

ORDINANCE 428

AN ORDINANCE PROVIDING FOR THE CREATION OF A PLANNING AND ZONING COMMISSION; THE APPOINTMENT AND AUTHORITY OF MEMBERS; ESTABLISHING ZONING REGULATIONS; SUB-DIVISION REGULATIONS, PERMITTING USE OF MANUFACTURED HOMES, AND FLOOD HAZARD PREVENTION; REPEALING ORDINANCE 217 AND ALL OTHER ORDINANCES AND PORTIONS THEREOF IN CONFLICT THEREWITH WITH AN EFFECTIVE DATE; AS PER 11 O. S. SECTIONS 45-101, ET SEQ.

WHEREAS, the health, safety and economic well-being of both the citizens of Stilwell and municipal employees is of paramount importance; and

WHEREAS, it is the opinion of this Council that adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the City of Stilwell,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

THE CITY OF STILWELL PLANNING AND ZONING ORDINANCE

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ARTICLE A

SECTION 1 PLANNING COMMISSION CREATED

There is hereby created with and for the City a Planning Commission which shall consist of five (5) members as hereinafter provided.

- A The members of the Commission must be citizens, property owners, or business owners within the City of Stilwell.
- B The members of the Commission shall be nominated and appointed without reference to party affiliation and shall serve without compensation, except as hereinafter provided.
- C It is the declared policy of the Council that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgement and availability to prepare for and attend meetings.

SECTION 2 TERM OF OFFICE, PROVISIONS FOR VACANCIES

Members of the City Planning Commission shall hold office for a term of four (4) years, with the exception that:

- A In the first instance one (1) shall be appointed to serve a term of one (1) year, two (2) for a term of two (2) years and two (2) appointed for a term of three (3) years;
- B Appointments thereafter shall be made for a term of four (4) years; however,
- C When a vacancy occurs, an appointment shall be made to fill the unexpired term.

D Terms in office shall begin on July 1 and end on June 30.

SECTION 3 EX OFFICIO MEMBERS

The Mayor, City Clerk, Municipal Works Director, and Community Development Director shall be ex officio members of the City Planning Commission but shall receive no compensation other than their affixed salary as such officials.

SECTION 4 QUORUM

Three (3) members of five (5) of the City Planning Commission shall constitute a quorum for the transaction of business. However, no action shall be taken and be binding upon the City Planning Commission unless concurred in by not less than a majority of all members comprising the City Planning Commission.

SECTION 5 APPOINTMENT AND CONFIRMATION

The Mayor shall appoint the members of the City Planning Commission, subject to approval and confirmation by the City Council.

SECTION 6 MEETINGS; ORGANIZATION AND RULES

- A The members of the City Planning Commission shall meet and organize by selecting from their members a chairman and vice-chairman and shall adopt from time to time such bylaws, rules and regulations and amendments thereto as may be necessary to effectuate the purpose of this Chapter.
- B All meetings, deliberations and voting of the Board shall be subject to the provisions of the Open Meeting Act and, as such, open to the public.
- C The City Clerk shall keep the minutes of its proceedings, showing the vote of each member upon each question or, if absent, or if absent or failing to vote, indicating such facts and shall keep records of all official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

SECTION 7 POWER TO EMPLOY STAFF; DUTIES

- A It is the duty of the Commission to prepare from time-to-time plans for the systematic development and betterment of the Municipality as a place of residence or for business.
- B The Commission may incur necessary expenses within the limits of its appropriation to carry out its purposes and responsibility.
 - 1 It shall have the power and authority to employ engineers, attorneys, clerks and a secretary, or other help deemed necessary, subject to the approval of the Council.
 - 2 The salary and compensation of such employees shall be fixed by the City and shall be paid out of the City Treasury but in no event may the planning commission be authorized to create a deficiency

SECTION 8 POWERS AND DUTIES, SUBDIVISION OF LAND

- A The Planning Commission may consider and investigate any subject matter tending to the development and betterment of the City and make recommendations as it may deem advisable concerning the adoption thereof to any department of the municipal government and, for any purpose, make or cause to be made surveys, maps or plans.
- B Before final action shall be taken by the City Council or any department of city government on the location and designs of any public building, statue, memorial, park, or the change in

location of any street or alley or the grade thereof, such questions shall be submitted to the City Planning Commission for investigation and report.

- C The Planning Commission may prepare and recommend to the City Council the adoption of rules and regulations governing the subdivision of land within the corporate limits of the City. All plans, plats or other portions of the same intended to be dedicated to public or private use within the corporate limits of the City shall first be submitted to the Planning Commission for its recommendation, approval or rejection.
- D The disapproval of any such plan, plat or re-plat by the City Council of the City shall be deemed a refusal of the purported dedication shown thereon.

SECTION 9 UNIFORMITY OF REGULATIONS

- A The Planning Commission may recommend the division of the City into districts of such number, size and area as may be deemed best suited to carry out the zoning purpose.
- B All such regulation shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

SECTION 10 ADDITIONAL AUTHORITY

The City Planning Commission shall have additional authority and responsibility as the City Council shall from time to time prescribe.

SECTION 11 PLANNING COMMISSION TO ACT AS ZONING COMMISSION

The City Planning Commission also shall act as the Zoning Commission and shall: have the power to prepare and recommend to the City Council zoning district boundaries and appropriate regulations relating to the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the location and use of buildings, structures and land for trade, industry, residences and other purposes. Such recommendations, if adopted, shall be adopted by ordinance.

SECTION 12 REMOVAL FROM OFFICE

Committee members may be removed for cause by the City Council upon written charges and after public hearing.

ARTICLE B

BOARD OF ADJUSTMENT

SECTION 1 BOARD OF ADJUSTMENT CREATED

There is hereby created with and for the City a Board of Adjustment which shall consist of five (5) members as hereinafter provided.

- A The members of the Commission must be citizens, property owners, or business owners within the City of Stilwell.
- B The members of the Commission shall be nominated and appointed without reference to party affiliation and shall serve without compensation, except as hereinafter provided.
- C It is the declared policy of the Council that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgement and availability to prepare for and attend meetings.

SECTION 2 TERM OF OFFICE, PROVISIONS FOR VACANCIES

Members of the Board of Adjustment shall hold office for a term of three (3) years, with the exception that:

- A In the first instance two (2) shall be appointed to serve a term of one (1) year, two (2) for a term of two (2) years and one (1) appointed for a term of three (3) years;
- B Appointments thereafter shall be made for a term of three (3) years; however,
- C When a vacancy occurs, an appointment shall be made to fill the unexpired term.
- D Terms in office shall begin on July 1 and end on June 30.

SECTION 3 EX OFFICIO MEMBERS

The Mayor, City Clerk, Municipal Works Director, and Community Development Director shall be ex officio members of the Board of Adjustment but shall receive no compensation other than their affixed salary as such officials.

SECTION 4 QUORUM

Three (3) members of five (5) of the Board of Adjustment shall constitute a quorum for the transaction of business. However, no action shall be taken and be binding upon the Board of Adjustment unless concurred in by not less than a majority of all members comprising the Board of Adjustment.

SECTION 5 APPOINTMENT AND CONFIRMATION

The Mayor shall appoint the members of the Board of Adjustment, subject to approval and confirmation by the City Council.

SECTION 6 MEETINGS; ORGANIZATION AND RULES

The Board shall adopt rules in accordance with the provisions of this Chapter.

- A The Board of Adjustment shall elect one of its members as chairman.
- B Meetings of the Board shall be held at the call of the chairman and as such other times as the Board may determine.
- C The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses by subpoena.
- D The Board of Adjustment shall be subject to the open meeting laws of the State, and all meetings, deliberations and voting of the Board shall be open to the public and the Board shall keep the minutes of its proceedings, showing the vote of each member upon each question or, if absent, or if absent or failing to vote, indicating such facts and shall keep records of all official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

SECTION 7 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Building Inspector.

- A Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and with the City Clerk a notice of appeal specifying the grounds thereof and by paying a filing fee established by the Board of Adjustment which shall be sufficient to defray the cost of publishing the notice or public hearing and any other costs associated with the hearing; and the appellant shall pay such fee upon filing the appeal. The officer from whom

the appeal is taken shall forthwith transmit to the Board of Adjustment the papers constituting the record upon which the action appealed from was taken.

- B An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from who the appeal is taken certifies to the Board of Adjustment, after notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay, in his opinion, would cause imminent peril to life or property, In such cases, which may be granted by the Board of Adjustment or by a court of record on application and notice to the officer from who the appeal is taken and on the cause shown.
- C The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matters referred to it, giving ten (10) days public notice thereof in a newspaper of general circulation in City as well as due notice to the parties in interest, in conformance with the requirements concerning "Notice and Hearings", and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 8 POWERS,

The board of adjustment shall have the power to:

- A hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance;
- B hear and decide special exceptions to the zoning ordinance to allow a use, or a specifically designated element associated with a use, which is not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment, where specifically authorized by the zoning ordinance, and in accordance with the substantive and procedural standards of the zoning ordinance;
 - 1 Exceptions and/or variances may be allowed by the board of adjustment only after notice and hearing as provided in Section 10 if this article.
 - 2 The record of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.
- C authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the board shall have no power to authorize variances as to use except as provided by paragraph D of this section;
- D hear and decide oil and/or gas applications or appeals unless prohibited throughout a municipality by municipal ordinance. The board of adjustment shall be required to make the findings prescribed in O.S. §11-44-107 in order to grant a variance as to use with respect to any such application or appeal.

SECTION 9 EXCEPTIONS AND VARIANCES

- A The board of adjustment shall hear requests for special exceptions:
 - 1 To decide upon those applications for a special exception to use or develop property, when the same is authorized under these regulations subject to Board Approval.
 - i An application for a special exception to use or develop property, as specifically authorized in district use regulations or in this Section, may be filed by any person

owning the affected property or by any tenant upon written authorization of the owner.

- Such application shall be filed with the Board and a copy thereof with the enforcing officer.
 - Such application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet, and any other material pertinent to the request which the Board of Adjustment may require. The term "300 feet" shall mean "from property line to property line".
- ii In reaching its decision, the Board shall not grant the application if it finds:
- That the use is not specifically permitted under the regulation; and
 - That the location of proposed activities and improvements is not clearly defined on the site plan filed by the applicant; or
 - The exception will not be wholly compatible with the use and permitted development of adjacent properties.
- iii The Board of Adjustment shall hold one or more public hearings thereon, in accordance with the requirements for "Notice and Hearings".
- 2 Any appeal or application may be withdrawn upon written notice to the enforcing officer, but no appeal shall be withdrawn after posting of hearing notice and prior to Board action thereon without formal consent of the Board.

B The board of adjustment shall hear requests for variances:

- 1 To authorize upon appeal in specific cases such variances from the terms of this Chapter, other than as to use, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will, in any individual case, result in unnecessary hardship, so that the spirit of this Chapter shall be observed, and substantial justice done.
- 2 Such variances may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:
- i There are extraordinary and exceptional conditions pertaining to the piece of property in question because of its particular size, shape or topography;
 - ii The application of this Chapter to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
 - iii Such conditions are peculiar only to the particular piece of property involved; or
 - iv Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance or the comprehensive plan; provided, however, that no variance may be granted for use of land, buildings or structures that is prohibited by this Chapter; and

C Extent of Relief.

- 1 In exercising the above-mentioned powers, the Board of Adjustment, in conformity with the provisions of Title 11 of the Oklahoma Statutes, Section 44-105, and the provisions of this Chapter, may reverse or affirm, wholly or partly, or modify the order, requirement, decision 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.
- i Every decision of the Board shall be based upon findings of fact and every fact shall be supported in the record of proceedings.
 - ii The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under these regulations shall be construed as limitations on the power of the Board to act.

- iii Nothing herein contained shall be construed to empower the Board to change the terms of these regulations or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of these regulations will be strictly enforced.

D Four (4) Votes Required.

- 1 The concurring vote of at least four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, or to decide in favor of the applicant, or to decide any matter upon which it is required to pass under this Chapter, or to effect any variation of this Chapter.
 - i A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal or will be directly affected by the decision of the Board; and
 - ii A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

E Approval of Request:

- 1 In approving any request, the Board may designate such conditions in connection therewith, in order to secure substantially the objectives of the regulation or provision to which such variance is granted, to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted;
 - i When necessary, the Board may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.
 - ii Where any condition under which a request has been granted appears to have been violated, the Board may hold a public hearing thereon to determine whether or not the permit theretofore granted shall be terminated;
- 2 Upon approval of an application for special exception or of a variance appeal, the applicant shall apply for occupancy or construction permits within sixty (60) days after the Boards' decision, unless a greater time is requested in the application and is authorized by the Board.
- 3 Any approval may be granted one (1) emergency extension of sixty (60) days on written request filed with the Board before expiration of the original approval.
- 4 Failure of the applicant to apply for occupancy or construction permits within the authorized time period shall void the right to secure such permits, except upon the filing of a new application appeal.

F Denial of Request:

- 1 No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans or obtaining of a new decision from the enforcing officer, unless;
 - i The new plans materially change the nature of the request; or
 - ii The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions

SECTION 10

NOTICE AND HEARINGS

- A The Board of Adjustment shall fix a reasonable time for the hearing of an appeal or other matters referred to it.
- B Notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City where the property is located and by mailing written

notice by the Clerk of the Board of Adjustment to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing; and

- C The notice, whether by publication or mail, of a public hearing before the Board of Adjustment shall contain:
 - 1 A legal description of the property and the street address or approximate location in the City;
 - 2 Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
 - 3 Date, time and place of the hearing.
- D On hearings involving minor variances or exceptions, notice shall be given by the Clerk of the Board of Adjustment by mailing written notice to all owners of property adjacent to the subject property.
 - 1 The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in subsection C-1 of this section.
 - 2 The Board of Adjustment shall set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the City Council.

SECTION 11 REVIEW BY CERTIORARI, PETITION FOR JUDICIAL REVIEW

The Board of Adjustment; or any taxpayer; or any officer, department, board or bureau of the Municipality may present to a court of record in the district a duly verified petition, setting forth grounds of the alleged illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board of Adjustment.

SECTION 12 WRIT OF CERTIORARI AND RESTRAINING ORDER.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the Realtor's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowances of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

SECTION 13 TESTIMONY AND ADJUDICATION.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matters, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings on which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

SECTION 14 REMOVAL FROM OFFICE

Committee members may be removed for cause by the City Council upon written charges and after public hearing.

CHAPTER TWO – ZONING REGULATIONS

ARTICLE A

CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCE

Section 1	Citation
Section 2	Purpose
Section 3	Regulation
Section 4	Zoning Districts
Section 5	Definitions
Section 6	Interpretation of District Boundaries
Section 7	Vacation of Public Easements

SECTION 1 CITATION

This Ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma, shall be known as the "Zoning Regulations" and may be cited as such.

SECTION 2 PURPOSE

The regulations contained herein are necessary to:

- A encourage the most appropriate uses of land;
- B maintain and stabilize the value of property;
- C reduce fire hazards and improve public safety and safeguard the public health;
- D decrease traffic congestions and its accompanying hazards;
- E prevent undue concentrations of population; and
- F create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities.

In interpreting and applying the provisions of this Chapter, they shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

SECTION 3 REGULATION

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

SECTION 4 ZONING DISTRICTS

The City is hereby divided into zones, as shown on the zoning map filed with the City Clerk. The map, as amended, and all explanatory material thereon is hereby made a part of this Chapter. Zones shall be designated as follows:

- A Agricultural (Yellow)
 - 1 A-1 General Agricultural District;
- B Residential (Brown)
 - 1 R-1 Single-Family Residential District; R-2 Two-family Residential District; or R-3 Multiple-Family Residential District;
- C Commercial (Green)
 - 1 C-1 Commercial District;

D Industrial (Red)

- 1 I-1 Light Industrial District; or I-2 Heavy Industrial District.

Specific district regulations are set forth in Article B of this Chapter.

SECTION 5 DEFINITIONS.

- A For the purpose of these regulations, words used in the present tense shall include the future tenses; words in the singular number include the plural; and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directive.
- B For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter:
- 1 "Accessory building or structure" means a building customarily incidental, appropriate and subordinate to the main building or use and located on the same lot with the main building.
 - 2 "Accessory use" means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises;
 - 3 "Advertising sign or structure" means any cloth, card, paper, metal, painted glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including 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 not merchandise not materials being offered for sale shall be construed as advertising signs for the purpose of this definition;
 - 4 "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture or animal or poultry husbandry and the necessary accessory uses for packing, treating or storing produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use;
 - 5 "Alley" means a public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation;
 - 6 "Apartment house" means a multiple-family dwelling. (See "dwelling, multiple family");
 - 7 "Automobile" means a self-propelled, mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, the following:
 - i Passenger cars;
 - ii Trucks;
 - iii Buses;
 - iv Motor scooters; or
 - v Motorcycles.
 - 8 "Automobile service station" means any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories and which may or may not include facilities for lubricating, washing, cleaning or otherwise servicing automobiles, but not including the painting thereof;
 - 9 "Automobile wrecking or salvage yard" means an area outside of a building where motor vehicles are disassembled, dismantled, junked or "wrecked" or where motor vehicles not in operable condition or used parts of motor vehicles are stored;

- 10 "Basement" means a story, partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half ($\frac{1}{2}$) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purpose by other than a janitor employed on the premises;
- 11 "Billboard" means any cloth, card, paper, metal, painted glass, wooden, plastic, plaster or 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;
- 12 "Boarding house" means a dwelling other than a hotel where, for compensation or by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more, but not exceeding twelve (12), persons;
- 13 "Building" means any structure intended for shelter, housing or enclosing persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure;
- 14 "Building coverage" means the percentage of the lot area covered by the building and shall include all overhanging roofs;
- 15 "Building height" means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof;
- 16 "Building, main" means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the main building on the lot on which it is situated;
- 17 "Building site" means a single parcel of land occupied or intended to be occupied by a building or structure;
- 18 "Carport" means a permanent, roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles;
- 19 "Carwash" means a structure designed primarily for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaner, high pressure spray or other mechanical device;
- 20 "Childcare center" means place, home or institution which received 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 period of time for compensation; provided, however, this definition shall not include:
 - i public or private schools organized, operated or approved under the laws of this State;
 - ii custody of children fixed by a court of competent jurisdiction;
 - iii children related by blood or marriage within the third (3rd) degree to the custodial person; or
 - iv churches or other religious or public institutions caring for children within the institutional building in which their parents or legal guardians are attending services, meetings or classes or are engaged in church activities;
- 21 "Clinic, dental or medical" means a facility for the examination and treatment of ill and afflicted human out-patients; provided, however, that patients are not kept overnight, except under emergency conditions, including, but not limited to, dental and doctors' offices;
- 22 "Convalescent, rest, nursing home" means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation;
- 23 "Court" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings;
- 24 "Court, inner" means a court other than an "outer court". The length of an inner court is the minimum, horizontal dimension measured parallel to its longest side. The width

- of an inner court is the minimum horizontal dimension measured at right angles to its length;
- 25 "Court, outer" means a court, the full width of which opens onto a required yard, or street or alley. The width of an outer court is the minimum, horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum, horizontal dimension measured at right angles to its width;
 - 26 "District, zoning" means any section or sections of Stilwell for which regulations governing the use of buildings or premises or the height or area of buildings are uniform;
 - 27 "Drive-in restaurant" means any establishment where food, frozen dessert or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building;
 - 28 "Dry cleaning or laundry, self-service" means any attended or unattended place, building or portion thereof available to the general public for the purpose of washing, drying, extracting moisture from or dry-cleaning wearing apparel, cloth, fabrics and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer;
 - 29 "Dwelling" means any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes or travel trailers;
 - 30 "Dwelling, attached" means a dwelling having any portion of two (2) walls in common with adjoining dwellings;
 - 31 "Dwelling, detached" means a dwelling having open space on all sides. Detached dwellings shall not have more than one adjoining wall or roof;
 - 32 "Dwelling, single-family" means a detached dwelling designed to be occupied by one family;
 - 33 "Dwelling, two-family" means a dwelling designed to be occupied by two (2) families living independently of each other;
 - 34 "Dwelling, multiple-family" means 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;
 - 35 "Dwelling, row house or town house" means three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family;
 - 36 "Family" means one or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying premises and living as a single, non-profit, housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use.
 - 37 "Floor area, gross" means the sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior walls or from the center line of walls separating two (2) buildings and including, but not limited to, the following spaces:
 - i Basements;
 - ii Elevator shafts and stairwells at each floor;
 - iii Floor space for mechanical equipment with structural head room of seven (7) feet;
 - iv Penthouses:
 - v Attic space providing head room of seven (7) feet or more;
 - vi Interior balconies, mezzanines and enclosed, covered porches and enclosed steps; or

- vii Accessory uses in enclosed, covered space, but not including space used for off-street parking;
- 38 "Floor area, net" means the total floor area within a building devoted or intended to be devoted to a particular use, whether above or below the finished lot grade, excluding:
 - i Elevators;
 - ii Stairwells;
 - iii Hallways;
 - iv Walls and partitions; or
 - v Floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms or other items permanently preventing the floor space from being occupied by persons while engaged in use of the area;
- 39 "Floor area, ratio" means a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located, as:

FLOOR AREA / LOT AREA equals FLOOR AREA RATIO

- 40 "Garage apartment" means a dwelling unit for one family, erected about a private garage;
- 41 "Garage, private" means an accessory building or part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory;
- 42 "Garage, public" means any garage other than a private garage, available to the public, used for the care or servicing of automobiles where such vehicles are parked or stored for remuneration, hire or sale;
- 43 "Garage, repair" means a building in which are provided facilities for the care, servicing, repair or equipping of automobiles;
- 44 "Home association" means an incorporated, non-profit organization, operating under recorded land agreements through which:
 - i Each lot or homeowner in a planned unit or other described land area is automatically a member;
 - ii Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
 - iii The charge, if unpaid, becomes a lien against the property;
- 45 "Home occupation" means any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the dwelling, and which is conducted entirely with the main or accessory buildings: provided, that no trading in merchandise is carried on; and in connection with which there is no display of merchandise or sign other than one non-illuminated nameplate, not more than two (2) feet square in area, attached to the main or accessory building; and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which the occupation is conducted. The conducting of a beauty or barber shop, tearoom or restaurant, rest home, clinic, doctor's or dentist's office, child care center, tourist home, real estate office, or cabinet, metal or auto repair shop shall not be deemed a home occupation;
- 46 "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities;
- 47 "Hotel" means a building or group of buildings under one ownership containing six (6) or more sleeping rooms, occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged, with or without meals, for compensation, but not including an auto or trailer court or camp,

- sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint;
- 48 "Kennel" means any lot or premises on which four (4) or more dogs more than six (6) months of age are kept;
- 49 "Lot" means any plot of land occupied or intended to be occupied by one building, or a group of buildings, and accessory buildings and uses, including such open spaces as required by this Chapter and other laws or ordinances, and having its principal frontage on a street;
- 50 "Lot area" means the total horizontal area included within lot lines;
- 51 "Lot, corner" means a lot of which at least two (2) adjacent sides abut 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 (135) degrees;
- 52 "Lot, depth" means the average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot;
- 53 "Lot, double frontage" means a lot having a frontage on two (2) non- intersecting streets, as distinguished from a corner lot;
- 54 "Lot, frontage" means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot;
- 55 "Lot, interior" means a lot other than a corner lot;
- 56 "Lot lines" means the lines bounding a lot as defined herein;
- 57 "Mobile home" means a portable or mobile living unit used or designed for human occupancy on a permanent basis;
- 58 "Mobile home park" means land or property which is used or intended to be used or rented for occupancy by one or more trailers or moveable sleeping quarters of any kind;
- 59 "Nonconformance" means a lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage or off-street parking requirements;
- 60 "Nonconforming use" means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated;
- 61 "Parking space" means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile. For purposes of this Chapter, the size of the parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area for ingress and egress;
- 62 "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. "Rest home" - See "Convalescent home";
- 63 "Rooming house" means a building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12), persons; all in excess of this number shall be defined as a hotel under the terms of this Chapter;
- 64 "Setback" means the distance between the lot line and the building line;
- 65 "Stable, private" means a stable with a capacity for not more than two (2) horses or mules;
- 66 "Stable, public" means a stable, other than a private stable, with a capacity for more than two (2) horses or mules;
- 67 "Sanatorium" means an institution providing health facilities for in- patient, medical treatment or treatment and recuperation, using natural, therapeutic agents;
- 68 "Signs" - See "Advertising sign";
- 69 "Site development plan" means a plan, drawn at a scale of not less than fifty (50) feet equals one inch, which shows the topographic characteristics of the site at a contour interval of not less than one foot; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and

screening, service areas and courts, and other features; the use of each building and area; the height of buildings; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect;

- 70 "Story" means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it;
- 71 "Story, half" means a space under a sloping roof which has the line of intersections of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing an independent apartment or living quarters shall be counted as a full story;
- 72 "Street" means any public or private thoroughfare which affords the principal means of access to abutting property;
- 73 "Street, intersecting" means any street which joins another street at an angle, whether or not it crosses the other;
- 74 "Structure" means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground;
- 75 "Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls;
- 76 "Tourist court" means an area containing one or more structures designed or intended to be used as a temporary sleeping facilities or one or more transient families and intended primarily for automobile transients;
- 77 "Tourist home" means a dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guest for compensation;
- 78 "Town house" - See "Dwelling, row house or town house"
- 79 "Trailer court" - See "Mobile home park";
- 80 "Trailer home" - See "Mobile home";
- 81 "Trailer, hauling" means a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats;
- 82 "Trailer, travel or camping" means a portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants and containing less than one hundred seventy-five (175) square feet of floor area;
- 83 "Yard" means 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 Chapter that an accessory building may be located in a portion if a yard required for main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used;
- 84 "Yard, front" means a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps;
- 85 "Yard, rear" means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections, other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard; and
- 86 "Yard, side" means a yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections, other than steps.

SECTION 6 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 center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries;
- B Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries;
- C Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning map; and
- 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.

SECTION 7 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.

ARTICLE B

SPECIFIC DISTRICT REGULATIONS

A-1 - GENERAL AGRICULTURAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Uses Permitted on Review
Section 4	Area Regulations
Section 5	Height Regulations

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Uses Permitted on Review
Section 4	Area Regulations
Section 5	Height Regulations

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Uses Permitted on Review
Section 4	Area Regulations
Section 5	Height Regulations

R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Uses Permitted on Review
Section 4	Area Regulations
Section 5	Height Regulations

R-M MOBILE HOME PARK DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Uses Permitted on Review
Section 4	Area Regulations
Section 5	Height Regulations
Section 6	Parking Requirements

C-1 COMMERCIAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Area Regulations
Section 4	Height Regulations

I-1 LIGHT INDUSTRIAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Area Regulations
Section 4	Height Regulations

I-2 HEAVY INDUSTRIAL DISTRICT

Section 1	General Description
Section 2	Uses Permitted
Section 3	Area Regulations
Section 4	Height Regulations

A-1 - GENERAL AGRICULTURAL DISTRICT

SECTION 1 GENERAL DESCRIPTION

This district is intended to provide a location for land situated on the fringe of the urban area that is used for agricultural purposes but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial areas. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

SECTION 2 USES PERMITTED

Property and buildings in the A-1, general agricultural district, shall be used only for the following purposes:

- A Detached, one-family dwelling;
- B Church;
- C Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping;
- D Agricultural crops;
- E The raising of farm animals in accordance with the ordinances of Stilwell.
- F All of the following uses:
 - 1 County club;
 - 2 Golf course or driving range
 - 3 Home occupation;
 - 4 Library;
 - 5 Municipal use;
 - 6 Park or playground;
 - 7 Plant nursery; or
 - 8 Public service or utility use;
 - 9 Bulletin board or sign in accordance with the ordinances of Stilwell
 - 10 Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, private garages and accessory buildings which are part of the main building. Poultry houses will not be considered as accessory buildings.

SECTION 3 USES PERMITTED ON REVIEW

The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in this Code:

- A Lodge hall, veterans' organization, service organization;
- B Sign or display, not exceeding two (2) in number, advertising the residential, commercial or industrial development of the land on which the sign or display is situated. All signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three (3) years from the date of issuance of special permit. The type, location and lighting of the sign or display shall be such as not to be detrimental to the use of adjacent properties or to restrict sight distance on public streets;
- C Airport or landing field;
- D Cemetery;
- E Kennel;
- F Radio and/or television station and transmission tower;
- G Stable, public;
- H Child care center, in accordance with the provisions of Article C, Section 6; and
- I Drilling for oil or natural gas or the extraction of sand, gravel or minerals; provided that the operation is conducted in accordance with the provisions of the ordinances of Stilwell and the State laws and regulations relating thereto.

SECTION 4 AREA REGULATIONS

- A Front yard requirements are as follows:
 - 1 All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
 - i The minimum depth of the front yard shall be twenty-five (25) feet;
 - ii If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line,

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

- iii When a yard has double frontage, the front yard requirements shall be provided on both streets.
- 2 Side yard requirements are as follows:
- i For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet and of not less than eight (8) feet for dwellings of more than one story, except as hereinafter provided in Article C, 6. For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet; provided, however, that unattached, one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than sixty (60) feet from the front property line;
 - ii For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet, in case such lot is back-to-back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot; and
 - iii 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 thirty-five (35) feet.
- 3 Rear yard requirements are as follows:
- i There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.
 - ii Unattached buildings of accessory use may be located in the rear yard of a main building.
- 4 Lot width requirements are as follows:
- i For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and
 - ii Such lot shall abut on a street for a distance of not less than thirty-five (35) feet.
- 5 Intensity of use requirements are as follows:
- i For each dwelling and building's accessory thereto, there shall be a lot area of not less than five (5) acres.
 - ii Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Chapter, that lot may be used for one single family dwelling unit or for the uses set forth in paragraph 1, above, but not for the raising of animals; and
 - iii For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article D.
- 6 Coverage of use requirements are as follows:
- i 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.
 - ii Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

SECTION 5 HEIGHT REGULATIONS

No building shall exceed twenty-five (25) feet in height, except as provided in Article C, Section 3.

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 1 GENERAL DESCRIPTION

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

SECTION 2 USES PERMITTED

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

- A Detached single-family dwelling;
- B Church;
- C Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
- D Public park or playground;
- E Library;
- F Garden or agricultural crops but not for the raising of livestock;
- G Home occupation;
- H 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;
- I Bulletin board or sign, not exceeding forty (40) square feet in area, appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold; or
- J Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed.

SECTION 3 USES PERMITTED ON REVIEW

The following uses may be permitted on review in accordance with provisions contained in this Code:

- A Municipal use, public building and public utility;
- B Plant nursery in which no building or structure is maintained in connection therewith;
- C Golf club;
- D Sign or display, not exceeding two (2) in number, advertising the residential development of the land on which the sign or display is situated. All signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three (3) years from the date of issuance of the special permit. The type, location and lighting of the sign or display shall be such as not to be detrimental to the use of adjacent properties or to restrict sight distance on public streets;
- E Nationally recognized lodge halls, fraternal organizations, veterans' organizations; provided, however, any club organized primarily for the purpose of dispensing or drinking alcoholic beverages shall not be permitted hereunder;

- F Greenhouse; provided, the lot shall have a frontage on a major street of not less than eighty (80) feet with a land area of not less than twenty thousand (20,000) square feet, and the greenhouse shall be located within three hundred (300) feet of a major street with a setback from the side lot lines of not less than twenty-five (25) feet and in accordance with front building line requirements; and
- G Child care center, in accordance with the provisions contained in Article C, Section 6.

SECTION 4 AREA REGULATIONS

Area Regulations for an R-1, single-family residential district are as follows;

- A Front yard requirements:
 - 1 All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
 - 2 The minimum depth of the front yard shall be twenty-five (25) feet;
 - 3 If twenty-five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by existing buildings; but, this regulation shall not require a front yard of greater depth than forty (40) feet; or
 - 4 When a yard has double frontage, the front yard requirements shall be provided on both streets.
- B Side yard requirements:
 - 1 For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet and of not less than eight (8) feet for dwellings of more than one story, except as hereinafter provided in Article C, 6. For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet; provided, however, that unattached, one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than sixty (60) feet from the front property line;
 - 2 For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet, in case such lot is back-to-back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot; and
 - 3 Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35) feet.
- C Rear yard requirements:
 - 1 There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.
 - 2 Unattached buildings of accessory use may be located in the rear yard of a main building.
- D Lot width requirements:
 - 1 For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and
 - 2 Such lot shall abut on a street for a distance of not less than thirty-five (35) feet.
- E Intensity of use requirements:
 - 1 For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet;
 - 2 Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this Chapter, that lot may be used for any of the uses, except churches, permitted by this Section; and

- 3 For churches and main and accessory buildings, lot areas shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article D of this Chapter.
- F Coverage requirements:
- 1 Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots;
 - 2 Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area on corner lots;
 - 3 Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

SECTION 5 HEIGHT REGULATIONS

No building shall exceed twenty-five (25) feet in height, except as provided in Article C, Section 3.

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

SECTION 1 GENERAL DESCRIPTION

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and education facilities normally required to provide a balanced and attractive residential area. These areas are not 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 functions and relationship and arrangement of each element.

SECTION 2 USES PERMITTED

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

- A Any uses permitted in R-1, single-family residential district;
- B Two-family dwelling or single-family dwelling and a garage apartment; and
- C Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

SECTION 3 USES PERMITTED ON REVIEW

Any use permitted on review in an R-1, single-family residential district, in accordance with the provisions contained in this Code.

SECTION 4 AREA REGULATIONS

All Area Regulations for an R-1, single-family residential district, shall apply equally to R-2 two-family residential in accordance with the provisions contained in this Code with the following exceptions or additions:

- A For each two-family dwelling and accessory buildings there shall be a lot area of not less than seven thousand (7,000) square feet.
- B A garage apartment located on the same lot with a single-family dwelling shall have the same area requirements as a two-family dwelling.

SECTION 5 HEIGHT REGULATIONS

No building shall exceed twenty-five (25) feet in height, except as provided in Article C, Section 3.

R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 1 GENERAL DESCRIPTION

This residential district is intended to provide for multiple family developments which may have a relatively intense concentration of dwelling units served by large open spaces, including common areas and facilities, thereby resulting in low gross densities. The principal use of land may be for one or several dwelling types ranging from single-family to low-rise, multiple-family dwellings and including garden apartments, condominiums and townhouses.

SECTION 2 USES PERMITTED

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

- A Any use permitted in an R-1 residential district;
- B Townhouse, not exceeding eight (8) units per dwelling;
- C Multiple-family dwellings; and
- D Accessory buildings and uses customarily incidental to the above uses.

SECTION 3 USES PERMITTED ON REVIEW

Any use permitted on review in an R-1, single-family residential district, in accordance with the provisions contained in this Code.

SECTION 4 AREA REGULATIONS

All Area Regulations for an R-2, two-family residential district, shall apply equally to R-3 multiple-family residential in accordance with the provisions contained in this Code with the following exceptions or additions:

- A Lot width requirements are as follows:
 - 1 For townhouse dwellings there shall be a minimum lot width of twenty-two (22) feet at the front building line, and the lot shall abut on a street for a distance of not less than twenty-two (22) feet; and
 - 2 For multiple family dwellings there shall be a minimum lot width of sixty (60) feet at the front building line, and the width shall be increased by ten (10) feet for each additional dwelling unit exceeding three (3) which is located in the dwelling; provided, however, the lot width at the front building line shall not be required to exceed one hundred fifty (150) feet; and further provided, that the front lot line shall abut on a street for a distance of not less than fifty (50) feet.
- B Intensity of use:
 - 1 For all dwellings other than single-family there shall be a lot area of not less than five thousand (5,000) square feet per dwelling unit, including private and common area. In determining lot sizes for townhouses and multiple-family dwellings, common area shall be allocated equally per dwelling unit by dividing the total square footage of the common area by the number of dwelling units which it serves;
- C Coverage requirements are as follows:
 - 1 Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area.
 - 2 Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

SECTION 5 HEIGHT REGULATIONS

No building shall exceed twenty-five (25) feet in height, except as provided in Article C, Section 3.

R-M MOBILE HOME PARK DISTRICT

SECTION 1 GENERAL DESCRIPTION

The purpose of this district is to provide for the establishment of a higher density residential pattern within which the mobile home park will be compatible. The district is intended to provide for a permanently established residential environment. The mobile home parks permitted should be well designed and developed to provide a desirable living area. Recreational areas should also be incorporated into the development of uses in this district. Most of the standards for mobile home parks are contained in this Code.

SECTION 2 USES PERMITTED

- A Mobile home parks, mobile home sub-divisions and travel trailer parks are permitted, provided that they are not mixed, and such uses shall be subject to all regulations and ordinances which may be established by the City, including but not limited to minimum size of the park and individual's spaces, health and safety standards, and licensing requirements.
- B A commercial sign for mobile home parks or travel trailer parks is permitted and shall be subject to all provisions of all other applicable ordinances.
- C Accessory and secondary buildings of permanent construction necessary and incidental for the primary operations and maintenance of a mobile home park or travel trailer park;
- D Accessory signs, directional and informational signs and temporary signs, subject to the provisions of this Code.

SECTION 3 USES PERMITTED ON REVIEW

- A Any use permitted on review in R-3, multiple-family residential shall be permitted on review in accordance with the provisions contained in this Code.
- B Any use not permitted in another district which is determined by the Planning Commission to be compatible with the uses permitted in this district.

SECTION 4 AREA REGULATIONS

The area and setback regulations shall be the same as the R-3, multiple-family residential district unless changed by Ordinance.

SECTION 5 HEIGHT REGULATIONS

Height regulations shall be the same as the R-3, multiple-family residential district.

SECTION 6 PARKING REQUIREMENTS

Mobile home park and travel trailer park: one and one-half (1-1/2) parking spaces for each mobile home space or trailer space.

C-1 COMMERCIAL DISTRICT

SECTION 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 by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

SECTION 2 USES PERMITTED

Property and buildings in a C-1, commercial district, shall be used only for the following purposes:

- A Any use permitted in the "A-1", "R-1", "R-2", and "R-3" districts;
- B All retail shops and stores which supply the regular and customary needs of the residents of the neighborhood, and which are primarily for their convenience;
- C Buildings, structures and uses accessory and customarily incidental to all retail shops and stores, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments;
- D New automobile sales and services; new machinery sales and services; marinas and public garages, provided no gasoline is stored above ground; used automobile and machinery repairing, if conducted wholly within a completely enclosed building.
- E Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce obnoxious noise, odor, dust, vibration, blast or traffic; and
- F No article or material stored or offered for sale in connection with uses permitted under paragraphs 1 through 5, above, shall be stored or displayed outside the confines of a building, unless it is so screened by permanent ornamental walls, fences or planting that will restrict the article or material from view on the adjoining streets or lots by a person standing on ground level. However, no screening in excess of seven (7) feet in height shall be required, except automobile service stations and marinas engaged in the sale of gasoline and oil, where open display may be permitted of merchandise commonly sold by automobile service stations and marinas. No permanent open display will be permitted on sidewalks or public right-of-way.

SECTION 3 AREA REGULATIONS

The area regulations for dwellings shall be the same as the requirements for the R-3, multiple-family residential district with the following exceptions or additions:

- A Side yard requirements:
 - 1 On interior lot lines there shall be no side yard requirements, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet;
 - 2 On corner lots where a side lot line abuts a public dedicated street or road or private road easement of less than one hundred (100) feet of right-of-way, there shall be a side yard of not less than fifteen (15) feet, and vehicle parking may be permitted within the side yard setback area; and
 - 3 On corner lots where a side lot line abuts a public dedicated street or road or private easement of one hundred (100) feet or more of right-of-way, there shall be a side yard of not less than twenty-five (25) feet.
- B Rear yard requirements:
 - 1 Where a commercial building is to be serviced from the rear, there shall be provided an alley way, service court, rear yard or combination thereof of not less than twenty (20) feet in width. In all other cases no rear yard is required.
- C Parking requirements:
 - 1 Buildings shall be provided with a yard area adequate to meet the off-street parking requirements.

- 2 Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence, wall or dense evergreen hedge not less than five (5) feet high and not more than six (6) feet high shall be constructed and maintained in good condition along the side or rear lot line up to, but not beyond, the abutting residential setback building line, except where front yard is used for off-street parking; then the provisions pertaining to off-street parking lots shall apply. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

D Coverage requirements:

- 1 Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area, and in no case shall the total gross floor area of the main building exceed the area of the lot.

SECTION 4 HEIGHT REGULATIONS

No building or structure shall exceed twenty-five (25) feet in height, except as otherwise provided in Article C, Section 3, unless it is set back from all lot lines an additional one foot for each two (2) feet that the building height exceeds twenty-five (25) feet.

I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 1 GENERAL DESCRIPTION

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

SECTION 2 USES PERMITTED

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

A Sleeping facilities required by caretakers or night watchmen employed on the premises

B Any of the following uses:

- 1 Bakery;
- 2 Bottling works;
- 3 Book bindery;
- 4 Candy manufacturing;
- 5 Engraving plant;
- 6 Electrical equipment assembly;
- 7 Electronic equipment assembly and manufacture;
- 8 Food products processing and packing;
- 9 Furniture manufacturing;
- 10 Instrument and meter manufacturing;
- 11 Jewelry and watch manufacturing;
- 12 Laboratories, experimental;
- 13 Laundry and cleaning establishments;
- 14 Leather goods fabrication;
- 15 Optical goods manufacturing;

- 16 Paper products manufacturing;
- 17 Sporting goods manufacturing;
- C Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;
- D Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors;
- E Freighting or trucking yard or terminal;
- F Oil field equipment storage yard;
- G Public utility service yard or electrical receiving or transforming station; or
- H Sale barn; and
- I 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 the ground level.
- J The following uses, when conducted within a completely enclosed building:
 - 1 The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products;
 - 2 The manufacture, compounding, assembling or treatment of articles or 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;
 - 3 The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
 - 4 The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like;
 - 5 Manufacture of musical instruments, toys, novelties and rubber and metal stamps;
 - 6 Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacturing;
 - 7 Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines;
 - 8 Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;
 - 9 Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like, or
 - 10 Wholesale storage or manufacture of alcoholic beverages.
 - 11 Buildings, structures and uses accessory and customarily incidental to any of the above uses.

SECTION 3 AREA REGULATIONS

- A There are no specific front or side yard requirements for uses in this district.
- B 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 thirty (30) feet 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 Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article D.
- D Whenever any industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence, wall or dense evergreen hedge, not less than five (5) feet high and not more than six (6) feet high, shall be

constructed and maintained in good condition along the side or rear lot line up to, but not beyond, the abutting residential setback building line, except where front yard is used for off-street parking; then the provisions pertaining to off-street parking lots shall apply. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

SECTION 4 HEIGHT REGULATIONS

No building or structure shall exceed twenty-five (25) feet in height, except as otherwise provided in Article C, Section 3, unless it is set back from all lot lines an additional one foot for each two (2) feet that the building height exceeds twenty-five (25) feet.

I-2 HEAVY INDUSTRIAL DISTRICT

SECTION 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 Chapter. The intensity of uses permitted in this district makes it desirable that they can be located downwind and separated from residential and commercial uses wherever possible.

SECTION 2 USES PERMITTED

- A Property and buildings in an I-2, heavy industrial district, may be used for any use except the following:
 - 1 All residential uses, except sleeping facilities required by caretakers or night watchmen employed on the premises;
 - 2 All uses not complying with this Chapter, or any other County, State or Federal regulation or law;
 - 3 All of the following uses, until they have been studied by the Planning Commission and have received the express approval of the City Commission. The Commission may require approval of the City or County Health Department, the State Fire Marshal and other State and County regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.
 - i Acid manufacture,
 - ii Cement, lime, gypsum or plaster of Paris manufacture;
 - iii Explosives, manufacture or wholesale storage;
 - iv Gas manufacture;
 - v Petroleum or its products, refining of; and
 - vi Wholesale or bulk storage of gasoline, propane or butane or other petroleum products;
- B Property and buildings in an I-2, heavy industrial district, when used for the following purposes, shall have uses thereon conducted in such a manner that all operation, display or storage of materials or equipment is so screened by ornamental fences, walls or permanent evergreen planting that it cannot be seen from a public street:
 - 1 Automobile salvage or junk yard;
 - 2 Building materials salvage yard;
 - 3 Junk or salvage yard of any kind; or
 - 4 Scrap metal storage yard.

SECTION 3 AREA REGULATIONS

- A Area Regulation for I-2 Heavy Industrial District shall be the same as I-1 Light Industrial District.
- B used for off-street parking; then the provisions of Article D pertaining to off-street parking lots shall apply. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

SECTION 4 HEIGHT REGULATIONS

No building or structure shall exceed twenty-five (25) feet in height, except as otherwise provided in Article C, Section 3, unless it is set back from all lot lines an additional one foot for each two (2) feet that the building height exceeds twenty-five (25) feet.

ARTICLE C

ADDITIONAL DISTRICT PROVISIONS

Section 1	Condition of A More Restricted District Applied to Residential Uses
Section 2	Open Space.
Section 3	Height
Section 4	Court Requirements for Multiple-Family Dwellings
Section 5	Storage and Parking of Trailers and Commercial Vehicles
Section 6	Child Care Center
Section 7	Swimming Pools
Section 8	Animals
Section 9	Storage of Liquefied Petroleum Gases
Section 10	Uses Shall Have Appropriate Services and Buildings
Section 11	Architectural Design of Accessory Buildings and Fences
Section 12	Portable or Temporary Buildings
Section 13	Time for Accessory Building Construction
Section 14	Site Planning Requirements

SECTION 1 CONDITION OF A MORE RESTRICTED DISTRICT APPLIED TO RESIDENTIAL USES

Whenever the specific district regulations pertaining to one district permit residential uses of a more restricted district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.

SECTION 2 OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article B of this Chapter.

- A Open space to serve one building:
 - 1 No open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure;
- B Projections into yards.

- 1 Open eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed two (2) feet.
 - 2 Open porches may project into a front or rear yard a distance not to exceed five (5) feet;
- C Street right-of-way width.
- 1 Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty-five (25) feet from the center line of the street easement;
- D Street access for dwellings.
- 1 No dwelling shall be erected on a lot which does not abut on at least one street for a minimum of thirty-five (35) feet and have a width at least fifty (50) feet at the building line.
 - 2 A street shall form the direct and primary means of ingress and egress for all dwelling units.
 - 3 Alleys, where they exist, shall form only a secondary means of ingress and egress.
 - 4 A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with;
- E Commercial and industrial lot sizes.
- 1 No minimum lot sizes and open spaces-care prescribed for commercial and industrial uses.
 - 2 Lots of sufficient size should be used by a business or industry to provide adequate parking and loading and unloading space required for operation of the enterprises;
- F Site lines at intersections:
- 1 On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two (2) feet and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection;
- G Location of attached private garage:
- 1 An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line;

SECTION 3 HEIGHT

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

- 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 (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half-story;
- B Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

SECTION 4 COURT REQUIREMENTS FOR MULTIPLE-FAMILY DWELLINGS

Whenever a multiple-family dwelling or group of multiple-family dwellings is designed with an inner or outer court, the following requirements shall be complied with:

- A Outer court width:
 - 1 The width of an outer court upon which windows open shall be not less than ten (10) feet, or equal to the height of the opposing wall, whichever is greater; and in no case shall an outer court be less than five (5) feet in width or equal to seventy percent (70%) of the height of the opposing wall, whichever is greater;
- B Inner court width:

- 1 The width of an inner court of a multiple-family dwelling shall be not less than two (2) times the height of the lowest wall forming the court, but in no case shall it be less than twenty (20) feet;
- C Passageway for inner court:
 - 1 An open, unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall not be less than twelve (12) feet in height and shall provide a straight and continuous passage from the inner court to a yard or open space having direct connection with a street; and
- D Accessory buildings prohibited:
 - 1 No accessory building shall be located in a court of a multiple-family dwelling.

SECTION 5 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

Commercial vehicles and trailers of all types, including travel, camping and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district, except in accordance with the following provisions:

- A Not more than one commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family living on the premises, shall be permitted, and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted;
- B Not more than one camping or travel trailer or hauling trailer per family living on a premises shall be permitted, and the trailer shall not exceed twenty-four (24) feet in length or eight (8) feet in width; and further provided, that the trailer shall not be parked or stored for more than one week, unless it is located behind the front yard building line.
- C A camping or travel trailer shall not be occupied, either temporarily or permanently, while it is parked or stored in any area within the incorporated limits, except in a mobile home park authorized under the ordinances of the City; and
- D A mobile home shall be parked or stored only in a trailer court which is in conformity with the ordinances of the City.

SECTION 6 CHILD CARE CENTER

Child care centers authorized under uses permitted on review in residential districts shall meet the following provisions:

- A The center when located in a single-family dwelling shall be the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence;
- B The dwelling shall contain not less than one thousand (1,000) square feet of gross floor area where three (3) children, not members of the family, are provided for; and the dwellings shall be increased by one hundred (100) square feet of gross floor area for each such child more than three (3) provided for within the dwelling. The floor area of an attached garage shall not be included in determining gross floor area of the dwelling;
- C The dwelling shall meet City-County Health Department requirements and State and Federal regulations as to safety, design, facilities and equipment and other features;
- D The dwelling shall be located on a lot having not less than fourteen thousand (14,000) square feet of area, and all portions of the lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than forty-two (42) inches in height; and
- E The center shall be operated in a manner that will not adversely affect other properties and uses in the area.

SECTION 7 SWIMMING POOLS

Private swimming pools may be constructed as accessory use but shall be completely enclosed by a permanent wall or fence not less than six (6) feet in height and shall meet the requirements of the City-County Health Department.

SECTION 8 ANIMALS

Animals in any district shall be kept only in accordance with Stilwell Ordinance.

SECTION 9 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 City and the regulations of the Liquefied Petroleum Gas Administration of the State.

SECTION 10 USES SHALL HAVE APPROPRIATE SERVICES AND BUILDINGS

It is the intent of these regulations that all uses shall be located on a site or within a building which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building in terms of safety, function, aesthetic quality and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the administrative offices enforcing these regulations, but all other provisions of these regulations are complied with, the administrators shall refer such cases to the Planning Commission for their review and recommendations. The recommendations shall be submitted to the City Council who shall stipulate the requirements which shall be followed to comply with the intent of these regulations, and the requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

**SECTION 11 ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS
AND FENCES**

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory.

SECTION 12 PORTABLE OR TEMPORARY BUILDINGS

Portable or temporary buildings shall be permitted only in accordance with the provisions of these regulations and the regulations governing such buildings as contained in this Code of the City and subsequent amendments thereto.

SECTION 13 TIME FOR ACCESSORY BUILDING CONSTRUCTION

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

SECTION 14 SITE PLANNING REQUIREMENTS

Whenever one or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking area of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the Planning Commission.

ARTICLE D

OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING

Section 1	General Intent and Application
Section 2	Required Open Space and Location
Section 3	Joint Parking Facilities
Section 4	Size of Off-Street Parking Space
Section 5	Amount Off-Street Parking and Loading Required
Section 6	Lots in Residential Districts: Construction and Maintenance
Section 7	Paved Surface Required

SECTION 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 City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 2 REQUIRED OPEN SPACE AND LOCATION

- A Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.
- B The area required for off-street parking shall be in addition to the yard areas herein required, except that:
 - 1 the front yard required in a C-1, commercial district, of I-1, light industrial district, may be used for uncovered parking area;
 - 2 the front yard of a residential district may be used for the uncovered parking area for six (6) or fewer 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
 - 3 may be used for uncovered parking area for more than six (6) vehicles if the off-street parking lot is located within two hundred (200) feet, exclusive of street and alley width, of the principal use and shall have direct access to a street or alley, except as otherwise provided herein.

SECTION 3 JOINT PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent, common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers and service.

SECTION 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 (9) feet by twenty (20) feet, plus adequate space for ingress and egress.

SECTION 5 AMOUNT OFF-STREET PARKING AND LOADING REQUIRED

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

- A Dwelling: Two (2) parking spaces for each separate dwelling unit within the structure;
- B Boarding or rooming house or hotel: One parking space for each two (2) guests provided overnight accommodations;
- C Hospitals: One space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees, including nurses, plus adequate area for the parking of emergency vehicles;
- D Medical or dental clinics or offices: Seven (7) spaces per doctor, plus two (2) spaces for each three (3) employees;
- E Sanatoriums, convalescent or nursing homes: One space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses;
- F Community center, theater, auditorium: One parking space for each five (5) seats, based on maximum seating capacity;
- G Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;
- H Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service area;
- I Commercial establishments not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space in the building used for retail trade, or used by the public, whichever is greater;
- J Industrial establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment; and
- K Church sanctuary: One parking space for each three (3) seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities, for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.
- L For all other uses not covered above, the Planning Commission shall make a determination of the parking demand to be created by the purposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

SECTION 6 LOTS IN RESIDENTIAL DISTRICTS: CONSTRUCTION AND MAINTENANCE

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

- A All sides of the lot abutting the residential district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. 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 (10) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit.
- C In all other cases, no setback shall be required; provided, however, that, on any corner lot formed by two (2) intersecting streets, no parking shall be permitted and no wall, fence, sign, structure or plant growth having a height in excess of three (3) feet about the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty (30) feet along the front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection;
- D All yards shall be landscaped with grass, shrubs, and/or evergreen ground cover and maintained in good condition the year round;

- E Driveways used for ingress and egress shall be confined to and shall be a minimum of twelve (12) feet and not to exceed twenty-five (25) feet in width, exclusive of curb returns;
- F The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district use; and
- G No sign or any kind shall be erected, except information signs to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent, incandescent lighting of signs shall be permitted.

SECTION 7 PAVED SURFACE REQUIRED

All parking spaces required under the provisions of this Chapter shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

ARTICLE E

**NONCONFORMING BUILDINGS
STRUCTURES AND USES OF LAND**

Section 1	Nonconforming Building and Structures
Section 2	Alteration or Enlargement of Buildings And Structures
Section 3	Outdoor Advertising Signs and Structures
Section 4	Building Vacancy
Section 5	Change in Use
Section 6	Nonconforming Uses of Land

SECTION 1 NONCONFORMING BUILDING AND STRUCTURES

A nonconforming building or structure existing at the time of adoption of this Chapter may be continued and maintained, except as otherwise provided in this Article.

**SECTION 2 ALTERATION OR ENLARGEMENT OF BUILDINGS
AND STRUCTURES**

- A A nonconforming building or structure shall not be added to or enlarged in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that:
 - 1 If a building or structure is conforming as to use but nonconforming as to yards or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard or height requirements and the existing building and the addition comply with the off-street parking requirements of the district in which the building or structure is located.
- B No conforming building or structure shall be moved, in whole or in part, to another location on the lot, unless every portion of the building or, structure is made to conform to all of the regulations of the district in which it is located.

SECTION 3 OUTDOOR ADVERTISING SIGNS AND STRUCTURES

Any advertising sign, billboard, commercial advertising structure or statuary, which is lawfully existing and maintained at the time this Chapter became effective, which does not conform with the provisions hereof shall not be structurally altered, and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary and their supporting members shall be

completely removed from the premises not later than three (3) years from the effective date of this Chapter.

SECTION 4 BUILDING VACANCY

A nonconforming building, structure or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.

SECTION 5 CHANGE IN USE

- A A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure not changed, except to a conforming use.
 - 1 If such a non-conforming use of a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.
- B A vacant or partially vacant, nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended, if occupied within a period of one year after the effective date of this Chapter.
- C The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but, where the use of a nonconforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.
- D A building or structure that is nonconforming as to use at the time of adoption of this Chapter or at any time thereafter shall not be converted to or in any manner used as a wholesale or retail liquor store or tavern, unless such change in use conforms to the provisions of the district in which it is located.

SECTION 6 NONCONFORMING USES OF LAND

- A A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than Five Thousand Dollars (\$5,000.00), existing at the time of adoption of this Chapter, may be continued for a period of not more than three (3) years therefrom, provided:
- B The nonconforming use may not be extended or expanded.
- C If the nonconforming use of any portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which it is located.

CHAPTER THREE

SUBDIVISION REGULATIONS

ARTICLE A

GENERAL PROVISIONS

Section 1	Purpose
Section 2	Authority
Section 3	Application of Types of Subdividing

SECTION 1 PURPOSE

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources. These regulations are designed, intended and should be administered in a manner to:

- A Implement the general plan;
- B Provide neighborhood conservation and prevent the development of slums and blight;
- C Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- D Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the community;
- E Provide the best possible design for the tract;
- F Reconcile any differences of interest; and
- G Establish adequate and accurate records of land subdivision.

SECTION 2 AUTHORITY

These subdivision regulations and minimum standards for land development are adopted by ordinance passed by the City Council under the authority granted by 11 O.S. Section 45-101 to 45-105.

SECTION 3 APPLICATION TO TYPES OF SUBDIVISIONS

These regulations and development standards shall apply to the following forms of land subdivision:

- A The division of land into two (2) or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area;
- B The division of land, previously subdivided or platted into tracts, lots, sites or parcels, of less than ten (10) acres in area;
- C The dedication, vacation or reservation of any public or private easement through any tract of land, regardless of the area involved, including those for use by public and private utility companies; or
- D The dedication or vacation of any street or alley through any tract of land, regardless of the area involved.

SECTION 4 DEFINITIONS

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

- A "Alley" means a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes;
- B "Block" means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof;
- C "Building line or setback line" means a line or lines designating the area outside of which buildings may not be erected;
- D "City" means the City of Stilwell, Oklahoma;

- E "City Council" means the Stilwell City Council;
- F "Easement" means a grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes;
- G "General plan" means the comprehensive development plan for the City which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities;
- H "Lot" means a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development;
- I "Lot, corner" means a lot located at the intersection of and abutting on two (2) or more streets;
- J "Lot, double frontage" means a lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets;
- K "Lot, reverse frontage" means a double-frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street;
- L "Planning Commission" means the Stilwell Planning Commission;
- M "Plat, preliminary" means a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land;
- N "Plat, final" means a map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public area and other dimensions of land;
- O "Street" means any public or private right-of-way which affords the primary means of access to abutting property;
- P "Street, major" means an arterial street which is designated on the Major Street Plan or Expressway Plan;
- Q "Street, minor" means a street whose primary purpose is to provide access to adjacent properties, and which is designed so that its use by arterial traffic will be discouraged;
- R "Street, collector" means a minor street which collects traffic from other minor streets and serves as the most direct route to a major street- or a community facility;
- S "Street, cul-de-sac" means a minor street having one end open to vehicular traffic and having one closed end terminated by a turn-around;
- T "Street, frontage or service" means a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access;
- U "Subdivider" means any person, firm, partnership, corporation or entity, acting as a unit, subdividing or proposing to subdivide land as herein defined; and
- V "Subdivision" means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

**SECTION 5 GENERAL PROCEDURE; PLAT APPROVAL; RECORDING;
FEE; EXEMPTIONS**

For all cases of subdividing within the scope of these regulations, a plat of land in question or an easement with a description in writing, where appropriate, shall be drawn and certified by a state-registered, professional engineer and submitted to the Planning Commission and City Council for their approval or disapproval, as provided hereafter in these regulations.

- A No plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the Planning Commission and by the City Council, as hereinafter set forth. All final plats shall be filed within two (2) years of date of approval by the Planning Commission and no lots shall be sold from any plat until recorded. Failure to

record the plat within two (2) years of the date of Planning Commission or City Council approval, whichever is the later, shall void all approvals thereto.

- B Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate requirements of these regulations.
- C There shall be paid to the City Clerk, at the time of submission of the preliminary plat, a fee as established by ordinance. Where only a portion of an approved, preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five (5) years of the date of preliminary approval without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

ARTICLE B

DESIGN

Section 1	Urban Design Principles
Section 2	Subdivision Design Standards; Streets
Section 3	Subdivision Design Standards; Alleys
Section 4	Subdivision Design Standards; Easements
Section 5	Subdivision Design Standards; Public Areas And Open Spaces
Section 6	Subdivision Design Standards; Blocks
Section 7	Subdivision Design Standards; Lots
Section 8	Subdivision Design Standards; Building Lines

SECTION 1 URBAN DESIGN PRINCIPLES

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

- A It is intended that the Stilwell urban area should be designed as a group of integrated residential neighborhoods and appropriate commercial, industrial and public facilities.
 - 1 The neighborhood, as a planning unit, is intended as an area principally for residential use and of a size that can be served by one elementary school.
 - 2 Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood;
- B The size of lots and block and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities;
- C The arrangements of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features.
 - 1 Tree masses and large individual trees should be preserved.
 - 2 The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area;
- D Circulation within the urban area shall be provided in accordance with the following design criteria;
 - 1 Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the Transportation Plan. Arterial streets should be located on the perimeter of residential neighborhoods;

- 2 Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes;
- 3 Collector streets should be designed to provide a direct route from other minor streets to the major street system;
- 4 Ingress and egress to residential properties should be provided only on minor streets; and
- 5 Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks should be designed to provide all residential building-sites with direct access to all neighborhood facilities, including the elementary school, parks and playgrounds, churches and shopping centers; and

Minimum standards for development are contained in the zoning ordinance, the building code and in these regulations. However, the general plan expresses policies which are intended to achieve optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the general plan and in these regulations rather than be limited to the minimum standards required herein.

SECTION 2 SUBDIVISION DESIGN STANDARDS; STREETS

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- A Major streets shall be planned to conform with the Transportation Plan;
 - 1 Whenever a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require:
 - 2 service streets,
 - 3 reverse frontage with screen planting contained in a non-access reservation along the rear property line,
 - 4 keep lots, or
 - 5 such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic;
- B Minor streets shall be laid out so that their use by through traffic will be discouraged;
- C Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures;
- D Reserve strips controlling access to streets shall be prohibited, except where their control is placed in the City under conditions approved by the Planning Commission;
- E Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider;
- F When a tract is subdivided into a larger than normal building lot or parcel, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connections for such re-subdivision;
- G Street jogs with centerline offsets of less than one hundred fifty (150) feet should be avoided;
- H Street right-of-way width shall be in accordance with the Transportation Plan and, where not otherwise designated therein, it shall be the responsibility of the developer to dedicate right-of-way to provide a width of not less than the following:

Major Streets:	
Primary Arterial	120 feet

Secondary Arterial	100 feet
Minor Streets:	
Collector	60 feet
Local	50 feet

- I Whenever the major or minor street is located wholly within the proposed subdivision, the total width of the right-of-way shall be dedicated; and whenever the major or minor street is located adjacent to the outer edge of the subdivision, one-half (½) of the right-of-way shall be dedicated, if it is equitable and feasible from an engineering design standpoint for the other half of the right-of-way to be dedicated from adjacent property.
- J All collector streets shall have a paved surface of not less than twenty-eight (28) feet in width, measured from face to face of curbs. All construction shall be in accordance with the street construction specifications of the City;
- K A cul-de-sac:
 - 1 should not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around, and
 - 2 if more than one hundred fifty (150) feet in length, shall be provided with a turn-around having a radius of not less than forty (40) feet at the curb line;
- L Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and provided that the Planning Commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided.
 - 1 Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract which is being subdivided;
- M The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties.
- N The Planning Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties; and
- O No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.

SECTION 3 SUBDIVISION DESIGN STANDARDS; ALLEYS

Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

- A Alleys serving commercial and industrial areas shall be not less than thirty (30) feet in width.
- B Alleys are not required for residential areas, but when provided, shall be not less than twenty (20) feet in width.
- C Alley intersections and sharp changes in alignment should be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D Dead-end alleys should be avoided, but, if necessary, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

SECTION 4 SUBDIVISION DESIGN STANDARDS; EASEMENTS

- A Where alleys are not provided, easements not less than twenty (20) feet wide shall be provided along each rear lot line, and alongside lot lines where necessary, for use by public and private utilities. The Planning Commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities, where it is deemed necessary.
- B Where a subdivision is traversed by a water course, drainage channel or stream, which drains one hundred sixty (160) acres, or more, of land, there shall be provided a right-of-way for

drainage and public parks and public utility purposes, adequate to contain all of the runoff from a one-hundred-year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the fifty-year maximum flood elevation, which shall be calculated in accordance with, and shall be adequate to provide for, the drainage requirements of the ordinances and regulations relating thereto. This shall not be interpreted as prohibiting the reclamation of lands, subject to flooding, by filling or by other appropriate means.

SECTION 5 SUBDIVISION DESIGN STANDARDS; PUBLIC AREAS AND OPEN SPACES.

Public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the General Plan and in the ordinances relating thereto.

SECTION 6 SUBDIVISION DESIGN STANDARDS; BLOCKS.

- A The lengths, widths and shapes of blocks shall be determined with due regard for the following:
 - 1 Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
 - 2 Zoning requirements as to lot sizes and dimensions;
 - 3 Needs for convenient access, circulation, control and safety of street traffic; and
 - 4 Limitations and opportunities of topography.
- B Blocks for residential use shall not be longer than eighteen hundred (1,800) feet, measured along the center line of the block. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width to provide pedestrian access across the block.
- C Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be a width suitable for the intended business and industrial use should be a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

SECTION 7 SUBDIVISION DESIGN STANDARDS; BUILDING LINES

- A Building lines shall be provided for all residential subdivisions, as follows:
 - 1 A front building line shall be located not less than twenty-five (25) feet back of the street right-of-way line;
 - 2 A side yard building line on the side of a corner lot abutting the street shall be located not less than fifteen (15) feet back with another corner lot and not less than twenty (20) feet back of the street right-of-way line in every other case;
 - 3 A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk; and
 - 4 Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded

ARTICLE C

IMPROVEMENTS

Section 1	General Provisions
Section 2	Plan Preparation
Section 3	Continuity of Improvements

Section 4	Permanent Markers
Section 5	Street Improvements
Section 6	Water Lines
Section 7	Sanitary Sewers
Section 8	Storm Sewers and Drainage
Section 9	Maintenance and Supervision

SECTION 1 GENERAL PROVISIONS

All improvements shall be designed and installed in accordance with all of the elements of the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

SECTION 2 PLAN PREPARATION

Plans for the improvements herein required shall be prepared by a qualified engineer, registered in the State of Oklahoma. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the City Clerk at the time of submission of the final plat.

SECTION 3 CONTINUITY OF IMPROVEMENTS

All improvements shall be designed and installed such as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties.

SECTION 4 PERMANENT MARKERS

Each block and subdivision corner shall be marked with iron pipes or pins not less than one-half(1/2) inch in diameter and twenty-four (24) inches long at least one inch below finished grade.

SECTION 5 STREET IMPROVEMENTS

- A The subdivider or any subdivision designed to be used for residential, commercial, industrial or other purposes, shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the City and in accordance with the following provisions:
 - 1 The design of an improvement of an intersection of any new street with an existing State or Federal highway shall be in accordance with the specifications of the Oklahoma State Transportation Department, but in no case shall the standard be less than the applicable specifications of the City;
 - 2 Whenever a subdivision contains a major street that requires a street facility that is costlier than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of an improvement required to serve only the subdivisions, as determined by the Planning Commission; and
 - 3 All driveways which connect with public streets shall be constructed in accordance with the Transportation Plan of the City.

SECTION 6 WATER LINES

Installation of water lines and fire hydrants shall be in accordance with the requirements of the Stilwell Utility Department.

SECTION 7 STORM SEWERS AND DRAINAGE.

Storm sewers and drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

SECTION 8 MAINTENANCE AND SUPERVISION.

Where the subdivision contains physical facilities necessary or desirable for the welfare of the area or that are of common use or benefit, which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance and supervision of such facilities.

ARTICLE D

PLAT PREPARATION AND APPROVAL PROCEDURE

Section 1	Subdivision Review Committee
Section 2	Pre-Application Plans and Data
Section 3	The Preliminary Plat; Certification, Contents, Review and Approval
Section 4	The Final Plat; Time of Submission, Drafting, Contents, Review and Approval, Recording

SECTION 1 SUBDIVISION REVIEW COMMITTEE

There is hereby created a subdivision review committee, the membership of which shall be made up of one representative of each of the following agencies and such other public officials as the chief administrative officer of the City may designate:

- A Mayor;
- B City Clerk;
- C Planning Commission;
- D Fire Chief;
- E City Utilities
- F Police Chief;
- G Street Department

It is the responsibility of the subdivision review committee to meet together, on call of the Mayor who shall serve as Chairman, to review pre- application plans, to study the suitability of the proposed subdivision for the purposes for which it is intended and to submit their recommendations to the Planning Commission at the time the preliminary plat is to be reviewed.

SECTION 2 PRE-APPLICATION PLANS AND DATA

- A Not less than fourteen (14) days prior to the filing of an application for approval of a preliminary plat, the subdivider shall present to the subdivision review committee the following information:
 - 1 A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include:
 - 2 data on existing covenants and agreements,
 - 3 the availability of utilities and community facilities,
 - 4 the proposed use of each portion of the subdivision,

- 5 proposed lot sizes and building sizes,
- 6 proposed business areas,
- 7 playground, park and school sites and
- 8 other pertinent data as may be needed to supplement the sketches in C, below;
- B A general location map shall be submitted and shall show the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries and other features that will affect and influence the subdivision, such as hospitals, churches, airports, railroads and shopping and employment centers;
- C A sketch plan, drawn to approximate scale, shall be submitted and shall show topography, using a contour interval or not greater than five (5) feet; the proposed street layout; lots and other planning features. The street and lot plan may be in the form of a free-hand, pencil sketch; and
- D A general utilities plan, showing proposed facilities and distribution.

**SECTION 3 THE PRELIMINARY PLAT; CERTIFICATION:
CONTENTS, REVIEW AND APPROVAL.**

The subdivider shall prepare a preliminary plat for the submission to the Planning Commission. Four (4) copies of the preliminary plat shall be submitted to the office of the City Clerk not less than fourteen (14) days prior to the meeting at which it is to be considered.

- A The preliminary plat shall be accompanied by a statement, signed by the registered engineer preparing the plat, certifying that he has, to the best of his ability, designed the subdivision in accordance with the General Plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.
- B The preliminary plat shall be drawn at a scale of one hundred (100) feet to one inch and shall contain or be accompanied by the following information:
 - 1 The scale, north point and date;
 - 2 The proposed name of the subdivision;
 - 3 The name and address of the owner of record, the subdivider and the registered engineer preparing the plat;
 - 4 A key map showing the location of the proposed subdivision, referenced to existing or proposed major streets and to government section lines and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;
 - 5 The names, with location of intersecting boundary lines, of adjoining subdivisions and the location of town limits, if falling within or immediately adjoining tract;
 - 6 The land contours, with vertical intervals not greater than two (2) feet referenced to a United States Geological Survey or Coast and Geodetic Survey benchmark or monument;
 - 7 The location of existing buildings, water, and water courses and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision; provided, however, that actual measured distances shall not be required;
 - 8 The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements and setback lines and the approximate lot dimensions;
 - 9 The location, approximate size and type of sanitary storm sewers, water mains, culverts, power and natural gas lines and other surface and sub-surface structures and pipelines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
 - i Water mains;
 - ii Sanitary sewer mains, sub-mains and laterals;
 - iii Storm sewers, culverts and drainage structures; or
 - iv Street improvements;

- 10 The location of all drainage channels and sub-surface drainage structures; the proposed method of disposing of all runoffs from the proposed subdivision; and the location and size of all drainage easements relating thereto, whether they are located within or outside the proposed plat; and
 - 11 The classification and name of every street within or adjacent to the subdivision in accordance with the intended use of the street, based on the proposed design. This shall be done by placing the appropriate term – primary thoroughfare, secondary thoroughfare, collector (or minor) street -- directly on each street.
- C The Planning Commission shall approve, approve conditionally or disapprove the plat within sixty (60) days of the date of its submission by the applicant.
- 1 If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the Planning Commission chairman and shall be attached to one (1) copy of the plat and transmitted to the subdivider,
 - 2 If no action is taken by the Planning Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved.
 - 3 The reasons for disapproval or conditional approval shall refer specifically to those parts of the General Plan or specific regulations with which the plat does not conform.
 - 4 On conditionally approving a plat, the Planning Commission may require submission of a revised, preliminary plat. If the plat conforms to all of the standards, or after the applicant and Planning Commission agree upon any revision which shall be filed with the Planning Commission on a revised copy, the preliminary plat shall be forwarded to the City Council for its review.
- D The City Council shall approve, approve conditionally or disapprove the plat within thirty (30) days of the date of its submission by the Planning Commission.
- 1 If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be attached to one copy of the plat and transmitted to the subdivider.
 - 2 Unless stipulation for additional time is agreed to by the subdivider, if no action is taken by the City Council at the end of thirty (30) days after submission, the plat shall be deemed to have been approved.
 - 3 The reasons for disapproval or conditional approval shall refer specifically to those parts of the General Plan or specific regulations with which the plat does not conform.
 - 4 On conditionally approving a plat, the City Council may require submission of a revised, preliminary plat. If the plat conforms to all of the standards, or after the applicant and City Council agree upon any revision which shall be filed with the City Council on a revised copy, the subdivider may proceed with the preparation of utility plans and with the preparation of a final plat.

SECTION 4 THE FINAL PLAT; TIME OF SUBMISSION, DRAFTING CONTENTS, REVIEW AND APPROVAL, RECORDING.

General. A final plat, neatly drawn in ink on tracing cloth or Mylar, and twelve (12) blue or dark line prints thereof shall be submitted to the office of the City Clerk not less than fourteen (14) days before the Planning Commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted six (6) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved, subject to later submission of final improvement plans and specifications.

- A Time of submission:
- 1 The final plat of the proposed subdivision shall be submitted to the Planning Commission and City Council for final approval within one (1) year of the date on which the preliminary plat was approved.

- 2 If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved, unless the Planning Commission agrees to an extension of time.
- 3 The final plat shall be filed in the office of the County Clerk within two (2) years after approval by the City Council and Planning Commission or, if not filed within such time, the approval shall be considered as having been voided.

B Drafting:

- 1 The final plat shall be drawn at scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half (33-1/2) inches between border lines.
- 2 On the first sheet of every plat there shall be a key map showing the location of the subdivision, referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of sheets for each area.
- 3 A border of one-half (1/2) inch surrounding the sheet shall be left blank at the top, bottom and right-hand side, and a margin of two (2) inches at the left side for binding purposes.

C The final plat shall show:

- 1 The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced;
- 2 The length of all required lines, dimensioned in feet and decimals thereof, and the value of all required true bearings and angles, dimensioned in degrees and minutes, as hereafter specified;
- 3 The boundary lines of the land being subdivided, fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names;
- 4 The lines of all proposed streets, fully dimensioned by lengths and bearings or angles;
- 5 The lines of all proposed alleys. Where the length and/or direction of an alley is not readily discernible from data given for lot and block lines, the length and/or bearings shall be given;
- 6 The widths, and names where appropriate, of all proposed streets and alleys and of all adjacent streets, alleys and easements, which shall be properly located;
- 7 The lines of all proposed lots, fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle or bearing value may be omitted;
- 8 The outline of any property which is offered for dedication to public use, fully dimensioned by lengths and bearings, with the area marked "Public";
- 9 The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part";
- 10 The location of all building lines, set-back lines and easements for public services or utilities with dimensions showing their locations;
- 11 The radii, arcs, points or tangency, points of intersection and central angles for curvilinear streets and radii for all property returns;
- 12 The proper acknowledgment of owners and the consent by the mortgagee to plat restrictions;
- 13 The following, which shall be made and show on the cloth tracing:
 - i Owner's Certificate and Dedication, signed;
 - ii Engineer's Certificate of Survey, signed and his seal;
 - iii Certificate for Release of Mortgage for any portion dedicated to the public;
 - iv Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk, which directly affect the land being subdivided;
 - v Certificate of Planning Commission approval;

- vi Certificate of City Council acceptance of ways, easements and public land dedications;
- vii Treasurer's Certificate; and
- viii Certificate of City Clerk related to special assessments; and A title, which shall include:
 - Name of the subdivision;
 - Name of the city, county and state; and
 - Location and description of the subdivision referenced to section, range and township.

D Planning Commission action:

- 1 The Planning Commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval.
- 2 This approval and the date thereof shall be shown on the plat, over the signature of the Planning Commission chairman or secretary member.
- 3 Unless stipulation for additional time is agreed to by the subdivider and if no action is taken by the Planning Commission at the end of forty-five (45) days after submission, the plat shall be deemed approved.
- 4 A certification by the City Clerk as to date of submission of plat for final approval and failure of Planning Commission to act thereon within such time shall be sufficient, in lieu of written endorsement of approval.
- 5 If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the General Plan or ordinances or regulations with which the plat does not comply.

E City Council action:

- 1 Before recording the final plat, it shall be submitted to the City Council for approval and for acceptance of public ways and service and utility easements and land dedicated to public use.
- 2 This approval of the plat shall be shown over the signature of the Mayor of the City and attested to by the City Clerk or his deputy.
- 3 The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.

F Recording of plat:

- 4 After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the City Clerk with two (2) blue or dark line prints thereof and one (1) contact reproducible cloth tracing.
- 5 The applicant, accompanied by a representative of the City, shall file the original tracing or Mylar, said tracing to be filed with the City Clerk, and shall pay all required filing fees.

ARTICLE E

ADMINISTRATION AND AMENDMENT

Section 1	Variations and Exceptions
Section 2	Administration and Amendment
Section 3	Violation and Penalty

SECTION 1 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the Planning Commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or

improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these regulations are preserved. Such modifications may be granted upon written request of the subdivider, stating the reason(s) for each modification, and may be waived by three-fourths (3/4) vote of the regular membership of the Planning Commission.

SECTION 2 ADMINISTRATION AND AMENDMENT.

The City Council may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed, and that approval of plats be expedited. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law.

SECTION 3 VIOLATION AND PENALTY.

- A No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.
- B A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine.
- C In addition to other remedies provided herein, the City may institute any proper action or proceedings to enforce the provisions of this Chapter.

CHAPTER FOUR

MANUFACTURED HOMES AND MOBILE HOMES

Section 1	Intent.
Section 2	Definitions.
Section 3	Standards – permitted placement of manufactured homes.
Section 4	Standards – permitted placement of mobile homes.
Section 5	Structural additions or alterations.
Section 6	Permits.
Section 7	Appeal.
Section 8	Penalty, violations.

SECTION 1 INTENT.

It is the intent of this Chapter to allow alternative, modest income housing in general residential areas by permitting the use of certain manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district. It has been determined that this area has an abundance of vacant lots and substandard housing. Permitting mobile homes would be solving a housing shortage and upgrading the area.

SECTION 2 DEFINITIONS.

- A For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:
- B "Manufactured home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Code;

- C "Manufactured home construction and safety standards" means the standard for the construction, design and performance of a manufactured home as mandated in the United States Department of Housing and Urban Development;
- D "Mobile home" means a movable or portable structure which is at least twelve (12) feet wide and fifty-six (56) feet long, six hundred seventy-two square feet (672 sq. ft.) and designed to be used as a year-round residential dwelling. A mobile home may or may not be permanently attached to the ground and its transport features may or may not be removed but must be skirted and anchored. Also, only one unit to each fifty (50) by one hundred (100) foot lot; and
- E "Special exception permit" means a device for permitting a use within a district other than a principally permitted use.

SECTION 3 STANDARDS, PERMITTED PLACEMENT OF MANUFACTURED HOMES.

The establishment, location and use of manufactured homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district and provided such homes shall meet the following requirements and limitations:

- A The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement, location, building and occupancy permits and other certifications required by the Code;
- B The home shall be larger than seven hundred (700) square feet of occupied space;
- C The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Foundation Code and with manufacturer's installation specifications;
- D The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation (or meet the community's site-built residential dwelling home standards); and
- E The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

SECTION 4 STANDARDS, PERMITTED PLACEMENT OF MOBILE HOMES.

- A Mobile homes may be placed within a mobile home park and their placement governed by those regulations as set forth by the mobile home park restrictions.
- B Mobile homes would be permitted in the above-mentioned blocks, if they meet the set forth requirements, including square feet requirements, anchoring, skirting and lot limitations as to not being aesthetically compatible with the area.

SECTION 5 STRUCTURAL ADDITIONS OR ALTERATION.

Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the authorized building inspector. All structured additions shall comply with the City's building codes.

SECTION 6 PERMITS.

- A Prior to the location, relocation or establishment of any manufactured or mobile home outside of a mobile home park, the homeowner or authorized representative shall secure a building permit which states that the building and its location conforms with the zoning ordinances, as herein amended.
- B Manufactured or mobile homes used for permanent or temporary uses shall have an approved water supply, sewage disposal system and utility connections.

- C A zoning clearance and building permit shall be issued by the designated administrator. The fee shall be as set forth in the most current version of Ordinance 385 and is in addition to all other required permits for utilities and sewage disposal systems.

SECTION 7 APPEAL.

An action to review any order, requirement, decision or determination made by an administrative official or board charged with enforcement of the Zoning Ordinance shall be to the City Council.

SECTION 8 PENALTY, VIOLATIONS.

- A Each day of non-compliance with the provisions of this Chapter constitutes a separate and distinct ordinance violation.
- B A home, sited upon property in violation of this Chapter, shall be subject to removal from such property.
- C If action is required to bring compliance, the expenses involved may be a lien against the property.

CHAPTER FIVE

FLOOD HAZARD PREVENTION

Section 1	Statement of purpose.
Section 2	Findings of fact.
Section 3	Methods of reducing flood losses.
Section 4	Definitions.
Section 5	Application; compliance, interpretation.
Section 6	Basis for establishing the areas of special flood hazard
Section 7	Development permit required.
Section 8	Warning and disclaimer of liability.
Section 9	Designation of City Clerk; duties.
Section 10	Permit procedures; approval and denial.
Section 11	Variance procedures.
Section 12	General standards; flood hazard areas.
Section 13	Specific standards; flood hazard areas.
Section 14	Standards for subdivision proposals; flood hazard areas.

SECTION 1 STATEMENT OF PURPOSE.

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A Protect human life and health;
- B Minimize expenditure of public money for costly flood control projects;
- C Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D Minimize prolonged business interruptions;
- E Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in flood plains;
- F Help maintain a stable tax base by providing for the sound use and development of floor-prone areas in such a manner as to minimize future flood blight areas; and
- G Insure the potential buyers are notified that property is in a flood area.

SECTION 2 FINDINGS OF FACT.

The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. These flood losses are created by the cumulative effect of obstructions in flood plains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

SECTION 3 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, these regulations are established to:

- A Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D Control filling, grading, dredging and other developments which may increase flood damage;
- E Prevent or regulate the construction of flood barriers which will increase flood hazards to other lands.

SECTION 4 DEFINITIONS.

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

- A "Appeal" means a request for a review of an interpretation by the City Clerk of any provision of this Chapter or a request for a variance;
- B "Area of shallow flooding" means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident;
- C "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year;
- D "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
- E "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;
- F "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed before the original effective date of this Chapter;
- G "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets);
- H "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1 The overflow of inland tidal waters; or

- 2 The unusual and rapid accumulation of runoff of surface waters from any source;
- I "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated a Zone A;
- J "Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- K "Floor insurance study" means the official report provided by the Federal Insurance Administration. The report contains flood profiles and the water surface elevation of the base flood, as well as the Flood Hazard Boundary- Floodway Map;
- L "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot;
- M "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor";
- N "Mean sea level" means the average height of the sea for all stages of the tide;
- O "Mobile home" means a structure, transportable in one or more sections, which is built on permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers;
- P "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the original effective date of this Chapter;
- Q "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.
 - 1 Permanent construction does not include land preparation, such as clearing, grading and filling;
 - 2 nor does it include the installation of streets and/or walkways;
 - 3 nor does it include excavation for a basement, footings, plots or foundations or erection of temporary forms; nor
 - 4 does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not as part of the main structure.
 - 5 For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site.
 - 6 For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the sit on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or pouring of concrete pads and installation of utilities) is completed;
- R "Structure" means a walled and roofed building that is principally above ground, as well as a mobile home;
- S "Substantial improvement" means any repair, reconstruction or improvement of a structure the cost of which:
 - 1 Equals or exceeds fifty percent (50%) of the market value of the structure either:
 - i Before the improvement or repair is started; or
 - ii If the structure has been damaged and is being restored, before the damage occurred;
 - 2 For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- 3 The term does not, however, include:
 - i Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - ii Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places;
- T "Variance" means a grant of relief to a person from the requirements of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the Chapter.

SECTION 5 APPLICATION; COMPLIANCE; INTERPRETATION.

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City.

- A No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this Chapter or other applicable regulations.
- B This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- C In the interpretation and application of this Article, all provisions shall be:
 - 1 Liberally construed in favor of the governing body; and
 - 2 Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the FEMA and the NFIP and any revisions thereto, are hereby adopted by reference and declared to be a part of this Chapter.

SECTION 7 DEVELOPMENT PERMIT REQUIRED.

A development permit shall be required to ensure conformance with the provisions of this Chapter.

SECTION 8 WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION 9 DESIGNATION OF COMMUNITY DEVELOPMENT DEPARTMENT; DUTIES.

The City Community Development Department is hereby appointed to administer and implement the provisions of this Chapter.

- A Duties and responsibilities of the City Community Development Department shall include, but not be limited to, the following:
 - 1 Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter;
 - 2 Review, approve or deny all applications for development permits required by Section 7 of this Chapter;

- 3 Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior, approval is required;
- 4 Make the necessary interpretation, where interpretation is needed, as to the exact location of boundaries of the areas of special flood hazards (for example, where there appears to be conflict between a mapped boundary and actual field conditions);
- 5 Notify adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA and NFIP if necessary;
- 6 Assure that maintenance is provided within the altered or relocated portion of the watercourse, so that the flood carrying capacity is not diminished; and
- 7 When base flood elevation data has not been provided in accordance with Section 6, the City Community Development Department shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer the provisions of Sections 2 through 14 of this Code.

SECTION 10 PERMIT PROCEDURES; APPROVAL OR DENIAL.

Application for a development permit shall be presented to the City Community Development Department on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alteration, existing and proposed structures and the location of the foregoing in relation to areas of special flood hazard.

Additionally, the following is required:

- A All proposals for the development of subdivisions shall meet development permit requirements of Section 7, 10, 12, 13 and 14 of this Chapter.
- B Base flood elevation data shall be generated for subdivision proposals and other proposed developments which is greater than the lesser of fifty (50) lots of five (5) acres, if not otherwise provided pursuant to Sections 6 and 9 of this Chapter.
- C All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

SECTION 11 VARIANCE PROCEDURES.

The City Council shall hear and render judgment on requests for variances from the requirements of this Chapter. It shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the City Community Development Department or in the enforcement or administration of the Chapter. Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.

- A Prerequisites for granting variances include the following:
 - 1 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 2 Variances shall only be issued upon:
 - i A showing of good and sufficient cause;
 - ii A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii A determination that the granting of a variance will not result in:
 - iv increased flood heights,
 - v additional threats to public safety,
 - vi extraordinary public expense,
 - vii create nuisances,
 - viii cause fraud on or victimization of the public or

- ix conflict with existing local laws or ordinances.
- B Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation no more than two (2) feet below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- C Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.
- D Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- E The City Community Development Department shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

SECTION 12 GENERAL STANDARDS; FLOOD HAZARD AREAS.

In all areas of special flood hazards, the following provisions are required:

- A All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- B All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- D All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- E New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

SECTION 13 SPECIFIC STANDARDS; FLOOD HAZARD AREAS.

In all areas of special flood hazards, where base flood elevation data has been provided as set forth in Section 6, 9 and 14 of this Chapter, the following provisions are required:

- A Residential construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the City Community Development Department that the standard of this subsection, as proposed in Section 10 of this Chapter, is satisfied;
- B Non-residential construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that, below the base flood level, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit a certification to the City Community Development Department that the standards of this paragraph, as proposed in Section 10 of this Chapter, are satisfied;
- C Mobile homes. No mobile home shall be placed in a floodway or, if applicable, a coastal high hazard area, except in an existing mobile home park or existing mobile home subdivision. All mobile homes shall be anchored to resist flotation, collapse or lateral movement, specific requirements shall be:
 - 1 Frame ties at each corner of the home, with five (5) additional ties per side at intermediate points, and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

- 2 All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- 3 Any additions to the mobile home be similarly anchored.

**SECTION 14 STANDARDS FOR SUBDIVISION PROPOSALS;
 FLOOD HAZARD AREAS**

All subdivision proposals shall be consistent with Sections 1 through 3 of this Chapter.

- A The following are required:
- 1 Elevation, in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;
 - 2 Elevation, in relation to mean sea level, to which any non-residential structure shall be flood proofed;
 - 3 A certificate from a registered professional engineer or architect that the non-residential, flood proofed structure shall meet the flood proofing criteria of Section 13 of this Code; and
 - 4 Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- B Approval or denial of a development permit by the City Community Development Department shall be based on all the provisions of this Ordinance and the following relevant factors:
- 1 The danger to life and property due to flooding or erosion damage;
 - 2 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 3 The danger that materials may be swept onto other lands to the injury of others;
 - 4 The compatibility of the proposed use with existing and anticipated development;
 - 5 The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 6 The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;
 - 7 The expected heights, velocity, duration, rate or rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - 8 The necessity to the facility of a waterfront location, where applicable;
 - 9 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - 10 The relationship of the proposed use to the comprehensive plan for that area;

CHAPTER SIX

TOBACCO RETAILER ZONING

Section 1	Definitions
Section 2	Regulations
Section 3	Grandfather Clause

SECTION 1 DEFINITIONS

For the purposes of this Chapter, the following definitions are intended:

- A. School: means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.

- 1 School includes all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools
 - 2 School includes any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
- B. Playgrounds: means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.
- C. Tobacco product: means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus.
- 1 “Tobacco product” also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine.
 - 2 Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- D. Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
- 1 Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine.
 - 2 Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

SECTION 2 REGULATIONS

No business license by Stilwell, Oklahoma shall be located or operated at any place except at locations permitted by the town’s zoning or planning laws.

- A The location of a tobacco/e-cigarette store is specifically prohibited within three hundred feet (300’) of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.
- B The distance shall be measured as the shortest straight-line distance from the property line of the proposed tobacco/e-cigarette store to the property line of the entities listed below:
 - 1 Public or private School
 - 2 Playgrounds
 - 3 Facility used primarily by persons under twenty-one years of age

SECTION 3 GRANDFATHER CLAUSE

- A Current license tobacco/e-cigarette store within 300 feet of any school are exempt from the amendment to the zoning ordinance.
- B If current license tobacco/e-cigarette store is sold, then the new owner would no longer be able to use the grandfathering clause to obtain a license

CHAPTER SEVEN

REPEAL, SEVERABILITY, AND EFFECTIVE DATE

Section 1	Repealing Clause.
Section 2	Severability
Section 3	Effective Date

SECTION 1 REPEALING CLAUSE

- A Ordinance 217 is hereby repealed.
- B Any and all other existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.

SECTION 2 SEVERABILITY

- A The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- B It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

SECTION 3 EFFECTIVE DATE

- A. This Ordinance shall take effect immediately upon its passage and publication according to law.
- B. An emergency clause, if enacted, shall cause this Ordinance to take effect immediately upon passage of such clause.

PASSED by the City Council this 3rd day of July, 2023.

APPROVED by the Mayor this 3rd day of July, 2023.

ATTEST:

Jean Ann Wright, Mayor

Larry A. Nettles, City Clerk-Treasurer