

TITLE 12
ZONING REGULATIONS

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CHAPTER 1
GENERAL PROVISIONS

SECTION:

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12-1-1: **CITATION:** This title, in pursuance of the authority granted by the legislature of the state of Oklahoma in title 11 of the Oklahoma Statutes, shall be a part of master plan for the town of Arnett and shall be known as the *ZONING ORDINANCE* and be cited as such. (Ord. 362, 4-3-2012)

12-1-2: **PURPOSE AND NECESSITY:** The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of this title they shall be necessary for the promotion of the public health, safety, comfort, convenience, and general welfare. (Ord. 362, 4-3-2012)

12-1-3: **NATURE OF ZONING PLAN:** This title classifies the regulations for the use of land, buildings, and structures within the city limits of the town of Arnett, state of Oklahoma, as hereinafter set

forth. The regulations contained herein divide the city into zones and regulate therein the use of the land and the use of buildings and the size of buildings as to height and number of stories, the coverage of the land by buildings, the size of the yards and open spaces, the location of the buildings, and the density of population. (Ord. 362, 4-3-2012)

12-1-4: **REGULATIONS OF USE, HEIGHT, AREA, YARDS, AND OPEN SPACES:** Except as hereinafter otherwise prohibited, no land shall be used and no building, structure, or improvement shall be constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located and in accordance with the provisions of the chapters contained herein relating to any or all districts. (Ord. 362, 4-3-2012)

12-1-5: **ZONES:** The town of Arnett is hereby divided into zones as shown on the zoning map (map dated April 3, 2012) filed with the town clerk-treasurer. The map and all explanatory materials are hereby made a part of this title.

Zones shall be designated as follows:

Residential:

- R-1 Single-family dwelling district
- R-2 Two-family dwelling district
- R-3 Multiple-family dwelling district

Commercial:

- C-1 Light commercial district
- C-2 General commercial district

Industrial:

- I-1 Light industrial district
- I-2 Heavy industrial district

Other:

- F-1 Floodplain district
- A-1 Agricultural district

Specific district regulations are set forth in chapters 2, 3, 4 and 5 of this title. (Ord. 362, 4-3-2012)

12-1-6: **DEFINITIONS:** For the purpose of these regulations certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include future tenses; words in the singular number indicate 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.

ACCESSORY BUILDING: A building customarily incidental and subordinate to the main building and located on the same lot with the main building.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or building located upon the same premises.

ADVERTISING SIGN OR STRUCTURE: Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign, or other sign, device, or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross section of such structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

ALLEY: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

APARTMENT HOUSE
OR
MULTIPLE-FAMILY
DWELLING:

A single detached dwelling designed to be occupied by three (3) or more families living independently of each other as separate house-keeping units, including apartment houses, apartments, hotels, and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels.

BASEMENT:

A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half ($1/2$) of its height is above the average level of the adjoining ground, or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

BOARDING HOUSE:

A dwelling other than hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons.

BUILDING:

Any structure intended to shelter, house, or for the enclosure of persons, animals, or chattels. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure.

BUILDING HEIGHT:

The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING MAIN:

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

BUILDING SITE:

A single parcel of land under one ownership occupied or intended to be occupied by a building or structure.

CHILDCARE CENTER:	Any place, home, or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private school organizations, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or the churches or religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.
COVERAGE:	The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
DISTRICT:	Any section or sections of Arnett for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.
DWELLING:	Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers.
DWELLING, MULTIPLE:	A dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort type hotels.
DWELLING, SINGLE-FAMILY:	A dwelling designed to be occupied by one family.
DWELLING, TWO-FAMILY:	A dwelling designed for occupancy by two (2) families living independently of each other.

FAMILY:	One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage occupying premises and living in a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.
GARAGE, APARTMENT:	A dwelling unit for one family erected above a private garage.
GARAGE, PRIVATE:	An accessory building or a part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed one and a half (1 ¹ / ₂) times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is greater. Such space shall not be used for storage of more than one commercial vehicle which does not exceed one and a half (1 ¹ / ₂) tons rated capacity, per family living on the premises, and not to exceed two (2) spaces shall be rented to persons not residing on the premises for storage of noncommercial passenger vehicles only.
GARAGE, PUBLIC:	Any garage other than a private garage, available to the public, used for the care, servicing, repair, or equipping of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.
HELP YOURSELF LAUNDRY:	A laundry providing home type washing, drying, and ironing machines for hire to be used by the customers on the premises.
HOME OCCUPATION:	An occupation conducted in a dwelling unit provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building;
- D. No home occupation shall be conducted in any accessory building;
- E. There shall be no sales in connection with such home occupation, directly out of the home;
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference in any radio or television receivers off the premises, or causes fluctuation in the line voltage off the premises.

HOTEL:	A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer courts or camps, sanatorium, hospital, asylum, orphanage, or building where persons are housed under restraint.
KENNEL:	Any lot or premises on which are kept three (3) or more dogs, more than six (6) months of age.
LOT:	Any plot or land occupied or intended to be occupied by one main building, and accessory buildings and uses, including such open spaces as are required by this title and other laws or ordinances, and having its principal frontage on a street.
LOT, AREA:	The total area measured on a horizontal plane, included within lot lines.
LOT, CORNER:	A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty five degrees (135°).
LOT, DEPTH:	The mean horizontal distance between the front and rear lot lines.
LOT, DOUBLE FRONTAGE:	A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
LOT, FRONTAGE:	The dimension of a lot or portion of a lot abutting on the street, excluding the side dimension of a corner lot.
LOT, INTERIOR:	A lot other than a corner lot.
LOT LINES:	The lines bounding a lot.
MEDICAL FACILITIES:	A. Convalescent, Rest, Or Nursing Home: A health facility where persons are housed and

furnished with meals and continuing nursing care.

B. Dental Clinic Or Medical Clinic: A facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight except under emergency conditions.

C. Dental Office Or Doctors' Office: See subsection B of this definition.

D. Hospital: An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

E. Public Health Center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

F. Sanatorium: An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

NONCONFORMING USE:

A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

OFF STREET PARKING SPACE:

A parking space not on or extending over any public easement or right of way.

PARKING SPACE:

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

ROOMING HOUSE:	A building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of this title.
SELF-SERVICE LAUNDRY OR DRY CLEANING ESTABLISHMENT:	Any attended or unattended place, building, or portion thereof, available to the general public for the purpose of washing apparel, cloth fabrics, and textiles of any kind by means of a mechanical appliance which is operated by the customers.
STABLE, PRIVATE:	A stable with a capacity for not more than two (2) horses or mules.
STABLE, PUBLIC:	A stable, other than a private stable, with a capacity for more than two (2) horses or mules.
STORY:	That portion of a building, other than a basement included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
STORY, HALF:	A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.
STREET:	Any public or private thoroughfare which affords the principal means of access of abutting property.
STREET, INTERSECTION:	Any street which joins another street at an angle, whether or not it crosses the other.
STRUCTURAL ALTERATIONS:	Any change in the supporting members of a building, such as bearing walls or partitions,

	columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
STRUCTURE:	Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.
TOURIST COURT OR MOTEL:	An area containing one or more buildings designed or intended to be used as temporary sleeping facilities for one or more transient families and intended primarily for automobile transients.
TOURIST HOME:	A dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodation in not more than four (4) rooms are provided or offered for transient guests for compensation.
TRAILER COURT OR MOBILE HOME PARK:	A parcel of land under single ownership which has been designed or improved or is intended to be rented for occupancy by one or more trailer houses or mobile homes.
TRAILER HOME, MANUFACTURED HOME, OR MOBILE HOME:	Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters on the conduct of any business, trade, or occupation or use as a selling or advertising device, or use for storage, and so designed that it is or may be mounted on wheels and used as a conveyance on highways.
TRAILER OR MOBILE HOME SPACE:	A plot of ground within a trailer court designed for the accommodations of one mobile home.
TRAVEL TRAILERS:	All vehicles and portable structures built on a chassis up to and including thirty two feet (32') in length designed as a temporary or permanent dwelling for travel, recreational, and vacation use (not included in the definition of independent mobile homes). For purposes of regulations under this title, a dependent trailer shall be

considered to be the same as a travel trailer, unless otherwise indicated.

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

YARD, FRONT: A yard located of the front elevation of the building and extending across a lot between the side yard lines and being the minimum horizontal distance between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. In unplatted areas in any such instance where there is a question as to the orientation of the front yard, the front yard shall be determined by the planning and zoning commission.

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

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (Ord. 362, 4-3-2012)

12-1-7: **INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right of way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines, or the centerlines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning map.
- D. Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated. (Ord. 362, 4-3-2012)

12-1-8: **VACATION OF PUBLIC EASEMENTS:** Whenever any street, alley, or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land. (Ord. 362, 4-3-2012)

CHAPTER 2

RESIDENTIAL DISTRICTS

ARTICLE A. R-1 SINGLE-FAMILY DWELLING DISTRICT

SECTION:

- 12-2A-1: General Description
12-2A-2: Uses Permitted
12-2A-3: Uses Permitted On Review
12-2A-4: Area Regulations
12-2A-5: Height Regulations

12-2A-1: **GENERAL DESCRIPTION:** This is the most restricted residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide basic elements of the balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (Ord. 362, 4-3-2012)

12-2A-2: **USES PERMITTED:** Property and buildings in an R-1 single-family dwelling district shall be used only for the following purposes:

Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building, including a private garage.

Bulletin board or sign, not exceeding twenty (20) square feet in the area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

Church.

Detached single-family dwelling.

General purpose farm or garden, but not the raising of livestock.

Library.

Public park or playground.

Public schools or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (Ord. 362, 4-3-2012)

12-2A-3: **USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the town planning commission in accordance with provisions contained in section 12-10-2 of this title.

Mobile home (14 feet wide or less) with a lot area of not less than five thousand (5,000) square feet.

Municipal use, public building, and public utility.

Plant nursery in which no building or structure is maintained in connection therewith. (Ord. 362, 4-3-2012)

12-2A-4: **AREA REGULATIONS:**

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

1. The minimum depth of the front yard shall be twenty five feet (25').

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

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

B. Side Yard:

1. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five feet (5') and of not less than eight feet (8') for dwellings of more than one story, except as hereinafter provided in section 12-6-2 of this title. For unattached buildings of accessory use there shall be a side yard of not less than five feet (5'); provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three feet (3') from an interior side lot line when all parts of the accessory building are located not less than ninety feet (90') from the front property line.

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

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

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

D. Lot Width: For dwellings there shall be a minimum lot width of fifty feet (50') at the front building line, and such lot shall abut on a street for a distance of not less than thirty five feet (35').

E. Intensity Of Use:

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

2. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the

effective date hereof that lot may be used for any of the uses, except churches, permitted by this section.

3. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking areas required in chapter 7 of this title.

- F. Coverage: Main and accessory buildings shall not cover more than twenty five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. (Ord. 362, 4-3-2012)

12-2A-5: **HEIGHT REGULATIONS:** No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty five feet (35') in height except as provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

CHAPTER 2

RESIDENTIAL DISTRICTS

ARTICLE B. R-2 TWO-FAMILY DWELLING DISTRICT

SECTION:

- 12-2B-1: General Description
- 12-2B-2: Uses Permitted
- 12-2B-3: Uses Permitted On Review
- 12-2B-4: Area Regulations
- 12-2B-5: Height Regulations

12-2B-1: **GENERAL DESCRIPTION:** This is a residential district to provide for a slightly higher population density but with basic restriction similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element. (Ord. 362, 4-3-2012)

12-2B-2: **USES PERMITTED:** Property and buildings in an R-2 two-family dwelling district shall be used only for the following purposes:

Any uses permitted in R-1 single-family dwelling district.

Two-family dwelling or single-family dwelling and a garage apartment.

Accessory buildings and uses customarily incidental to any of the above uses located on the same lot. (Ord. 362, 4-3-2012)

12-2B-3: **USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the town planning commission in accordance with provisions contained in section 12-10-2 of this title:

Any use permitted on review in R-1 single-family dwelling district.
(Ord. 362, 4-3-2012)

12-2B-4: **AREA REGULATIONS:**

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

1. The minimum depth of the front yard shall be twenty five feet (25').

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

B. Side Yard:

1. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five feet (5') and of not less than eight feet (8') for dwellings of more than one story, except as hereinafter provided in section 12-6-2 of this title. For unattached buildings of accessory use there shall be a side yard of not less than five feet (5'); provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three feet (3') from an interior side lot line when all parts of the accessory building are located not less than ninety feet (90') from the front property line.

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

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

C. Rear Yard:

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

D. Lot Width: For single-family dwellings, two-family dwellings, or single-family dwellings and garage apartments, there shall be a minimum lot width of fifty feet (50') at the front building line, and the lot shall abut on the street for a distance of not less than thirty five feet (35').

E. Intensity Of Use:

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

2. For each two-family dwelling and accessory buildings there shall be a lot area of not less than seven thousand (7,000) square feet. A lot for a garage apartment and a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases a garage apartment shall be provided with the same lot area required a single-family dwelling.

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

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking area required in chapter 7 of this title. (Ord. 362, 4-3-2012)

12-2B-5: **HEIGHT REGULATIONS:** No building shall exceed two and one-half (2^{1/2}) stories or thirty five feet (35') in height except as provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

CHAPTER 2

RESIDENTIAL DISTRICTS

ARTICLE C. R-3 MULTIPLE-FAMILY DWELLING DISTRICT

SECTION:

- 12-2C-1: General Description
- 12-2C-2: Uses Permitted
- 12-2C-3: Uses Permitted On Review
- 12-2C-4: Area Regulations
- 12-2C-5: Height Regulations
- 12-2C-6: Mobile Home Park Or Trailer Court

12-2C-1: **GENERAL DESCRIPTION:** This is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garage apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (Ord. 362, 4-3-2012)

12-2C-2: **USES PERMITTED:**

Multiple-family dwelling, apartment houses.

Rooming or boarding house.

Accessory buildings and uses customarily incidental to the above uses when located on the same lot. (Ord. 362, 4-3-2012)

12-2C-3: **USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the town planning commission in accordance with provisions contained in section 12-10-2 of this title:

Any use permitted on review in R-1 or R-2 residential district.

An off street lot associated with a C commercial use as required under the provisions of chapter 7 of this title.

Childcare center.

Medical facility.

Mobile home park or trailer court in compliance with section 12-2C-6 of this article. (Ord. 362, 4-3-2012)

12-2C-4: **AREA REGULATIONS:**

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

1. The minimum depth of the front yard shall be twenty five feet (25').

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

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

4. There shall be no parking allowed in the front yard (for other parking restrictions see chapter 7 of this title).

B. Side Yard:

1. For dwellings located on an interior lot a side yard of not less than ten feet (10') shall be provided on both sides of the main dwelling for

the first story and an additional five feet (5') of side yard shall be provided for each additional story thereof.

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

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

C. Rear Yard:

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

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

E. Intensity Of Use:

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

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

lot area shall provide not less than two thousand (2,000) square feet more than is required for the two-family or multiple-family dwelling.

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

4. For churches and any main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking area required in chapter 7 of this title.

- F. Coverage: Main and accessory buildings shall not cover more than thirty five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. (Ord. 362, 4-3-2012)

12-2C-5: **HEIGHT REGULATIONS:** No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty five feet (35') in height except as provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

12-2C-6: **MOBILE HOME PARK OR TRAILER COURT:** Upon compliance with the provisions as set forth herein, a mobile home park or trailer court will be allowed within the R-3 multiple-family dwelling district.

- A. The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park or court in a form suitable for making the determination required herein.
- B. The proposed site shall be a minimum of thirty thousand (30,000) square feet in size and shall contain no more than fifteen (15) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred feet (200') on a street designated as a major street or collector street in the transportation plan. All ingress or egress by automobile will be on such major streets. The proposed site shall be a minimum of one hundred forty feet (140') in depth.
- C. It shall be the intention of the proposed plan for the mobile home park or trailer court to accommodate primarily permanent occupants

with no more than twenty five percent (25%) of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area so they will in no way interfere with the permanent residents.

- D. The proposed site shall have a front yard of not less than twenty feet (20') from the corner of line of any mobile home stand to the street boundary of the park or court. The site shall have side and rear yards of ten feet (10') from any solid fencing, screen planting, or wall of six feet (6') in height.
- E. The proposed site shall provide one off street parking space for each mobile home stand, plus one additional off street parking space for each four (4) mobile home stands.
- F. The proposed site shall provide the connection for each mobile home stand to all public utilities considered necessary for health, safety, and general welfare of the public. (Ord. 362, 4-3-2012)

CHAPTER 3

COMMERCIAL DISTRICTS

ARTICLE A. C-1 LIGHT COMMERCIAL DISTRICT

SECTION:

- 12-3A-1: General Description
12-3A-2: Uses Permitted
12-3A-3: Uses Permitted On Review
12-3A-4: Area Regulations And Height Regulations

12-3A-1: **GENERAL DESCRIPTION:** This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivering of retained goods. It is intended that general business hours compatible to residential areas be observed. (Ord. 362, 4-3-2012)

12-3A-2: **USES PERMITTED:** Property and buildings in a C-1 light commercial district shall be used only for the following purposes:

Cleaning and dyeing works.

Department store.

Furniture repair and upholstery.

Interior decorating store.

Key shop.

Laboratories, research testing and experimental.

Leather goods shop.

Music, radio, or television shop.

Nursery or garden supply store.

Office building.

Pawnshop.

Printing plant.

Sporting goods store.

Stock and bond broker.

Toy store.

Buildings, structures, and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacturing, processing, or compounding of products other than such as are customarily incidental and essential to retail establishments. (Ord. 362, 4-3-2012)

12-3A-3: USES PERMITTED ON REVIEW:

Bakery.

Commercial school or hall.

Heating, ventilating, or plumbing supplies, sales, and services.

Laundry.

Liquor store.

Pet shop.

Recreation center.

Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce noise, light, odor, dust, vibration, blast, or traffic other than those enumerated above.

No article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences, or plantings that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided, however, that no screening in excess of seven feet (7') in height shall be required. (Ord. 362, 4-3-2012)

12-3A-4: **AREA REGULATIONS AND HEIGHT REGULATIONS:** Area regulations and height regulations shall be the same as designated in C-2 general commercial district. (Ord. 362, 4-3-2012)

CHAPTER 3

COMMERCIAL DISTRICTS

ARTICLE B. C-2 GENERAL COMMERCIAL DISTRICT

SECTION:

- 12-3B-1: General Description
- 12-3B-2: Uses Permitted
- 12-3B-3: Area Regulations
- 12-3B-4: Height Regulations

12-3B-1: **GENERAL DESCRIPTION:** This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. (Ord. 362, 4-3-2012)

12-3B-2: **USES PERMITTED:** Property and buildings in C-2 general commercial district shall be used only for the following purposes:

- Advertising signs or structures.
- Ambulance service office or garage.
- Amusement enterprises.
- Auto court or tourist court.
- Automobile repair shop.
- Bakery.

Boat sales.

Bowling alley.

Bus terminal.

Carpenter and cabinet shop.

Cleaning and dyeing works.

Clothing or apparel store.

Commercial school or hall.

Dance hall.

Department store.

Drive-in theater or restaurant.

Electric transmission station.

Feed and fuel store.

Frozen food locker.

Funeral parlor or mortuary.

Furniture repair and upholstery.

Gasoline and oil retail distributing plants.

Gasoline station.

Golf course, miniature or practice range.

Heating, ventilating, or plumbing supplies, sales, and services.

Ice storage locker plant or storage house for food.

Interior decorating store.

Kennel.

Key shop.

Laboratories, research testing and experimental.

Laundry.

Leather goods shop.

Liquor store.

Music, radio, and television shop.

New automobile sales and services, new machinery sales and services, and public garages, provided no gasoline is stored above-ground; used automobile and machinery sales, used automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junkyards.

Nightclub.

Nursery or garden supply store.

Outdoor advertising signs.

Pawnshop.

Pet shop.

Printing plant.

Recreation center.

Research laboratories.

Roller skating rink.

Sign painting shop.

Small animal hospital.

Sporting goods store.

Stock and bond broker.

Storage warehouse.

Tavern.

Theater.

Toy store.

Trailer camp.

Used automobile sales.

Wholesale distributing center.

Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there should be no manufacturing, processing, or compounding of products other than such as are customarily incidental and essential to retail establishments.

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

No article or material stored or offered for sale in connection with uses permitted under the above uses shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences, or plantings that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided, however, that no screening in excess of seven feet (7') in height shall be required. (Ord. 362, 4-3-2012)

12-3B-3: AREA REGULATIONS:

- A. Front Or Side Yard: There are no specific front or side yard requirements for uses in this district except when abutting on a residential district. Then there shall be a side yard of not less than twenty five feet (25').
- B. Rear Yard: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty feet (30') in width. In all other cases no rear yard is required.

- C. Parking Requirements: Buildings shall be provided with a yard area adequate to meet the off street parking requirements set forth in chapter 7 of this title. (Ord. 362, 4-3-2012)

12-3B-4: **HEIGHT REGULATIONS:** No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty five feet (35') in height, except as hereinafter provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

CHAPTER 4

INDUSTRIAL DISTRICTS

ARTICLE A. I-1 LIGHT INDUSTRIAL DISTRICT

SECTION:

- 12-4A-1: General Description
12-4A-2: Uses Permitted
12-4A-3: Area Regulations
12-4A-4: Height Regulations

12-4A-1: **GENERAL DESCRIPTION:** This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesale, and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or street transportation route. (Ord. 362, 4-3-2012)

12-4A-2: **USES PERMITTED:** Property buildings in an I-1 light industrial district shall be used only for the following purposes:

A. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-1 light industrial district.

B. Any of the following uses:

Building material sales yard and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.

Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

Freighting or truck yard or terminal.

Oil field equipment storage yard.

Public utility service yard or electrical receiving or transforming station.

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

- C. The following uses when conducted within a completely enclosed building:

Assembly of electrical appliances, electronics including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.

Automobile assembly, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacturing.

Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.

Foundry casting lightweight nonferrous metals not causing noxious fumes or odors.

Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

The manufacturing, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, tobacco, wood, yard, and paint not employing a boiling process.

The manufacturing, compounding, processing, packaging, or treatment of such products as bakery goods, candy,

cosmetics, dairy products, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.

The manufacturing and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.

The manufacturing of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

- D. Buildings, structures, and uses accessory and customarily incidental to any of the above uses. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes, or dust will be emitted beyond the property line of the lot on which the use is located. (Ord. 362, 4-3-2012)

12-4A-3: AREA REGULATIONS:

- A. Front Or Side Yard: There are no specific front or side yard requirements for uses in this district, except when abutting a residential district. Then a side yard of fifty feet (50') shall be required.
- B. Rear Yard: Where a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than fifty feet (50') in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases no rear yard is required.
- C. Parking Requirements: Buildings shall be provided with a yard area adequate to meet the off street parking requirements set forth in chapter 7 of this title. (Ord. 362, 4-3-2012)

12-4A-4: HEIGHT REGULATIONS: No building shall exceed three and one-half ($3\frac{1}{2}$) stories or forty five feet (45') in height, except as hereinafter provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

CHAPTER 4
INDUSTRIAL DISTRICTS
ARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT

SECTION:

- 12-4B-1: General Description
12-4B-2: Uses Permitted
12-4B-3: Area Regulations
12-4B-4: Height Regulations

12-4B-1: **GENERAL DESCRIPTION:** This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this title. The intensity of uses permitted in this district make it desirable that they be located downwind and separate from residential and commercial uses. (Ord. 362, 4-3-2012)

12-4B-2: **USES PERMITTED:** Property and buildings in an I-2 heavy industrial district may be used for any use except the following:

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

Acid manufacture.

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

Explosives manufacture or wholesale storage.

Gas manufacture.

Petroleum or its products or the refining thereof.

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

All residential uses except sleeping facilities required by night watchmen and caretakers employed upon the premises.

All uses not complying with this title, or any other county, state, or federal regulation or law.

Property and building in an I-2 heavy industrial district, when used for the following purposes shall have the uses thereon conducted in such a manner that all operation, display, or storage of material or equipment is so screened by ornamental fences, walls, and/or permanent evergreen planting that it cannot be seen from a public street:

Automobile salvage or junk yard.

Building materials salvage yard.

Junk or salvage yard of any kind.

Scrap metal storage yard. (Ord. 362, 4-3-2012)

12-4B-3: **AREA REGULATIONS:**

- A. Front Or Side Yard: There are no specific front or side yard requirements for uses in this district, except when abutting a residential district. Then a one hundred foot (100') side yard shall be required.
- B. Rear Yard: Where a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than one hundred feet (100') in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.

- C. Parking Requirements: Buildings shall be provided with a yard area adequate to meet the off street parking requirements set forth in chapter 7 of this title. (Ord. 362, 4-3-2012)

12-4B-4: **HEIGHT REGULATIONS:** No building shall exceed three and one-half ($3\frac{1}{2}$) stories or forty five feet (45') in height except as hereinafter provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

CHAPTER 5

OTHER DISTRICTS

ARTICLE A. F-1 FLOODPLAIN DISTRICT

SECTION:

- 12-5A-1: General Description
12-5A-2: Uses Permitted
12-5A-3: Uses Permitted On Review

12-5A-1: **GENERAL DESCRIPTION:** This district is intended to comprise those areas which are subject to periodic or occasional inundation and therefore are unsuited for all residential uses and the usual commercial and industrial uses. (Ord. 362, 4-3-2012)

12-5A-2: **USES PERMITTED:** Property and buildings in the F-1 floodplain district shall be used only for the following purposes:

Private open space.

Public recreation.

The growing of agricultural crops and nursery stock and gardening.

The keeping of agricultural livestock in accordance with the municipal ordinances relating thereto. (Ord. 362, 4-3-2012)

12-5A-3: **USES PERMITTED ON REVIEW:** Special or temporary commercial or industrial may be permitted subject to review by the planning commission. (Ord. 362, 4-3-2012)

CHAPTER 5

OTHER DISTRICTS

ARTICLE B. A-1 AGRICULTURAL DISTRICT

SECTION:

- 12-5B-1: General Description
 12-5B-2: Uses Permitted
 12-5B-3: Uses Permitted On Review
 12-5B-4: Area Regulations
 12-5B-5: Height Regulations

12-5B-1: **GENERAL DESCRIPTION:** This district is designed to protect open areas from being urbanized in a manner affecting developed areas. This district allows new areas to be added to the town which are suitable for development. (Ord. 362, 4-3-2012)

12-5B-2: **USES PERMITTED:** Property and buildings in an A-1 agricultural district shall be limited to those enumerated below:

A temporary bulletin board or sign, not exceeding twelve (12) square feet in area pertaining to the lease, hire, or sale of a building on the premises.

Accessory agricultural buildings.

Agricultural or developed land (not including commercial feedlots).

Airport.

Golf course.

Open space recreation.

Plant nursery.

Public services and utilities.

Single-family dwellings. (Ord. 362, 4-3-2012)

12-5B-3: **USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the town planning commission in accordance with provisions contained in section 12-10-2 of this title:

Any use permitted on review in the R-1 single-family dwelling district.
(Ord. 362, 4-3-2012)

12-5B-4: **AREA REGULATIONS:**

- A. Front Yard: The minimum depth of the front yard shall be fifty feet (50').
- B. Side Yard: There shall be a minimum side yard of twenty five feet (25').
- C. Rear Yard: There shall be a minimum rear yard of fifty feet (50').
- D. Lot Width: There shall be a minimum lot width of one hundred fifty feet (150') for all uses except the single-family dwelling and it may be one hundred feet (100').
- E. Intensity Of Use: There shall be a minimum of five (5) acres for all uses.
- F. Coverage: The maximum building coverage shall be twenty percent (20%) of the land area. (Ord. 362, 4-3-2012)

12-5B-5: **HEIGHT REGULATIONS:** No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty five feet (35') in height, except as provided in section 12-6-3 of this title. (Ord. 362, 4-3-2012)

CHAPTER 6

ADDITIONAL DISTRICT PROVISIONS

SECTION:

- 12-6-1: Conditions Of A More Restricted District
- 12-6-2: Open Space
- 12-6-3: Height
- 12-6-4: Group Housing Projects
- 12-6-5: Animals
- 12-6-6: Storage Of Liquefied Petroleum Gases
- 12-6-7: Trailer Court Regulations
- 12-6-8: Curbs And Gutters Required

12-6-1: **CONDITIONS OF A MORE RESTRICTED DISTRICT:** Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses are subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified. (Ord. 362, 4-3-2012)

12-6-2: **OPEN SPACE:** No open space or lot area for a building or structure shall during its life be occupied by, or be counted as open space for another building or structure.

- A. Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed one foot (1'). Open porches may project into a front or rear yard a distance not to exceed five feet (5').
- B. Where the dedicated street right of way is less than fifty feet (50'), the depth of the front yard shall be measured starting at a point twenty five feet (25') from the centerline of the street easement.
- C. No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty five feet (35'), and have a width of at least fifty feet (50') at the building line. A street shall form the direct

and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

- D. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this title that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.
- E. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three feet (3') above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty feet (30') along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.
- F. An attached or detached private garage which faces on a street shall not be located closer than twenty five feet (25') to the street easement line. (Ord. 362, 4-3-2012)

12-6-3: **HEIGHT:** The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in chapters 2, 3, 4 and 5 of this title.

- A. In measuring heights, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four feet (4') above the floor does not exceed two-thirds ($\frac{2}{3}$) of the floor area of the story immediately below it and which does not contain an independent apartment shall be counted as a half story.
- B. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- C. Churches, schools, hospitals, sanatoriums, and other public and semipublic buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot (1') for each two

feet (2') by which the height of such public or semipublic structure exceeds the prescribed height limit. (Ord. 362, 4-3-2012)

- 12-6-4: **GROUP HOUSING PROJECTS:** In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary sheets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this title to the individual buildings in such housing project, the application of such requirements to such housing project shall be done by the town board in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required by this title in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is greater than the requirement of the district in which the housing project is to be located. (Ord. 362, 4-3-2012)
- 12-6-5: **ANIMALS:** Animals in any district shall be kept only in accordance with Arnett town ordinances. (Ord. 362, 4-3-2012)
- 12-6-6: **STORAGE OF LIQUEFIED PETROLEUM GASES:** The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the town of Arnett and the regulations of the liquefied petroleum gas administration of the state of Oklahoma. (Ord. 362, 4-3-2012)
- 12-6-7: **TRAILER COURT REGULATIONS:** Trailer courts shall be constructed in accordance with the requirements of the ordinances of the town of Arnett relating thereto. (Ord. 362, 4-3-2012)
- 12-6-8: **CURBS AND GUTTERS REQUIRED:** Standard curbs and gutters are required on all new construction of a primary building on any residential, commercial or industrial lot in the town of Arnett. (Ord. 362, 4-3-2012)

CHAPTER 7

**OFF STREET AUTOMOBILE AND VEHICLE
PARKING AND LOADING**

SECTION:

- 12-7-1: General Intent And Application
- 12-7-2: Required Open Space
- 12-7-3: Location
- 12-7-4: Size Of Off Street Parking Space
- 12-7-5: Amount Of Off Street Parking And Loading Required
- 12-7-6: Off Street Parking Lots In Residential Districts

12-7-1: **GENERAL INTENT AND APPLICATION:** It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the town. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts. (Ord. 362, 4-3-2012)

12-7-2: **REQUIRED OPEN SPACE:** Off street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

- A. The area required for off street parking shall be in addition to the yard areas herein required, except that the front yard required in a C-1 light commercial district, C-2 general commercial district or I-1 light industrial district may be used for uncovered parking area and the front yard required in a residential district, except R-3, may be used for the uncovered parking, for four (4) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use and may be used for the uncovered parking area for more than four (4) vehicles in accordance with the provisions of section 12-7-6 of this section. (Ord. 362, 4-3-2012)

12-7-3: **LOCATION:** The off street parking lot shall be located within two hundred feet (200'), exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley. (Ord. 362, 4-3-2012)

12-7-4: **SIZE OF OFF STREET PARKING SPACE:** The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by twenty one feet (9' x 21') plus area of ingress and egress. (Ord. 362, 4-3-2012)

12-7-5: **AMOUNT OF OFF STREET PARKING AND LOADING REQUIRED:** Off street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

Use	Number Of Parking Spaces
Commercial establishments not otherwise classified	1 parking space for each 150 square feet of floor space in the building used for retail trade, or used by the public, whichever is the greater
Community center, theater, auditorium, church sanctuary	1 parking space for each 5 seats, based on maximum seating capacity
Convention hall, lodge, club, library, museum, place of amusement or recreation	1 parking space for each 50 square feet of floor area used for assembly or recreation in the building
Dwelling units	2 parking spaces shall be required for each single-family detached unit and for each unit of a two-family unit
	Multi-family structure shall have 1½ parking spaces for every 1 bedroom unit, 1½ parking spaces for each 2 bedroom unit and 2 parking spaces for each 3 bedroom unit
Hospitals	1 space for each 4 patient beds, exclusive of bassinets, plus 1 space for each staff or visiting doctor, plus 1 space for each 3 employees including nurses, plus adequate area for the parking of emergency vehicles

Use	Number Of Parking Spaces
Industrial establishments	Adequate area to park all employees and customer's vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment
Medical or dental clinics or offices	4 spaces per doctor plus 1 space for each 2 employees
Motel, rooming house or hotel	1 parking space for each guest provided overnight accommodations
Office building	1 parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service area
Sanatoriums, convalescent or nursing homes	1 space for each 6 patient beds plus 1 space for each staff or visiting doctor plus 1 space for each 4 employees including nurses

For all uses not covered above, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off street parking requirement for the permitted use. (Ord. 362, 4-3-2012)

12-7-6: **OFF STREET PARKING LOTS IN RESIDENTIAL DISTRICTS:** Whenever off street parking lots for more than four (4) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

- A. All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge a height of not less than six feet (6'). Such fence, wall, or hedge shall be maintained in good condition.
- B. No parking shall be permitted within a front yard setback line established ten feet (10') back or the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other

cases no setback shall be required; provided, however, that on any corner lot formed by two (2) intersecting streets no parking shall be permitted and no wall, fence, sign, structure or plant growth having a height in excess of three feet (3') above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty feet (30') along said front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

- C. All yards shall be landscaped with grass, shrubs, and evergreen ground cover and maintained in good condition year round.
- D. Driveways used for ingress and egress shall be confined to and shall not exceed twenty five feet (25') in width, exclusive of curb returns.
- E. All of the lot used for parking and driveway purposes shall be paved with gravel, concrete or sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- F. The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
- G. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent incandescent lighting of signs shall be permitted. (Ord. 362, 4-3-2012)

CHAPTER 8

**NONCONFORMING BUILDINGS, STRUCTURES,
AND USES OF LAND**

SECTION:

- 12-8-1: Intent
- 12-8-2: Nonconforming Lots Of Record
- 12-8-3: Nonconforming Uses Of Land (Or Land With Minor Structures Only)
- 12-8-4: Nonconforming Structures
- 12-8-5: Nonconforming Uses Of Structures Or A Structure And Premises In Combination
- 12-8-6: Repairs And Maintenance
- 12-8-7: Uses Under Special Exception Provisions Not Nonconforming Uses

12-8-1: **INTENT:** Within the districts established by this title or amendments that may later be adopted there exists:

- A. Lots.
- B. Structures.
- C. Uses of land and structures.
- D. Characteristics of use.

Which were lawful before this title was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this title or future amendment. It is the intent of this title to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date hereof and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. (Ord. 362, 4-3-2012)

12-8-2: **NONCONFORMING LOTS OF RECORD:** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date hereof, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained through action of the board of adjustment.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this title, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title. (Ord. 362, 4-3-2012)

12-8-3: **NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY):** Where at the time of passage

of this title lawful use of land exist which would not be permitted by the regulations imposed by this title, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date hereof;
- B. No such 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 hereof;
- C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located;
- D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (Ord. 362, 4-3-2012)

12-8-4: **NONCONFORMING STRUCTURES:** Where a lawful structure exists at the effective date hereof that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 362, 4-3-2012)

12-8-5: **NONCONFORMING USES OF STRUCTURES OR A STRUCTURE AND PREMISES IN COMBINATION:** If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or is a structure and premises in combination, exists at the effective date hereof, that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption hereof, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this title.
- D. Any structure, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises), the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose

of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at a time of destruction. (Ord. 362, 4-3-2012)

12-8-6: **REPAIRS AND MAINTENANCE:** On any nonconforming structure or portion of a structure containing use, work may be done in any period twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic context existing when it became nonconforming shall not be increased.

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

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (Ord. 362, 4-3-2012)

12-8-7: **USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES:** Any use which is permitted as a special exception in a district under the terms of this title (other than a change through board of adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use. (Ord. 362, 4-3-2012)

CHAPTER 9

BOARD OF ADJUSTMENT

SECTION:

- 12-9-1: Board Of Adjustment And Methods Of Appeal
- 12-9-2: Membership
- 12-9-3: Procedure
- 12-9-4: Appeals
- 12-9-5: Powers
- 12-9-6: Appeal To District Court

12-9-1: **BOARD OF ADJUSTMENT AND METHODS OF APPEAL:**
There is hereby created within and for the town of Arnett a board of adjustment with the powers and duties as hereinafter set forth. (Ord. 362, 4-3-2012)

12-9-2: **MEMBERSHIP:** The board of adjustment shall be composed of five (5) members, citizens of the town of Arnett, each appointed by the mayor with the approval of the council for a term of three (3) years; provided, however, that for the first appointment under the provisions of this title one member shall be appointed for a term of one year, two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years.

Not less than two (2) members shall be appointed from the membership of the planning commission.

The board shall elect a chairman from its membership to serve for a term of two (2) years. (Ord. 362, 4-3-2012)

12-9-3: **PROCEDURE:** The board shall adopt rules in accordance with the provisions of this title. Meetings of the board shall be held at the call of the chairman and at such other times as the board may deter-

mine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the town clerk-treasurer and shall be public record. The concurring vote of four (4) members of the board shall be necessary to reverse any order requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. (Ord. 362, 4-3-2012)

12-9-4: **APPEALS:** Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the town of Arnett, affected by any decision of the building inspector. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the office from whom the appeal is taken and with the town clerk-treasurer a notice of appeal specifying the grounds thereof, and by paying a filing fee of fifteen dollars (\$15.00) at the office of the town clerk-treasurer at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (Ord. 362, 4-3-2012)

12-9-5: **POWERS:** The board of adjustments shall have the following powers:

- A. Powers To Hear And Decide Appeals: To hear and decide appeals where it is alleged there is an error, requirement, decision, or

determination made by an administrative official in the interpretation or enforcement of this title.

- B. Powers Relative To Variations: Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of this title would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this title.
- C. Powers Relative To Exception: Upon appeal, the board is hereby empowered to permit the following exceptions:
1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 2. To interpret the provision of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this title.
 3. To grant exceptions to the off street parking requirement set forth in chapter 7 of this title, when it is determined that the size and shape of the lot to be built on is such that off street parking provisions could not be complied with and that the proposed use will not create undue traffic congestion in the adjacent streets.

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

value within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the town of Arnett. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal. (Ord. 362, 4-3-2012)

12-9-6: **APPEAL TO DISTRICT COURT:** An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the town of Arnett to the district court by filing notice of appeal with the town clerk-treasurer and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of each appeal. Upon filing of the notice of appeal as herein provided, the said board shall forthwith transmit to the court clerk of the county the original or certified copy of all papers constituting the record in the case, together with the order, decision or ruling of the board.

An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment, from which the appeal is taken, certifies to the court clerk, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title, and upon notice to the chairman of the board of adjustment for which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review. (Ord. 362, 4-3-2012)

CHAPTER 10
ADMINISTRATION

SECTION:

- 12-10-1: Building Permit Of Certificate Of Occupancy Required
- 12-10-2: Procedure For Authorizing Uses Permitted On Review
- 12-10-3: Violations And Penalties
- 12-10-4: Amendments
- 12-10-5: Classification Of New Additions
- 12-10-6: Invalidity Of A Part
- 12-10-7: Official Zoning Map

12-10-1: **BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED:** It shall be a violation of this title for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained with the following conditions:

- A. Building Permit: Whenever any structure or building is to be improved, erected, moved or structurally altered then a building permit shall be obtained from the town clerk-treasurer for a fee of fifty four dollars fifty cents (\$54.50) who may require every applicant for a building permit to furnish the following information:
 - 1. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off street parking and loading facilities.
 - 2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accom-

modates and which each existing and proposed building is designed to accommodate.

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

4. A survey prepared by an engineer registered in the state of Oklahoma of the boundaries of the lot which the improvement is proposed to be located.

5. The property owner is hereby prohibited from connecting any new construction to the town water system until furnished with a copy of the building permit issued by the town clerk-treasurer. (Ord. 362, 4-3-2012)

12-10-2: **PROCEDURE FOR AUTHORIZING USES PERMITTED ON**

REVIEW: The uses listed under the various districts herein as "uses permitted on review" are so classified because they intensely dominate the area in which they are located than do other uses permitted in the district; however, established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures:

- A. An application shall be filed with the town planning commission for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred feet (300'), and any other material pertinent to the request which the planning commission may require.
- B. The town planning commission shall hold one or more public hearings thereon.
- C. The planning commission shall within forty five (45) days of the date of application, transmit to the town council its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and the recommendation of the planning commission concerning use thereon. Thereupon, the town council may authorize or deny the issuance of a building permit for the use of land or buildings as requested. (Ord. 362, 4-3-2012)

12-10-3: **VIOLATIONS AND PENALTIES:** A violation of this title shall be deemed a misdemeanor and shall be punished by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this title shall be fined not less than five dollars (\$5.00) and no more than twenty dollars (\$20.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 362, 4-3-2012)

12-10-4: **AMENDMENTS:** The town council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the planning commission, amend the regulations and districts herein established. No change in regulations, restrictions, and districts boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard at least fifteen (15) days' notice of the time and place of circulation in the town of Arnett.

- A. Passage By The Town Council: Every such proposed amendment shall be referred by the town planning commission for report. If a protest against such amendment is presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land within such area proposed to be altered, or by the owner of twenty percent (20%) or more of the land within such area proposed to be altered, or by the owner of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated therefrom only by an alley or street, such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of the town council.

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

For each petition for amendment to the zoning ordinance a fee of ten dollars (\$10.00) plus, the cost of legal publication shall be paid to the town clerk-treasurer. (Ord. 362, 4-3-2012)

12-10-5: **CLASSIFICATION OF NEW ADDITIONS:** All new additions and annexations of the land to the town of Arnett shall be in

an A-1 agricultural district unless otherwise classified by the town council; for a period of time not to exceed one year from effective date of the ordinance annexing said addition.

Within this one year period of time the town council shall instruct the town planning commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the comprehensive town plan, and upon receipt of such recommendations the town council shall, after public hearings, as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the town council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation. (Ord. 362, 4-3-2012)

12-10-6: **INVALIDITY OF A PART:** In case any portion of this title shall be held to be invalid or unconstitutional, the remainder of this title shall not thereby be invalid, but shall remain in full force and effect. (Ord. 362, 4-3-2012)

12-10-7: **OFFICIAL ZONING MAP:** The town is hereby divided into districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title.

The official zoning map shall be identified by the signature of the mayor, attested by the town clerk-treasurer, and bearing the seal of the town under the following words:

We hereby certify that this map was adopted as a part of Ordinance 362 the Zoning Ordinance of the Town of Arnett, introduced on the 3rd day of April 2012, and passed and adopted on the 3rd day of April 2012.

If in accordance with the provisions of this title and 11 Oklahoma Statutes, sections 41-101 through 41-115, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the town council, together with an entry on the official zoning map as follows:

On this date _____, by official action of the Town Council the following change or changes were made on the Official Zoning Map: (brief description of nature of change)

which entry shall be signed by the mayor and attested by the town clerk-treasurer. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the official zoning map. No amendment to this title which involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and is punishable under section 12-10-3 of this chapter.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map which shall be located in the office of the town clerk-treasurer shall be the final authority as the current zoning status of land and water areas, building, and other structures in the city.

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the town council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the town clerk-treasurer, and bearing the seal of the town under the following words:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted April 3, 2012 as part of Ordinance number 362 of the Town of Arnett, Oklahoma.

(Ord. 362, 4-3-2012)