: $100.00 Per Year (Flat)

Contractor (RENEWAL) $50.00

No fees for Journeyman / Apprentice

Sign Permits:

- $50.00 Sign
- $50.00 Electrical Inspection

APPENDIX G

BUILDING CODES AND LICENSING

Appendix G is included for reference and adopted separately by ordinance or resolution of the City or County.

Building Code - BOCA Building Code*

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Claremore, Oklahoma and the Planning Commission of Rogers County, Oklahoma, being marked and designated as the International Building Code, First Edition 2000 as published by the International Code Council be and is hereby adopted as the Building Code of the City of Claremore, Oklahoma and Rogers County, Oklahoma; for the control of buildings and structures and [as] herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code, First Edition 2000 or the latest edition thereof, are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed below.

The following sections of the International Building Code, First Edition 2000 are hereby revised as follows:

Section 101.1 Insert: City of Claremore or Rogers County, Oklahoma (Name of Jurisdiction).
Section 112.3.1 Insert: (Dollar Amount).
Section 116.4. Insert: (Offense, Dollar Amount, Number of Days).
Section 117.2. Insert: (Dollar Amount in Two Locations).
Section 3408.2. Insert: (Date).
Special Requirements: Bonus rooms and unfinished second floor if decked shall have electrical rough, mechanical rough and plumbing top-out before occupancy.

Penalty

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

*Current copies on file in the City of Claremore-Rogers County Planning office.

Building Official

(a) The Building Official of this County and City shall be appointed by the Board of County Commissioners or the City Council and shall have the powers and duties prescribed for the "Building Official" by the International Building Code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control.

(b) The term "building inspector", whenever used in the County or City Regulation, means the Building Official.

(c) The terms "electrical inspector", "plumbing inspector", "mechanical inspector", and "gas inspector", wherever used in the regulations of the County or City also each refer to and mean the Building Official, unless a separate electrical inspector, plumbing inspector, mechanical inspector and/or gas inspector is appointed.

Unsafe Buildings to be Declared Nuisance

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

Construction of Unsafe Buildings

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

*Current copies on file in the City of Claremore-Rogers County Planning office.

Section 7.6.1A International Mechanical Code First Edition 2000*

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Claremore, Oklahoma, and the County Clerk of Rogers County, Oklahoma, being marked as the International Mechanical Code, First Edition 2000, be and is hereby adopted as the Mechanical Code of the City of Claremore, Oklahoma and Rogers County, Oklahoma, for the control of installation and maintenance of mechanical facilities; and each and all of the regulations, provisions, penalties, and conditions and terms of the International Mechanical Code, First Edition 2000, or the latest revision thereof*, are hereby referred to, adopted, and made a part hereof as is fully set in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.*

The following Sections are hereby revised as follows:

Section 101.1 (page 1, second line). Insert: City of Claremore or Rogers County, Oklahoma.
Section 106.5.2 Insert: (Fee Schedule).
Section 108.4 Insert: (Offense, Dollar Amount, Number of Days).
Section 108.5 Insert: (Dollar Amount in Two Locations).

Vent Materials: Dryer vent materials shall be of galvanized steel or aluminum and meet requirements specified in 504.6 and 504.6.1.

Exception: In one and two family construction PVC pipe, conforming to ASTM-D1785 SCH 40 may be used under slabs only.

Mechanical: Registration Fees and Penalties

No person shall practice or engage in the business, trade or occupation of Mechanical Contractors, Mechanical Journeyman or Mechanical Apprentice in the City of Claremore or Rogers County until they are first licensed by the State of Oklahoma as a Mechanical Contractor or Mechanical Journeyman or registered as Mechanical Apprentice and also registered by the City of Claremore, or Rogers County, depending on where the work is to be performed, in the identical capacity that they are first licensed or registered by the State of Oklahoma. The registration fees to be paid to the City of Claremore or Rogers County shall be as follows, to-wit:

*Current copies on file in the City of Claremore-Rogers County Planning office.

1. Mechanical Contractor, first year fee is eighty-five dollars ($85.00); thereafter thirty-five ($35.00) per year.

2. Mechanical Journeyman, first year fee is sixty dollars ($60.00); thereafter fifteen dollars ($15.00) per year.

3. In Rogers County apprentices are required State License only.

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

PENALTY

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

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

7.6.2. International Plumbing Code First Edition 1995 Adopted*

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Claremore, Oklahoma and the County Clerk of Rogers County, Oklahoma being marked the International Plumbing Code, First Edition 1995, be and is hereby adopted as the plumbing code of the City of Claremore, Oklahoma and Rogers County, Oklahoma for the control of installation of plumbing facilities; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Plumbing Code, First Edition 1995, or the latest revision thereof*, are hereby referred to, adopted, and made part hereof as if fully set out in the Zoning Regulation with the additions, insertions, deletions and changes, if any. The following sections are hereby revised as follows:

Section 101.1 (page 1, second line). Insert: City of Claremore or Rogers County (Jurisdiction Area).
Section 106.5.2 (page 4, third line). Insert: (Dollar Amount for Fees).

*Current copies on file in the City of Claremore-Rogers County Planning office.

Section 108.4 (page 5, seventh, eighth and ninth lines). Insert: (Offense, Dollar Amount and Time).
Section 108.5 (page 5, fifth and sixth lines). Insert: (Dollar Amount in Two Locations).
Section 306.6 (page 14, second and fourth lines). Insert: (Depth in Feet, Depth in Inches).
Section 306.6.1 (page 14, second and fourth lines). Insert: (Number in Inches in Two Locations).
Prohibit chlorinated polyvinyl plastic pipe and tubing and polybutylene (PB) plastic pipe and tubing as allowed materials except for repair on pre-existing systems.
Prohibit the use of drainage pipe in sizes less than two inches, below grade, in slab type construction.
Prohibit cellular core PVC ASTM F 891 as an allowed material for underslab.

Exceptions in Section 606 Materials, Joints and Connections: Table 606.4

Prohibit Polybutylene (IPB) plastic pipe and tubing: ASTM D 2662; ASTM D 2666; ASTM D 3309; CSA Can3-B137.8.

Prohibit Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing. ASTM 2846; ASTM F 441; ASTM F 442; CSA B137.6.

Prohibit Polyethylene (PE) plastic pipe: ASTM 2239; ASTM D 2737; CSA CAN/CSA-B137.1.

Prohibit Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe: ASTM F 1282; CSA CAN/CSA-B127.9.

Exceptions in Section 703 Materials Table 703.2

Prohibit Polyvinyl chloride (PVC) plastic pipe (Type DWV): ASTM 891; CSA CAN/CSA-B181.2.

Table 703.3

Prohibit Polyvinyl chloride (PVC) plastic pipe (Type DWV, SDR26, SDR35, SDR41, PS50 or PS100): ASTM F 891.

*Current copies on file in the City of Claremore-Rogers County Planning office.

Tables 712.1, 713.1 (1), 713.1 (2)

Prohibit use of drainage pipe in size less than 2 inches, below grade, under slab type construction.

Plumbers: Registration Fees, and Penalties

No person shall practice or engage in business, trade or occupation of a plumbing contractor, or a journeyman plumber, or a plumber's apprentice unless he is first licensed by the State of Oklahoma as a plumbing contractor or a journeyman plumber or registered apprentice and registered by the City of Claremore, Oklahoma or Rogers County, Oklahoma in the same capacity as with the State of Oklahoma. The registration fee is to be paid to the City of Claremore or Rogers County, Oklahoma as follows:

Plumbers: Registration Fees, and Penalties, continued:

(1) For registration as a plumbing contractor, first year registration, eighty-five dollars ($85.00); thereafter thirty-five dollars ($35.00) per year.

(2) For registration as a journeyman plumber, first year registration sixty dollars ($60.00); thereafter fifteen dollars ($15.00) per year.

(3) In Rogers County apprentice are required State License only.

In the event this license shall be allowed to remain expired for a period of two (2) years the renewal fee will be eight-five ($85.00) and sixty dollars ($60.00) respectively.

PENALTY

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

PLUMBING WORK means the installation, maintenance, repair, or renovation in whole or in part, of any plumbing system or gas system or any material or equipment including piping and all fixtures used in installation, maintenance, repair or renovation of any such system.

Section 7.6.3 Gas Piping

*Current copies on file in the City of Claremore-Rogers County Planning office.

Gas Piping: National Fuel Gas Code Adopted*

NFPA 54 published by the American Gas Association and National Fire Protection Association, entitled National Fuel Gas Code, is hereby adopted by reference. Said NFPA 54 shall be in full force and effect in the City of Claremore and Rogers County, Oklahoma and shall govern the installation of gas piping and gas appliances in buildings in the City and County. Any violation of said NFPA 54 shall be deemed a violation of the regulations of Rogers County and City of Claremore, Oklahoma.

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

Section 7.6.4 Electrical Installations

Definitions

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

(1) "Electrical Inspector" shall be held to mean and include the Electrical Inspector of Rogers County or City of Claremore, Oklahoma or any of his duly authorized assistants.

(2) "Electrical Contractor" shall be held to mean any person, firm or corporation engaged in the business of wiring, re-wiring, installing, repairing or altering any electrical wiring, or installing or repairing any apparatus or electrical appliance in Rogers County or the City of Claremore, Oklahoma and shall not include person, firms, or corporations engaged in the business of selling or offering for sale to the public, electrical materials, apparatus and electrical appliances that are not installed by such persons, firms or corporations.

(3) "Journeyman Electrician" shall be held to mean any person actually engaged in the work of wiring, or installing or repairing any electrical apparatus or electrical appliances in Rogers County, Oklahoma or the City of Claremore, Oklahoma.

*Current copies on file in the City of Claremore-Rogers County Planning office.

Electrical Inspector: Qualifications

There is hereby created the office of Electrical Inspector for Rogers County, Oklahoma and the City of Claremore, Oklahoma. Such Inspector shall be an Electrical Engineer or a person who is familiar with inside electrical construction, also familiar with the National Electric Code as approved by the National Fire Protection Association and the application of the Code requirements. The Electrical Inspector shall qualify under the State Statutes. The Electrical Inspector shall be appointed by the Board of County Commissioners and the City of Claremore, Oklahoma and shall receive a salary as the County and City may determine, and shall hold office until his successor has been appointed by the Board of County Commissioners and the City of Claremore, Oklahoma.

Electrical Inspector: Duties, Appeals

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

*Current copies on file in the City of Claremore-Rogers County Planning office.

Emergency Rules

At any time when the electrical inspector shall determine that an emergency exists justifying such action, he may issue any rule or regulations that may be necessary to conform to trade conditions in the installation and use of materials and devices where electrical energy is used by any person, persons, firm, corporation, partnership, association or electrical contractor; and such rules or regulations as the Electrical Inspector may consider necessary or convenient shall, before becoming effective, be submitted to the Board of County Commissioners or City Council; and, if approved by the Board of County Commissioners or City Council then such rule or regulations shall be enforced in the same manner in which the terms of the Electrical Code are enforced, provided that no emergency rule or regulation shall continue in force and effect for more than six (6) months after the enactment thereof unless otherwise specified by the Board of County Commissioners and the City Council.

Certificate Necessary for Apprentices

An Apprentice shall be registered by the State. An apprentice shall be allowed to do such work, provided he works under the supervisor of a licensed Electrical Contractor or Journeyman Electrician who shall be present at all times while said apprentice performs such work.

Service Entrance

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

Transfer of License

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

*Current copies on file in the City of Claremore-Rogers County Planning office.

Permit Required

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

Permit Refused

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

Inspection Required

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

Permit Inspection

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

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

Defective Wiring: Owner's Duties

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

Request for Inspection

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

Inspection of Work

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

Temporary Certificate

When, for good and sufficient cause, it is necessary to have the electricity on for any installation before a final certificate can be issued, the Electrical Inspector may, if the parts to which the current is applied are in a safe and condition, issue a temporary

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certificate. When a temporary service is installed satisfactory an unsatisfactory manner to the Electrical Inspector, the electrical company will not be permitted to make a connection to permanent service until after a final permanent certificate has been issued.

Wiring Construction

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

(b) Special Requirements:

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

(2) The main line service switch shall be located at the secondary meter service or where the secondary service enters the building to be served.

(3) Single-phase services shall not be smaller than No. 6 American Wire Gauge.

(4) Three-phase services shall not be smaller than No. 8 American Wire Gauge.

(5) All branch circuits shall not be smaller than No. 12 American Wire Gauge.

(6) The continued use of existing No. 14 wire, if it be of sufficient capacity, on 15-ampere circuits shall be permitted. New wiring or a remodel job, however, shall be No. 12 American Wire Gauge.

(7) In residences branch circuit distribution shall be limited to no more than ten (10) receptacles to a circuit place so that no point along the floor line in any useable wall space is more than six (6) feet from an outlet in that space, except in

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kitchens, utility rooms, breakfast rooms and garages in which there shall be no more than two (2) receptacles to a circuit. There shall be no more than nine (9) lights to a circuit. Lights and receptacles shall not be on the same circuit.

(8) The following electrical appliances or devices shall be on special circuits fused independently: electric ranges, electric dryers, washing machines, dish washers, disposals, electric bathroom heaters, air conditioners, and water heaters. Attic fans and furnaces may be placed on the same circuit, but this circuit shall also be fused independently.

(9) All single family dwellings constructed with the jurisdiction of the City or County Electrical Code shall be wired in any grounded system type of wiring recognized by the National Electrical Code. Grounded Romex is permitted.

(10) Wiring for heat, light or power in all buildings, hereafter erected, except single family dwellings, and all additions to existing buildings shall be installed in a rigid, heavy wall, threaded, galvanized conduit electric metallic tubing, flexible metallic tubing conduit, or metal molding systems, except electric metallic tubing shall not be used in elevator shafts or in poured concrete slab. Where conduits are used, all ends shall be reamed smooth before installation. Mineral insulated metal sheathed type MI shall be permitted.

(11) Greenfield and Armour Cable may be used in showcase lights, door switches, and on remodel jobs where rigid conduit is not practical.

(12) Non-metallic surface extensions shall be prohibited.

(13) All lighting outlets must be equipped with standard fixture studs. All light outlets boxed for concealed work must be equipped with approved plaster rings where the building was designed for an interior finish which would necessitate the use of such plaster rings.

(14) B-20 approved fan box must be installed in all areas which may be used for installation of ceiling fan. Any conduit running over the joists must not project not more than two inches above the joists and must be securely fastened with an approved strap within 18 inches of an opening or bend, and additional straps every eight feet. In buildings of open truss construction, when conduits are required, conduits must be installed on ceilings or sidewalls and supported not less than every eight feet, and in no case will conduit be permitted to run at right angles with trusses, except at ceilings and sidewalks, unless supported by a running board of suitable hangar.

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(15) On stucco, tile brick or stone veneer, or other masonry walls, where it is necessary to install supports for the service span wires of the utility company, the consumer must install one galvanized bolt for each contemplated service wire. If possible, such bolts should be installed during the construction of the supporting wall, in any case the bolts should be securely fastened to the supporting wall or framework. The threaded ends of the bolts shall protrude from the outside wall a distance of one or more than one and one-half (1 ½) inches, nor less than one (1) inch. Bolts shall be one-half (1/2) inch in diameter and shall be spaced approximately eight (8) inches apart and all in the same plain.

(16) All bathroom kitchen, basement and private garage fixtures must be controlled by wall switches.

(17) Exit lights shall be required on all stair landings and entrances leading to fire escapes in all buildings used by the public. Such lights must be connected ahead of the main switch on a separate circuit. Said exit lights must be red or green in color.

(18) All conduits must be secured to outlet boxes, junction boxes, or cabinets by placing approved locknuts on the outside of the box, and approved locknuts and bushings on the inside of the box.

(19) Aluminum wire in any form is prohibited from use beyond or after the top lugs of the secondary meter device and in no case within any portion of the building served.

Liability

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

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Excavations

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

Low Voltage Systems

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

License Required

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

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

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Inspector May Enter Building

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

Temporary Service

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

Renovation of License

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

Conformity with this Article

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

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Electrical Equipment

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

Violations

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

Liability

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

Residences Wired by the Owners

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

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Liability

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

Residences Wired by the Owners

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

PENALTY

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

RELIEF IN THE COURTS

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

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VIOLATIONS

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

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

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

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

Violation of the Zoning Regulations by any persons, firms or corporations which has been brought into compliance and violation re-occurs, this violation will be sent to the level of enforcement at time of compliance.

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